City of Los Altos

MITIGATED NEGATIVE DECLARATION

4350 El Camino Real Residential Development

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Mitigated Negative Declaration pursuant to the California Environmental Quality Act:

Proposed Project: New 47-unit Multiple-Family Residential Development

Location: 4350 El Camino Real, Los Altos, County of Santa Clara.

Finding: The proposed project will not have a significant effect on the environment.

Reasons Supporting the Finding:

- An Initial Study of Environmental Effects has been prepared that identified no potentially significant impacts.
- The proposed project conforms to the City's General Plan and Zoning Ordinance.
- Because of its in-fill location, new public services and utilities are not required.
- The project will not adversely impact fish and wildlife resources or their habitats.

Mitigation Measures Included in the Project: The following mitigation measures are included in the project to avoid potentially significant effects.

- **Air Quality**

  MM AIR-3.1: The following standard measures, in accordance with BAAQMD best management practices, would reduce the fugitive dust emissions during construction to a less than significant level:

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

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

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

- All vehicle speeds on unpaved roads shall be limited to 15 mph;

- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible;

- Vegetation in disturbed areas shall be planted as quickly as possible;

- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;

- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;

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

- Post a publicly visible sign with the telephone number and person to contact at the City of Los Altos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-3.2: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 93-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- For equipment used during the site preparation and grading phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

- For the remaining phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters (DPF) or equivalent. The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Alternatively, the use of equipment that includes electric or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.

- Portable equipment (i.e., air compressors, cement and mortar mixers, and concrete/industrial saws) shall be electrically powered.

- **Biological Resources**

  MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 30th). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.

  MM BIO-1.2: If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct pre-construction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

  MM BIO-1.3: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.

MM BIO-1.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (i.e., prior to February 1st).

- **Cultural Resources**

MM CUL-2.1: The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.

In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development.

MM CUL-2.2: Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- **Hazards and Hazardous Materials**

MM HAZ-2.1: Prior to conducting earthwork activities at the site, soil sampling shall be performed to evaluate if agricultural chemicals (i.e. organochlorine pesticides and associated metals including lead and arsenic) are present.

MM HAZ-2.2: Prior to redevelopment of the site, the USTs and associate piping and dispensers shall be removed. The removal activities shall be coordinated with the Santa Clara County Department of Environmental Health (DEH) and Fire Department. In accordance with the requirements of these agencies, soil quality below the USTs, piping and dispensers shall be evaluated via the collection of soil samples and laboratory analyses.

MM HAZ-2.3: Prior to redevelopment of the site, each of the below-ground lift casings and any associated hydraulic fluid piping and reservoirs shall be removed and properly disposed. An environmental professional shall be retained to observe the removal activities and, if evidence of leakage is identified, soil sampling and laboratory analyses shall be conducted.

MM HAZ-2.4: Facility closure shall be coordinated with the DEH and Fire Department to ensure that required closure activities are completed prior to redevelopment of the site.

MM HAZ-2.5: The DEH shall be contacted to evaluate if any further mitigation measure will be required to facilitate residential development of the site. Any required mitigation measures shall be described in the Site Management Plan (refer to MM HAZ-2.6) or appropriate corrective action/risk management plan (i.e. remedial action plan [RAP], removal action workplan [RAW], etc.).

MM HAZ-2.6: A Site Management Plan (SMP) and Health and Safety Plan (HSP) for the proposed demolition and redevelopment activities shall be prepared by an Environmental Professional. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater or other materials (such as the reported former oil-water separator) that may potentially be encountered during construction activities. The SMP also shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.

If the sampling recommended in the above measures identifies contaminants at concentrations exceeding applicable published residential screening levels, appropriate mitigation measures shall be implemented under oversight from an appropriate regulatory agency (i.e. DEH, Water Board or California Department of Toxic Substances Control [DTSC]). All sampling shall be performed by an Environmental Professional following commonly accepted sampling protocols.

MM HAZ-2.7: Prior to issuance of a demolition permit, an asbestos survey shall be conducted and identified ACBM shall be managed and/or removed in accordance with BAAQMD and NESHAP guidelines. Pursuant to BAAQMD regulations, a BAAQMD job number "J#" shall be applied for and obtained prior to demolition.

MM HAZ-2.8: Universal wastes, lubrication fluids, refrigerants and other potentially hazardous building materials shall be removed before structural

demolition begins. Before disposing of any demolition waste, the demolition contractor shall determine if the waste is hazardous and ensure proper disposal of waste materials.

MM HAZ-2.9: The removal of lead-based paint is not required prior to building demolition if the paint is bonded to the building materials. However, if the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training, air monitoring and dust control, among others. Any debris containing lead shall be disposed appropriately.

- **Noise**

MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 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 whether the proposed noise reduction measures sufficiently reduce noise to comply with the City's 50 dBA Leq residential noise limit at the shared property lines. Noise reduction measures that would accomplish this reduction 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.

MM NOI-1.2: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 6:00 p.m., in accordance with the City's Municipal Code. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.

- Use of the concrete saw within 50 feet of any shared property line shall be limited.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.

- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors (residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- A temporary noise control blanket barrier could be erected, if necessary, at the property line or along building facades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to neighbors with the construction schedule.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

MM NOI-2.1: A construction vibration-monitoring plan shall be implemented to document conditions at the structure located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to groundborne vibration of the structure located within 20 feet of construction.

- Performance of a photo survey, elevation survey, and crack monitoring survey for the structure located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure. Interior inspections would be subject to property owners' permission.

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

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

Initial Study Prepared by: City of Los Altos

I, Laura Simpson, hereby certify that this Mitigated Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and all applicable State and City Guidelines.

By: _____ Date: _____

Laura Simpson
Interim Community and Economic
Development Director

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of Los Altos, as the Lead Agency, has prepared this Initial Study (IS) and Mitigated Negative Declaration (MND) for the 4350 El Camino Real project in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of Los Altos, California.

The project proposes to demolish the existing gas station and redevelop the site with a 47-unit, five-story residential building with underground parking. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this IS and MND marks the beginning of a 30-day public review and comment period. During this period, the IS and MND will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this IS during the 30-day public review period should be sent to:

Sean Gallegos
Senior Planner
City of Los Altos Community Development Department
One North San Antonio Road
Los Altos, CA 94022
(650) 947-2641
Sgallegos@losaltosca.gov

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City of Los Altos will consider adoption of the MND for the project at a regularly scheduled public meeting. The City shall consider the IS and MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City of Los Altos will file a Notice of Determination (NOD), which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

4350 El Camino Real Residential Project

2.2 LEAD AGENCY CONTACT

Sean Gallegos
Senior Planner
City of Los Altos Community Development Department
One North San Antonio Road
Los Altos, CA 94022
(650) 947-2641
Sgallegos@losaltosca.gov

2.3 PROJECT APPLICANT

Angie & Greg Galatolo
4350 El Camino Real
Los Altos, CA 94022

2.4 PROJECT LOCATION

The project site is located at 4350 El Camino Real, which is at the southeast corner of the intersection of El Camino Real and Los Altos Avenue in northern Los Altos. The project location is shown on the following Regional Map (Figure 2.1-1) Vicinity Map (Figure 2.1-2), and Aerial Photograph and Surrounding Land Uses (Figure 2.1-3) exhibits.

