

Final Environmental Impact Report

University Circle Phase II



In Consultation with



March 2022

TABLE OF CONTENTS

Section 1.0	Introduction	1
Section 2.0	Draft EIR Public Review Summary	2
Section 3.0	Draft EIR Recipients	3
Section 4.0	Responses to Draft EIR Comments	5
Section 5.0	Draft EIR Text Revisions	33

Appendix A: Draft EIR Comment Letters

Appendix B: Updated Appendix F to the Draft EIR, Noise and Vibration Analysis

SECTION 1.0 INTRODUCTION

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the University Circle Phase II Office project.

1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of East Palo Alto in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the project site, the East Palo Alto library, and at the Community Development Department offices at 1969 Tate Street on weekdays during normal business hours. The Final EIR is also available for review on the City's website: <https://www.cityofepa.org/planning/project/university-circle-phase-ii>

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the University Circle Phase II project, dated November 2021, was circulated to affected public agencies and interested parties for a 45-day review period from November 5, 2021 through December 20, 2021. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City’s website (<https://www.cityofepa.org/planning/project/university-circle-phase-ii>) and in the Daily News;
- Notification of the availability of the Draft EIR was mailed to project-area residents and property owners within 600 feet of the project site, and other members of the public who had indicated interest in the project;
- The Draft EIR was submitted to the State Clearinghouse on November 5, 2021, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City’s website (<https://www.cityofepa.org/planning/project/university-circle-phase-ii>), social media accounts, and newsletter, as well as at the project site and at the library and Community Development Department offices at 1969 Tate Street.
- Planning Commission held a noticed public hearing on November 29, 2021.

SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft EIR was sent to owners and occupants adjacent to and within 600 feet of the project site and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- California Air Resources Board
- California Emergency Management Agency
- San Mateo County Building Trades Council
- State Clearinghouse
- Department of Water Resources, Environmental Review Unit
- San Francisco Bay Conservation and Development Commission
- City of Palo Alto
- California Department of Transportation (Caltrans), District 4
- Caltrans, Division of Aeronautics
- Office of Emergency Services
- Office of Historic Preservation
- Office of Planning and Research
- California Department of Housing and Community Development
- Ravenswood City School District
- Sequoia Union High School District
- San Mateo County Health Services, Groundwater Protection Program
- City of Menlo Park
- County of San Mateo, Clerk Recorder
- San Mateo County Public Works
- County of Santa Clara Planning Office
- Pacific Gas and Electric
- West Bay Sanitary District
- Samtrans
- Veola Water Company
- East Palo Alto Sanitation District
- California Environmental Protection Agency, San Francisco Regional Water Quality Control Board
- City/County Association of Governments

- Santa Clara County Water District
- East Palo Alto Library
- Airport Land Use Commission
- Bay Area Air Quality Management District
- State Water Resources Control Board
- California Department of Toxic Substances Control
- California Public Utilities Commission
- US Army Corps of Engineers, San Francisco District
- US Fish and Wildlife Service, Region 8
- US Environmental Protection Agency, Region 9
- County of San Mateo
- San Mateo Office of Education
- San Mateo County Community College District
- San Franciscquito Creek Flood Zone 2, Ravenswood Flood District
- San Mateo County Mosquito and Vector Control District
- Mid Peninsula Regional Open Space District
- Menlo Fire Protection District
- Northern California Carpenters
- Native American Heritage Commission, Environmental and Cultural Department
- San Francisquito Creek Joint Powers Authority
- Palo Alto Airport
- County of Santa Clara, Parks and Recreation Department
- Envision, Transform, Build – East Palo Alto

SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of East Palo Alto on the Draft EIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of East Palo Alto are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
<u>Regional and Local Agencies</u>	<u>6</u>
A. Jacob Madden, San Mateo County Groundwater Protection Program (dated November 4, 2021).....	6
B. Margaret Bruce, San Francisquito Creek Joint Powers Authority (dated December 20, 2021).....	6
C. Jonathan Lait, City of Palo Alto (dated December 20, 2021)	12
Organizations, Businesses, and Individuals	32
D. Eve Sutton (November 14, 2021).....	32
E. Joshua Brass (December 6, 2021)	32

4.1 REGIONAL AND LOCAL AGENCIES

A. Jacob Madden, San Mateo County Groundwater Protection Program (dated November 4, 2021)

Comment A.1: I was unable to view the Draft EIR for this project on your website.

Response A.1: The comment letter was received one day prior to publication of the Draft EIR. The Draft EIR was published on the City's website on November 5, 2021 and a copy of the Draft EIR was sent via email directly to the commenter to avoid further technical issues and ensure the commenter had access to the document. The commenter did not provide further comments after receipt of the Draft EIR.

Comment A.2: Our specific concern is that the proposed development may encounter contamination associated with a closed former fuel station located at the subject property. Please ensure the EIR addresses the management of any waste soil or groundwater and requires that a site management plan be prepared and submitted to this office for approval prior to issuance of planning approval for the project.

Response A.2: Section 4.9 Hazards and Hazardous Materials, of the Draft EIR discusses historic uses of the project site, including the former fuel station previously located on the project site. As noted on pages 100-103 of the Draft EIR, previous environmental assessments were conducted for the site in 1999 and 2017, including a Phase II subsurface investigation completed during development of the existing buildings and below-grade parking garage which did not indicate the presence of petroleum hydrocarbons, gasoline constituents, or other chemicals of concern. For these reasons, the Phase I Environmental Site Assessment prepared for the proposed project did not recommend any further action and the Draft EIR did not require a site management plan for the proposed project. This comment does not identify new or more significant impacts under CEQA than what were disclosed in the Draft EIR nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required. As noted above in Response A.1, this comment predates release of the Draft EIR, and upon receiving the Draft EIR, the commenter did not provide further comments regarding the Draft EIR's treatment of this issue.

B. Margaret Bruce, San Francisquito Creek Joint Powers Authority (dated December 20, 2021)

Comment B.1: Cumulative Impacts: The Draft EIR does not include the SFCJPA's planned projects which occur in proximity to the project site. SFCJPA planned projects include:

- Repair and replacement of top-of-bank features on the Palo Alto side of the creek channel near the proposed development- necessitating construction vehicle traffic through the University Avenue/Woodland Avenue intersection.

- Replacing the temporary wooden parapet extension from the University Avenue bridge, continuing along the Woodland Avenue bank-top for several hundred feet, with a permanent structure, immediately adjacent to the project site.
- In-channel construction to widen the creek channel in four locations between the Pope-Chaucer bridge and highway 101. Construction equipment and materials movement will utilize both the Willow Road and University Avenue access routes – impacting Willow Road and University Avenue., Woodland Avenue and their intersections.
- Removal and Replacement of the Pope-Chaucer Bridge which will require closure of the bridge for one construction season (six months) will impact residential traffic, and may add further traffic loads to either/both University Avenue and Woodland Avenue.
- Construction in the channel and at the top-of-bank is anticipated for 2024. Bridge replacement is anticipated for 2024 or 2025.

Response B.1: Per email correspondence with Kevin Murray, Senior Project Manager at SFCJPA on July 17, 2020, the Draft EIR assumed construction of the above listed SFCJPA projects would occur between 2021 and 2024 with construction of the channel widening features upstream of West Bayshore Road and University Avenue in 2021, replacement of the Newell Road bridge in 2021, additional channel widening and replacement of the Pope-Chaucer bridge in 2022, and riparian restoration/mitigation in 2022 and 2023. According to the site plans shown on pages 2-21 through 2-24 of the Final EIR for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101, all SFCJPA projects listed in the comment above would be located 1,000 feet or more from the proposed University Circle Phase II project site, with the exception of repair and replacement of top of bank features, replacement of the temporary wooden parapet extension and in-channel construction at Channel Widening sites 1 and 3, which would be approximately 100 feet from the University Circle project site.¹ The City of East Palo Alto sent a follow up request to SFCJPA for additional information regarding the timing of each of the projects listed in the comment letter above. In an email correspondence on January 6, 2022, Kevin Murray indicated that the project had been delayed and that channel widening and Newell Road Bridge Replacement would occur in 2023 and Pope-Chaucer Bridge replacement and top of bank repairs throughout the length of the creek would occur in 2024. As noted above, only the top of bank repairs would occur within 1,000 feet of the project site. However, unforeseen delays in construction activities could result in delays of at least one year as construction must be completed during the dry season.

¹ BAAQMD recommends a 1,000-foot radius around a project site as the standard area of influence for assessing community risks and hazards resulting from construction and operation of projects. As noted in Section 4.3 Air Quality, and Section 4.12 Noise, of the Draft EIR, a 1,000-foot radius was used to identify sensitive receptors affected by project construction and operation and cumulative impacts associated with the project.

As noted on page 14 of the Draft EIR, construction of the proposed project would occur over a 36-month period beginning in 2024 and ending in 2027. Based on the updated construction schedule provided by SFCJPA, the SFCJPA projects located within 1,000 feet of the University Circle site would not occur simultaneously with the proposed University Circle Phase II project. Nonetheless, due to uncertainty in the construction schedule of the SFCJPA project and the potential for construction activities at the two projects to overlap if one or both project's experience delays, text has been added to the Draft EIR to clarify the potential cumulative construction impacts if these two projects were to be constructed simultaneously (refer to Section 5.0 Draft EIR Text Revisions) and a response is provided below. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision to the DEIR as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant (cumulative) effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

According to the Final EIR for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101, improvements identified for each creek segment would be completed in approximately five months during the dry season, before the crews move to the next location. As noted on pages 3.13-6 through 3.13-11 of the Final EIR for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101, the maximum increase in traffic during construction for any particular project feature or alternative would be 60 trips per day using conservative estimates.

Cumulative Air Quality

The Final EIR for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101 discussed construction emissions qualitatively and concluded significant and unavoidable impacts after incorporation of mitigation measures. Table 4.3-7 of the Draft EIR modeled and disclosed the cumulative health risk from the University Circle Phase II Office project and all other cumulative sources known at the time. As discussed on pages 51-52 of the Draft EIR, cumulative sources in the vicinity of the project site represent an existing cumulative health risk and the addition of the SFCJPA projects (which were found to be significant and unavoidable) to those cumulative sources would not result in a significant effect on the environment that was not previously disclosed in the Draft EIR. Additionally, as discussed on pages 51-52 of the Draft EIR, the proposed project, through implementation of MM AQ-2.1 and MM AQ-3.1, would not result in a cumulatively considerable contribution to this existing cumulative health risk impact. Text has been added to page 52 of the Draft EIR to clarify this. This comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor does it represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Cumulative Noise Impacts

Text revisions have been added to the Draft EIR and Appendix F to the Draft EIR to clarify the cumulative noise impacts of the SFCJPA projects in combination with the proposed University Circle Phase II project (refer to Section 5.0 Draft EIR Text Revisions).

The Final EIR for the San Francisquito Creek Flood Protection, Ecosystem Restoration, and Recreation Project, Upstream of Highway 101 found that construction noise impacts of the SFCJPA projects would be significant and unavoidable with mitigation incorporated. Construction of the SFCJPA projects would generate a substantial temporary increase in noise levels in excess of standards due to the proximity of construction activities to existing residences (approximately 25 feet from nearest residences) after implementation of Mitigation Measure MM NV-1 through NV-4. However, the Final EIR for the SFCJPA projects found that construction traffic noise from the 60 new daily trips added by the projects during construction would not result in a substantial temporary increase in traffic noise levels as they represent a small portion of the existing traffic volumes on area roadways. Operational noise and vibration impacts were also found to be less than significant or less than significant with mitigation.

Construction of the SFCJPA projects and the University Circle Phase II project could potentially overlap for up to five months affecting the same noise-sensitive receptors. However, construction activities from the SFCJPA project would be closer to these receptors (approximately 25 feet from the nearest receptors located on Crescent Drive in Palo Alto) than the University Circle Phase II project (approximately 300 feet from the same receptors). As noted on page 6 of Appendix F to the Draft EIR, noise levels decrease at a rate of 6 dBA per doubling distance between the source and receptor. As a result, noise levels from the proposed University Circle Phase II project would be approximately 20 dBA lower than noise levels predicted for the SFCJPA project. For this reason, the addition of construction noise from the University Circle Phase II project would not result in a substantial increase in noise levels at the residential receptors such that a cumulative impact would occur. Additionally, cumulative construction traffic noise impacts would remain the same as previously disclosed in the Draft EIR on page 140. This comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Cumulative Traffic Impacts

The combined construction traffic from the proposed University Circle Phase II project and cumulative projects, including those identified in the above comment would be experienced by residents and businesses in the surrounding neighborhood. However, as noted in responses to comments C.18 through C.26 in this Final EIR, level of service, i.e., traffic congestion, in this case from construction vehicles, is not

an impact on the environment under CEQA. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR or provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR. No further response or text revisions are required.

Comment B.2: Dewatering: In the vicinity of the University Circle development the San Francisquito Creek flows across its alluvial fan and its associated permeable sedimentary materials. In summer, water flowing from the upper watershed sinks into the groundwater in the alluvial fan and the creek channel is typically dry. However, in winter, water flows from the upper watershed to the bay and provides migratory passage for endangered steelhead. The proposed University Circle project anticipates excavating below the known groundwater table and will be de-watering the excavation area.

- If the project's construction dewatering occurs during the winter, steps should be taken to be sure the dewatering does not reduce creek flow levels for protected steelhead and other species.
- If the project's construction depth requires perpetual dewatering, there should be some acknowledgement of this and appropriate on-site utilization of this groundwater, or minimization of the need to dewater through construction techniques.

Response B.2: Perpetual dewatering is not required for the University Circle Phase II project. As stated on pages 82 and 110 – 112 of the Draft EIR, dewatering would be limited to project construction and is slated to occur during the winter months (when the water table is higher) due to the length of project construction (approximately 36 months). As discussed on page 82 of the Draft EIR and pages 17-29 of Appendix D to the Draft EIR, the project would include waterproofed construction, which would eliminate the need for permanent dewatering during operations once construction is complete. For this reason, no further response regarding perpetual dewatering is required.

During construction, the project would use construction means and methods (as identified in Section 8.1 of Appendix D to the Draft EIR) that have been shown to effectively minimize the need for dewatering and the volume and duration of dewatering required. As discussed in Section 8.1 of Appendix D, a shoring system would be installed that incorporates a below-grade hydraulic barrier that terminates in the low-permeability clay layer approximately 50 feet below existing ground surface. Once inserted, the hydraulic barrier would restrict groundwater intrusion from elsewhere into the project site, thereby, limiting the amount of groundwater that needs to be removed to only that groundwater that existed on-site at the time the hydraulic barrier was inserted. As a result, groundwater levels within the project area

and creek flows within San Francisquito Creek would not measurably change as a result of the project.²

Text was added to page 112 of the Draft EIR to clarify the processes used during project construction to minimize the amount of dewatering needed (refer to Section 5.0 Draft EIR Text Revisions). Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment B.3: Trees: The area to the west of Highway 101 hosts many native Coast Live Oaks. Moving further eastward in the City of East Palo Alto, soils become more clay-like and groundwater more brackish. Replanting trees lost to construction on-site and off-site should not only focus on native tree species but on species which thrive in the unique conditions of East Palo Alto's environment.

Response B.3: This comment does not raise a CEQA concern, but rather offers a recommendation of what trees to plant. Nonetheless, the following response is provided for informational purposes. The project is consistent with the tree removal regulations set forth in Municipal Code 18.28.040 as discussed on pages 59-60 of the Draft EIR. In August 2018, the City received grant funding to update its urban forest master plan. This update will provide guidance on tree species selection for replacement trees including identification of species most adapted to the conditions of East Palo Alto. This comment does not identify new or more significant impacts under CEQA than what were disclosed in the Draft EIR nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required.

Comment B.4: Diesel Generators: The proposed project suggests the use of a 162K Diesel emergency back-up generator. Diesel generators emit toxic and criteria pollutants. Even if intermittent, these emissions would be adding to an air quality burden from roadway exhaust in the project neighborhood. These emissions can be avoided by cleaner, quieter, multi-function technologies.

Response B.4: The Draft EIR evaluates the project as proposed. The project proposes one emergency back-up diesel generator. As discussed on pages 45 and 49-50 of the Draft EIR, criteria pollutant and toxic air contaminant emissions associated with operation of the generator would be less than significant with compliance with BAAQMD permit requirements. This comment does not identify new or more

² ENGEO Incorporated. Phase II – University Circle Project, 1950 University Avenue, East Palo Alto, California, Response to Review Comments. January 17, 2022, Revised March 4, 2022.

significant impacts under CEQA than what were disclosed in the Draft EIR, nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required.

Comment B.5: In addition to these comments, the SFCJPA would like to collaborate with the University Circle developers and suggests they contribute to the costs of designing and installing a permanent top-of-bank bridge parapet extension (supporting the SFCJPA’s plans for flood risk reduction) and an integrated creek-side parklet along Woodland Avenue. We hope the City of East Palo Alto and the University Circle developer will consider adding this community benefit to the scope of the proposed University Circle project.

Response B.5: This comment does not raise a CEQA concern. The comment letter expresses interest in collaborating with the project developer on potential community benefits. This comment does not identify new or more significant impacts under CEQA than what were disclosed in the Draft EIR nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required.

C. Jonathan Lait, City of Palo Alto (dated December 20, 2021)

Comment C.1: It is the City’s understanding that the University Circle II project design itself has not yet been finalized and that the developer is still exploring intersection designs and roadway improvements, building and garage designs, reduction of construction schedule, and other means of reducing anticipated impacts and challenges of the proposed project. The City would appreciate notification regarding any adjustments in the project description and design, the various stages of the project entitlement process, as well as notification when the Final EIR is released.

The comments below pertain to the information contained within or missing from the DEIR, the revised project plans (noted with an October 5, 2020 resubmittal date), and other information released with the Notice of Availability via the City of East Palo Alto website:

<https://www.cityofepa.org/planning/project/university-circle-phase-ii>.

It is the City’s understanding that the University Circle II project would be located on Assessor’s Parcel Number (APN) 063-680-020 within the City of East Palo Alto. The parcel is located on the westside of U.S. 101 and bounded by U.S. 101, Manhattan Avenue, Woodland Avenue/San Francisquito Creek, and University Avenue to the north, west, south and east, respectively. Phase II would be located within the 11.84-acre site at the corner of Woodland and University Avenue. The City of Palo Alto understands that both the zoning designation and land use designation of the site is Office in accordance with the City of East Palo Alto’s Zoning Ordinance and General Plan. The project proposes to redevelop the existing at grade parking lot located in the southeast corner of the parcel with a five and six-story, approximately 180,000 square-foot office building above, three levels of below-grade parking, and a new 186,000-gallon fire water tank and pump. Project construction would take approximately 36 months to complete and would include removal of the existing parking lot improvements and landscaping, excavation and construction of the below-grade parking garage and water tank, and construction of the office building. Excavation to a maximum depth of 36 feet, removal of 132,473 cubic yards of soil, and dewatering would be necessary to

construct the project. Vehicular access to the developed portion of the site would continue to be provided off Woodland Avenue and Manhattan Avenue. Community benefits would include an easement dedication for a future City bike path along the eastern property line from U.S. 101 to Woodland Avenue, only temporary parking space dedication for use by Woodland Apartment residents, improvements to the Manhattan Avenue bus stop, pedestrian access points to and through the site, indoor and outdoor space reserved for community use, public art and memorial creation, and Woodland Avenue widening.

Response C.1: The project is final and no changes are proposed to either the project or the project description. The comment incorrectly refers to project plans submitted on October 5, 2020. As commonly occurs in the development review process, further detail on the project has become available since circulation of the NOP and during the preparation of the Draft EIR. However, the main components of the project such as the size of the proposed development, building height, and location have not changed since circulation of the NOP such that recirculation of the NOP would be required. The project description as discussed in Section 3.2 of the Draft EIR was based on plans submitted to the City of East Palo Alto in August 2021 and no revisions have been made since circulation of the Draft EIR. The project description as analyzed in the Draft EIR has not changed. The proposed construction schedule, and mitigation measures as stated in the Draft EIR have not changed since circulation of the Draft EIR. Project plans are available for public review on the City's project website: <https://www.cityofepa.org/planning/project/university-circle-phase-ii>

Comment C.2: Land Use/Settlement Agreement. The City requests a discussion of the previous Settlement Agreement in the Land Use section of the Draft EIR regarding how the proposed project conforms to the agreement and how previous concerns raised at that time have been addressed by the project. The Settlement Agreement is currently only discussed as part of the Project Background.

Response C.2: Compliance with the Settlement Agreement is not an environmental impact addressed under CEQA. Nonetheless, the following response is provided for informational purposes. The Settlement Agreement is discussed in the Section 1.2 Project Background. As noted on page vi of the Draft EIR, under the Settlement Agreement, no building permits can be issued for new construction on-site until the Settlement Agreement expires on December 15, 2023. The proposed project anticipates construction beginning in early 2024 and the City would impose a condition of project approval that construction does not begin before December 15, 2023. An analysis of the project's consistency with the Settlement Agreement requirements is not warranted in the Land Use section of the Draft EIR, since the Settlement Agreement is not a plan, policy, or regulation of the City of East Palo Alto adopted for the purpose of mitigating or avoiding an environmental effect and the settlement agreement will not be in effect after December 15, 2023. This comment does not identify new or more significant impacts under CEQA than what were disclosed in the Draft EIR nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required.

Comment C.3: The City requests clarification of how the community benefits outlined in Section 3.2.12 would be secured and the timing for implementation of each.

Response C.3: This comment does not raise an environmental issue analyzed under CEQA. Nonetheless, the following response is provided for informational purposes. The proposed community benefits would be enforced through the Development Agreement and Conditions of Approval, which would also specify the timing. This comment does not identify new or more significant impacts under CEQA than what were disclosed in the Draft EIR nor does it raise any concerns with the analysis of the project; therefore, no further response or change to the Draft EIR is required.

Comment C.4: Noise and Vibration. The noise and vibration analysis located in DEIR Appendix F does not clearly describe the locations of the closest residential receptors, nor clarify if they are located within the City of East Palo Alto or the City of Palo Alto. Appendix F does not include a diagram or map showing the locations of the identified sensitive receptors mentioned in Table 8, Table 9, under cumulative conditions and at other mentions. Therefore, it remains unclear if the analysis evaluated construction and operational noise and vibration impacts on residents within the City of Palo Alto. This information is essential for transparency, for understanding the potential impacts of the project, and to identify if any proposed mitigation measures would be successful.