2.5 ASSESSOR'S PARCEL NUMBER

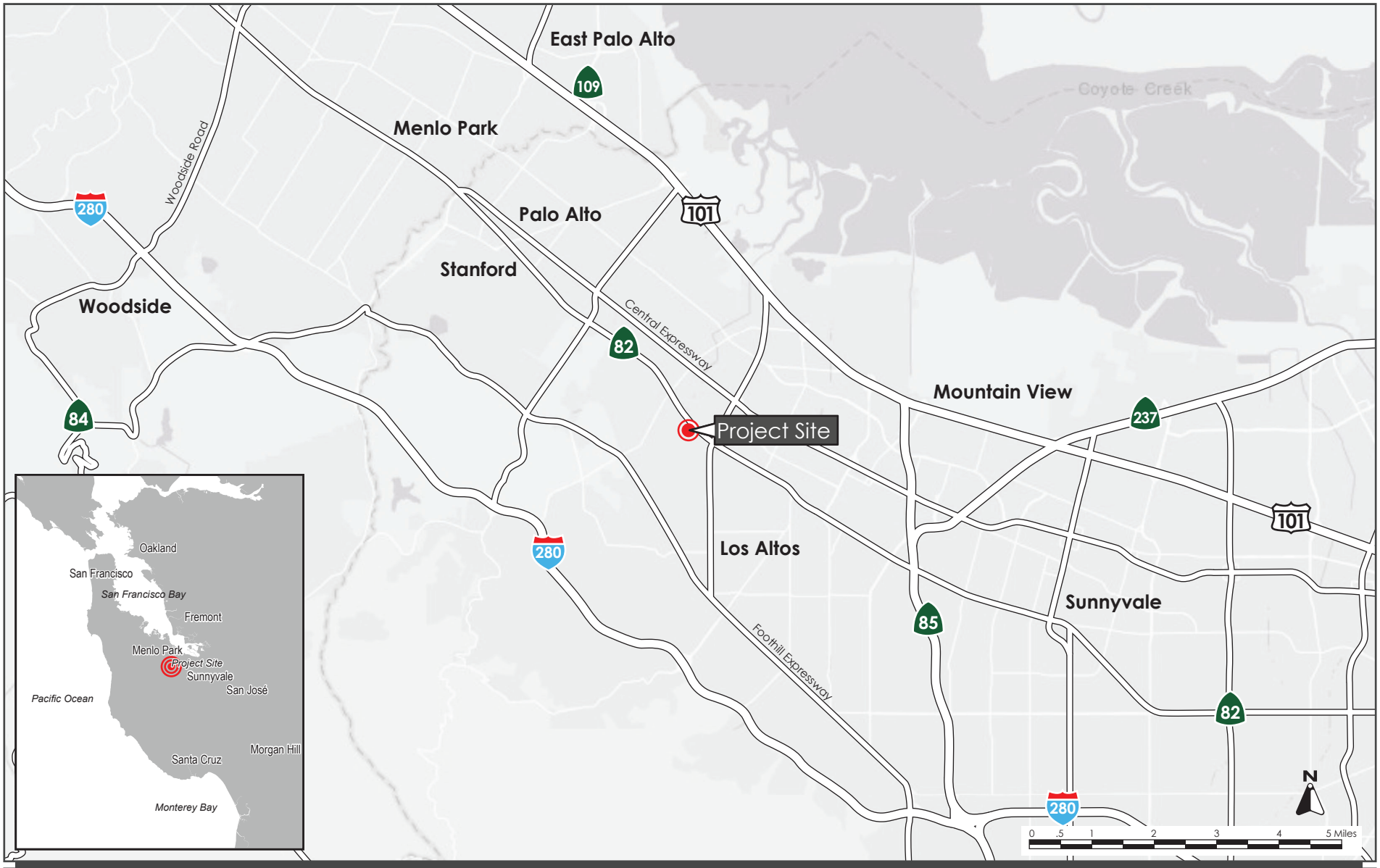
015-10-500

2.6 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

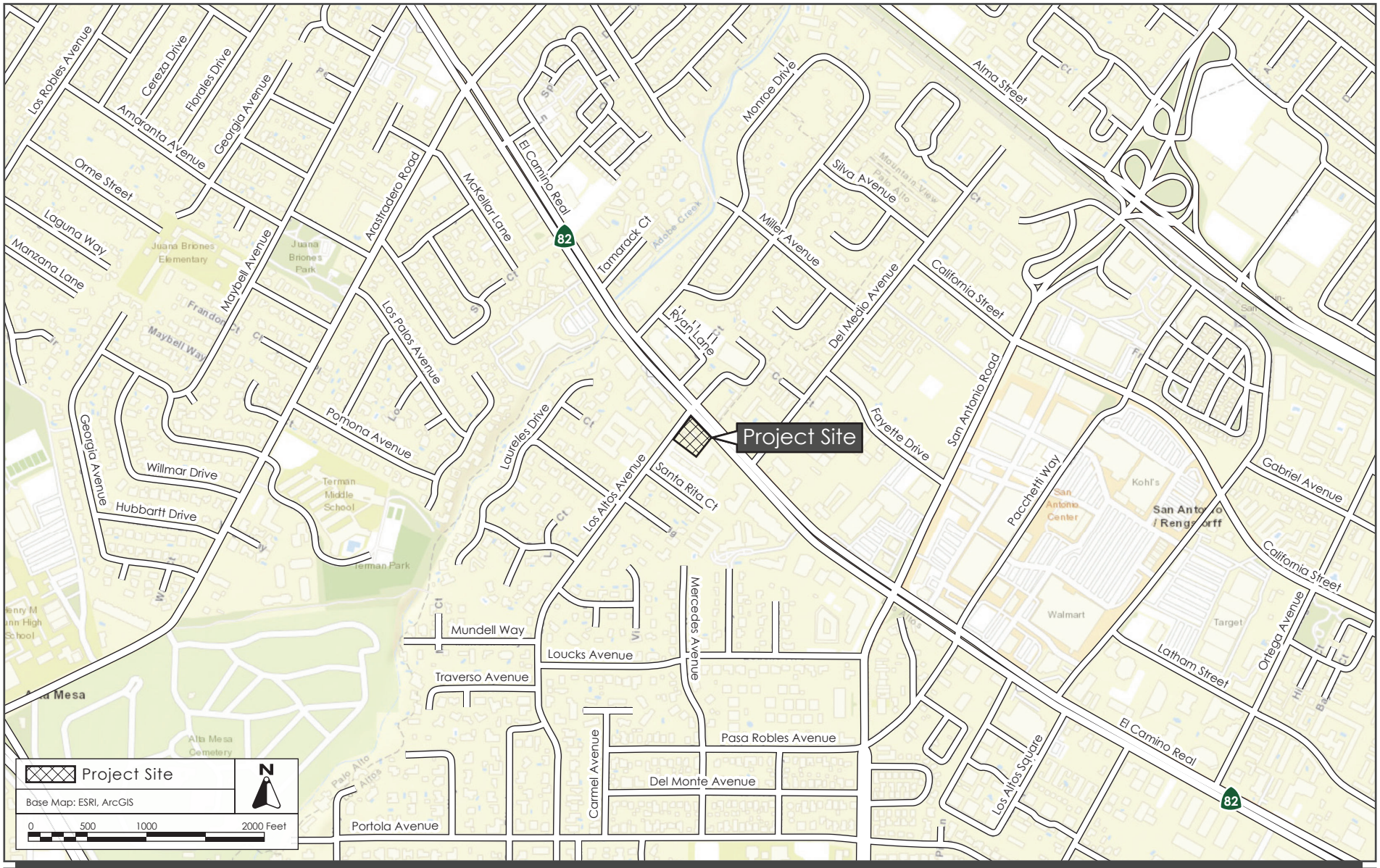
The project site has a General Plan land use designation of *Thoroughfare Commercial* and a zoning designation of *CT (Commercial Thoroughfare).*

2.7 PROJECT-RELATED APPROVALS, AGREEMENTS, AND PERMITS

- Multiple-Family Design Review
- Conditional Use Permit
- Vesting Tentative Tract Map
- Density Bonus and Development Incentives
- Building Permits



REGIONAL MAP | FIGURE 2.1-1



VICINITY MAP

FIGURE 2.1-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 2.1-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 PROJECT OVERVIEW

Location

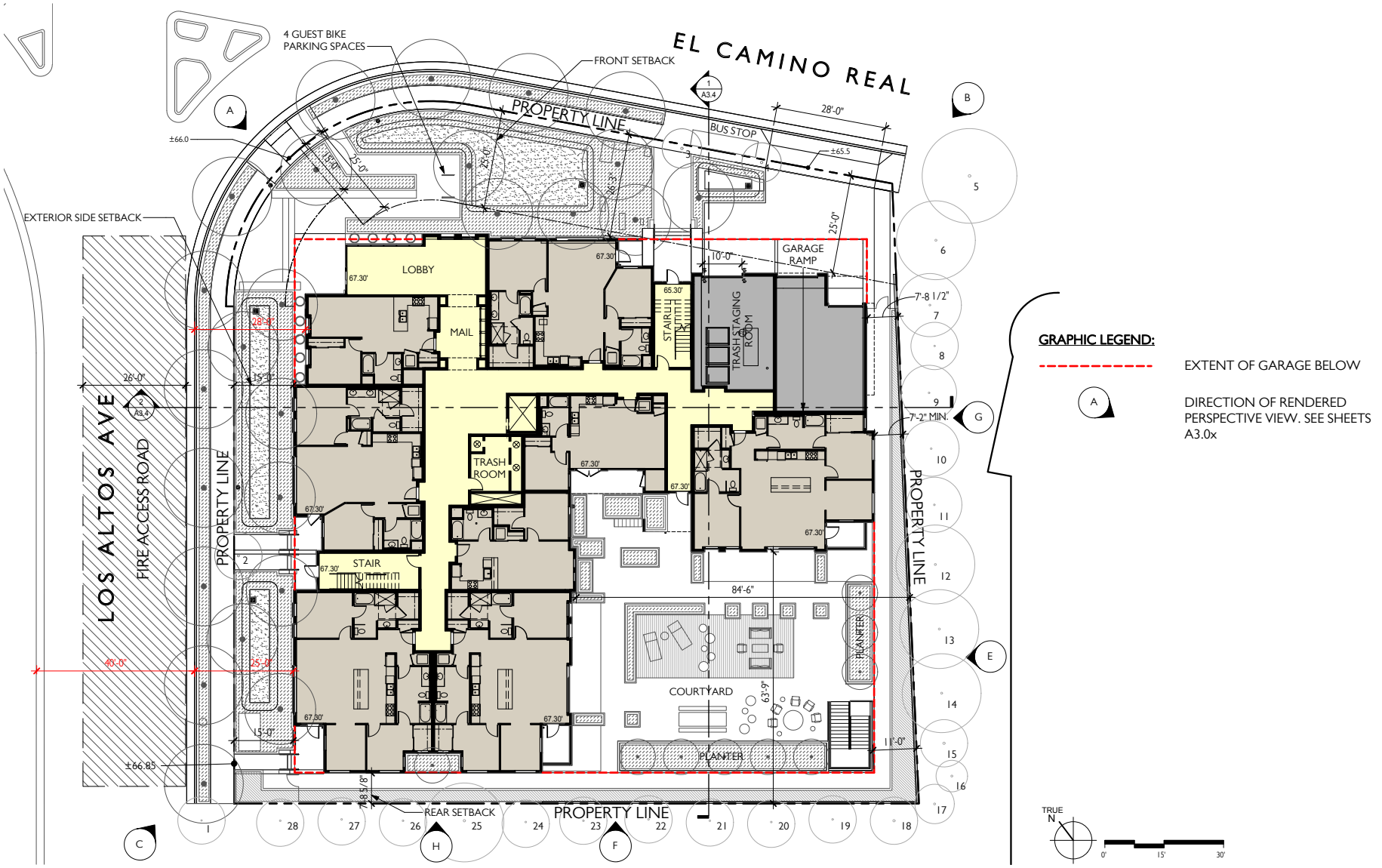
The project site is a 0.66-acre parcel currently occupied by a gasoline service station (El Camino 76), located at the southeast corner of the intersection of El Camino Real and Los Altos Avenue. Land uses surrounding the site consist of a three-story apartment building adjacent to the east and south site boundaries, a retail/personal services center and a three-story hotel to the west across Los Altos Avenue, a day spa located diagonally north of the site across El Camino Real, a motel to the north across El Camino Real, and an apartment complex currently under construction to the northeast, across El Camino Real. Hotels and commercial uses are the predominant land uses along the El Camino Real corridor in the vicinity of the project site. Multi-family and single-family residences are located to the south and west of the site.

Proposed Project

The project proposes to demolish the existing gasoline service station buildings, pump islands, asphalt paving and landscaping, remove the underground fuel and oil storage tanks, and construct a new five-story residential building with two below-ground parking levels. The new building would contain 47 residential units, including 10 one-bedroom, 32 two-bedroom, and five three-bedroom units. The one-bedroom units would range in size from 580 to 774 square feet, the two-bedroom units would range from 767 to 1,449 square feet, and the three-bedroom units would range from 1,023 to 1,675 square feet.

The proposed building reflects a modern architectural style, and would feature plaster, composite wood siding, glass, and stone finish materials, with metal and wood sunshade structures at the ground floor. The proposed height of the building is 56 feet, with an additional six feet, four inches to the tops of the mechanical equipment screens and stair tower. The project includes new street trees planted in park strips along the El Camino Real and Los Altos Avenue frontages and landscape areas between the sidewalks and unit entrances on the ground floor, as well as perimeter landscaping along the southern and eastern property lines. A courtyard area that includes seating areas and raised planters is located on the ground floor of the building, and provides approximately 12,359 square feet of common open space for project residents. Each unit provides approximately 64 square feet of private open space in the form of either a balcony or patio. The Conceptual Site Plan is shown on Figure 3.1-1, Conceptual Elevations are shown on Figures 3.1-2 and 3.1-3, and the Conceptual Landscape Plan is shown on Figure 3.1-4.

Parking is provided in a two-level, below-ground garage that contains 39 vehicle spaces on the upper level, and 45 vehicle spaces on the lower level for a total of 84 spaces. The lower level also includes an enclosed bicycle parking area. Vehicle access to and from the proposed garage is provided via a single driveway on El Camino Real.



Source: Seidel Architects, February 11, 2021.

CONCEPTUAL SITE PLAN

FIGURE 3.1-1

EL CAMINO REAL ELEVATION

LOS ALTOS AVENUE ELEVATION

Source: Seidel Architects, February 11, 2021.

EL CAMINO REAL AND LOS ALTOS AVENUE ELEVATIONS | FIGURE 3.1-2

EAST ELEVATION

SOUTH ELEVATION

Source: Seidel Architects, February 11, 2021.

EAST AND SOUTH ELEVATIONS

FIGURE 3.1-3

Source: Seidel Architects, February 11, 2021.

LANDSCAPE ILLUSTRATIVE PLAN

FIGURE 3.1-4

Land Use and Zoning

The project site is designated *Thoroughfare Commercial* in the City of Los Altos' General Plan and is zoned *CT (Commercial Thoroughfare)*. The residential land uses proposed by the project would not require an amendment to the City's General Plan nor a rezoning of the project site. The project requires approval by the City's Design Review Board, and approval of Conditional Use Permit and Subdivision applications by the City's Planning Commission and City Council. Surrounding land use designations consist of *Thoroughfare Commercial* to the east, west and south of the site, and *Single-Family Medium Lot* to the south. The City of Mountain View is located to the north and east of the project site, across El Camino Real.

Density Bonus

The proposed project (i.e., 47 units on a 0.66-acre site) would have a density of 71.2 dwelling units per acre (du/ac), which exceeds the density allowed by the CT Zone District (38 du/ac). Also, the proposed condominium building would have a maximum height of 56 feet, which exceeds the maximum height limit of 45 feet allowed by the CT Zone District. The project includes a total of seven below market rate (affordable) units: four units affordable at the Moderate income level and three units affordable at the Very-Low income level. The provision of affordable housing could make the project eligible for the proposed 88 percent density bonus and two incentives/concessions, and additional waivers, under California Government Code 65915 and Los Altos Municipal Code Chapter 14.28 (Multiple-Family Affordable Housing), allowing for the 47 residential units proposed by the project. The two incentives/concessions requested by the project include an increase in the maximum height limit from 45 feet to 56 feet and a reduction in the standard parking aisle width from 26 feet to 24 feet.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1	Aesthetics	4.12	Mineral Resources
4.2	Agriculture and Forestry Resources	4.13	Noise
4.3	Air Quality	4.14	Population and Housing
4.4	Biological Resources	4.15	Public Services
4.5	Cultural Resources	4.16	Recreation
4.6	Energy	4.17	Transportation
4.7	Geology and Soils	4.18	Tribal Cultural Resources
4.8	Greenhouse Gas Emissions	4.19	Utilities and Service Systems
4.9	Hazards and Hazardous Materials	4.20	Wildfire
4.10	Hydrology and Water Quality	4.21	Mandatory Findings of Significance
4.11	Land Use and Planning		

The project site is an infill site that is located in a transit priority area (TPA). Public Resources Code section 21099 states, "aesthetic and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a TPA shall not be considered significant impacts on the environment." Therefore, this document discusses aesthetics and parking for informational purposes only. In addition, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion is not considered a significant impact on the environment pursuant to CEQA in TPAs.

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that would minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section. Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.1 AESTHETICS

4.1.1 Environmental Setting

4.1.1.1 *Regulatory Framework*

State

Scenic Highways Program

The California Scenic Highway Program is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. State laws governing the Scenic Highway Program are found in the Streets and Highway Code, Sections 260 through 263.

In Santa Clara County, the one state-designated scenic highway is State Route (SR) 9 from the Santa Cruz County line to the Los Gatos City Limit. Eligible State Scenic Highways (not officially designated) include SR 17 from the Santa Cruz County line to SR 9, SR 35 from Santa Cruz County line to SR 9, Interstate 280 from the San Mateo County line to SR 17, and a segment of SR 152 in southern Santa Clara County.[1] The proposed project is not located near a state scenic highway or County-designated scenic highway.

Local

City of Los Altos General Plan

The following General Plan policies are found in the Community Design and Historic Resources Element and pertain to the aesthetic impacts of the proposed project.

Policy 1.4: Promote pride in community and excellence in design in conjunction with attention to and compatibility with existing residential and commercial environments.

Policy 1.5: Continue to protect the privacy of neighbors and minimize the appearance of bulk in new homes and additions to existing homes.

Policy 1.7: Enhance neighborhood character by promoting architectural design of new homes, additions to existing homes, and residential developments that is compatible in the context of surrounding neighborhoods.

Policy 1.8: Consider neighborhood desires regarding the character of future development through the establishment of development or design regulations.

Policy 1.11: Develop attractive gateways to the City that emphasize the unique characteristics of Los Altos that distinguish it from surrounding cities, including enhanced landscape.

[1] California Department of Transportation. California Scenic Highway Mapping System, Santa Clara County. Accessed March 21, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html

Policy 4.2: Evaluate site development and design to ensure consistency in site design.

Policy 4.3: Evaluate development applications to ensure compatibility with residential neighborhoods south of the El Camino Real corridor.

4.1.1.2 *Existing Conditions*

On-Site

The approximately 0.66-acre project site is located in a highly developed area in the City of Los Altos. The project site is currently occupied by a gasoline service station, surface parking, and perimeter landscaping which includes small shrubs, a turf area, and groundcover. The gasoline service station includes a convenience market, auto repair shop, and pump islands covered by fuel canopies. The existing site is shown in Photos 1 through 6 on the following pages.

Off-Site

Development surrounding the site consists of a three-story apartment building adjacent to the east and south sides (4388 El Camino Real), a one-story retail/personal services center and three-story hotel to the west across Los Altos Avenue (4320 El Camino Real), an older two-story commercial building located diagonally north of the site across El Camino Real (4335 El Camino Real), an older one- and two-story motel to the north across El Camino Real (4345 El Camino Real), and a five-story apartment complex containing 211 units currently under construction to the northeast, across El Camino Real. The adjacent three-story apartment building was built in 2008 and reflects a modern architectural style. The exterior of the building includes numerous windows, trellised wooden awnings and sunshades over the windows and outdoor patios, and balconies with metal railings. The building is separated from the site by an approximately six-foot-tall wooden fence and mature trees and shrubs. The three-story hotel across Los Altos Avenue has exterior building features such as terracotta roofing and balconies with metal railings, and includes manicured perimeter landscaping.

The City of Los Altos has not identified scenic view corridors or scenic resources within the City limits; the proposed project is not located in a designated scenic view corridor and is not near any scenic vistas. The San Francisco Bay is not visible from the site. As discussed above, there are no officially designated state scenic highways near the site. Views of the site are limited to immediate surrounding parcels and roadways. The site is not located near a state scenic highway or County-designated highway.[2] The project site and surrounding area are flat. As a result, existing development in the project area limits views of the site to the immediate vicinity.

[2] California Department of Transportation. California Scenic Highway Mapping System, Santa Clara County. Accessed March 21, 2019. http://www.dot.ca.gov/design/lap/livability/scenic-highways/index.html

Photo 1: Viewing southeast along the project frontage on El Camino Real from Los Altos Avenue.

Photo 2: Viewing northwest along the project frontage on El Camino Real from the southeast corner of the site.

PHOTOS 1 AND 2

Photo 3: Viewing northeast along the project frontage on Los Altos Avenue from the southwest corner of the site.

Photo 4: Viewing southwest along the project frontage on Los Altos Avenue from El Camino Real.

PHOTOS 3 AND 4

Photo 5: Viewing along the southeastern boundary of the site from El Camino Real.

Photo 6: Viewing along the southwestern boundary of the site from Los Altos Avenue.

PHOTOS 5 AND 6

4.1.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views[3] of the site and its surroundings? If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☐	☒
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

Note: The project is located on an infill site in a transit priority area (TPA); and therefore, an evaluation of aesthetic impacts is not required. (Public Resources Code Section 21099). The discussion of aesthetics below is included for informational purposes only.

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. **(No Impact)**

The proposed project is not located within a designated scenic view corridor or scenic vista. The project site is located on relatively flat terrain in the Santa Clara Valley. Implementation of the proposed project will not obstruct or impede the views of any scenic vistas in the vicinity of the project site. **(No Impact)**

Impact AES-2: The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. **(No Impact)**

The proposed project is not located near a state scenic highway or County-designated scenic highway. The project site consists of a gas station, surface parking areas, and minimal landscaping. There are no trees or other features on the site that would be considered scenic resources. Therefore, the project would not substantially damage scenic resources. **(No Impact)**

[3] Public views are those that are experienced from publicly accessible vantage points.

Impact AES-3:	The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project, which is in an urbanized area, would not conflict with applicable zoning and other regulations governing scenic quality. **(No Impact)**

The project is located in an urban area and would not conflict with the applicable zoning and other regulations governing scenic quality. The site is currently zoned CT Commercial Thoroughfare District, which allows multiple-family housing as a conditional use. Aesthetic values are subjective by nature. Particular viewpoints as to what constitutes an adverse visual impact will differ among individuals. The discussion below, therefore, focuses on change in visual character and views, without placing value on the aesthetic quality of a particular condition.

The proposed condominium building would be 56 feet tall. The project would plant approximately 47 new trees, primarily on the El Camino Real and Los Altos Avenue frontages. While the project would increase the intensity of development on-site and alter the site's visual character, it would comply with the requirements of the existing CT zoning district regarding setbacks, landscape buffers, and design control. This would reduce visual intrusion on the surrounding developments, particularly the three-story apartments to the south and east of the site.

Surrounding land uses consist of a three-story residential building, a three-story hotel, a one- and two-story commercial building, and a one- and two-story motel. Single-family residences are located south of the site along Los Altos Avenue and on Santa Rita Court. The multi-family residential building bordering the project to the south and east is three stories tall, as is the hotel located across Los Altos Avenue. While the proposed project is five stories tall and would be taller than the surrounding buildings, it would be designed in a contemporary architectural style which would be similar in appearance to nearby development. The project would incorporate significant articulation of the building exterior, by using different building materials, colors, and styles, which would break up the massing of the building and reduce the appearance of its size. The proposed project would be generally compatible with surrounding development, in terms of size, scale, and design.