Response C.4: The proposed project construction and operational noise and vibration impacts analysis is discussed in Section 4.12 of the Draft EIR and in Appendix F. Sensitive receptors are identified on page 133 of the Draft EIR and page 25 of Appendix F to the Draft EIR based on distance from the project and not based on jurisdictional boundaries. Nonetheless, additional text and a new Figure 6 has been added to Appendix F to the Draft EIR to clarify, in a visual format, the location of the nearest residential receptors and delineate those located within the cities of East Palo Alto, Palo Alto, and Menlo Park. Refer to Section 5.0 for Draft EIR Text Revisions. Mitigation measures MM NOI-1.1, MM NOI-1.2, and MM NOI-2.1 would reduce noise and vibration impacts to receptors. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project, rather the additional figure and text merely clarify information that was already disclosed in the Draft EIR by identifying which receptors reside in each particular jurisdiction. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.5: The City requested that the DEIR analyze the potential for operational noise impacts from mechanical equipment (e.g., HVAC). Mechanical equipment operation was identified in the DEIR as a potentially significant noise impact. The City requests the identification of proposed noise reduction measures at the project design phase prior to entitlement, including screening and location

of equipment, instead of deferring the identification of these measures prior to issuance of building permits.

Response C.5: As noted on page 135 through 136 of the Draft EIR, an HVAC system has not yet been selected for the proposed project at this stage of design, thus the Draft EIR conservatively assumed noise levels from operation of the HVAC system would exceed the City's threshold resulting in significant mechanical noise impacts. Mitigation Measure MM NOI-1.2, identifies clear performance standards that the project would be required to achieve in order to reduce impacts to a less than significant level, consistent with applicable noise standards. Details regarding the type, location, and screening of mechanical equipment is not often known at the project design phase and even if known at this stage, can change before building permits are issued due to financial and construction limitations. Thus, confirmation of mechanical noise levels and implementation of required noise reduction measures is typically required at the building permit stage. This approach of identifying performance standards for future project design details to achieve is a common one and is allowed by CEQA and case law because it ensures an outcome that resolves the potential issue consistent with adopted noise policies and standards. For these reasons, the text of MM NOI-1.2 does not require revision, as it will ensure that any future mechanical equipment meets applicable noise standards.

Comment C.6: The proposed construction equipment must continue to be clearly stated. Pile driving is stated in the DEIR as not currently proposed. However, if pile driving becomes proposed, alternative construction methods are needed to reduce noise levels.

Response C.6: As noted in Section 3.2 Project Information and Description, pile driving is not proposed by the project. Consistent with the intent of the comment, if pile driving or any other alternate construction methods are proposed, subsequent environmental review would be required to assess and disclose the environmental effects of this change in construction activities. This comment does not address the adequacy of the Draft EIR, thus, no further response is warranted.

Comment C.7: The City of Palo Alto requests implementation of stringent noise mitigation measures during construction, including noise barriers at the project site and limitations on hours for truck hauling. Due to the close proximity of the project site to residential land uses, the City requests MM NOI-1.1 and MM NOI-2.1 include further focus and narrowing of the daily time window for the most noise-generating and most vibration-generating periods of construction.

Response C.7: This comment does not raise issues with any environmental impacts disclosed in the Draft EIR or the adequacy of the Draft EIR's mitigation measures and instead requests narrowing of the daily construction time window for noise-generating and vibration-generating construction activity. The Draft EIR includes an analysis of the project as proposed and identifies mitigation measures to address the impacts of the project, finding that construction noise levels can be reduced to

acceptable levels. As noted in Section 3.2.11 Project Construction of the Draft EIR, the project proposes extended construction hours to reduce the overall construction period to 36 months. Construction activities involving use of heavy equipment and loading of demolition materials into trucks would occur within the City's allowed construction hours. Loaded trucks would leave the project site between the hours of 6:00pm and 10:00pm. As discussed on pages 22 and 27 of Appendix F, construction occurring between 4:00pm and 10:00pm would be exempt from the City of East Palo Alto's daytime threshold levels of 55 dBA at exterior residential property lines and 45 dBA in residential interiors. During the hours of 7pm to 10pm, use of noisy outdoor equipment would be prohibited, truck deliveries would be limited to two truck deliveries per hour, and truck routes along Manhattan Avenue would be prohibited. Approval of an exception to the permitted construction hours is required and may be granted by the City of East Palo Alto Planning Commission. If extended construction hours are not approved, construction is expected to be extended by three months and would continue to have a significant temporary noise impact under General Plan Safety and Noise Policy 7.11. Noise levels during construction would remain the same as identified in the Draft EIR because there would be no change in the type or number of construction equipment used. Draft EIR Mitigation Measure MM NOI-1.1 would still be required, however, the additional measures for non-exempt construction activities (refer to page 135 of the Draft EIR) would not be required. As noted on pages 132 through 135 of the Draft EIR, as proposed, project construction would exceed the City's General Plan threshold for construction noise impacts due to the duration of construction (more than one year) and proximity to commercial and residential uses. However, with implementation of MM NOI-1.1 (which includes requirements for construction of a solid eight-to 10-foot-tall plywood noise barrier along the construction site boundaries), impacts would be reduced to a less than significant level.

Comment C.8: The Air Quality Analysis must assess the impacts of construction and operational emissions on sensitive receptors within the City of Palo Alto, in addition to those in East Palo Alto. While some residential areas in the City of Palo Alto were identified in Figure 1, the maximally exposed individuals (MEIs) analysis for construction and operational risks focuses on an area in the City of East Palo Alto. The City requests the addition of an MEI in Palo Alto for transparency and disclosure of potential impacts to the nearby residents on the multiple sides of the project site.

Response C.8: By their nature air quality emissions are not confined to political boundaries, rather emissions are dispersed across the geography based on wind direction, topography, and other factors of the physical environment. The construction and operational emissions discussed on pages 39 through 50 of the Draft EIR, represent impacts of the proposed project on all sensitive receptors within 1,000 feet of the project site, including those located in the City of Palo Alto. The maximally exposed individual (MEI) was identified based on an off-site receptor grid generated by the U.S. EPA AERMOD dispersion model. The off-site receptor grid identifies all receptors within approximately 500 hundred feet of the project site, regardless of the city in which they are located. Once all receptors are located, the

U.S. EPA AERMOD dispersion model calculates emissions at each receptor site based on the physical conditions of the site and surrounding area. The MEI represents the receptor expected to receive the highest emissions levels, regardless of the city in which it is located in. The MEI for this project is located in East Palo Alto and the exposure for any Palo Alto residents would be less than that experienced by the MEI given they are located further away from the construction activity. Project impacts are then assessed at the MEI and appropriate mitigation is designed to reduce the emissions at the MEI to below the threshold with the scientific understanding that emissions at all other (more distant) receptors in the project vicinity (including those located in the City of Palo Alto) would experience lesser emissions and impacts. For this reason, the MEI in an adjacent jurisdiction does not need to be identified. This comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor does it represent a disagreement among experts.

Comment C.9: The Air Quality Analysis mentioned that all projects considered under cumulative conditions could have overlapping constructions schedules, whereas other reports in the Draft EIR indicated non-overlapping construction timeframes. For transparency and in order to understand the DEIR analysis, the City requests consistent representation of construction timeframes in all reports and all projects considered in the cumulative analysis.

Response C.9: Projects considered in the cumulative analyses in the Draft EIR are identified in Table 4.1.1, on pages 19-21. Cumulative analyses are provided in Appendix B (Air Quality and Greenhouse Gas Emissions Analysis) and Appendix F (Noise and Vibration Assessment) to the Draft EIR. Both Appendices relied on the same estimated construction timeframes for cumulative projects and conservatively assumed there would be an overlap in construction schedules. As shown on pages 50-52 of the Draft EIR, the air quality analysis included in Appendix B assumes the worst-case scenario that cumulative construction projects would occur simultaneously with the proposed project. Pages 140-141 of the Draft EIR, and pages 34-35 of Appendix F to the Draft EIR discuss cumulative construction noise and vibration impacts and assumed construction of cumulative projects would occur simultaneously or consecutively with the proposed University Circle Phase II project. Pages 36 and 37 of Appendix F have been revised to clarify that cumulative construction noise impacts assumed simultaneous construction of the proposed project and the Woodland Park Apartments project. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.10: The 2016 East Palo Alto General Plan noted that the City of East Palo Alto did not have sufficient water supply to provide for all development proposed in the plan. It was noted that

each development would have to ensure that there was adequate available water supply to support it. It is the City's understanding that jurisdictions diverted water to East Palo Alto in recent years. The DEIR currently states that adequate water supply for the project would be provided through water conservation retrofits in existing buildings and that the new building constructed to current standards would result in net neutral water demand and consumption. The City is currently unable to confirm this with the information in the DEIR. For example, landscape irrigation sources and mechanical system water sources did not appear to be discussed in the DEIR. It is unknown if recycled water or another supply was therefore proposed for these or other uses.

Response C.10: Appendix I to the Draft EIR addresses the impacts on water consumption and analyzes the water savings provided by retrofitting plumbing fixtures in the existing buildings on the property. Page 190 of the Draft EIR discusses the City of East Palo Alto Urban Water Management Plan, adopted in June 2021, which determined there are adequate water supplies during normal years through 2045. As discussed on page 3 of Appendix I to the Draft EIR, the total existing water consumption estimates include domestic water consumption for operation of restrooms and for cleaning as well as technical water consumption for operation of existing cooling towers. Page 2 of Appendix I to the Draft EIR analyzes the water and wastewater savings and compares the savings to the estimated water consumption and wastewater production of the proposed project and determines the water and wastewater savings are greater than expected consumption and wastewater production of the proposed Project. As discussed on pages 194-195 of the Draft EIR, the proposed project (which includes retrofit of the existing office buildings with water efficient plumbing fixtures) would result in net neutral water consumption on-site. Page 111 of the Draft EIR states that the project would increase impervious surfaces on the project site, removing and replacing existing landscaped areas with impervious surfaces for the proposed office building, walking paths, and sidewalk improvements. Thus, water demand for irrigation would be reduced with implementation of the project because less landscaping would exist under the project compared to existing conditions. No recycled water or other water supply sources are proposed. Additionally, as a condition of approval, the project shall submit a water audit to the Director of Community and Economic Development, one year after issuance of occupancy permits, demonstrating that the project has achieved net neutral water demand.

Additional text has been added to page 190 of the Draft EIR to clarify the history of water supply changes since adoption of the 2016 East Palo Alto General Plan. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

The comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft

EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.11: Further, the DEIR states that a new underground 186,000-gallon fire water tank and pump would serve for fire suppression. It is unclear how this tank would be initially filled, operationally maintained, and if this would have any impact on the system operated by the City of Palo Alto. Water modeling and analysis for all water sources is typically used to identify if there is enough water to service the operational needs of a project. There also should be discussion of reporting and what happens if project operations result in a net water increase. Further hydraulic study and modeling is typically used to identify if there are any potential impacts or concerns with large water demands such as initial filling and ongoing maintenance/operations for the water tank. The City looks forward to the provision of this information in order to assess potential impacts of the project.

Response C.11: As a condition of approval on the project, the 186,000-gallon fire water tank shall be filled no sooner than four months after the plumbing retrofit is complete on the existing buildings on the project site, and before occupancy of the proposed office building. Water savings from the retrofit would be 54,978 gallons per month, which will, after four months of water savings, cause sufficient net water saving to offset the water draw to initially fill the fire water tank. The tank would be operated in compliance with National Fire Protection Association standards and would be inspected, tested, and maintained every five years. There are no requirements to periodically drain the tank, therefore, the tank would only be drained and refilled in the event of a fire or if required after regular maintenance identifies siltation, aquatic growth, or failure of interior coatings. Refilling the tank is equivalent to approximately 56 percent of the existing monthly water demand of the three office buildings and less than 0.003 percent of the City's existing available water supply during normal years.³ As noted on page vii and page 13 of the Draft EIR, the proposed firewater tank and pump would have capacity to serve the proposed project and offset existing deficiencies in the municipal fire flow for the Westside area. Additional text has been added to page 194 of the Draft EIR to clarify how this tank would be initially filled and operationally maintained. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

³ Existing water demand from office buildings = 326,626 gallons/month / proposed water tank capacity 186,000 gallons = 0.56 or 56% of existing monthly water demand for office buildings. Sources: ACIES Engineering. *Impact on the Overall Water Consumption and Connection/Waste Water Production and Connection to Existing Water Services*. June 29, 2020. And City of East Palo Alto. *Final Urban Water Management Plan*. June 2021. Page 100.

Comment C.12: The DEIR also notes that wastewater from the project, and possibly dewatering discharge, would ultimately be treated at the Palo Alto Regional Water Quality Control Plant (PARWQCP). In its original comments in response to the project’s Notice of Preparation, the City also requested clarification and coordination regarding the discharge amount, water quality, and discharge locations for dewatering activities during construction and operation, if any.

Response C.12: As discussed on pages 110-111 of the Draft EIR, construction dewatering effluent would be discharged to the storm or sanitary sewer system consistent with the requirements of the NPDES Construction General Permit. The discharge location would depend on the water quality of dewatering effluent; water meeting NPDES requirements would be discharged to the storm drain system and water requiring additional treatment would be discharged to the sanitary sewer system. Dewatering effluent would be detained, filtered, tested, and discharged to the storm or sanitary sewer system consistent with the requirements of the NPDES Construction General Permit. The project would prepare a Stormwater Pollution Prevention Plan and implement best management practices (Draft EIR pages 82, 110). Based on existing groundwater levels, the anticipated construction schedule, and proposed shoring system, it is estimated that approximately 5 gallons of groundwater would be extracted from the site per minute per day during project construction until the building foundation work has been completed, resulting in up to approximately 7,200 gallons per day.⁴ Furthermore, based on the conclusions of the Phase I Environmental Site Assessment prepared for the project and previous subsurface investigations completed for the original University Circle development, dewatering effluent would likely meet water quality standards for discharge into the storm drain system; however, conservatively assuming that all of dewatering effluent must be treated and discharged to the sanitary sewer system, up to approximately 7,200 gallons/day of dewatering effluent could be discharged and ultimately treated at the Palo Alto Regional Water Quality Control Plant during construction of the proposed project. This is 0.03 percent of the available wet weather capacity of the PARWQCP.⁵ The comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.13: The Emergency Water Intertie Agreement between the City of East Palo Alto and the City of Palo Alto is not currently mentioned in the DEIR. In May 2018 the City of Palo Alto provided a transfer of individual supply guarantee to the City of East Palo Alto. It was understood

⁴ ENGEO Incorporated. Phase II – University Circle Project, 1950 University Avenue, East Palo Alto, California, Response to Review Comments. January 17, 2022, Revised March 4, 2022.

⁵ Woodard & Curran. Technical Memorandum: Northwest County Recycled Water Strategic Plan. December 30, 2020. Page 2. https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/recycled-water/2021/tm-6.5_30dec2020.pdf

that several public benefits could be realized through this agreement, one of which was the emergency water intertie from Palo Alto to East Palo Alto at Woodland Avenue, the location of the proposed project. Within an overall discussion of the Intertie Agreement, the City of Palo Alto requests that the City of East Palo Alto identify the anticipated timeline for implementation of the emergency water intertie and whether this intertie is necessary to ensure adequate emergency water to or potable water needs for the proposed project. Additionally, it is important to clarify if the intertie project is considered as part of the projects analyzed under cumulative conditions. As an example, if the intertie project is constructed separately but concurrently with the project, potential cumulative impacts of construction at the Woodland Avenue/University Avenue intersection would need to be identified.

Response C.13: As discussed on pages 12, and 194-195 of the Draft EIR and in Appendix I to the Draft EIR, the project would have net neutral water consumption. The proposed project also includes a 186,000-gallon fire water tank to offset existing deficiencies in the municipal fire flow for the Westside area and provide sufficient water flow for fire suppression at the project site, as discussed on pages 13 and 150 of the Draft EIR. The proposed project would be adequately served by the fire water tank and pump and existing potable water sources. As noted in Response C.9, Page 190 of the Draft EIR has been revised to include a description of the City's water supply history since adoption of the City of East Palo Alto 2016 General Plan. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

The Emergency Water Intertie project is not required as a result of the University Circle Phase II project, nor is it part of the project. Discussion of the Emergency Water Intertie project is provided for informational purposes. Design of the Emergency Water Intertie project has been completed, however, funding for the project has not been secured and the anticipated timeline for implementation of the emergency water intertie is not known at this time. The Emergency Water Intertie project would include restoration of an existing intertie between the water systems for the Cities of Palo Alto and East Palo Alto, located within the Woodland Avenue right-of-way near the University Avenue intersection. Construction activities would include trenching, pipe installation, backfill, and pavement restoration. When funding is secured, construction would occur entirely within the existing right-of-way and would take a total of approximately 15 working days to complete. The City is currently in the process of completing the CEQA environmental review for the intertie project.

Comment C.14: The City requested that a geotechnical report be prepared to identify groundwater levels and quantity at the project site in order to understand the project's impact on existing groundwater levels, flows, and water quality. This information remains outstanding. While it is clear

from the geotechnical report that the project will require groundwater dewatering during construction, it is not clear if it will be required post construction. Further, the anticipated dewatering volume and the location of discharge was not stated during construction and post construction. The geotechnical report appears to not recommend post-construction dewatering due to operational concerns, potential settlement impacts to adjacent buildings, and agency permissions. Ultimately, if applicable, potential impacts and mitigation measures may need to be identified to ensure that the project minimizes impacts on the existing groundwater table and its function/quantity, as well as on San Francisquito Creek.

Response C.14: Appendix D to the Draft EIR provides a geotechnical report and addresses groundwater. Groundwater is reported at approximately 16 to 26 below ground surface in prior geotechnical investigation reports analyzed, and 24 to 28.5 feet below ground surface in recent pore pressure dissipation tests, as discussed on pages 3 and 7 of Appendix D to the Draft EIR. Groundwater depth fluctuates seasonally. As discussed on page 82 of the Draft EIR, the project would use a combination of structural mat foundation and waterproofing to avoid the need for permanent dewatering. Refer to Response B.2 above, for further clarification on the effects of construction dewatering on the existing groundwater table and San Francisquito Creek flows and Response C.12 above, for details regarding dewatering volumes. The project is analyzed as proposed, and would not entail permanent dewatering based on the construction type, thus analysis of potential impacts and mitigation measures to address permanent dewatering are not needed.

Text was added to page 112 of the Draft EIR to clarify the project construction dewatering process (refer to Section 5.0 Draft EIR Text Revisions). Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. The comments do not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.15: The recommendations in the geotechnical report do not appear in their entirety in the Draft EIR, including in regard to the main project building, water supply tank, and or shoring systems to protect the excavation walls, adjacent buildings, streets and improvements.

Response C.15: Appendix D to the Draft EIR, which is the geotechnical report, is legally part of the Draft EIR. CEQA does not require an EIR to repeat, verbatim, all recommendations from technical studies, particularly when they pertain to a project addressing existing conditions affecting the site, as CEQA is concerned with a project's effects on the environment. Consistent with the purpose of CEQA to inform decisionmakers and the public about potential environmental effects of a project, the Draft EIR includes a summary of these recommendations as they relate to the project's potential impacts on groundwater during construction. As noted on page 82 of the Draft EIR, consistent with Municipal Code Section 15.48.170, the project

would be required to comply with the recommendation from the geotechnical exploration as a part of the building permit review and entitlement process. This comment does not address the adequacy of the Draft EIR or provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR. For these reasons, no further response is required.

Comment C.16: Noting that the geotechnical report is in its draft form in the DEIR Appendices, the City continues to request that the City of East Palo Alto coordinate with the City of Palo Alto to discuss potential impacts and any proposed mitigation with respect to groundwater, as well as short and long-term groundwater dewatering volumes, water quality, and discharge locations. Further, the City of Palo Alto requests clarification on how the project design might influence flooding, bank stability, and drainage in relation to San Francisquito Creek.

Response C.16: The comment requests coordination between the Cities of East Palo Alto and Palo Alto, which is not a comment that addresses the adequacy of the Draft EIR or provides substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR. For this reason, no further response is required. Nonetheless, this response will address the comment.

The geotechnical report included as Appendix D to the Draft EIR is a draft Design-Level geotechnical report and will be finalized during the building permit process if the project is approved. Preliminary geotechnical reports are typically prepared for environmental review and planning purposes and include information about the existing site conditions and high-level recommendations to inform site and building design as the development is being reviewed and entitled. Design-Level geotechnical reports, such as the one prepared for the proposed project and included in this EIR, include greater detail regarding the geotechnical requirements for the building design and are typically prepared only after entitlements have been awarded and during the building permit process. Thus, the geotechnical report included in Appendix D provides greater detail than is typically included at this stage of the development review process, but as noted, will be updated to a ‘final’ version based on the project plans, should the project proceed beyond planning to implementation.

As stated on page 108 and 113 of the Draft EIR, the project site is located in Flood Zone X which is defined by FEMA as outside of the 100-year flood hazards zone. For this reason, the project would not result in significant impacts due to release of pollutants during inundation.

As stated on page 112 of the Draft EIR, although the project would increase impervious surfaces on the project site, which would increase the rate and volume of stormwater runoff from the site and could result in erosion and siltation downstream of the project site, including within San Francisquito creek, the project would install bioretention basins and flow-through planters designed to reduce the rate and volume

of runoff generated on-site to pre-project conditions. For these reasons, the Draft EIR concluded that the project would not result in impacts related to storm drainage nor would it affect bank stability given no work is proposed within the bank and runoff volumes post-project will match pre-project flows.

As discussed on page 112 of the Draft EIR, the project site is not located in a designated recharge area where lateral and vertical permeability are high, thus, the incremental reduction in groundwater recharge resulting from the proposed project would not measurably affect groundwater levels beneath the site.

Please see Response B.2 above for information on temporary construction groundwater dewatering. Pages 110-111 of the Draft EIR discuss dewatering discharge locations. As noted on pages 110-111 of the Draft EIR and in Response C.12 above, water quality meeting NPDES requirements would be discharged to the storm drain system and water requiring additional treatment would be discharged to the sanitary sewer system. Based on the Phase I Environmental Site Assessment prepared for the project, dewatering effluent from the site would likely meet NPDES requirements for discharge into the storm drain system. However, assuming a worst-case scenario that all dewatering effluent from the site does not meet the NPDES requirements and is discharged to the sanitary sewer system, up to approximately 7,200 gallons per day would require treatment at the PARWQCP until building foundations have been completed. This is approximately 0.03 percent of the available treatment capacity of the PARWQCP.⁶

This comment does not address the adequacy of the Draft EIR or provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR. For these reasons, no further response is required.

Comment C.17: The DEIR discussed massing, design, light, glare, and additional topics pertaining to aesthetics. As the entitlement and CEQA process evolves, the City requests continued focus on reducing light and glare from project operation to the San Francisquito Creek area, as well as nearby residential areas in Palo Alto.