The final design of the proposed project would be subject to the City's Multiple-Family Design Review process, which includes compliance with the design controls in the CT District and positive design review findings. While the project would result in changes to the visual character of the site, the final building design and exterior materials would be reviewed by the City prior to project approval to ensure consistency with applicable zoning and other regulations governing scenic quality, and to ensure compatibility with other multi-story commercial and residential structures in the neighborhood. For these reasons, the proposed project would not result in significant impacts to visual character and quality. **(No Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(No Impact)**

The project would include on-site security lighting along walkways, driveways, entrance areas, and within the parking garage. The security lighting would be comparable in brightness to the existing ambient lighting on the site and in the surrounding area. Exterior lighting, as required by the Building Code, would be installed at all balcony spaces, and the building interiors would also be lit.

As a condition of approval, the project would be required to demonstrate that all exterior lighting above the ground floor is shielded and/or downward facing to ensure that lighting does not unnecessarily illuminate or substantially interfere with the use or enjoyment of nearby properties, and respects the privacy of neighbors by avoiding direct and reflected illumination onto adjacent properties. This Zoning Code requirement would ensure that the project would not create a substantial new source of light or glare that would adversely affect the visual quality of the area. Therefore, the proposed project would not result in a substantial new source of light and glare. **(No Impact)**

4.2 AGRICULTURE AND FORESTRY RESOURCES

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Farmland Mapping and Monitoring Program

The California Department of Conservation's Farmland Mapping and Monitoring Program (FMMP) assesses the location, quality, and quantity of agricultural land and conversion of these lands over time. Agricultural land is rated according to soil quality and irrigation status. The best quality land is called Prime Farmland. In CEQA analyses, the FMMP classifications and published county maps are used, in part, to identify whether agricultural resources that could be affected are present on-site or in the project area.[4]

California Land Conservation Act

The California Land Conservation Act (Williamson Act) enables local governments to enter into contracts with private landowners to restrict parcels of land to agricultural or related open space uses. In return, landowners receive lower property tax assessments. In CEQA analyses, identification of properties that are under a Williamson Act contract is used to also identify sites that may contain agricultural resources or are zoned for agricultural uses.[5]

Fire and Resource Assessment Program

The California Department of Forestry and Fire Protection (Cal Fire) identifies forest land, timberland, and lands zoned for timberland production that can (or do) support forestry resources.[6] Programs such as Cal Fire's Fire and Resource Assessment Program (FRAP) and are used to identify whether forest land, timberland, or timberland production areas that could be effected are located on or adjacent to a project site.[7]

4.2.1.2 *Existing Conditions*

The project site is located in a developed, urban area of Los Altos and is surrounded by residential and commercial land uses. The *Santa Clara County Important Farmlands 2016 Map* designates the project site as "Urban and Built-Up Land", defined as land with at least six structures per 10 acres. Common examples of "Urban and Built-Up Land" are residential, institutional, industrial,

[4] California Department of Conservation. "Farmland Mapping and Monitoring Program". http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx.
[5] California Department of Conservation. "Williamson Act". http://www.conservation.ca.gov/dlrp/lca.
[6] *Forest land* is land that can support 10 percent native tree cover and allows for management of one or more forest resources, including timber, fish, wildlife, and biodiversity (California Public Resources Code Section 12220(g)); *Timberland* is land not owned by the federal government or designated as experimental forest land that is available for, and capable of, growing a crop of trees used to produce lumber and other forest products, including Christmas trees (California Public Resources Code Section 4526); and *Timberland Production* is land devoted to and used for growing and harvesting timber and other compatible uses (Government Code Section 51104(g)).
[7] Cal Fire. "FRAP". http://frap.fire.ca.gov/

commercial, landfill, golf course, airports, and other utility uses.[8] There are no forest lands on or adjacent to the project site. There are no Williamson Act parcels on or in the vicinity of the project site.[9]

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)), timberland (as defined by Public Resources Code Section 4526), or timberland zoned Timberland Production (as defined by Government Code Section 51104(g))?	☐	☐	☐	☒
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒

Impact AG-1: The project would not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use. **(No Impact)**

The proposed project would redevelop a site that is designated as "Urban and Built-Up Land" on maps prepared by the California Resources Agency for Santa Clara County. Therefore, no farmland would be converted to non-agricultural use as a result of project implementation. **(No Impact)**

[8] California Natural Resources Agency. *Santa Clara County Important Farmland 2016.* Accessed March 22, 2019. https://www.conservation.ca.gov/dlrp/fmmp/Pages/SantaClara.aspx

[9] County of Santa Clara. "Williamson Act and Open Space Easement". September 17, 2018. Accessed March 22, 2019. https://www.sccgov.org/sites/dpd/programs/wa/pages/wa.aspx

Impact AG-2:	The project would not conflict with existing zoning for agricultural use, or a Williamson Act contract. **(No Impact)**

The project site is zoned *CT (Commercial Thoroughfare).* The project site is not under a Williamson Act contract. Therefore, the project would not conflict with existing zoning for an agricultural use or a Williamson Act contract. **(No Impact)**

Impact AG-3:	The project would not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timberland zoned Timberland Production. **(No Impact)**

The project site is not zoned, or adjacent to land zoned, for forest land, timberland, or Timberland Production. Therefore, the project would not conflict with existing zoning or require rezoning of forest land or timberland uses. **(No Impact)**

Impact AG-4:	The project would not result in a loss of forest land or conversion of forest land to non-forest use. **(No Impact)**

The project site is located in an urbanized area of the City and is developed with a gas station. Therefore, no forest land would be lost as a result of the project. **(No Impact)**

Impact AG-5:	The project would not involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use. **(No Impact)**

The proposed residential development would occur in an urban area of the City. The project would not result in impacts to agricultural lands or forest lands in the surrounding region. **(No Impact)**

4.3 AIR QUALITY

The following discussion is based on an air quality emissions assessment prepared for the project by *Illingworth & Rodkin, Inc*, dated May 28, 2019, and revised August 21, 2019. A copy of the report is included in Appendix A of this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[10] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and NO_x. These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to

[10] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. It is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}), and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[11] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, schools and school yards, parks and playgrounds, hospitals, daycare facilities, and elder care facilities.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

[11] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed June 17, 2019. https://www.arb.ca.gov/research/diesel/diesel-health.htm.

CARB is the state agency that regulates mobile sources throughout the state and oversees implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), would significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

BAAQMD is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the *Bay Area 2017 Clean Air Plan* (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD would continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Los Altos and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality Impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of Los Altos Climate Action Plan

The City of Los Altos Climate Action Plan (LACAP) includes a goal to improve communitywide emissions efficiency by 15 percent over 2005 levels by 2020. The reduction measures included in this plan are a diverse mix of incentives, education, and regulations applicable to both new and existing development. The measures are designed to reduce emissions from each source to avoid relying on any one strategy or sector to achieve the target.

City of Los Altos General Plan

The City of Los Altos General Plan addresses air quality in the Natural Environment and Hazards Element. Policies under Goal 8: Maintain or improve air quality in Los Altos, as listed in the Los Altos General Plan, are designed to achieve desired improvements to air quality through proper planning for land use and transportation. Policies relevant to this project include the following:

Policy 8.1: Support the principles of reducing air pollutants through land use, transportation, and energy use planning.

Policy 8.2: Encourage transportation modes that minimize contaminant emissions from motor vehicle use.

Policy 8.3: Interpret and implement the General Plan to be consistent with the regional Bay Area Air Quality Management Plan, as periodically updated.

Policy 8.4: Ensure location and design of development projects so as to conserve air quality and minimize direct and indirect emissions of air contaminants.

4.3.1.3 *Existing Conditions*

The Bay Area is considered a non-attainment area for ground-level O_3 and $PM_{2.5}$ under both the federal Clean Air Act and state Clean Air Act. The area is also considered nonattainment for PM_{10} under the state act, but not the federal act. The area has attained both state and federal ambient air quality standards for CO. As part of an effort to attain and maintain ambient air quality standards for O_3 and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for O_3 precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$, and apply to both construction period and operational period impacts.

The nearest sensitive receptors to the project site are the residents of the multi-family residences located immediately south and east of the site. There is also a retirement community (BridgePoint at Los Altos) to the west of the project site.

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐
4) Result in other emissions (such as odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of Los Altos has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-2.

Table 4.3-2: BAAQMD Air Quality Significance Thresholds			
Pollutant	**Construction Thresholds**	**Operation Thresholds**	
	Average Daily Emissions (pounds/day)	**Annual Daily Emissions (pounds/year)**	**Annual Average Emissions (tons/year)**
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust-Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)	
Notes: ROG = reactive organic gases, NO_x = nitrogen oxides, PM_{10} = course particulate matter with a diameter of 10 micrometers (µm) or less, and $PM_{2.5}$ = fine particulate matter with a diameter of 2.5 µm or less.			

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. **(Less than Significant Impact)**

BAAQMD recommends that the agency approving a project where an air quality plan consistency determination is required analyze the project with respect to the following questions.

1) Does the project support the primary goals of the 2017 CAP?
2) Does the project include applicable control measures from the 2017 CAP?
3) Does the project disrupt or hinder the implementation of any 2017 CAP control measures?

The proposed residential project would support the primary goals of the CAP, which are to attain air quality standards, reduce population exposure and protect public health, and reduce greenhouse gas emissions and protect the climate. This is evidenced by the project's consistency with the BAAQMD thresholds of significance. As discussed below under AIR-2 and AIR-3, the project would not exceed the BAAQMD thresholds for ozone precursor pollutant (ROG, NOx) and exhaust (PM_{10}, $PM_{2.5}$) emissions during construction or operational periods. In addition, implementation of standard dust

and exhaust control measures, listed below, would reduce potential air quality impacts to a less than significant level.

The 2017 CAP contains a control strategy intended to complement efforts to improve air quality and protect the climate being made by other partner agencies at the state, regional and local levels. The strategy is based on the following four key priorities, and identifies 85 individual control measures to reduce pollutant emissions.

- Reduce emissions of criteria pollutants and TACs from all key sources.
- Reduce emissions of "Super GHGs" such as methane, black carbon, and fluorinated gases.
- Decrease demand for fossil fuels.
- Decarbonize our energy system.

The control measures are organized into the following economic sector categories: Stationary (Industrial) Sources; Transportation; Energy; Buildings; Agriculture; Natural and Working Lands; Waste Management; Water; and Super GHG Pollutants. None of the 85 specific control measures are directly applicable due to the control measures generally not applying to residential construction/operations, although the project would be considered consistent with the measures related to bicycle and pedestrian access, land use strategies, green building, reduction of energy demand, urban heat island mitigation, recycling and waste reduction, water conservation and urban tree planting. The project would not cause the disruption of, delay or otherwise hinder the implementation of any of the control measures.

The project would be consistent with applicable control measures of the 2017 CAP and with the General Plan by developing a high-density, transit-oriented infill development, complying with the California Green Building Standards (CALGreen) requirements, incorporating energy efficient features, and planting trees on-site. The project by itself, therefore, would not result in a significant impact related to consistency with the 2017 CAP. In addition, the project would not exceed the BAAQMD thresholds for operational criteria air pollutant emissions, as discussed below. For these reasons, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2:	The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. **(Less than Significant Impact)**

In a 2018 decision (*Sierra Club v. County of Fresno*), the state Supreme Court determined CEQA requires when a project's criteria air pollutant emissions would exceed applicable thresholds and make a cumulatively considerable contribution to a significant cumulative regional criteria pollutant impact, the potential for the project's emissions to affect human health in the air basin must be disclosed. State and federal ambient air quality standards are health-based standards and exceedances of those standards result in continued unhealthy levels of air pollutants. As stated in the 2017 BAAQMD CEQA Air Quality Guidelines, air pollution by its nature is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant

adverse air quality impacts. In developing thresholds of significance for air pollutants, BAAQMD considered the emission levels for which a project's individual emissions would be cumulatively considerable. If a project has a less than significant impact for criteria pollutants, it is assumed to have no adverse health effect. The Bay Area, as a whole, does not meet state or federal ambient air quality standards for ground level ozone (O_3), state standards for PM_{10}, and federal standards for $PM_{2.5}$. The Bay Area has attained both state and federal ambient air quality standards for carbon monoxide. As part of an effort to attain and maintain ambient air quality standards for ozone and PM_{10}, BAAQMD has established thresholds of significance for these air pollutants and their precursors. These thresholds are for ozone precursor pollutants (ROG and NO_X), PM_{10}, and $PM_{2.5}$ and apply to both construction period and operational period impacts.

Due to the project size, construction and operational period emissions would be less than significant. In the 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For construction impacts, the screening size for mid-rise apartments is 240 dwelling units and for operational impacts the screening size is 494 dwelling units. Projects below these screening sizes would be expected to have less than significant impacts with respect to construction and operational period emissions, and emissions are not required to be quantified. The project proposes to develop 47 dwelling units; therefore, the emissions would be below the BAAQMD significance thresholds for construction and operational period emissions. Additionally, the project would result in a reduction of vehicle trips (refer to *Section 4.17, Transportation*) and would not emit carbon monoxide in exceedance of BAAQMD screening criteria for localized carbon monoxide impacts. For these reasons, the proposed project would have a less than significant impact due to criteria pollutants. **(Less than Significant Impact)**

Impact AIR-3:	The project would not expose sensitive receptors to substantial pollutant concentrations. **(Less than Significant Impact with Mitigation Incorporated)**

Project impacts related to increased community risk can occur either by introducing a new source of TAC and air pollutant emissions or introducing new sensitive receptors, such as a residential use, in proximity to an existing source of TACs. Project construction activity would generate dust and equipment exhaust on a temporary basis that could affect nearby sensitive receptors. A construction health risk assessment was prepared to address project construction impacts on the offsite sensitive receptors. Operation of the project is not expected to be a source of TACs or localized air pollutant emissions, such as generators. The project would introduce new residents that are sensitive receptors. Traffic from El Camino Real is a source of emissions that could adversely affect project residents. The health risk impact of traffic on El Camino Real on future residents is an impact of the environment on the project, and is analyzed below in *Section 4.3.3, Non-CEQA Effects*.

Community risk impacts are addressed by predicting increased lifetime cancer risk, the increase in annual $PM_{2.5}$ concentrations and computing the Hazard Index (HI) for non-cancer health risks. The following section discusses the community health risk impacts from construction.

Construction Community Health Risk Impacts

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC source. While project construction exhaust air pollutant emissions are not expected to contribute substantially to a decline in local or regional air quality conditions, construction exhaust emissions may still pose community health risks for nearby sensitive receptors, including the residential uses immediately south and east of the project site. Construction of the proposed project would expose nearby sensitive receptors to TACs emitted during demolition, excavation, grading, and construction activities at the project site. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to $PM_{2.5}$. A health risk assessment of the project construction activities was completed to evaluate possible health effects to nearby sensitive receptors from construction emissions of DPM and $PM_{2.5}$. This assessment included dispersion modeling to predict the off-site concentrations resulting from project construction, so that lifetime cancer risks and non-cancer health effects could be evaluated.

Project Construction Activity

The California Emissions Estimator Model (CalEEMod) Version 2016.3.2 was used to estimate emissions from construction and operation of the site assuming full build-out of the project. The project land use types and size, and anticipated construction schedule were input to CalEEMod. The model output from CalEEMod is included as an attachment to the air quality assessment in Appendix A. Construction activity is anticipated to include demolition, grading and site preparation, building construction, and paving. Construction period emissions of DPM and $PM_{2.5}$ were modeled using CalEEMod. A build-out construction schedule including equipment usage assumptions was developed based on applicant provided information. The proposed project land uses were input into CalEEMod, which included 45 dwelling units[12] entered as "Apartments Mid Rise" and 84 spaces entered as "Enclosed Parking with Elevator" on a 0.66-acre site. In addition, 28,500-sf of existing building demolition, 16,000 cubic yards of soil import during the grading phase, 18 one-way pavement demolition truck trips, 320 one-way cement truck trips during building construction, and 14 one-way asphalt truck trips during paving were entered into the model. Construction of the project is expected to occur over an approximately 17-month period beginning in January 2020.

Construction Emissions

The CalEEMod model provided total annual PM_{10} exhaust emissions (assumed to be DPM) for the off-road construction equipment and on-road construction vehicles, with total emissions from all construction stages estimated as 0.0897 tons (179 pounds). The model output from CalEEMod is included as an attachment to the air quality assessment in Appendix A. The on-road emissions are a result of haul truck travel during demolition and grading activities, worker travel, and vendor deliveries during construction. A trip length of one mile was used to represent vehicle travel while at or near the construction site. It was assumed that these emissions from on-road vehicles traveling at or near the site would occur at the construction site. Fugitive $PM_{2.5}$ dust emissions were calculated by CalEEMod as 0.0131 tons (26 pounds) for the overall construction period.

[12] Since the time of the original air quality analysis, the project has changed to include an additional two residential units. The addition of two residential units would not significantly change air quality emissions, health risk impacts, or greenhouse gas emissions, as noted in the revised report dated August 21, 2019.

Dispersion Modeling

The U.S. EPA AERMOD dispersion model was used to predict DPM and $PM_{2.5}$ concentrations at sensitive receptors (residences) in the vicinity of the project construction area. DPM and $PM_{2.5}$ concentrations were calculated at nearby sensitive receptor locations. The maximum-modeled annual DPM and $PM_{2.5}$ concentrations were identified at nearby sensitive receptors to find the maximally exposed individuals (MEIs). The maximum increased cancer risks were calculated using BAAQMD-recommended methods and exposure parameters. Third trimester, infant and adult exposures were assumed to occur at all nearby residences through the entire construction period. Non-cancer health hazards and maximum $PM_{2.5}$ concentrations were also calculated and identified.

Community Risk Impacts

The maximum concentrations of DPM and $PM_{2.5}$ from project construction occurred on the third floor of a townhome residence adjacent to the southern boundary of the project site. As shown in Table 4.3-3, the maximum excess residential cancer risk at this location (due to construction) would be greater than the BAAQMD single-source threshold of 10 in one million and the maximum modeled annual $PM_{2.5}$ concentration would be greater than the BAAQMD single-source threshold of 0.3 $\mu g/m^3$.

In addition to calculating the health risks at the MEI, the air quality assessment completed modeling to calculate the risk impacts at BridgePoint at Los Altos, an adult retirement community located approximately 130 feet west of the site at 1174 Los Altos Avenue. The results of the assessment indicated that the maximum increased cancer risk, maximum modeled annual $PM_{2.5}$ concentration, and the maximum computed Hazard Index would all be less than the BAAQMD single-source thresholds at this location.

The air quality assessment also accounted for the combined effects of El Camino Real traffic and project construction activities on the MEI; these emission totals were compared to BAAQMD cumulative source thresholds. The results show cumulative emissions to be greater than adopted thresholds for cancer risk and annual $PM_{2.5}$. There were no other substantial sources of TACs within 1,000 feet of the project site (aside from El Camino Real) that could contribute to the cumulative air quality impact of the project on the MEI.

Table 4.3-3: Health Risk Impacts to Sensitive Receptors

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Impacts at Maximally Exposed Individual			
Project Construction			
Unmitigated	**129.2** (infant)	**0.65**	0.11
Mitigated	7.1 (infant)	0.05	0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Significant?			
Unmitigated	**Yes**	**Yes**	No
Mitigated	No	No	No
El Camino Real (i.e. Highway 82) at 150 feet west	23.3	0.22	0.02

Table 4.3-3: Health Risk Impacts to Sensitive Receptors			
Combined Sources			
Unmitigated	**152.5** (infant)	**0.87**	0.13
Mitigated	30.4 (infant)	0.27	0.03
BAAQMD Cumulative Source Threshold	***>100***	***>0.8***	***>10.0***
Significant?			
Unmitigated	**Yes**	**Yes**	No
Mitigated	No	No	No
Impacts at BridgePoint at Los Altos			
Project Construction			
Unmitigated	0.1 (adult)	0.02	<0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Significant?			
Unmitigated	No	No	No

As shown in Table 4.3-3, project construction would exceed single-source and cumulative source thresholds for cancer risk and annual $PM_{2.5}$ concentrations at the MEI. This would constitute a significant air quality impact.

Mitigation Measures: The proposed project shall implement the following mitigation measures to reduce construction emissions to a less than significant level:

MM AIR-3.1: The following standard measures, in accordance with BAAQMD best management practices, would reduce the fugitive dust emissions during construction to a less than significant level:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be water two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible.
- Vegetation in disturbed areas shall be planted as quickly as possible.
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points.