Response C.17: This comment does not address an impact on the environment under CEQA. This comment letter will be forwarded to Planning Commission and City Council for further consideration as the entitlement and CEQA process for the project progress. Because this comment does not address the adequacy of the Draft EIR or raise a CEQA issue, no further response is required.

⁶ Woodard & Curran. Technical Memorandum: Northwest County Recycled Water Strategic Plan. December 30, 2020. Page 2. https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/recycled-water/2021/tm-6.5_30dec2020.pdf

Comment C.18: As construction is proposed to occur after daylight hours, the potential for light and glare impacts from construction area illumination on the creek area and nearby residential areas should be discussed, potentially under AES-4.

Response C.18: Project lighting is discussed on page 32 of the Draft EIR. The project site is located in a developed area with existing lighting, including building mounted security lighting, pedestrian level bollard lighting, and pole lighting. The project would comply with lighting requirements in Title 24 of the Building Standards Code and Section 18.22.050 of the Municipal Code. The project would include temporary sources of light and glare during construction including security lighting for the construction area and headlights from construction trucks. However, because security lighting would be downcast and shielded to focus light on the construction area and the project site is located in a fully developed area, additional security lighting and construction truck headlights associated with project construction would not result in significant light and glare impacts. Page 32 of the Draft EIR was revised to clarify these light sources needed to illuminate construction areas after daylight hours. Text revisions in Section 5.0 of this Final EIR do not constitute a substantial revision as there is no new impact, mitigation measure, or revision to the project. This comment does not provide substantial evidence that the project would result in a significant effect on the environment that was not previously disclosed in the Draft EIR nor do they represent a disagreement among experts, as explained in the detailed responses to the comments in Section 4.0 of this Final EIR.

Comment C.19: The City of Palo Alto has concerns about the analysis of the project's potential transportation impacts, including, but not limited to the following:

The project traffic may create a queueing impact for outbound Palo Alto traffic on University Avenue. The City requests an analysis of the queueing impact for northbound traffic on University Avenue and Woodland Avenue.

Response C.19: The comment pertains to vehicle delay resulting from the project, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. As shown on Figure 7, Project Trip Assignment, of Appendix H to the Draft EIR, the project would add 19 a.m. and 113 p.m. peak hour trips to the northbound movement at the University Avenue/Woodland Avenue intersection. As a result, vehicle queue lengths for northbound through traffic at the University Avenue and Woodland Avenue intersection would increase under existing plus project conditions. However, the effect on queue length is not a CEQA impact given it relates to congestion caused by the project and does not require mitigation. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR. As noted on pages 179-181 of the Draft EIR the following recommended transportation improvements would offset increased traffic caused by the project:

- Euclid and Donohoe Street/East Bayshore Road: new traffic signal, pedestrian and bicycle accommodations, westbound approach restriping to add exclusive right-turn lane.
- US 101 Northbound On-Ramp and Donohoe Street: new traffic signal, pedestrian and bicycle accommodations, US 101 ramp shall be shifted 30 feet east, westbound approach on Donohoe Street restriped to add exclusive left-turn pocket, shared left/through lane, and shared through-right lane, widening US 101 northbound on ramp.
- University Avenue and Donohoe Street: westbound approach on Donohoe shall be widened to accommodate dual left-turn lanes, modifications to the eastbound approach to ensure proper lane alignment, convert east west legs to protected left-turn signal phasing.
- US 101 Northbound Off-Ramp and Donohoe Street: Widening of westbound approach on Donohoe Street at US 101 northbound off ramp to accommodate four through lanes, median modifications and narrowing eastbound Donohoe Street approach to Cooley Avenue to include two through lanes and a full length left-turn lane.
- Cooley Avenue and Donohoe Street: restripe eastbound Donohoe Street approach to Cooley Avenue to include two through lanes and a full length left-turn lane, traffic signal coordination with adjacent traffic signals on Donohoe Street.

Comment C.20: Vehicle queue length increases from 150 to 300 feet on right turn lanes for University Avenue/Southbound 101 ramps during PM peak hours. Palo Alto has concerns that the southbound 101 queues may extend beyond University Avenue and Woodland Avenue intersection due to project traffic. This might eliminate the improvements made as part of the Program for Arterial System Synchronization (PASS) signal coordination project. The traffic study should analyze any impacts on the operation of the traffic signal at University Avenue/Woodland Avenue due to Southbound 101 right turn queues.

Response C.20: The comment pertains to increases to vehicle queue lengths resulting from the project, which is related to traffic congestion caused by the project, and not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. The total available storage for the northbound right-turn lanes is approximately 500 feet (320 feet in Lane 1 and 180 feet in Lane 2) and the 95th percentile queue for the northbound right turn is 425 feet (300 feet in Lane 1 and 125 feet in Lane 2). The northbound right-turn queue on University Avenue would not extend into the Woodland Avenue intersection. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

Comment C.21: The PASS project has been successful in reducing the period in which traffic volumes at the University Avenue/Woodland Avenue intersection exceed capacity, and in delaying

the congested period to start later. The traffic study should discuss how the project traffic and proposed signal improvements will impact the congestion period and signal operation during peak hours.

Response C.21: The comment pertains to traffic congestion and impacts of signal improvements, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. The discussion of traffic volumes in the Draft EIR and Appendix G to the Draft EIR is included to provide relevant information to the decision makers. As discussed on pages 173-182 of the Draft EIR, and in Appendix G to the Draft EIR, the recommended improvements will offset the project's adverse effect on LOS at the University Avenue/Woodland Avenue intersection. Refer to Response C.19 for a summary of recommended improvements. Thus, the project is not expected to lengthen the peak hour congestion period at this intersection. The effect on level of service is not a CEQA impact. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR. No further response is required.

Comment C.22: The City requests evaluation of any changes in existing delay or queue length at University Avenue/Woodland Avenue (specifically for northbound traffic) due to a reduction in the signal cycle length at University Avenue/Woodland Avenue.

Response C.22: The comment pertains to traffic queuing delay and length, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. A discussion of vehicle delay at the University Avenue/Woodland Avenue is included on page 177 of the Draft EIR and a discussion of queueing is included on pages 60-61 of Appendix G to the Draft EIR to provide relevant information to the decision makers. As discussed on page 177 of the Draft EIR, the average delay at the University Avenue/Woodland Avenue intersection during the a.m. peak hour is 66.1 seconds under existing conditions. This delay would be reduced to 64.7 seconds under existing plus project conditions, and further reduced to 50.6 seconds under existing plus project conditions with incorporation of the recommended improvements. During the p.m. peak hour, under existing conditions, the average delay at this intersection is 248.0 seconds, this would be increased to 248.6 with this the addition of the proposed project. However, with implementation of recommended improvements including changes to the signal cycle length, the p.m. peak hour delay at University Avenue/Woodland Intersection would be reduced to 146.6 seconds (refer to Response C.19 for a summary of recommended improvements). Thus, the project's adverse effect on intersection operations at University Avenue/Woodland Avenue intersection would be offset. The effect of vehicle queue length and level of service are not a CEQA impact. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR. No further response is required.

Comment C.23: The DEIR states that the University Ave/ Woodland Ave intersection would be converted to an all-way stop during construction. Palo Alto has a concern that an all-way stop will impact the existing traffic operation for northbound and southbound traffic on University Ave, and westbound traffic on Woodland Ave. The traffic study should analyze the impact of this change in traffic control on northbound and southbound University Ave.

Response C.23: The comment pertains to traffic operation and change in traffic control, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. As stated on page 184 of the Draft EIR, the project would convert the Woodland Avenue/Manhattan Avenue Intersection to a signalized intersection and convert the Woodland Avenue/University Circle intersection to an all-way stop controlled intersection. The University Avenue/Woodland Avenue intersection would not be converted to an all-way stop as indicated in the comment above. For this reason, no further analysis or response is required.

Comment C.24: It is unclear if the relevant intersection improvements necessary to mitigate project impacts have been incorporated into the project plans. It is also unclear how the construction of these improvements would be sequenced relative to the commencement of project construction. Furthermore, the potential impacts of constructing the intersection improvements may need to be evaluated themselves. These issues should be addressed in the EIR or traffic study.

Response C.24: The discussion of traffic volumes and recommended intersection improvements included in the Draft EIR and Appendix G to the Draft EIR are intended to provide relevant information to the decision makers. As noted above, level of service is not a CEQA impact, thus mitigation is not required. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR. The primary portion of this comment relevant to CEQA is the potential for the physical roadway improvements identified in the EIR to result in environmental impacts, which have been addressed in the DEIR, as noted below.

As discussed on page 15 of the Draft EIR, the addition of a third left-turn lane on eastbound Woodland Avenue at University Avenue is included in the proposed project as a community benefit and is shown on the latest site plan for the project dated August 2021 available at <https://www.cityofepa.org/planning/project/university-circle-phase-ii>. Because this improvement is considered a part of the proposed project, the environmental effects of this improvement are discussed in each CEQA Appendix G Checklist section, throughout the Draft EIR. Furthermore, as noted on page 181 of the Draft EIR, as a condition of approval, the proposed project would be required to make fair share contributions toward all other recommended improvements. The environmental impacts associated with implementation of these improvements are considered separate from those of the proposed project, i.e., they are not project mitigation measures whose environmental impacts must be considered as part of the project, and would be subject to their own environmental review

Comment C.25: The DEIR did not clarify the construction timeline and EIR requirements for the proposed off-site improvements. The City of East Palo Alto/project sponsor must complete the off-site improvements before approving the occupancy permit for the University Circle II project.

Response C.25: The comment pertains to construction timelines of off-site project improvements, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. Please refer to Response C.24 above for response regarding timing of identified transportation improvements.

Comment C.26: The Newell Road Bridge Replacement Project (SCH Number 2015082026) will require the closure of the Newell Road Bridge during construction, which will further impact the Woodland Avenue/University Avenue intersection, as discussed in the certified EIR/EA for Newell Road Bridge. Replacement of the Pope/Chaucer Bridge as part of the Upstream of Highway 101 Project may also reroute traffic to University Avenue as an alternate creek crossing. If the construction of the proposed project would occur concurrently with either the Newell Road Bridge Replacement Project construction or the Upstream of Highway 101 Project, the traffic analysis must consider the cumulative impacts of these projects so that the localized impacts on traffic can be understood. Construction traffic analysis should consider the possibility of change in traffic flow due to nearby projects' construction activities.

Response C.26: The comment pertains to traffic delays caused by cumulative construction traffic, which is not an impact on the environment under CEQA. Because level of service is not a CEQA impact, a discussion of the delay caused by cumulative construction traffic is not required. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR and no additional response is required. Nonetheless, please refer to Response B.1 above for discussion of the anticipated timeline and potential for cumulative impacts from implementation of the Newell Road and Pope/Chaucer Bridge Replacement projects.

Comment C.27: Residents have concerns about construction traffic and parking availability. The EIR or traffic study should analyze the impact on parking availability during all the construction phases. The project must provide all required parking spaces on-site during construction. The City of Palo Alto requests that the City of East Palo Alto require the developer to prepare a parking plan that identifies proper parking availability for the vehicles associated with the existing University Circle site during the construction of the proposed project. The developer also needs to identify the location for staging and parking the construction vehicles. The goal of the parking plan is to minimize the impact on nearby residential neighborhoods, which may otherwise experience an overflow in parking during project construction.

Response C.27: The comment pertains to parking availability during construction, which is not an impact on the environment under CEQA. Nonetheless, the following response is provided for informational purposes. The discussion of parking during construction included on page 182-184 of the Draft EIR and on page 68-74 of Appendix G to the Draft EIR is intended to provide relevant information to the decision makers. As noted on page 183 of the Draft EIR, the project would be required to submit a Construction Traffic Management Plan prior to issuance of building permits, which would include a plan for managing construction vehicle traffic, traffic control during lane closure, and parking during project construction. Because parking is not a CEQA impact, mitigation is not required and this comment does not provide new information that would change the analysis already disclosed in the Draft EIR. Nonetheless, the project applicant has committed to parking all construction worker vehicles on-site during construction.

Comment C.28: The traffic study assumes that the project would reduce project trips by 25% through implementing a TDM plan. All intersections are evaluated only after applying the assumed 25% trip reductions. The City of Palo Alto requests that the DEIR discussion of the TDM include clarification of the consequences of TDM violations. The DEIR should also discuss other mitigation measures if the proposed TDM plan can't reduce project trips by 25%.

The selected intersections in the traffic study are evaluated after applying TDM reductions. Employee surveys may not reflect the actual trips generated by the project. Any TDM monitoring report should include annual peak hour trip counts to confirm TDM compliance and analyze the effectiveness of TDM measures.

The proposed project is not located near a high transit service area. The project must provide free shuttle service and free transit passes to achieve the 25% trip reduction target. Proposed trial free transit passes are not sufficient to reduce VMT impacts and achieve a 25% reduction in trips. City of Palo Alto recommends that the developer be conditioned to provide free transit passes and free shuttle service to Palo Alto Caltrain station and other transit providers if employees do not utilize Caltrain.

Response C.28: As noted on page 160 of the Draft EIR, On June 1, 2021, the East Palo Alto City Council adopted a resolution to repeal the existing Chapter 10.32 of the East Palo Alto Municipal Code and enact a new Chapter 10.32 establishing a transportation demand management (TDM) ordinance. The new TDM ordinance requires nonresidential developments approved after January 1, 2022, to achieve a 40 percent reduction in daily vehicle trips. The proposed project would be subject to the new TDM ordinance and must comply with its requirements. Municipal Code Section 10.32.070 includes provisions for enforcement of the required trip reductions.

As discussed on pages 169-171 of the Draft EIR, the project VMT would be 13.2 percent below the citywide average, which does not meet the City's VMT threshold of 15 percent below the citywide average. Only 1.8 percent reduction is required to reduce the project's VMT impact to a less than significant level under CEQA, i.e.,

below the identified relevant threshold. However, the project would be required to implement TDM measures that achieve a 40 percent reduction to be consistent with the City's TDM ordinance. The TDM ordinance reductions required by the City are greater than the reduction the project must achieve to reduce project VMT below the City's threshold so that impacts are less than significant. As noted on pages 170-171 of the Draft EIR, this would be achieved through implementation of enhanced TDM measures described in Mitigation Measure MM TRA-1.1, which requires the project to expand the existing University Circle Caltrain shuttle service hours to meet more trains, add a 'last mile' connection to Dumbarton Express riders, provide transit and vanpool subsidies, and provide commuter cash allowances. This comment does not provide new information that would change the analysis already disclosed in the Draft EIR. No further response is required.

Comment C.29: Individual shuttle service per company may not be economically feasible and may not benefit in reducing the trips and VMT due to less ridership compared to a site-wide service. The City of Palo Alto suggests conditioning the project to provide one shuttle service for the entire University Circle site. It would also be more helpful to the community if the shuttle service provides in-between stops, allowing local residents to use the shuttle and allowing site employees to board and alight at intermediate stops to be able to run errands in the area and access local services. It will be a great community benefit for the East Palo Alto and Palo Alto residents. Furthermore, the shuttle could be conditioned such that the project could take advantage of future opportunities to 1) fund the combination of the service with other employee shuttles to Caltrain or 2) provide funding to local transit to provide similar service or increase frequency of existing service.

Response C.29: As discussed in Section 3.2 Project Description, University Circle currently provides Caltrain shuttle service to and from the project site. This service is currently available to all employees of the University Circle site as well as to local residents. The project proposes to extend this service to future users of the University Circle Phase II project. The applicant is currently evaluating the potential addition of intermediate stops between the University Circle site and Palo Alto Caltrain. The proposed project would be required to join a future Transportation Management Association, if formed, to allow funding for combined employee shuttles to Caltrain and support local services to provide similar service or increase frequency of existing service.

ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

D. Eve Sutton (November 14, 2021)

Comment D.1: I am having trouble using the online comments and do not want to register an account to get more email. Please forward my comments about University Circle revised plans for Phase II.

- Yes, the improvements look good to respond to community concerns. We do need more parking for Westside residents, a community meeting room, place to preserve and display historic documents and art, etc. Huge thanks to all the people who attended meetings and provided feedback and those who incorporated that community feedback to change the plans.
- How long will these improvements stay in place? I ask because I noticed that although Four Seasons named some rooms to Honor EPA neighborhoods, like a Ravenswood conference room, those names got changed/removed some years ago to reflect their corporate preferences.
- "Honoring" Whiskey Gulch with a display in a new office building is okay, but I am even more concerned with providing facilities for the many neighborhood agencies and businesses in Whiskey Gulch that were destroyed to make University Circle. Those places never got their promised new buildings, especially with Amazon taking over the whole Sobrato building.
- JOBS should go first to the many qualified current residents or recent residents of EPA. If jobs remain unfilled even after an effort to recruit and train current (or recently displaced) residents, please make an effort to recruit and train residents of Fair Oaks who are culturally connected to EPA. We do not want the reverse situation: recruiting outsiders who then compete for housing within EPA and drive up the housing prices.

Response D.1: Thank you for your comment. This comment discusses the project itself and does not include comments pertaining to the content or adequacy of the Draft EIR. This comment has been forwarded to the Planning Commission and City Council for review and consideration as the CEQA process and entitlement process progress. No revisions to the Draft EIR are required.

E. Joshua Brass (December 6, 2021)

Comment E.1: I think we should put in an outlet for African and Latinx communities to integrate more of our cultures together and also spread awareness to affect anti racist policy changes throughout our community via events, outreach, and fundraising etc. We should either come together and spread the Word of Jesus Christ or spread antiracist ideas and policies—or heck why don't we just do 'em both. Smile. Let's go to church.

Response E.1: Thank you for your comment. This comment does not include comments pertaining to the content or adequacy of the Draft EIR. This comment has been forwarded to the Planning Commission and City Council for review and consideration as the CEQA process and entitlement process progress. No revisions to the Draft EIR are required.

SECTION 5.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the University Circle Phase II Office Project Draft EIR dated November 2021. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 17 of the Draft EIR Uses of the EIR will be **REVISED** as follows:

City of East Palo Alto

- Development Agreement
- ~~Lot Merger~~ Lot Split
- Development Permit
- Grading Permit(s)
- Building Permit(s)
- Tree Removal Permit(s)
- Conditional Use Permit (for reduced parking)

Page 19 of the Draft EIR Table 4.1.1 Cumulative Projects List

Cumulative Project Number	Name and Location	Description	Distance to Proposed Project
<u>2</u>	<u>SFCJPA Project</u>	<u>Repair and replacement of top-of-bank features and temporary wooden parapet extension, in-channel construction to widen creek</u>	<u>100 feet south</u>
<u>3</u>	<u>Bicycle/Pedestrian Overcrossing Project</u>	<u>Construction of a Bicycle/Pedestrian overcrossing of US 101 at University Avenue</u>	<u>200 feet northeast⁷</u>

Page 32 of the Draft EIR Impact AES-4 will be **REVISED** as follows:

The project site is located in a developed area of East Palo Alto and is approximately 100 feet north of San Francisquito Creek. Existing lighting at the project site includes building-mounted security lighting on the existing office buildings and hotel, pedestrian level bollard lighting, and pole lighting throughout the parking lot and along University Avenue, Woodland Avenue, and Manhattan Avenue.

⁷ In January 2022, after release of the NOP for the University Circle Phase II project, the City of East Palo Alto received funding for the University Avenue Bicycle/Pedestrian Overcrossing project. As a requirement of the funding, construction of the project must begin before the end of 2022.

Construction Light

The project would include temporary sources of light and glare during construction such as security lighting for the construction area and headlights from construction trucks. Security lights would be downcast and shielded to focus light on the construction area and to minimize light spillover to the surrounding area, including the San Francisquito Creek. Based on the number, location, and design of the proposed construction security lights, lighting levels onsite would not significantly change from existing conditions. Additionally, light from construction truck headlights would be similar to that from existing vehicle traffic on area roadways. For these reasons, project construction would not result in significant temporary impacts.

Page 52 of the Draft EIR Cumulative Construction Air Quality

As shown in Table 4.3-7, the combined non-project cumulative sources would exceed the cumulative threshold of 0.8 μm for PM_{2.5}, resulting in a pre-existing cumulative health risk impact.⁸ The project would not exceed the single-source threshold for the hazard index. Additionally, with incorporation of MM AQ-2.1 and MM AQ-3.1, the project's cancer risk levels and annual PM_{2.5} concentrations would not exceed the single-source thresholds for PM_{2.5} or cancer risk levels. Therefore, the project's contribution to existing cumulative impacts from area roadways would not be cumulatively considerable. **(Less than Significant Cumulative Impact)**

Page 110 of the Draft EIR Impact HYD-1 will be **REVISED** as follows:

Implementation of the proposed project would require excavation, paving, and grading of the project site, which can result in temporary impacts to surface water quality. Project grading and construction activities would expose soil to the erosive forces of wind and water, increasing the potential for sedimentation downstream of the site, including San Francisquito Creek and San Francisco Bay. The proposed project would result in the disturbance of approximately 97,659 square feet of the project site, which would be more than one acre of surface area. In addition, the proposed project would involve excavation to a depth of 36 feet bgs, which is below the historic high groundwater level of 15 feet bgs and, therefore, would require ground water dewatering during project construction. The project would use construction means and methods that have been shown to effectively minimize the need for dewatering and the construction dewatering system would be designed to minimize the volume and duration of dewatering by constructing the project efficiently. ~~As a result~~ Because the project would disturb an area greater than one-acre, it would be required to comply with the NPDES Construction General Permit, which includes measures for construction dewatering.

Page 112 of the Draft EIR Impact HYD-2 will be **REVISED** as follows:

The project would excavate to a maximum depth of 36 feet to accommodate construction of three levels of below-grade parking. As noted above, historical high groundwater occurs at 15 bgs at the

⁸ The SFCJPA project emissions were not modeled by SFCJPA but were qualitatively concluded to be significant and unavoidable. The University Avenue Bike and Pedestrian Overcrossing project construction emissions were found to be less than significant.

project site. Therefore, groundwater would be encountered during construction and dewatering would be necessary. As noted in Impact HYD-1, the project would be required to implement NPDES Construction General Permit standard measures to prevent impacts to surface and groundwater quality. Construction dewatering ~~could~~ result in a temporary reduction in groundwater levels at the project site. However, the project would use a shoring system that includes a hydraulic barrier that would restrict groundwater intrusion from elsewhere into the project site. Once inserted, the hydraulic barrier would hydraulically isolate the project site from the surrounding groundwater table and limit the amount of groundwater that needs to be removed to only that groundwater that existed on-site at the time the hydraulic barrier was inserted.⁹ As a result, ~~Due to the temporary nature,~~ dewatering during construction is not considered a substantial decrease in groundwater supplies.

Page 141 of the Draft EIR Cumulative Construction Noise will be **REVISED** as follows:

Cumulative projects within 1,000 feet of the proposed project that could possibly share overlapping construction schedules include the proposed Woodland Apartments Expansion project (2001 Manhattan Avenue), the San Francisquito Creek Joint Powers Authority (SFCJPA) project (located within San Francisquito Creek), University Avenue Bicycle and Pedestrian Overcrossing project, the 660 Donohoe Street office tower project, the 630 Donohoe Street hotel project, and the University Plaza Phase II mixed-use project. With the exception of the Woodland Apartments Expansion project, the SFCJPA project, and the University Avenue Bicycle and Pedestrian Overcrossing (University Avenue BPOC) project all other cumulative projects would be located too far from nearby residences and the proposed project to share impacted receptors. Therefore, no cumulative construction noise is expected to occur from construction of these other cumulative projects.

The Woodland Apartments Expansion project is located approximately 635-feet northwest of the project site (as measured from the center of proposed construction area). The Woodland Apartments Expansion project construction schedule has not yet been established; however, because it is not subject to the Settlement Agreement, it can proceed with demolition and construction immediately following project approval. In contrast, no building permits can be issued for construction of the proposed project until after the Settlement Agreement expires on December 15, 2023. Based on this information, ~~Thus, primary noise-generating construction activities (such as demolition, excavation, and building construction)~~ for the Woodland Apartments Expansion project ~~could not likely occur~~ simultaneously or consecutively with those of the proposed project. If construction of these projects were to occur simultaneously, the multifamily residential buildings located at the corner of Woodland Avenue and Manhattan Avenue would have some exposure project construction noise; however, the existing University Circle buildings and the existing commercial buildings along O'Connor Street would intervene and provide shielding for the residents from both the proposed project and the Woodland Apartments Expansion project. Construction noise is most disruptive for receptors with direct line-of-sight to both projects. Therefore, construction noise from that site would not be considered significant, ~~and s~~Similar to the proposed project, the Woodland Apartment Expansion project, would be required by the City to implement measures to reduce construction noise levels. Therefore, with implementation of mitigation measure MM NOI-2 by the proposed project, and the construction noise measures to be incorporated by the Woodland Apartment

⁹ Ibid.

Expansion project, cumulative construction noise and vibration impacts would be less than significant.

The SFCJPA project would include construction activity as near as 100 feet south of the project site within San Francisquito Creek. The construction schedule for this project has been delayed and is now expected to occur for up to five months in 2023, prior to the anticipated construction start for the proposed project. Construction noise mitigation measures, such as installing temporary noise barriers, are identified in the SFCJPA EIR and would be imposed on the SFCJPA project. Incorporation of mitigation measures from both projects, combined with the distance between the two projects would result in less than significant cumulative construction noise impacts at the sensitive receptors in the vicinity of both projects.

The University Avenue BPOC project would include construction of a new bicycle and pedestrian overcrossing and access path approximately 200 feet northeast of the project site. According to the requirements associated with funding for the project, construction must begin before December 31, 2022, and is expected to take approximately one year to complete. Construction noise mitigation measures, such as equipping all internal combustion engines with manufacturer recommended mufflers and using cast-in drilled holes instead of pile driving, are identified in the University Avenue BPOC Categorical Exemption/Categorical Exclusion and would be imposed on the University Avenue BPOC project. Incorporation of mitigation measures from both projects, combined with the short period of potential overlapping construction would ensure that cumulative construction noise impacts would be less than significant at the sensitive receptors in the vicinity of both projects.

Overall, the combined effects of simultaneous construction of the University Circle Phase II, Woodland Parks Apartment Expansion, SFCJPA, and University Avenue BPOC projects, which would all incorporate construction noise mitigation measures, would not result in significant cumulative noise impacts. (Less than Significant Cumulative Impact)

Page 190 of the Draft EIR City of East Palo Alto Urban Water Management Plan will be **REVISED** as follows:

The East Palo Alto UWMP was developed based on the growth projections and land use changes included in the Vista 2035 General Plan and based on the Water Supply Assessment prepared in support of the General Plan. The Vista 2035 General Plan concluded that additional water supplies would be required to serve future growth projections in the General Plan. Since adoption of the Vista General Plan, in 2017, the City of East Palo Alto purchased 1.0 million gallons per day of individual supply guarantee from the City of Mountain View and 0.5 million gallons per day of individual supply guarantee from the City of Palo Alto in 2018.¹⁰ With these purchases, tThe UWMP concluded that the City would have adequate supplies during normal years through 2045. However, under both single- and multiple-dry years beginning in 2025, the City would experience water supply shortages. Additionally, from 2023 through 2025, if the Bay-Delta Plan Amendment is implemented, under single- and multiple dry-years, water supplies from SFPUC are expected to be reduced further contributing to additional water supply shortages. To address these potential water shortages, the UWMP identifies water conservation measures such as restricting the time and duration of potable

¹⁰ City of East Palo Alto. *2020 Urban Water Management Plan*. June 2021.

water use for irrigation, requiring hotels and motels to limit laundry service to at the end of a guests stay or at the guest's request, requiring restaurants to only serve water when requested by customers, as well as limiting the number and times of day when agricultural and commercial nursery operations are allowed to use potable water. Implementation of water conservation measures identified in the UWMP would ensure adequate water supplies would be available during single- and multiple-dry years.

Furthermore, the City of East Palo Alto has metered interties with three other water systems: two, one-way interties with Palo Alto Park Mutual Water Company and O'Connor Tract Co-operative Water Company, and one intertie with the City of Menlo Park. The City previously had an intertie with the City of Palo Alto and is exploring the option of constructing an intertie in the future to improve firewater service deficiencies in the Westside area.¹¹

Page 194 of the Draft EIR Impact UTIL-2 will be **REVISED** as follows:

The existing water demand at the project site is 338,470 gallons per month. As discussed in Section 3.2.5, Water, the proposed project would construct a new 180,000-square-foot office building, 186,000-gallon fire water tank and pump, and retrofit three existing on-site office buildings with water efficient plumbing fixtures and appliances. As a condition of approval on the project, the water fire tank would be filled no sooner than four months after the retrofit of the existing buildings is complete, before occupancy of the new office building. According to a project-specific water demand calculation prepared for the project by ACIES Engineering, the proposed retrofit of the existing office buildings would reduce on-site water demand to 262,460 gallons per month (a reduction of 76,010 gallons per month)-water savings from the retrofit are expected to be approximately 54,978 gallons per month, which would offset the water draw to initially fill the fire water tank and offset the operational water demand of the proposed office building which is approximately 48,535 gallons per month.¹² National Fire Protection Association standards do not include a requirement to periodically drain the tank, therefore, the tank would only be drained and refilled in the event of a fire or if required after regular maintenance identifies siltation, aquatic growth, or failure of interior coatings. Refilling the tank is equivalent to approximately 56 percent of the existing monthly water demand of the three office buildings and less than 0.003 percent of the City's existing available water supply during normal years. Therefore, adequate water would be available to operate the proposed fire water tank and operate the proposed office building without resulting in a measurable change or significant impact to the City's existing water supplies.

Appendix F to the Draft EIR has been updated as shown in Appendix B to this FEIR.

¹¹ Ibid.

¹² ACIES Engineering. *Impact on the Overall Water Consumption and Connection/Waste Water Production and Connection to Existing Water Services*. June 29, 2020.

Appendix A: Draft EIR Comment Letters

From: [Jacob Madden](#)
To: [University Circle Project](#)
Subject: University Circle Phase II
Date: Thursday, November 4, 2021 4:59:50 PM

Comment A.1

I was unable to view the Draft EIR for this project on your website. Our specific concern is that the proposed development may encounter contamination associated with a closed former fuel station

Comment A.2

located at the subject property. https://geotracker.waterboards.ca.gov/profile_report.asp?global_id=T0608100576

Please ensure the EIR addresses the management of any waste soil or groundwater and requires that a site management plan be prepared and submitted to this office for approval prior to issuance of planning approval for the project.

Thank you

Jacob Madden, PG
Program Specialist
San Mateo County Groundwater Protection Program
Direct: (650)399-5959

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Flood Protection and Sea
Level Rise Resiliency
Agency*

Margaret Bruce

Executive Director

Date: December 20, 2021
To: Kelly Beggs, Contract Planner, East Palo Alto
From: Margaret Bruce, Executive Director, San Francisquito Creek Joint Powers Authority
Regarding: Comments on University Circle Draft Environmental Impact Report

The San Francisquito Creek Joint Powers Authority (SFCJPA) appreciates the opportunity to provide comment on the Draft EIR for the proposed University Circle commercial and community space development. We have the following four comments:

- 1. **Cumulative Impacts:** The Draft EIR does not include the SFCJPA's planned projects which will occur in the near proximity of the proposed University Circle development.

Comment B.1

The SFCJPA will be repairing and replacing top-of-bank features on the Palo Alto side of the creek channel near the proposed development – necessitating construction vehicle traffic through the University Avenue/Woodland Avenue intersection. And, the SFCJPA will be replacing the temporary wooden parapet extension from the University Avenue bridge, continuing along the Woodland Avenue bank-top for several hundred feet, with a permanent structure. This work will be in immediately adjacent to the proposed University Circle development.

The SFCJPA will be conducting in-channel construction to widen the creek channel in four locations between the Pope-Chaucer bridge and highway 101. Construction equipment and materials movement will utilize both the Willow Road and University Avenue access routes – impacting Willow Road and University Ave., Woodland Ave. and their intersection.

The SFCJPA will be removing and replacing the Pope-Chaucer Bridge. The closure of the bridge for one construction season (~6 months) will impact residential traffic, and may add further traffic loads to either/both University Avenue and Woodland Ave.

Construction in the channel and at the top of bank is anticipated for 2024. Bridge replacement is anticipated for 2024 or 2025.

- 2. **Dewatering:** In the vicinity of the University Circle development the San Francisquito Creek flows across its alluvial fan and its associated permeable sedimentary materials. In summer, water flowing from the upper watershed sinks into the groundwater in the alluvial fan and the creek channel is typically

Comment B.2



dry. However, in winter, water flows from the upper watershed to the bay and provides migratory passage for endangered steelhead. The proposed University Circle project anticipates excavating below the known groundwater table and will be de-watering the excavation area.

Comment B.2
cont.

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County of San Mateo
Flood Protection and Sea
Level Rise Resiliency
Agency

Margaret Bruce

Executive Director

- a. If the project's construction dewatering occurs during the winter, steps should be taken to be sure the dewatering does not reduce creek flow levels for protected steelhead and other species.
- b. If the project's construction depth requires perpetual dewatering, there should be some acknowledgement of this and appropriate on-site utilization of this groundwater, or minimization of the need to dewater through construction techniques.

3. **Trees:** The area to the west of Highway 101 hosts many native Coast Live Oaks. Moving further eastward in the City of East Palo Alto, soils become more clay-like and groundwater more brackish. Replanting trees lost to construction on-site and off-site should not only focus on native tree species, but on species which thrive in the unique conditions of East Palo Alto's environment.

Comment B.3

4. **Diesel Generator:** The proposed project suggests the use of a 162Kw Diesel emergency back-up generator. Diesel generators emit toxic and criteria pollutants. Even if intermittent, these emissions would be adding to an air quality burden from road exhaust in the project neighborhood. These emissions can be avoided by cleaner, quieter, multi-function technologies.

Comment B.4

In addition to these comments, the SFCJPA would like to collaborate with the University Circle developers and suggests they contribute to the costs of designing and installing a permanent top-of-bank bridge parapet extension (supporting the SFCJPA's plans for flood risk reduction) and an integrated creek-side 'parklet' along Woodland Avenue. We hope the City of East Palo Alto and the University Circle developers will consider adding this community benefit to the scope of the proposed University Circle project.

Comment B.5

Thank you for considering our comments.

Sincerely,

Margaret Bruce
Executive Director
San Francisquito Creek Joint Powers Authority
mbruce@sfcjpa.org



PLANNING & DEVELOPMENT SERVICES

CITY OF
**PALO
ALTO** 250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
(650) 329-2441

December 20, 2021

Kelly Beggs, Contract Project Planner
City of East Palo Alto
1960 Tate St
East Palo Alto, CA 94303

Dear Kelly Beggs, Contract Project Planner, and City of East Palo Alto,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the University Circle II project (SCH 2020060144).

The City commented on the Notice of Preparation on July 8, 2020, and incorporates those comments by reference. The City also notes concerns shared by residents in the DEIR and at the November 29, 2021 public hearing regarding the project, including, but not limited to air quality, aesthetics, light and glare, noise, the increased number of commuters generated by the project, the need for intersection design improvements, the need for smooth circulation throughout the day and reduction of traffic congestion, concerns for flooding in San Francisquito Creek, parking needs during construction, concerns regarding excavation and truck haul traffic, ensuring of community benefits of the project, consideration of cumulative impacts from all new development in the area, and the need for extensive monitoring of the project (ex. TDM, MMRP implementation).

Project Understanding

It is the City's understanding that the University Circle II project design itself has not yet been finalized and that the developer is still exploring intersection designs and roadway improvements, building and garage designs, reduction of construction schedule, and other means of reducing anticipated impacts and challenges of the proposed project. The City would appreciate notification regarding any adjustments in the project description and design, the various stages of the project entitlement process, as well as notification when the Final EIR is released.

The comments below pertain to the information contained within or missing from the DEIR, the revised project plans (noted with an October 5, 2020 resubmittal date), and other information released with the Notice of Availability via the City of East Palo Alto website: <https://www.cityofepa.org/planning/project/university-circle-phase-ii>.

Comment C.1

It is the City's understanding that the University Circle II project would be located on Assessor's Parcel Number (APN) 063-680-020 within the City of East Palo Alto. The parcel is located on the westside of U.S. 101 and bounded by U.S. 101, Manhattan Avenue, Woodland Avenue/San Francisquito Creek, and University Avenue to the north, west, south and east, respectively. Phase II would be located within the 11.84-acre site at the corner of Woodland and University Avenue. The City of Palo Alto understands that both the zoning designation and land use designation of the site is Office in accordance with the City of East Palo Alto's Zoning Ordinance and General Plan. The project proposes to redevelop the existing at grade parking lot located in the southeast corner of the parcel with a five and six-story, approximately 180,000 square-foot office building above, three levels of below-grade parking, and a new 186,000-gallon fire water tank and pump. Project construction would take approximately 36 months to complete and would include removal of the existing parking lot improvements and landscaping, excavation and construction of the below-grade parking garage and water tank, and construction of the office building. Excavation to a maximum depth of 36 feet, removal of 132,473 cubic yards of soil, and dewatering would be necessary to construct the project. Vehicular access to the developed portion of the site would continue to be provided off Woodland Avenue and Manhattan Avenue. Community benefits would include an easement dedication for a future City bike path along the eastern property line from U.S. 101 to Woodland Avenue, only temporary parking space dedication for use by Woodland Apartment residents, improvements to the Manhattan Avenue bus stop, pedestrian access points to and through the site, indoor and outdoor space reserved for community use, public art and memorial creation, and Woodland Avenue widening.

Land Use/Settlement Agreement

Comment C.2

The City requests a discussion of the previous Settlement Agreement in the Land Use section of the DEIR regarding how the proposed project conforms to the agreement and how previous concerns raised at that time have been addressed by the project. The Settlement Agreement is currently only discussed as part of the Project Background.

Community Benefits

Comment C.3

The City requests clarification of how the community benefits outlined in Section 3.2.12 would be secured and the timing for implementation for each.

Noise and Vibration

Comment C.4

The noise and vibration analysis located in DEIR Appendix F does not clearly describe the locations of the closest residential receptors, nor clarify if they are located within the City of East Palo Alto or the City of Palo Alto. Appendix F does not include a diagram or map showing the locations of the identified sensitive receptors mentioned in Table 8, Table 9, under cumulative conditions and at other mentions. Therefore, it remains unclear if the analysis evaluated construction and operational noise and vibration impacts on residents within the City of Palo Alto. This information is essential for transparency, for understanding the potential impacts of the project, and to identify if any proposed mitigation measures would be successful.

Comment C.5 The City requested that the DEIR analyze the potential for operational noise impacts from mechanical equipment (e.g. HVAC). Mechanical equipment operation was identified in the DEIR as a potentially significant noise impact. The City requests the identification of proposed noise reduction measures at the project design phase prior to entitlement, including screening and location of equipment, instead of deferring the identification of these measures prior to the issuance of building permits.

Comment C.6 The proposed construction equipment must continue to be clearly stated. Pile driving is stated in the DEIR as not currently proposed. However, if pile driving becomes proposed, alternative construction methods are needed to reduce noise levels.

Comment C.7 The City of Palo requests implementation of stringent noise mitigation measures during construction, including noise barriers at the project site and limitations on hours for truck hauling. Due to the close proximity of the project site to residential land uses, the City requests that MM NOI-1.1 and MM NOI-2.1 include further focus and narrowing of the daily time window for the most noise-generating and most vibration-generating periods of construction.

Air Quality

Comment C.8 The Air Quality Analysis must assess the impacts of construction and operational emissions on sensitive receptors within the City of Palo Alto, in addition to those in East Palo Alto. While some residential areas in the City of Palo Alto were identified in Figure 1, the maximally exposed individuals (MEIs) analysis for construction and operational risks focuses on an area in the City of East Palo Alto. The City requests the addition of an MEI in Palo Alto for transparency and disclosure of potential impacts to the nearby residents on the multiple sides of the project site.

Cumulative Analysis

Comment C.9 The Air Quality Analysis mentioned that all projects considered under cumulative conditions could have overlapping construction schedules, whereas other reports in the DEIR indicated non-overlapping construction timeframes. For transparency and in order to understand the DEIR analysis, the City requests consistent representation of construction timeframes in all reports and all projects considered in the cumulative analysis.

Water Supply, Wastewater Service, and Emergency Water Intertie

Comment C.10 The 2016 East Palo Alto General Plan noted that the City of East Palo Alto did not have sufficient water supply to provide for all the development proposed in the plan. It was noted that each development would have to ensure that there was adequate available water supply to support it. It is the City's understanding that jurisdictions diverted water to East Palo Alto in recent years. The DEIR currently states that adequate water supply for the project would be provided through water conservation retrofits in existing buildings and that the new building constructed to current standards would result in net neutral water demand and consumption. The City is currently unable to confirm this with the information in the DEIR. For example, landscape irrigation sources and mechanical system water sources did not appear to be discussed in the DEIR. It is unknown if recycled water or another supply was therefore proposed for these or other uses. Further, the DEIR states that a new underground 186,000-gallon fire water tank and pump would serve for fire suppression. It is unclear how this tank would be initially filled, operationally maintained, and if this would have any impact on the system operated by the City of Palo Alto. Water modeling and analysis for all water sources is typically used to

Comment C.10 cont. identify if there is enough water to service the operational needs of a project. There also should be a discussion of reporting and what happens if project operations result in a net water increase. Further, a hydraulic study and modeling is typically used to identify if there are any potential impacts or concerns with large water demands such as initial filling and ongoing maintenance/operations for the water tank. The City looks forward to the provision of this information in order to assess potential impacts of the project.

Comment C.11 The DEIR also notes that wastewater from the project, and possibly dewatering discharge, would ultimately be treated at the Palo Alto Regional Water Quality Control Plant (PARWQCP). In its original comments in response to the project's Notice of Preparation, the City also requested clarification and coordination regarding the discharge amount, water quality, and discharge locations for dewatering activities during construction and operation, if any.

Comment C.12 The Emergency Water Intertie Agreement between the City of East Palo Alto and the City of Palo Alto is not currently mentioned in the DEIR. In May 2018 the City of Palo Alto provided a transfer of individual supply guarantee to the City of East Palo Alto. It was understood that several public benefits could be realized through this agreement, one of which was the emergency water intertie from Palo Alto to East Palo Alto at Woodland Avenue, the location of the proposed project. Within an overall discussion of the Intertie Agreement, the City of Palo Alto requests that the City of East Palo Alto identify the anticipated timeline for implementation of the emergency water intertie and whether this intertie is necessary to ensure adequate emergency water to or potable water needs for the proposed project. Additionally, it is important to clarify if the intertie project is considered as part of the projects analyzed under cumulative conditions. As an example, if the intertie project is constructed separately but concurrently with the project, potential cumulative impacts of construction at the Woodland Avenue/University Avenue intersection would need to be identified.

Groundwater/Flooding

Comment C.13 The City requested that a geotechnical report be prepared to identify groundwater levels and quality at the project site in order to understand the project's impact on existing groundwater levels, flows, and water quality. This information remains outstanding. While it is clear from the geotechnical report that the project will require groundwater dewatering during construction, it is not clear if it will be required post construction. Further, the anticipated dewatering volume and the location of discharge was not stated for during construction and post construction. The geotechnical report appears to not recommend post-construction dewatering due to operational concerns, potential settlement impacts to adjacent buildings, and agency permissions. Ultimately, if applicable, potential impacts and mitigation measures may need to be identified to ensure that the project minimizes impacts on the existing groundwater table and its function/quality, as well as on San Francisquito Creek.

Comment C.14 The recommendations in the geotechnical report do not appear in their entirety in the Draft EIR, including in regard to the main project building, water supply tank, and or shoring systems to protect the excavation walls, adjacent buildings, streets and improvements.

Comment C.15 Noting that the geotechnical report is in its draft form in the DEIR Appendices, the City continues to request that the City of East Palo Alto coordinate with the City of Palo Alto to discuss potential impacts and any proposed mitigation with respect to groundwater, as well as short and long-term groundwater dewatering volumes, water quality, and discharge locations. Further, the City of Palo Alto requests clarification on how the project design might influence flooding, bank stability, and drainage in relation to San Francisquito Creek.

Aesthetics/Biological Resources

Comment C.16 The DEIR discussed massing, design, light, glare and additional topics pertaining to aesthetics. As the entitlement and CEQA process evolves, the City requests continued focus on reducing light and glare from project operation to the San Francisquito Creek area, as well as nearby residential areas in Palo Alto.

Comment C.17 As construction is proposed to occur after daylight hours, the potential for light and glare impacts from construction area illumination on the creek area and nearby residential areas should be discussed, potentially under AES-4.

Transportation

The City of Palo Alto has concerns about the analysis of the project's potential transportation impacts, including, but not limited to the following:

- Comment C.18** 1. The project traffic may create a queuing impact for outbound Palo Alto traffic on University Ave. The City requests an analysis of the queuing impact for northbound traffic on University Ave and Woodland Ave.
- Comment C.19** 2. Vehicle queue length increases from 150 feet to 300 feet on right turn lanes for University Ave/Southbound 101 ramps during PM peak hours. Palo Alto has concerns that the southbound 101 queues may extend beyond University Ave and Woodland Ave intersection due to the project traffic. This might eliminate the improvements made as part of the Program for Arterial System Synchronization (PASS) signal coordination project. The traffic study should analyze any impacts on the operation of the traffic signal at University Ave/Woodland Ave due to Southbound 101 right turn queues.
- Comment C.20** 3. The PASS project has been successful in reducing the period in which traffic volumes at the University Ave/Woodland Ave intersection exceed capacity, and in delaying the congested period to start later. The traffic study should discuss how the project traffic and proposed signal improvements will impact the congested period and signal operation during peak hours.
- Comment C.21** 4. The City requests evaluation of any changes in existing delay or queuing length at University Ave/Woodland Ave (specifically for northbound traffic) due to a reduction in the signal cycle length at University Ave/Woodland Ave.