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

MM AIR-3.2: The following measures shall be implemented to reduce construction equipment exhaust emissions to a less than significant level:

The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 93-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- For equipment used during the site preparation and grading phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 4 engines. Equipment that is electrically powered or uses non-diesel fuels would also meet this requirement.

- For the remaining phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters (DPF) or equivalent. The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Alternatively, the use of equipment that includes electric or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.

- Portable equipment (i.e. air compressors, cement and mortar mixers, and concrete/industrial saws) shall be electrically powered.

As stated in the above mitigation measures, the project would use equipment that meets Tier 4 particulate matter standards during the site preparation and grading phases, use equipment that meets Tier 3 DPF 3 particulate matter standards during the remaining phases, and use electrical portable equipment during all phases. As a result, the computed maximum increased lifetime residential cancer risk from construction (assuming infant exposure) would be 7.1 in one million or less, the maximum annual $PM_{2.5}$ concentration would be 0.05 $\mu g/m^3$, and the Hazard Index would be <0.01. These totals would be below BAAQMD single-source thresholds and would be below cumulative source thresholds when including emissions from El Camino Real. Therefore, construction activities of the project would have a less than significant air quality impact upon implementation of the mitigation measures describe above. **(Less than Significant Impact with Mitigation Incorporated)**

Impact AIR-4:	The project would not result in other emissions (such as odors) adversely affecting a substantial number of people. **(Less than Significant Impact)**

The proposed project is a residential development. The proposed project would not include land uses that are likely to generate a substantial odor that would cause complaints from surrounding uses. Currently, the site is not exposed to substantial odor sources. Localized odors, mainly resulting from diesel exhaust and construction equipment on-site, would be created during the construction phase of the project. These odors would be temporary and not likely be noticed beyond the project site's boundaries. The proposed project would, therefore, result in less than significant odor impacts. **(Less than Significant Impact)**

4.3.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only.

A health risk assessment was completed to analyze the impact existing TAC sources would have on the sensitive receptors that the proposed project would introduce. The same TAC source identified previously (i.e. El Camino Real) was used in the operational health risk assessment. Since the BAAQMD screening tools indicated increased cancer risk and $PM_{2.5}$ concentrations at the proposed project's residential units closest to El Camino Real could exceed the respective single-source thresholds, refined modeling was conducted. Refined modeling tends to predict more accurate results than the BAAQMD screening tool because project-specific information is used in the modeling. This includes roadway orientation with respect to receptors (i.e., where dwelling units would be located with respect to traffic), traffic volumes and emission estimates (i.e., based on traffic speeds and traffic mix), and meteorological conditions near the project.

The refined analysis involved predicting traffic emissions for the traffic volume and mix of vehicle types on El Camino Real near the project site. These emissions were entered into a dispersion model to predict exposure to TACs from the roadway. The associated cancer risks were computed based on BAAQMD-recommended methods. Refer to the air quality assessment in Appendix A for a detailed discussion of the methodology used to calculate health risk impacts to new project receptors.

The maximum health risk impacts from El Camino Real traffic on future project residents are shown in Table 4.3-4, below. Residents of the first three floors of the proposed building would be exposed to annual $PM_{2.5}$ concentrations that exceed BAAQMD single-source thresholds. Annual $PM_{2.5}$ - concentrations are based on the exposure to $PM_{2.5}$ resulting from emissions attributable to truck and auto exhaust, brake and tire wear, and vehicular re-entrainment of roadway dust.

Table 4.3-4: Maximum Health Risk Impacts from El Camino Real Traffic at Project Site			
Source/Receptor Locations	**Maximum Cancer Risk (per million)**	**Maximum Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Maximum Hazard Index**
El Camino Real Traffic			
1st Floor Level	4.2	**0.73**	
2nd Floor Level	3.7	**0.62**	<0.01
3rd Floor Level	2.3	**0.35**	<0.01
4th Floor Level and above	1.4	0.21	<0.01
BAAQMD Single-Source Threshold	***>10.0***	***>0.3***	***>1.0***
Significant?	*No*	***Yes***	*No*

While not a significant impact of the project on the environment, future residents would be exposed to TAC concentrations that pose a health risk. The following Conditions of Approval would reduce the health risk of future project residents and are recommended for consideration by the City.

Conditions of Approval: The project shall include the following measures to minimize long term TAC and annual $PM_{2.5}$ exposure for new project residents:

To ensure adequate health protection to sensitive receptors, the ventilation system shall meet the following minimal design standards to minimize long-term annual $PM_{2.5}$ exposure for new project occupants:

- Install air filtration in residential buildings. Air filtration devices shall be rated MERV13 or higher for portions of the site that have annual $PM_{2.5}$ exposure above 0.3 $\mu g/m^3$ (these portions of the site are delineated in Figures 5, 6, and 7 in the air quality assessment). To ensure adequate health protection to sensitive receptors (i.e., residents) all fresh air circulated into the dwelling units shall be filtered.

- As part of implementing this measure, an ongoing maintenance plan for the buildings' heating, ventilation, and air conditioning (HVAC) air filtration system shall be required.

- Ensure that the use agreement and other property documents: (1) require cleaning, maintenance, and monitoring of the affected buildings for air flow leaks, (2) include assurance that new owners or tenants are provided information on the ventilation system, and (3) include provisions that fees associated with owning or leasing a unit(s) in the building include funds for cleaning, maintenance, monitoring, and replacements of the filters, as needed.

A properly installed and operated ventilation system with MERV13 would achieve an 80-percent reduction in $PM_{2.5}$ exposure.[13] Increased cancer risk and $PM_{2.5}$ exposures for MERV13 filtration

[13] Bay Area Air Quality Management District (2016). Appendix B: Best Practices to Reduce Exposure to Local Air Pollution, *Planning Healthy Places A Guidebook for Addressing Local Sources of Air Pollutants in Community Planning* (p. 38). http://www.baaqmd.gov/~/media/files/planning-and-research/planning-healthy-places/php_may20_2016-pdf.pdf?la=en

cases were calculated assuming a combination of outdoor and indoor exposure. For use of MERV13 filtration systems, exposure to outdoor air at each unit (from open windows or being outside the unit) of three hours to ambient $PM_{2.5}$ concentrations and 21 hours of indoor exposure to filtered air was assumed. In this case, the effective control efficiency using MERV13 is about 70 percent for $PM_{2.5}$ exposure. This would reduce the maximum annual $PM_{2.5}$ concentration of 0.73 $\mu g/m^3$ to about 0.22 $\mu g/m^3$. This condition, therefore, would reduce the health risk of future residents of the proposed project by reducing annual $PM_{2.5}$ exposure to below single-source thresholds.

4.4 BIOLOGICAL RESOURCES

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Special Status Species

Individual plant and animal species listed as rare, threatened or endangered under state and federal Endangered Species Acts are considered "special status species". Federal and state "endangered species" legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the "take" of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill" said species. "Take" is more broadly defined by the federal Endangered Species Act to include "harm" of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Section 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, are considered for environmental review per the CEQA Guidelines. These may include plant species of concern in California listed by the California Native Plant Society and CDFW listed "Species of Special Concern".

Migratory Bird and Birds of Prey Protections

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior, which in April 2018 issued a memo clarifying that the MBTA applies to only actions taken to intentionally harm protected species. Several states and non-governmental organizations have challenged this interpretation in federal court, and the outcome of the lawsuit is pending. The MBTA's prohibitions apply to whole birds, parts of birds, and bird nests and eggs. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or otherwise lead to nest abandonment, which under the 2018 guidance would not result in a violation of the MBTA because any harm would be pursuant to activities, the purpose of which is not to intentionally harm birds. Nesting birds are considered special-status species and are protected by the USFWS.

The CDFW also protects migratory and nesting native and non-game birds under California Fish and Game Code (CFGC) Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance. While both the USFWS and CDFW similarly define "take" as to pursue, hunt, shoot, wound, kill, trap, capture or collect, the CFGC further states that it is unlawful to take, possess, or needlessly destroy the nest or eggs of any birds (except as otherwise provided by this code or any regulation made pursuant thereto).

Local

City of Los Altos General Plan

The Los Altos General Plan contains the following biological resource policy, included in the Community Design and Historic Resources Element, which is applicable to the proposed project.

Policy 1.1: Preserve trees, especially heritage and landmark trees, and trees that protect privacy in residential neighborhoods.

Los Altos Municipal Code

The City of Los Altos has adopted a Tree Protection Ordinance in Section 11.08 of the Municipal Code. The Tree Protection Ordinance prescribes measures for removal and replacement of trees in the City, in addition to protective actions to be taken to avoid damage to existing trees. The Tree Protection Ordinance defines a "protected tree" as:

- Any tree that is 48 inches in circumference measured at 48 inches above grade;
- Any tree designated by the historical commission as a heritage tree or any tree under official consideration by the historical commission for heritage tree designation;
- Any tree which was required by the City to be either saved or planted in conjunction with a development review application.

Trees may be designated as "heritage trees" upon application by the owner of the property on which the tree is located, a study of the proposed tree by the historical commission, and a determination of designation based on the criteria outlined in Section 12.44.030 of the Municipal Code.

4.4.1.2 *Existing Conditions*

Habitats

The project site is located in an urbanized area and consists of a gasoline service station, paved surface parking, and sparse landscaping. The majority of the site is paved with asphalt/concrete or occupied by the gasoline service station. There are no wetlands, streams or riparian habitat on or adjacent to the site. The nearest waterway, Adobe Creek, is located approximately 800 feet west of the site.

Habitats in developed areas are extremely low in species diversity. The wildlife species most often associated with developed areas are those that are most tolerant of periodic human disturbances, including several introduced species such as European starlings, rock doves, house mice, and Norway rats. Native species that are able to utilize these habitats include western fence lizards, American robins, Brewer's blackbirds, northern mockingbirds, mourning doves, house finches, and squirrels, and some species of bats.

There are no sensitive habitats or wetlands on or adjacent to the project site. Due to the lack of sensitive habitats and the human disturbance of the project site, special-status plant and animal species are not expected to occur on the project site.

Trees

With the exception of three small, sculpted juniper tree located within the landscape planters along the street frontages, there are no trees on the project site. However, there are numerous trees on adjacent property bordering the site to the south and the east, and two street trees within the public right-of-way on either side of the project site. A Tree Inventory and Arborist Report was completed for the proposed project to evaluate the potential impacts of the project on the trees immediately adjacent to the site. The report is included as Appendix B to this Initial Study.