- Comment C.22**
5. The DEIR states that the University Ave/ Woodland Ave intersection would be converted to an all-way stop during construction. Palo Alto has a concern that an all-way stop will impact the existing traffic operation for northbound and southbound traffic on University Ave, and westbound traffic on Woodland Ave. The traffic study should analyze the impact of this change in traffic control on northbound and southbound University Ave.
- Comment C.23**
6. It is unclear if the relevant intersection improvements necessary to mitigate project impacts have been incorporated into the project plans. It is also unclear how the construction of these improvements would be sequenced relative to the commencement of project construction. Furthermore, the potential impacts of constructing the intersection improvements may need to be evaluated themselves. These issues should be addressed in the EIR or traffic study.
- Comment C.24**
7. The DEIR did not clarify the construction timeline and EIR requirements for the proposed off-site improvements. The City of East Palo Alto/project sponsor must complete the off-site improvements before approving the occupancy permit for the University Circle II project.
- Comment C.25**
8. The Newell Road Bridge Replacement Project (SCH Number 2015082026) will require the closure of the Newell Road Bridge during construction, which will further impact the Woodland Avenue/University Avenue intersection, as discussed in the certified EIR/EA for Newell Road Bridge. Replacement of the Pope/Chaucer Bridge as part of the Upstream of Highway 101 Project may also reroute traffic to University Avenue as an alternate creek crossing. If the construction of the proposed project would occur concurrently with either the Newell Road Bridge Replacement Project construction or the Upstream of Highway 101 Project, the traffic analysis must consider the cumulative impacts of these projects so that the localized impacts on traffic can be understood. Construction traffic analysis should consider the possibility of change in traffic flow due to nearby projects' construction activities.
- Comment C.26**
9. Residents have concerns about construction traffic and parking availability. The EIR or traffic study should analyze the impact on parking availability during all the construction phases. The project must provide all required parking spaces on-site during construction. The City of Palo Alto requests that the City of East Palo Alto require the developer to prepare a parking plan that identifies proper parking availability for the vehicles associated with the existing University Circle site during the construction of the proposed project. The developer also needs to identify the location for staging and parking the construction vehicles. The goal of the parking plan is to minimize the impact on nearby residential neighborhoods, which may otherwise experience an overflow in parking during project construction.
- Comment C.27 cont.**
10. The traffic study assumes that the project would reduce project trips by 25% through implementing a TDM plan. All intersections are evaluated only after applying the assumed 25% trip reductions. The City of Palo Alto requests that the DEIR discussion of the TDM include clarification of the consequences of TDM violations. The DEIR should also discuss other mitigation measures if the proposed TDM plan can't reduce project trips by 25%.
- Comment C.27 cont.**
11. The selected intersections in the traffic study are evaluated after applying TDM reductions. Employee surveys may not reflect the actual trips generated by the project. Any TDM monitoring report should include annual peak hour trip counts to confirm TDM compliance and analyze the effectiveness of TDM measures.

Comment C.28

12. The proposed project is not located near a high transit service area. The project must provide free shuttle service and free transit passes to achieve the 25% trip reduction target. Proposed trial free transit passes are not sufficient to reduce VMT impacts and achieve a 25% reduction in trips. City of Palo Alto recommends that the developer be conditioned to provide free transit passes and free shuttle service to Palo Alto Caltrain station and other transit providers if employees do not utilize Caltrain.

Comment C.29

13. Individual shuttle service per company may not be economically feasible and may not benefit in reducing the trips and VMT due to less ridership compared to a site-wide service. The City of Palo Alto suggests conditioning the project to provide one shuttle service for the entire University Circle site. It would also be more helpful to the community if the shuttle service provides in-between stops, allowing local residents to use the shuttle and allowing site employees to board and alight at intermediate stops to be able to run errands in the area and access local services. It will be a great community benefit for the East Palo Alto and Palo Alto residents. Furthermore, the shuttle could be conditioned such that the project could take advantage of future opportunities to 1) fund the combination of the service with other employee shuttles to Caltrain or 2) provide funding to local transit to provide similar service or increase frequency of existing service.

Should you have any questions regarding these comments, please contact Rebecca Atkinson at (650) 329-2596 or Rebecca.Atkinson@CityofPaloAlto.org or Jonathan Lait at Jonathan.Lait@cityofpaloalto.org.

Regards,

DocuSigned by:


293CF322E1294F6
Jonathan Lait, Director of Planning & Development Services

From: [Eve Sutton](#)
To: [University Circle Project](#)
Subject: Re: Nov 12, 2021 City Update-University Circle comments
Date: Sunday, November 14, 2021 11:10:26 AM

Comment D.1 I am having trouble using the online comments and do not want to register an account to get more email. Please forward my comments about University Circle revised plans for Phase II.

Comment D.1 cont. ___Yes, the improvements look good to respond to community concerns. We do need more parking for Westside residents, a community meeting room, place to preserve and display historic documents and art, etc.

Huge thanks to all the people who attended meetings and provided feedback and those who incorporated that community feedback to change the plans.

Comment D.1 cont. ___How long will these improvements stay in place? I ask because I noticed that although Four Seasons named some rooms to Honor EPA neighborhoods, like a Ravenswood conference room, those names got changed/removed some years ago to reflect their corporate preferences.

Comment D.1 cont. ___"Honoring" Whiskey Gulch with a display in a new office building is okay, but I am even more concerned with providing facilities for the many neighborhood agencies and businesses in Whiskey Gulch that were destroyed to make University Circle. Those places never got their promised new buildings, especially with Amazon taking over the whole Sobrato building.

Comment D.1 cont. ___JOBS should go first to the many qualified current residents or recent residents of EPA. If jobs remain unfilled even after an effort to recruit and train current (or recently displaced) residents, please make an effort to recruit and train residents of Fair Oaks who are culturally connected to EPA. We do not want the reverse situation: recruiting outsiders who then compete for housing within EPA and drive up the housing prices.

Thank you!

—Eve Sutton eve@well.com
650 325-3234 landline, best 10am-9pm
Leave voice msg after 6 rings
216 Daphne Way
East Palo Alto, CA 94303

CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

From: [jbrass7](#)
To: [University Circle Project](#)
Subject: University Circle Phase II
Date: Friday, December 3, 2021 3:07:55 PM

Hi,

Comment E.1

I think we should put in an outlet for African and Latinx communities to integrate more of our cultures together and also spread awareness to affect anti racist policy changes throughout our community via events, outreach, and fundraising etc. We should either come together and spread the Word of Jesus Christ or spread antiracist ideas and policies—or heck why don't we just do 'em both. Smile. Let's go to church. Joshua Brass
Follow @joshessett

Thank you.

CAUTION: This e-mail originated from outside of the organization. Do not click links or open attachments unless you validate the sender and know the content is safe.

Appendix B: Updated Appendix F to the Draft EIR

UNIVERSITY CIRCLE PHASE II NOISE AND VIBRATION ASSESSMENT

EAST PALO ALTO, CALIFORNIA

September 30, 2021 March 11, 2022

◆ ◆ ◆

Prepared for:

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429 East Cotati Avenue
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I&R Job No.: 19-148

INTRODUCTION

A six-story office building is proposed within the University Circle Phase II development in East Palo Alto, California. The proposed project would provide approximately 180,000 square feet of office space on floors one through six and approximately 513 parking stalls on three floors of underground parking. The project building would be positioned at the corner of University Avenue and Woodland Avenue and would be designed in accordance with the style and shape of the existing buildings located in the University Circle development.

This report evaluates the project's potential to result in significant noise and vibration impacts with respect to California Environmental Quality Act (CEQA) guidelines. The report is divided into three sections: 1) the Setting Section provides a brief description of the fundamentals of environmental noise and groundborne vibration, summarizes applicable regulatory criteria, and discusses the results of the ambient noise monitoring survey completed to document existing noise conditions; 2) the General Plan Consistency Section discusses noise and land use compatibility utilizing policies in the City of East Palo Alto's General Plan; and 3) the Impacts and Mitigation Measures Section describes the significance criteria used to evaluate project impacts, provides a discussion of each project impact, and presents measures, where necessary, to mitigate the impacts of the project on sensitive receptors in the vicinity.

SETTING

Fundamentals of Environmental Noise

Noise may be defined as unwanted sound. Noise is usually objectionable because it is disturbing or annoying. The objectionable nature of sound could be caused by its *pitch* or its *loudness*. *Pitch* is the height or depth of a tone or sound, depending on the relative rapidity (*frequency*) of the vibrations by which it is produced. Higher pitched signals sound louder to humans than sounds with a lower pitch. *Loudness* is intensity of sound waves combined with the reception characteristics of the ear. Intensity may be compared with the height of an ocean wave in that it is a measure of the amplitude of the sound wave.

In addition to the concepts of pitch and loudness, there are several noise measurement scales which are used to describe noise in a particular location. A *decibel (dB)* is a unit of measurement which indicates the relative amplitude of a sound. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Sound levels in decibels are calculated on a logarithmic basis. An increase of 10 decibels represents a ten-fold increase in acoustic energy, while 20 decibels is 100 times more intense, 30 decibels is 1,000 times more intense, etc. There is a relationship between the subjective noisiness or loudness of a sound and its intensity. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a fairly wide range of intensities. Technical terms are defined in Table 1.

There are several methods of characterizing sound. The most common in California is the *A-weighted sound level (dBA)*. This scale gives greater weight to the frequencies of sound to which the human ear is most sensitive. Representative outdoor and indoor noise levels in units of dBA are shown in Table 2. Because sound levels can vary markedly over a short period of time, a

method for describing either the average character of the sound or the statistical behavior of the variations must be utilized. Most commonly, environmental sounds are described in terms of an average level that has the same acoustical energy as the summation of all the time-varying events. This *energy-equivalent sound/noise descriptor* is called L_{eq} . The most common averaging period is hourly, but L_{eq} can describe any series of noise events of arbitrary duration.

The scientific instrument used to measure noise is the sound level meter. Sound level meters can accurately measure environmental noise levels to within about plus or minus 1 dBA. Various computer models are used to predict environmental noise levels from sources, such as roadways and airports. The accuracy of the predicted models depends upon the distance the receptor is from the noise source. Close to the noise source, the models are accurate to within about plus or minus 1 to 2 dBA.

Since the sensitivity to noise increases during the evening and at night -- because excessive noise interferes with the ability to sleep -- 24-hour descriptors have been developed that incorporate artificial noise penalties added to quiet-time noise events. The *Community Noise Equivalent Level (CNEL)* is a measure of the cumulative noise exposure in a community, with a 5 dB penalty added to evening (7:00 pm - 10:00 pm) and a 10 dB addition to nocturnal (10:00 pm - 7:00 am) noise levels. The *Day/Night Average Sound Level (DNL or L_{dn})* is essentially the same as CNEL, with the exception that the evening time period is dropped and all occurrences during this three-hour period are grouped into the daytime period.

Effects of Noise

Sleep and Speech Interference

The thresholds for speech interference indoors are about 45 dBA if the noise is steady and above 55 dBA if the noise is fluctuating. Outdoors the thresholds are about 15 dBA higher. Steady noises of sufficient intensity (above 35 dBA) and fluctuating noise levels above about 45 dBA have been shown to affect sleep. Interior residential standards for multi-family dwellings are set by the State of California at 45 dBA L_{dn} . Typically, the highest steady traffic noise level during the daytime is about equal to the L_{dn} and nighttime levels are 10 dBA lower. The standard is designed for sleep and speech protection and most jurisdictions apply the same criterion for all residential uses. Typical structural attenuation is 12-17 dBA with open windows. With closed windows in good condition, the noise attenuation factor is around 20 dBA for an older structure and 25 dBA for a newer dwelling. Sleep and speech interference is therefore possible when exterior noise levels are about 57-62 dBA L_{dn} with open windows and 65-70 dBA L_{dn} if the windows are closed. Levels of 55-60 dBA are common along collector streets and secondary arterials, while 65-70 dBA is a typical value for a primary/major arterial. Levels of 75-80 dBA are normal noise levels at the first row of development outside a freeway right-of-way. In order to achieve an acceptable interior noise environment, bedrooms facing secondary roadways need to be able to have their windows closed, those facing major roadways and freeways typically need special glass windows.

Annoyance

Attitude surveys are used for measuring the annoyance felt in a community for noises intruding into homes or affecting outdoor activity areas. In these surveys, it was determined that the causes for annoyance include interference with speech, radio and television, house vibrations, and interference with sleep and rest. The L_{dn} as a measure of noise has been found to provide a valid correlation of noise level and the percentage of people annoyed. People have been asked to judge the annoyance caused by aircraft noise and ground transportation noise. There continues to be disagreement about the relative annoyance of these different sources. When measuring the percentage of the population highly annoyed, the threshold for ground vehicle noise is about 50 dBA L_{dn} . At a L_{dn} of about 60 dBA, approximately 12 percent of the population is highly annoyed. When the L_{dn} increases to 70 dBA, the percentage of the population highly annoyed increases to about 25-30 percent of the population. There is, therefore, an increase of about 2 percent per dBA between a L_{dn} of 60-70 dBA. Between a L_{dn} of 70-80 dBA, each decibel increase increases by about 3 percent the percentage of the population highly annoyed. People appear to respond more adversely to aircraft noise. When the L_{dn} is 60 dBA, approximately 30-35 percent of the population is believed to be highly annoyed. Each decibel increase to 70 dBA adds about 3 percentage points to the number of people highly annoyed. Above 70 dBA, each decibel increase results in about a 4 percent increase in the percentage of the population highly annoyed.

TABLE 1 Definition of Acoustical Terms Used in this Report

Term	Definition
Decibel, dB	A unit describing, the amplitude of sound, equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to the reference pressure. The reference pressure for air is 20 micro Pascals.
Sound Pressure Level	Sound pressure is the sound force per unit area, usually expressed in micro Pascals (or 20 micro Newtons per square meter), where 1 Pascal is the pressure resulting from a force of 1 Newton exerted over an area of 1 square meter. The sound pressure level is expressed in decibels as 20 times the logarithm to the base 10 of the ratio between the pressures exerted by the sound to a reference sound pressure (e. g., 20 micro Pascals). Sound pressure level is the quantity that is directly measured by a sound level meter.
Frequency, Hz	The number of complete pressure fluctuations per second above and below atmospheric pressure. Normal human hearing is between 20 Hz and 20,000 Hz. Infrasonic sound are below 20 Hz and Ultrasonic sounds are above 20,000 Hz.
A-Weighted Sound Level, dBA	The sound pressure level in decibels as measured on a sound level meter using the A-weighting filter network. The A-weighting filter de-emphasizes the very low and very high frequency components of the sound in a manner similar to the frequency response of the human ear and correlates well with subjective reactions to noise.
Equivalent Noise Level, L_{eq}	The average A-weighted noise level during the measurement period.
L_{max} , L_{min}	The maximum and minimum A-weighted noise level during the measurement period.
L_{01} , L_{10} , L_{50} , L_{90}	The A-weighted noise levels that are exceeded 1%, 10%, 50%, and 90% of the time during the measurement period.
Day/Night Noise Level, L_{dn} or DNL	The average A-weighted noise level during a 24-hour day, obtained after addition of 10 decibels to levels measured in the night between 10:00 pm and 7:00 am.
Community Noise Equivalent Level, CNEL	The average A-weighted noise level during a 24-hour day, obtained after addition of 5 decibels in the evening from 7:00 pm to 10:00 pm and after addition of 10 decibels to sound levels measured in the night between 10:00 pm and 7:00 am.
Ambient Noise Level	The composite of noise from all sources near and far. The normal or existing level of environmental noise at a given location.
Intrusive	That noise which intrudes over and above the existing ambient noise at a given location. The relative intrusiveness of a sound depends upon its amplitude, duration, frequency, and time of occurrence and tonal or informational content as well as the prevailing ambient noise level.

Source: Handbook of Acoustical Measurements and Noise Control, Harris, 1998.

TABLE 2 Typical Noise Levels in the Environment

Common Outdoor Activities	Noise Level (dBA)	Common Indoor Activities
	110 dBA	Rock band
Jet fly-over at 1,000 feet		
	100 dBA	
Gas lawn mower at 3 feet		
	90 dBA	
Diesel truck at 50 feet at 50 mph		Food blender at 3 feet
	80 dBA	Garbage disposal at 3 feet
Noisy urban area, daytime		
Gas lawn mower, 100 feet	70 dBA	Vacuum cleaner at 10 feet
Commercial area		Normal speech at 3 feet
Heavy traffic at 300 feet	60 dBA	
		Large business office
Quiet urban daytime	50 dBA	Dishwasher in next room
Quiet urban nighttime	40 dBA	Theater, large conference room
Quiet suburban nighttime		
	30 dBA	Library
Quiet rural nighttime		Bedroom at night, concert hall (background)
	20 dBA	
		Broadcast/recording studio
	10 dBA	
	0 dBA	

Source: Technical Noise Supplement (TeNS), California Department of Transportation, September 2018.

Fundamentals of Groundborne Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Several different methods are typically used to quantify vibration amplitude. One method is the Peak Particle Velocity (PPV). The PPV is defined as the maximum instantaneous positive or negative peak of the vibration wave. In this report, a PPV descriptor with units of mm/sec or in/sec is used to evaluate construction generated vibration for building damage and human complaints. Table 3 displays the reactions of people and the effects on buildings that continuous or frequent intermittent vibration levels produce. The guidelines in Table 3 represent syntheses of vibration criteria for human response and potential damage to buildings resulting from construction vibration.

Construction activities can cause vibration that varies in intensity depending on several factors. The use of pile driving and vibratory compaction equipment typically generates the highest construction related groundborne vibration levels. Because of the impulsive nature of such activities, the use of the PPV descriptor has been routinely used to measure and assess groundborne vibration and almost exclusively to assess the potential of vibration to cause damage and the degree of annoyance for humans.

The two primary concerns with construction-induced vibration, the potential to damage a structure and the potential to interfere with the enjoyment of life, are evaluated against different vibration limits. Human perception to vibration varies with the individual and is a function of physical setting and the type of vibration. Persons exposed to elevated ambient vibration levels, such as people in an urban environment, may tolerate a higher vibration level.

Structural damage can be classified as cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; minor, including limited surface cracking; or major, that may threaten the structural integrity of the building. Safe vibration limits that can be applied to assess the potential for damaging a structure vary by researcher. The damage criteria presented in Table 3 include several categories for ancient, fragile, and historic structures, the types of structures most at risk to damage. Most buildings are included within the categories ranging from “Historic and some old buildings” to “Modern industrial/commercial buildings”. Construction-induced vibration that can be detrimental to the building is very rare and has only been observed in instances where the structure is at a high state of disrepair and the construction activity occurs immediately adjacent to the structure.

The annoyance levels shown in Table 3 should be interpreted with care since vibration may be found to be annoying at lower levels than those shown, depending on the level of activity or the sensitivity of the individual. To sensitive individuals, vibrations approaching the threshold of perception can be annoying. Low-level vibrations frequently cause irritating secondary vibration, such as a slight rattling of windows, doors, or stacked dishes. The rattling sound can give rise to exaggerated vibration complaints, even though there is very little risk of actual structural damage.

TABLE 3 Reaction of People and Damage to Buildings from Continuous or Frequent Intermittent Vibration Levels

Velocity Level, PPV (in/sec)	Human Reaction	Effect on Buildings
0.01	Barely perceptible	No effect
0.04	Distinctly perceptible	Vibration unlikely to cause damage of any type to any structure
0.08	Distinctly perceptible to strongly perceptible	Recommended upper level of the vibration to which ruins and ancient monuments should be subjected
0.1	Strongly perceptible	Virtually no risk of damage to normal buildings
0.25	Strongly perceptible to severe	Threshold at which there is a risk of damage to historic and some old buildings.
0.3	Strongly perceptible to severe	Threshold at which there is a risk of damage to older residential dwellings such as plastered walls or ceilings
0.5	Severe - Vibrations considered unpleasant	Threshold at which there is a risk of damage to newer residential structures

Source: Transportation and Construction Vibration Guidance Manual, California Department of Transportation, September 2013.

Regulatory Background

This section describes the relevant guidelines, policies, and standards established by State Agencies, Santa Clara County, and the City of East Palo Alto. The State CEQA Guidelines, Appendix G, are used to assess the potential significance of impacts pursuant to local General Plan policies, Municipal Code standards, or the applicable standards of other agencies. A summary of the applicable regulatory criteria is provided below.

State of California

State CEQA Guidelines. The California Environmental Quality Act (CEQA) contains guidelines to evaluate the significance of effects of environmental noise attributable to a proposed project. Under CEQA, noise impacts would be considered significant if the project would result in:

- (a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies;
- (b) Generation of excessive groundborne vibration or groundborne noise levels;
- (c) For a project located within the vicinity of a private airstrip or an airport land use plan or where such a plan has not been adopted within two miles of a public airport or public use airport, if the project would expose people residing or working in the project area to excessive noise levels.

2019 California Building Cal Green Code. The State of California established exterior sound transmission control standards for new non-residential buildings as set forth in the 2019 California Green Building Standards Code (Section 5.507.4.1 and 5.507.4.2). The sections that pertain to this project are as follows:

5.507.4.1 Exterior noise transmission, prescriptive method. Wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall meet a composite STC rating of at least 50 or a composite OITC rating of no less than 40, with exterior windows of a minimum STC of 40 or OITC of 30 when the building falls within the 65 dBA L_{dn} noise contour of a freeway or expressway, railroad, industrial source or fixed-guideway noise source, as determined by the local general plan noise element.

5.507.4.2 Performance method. For buildings located, as defined by Section 5.507.4.1, wall and roof-ceiling assemblies exposed to the noise source making up the building envelope shall be constructed to provide an interior noise environment attributable to exterior sources that does not exceed an hourly equivalent noise level ($L_{eq}(1-hr)$) of 50 dBA in occupied areas during any hour of operation.

The performance method, which establishes the acceptable interior noise level, is the method typically used when applying these standards.

Santa Clara County

Santa Clara County Airport Land Use Commission Comprehensive Land Use Plan. The Comprehensive Land Use Plan adopted by the Santa Clara County Airport Land Use Commission contains standards for projects within the vicinity of Palo Alto Airport, which are relevant to this project:

4.3.2.1 Noise Compatibility Policies

- Policy N-2** In addition to the other guidelines and policies herein, the Noise Compatibility Guidelines presented in Table 4-1 shall be used to determine if a specific land use is consistent with this CLUP.
- Policy N-3** Noise impacts shall be evaluated according to the Aircraft Noise Contours presented on Figure 5 (2022 Aircraft Noise Contours).
- Policy N-6** Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level criteria. Table 4-1 presents acceptable noise levels for other land uses in the vicinity of the Airport.

Table 4 - 1

NOISE COMPATIBILITY GUIDELINES

LAND USE CATEGORY	CNEL					
	55-60	60-65	65-70	70-75	75-80	80-85
Residential – low density Single-family, duplex, mobile homes	*	**	**	**	****	****
Residential – multi-family, condominiums, townhouses	*	**	**	**	****	****
Transient lodging - motels, hotels	*	**	**	**	****	****
Schools, libraries, churches, hospitals, nursing homes	*	**	**	**	****	****
Auditoriums, concert halls, amphitheaters	**	**	**	**	****	****
Sports arena, outdoor spectator sports, parking	*	*	**	**	**	****
Playgrounds, neighborhood parks	*	*	**	**	**	****
Office buildings, business commercial and professional	*	*	*	**	**	****
Industrial, manufacturing, utilities, agriculture	*	*	*	**	**	**
* Generally Acceptable	Specified land use is satisfactory, based upon the assumption that any buildings involved are of normal conventional construction, without any special noise insulation requirements. Outdoor activities are not likely to be adversely affected.					
** Conditionally Acceptable	Specified land uses may be permitted only after detailed analysis of the noise reduction requirements and needed noise insulation features included in the design. Outdoor activities may be adversely affected.					
**** Unacceptable	New construction or development should generally not be undertaken because mitigation is usually not feasible to comply with noise element policies. Outdoor activities are likely to be adversely affected.					

Source: Palo Alto Comprehensive Plan (1998), Land Use Compatibility for Community Noise Environment Element, page N-28

City of East Palo Alto

Vista 2035 East Palo Alto General Plan. The City of East Palo Alto adopted the 2035 General Plan Final Version in March 2017. The Safety and Noise Chapter of the General Plan¹ provides goals and policies to reduce noise within the community. The goals and policies that apply to the proposed project are as follows:

Goal SN-6: Minimize the effects of noise through proper land use planning.

Intent: To ensure that new noise-sensitive land uses in the City are located in a compatible noise environment or adequately mitigated in order to provide a compatible exterior and interior noise environment.

Policy 6.1. Noise standards. Use the Interior and Exterior Noise Standards (Table 10-1) for transportation noise sources. Use the City's Noise Ordinance for evaluating non-transportation noise sources when making planning and development decisions. Require that applicants demonstrate that the noise standards will be met prior to project approval.

Policy 6.2. Compatibility standards. Utilize noise/land use compatibility standards and the Noise Ordinance as guides for future development decisions.

Policy 6.3. Noise control. Provide noise controls measures, such as berms, walls, and sound attenuating construction in areas of new construction or rehabilitation.

Policy 6.4. Airport-adjacent land uses. Maintain the non-residential designation for land near the airport in order to prevent new noise-sensitive residential uses from being constructed in areas with excessive aircraft noise.

¹ City of East Palo Alto, *Vista 2035 East Palo Alto General Plan*, Safety and Noise Chapter, Adopted October 4, 2016. Final Version March 2017.

Table 10-1. Interior and Exterior Noise Standards		
Land Use	Noise Standards ¹	
	Interior ^{2,3}	Exterior
Residential – Single family, multifamily, duplex, mobile home	CNEL 45 dB	CNEL 65 dB ⁴
Residential – Transient lodging, hotels, motels, nursing home, hospitals	CNEL 45 dB	CNEL 65 dB ⁴
Private offices, church sanctuaries, libraries, board rooms, conference rooms, theaters, auditoriums, concert halls, meeting halls, etc.	Leq(12) 45 dB(A)	-
Schools	Leq(12) 45 dB(A)	Leq(12) 67 dB(A) ⁵
General offices, reception, clerical, etc.	Leq(12) 50 dB(A)	-
Bank lobby, retail store, restaurant, typing pool, etc.	Leq(12) 55 dB(A)	-
Manufacturing, kitchen, warehousing, etc.	Leq(12) 65 dB(A)	-
Parks, playgrounds	-	CNEL 65 dB ⁵
Golf courses, outdoor spectator sports, amusement parks	-	CNEL 70 dB ⁵

Notes:

1. CNEL: Community Noise Equivalent Level; Leq (12): The A-weighted equivalent sound level averaged over a 12-hour period (usually the hours of operation).
2. Noise standard with windows closed. Mechanical ventilation shall be provided per UBC requirements to provide a habitable environment.
3. Indoor environment excluding bathrooms, toilets, closets, and corridors.
4. Outdoor environment limited to rear yard of single family homes, multifamily patios, and balconies (with a depth of 6' or more) and common recreation areas.
5. Outdoor environment limited to playground areas, picnic areas and other areas of frequent human use.

Source: Title 24, California Code of Regulations

Goal SN-7: Minimize transportation- and non-transportation-related noise impacts, especially on noise-sensitive land uses.

Intent: To maintain and improve the noise environment at noise-sensitive land uses throughout the City.

Policy 7.1. Noise ordinance. Continually enforce and periodically review the City’s Noise Ordinance for adequacy (including requiring construction activity to comply with established work schedule limits). Amend as needed to address community needs and development patterns.

Policy 7.2. CEQA acoustical analysis. Require an acoustical analysis to evaluate mitigation measures for noise-generating projects that are likely to cause the following criteria to be exceeded or to cause a significant adverse community response:

- Cause the L_{dn} /CNEL at noise-sensitive uses to increase by 3 dBA or more and exceed the “normally acceptable” level.

- Cause the $L_{dn}/CNEL$ at noise-sensitive uses to increase by 5 dBA or more and remain “normally acceptable.”

Policy 7.7. Site design review. Utilize site design review to identify potential noise impacts on new development, especially from nearby transportation sources. Encourage the use of noise barriers (walls, berms, or landscaping), setbacks and/or other buffers.

Policy 7.11. Construction noise. The City shall require that contractors 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. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise-generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m. and Saturdays and holidays between 9:00 a.m. and 7:00 p.m., with no construction on Sundays;
- Utilize "quiet" models of air compressors and other stationary noise sources where such 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;
- If impact pile driving is proposed, 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;

- If impact pile driving is proposed, 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;
- If impact pile driving is proposed, 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. Notify all adjacent land uses of the construction schedule in writing;
- 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 are implemented.
- 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.

City of East Palo Alto Municipal Code. Chapter 8.52, Noise Control, of the City’s Municipal Code seeks to protect the citizens of East Palo Alto from unnecessary, excessive, and annoying noise; to maintain quiet in areas where noise levels are low; and to implement programs to reduce unacceptable noise. The regulations limit the amount of noise that may be created as measured at the exterior of any dwelling unit, school, hospital, church, or public library. Table 4 provides the Municipal Code’s exterior noise standards. In addition, Chapter 8.52 limits the creation of noise that results in excessive noise levels within any dwelling unit. Table 5 provides the standards for interior noise in dwelling units. Exemptions to these standards are provided for activities such as special events and noise sources due to construction activities not taking place between 8:00 p.m. and 7:00 a.m.²

² City of East Palo Alto, 2017, *East Palo Alto Municipal Code*, Chapter 8.52, Noise Control.

TABLE 4 Receiving Land Use: Noise Level Standards for Single or Multiple Family Residence, School, Hospital, Church, or Public Library Properties

Category	Cumulative Number of Minutes in Any 1-Hour Time Period	Noise Level Standards, dBA	
		Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
1	30	55	50
2	15	50	55
3	5	65	60
4	1	70	60
5	0	75	70

Notes:

- A. In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in 5 dBA increments so as to encompass the background noise level.
- B. Each of the noise level standards specified above shall be reduced by 5 dBA for simple tone noises, consisting primarily of speech or music, or for recurring or intermittent impulsive noises.
- C. If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in this table.

Source: City of East Palo Alto Municipal Code, 2017.

While Table 4 does summarize the levels provided in the Municipal Code for each category, the original Municipal Code document has two typos: Category 2 should be 60 dBA during daytime hours and 55 dBA during nighttime hours, and Category 4 should be 70 dBA during daytime hours and 65 dBA during nighttime hours. For any analysis involving these categories, the corrected levels are used.

Section 15.04.125 of the City’s Municipal Code limits construction activity to the hours of 7:00 a.m. to 6:00 p.m. 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.

TABLE 5 Interior Noise Level Standards – Dwelling Unit

Category	Cumulative Number of Minutes in Any 1-Hour Time Period	Noise Level Standards, dBA	
		Daytime (7:00 am – 10:00 pm)	Nighttime (10:00 pm – 7:00 am)
1	5	45	40
2	1	50	45
3	0	55	50

Notes:

- A. In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in 5 dBA increments so as to encompass the background noise level.
- B. Each of the noise level standards specified above shall be reduced by 5 dBA for simple tone noises, consisting primarily of speech or music, or for recurring or intermittent impulsive noises.
- C. If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in this table.

Source: City of East Palo Alto Municipal Code, 2017.

Existing Noise Environment

The project site currently serves as a surface parking lot for the University Circle mixed-use development, located southwest of the U.S. Highway 101 (U.S. 101) / University Avenue overpass. The proposed building will be the fourth and final office tower within the University Circle development. The project site is bordered by University Avenue to the east and Woodland Avenue to the south. Additional land uses in the project vicinity include multi-family residences located to the east across University Avenue and single-family residences to the south across Woodland Avenue.

The noise environment at the site and in the surrounding area results primarily from vehicular traffic along U.S. 101 and University Avenue. Traffic along Woodland Avenue and University Circle would also contribute to the existing noise environment.

Due to Shelter-in-Place restrictions implemented by the State of California³ at the time of this study, traffic volumes along the surrounding roadways were substantially reduced and not representative of typical conditions. A noise monitoring survey was not completed to document ambient noise levels during this time period because resultant noise levels would not be representative of typical existing conditions.

In order to establish the environmental baseline for the project, noise data contained in the East Palo Alto General Plan, the East Palo Alto General Plan Update Draft Environmental Impact Report (EIR),⁴ and measurements from prior projects were reviewed. According to the noise contours included in the Noise Element of the City's General Plan, existing noise levels at the project site would range from 65 to 75 dBA CNEL, as shown in Figure 1. According to Table 4.11-11 of the East Palo Alto General Plan Update Draft EIR, existing noise levels were calculated to be 70 dBA CNEL at 75 feet from the centerline of University Avenue between Donohoe Street and Woodland Avenue and 68 dBA CNEL at 75 feet from the centerline of Woodland Avenue between Euclid Avenue and University Avenue.

A noise monitoring survey for the East Palo Alto General Plan Update Draft EIR was completed in 2015. Among the measurements completed, one long-term noise measurement (LT-8) was made at the corner of Scofield Avenue and Circle Drive, west of Highway 101 from Tuesday, April 21, 2015 to Thursday, April 23, 2015. LT-8 was positioned approximately 40 feet south of the centerline of Scofield Avenue and 15 feet from the centerline of Circle Drive. Typical daytime hourly average noise levels ranged from 56 to 74 dBA L_{eq} and typical nighttime hourly average noise levels ranged from 45 to 61 dBA L_{eq} . The average CNEL at this location ranged from 62 to 65 dBA.

A noise monitoring survey completed for the U.S. 101 Managed Lanes Project⁵ in September 2016 included two long-term measurements (L108 and L116) along U.S. 101, approximately 0.5 miles to the east and west of the project site. Figure 2 shows the locations of L108 and L116, as well as

³ Cal. Exec. Order No. N-33-20, (Mar. 19, 2020).

⁴ Circlepoint, "Draft Environmental Impact Report: City of East Palo Alto General Plan Update," prepared for City of East Palo Alto, April 2016.

⁵ Illingworth & Rodkin, Inc., "U.S. 101 Managed Lanes Project Noise Study Report," October 2017.

LT-8 from the General Plan Update EIR, with respect to the project site. The long-term noise measurements, L108 and L116, were made approximately 180 and 230 feet from the centerline of U.S. 101, respectively. A 14-foot noise barrier was located along U.S. 101 at the L108 location, while there was not a noise barrier at the L116 location. Hourly average noise levels at L108 typically ranged from 64 to 69 dBA L_{eq} during the day and from 58 to 67 dBA L_{eq} at night. The average $L_{dn}/CNEL$ on Tuesday, September 27, 2016 was 70 dBA. Hourly average noise levels at L116 typically ranged from 69 to 72 dBA L_{eq} during the day and from 61 to 71 dBA L_{eq} at night. The average $L_{dn}/CNEL$ on Tuesday, September 20, 2016 was 74 dBA.

Figures 3 through 5 show the daily trend in noise levels at LT-8, L108, L116, respectively.

After reviewing these data, the Federal Highway Administration's (FHWA) Traffic Noise Model, version TNM 2.5, (TNM 2.5) was used to calculate existing noise conditions specific to the proposed project. Existing traffic noise levels were calculated along the major roadways surrounding the site, which include U.S. 101, University Avenue, and Woodland Avenue. Calculations accounted for the source of noise (traffic), the frequency spectra of the noise source, the topography of the area, and existing buildings and barriers. Existing peak hour traffic data, provided by the traffic consultants,⁶ traffic data obtained from the Caltrans Traffic Census Program,⁷ and posted travel speeds were also input into the model for local roadways and highways. Along University Avenue, the vehicle distribution assumed for the TNM model included 95% autos, 3% medium-duty trucks, and 2% heavy-duty trucks. The Caltrans truck volumes from the AADT distribution data was used to establish the volume mix along U.S. 101 of 95% autos, 3% medium trucks, and 2% heavy trucks.

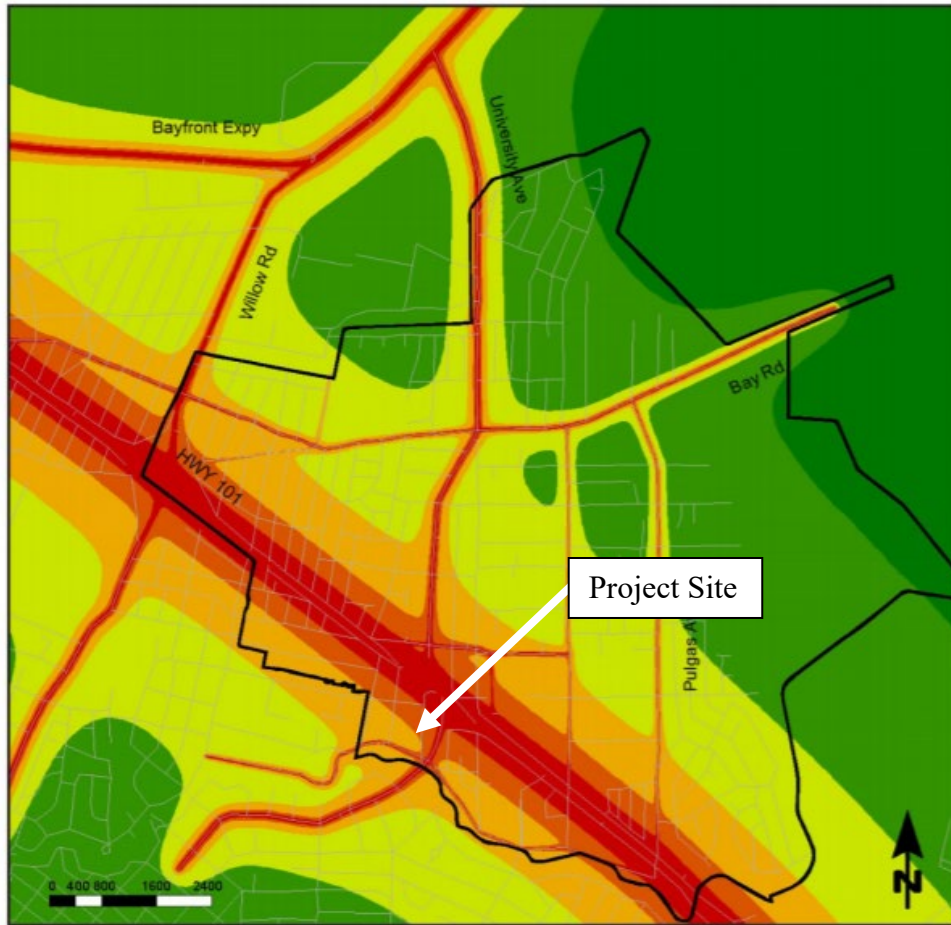
Based on the model calculations, existing noise levels at setbacks of 180 feet (L108) and 230 feet (L116) from the centerline of U.S. 101 were estimated to be 69 and 75 dBA CNEL, respectively. These modeled results are within 1 dBA CNEL of the 2016 noise measurements. Existing noise levels at the LT-8 location were calculated to be 65 dBA CNEL, which is consistent with the upper range of the 2015 measurements. This site is representative of the existing noise environment at receptors to the southeast of the project site with a greater setback distance from University Avenue. From the TNM model, existing noise levels would be 73 dBA CNEL at the northeastern corner of the project site and 72 dBA CNEL along the proposed building's eastern and southern façades. Sound levels along the western portion of the project site would range from approximately 69 dBA CNEL at the southwestern corner of the proposed building to 67 dBA CNEL at the northwestern corner of the proposed building. The model calculations also indicate existing noise levels of approximately 68 dBA CNEL at the nearest residential property line to the south, across Woodland Avenue, and 73 dBA CNEL at the nearest residential property line to the east, across University Avenue.

⁶ Hexagon Transportation Consultants, Inc., "University Circle Phase II Traffic Counts," February 13, 2020.

⁷ <https://dot.ca.gov/programs/traffic-operations/census>

FIGURE 1 Project Site in Relation to East Palo Alto General Plan Traffic Noise Contours

Figure 10-6 - Existing (2015) Traffic Noise



Existing Noise Levels from Vehicle Traffic along Major Roadways in decibels (dB)

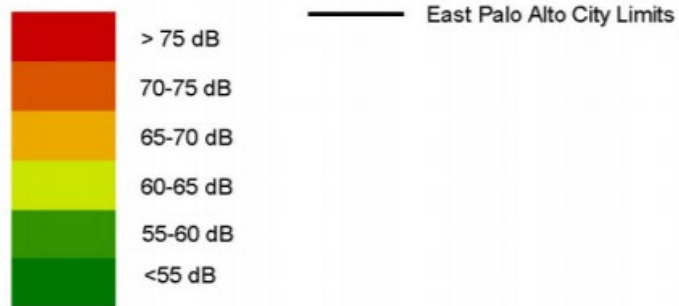


FIGURE 2 Project Site in Relation to East Palo Alto General Plan Update Draft EIR (LT-8) and U.S. 101 Managed Lanes Noise Measurements (L108 and L116)

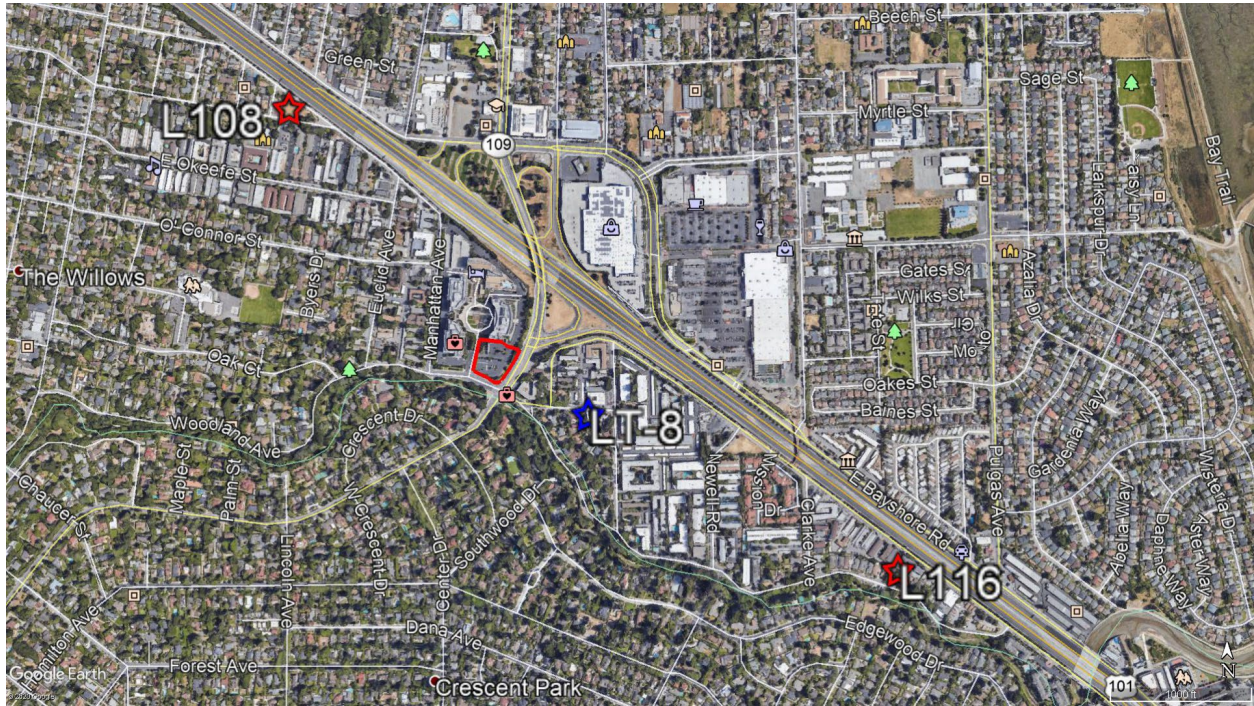


FIGURE 3 Daily Noise Trends at LT-8, Tuesday, April 21, 2015 through Thursday, April 23, 2015