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☐	☐	☒
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, impede the use of native wildlife nursery sites?	☐	☐	☐	☒
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact BIO-1:	The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. **(Less than Significant Impact with Mitigation Incorporated)**

Special Status Species

The project site is in an urban area and is developed with a gasoline service station, paved surface parking areas, and minimal landscaping. The site does not contain sensitive habitats or wetlands and is disturbed by human use; therefore, the presence of any special-status plant or animal species on-site is unlikely. Additionally, the site does not contain abandoned buildings or buildings with structural voids (the spaces between exterior and interior envelopes of a building) or large trees with cavities which could provide roosting habitat for special status bat species.

Nesting Raptors and Migratory Birds

Migratory birds and/or raptors could nest in the mature trees near the site. Construction activities during the nesting season (February 1through August 31), including equipment noise and tree removal, may result in the loss of fertile eggs or nestlings, or otherwise lead to nest abandonment.

Mitigation Measures: The following mitigation measures would be implemented during construction to reduce impacts to nesting birds to a less than significant level:

MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 31st). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.

MM BIO-1.2: If it is not possible to schedule construction activities between September 1st and January 31st, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct pre-construction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

MM BIO-1.3: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction- free buffer zone around the nest, typically 250 feet for raptors and 100 feet for

non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.

MM BIO-1.4: If construction activities are scheduled to start during the nesting season, all potential on-site nesting substrates (e.g., bushes, trees, grasses, and other vegetation) may be removed prior to the start of the nesting season (i.e., prior to February 1st).

With implementation of the mitigation measures listed above, the proposed project would result in a less than significant impact to sensitive species. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-2:	The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. **(No Impact)**

The project site is in an urban area. There are no streams, creeks, waterways, or wetlands located on or adjacent to the project site. The nearest waterway (i.e., Adobe Creek) is located approximately 800 feet west of the site. Development of the project would be confined to the site and would not involve offsite improvements to the nearby riparian corridor, such as channel realignments or culverting, which could result in unanticipated environmental impacts. Therefore, the proposed project would not result in substantial impacts to riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the CDFW or USFWS. **(No Impact)**

Impact BIO-3:	The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. **(No Impact)**

The proposed project would redevelop an existing site in an urbanized area of Los Altos. There are no wetlands on the project site; therefore, the proposed project would have no impact on federally protected wetlands. **(No Impact)**

Impact BIO-4:	The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. **(No Impact)**

Migratory movements of animal species are most often associated with riparian corridors, and the project site is not located adjacent to any streams or waterways. The closest riparian corridor to the site, Adobe Creek, is located approximately 800 feet west of the site and would be unaffected by the

proposed project. Additionally, as mentioned, the site does not contain abandoned buildings or buildings with structural voids or large trees with cavities which could provide roosting habitat for bat species. The project site does not contain any native wildlife nursery sites. As discussed above, migratory birds and/or raptors could nest in the mature trees on or near the site. Implementation of mitigation measure MM BIO-1 would reduce impacts to nesting birds to a less than significant level. For these reasons, the project would not substantially interfere with the movement of any native resident or migratory fish or wildlife species or impede the use of native wildlife nursery sites. **(No Impact)**

Impact BIO-5:	The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. **(Less than Significant Impact)**

According to the Tree Inventory and Arborist Report prepared for the project, there are three juniper trees on the site (in perimeter landscape strips), two municipal street trees adjacent to the property (one London plane tree on El Camino Real and one mayten tree on Los Altos Avenue), and 23 mature trees planted as perimeter screens along the adjacent southeastern and southwestern property lines (crape myrtle, Brisbane box, and Canary Island pine trees). These screen trees are located approximately four feet from the property lines. The project proposes to remove only the three Hollywood juniper trees on-site. The street trees and adjacent screen trees are proposed to remain. A Tree Removal Permit would be required to remove the on-site trees, in conformance with the City's Tree Protection Ordinance. The project proposes to plant approximately 47 new trees.

The Tree Inventory and Arborist Report evaluated the underground garage construction plans and found that the proposed excavation would allow sufficient room for the majority of the neighboring tree roots to remain intact and functional, thus making the survival of the trees on the adjacent properties highly likely. The report provided basic tree protection measures that should be followed during the start of the excavation in order to assure that the neighboring trees are not jeopardized due to root loss. The tree protection measures are recommended as conditions of approval to ensure that neighboring trees are not damaged during project construction.

Conditions of Approval: The following tree protection measures are included to preserve the health of existing neighboring trees before, during, and after construction of the project.

- Identify a Tree Protection Zone (TPZ) for each tree to remain after project completion. A TPZ is defined by the jurisdiction in which the project is located to provide above-ground and root-zone protection for trees. In the absence of a specific local definition, the TPZ shall be a circle with a radius of 10 feet for every one foot of trunk diameter. No construction activity shall occur in the TPZ with the Project Arborist or City Arborist monitoring and signing off.
- Supplemental watering is typically called for construction site stressed trees at 10 to 20 gallons per trunk diameter per month, particularly during hot weather. This is modified by the Project Arborist on-site with root zone inspections and monitoring as water demands will obviously be lower during cool, damp weather. Inspection should find soil between three inches and 18 inches below grade that are moist enough for roots to thrive. For the proposed project, none of the trees to remain on-site will have significant root zone soil on the project

side of the fence. The neighbor's landscape maintenance personnel could be notified of additional watering requirements during construction in order to modify their irrigation to accommodate future weather anomalies (i.e. drought).

- Approaching project commencement, when the foundations, driveways, and other hardscape features (including trenches) have been staked/located, then some pruning may likely be needed. Raising/clearance can be minimized for space to work. Root pruning along the lines within 15 feet on either side of mature trees' trunks can sever roots cleanly, reducing shock to these trees' systems. Root pruning prior to excavating for the basement parking can be done to avoid excessive root damage. This would be unreasonably necessary for the project if the contractor's excavator operator is skillful/observant enough to avoid tearing through roots larger than two inches in diameter.
- All project tree work performed before, during, or after construction is to be done by WCISA Certified Tree Workers under the supervision of an ISA Certified Arborist (or equivalent, if they possess sufficient skill for approval by the Project Arborist). This includes all pruning, removals (including stump removals) within driplines of trees to be preserved, root pruning, and repair or remedial measures.
- No parking or vehicle traffic over any root zones, unless using buffers approved by Project Arborist or City Arborist.
- Monitor root zone moisture and maintain as per above.
- Have an ISA Certified Arborist repair any damage promptly.
- No pouring or storage of fuel, oil, chemicals, or hazardous materials under any trees' foliage canopies or future plant materials' root zone areas.
- No grade changes under foliage crowns of trees to be preserved without prior Project Arborist approval. For instance, hand excavation and thinner base prep may be required in some root zone areas.
- Any additional pruning required must be performed under arborist supervision – including root pruning – clean, smooth cuts with no breaking, scraping, shattering, or tearing of wood tissue and/or bark.
- No storage of construction materials under any foliage canopy without prior Project Arborist or City Arborist approval.
- No trenching within the critical root zone area. Consult Project Arborist before any trenching or root cutting beneath any preserved tree's foliage canopy. It is best to route all trenching out from under trees' driplines. Often trenches in root zones must be hand excavated to leave roots intact.
- No clean out of trucks, tools, or other equipment over any essential root zone. This debris shall be kept outside of any existing or future root zone.
- No attachment of signs or other construction apparatus to preserved trees.

The proposed project is not expected to result in a significant impact to trees upon implementation of the recommended tree protection measures. Therefore, the project would not conflict with the City's Tree Protection Ordinance. **(Less than Significant Impact)**

Impact BIO-6:	The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

The project site is not located within an approved local, state, or national habitat conservation plan area. Thus, there would be no impact. **(No Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based, in part, on an Archaeological Literature Search conducted for the project by *Holman and Associates*. A copy of the report, dated June 17, 2019, is available at the City of Los Altos Planning Department during normal business hours for review by qualified persons.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

National Register of Historic Places

The National Historic Preservation Act is the primary federal law dealing with historic preservation. The historic significance of a building, structure, object, site, or district for listing is assessed based upon the criteria in the National Register of Historic Places (NRHP). A resource is considered eligible for the NRHP if the quality of significance in American history, architecture, archaeology, engineering, and culture is present and if the resource includes integrity of location, design, setting, materials, workmanship, feeling, and association and:

- Is associated with events that have made a significant contribution to the broad pattern of our history; or
- Is associated with the lives of persons significant to our past; or
- Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possessed high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- Has yielded, or may be likely to yield, information important in prehistory or history.

The Secretary of the Interior Standards for Rehabilitation

The 1995 U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties outlines specific standards and guidelines for the preservation, rehabilitation, restoration, and reconstruction of historic properties. Each set of standards provides specific recommendations for the proper treatment of specific building materials, as well as parts of building construction. CEQA references these standards relative to consideration of the significance of project impacts, or lack thereof, on historic resources.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[14]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics of integrity include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

[14] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." March 14, 2006.

Local

City of Los Altos Historical Preservation Ordinance

The City of Los Altos has adopted a Historical Preservation Ordinance (Chapter 12.44 of the Municipal Code) as a matter of public policy that the recognition, preservation, enhancement and use of historic resources within the City of Los Altos is required in the interest of health, economic prosperity, cultural enrichment and general welfare of the people. The ordinance ensures protection of irreplaceable historic resources, enhancing visual character through architectural compatibility, and encouraging appreciation of the City's past. A structure, property or object is considered eligible for designation as a historic resource or historic landmark, if it satisfies each of the three criteria listed below:

A. Age. A structure or property should be more than fifty (50) years in age. (Exceptions can be made to this rule if the building(s) or site(s) is/are truly remarkable for some reason - such as being associated with an outstanding architect, personage, usage or event).

B. Determination of Integrity. A structure or property should retain sufficient historic integrity in most of the following areas:

1. Design: The combination of elements that create the form, plan, space, structure and style of a property.
2. Setting: The physical environment of a historic property.
3. Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property.
4. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
5. Feeling: A property's expression of the aesthetic or historic sense of a particular period of time.

C. Historic Significance. A structure or property should be clearly associated with one or more of the following areas of significance:

1. Event: Associated with a single significant event or a pattern of events that have made a significant contribution to broad patterns of local or regional history, or cultural heritage of California or the United States;
2. Person/People: Associated with the lives of persons important to the local, California or national history;
3. Architecture/Design: Embodies the distinctive characteristics of a design-type, period, region or method of construction, or represents the work of a master or possesses high artistic value; or
4. Archaeology: Yields important information about prehistory or history of the local area, California or the nation.