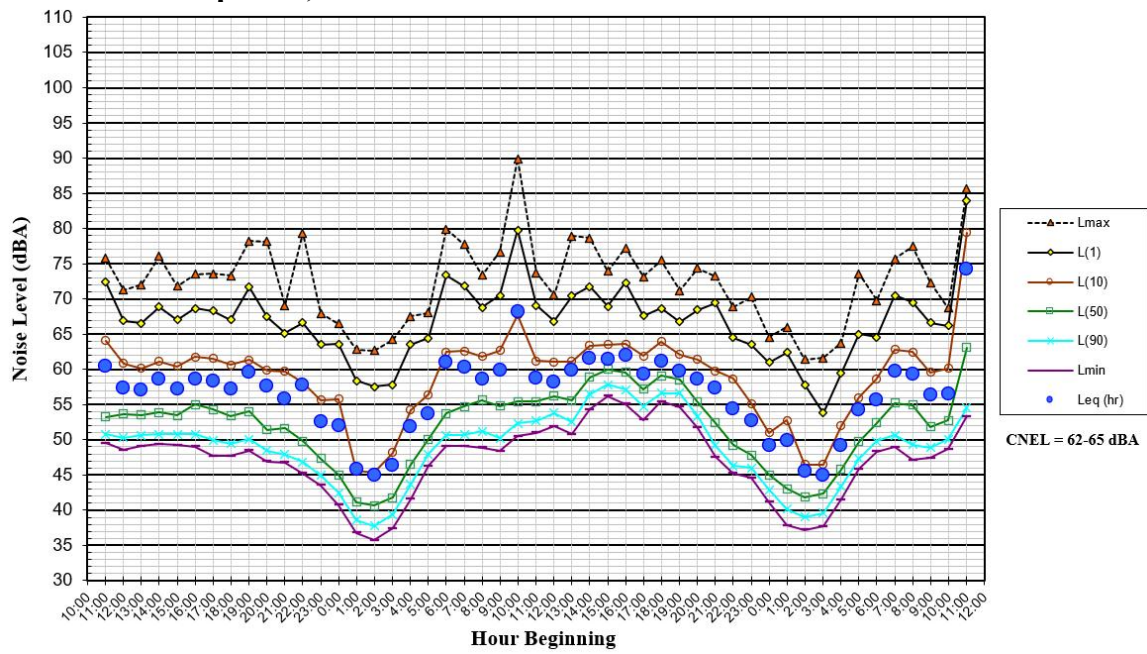


FIGURE 4 Daily Noise Trends at L108, Tuesday, September 27, 2016

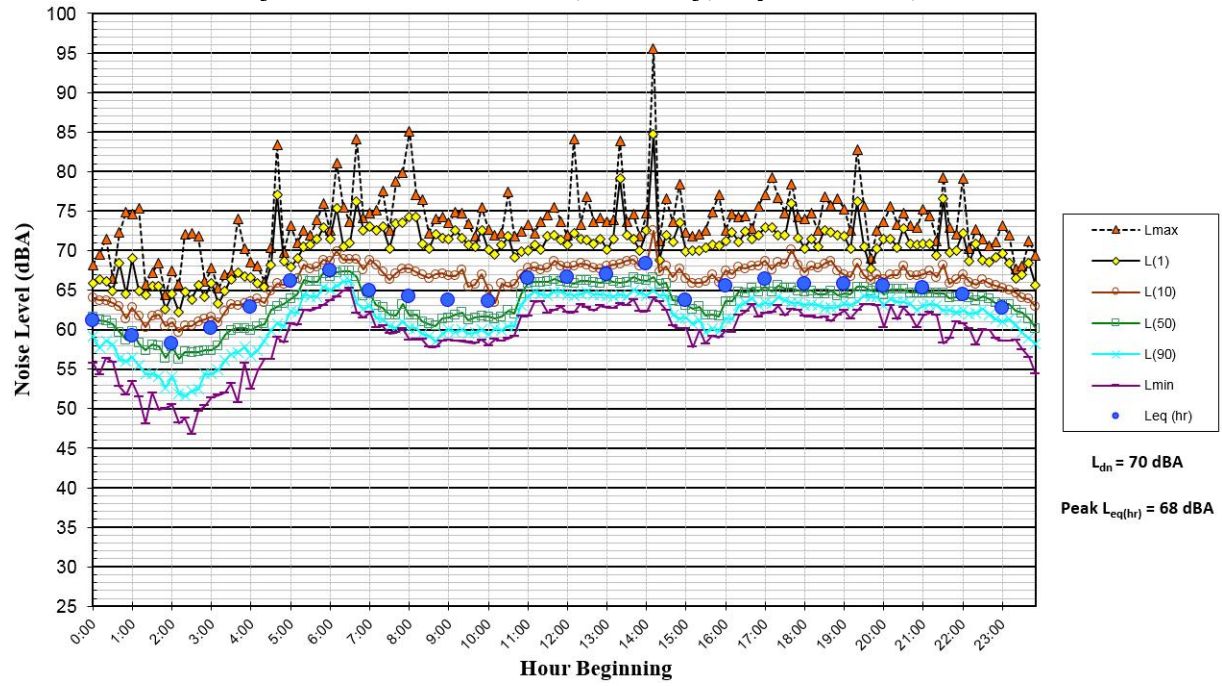
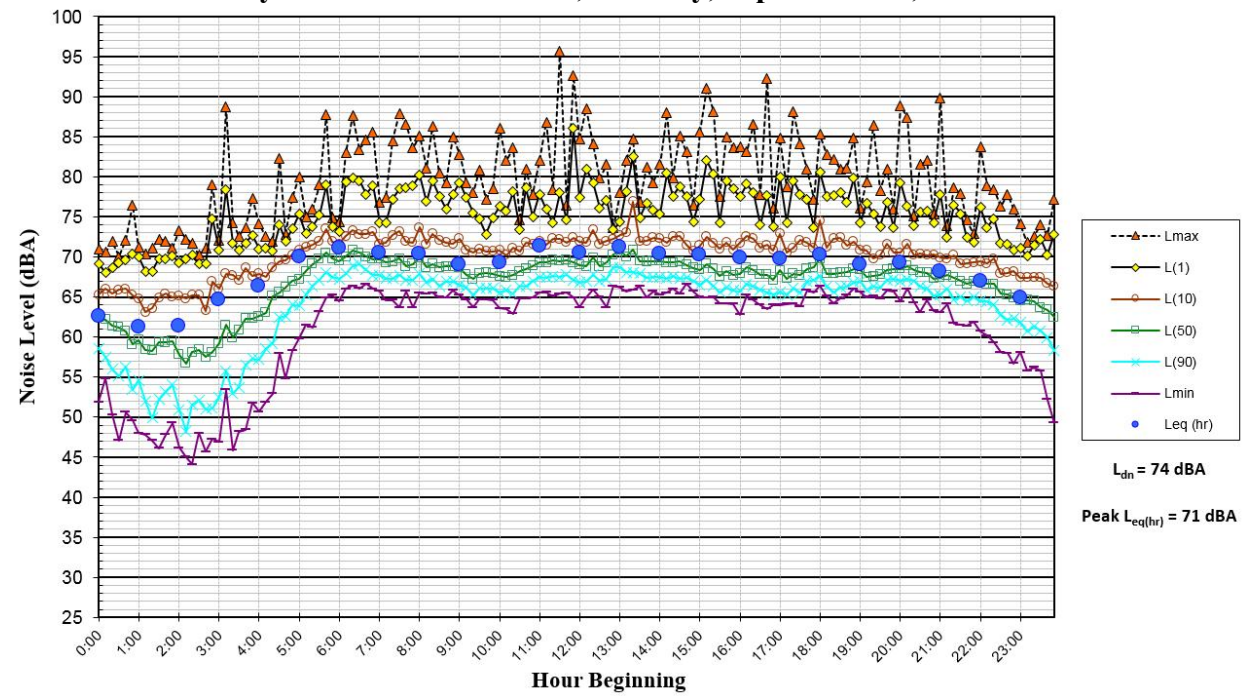


FIGURE 5 Daily Noise Trends at L116, Tuesday, September 20, 2016



GENERAL PLAN CONSISTENCY ANALYSIS

Noise and Land Use Compatibility

Table 10-1 of the City of East Palo Alto General Plan does not specify exterior noise level thresholds for common outdoor use areas of office buildings. The 2019 Cal Green Code requires interior noise levels for nonresidential uses to be maintained at or below 50 dBA $L_{eq(1-hr)}$. Additionally, interior noise levels for private offices should be maintained at or below 45 dBA $L_{eq(12)}$, according to Table 10-1 of the City's General Plan. $L_{eq(12)}$ is the A-weighted equivalent sound level averaged over a 12-hour period (usually the hours of operation).

The future noise environment at the project site would continue to result primarily from vehicular traffic along U.S. 101 and University Avenue. Existing and future traffic conditions from the project's traffic study were compared to estimate future traffic noise increases within the project vicinity. For purposes of estimating the worst-case scenario, the cumulative plus project traffic scenario was modeled in TNM 2.5 to estimate future peak hour noise levels. Based on these results, future traffic conditions in the project site vicinity are anticipated to increase by up to 2 dBA CNEL. Therefore, the future noise environment would be up to 75 dBA CNEL at the northeastern corner of the project site and 74 dBA CNEL along the building's eastern façade.

Future Exterior Noise Environment

Three outdoor use areas were identified in the site plan: 1) a deck on the second floor; 2) a rooftop deck on the sixth floor; and 3) a private plaza on the ground floor along the eastern façade of the building. The center of the second-floor deck and the center of the rooftop deck would be set back approximately 150 and 140 feet, respectively, from the centerline of University Avenue. While the rooftop deck would have direct line-of-sight to U.S. 101, the second-floor deck would be partially shielded by the project building. The center of the private plaza would be within 120 feet of University Avenue and would have direct line-of-sight to U.S. 101. Therefore, the future noise exposure is expected to be up to 72 dBA CNEL at the center of the second-floor deck, 74 dBA CNEL at the center of the rooftop deck, and up to 75 dBA CNEL at the center of the private plaza.

The City does not have an exterior noise level threshold for office buildings because these spaces are not normally areas of frequent human that would benefit from a lower noise level; therefore, the outdoor activity areas proposed by the project would be compatible with the future noise environment.

Future Interior Noise Environment

The northeastern corner of the building, which is closest to U.S. 101, would be exposed to noise levels of up to 72 dBA $L_{eq(1-hr)}$. The eastern building façade, which is adjacent to University Avenue, would be set back from the centerline of the roadway by approximately 130 feet. As the façade curves toward a southern exposure to Woodland Avenue, the façade would be set back from the centerline of Woodward Avenue by approximately 50 feet. At these distances, the eastern-southern curved façade would be exposed to future exterior noise levels of up to 71 dBA $L_{eq(1-hr)}$. The western façade would be shielded from traffic along University Avenue and U.S. 101 and

would experience future exterior noise levels that range from 66 dBA $L_{eq(1-hr)}$ at the northwest corner to 68 dBA $L_{eq(1-hr)}$ at the southwest corner.

Standard construction materials for commercial uses would provide about 25 dBA of noise reduction in interior spaces. The inclusion of adequate forced-air mechanical ventilation systems is normally required so that windows may be kept closed at the occupant's discretion and would provide an additional 5 dBA reduction. Standard construction materials in combination with forced-air mechanical ventilation would satisfy the threshold of 50 dBA $L_{eq(1-hr)}$ for general offices and 45 dBA $L_{eq(12)}$ for private offices.

Spaces where lower noise levels would be desired, such as private offices and conference rooms, may benefit from additional noise control in order to meet a lower, more desirable interior noise level. Additional noise control could be accomplished by selecting higher sound-rated windows (STC 34 or greater along the northern and eastern-southern exterior façades).

NOISE IMPACTS AND MITIGATION MEASURES

Significance Criteria

The following criteria were used to evaluate the significance of noise and vibration resulting from the project:

- A significant noise impact would be identified if the project would generate a substantial temporary or permanent noise level increase over ambient noise levels at existing noise-sensitive receptors surrounding the project site and that would exceed applicable noise standards presented in the General Plan or Municipal Code at existing noise-sensitive receptors surrounding the project site.
 - A significant noise impact would be identified if construction-related noise would temporarily increase ambient noise levels at sensitive receptors. The City of East Palo Alto considers large or complex projects involving substantial noise-generating activities and lasting more than 12 months significant when within 500 feet of residential land uses or within 200 feet of commercial land uses or offices.
 - According to Policy 7.2 of the City's General Plan, a significant impact would occur if the permanent noise level increase due to project-generated traffic was 3 dBA CNEL and exceed the "normally acceptable" level or was 5 dBA CNEL or greater and remained "normally acceptable." Based on Table 10-1, it is assumed that the 65 dBA CNEL exterior noise standard would be considered "normally acceptable" for residential land uses.
 - A significant noise impact would be identified if the project would expose persons to or generate noise levels that would exceed applicable noise standards presented in the General Plan or Municipal Code.

- A significant impact would be identified if the construction of the project would generate excessive vibration levels surrounding receptors. Groundborne vibration levels exceeding 0.3 in/sec PPV would have the potential to result in cosmetic damage to normal buildings.
- A significant noise impact would be identified if the project would expose people residing or working in the project area to excessive aircraft noise levels.

Impact 1a: Temporary Construction Noise. Existing noise-sensitive land uses would be exposed to a temporary increase in ambient noise levels due to project construction activities. **This is a less-than-significant impact with the incorporation of standard controls.**

Noise impacts resulting from construction depend upon the noise generated by various pieces of construction equipment, the timing and duration of noise-generating activities, and the distance between construction noise sources and noise-sensitive areas. Construction noise impacts primarily result when construction 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.

Section 15.04.125 of the City's Municipal Code limits construction activities to between 7:00 a.m. and 6:00 p.m. on weekdays and to between 9:00 a.m. and 5:00 p.m. on Saturdays. Construction activities are prohibited on Sundays and national holidays. During these allowable hours, construction noise would be exempt from the City's exterior and interior noise level standards at single- or multi-family residences, schools, hospitals, churches, and public libraries. Additionally, Policy 7.11 of the City's General Plan states that a significant construction noise impact would occur if substantial noise-generating construction activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) occurred within 500 feet of residential uses or 200 feet of commercial or office uses for more than 12 months. Further, large complex projects would require a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints to be in place prior to the start of construction and to be implemented during construction to reduce noise impacts on neighboring residents and other uses.

Ambient noise levels at the nearest noise-sensitive receptors to the south and to the east of the project site would typically range from 56 to 74 dBA L_{eq} during daytime hours based on a recent measurements made in the project vicinity. Figure 6 shows the project site with all surrounding receptors, including the residences to the south located in the City of Palo Alto. Note that the nearest Menlo Park receptor would be located more than 700 feet east of the project site with intervening structures providing shielding for all activities at the project site; therefore, the nearest Menlo Park Receptor would not be considered a noise-sensitive receptor for this proposed project and is not identified in Figure 6.

FIGURE 6 Aerial of Project Site and Existing Land Uses in the Project Vicinity



Construction activities generate considerable amounts of noise, especially during earth-moving activities when heavy equipment is used. 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. A list of typical maximum instantaneous noise levels measured at 50 feet are provided in Table 6. Table 7 shows the hourly average noise level ranges, by construction phase for various types of construction projects. Typical hourly average construction-generated noise levels for commercial office buildings are about 75 to 89 dBA L_{eq} , as measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-generated noise levels drop off at a rate of about 6 dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional 5 to 10 dBA noise reduction at distant receptors.

Based on the expected construction schedule provided for the proposed project, site preparation would start at the beginning of January 2024, and paving would conclude at the beginning of January 2027, which would total approximately 3 years. Table 8 summarizes the number of days anticipated for each construction phase and the estimated noise levels calculated at the property lines of the nearest sensitive receptors. Equipment for each phase was used as inputs into the FHWA’s Roadway Construction Noise Model (RCNM) to predict the combined average noise level. To model worst-case conditions, it was assumed that all equipment per phase would be operating simultaneously. For construction noise, the use of multiple pieces of equipment

simultaneously would add together as a collective noise source. While every piece of equipment per phase would likely be scattered throughout the site, the noise-sensitive receptors surrounding the site would be subject to the collective noise source generated by all equipment operating at once. Therefore, to assess construction noise impacts at the receiving property lines of noise-sensitive receptors, the collective worst-case hourly average noise level for each phase was centered at the geometrical center of the site and propagated to the nearest property line of the surrounding land uses. These noise level estimates are also shown in Table 8. These levels do not assume reductions due to intervening buildings or existing barriers.

Construction noise levels produced by individual pieces of equipment would not exceed the City of Palo Alto's 110 dBA limit, as shown in Table 6.⁸ Estimated However, estimated construction noise levels shown in Table 8 would exceed ambient levels by more than 5 dBA L_{eq} throughout construction, which is expected to last approximately two years. Since project construction is expected to exceed one year in duration, the project would require the inclusion of construction best management practices as project conditions of approval to reduce noise levels as low as feasible at nearby receptors, resulting in a less-than-significant impact.

⁸ City of Palo Alto. Municipal Code Section 9.10.

TABLE 6 Construction Equipment, 50-foot Noise Emission Limits

Equipment Category	L_{max} Level (dBA)^{1,2}	Impact/Continuous
Arc Welder	73	Continuous
Auger Drill Rig	85	Continuous
Backhoe	80	Continuous
Bar Bender	80	Continuous
Boring Jack Power Unit	80	Continuous
Chain Saw	85	Continuous
Compressor ³	70	Continuous
Compressor (other)	80	Continuous
Concrete Mixer	85	Continuous
Concrete Pump	82	Continuous
Concrete Saw	90	Continuous
Concrete Vibrator	80	Continuous
Crane	85	Continuous
Dozer	85	Continuous
Excavator	85	Continuous
Front End Loader	80	Continuous
Generator	82	Continuous
Generator (25 KVA or less)	70	Continuous
Gradall	85	Continuous
Grader	85	Continuous
Grinder Saw	85	Continuous
Horizontal Boring Hydro Jack	80	Continuous
Hydra Break Ram	90	Impact
Impact Pile Driver	105	Impact
Insitu Soil Sampling Rig	84	Continuous
Jackhammer	85	Impact
Mounted Impact Hammer (hoe ram)	90	Impact
Paver	85	Continuous
Pneumatic Tools	85	Continuous
Pumps	77	Continuous
Rock Drill	85	Continuous
Scraper	85	Continuous
Slurry Trenching Machine	82	Continuous
Soil Mix Drill Rig	80	Continuous
Street Sweeper	80	Continuous
Tractor	84	Continuous
Truck (dump, delivery)	84	Continuous
Vacuum Excavator Truck (vac-truck)	85	Continuous
Vibratory Compactor	80	Continuous
Vibratory Pile Driver	95	Continuous
All other equipment with engines larger than 5 HP	85	Continuous

Notes: ¹ Measured at 50 feet from the construction equipment, with a “slow” (1 sec.) time constant.

² Noise limits apply to total noise emitted from equipment and associated components operating at full power while engaged in its intended operation.

³ Portable Air Compressor rated at 75 cfm or greater and that operates at greater than 50 psi.

TABLE 7 Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, Religious Amusement & Recreations, Store, Service Station		Public Works Roads & Highways, Sewers, and Trenches	
	I	II	I	II	I	II	I	II
Ground Clearing	83	83	84	84	84	83	84	84
Excavation	88	75	89	79	89	71	88	78
Foundations	81	81	78	78	77	77	88	88
Erection	81	65	87	75	84	72	79	78
Finishing	88	72	89	75	89	74	84	84
I - All pertinent equipment present at site.								
II - Minimum required equipment present at site.								

Source: U.S.E.P.A., Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

TABLE 8 Estimated Construction Noise Levels at Nearby Land Uses

Phase	No. of Work Days	Calculated Hourly Average L_{eq} at Noise-Sensitive Receptors, dBA L_{eq}				
		Comm. North (130 ft)	Comm. West (210 ft)	Res. East (250 ft)	Res. South (280 ft)	Hotel North (440 ft)
Demolition	15	81	79	77	75	76
Site Preparation	15	77	78	73	73	71
Grading & Excavation	120	81	82	77	78	76
Trenching & Foundation	130	81	81	77	77	76
Building – Exterior	225	73	79	68	74	67
Building – Interior & Architectural Coating	145	69	72	65	67	64
Paving	135	73	77	68	73	67

Standard Construction Noise Controls:

Reasonable regulation of the hours of construction, as well as regulation of the arrival and operation of heavy equipment and the delivery of construction material, are necessary to protect the health and safety of persons, promote the general welfare of the community, and maintain the quality of life. Policy 7.11 of the City's General Plan requires the implementation of a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints to reduce noise impacts on neighboring residents and other uses. A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Limit construction activity to weekdays between 7:00 a.m. and 7:00 p.m. and Saturdays and holidays between 9:00 a.m. and 7:00 p.m., with no construction on Sundays;
- Utilize "quiet" models of air compressors and other stationary noise sources where such 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;
- 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 are implemented.
- 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.

With the implementation of standard noise controls in GP Policy 7.11 and the Municipal Code allowable construction hours, the temporary construction noise impact would be reduced to a less-than-significant level.

Impact 1b: Permanent Noise Level Increase. The proposed project is not expected to cause a substantial permanent noise level increase at the existing residential land uses in the project vicinity. **This is a less-than-significant impact.**

According to Policy 7.2, a significant impact would occur if the permanent noise level increase due to project-generated traffic is 3 dBA CNEL and exceeds the “normally acceptable” level or is 5 dBA CNEL or greater and remains “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 in Table 10-1 would be considered “normally acceptable.”

Existing noise levels measured at the noise-sensitive receptors surrounding the site exceeded 65 dBA CNEL, and under future conditions, the noise environment at these nearby noise-sensitive receptors would continue to exceed 65 dBA CNEL. Therefore, a significant impact would occur if project-generated traffic increases noise levels along local roadways by 3 dBA CNEL or more. For reference, a 3 dBA CNEL noise increase would be expected if the project would double existing traffic volumes along a roadway.

The traffic study of the proposed project included peak hour existing and existing plus project traffic scenarios. By comparing the traffic volumes of existing plus project traffic volumes to the existing volumes, a traffic noise increase of 2 dBA CNEL was calculated along University Circle, north of Woodland Avenue. Along every other roadway segment included in the traffic study, a noise level increase of 1 dBA CNEL or less was calculated. Therefore, the permanent traffic noise increase attributable to the project would be 2 dBA CNEL or less in the project vicinity. This would not be considered a significant permanent noise level increase. This is a less-than-significant impact.

Mitigation Measure 1b: None required.

Impact 1c: Noise Levels in Excess of Standards. The proposed project would potentially generate noise in excess of standards established in the City’s General Plan or Municipal Code at the nearby sensitive receptors. **This is a potentially significant impact.**

Tables 4 and 5 summarize the Municipal Code’s thresholds for exterior and interior noise levels, respectively, as measured on the receiving land uses. Single-family residences are located to the south of the project site, opposite Woodland Avenue, and multi-family residences are located to the east of the project site, opposite University Avenue. Since mechanical equipment could run during daytime and nighttime hours, the exterior noise level thresholds would be 55 dBA L₅₀ during daytime hours (between 7:00 a.m. and 10:00 p.m.) and 50 dBA L₅₀ during nighttime hours (between 10:00 p.m. and 7:00 a.m.). The interior noise level thresholds would be 45 dBA L₅₀ during the daytime hours and 40 dBA L₅₀ during nighttime hours.

The proposed project would include mechanical equipment, such as heating, ventilation, and air conditioning systems (HVAC). Site plan indicates that the HVAC units would be located on the rooftop, with a mechanical screen of more than 14 feet tall constructed around the perimeter of the rooftop. However, detailed information on the specific equipment, including type of HVAC units, number of units, noise level information, etc., were not available at the time of this analysis. Additionally, information regarding the mechanical screen was not available at the time of this study.

Based on the TNM model discussed in the Existing Noise Environment section of this report, ambient noise levels at the nearest residences south of the project site, opposite Woodland Avenue in the City of Palo Alto would be up to 68 dBA. If the City of East Palo Alto daytime and nighttime noise level thresholds are met, the proposed project would not result in a 6 dBA increase over ambient noise levels at the residential properties located in the City of Palo Alto.⁹

These types of units would run continuously during daytime and nighttime hours, with multiple units operating simultaneously at any given time. Assuming no shielding provided by screens, noise levels generated by mechanical equipment would potentially exceed the City's Municipal Code thresholds. Conservatively, this would be a potentially significant impact.

Mitigation Measure 1c:

Prior to the issuance of building permits, mechanical equipment generated at the proposed project building shall be selected and designed to reduce impacts on surrounding uses to meet the City's exterior and interior noise level requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine specific noise reduction measures necessary to reduce noise to comply with the City's 55 dBA L₅₀ daytime exterior limit and 50 dBA L₅₀ nighttime exterior limit at the nearest residential property lines. Noise reduction measures could include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers, such as enclosures and parapet walls to block the line-of-sight between the noise source and the nearest receptors. Alternate measures may include locating equipment in less noise-sensitive areas, where feasible. With the implementation of this measure, the impact would be reduced to a less-than-significant level.

Impact 2: Exposure to Excessive Groundborne Vibration due to Construction. Construction-related vibration levels resulting from activities at the project site would exceed 0.3 in/sec PPV at the nearest sensitive receptor. **This is a potentially significant impact.**

The construction of the project may generate vibration when heavy equipment or impact tools (e.g. hoe rams) are used in close proximity to existing buildings. Construction activities would include grading, foundation work, paving, and new building framing and finishing. According to the list of construction equipment expected to be used for the proposed project, pile driving, which can cause excessive vibration, would not be required.

For structural damage, the California Department of Transportation recommends a vibration limit of 0.5 in/sec PPV for buildings structurally sound and designed to modern engineering standards, 0.3 in/sec PPV for buildings that are found to be structurally sound but where structural damage is a major concern, and a conservative limit of 0.08 in/sec PPV for ancient buildings or buildings that are documented to be structurally weakened. No known ancient buildings or buildings that are documented to be structurally weakened adjoin the project area. Conservatively, groundborne

⁹ Section 9.10.030 of the City of Palo Alto Municipal Code states that noise levels shall not exceed ambient levels by more than 6 dBA within residential areas.

vibration levels exceeding 0.3 in/sec PPV would have the potential to result in a significant vibration impact.

Table 9 presents typical vibration source levels that could be expected from construction equipment at a distance of 25 feet. Project construction activities, such as drilling, the use of jackhammers, rock drills and other high-power or vibratory tools, and rolling stock equipment (tracked vehicles, compactors, etc.), may generate substantial vibration in the immediate vicinity. Jackhammers typically generate vibration levels of 0.035 in/sec PPV, and drilling typically generates vibration levels of 0.09 in/sec PPV at a distance of 25 feet. Vibration levels would vary depending on soil conditions, construction methods, and equipment used. Table 9 also includes vibration levels calculated at the nearest residential and commercial structures surrounding the site, as measured from the nearest location of heavy construction equipment, which would potentially be the nearest boundary of the project site.

The residential buildings to the south and east would be set back from the project’s boundary by at least 125 feet. Therefore, vibration levels would be below 0.04 in/sec PPV, which would be barely to distinctly perceptible, but unlikely to cause any damage to the single- or multi-family residential structures. The nearest commercial building to the west would be as close as 85 feet from construction equipment and would be exposed to vibration levels of up to 0.06 in/sec PPV. Vibration levels at this distance would be distinctly to strongly perceptible but would likely not cause damage to the building. The nearest commercial building to the north would be as close as 5 feet from construction equipment and would be exposed to vibration levels of up to 1.2 in/sec PPV when clam shovel drops and vibratory rollers (or similar types of equipment) are used along the northern boundary of the project site.

TABLE 9 Vibration Source Levels for Construction Equipment

Equipment	PPV at 25 ft. (in/sec)	Estimated Vibration Levels at Surrounding Structures, in/sec PPV			
		Com. North (5 ft)	Com. West (85 ft)	Res. East (125 ft)	Res. South (190 ft)
Clam shovel drop	0.202	1.186	0.053	0.034	0.022
Hydromill (slurry wall)	in soil	0.008	0.047	0.002	0.001
	in rock	0.017	0.100	0.004	0.003
Vibratory Roller	0.210	1.233	0.055	0.036	0.023
Hoe Ram	0.089	0.523	0.023	0.015	0.010
Large bulldozer	0.089	0.523	0.023	0.015	0.010
Caisson drilling	0.089	0.523	0.023	0.015	0.010
Loaded trucks	0.076	0.446	0.020	0.013	0.008
Jackhammer	0.035	0.206	0.009	0.006	0.004
Small bulldozer	0.003	0.018	0.001	0.001	0.000

Source: Transit Noise and Vibration Impact Assessment Manual, Federal Transit Administration, Office of Planning and Environment, U.S. Department of Transportation, September 2018, as modified by Illingworth & Rodkin, Inc., May 2020.

A study completed by the US Bureau of Mines analyzed the effects of blast-induced vibration on buildings in USBM RI 8507¹⁰. The findings of this study have been applied to buildings affected by construction-generated vibrations¹¹. As reported in USBM RI 8507¹⁰ and reproduced by Dowding,¹¹ Figure 67 presents the damage probability, in terms of “threshold damage,” “minor damage,” and “major damage,” at varying vibration levels. Threshold damage, which is described as cosmetic damage in this report, would entail hairline cracking in plaster, the opening of old cracks, the loosening of paint or the dislodging of loose objects. Minor damage would include hairline cracking in masonry or the loosening of plaster, and major structural damage would include wide cracking or shifting of foundation or bearing walls. As shown in Figure 67, maximum vibration levels of 1.2 in/sec PPV would result in approximately 20% of threshold damage or cosmetic damage, while no minor or major damage was observed with maximum vibration levels of 1.2 in/sec PPV. At 0.5 in/sec PPV, no minor or major damage would be expected, and there would be less than 5% chance of threshold damage or cosmetic damage.

Typical construction equipment, as shown in Table 9, would have the potential to produce vibration levels of 0.3 in/sec PPV or more at the existing building immediately north of the project site. While no minor or major damage would be expected to occur at this building, there is the potential to result in threshold or cosmetic damage. This is a significant impact.

At this location, and in other surrounding areas within 200 feet, vibration levels would potentially be perceptible. By use of administrative controls, such as notifying neighbors of scheduled construction activities and scheduling construction activities with the highest potential to produce perceptible vibration during hours with the least potential to affect nearby businesses, perceptible vibration can be kept to a minimum.

Mitigation Measure 2:

The following measures are recommended to reduce vibration impacts from construction activities to a less-than-significant impact:

- Limit vibration-inducing equipment to the extent feasible.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of the adjacent building to the north.
- Use a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, when compacting materials within 30 feet of adjacent commercial buildings.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.

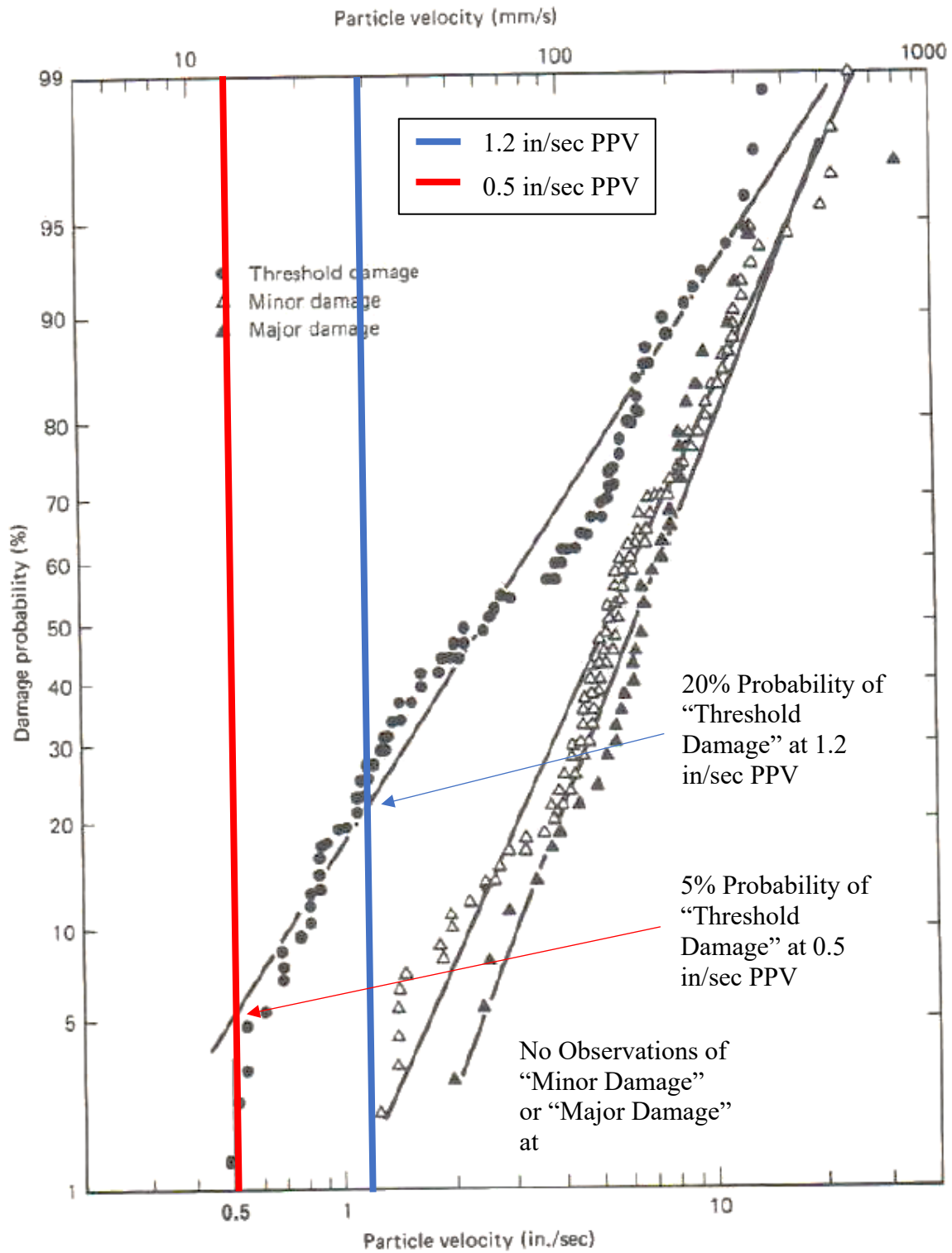
¹⁰ Siskind, D.E., M.S. Stagg, J.W. Kopp, and C.H. Dowding, Structure Response and Damage Produced by Ground Vibration from Surface Mine Blasting, RI 8507, Bureau of Mines Report of Investigations, U.S. Department of the Interior Bureau of Mines, Washington, D.C., 1980.

¹¹ Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996.

- Alternative methods for breaking up existing pavement, such as a pavement grinder, shall be used instead of dropping heavy objects, within 30 feet of adjacent buildings.

The implementation of these measures would reduce the impact to a less-than-significant level.

FIGURE 67 Probability of Cracking and Fatigue from Repetitive Loading



Source: Dowding, C.H., Construction Vibrations, Prentice Hall, Upper Saddle River, 1996, as modified by Illingworth & Rodkin, Inc., May 2020.

Impact 3: Excessive Aircraft Noise. The project would not expose people working in the project area to excessive aircraft noise levels. **This is a less-than-significant impact.**

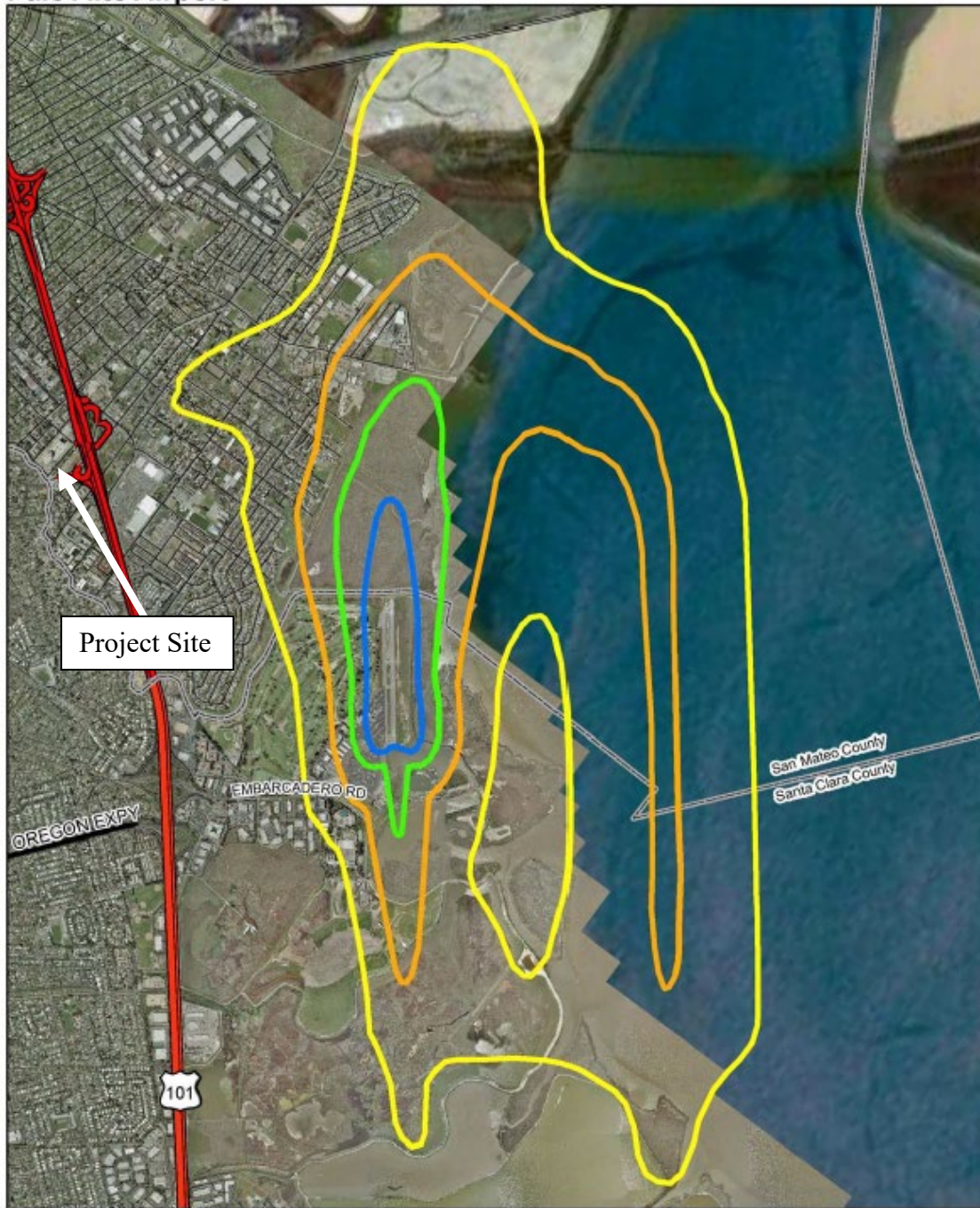
The Palo Alto Airport is a general aviation airport located approximately 1.3 miles east of the project site. The project site lies outside of the 55 dBA CNEL noise contour for 2022, as shown in Figure 78. This means aircraft noise associated with this airport would result in noise levels at or below 55 dBA CNEL by the year 2022. Aircraft noise levels are also well below ambient traffic noise levels produced by U.S. 101. The number of future flights is not expected to substantially increase above existing conditions. According to Table 4-1 of the Palo Alto Comprehensive Plan from 1998, office buildings located outside the 55 dBA CNEL noise contour would be considered generally acceptable. Further, standard construction materials would achieve a 25 to 30 dBA exterior-to-interior noise reduction with the windows closed. Therefore, interior noise levels at the proposed building during daytime hours would be below the City's 45 dBA $L_{eq(12)}$ threshold.

Other airports in the vicinity of the project site include the Moffett Federal Airfield (5 miles southeast), Norman Y. Mineta San José International Airport (12 miles southeast), San Carlos Airport (7 miles northwest), and San Francisco International Airport (15 miles northwest). The project site lies outside the areas of influence for each of the airports, and the noise environment at the site would not substantially increase due to aircraft noise from these airports.

Exterior and interior noise levels resulting from aircraft would be compatible with the proposed project.

Mitigation Measure 3: None required.

FIGURE 78 2022 CNEL Noise Contours for Palo Alto Airport Relative to Project Site
Palo Alto Airport



Noise Contours (CNEL)
 55 60 65 70

2022 Aircraft Noise Contours
 Figure 5

0 1,000 2,000 4,000
 Feet

This map created by Santa Clara County Planning Office. The GIS data was compiled from various sources. While deemed reliable, the Planning Office assumes no liability for its use. 11/18/2021 11:58:04 AM C:\projects\2022_noise\figure_5_2022.mxd

Cumulative Impacts

Cumulative noise impacts could result from cumulative traffic conditions and cumulative construction projects.

A significant cumulative traffic noise impact would occur if two criteria are met: 1) if the cumulative traffic noise level increase was 3 dBA CNEL or greater for future levels exceeding 65 dBA CNEL or was 5 dBA CNEL or greater for future levels at or below 65 dBA CNEL; and 2) if the project would make a “cumulatively considerable” contribution to the overall traffic noise increase. A “cumulatively considerable” contribution would be defined as an increase of 1 dBA CNEL or more attributable solely to the proposed project.

Cumulative traffic noise level increases were calculated by comparing the cumulative no project traffic volumes and the cumulative plus project volumes to existing traffic volumes. A traffic noise increase of 3 dBA CNEL or more was calculated under both cumulative scenarios along the U.S. 101 northbound on-ramp and future Sobrato driveway at Donohoe Street, along University Avenue, south of Bay Road, along Bay Road, east and west of University Avenue, and along Donohoe Street, east of East Bayshore Road. Since the same increase was calculated for both cumulative scenarios (no project and plus project), the project’s contribution along these roadway segments would be less than 1 dBA CNEL, which would not be considered a “cumulatively considerable” contribution. All other segments included in the traffic study would result in noise level increases of less than 3 dBA CNEL under cumulative conditions. Therefore, the project would not cause a significant cumulative noise increase at noise-sensitive uses in the project vicinity.

Planned temporary construction projects located within 1,000 feet of the project site include the Woodland Apartment Expansion project, the San Francisquito Creek Joint Powers Authority (SFCJPA) project, and the University Avenue Bike and Pedestrian Overcrossing (BPOC) project. The Woodland Apartment Expansion project which is located approximately 635 feet northwest of the University Circle Phase II project site, the SFCJPA project is located as close as 100 feet south of the University Circle Phase II project site, and the University Avenue BPOC project is located approximately 100 feet east of the University Circle Phase II project site within University Avenue.

The Woodland Apartment Expansion project proposes to demolish and replace the existing structures with two new mixed-use residential buildings and neighborhood park. The construction schedule for this project has yet to be established; ~~however, it assuming worst-case conditions, this project could either occur simultaneously or consecutively with the University Circle Phase II project. It could potentially occur consecutively.~~ The multi-family residential buildings located at the corner of Woodland Avenue and Manhattan Avenue (identified in Figure 6 as Res. West) would have some exposure to the construction activities at the University Circle Phase II site; however, due to the intervening University Circle building (identified in Figure 6 as Comm. West), which would provide shielding for the residences, the disturbance from the University Circle Phase II project would be minimal. Construction noise is most disruptive for receptors with direct line-of-sight to both project sites. Therefore, these receptors would have multiple buildings providing shielding from the construction activities at the Woodland Apartments site. Construction from that site would not be considered significant. Therefore, with the inclusion of Mitigation

Measures 1a and 2 in this report and those likely included in the Environmental Impact Report for the Woodland Apartment Expansion project, noise and vibration impacts due to cumulative construction would be reduced. This would be a less-than-significant cumulative construction noise impact.

The SFCJPA project has been delayed and is now expected to occur in 2023 or later, which could occur simultaneously or consecutively with the proposed project. Based on the Environmental Impact Report (EIR) for the SFCJPA project, construction of this project would result in 60 construction truck trips per day over a total construction period of five months. Therefore, construction of this project and the University Circle Phase II project would potentially overlap for up to five months and both project sites would share noise-sensitive receptors (residences south of Woodland Avenue and east of University Circle). However, the construction activities from the SFCJPA project would be closer in proximity to these receptors and would have a more direct impact on the receptors. Therefore, with the incorporation of mitigation measures from both projects, the potential cumulative construction impact would be reduced to a less-than-significant impact at the sensitive receptors in the vicinity of both project sites.

The University Avenue BPOC project would include construction of a new bicycle and pedestrian overcrossing and an access path adjacent to the project site along University Avenue. According to the requirements associated with funding for the project, construction must begin before December 31, 2022, and is expected to take approximately one year to complete. If the University Avenue BPOC project is delayed, construction could overlap with the construction of the University Circle Phase II project, and both project sites would share noise-sensitive receptors (residences east of University Avenue and south of Woodland Avenue). The University Avenue BPOC project would be closer in proximity to these receptors and would have a more direct impact on the receptors. Based on a Categorical Exemption/Categorical Exclusion prepared for the project by Caltrans, construction activities would generate noise levels of 84 dBA L_{max} or higher at a distance of 100 feet. Construction noise mitigation measures, such as equipping all internal combustion engines with manufacturer recommended mufflers and using cast-in drilled holes instead of pile driving, are identified in the University Avenue BPOC Categorical Exemption/Categorical Exclusion and would be imposed on the University Avenue BPOC project. With the incorporation of mitigation measures from both projects, the potential cumulative construction noise impact would be less-than-significant at the sensitive receptors in the vicinity of both projects.

All other planned development projects, including the office tower at 660 Donohoe Street, the hotel project at 630 Donohoe Street, and the mixed-use project at 2111 University Avenue, would be more than 1,000 feet from the northern boundary of the project site, which is too far from one another that construction noise from the projects simultaneously would contribute to one another. These proposed projects would not share impacted receptors with the University Circle Phase II project. Further, these projects would be north of U.S. Highway 101, which is a substantial noise generator in and of itself. No further cumulative impacts would be expected.