City of Los Altos General Plan

The City of Los Altos General Plan Community Design and Historic Resources Element contains the following cultural resource policies that are applicable to the proposed project:

Policy 6.3: Work with property owners to preserve historic resources within the community, including the orchard, or representative portion thereof, on the civic center site.

Policy 6.4: Preserve archaeological artifacts and sites found in Los Altos or mitigate disturbances to them, consistent with their intrinsic value.

Policy 6.5: Require an archaeological survey prior to the approval of significant development projects near creeksides or identified archaeological sites.

4.5.1.2 *Existing Conditions*

Historic Resources

The City of Los Altos contains historic resources from the early twentieth century. There are a variety of historic buildings in the City's Downtown that were originally constructed prior to 1940. There are also several historic residential structures located between Foothill Expressway and Adobe Creek. The City contains approximately 22 officially designated historic landmarks, located primarily in and around Downtown.[15] [16] The project site is entirely developed, consisting of a gasoline service station, surface parking lot, and landscaping. The project site is not identified in the City of Los Altos' Historic Resources Inventory as a designated historic resource or historic landmark.

Prehistoric Resources

In the project area, Native American sites have been identified adjacent to springs or near major waterways (e.g., Coyote Creek and the Guadalupe River), at the base of the hills near waterways, along the original bayshore, and on terraces adjacent to naturally flowing waterways. The project site is located on a large valley terrace approximately 800 feet east of Adobe Creek. The Ohlone and Muwekma Indian tribes previously inhabited several creekside locations in the Los Altos area.

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
2) Cause a substantial adverse change in the significance of an archaeological resource as pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

[15] City of Los Altos. *General Plan – Community Design and Historic Resources Element*. November 2002.
[16] City of Los Altos, Historical Commission. "Historic Inventory". Accessed March 22, 2019. https://www.losaltosca.gov/historicalcommission/page/historic-inventory

Impact CUL-1:	The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. **(No Impact)**

The project site is developed with a gasoline service station and parking lot; the gas station was constructed in the late 1960s. The site is not identified in the City of Los Altos Historic Resources Inventory. While the existing building would meet the age criteria (greater than 50 years old) for historic resource designation, the existing building on-site is not known to be associated with a significant event or person or embody distinctive design characteristics or the work of a master. For these reasons, the project is not considered a historic resource per the City of Los Altos Historic Preservation Ordinance. According to the records search by *Holman and Associates*, no historic resources or properties listed on federal, state or local inventories are located on or adjacent to the project site. For these reasons, development of the proposed project would not have an impact on historic resources. **(No Impact)**

Impact CUL-2:	The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. **(Less than Significant Impact with Mitigation Incorporated)**

Based on the results of the Archaeological Literature Search, *Holman and Associates* concluded that there is a low potential for Native American and historic-era archaeological deposits and cultural materials to be present at the project site. Nevertheless, demolition and construction activities on the site could uncover yet unrecorded subsurface resources.

Mitigation Measures: The following mitigation measures would be implemented during project demolition and construction activities to avoid significant impacts to unknown subsurface cultural resources:

MM CUL-2.1: The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.

In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development.

MM CUL-2.2: Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event that human remains are discovered during excavation and/or grading of the site, all activity within a

50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

With implementation of these measures, impacts to unknown subsurface prehistoric and historic archaeological resources would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Impact CUL-3:	The project would not disturb any human remains, including those interred outside of dedicated cemeteries. **(Less than Significant Impact with Mitigation Incorporated)**

It is possible that construction activities associated with the proposed project could disturb as-yet undiscovered human remains at the project site. The mitigation measures described above (**MM CUL-2.2**) ensure that an appropriate process is followed in the event of accidental discovery of human remains during project construction. By following the process set forth in these mitigation measures, the proposed project would not result in a significant impact to human remains. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

State

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. In 2008, Executive Order S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years, and the 2019 Title 24 updates went into effect on January 1, 2020.[17] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[18]

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. The 2019 update to CALGreen went into effect on January 1, 2020, and covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

[17] California Building Standards Commission. "Welcome to the California Building Standards Commission." Accessed July 20, 2020. http://www.bsc.ca.gov/.
[18] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed July 20, 2020. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[19]

Local

City of Los Altos General Plan

The City of Los Altos General Plan contains several policies pertaining to energy efficiency in new development. The following policies are contained in the 2015-2023 Housing Element and are applicable to the proposed project:

Policy 7.1: The City will encourage energy and water conservation measures to reduce energy and water consumption in residential, governmental, and commercial buildings.

Policy 7.2: The City will continue to implement building and zoning standards to encourage energy and water efficiency.

City of Los Altos Climate Action Plan

In 2013, the City prepared and adopted the Los Altos Climate Action Plan (LACAP) to comprehensively reduce local sources of greenhouse gas emissions. Many of the LACAP measures and actions have the added benefit of reducing household transportation and utility costs, thus increasing housing affordability, by promoting programs and incentives to improve energy efficiency or promoting alternative modes of travel.[20]

4.6.1.2 *Existing Conditions*

Electricity in Santa Clara County in 2018 was consumed primarily by the commercial sector (77 percent), followed by the residential sector consuming 23 percent. In 2018, a total of approximately 16,668 gigawatt hours (GWh) of electricity was consumed in Santa Clara County. [21]

Total energy usage in California was approximately 7,881 trillion British thermal units (Btu) in the year 2017, the most recent year for which this data was available. Out of the 50 states, California is ranked second in total energy consumption and 48th in energy consumption per capita. The breakdown by sector was approximately 18 percent (1,416 trillion Btu) for residential uses, 19 percent (1,473 trillion Btu) for commercial uses, 23 percent (1,818 trillion Btu) for industrial uses,

[19] California Air Resources Board. "The Advanced Clean Cars Program." Accessed July 20, 2020. https://www.arb.ca.gov/msprog/acc/acc.htm.
[20] City of Los Altos. *Housing Element 2015-2023.* May 2014.
[21] California Energy Commission. Energy Consumption Data Management System. "Electricity Consumption by County." Accessed July 20, 2020. http://ecdms.energy.ca.gov/elecbycounty.aspx.

and 40 percent (3,175 trillion Btu) for transportation.[22] This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

The community-owned Silicon Valley Clean Energy (SVCE) is the electricity provider for the City of Los Altos.[23] SVCE sources the electricity and Pacific Gas and Electric Company delivers it to customers over their existing utility lines. Customers are automatically enrolled in the GreenStart plan, which generates its electricity from 100 percent carbon free sources; with 50 percent from solar and wind sources, and 50 percent from hydroelectric. Customers have the option to enroll in the GreenPrime plan, which generates its electricity from 100 percent renewable sources, such as wind and solar.

In 2020, the City of Los Altos adopted Reach Codes that will help the City achieve its sustainability goals moving forward. In accordance with the new ordinance, the proposed building will be required to be an all-electric building. In addition, the City of Los Altos adopted amendments to the 2019 California Green Building Standards Code for Electric Vehicle (EV) infrastructure, which increases the number of charging stations required for new development projects.

Natural Gas

PG&E provides natural gas services within the City of Los Altos. In 2018, approximately one percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada.[24] In 2018, residential and commercial customers in California used 34 percent of the state's natural gas, power plants used 35 percent, the industrial sector used 21 percent, and other uses used 10 percent. Transportation accounted for one percent of natural gas use in California. In 2018, Santa Clara County used approximately 3.5 percent of the state's total consumption of natural gas.[25]

Fuel for Motor Vehicles

In 2018, approximately 15.5 billion gallons of gasoline were sold in California.[26] The average fuel economy for light-duty vehicles (autos, pickups, vans, and SUVs) in the United States has steadily increased from about 13.1 miles-per-gallon (mpg) in the mid-1970's to 25.5 mpg in 2019.[27] Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of

[22] United States Energy Information Administration. *State Profile and Energy Estimates, 2016.* Accessed July 20, 2020. https://www.eia.gov/state/?sid=CA#tabs-2.
[23] SVCE. "Frequently Asked Questions". Accessed March 22, 2019. https://www.svcleanenergy.org/faqs.
[24] California Gas and Electric Utilities. 2019 California Gas Report. Accessed July 20, 2020. https://www.socalgas.com/regulatory/documents/cgr/2019_CGR_Supplement_7-1-19.pdf.
[25] CEC. "Natural Gas Consumption by County". Accessed July 20, 2020. http://ecdms.energy.ca.gov/gasbycounty.aspx.
[26] California Department of Tax and Fee Administration. "Net Taxable Gasoline Gallons." Accessed July 20, 2020. https://www.cdtfa.ca.gov/taxes-and-fees/MVF-10-Year-Report.pdf.
[27] United States Environmental Protection Agency. "The 2019 EPA Automotive Trends Report: Greenhouse Gas Emissions, Fuel Economy, and Technology since 1975." March 2020. https://nepis.epa.gov/Exe/ZyPDF.cgi?Dockey=P100YVFS.pdf

35 miles per gallon by the year 2020, was subsequently revised to apply to cars and light trucks Model Years 2011 through 2020. [28,29]

In 2018, the EPA and the NHTSA proposed to amend certain existing Corporate Average Fuel Economy (CAFE) and greenhouse gas emissions standards for passenger cars and light trucks and establish new standards, covering model years 2021 through 2026. Compared to maintaining the post-2020 standards now in place, the 2018 proposal would increase U.S. fuel consumption by about half a million barrels per day (2–3 percent of total daily consumption, according to the Energy Information Administration) and would impact the global climate by 3/1000th of one degree Celsius by 2100. [30] California and other states have stated their intent to challenge federal actions that would delay or eliminate GHG reduction measures and have committed to cooperating with other countries to implement global climate change initiatives. Thus, the timing and consequences of the 2018 federal proposal are speculative at this time.

Energy Use of Existing Development

The project site is currently developed with a 1,610-square foot gasoline service station, paved surface parking, and sparse landscaping. Energy use of the existing development is primarily attributed to gasoline consumption of vehicles traveling to and from the site and operational energy use of the existing building and gasoline pumps.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact EN-1:	The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy, or wasteful use of energy resources, during project construction or operation. **(Less than Significant Impact)**

[28] U.S. Department of Energy. Energy Independence & Security Act of 2007. Accessed March 22, 2019. http://www.afdc.energy.gov/laws/eisa.
[29] Public Law 110–140—December 19, 2007. Energy Independence & Security Act of 2007. Accessed March 22, 2019. http://www.gpo.gov/fdsys/pkg/PLAW-110publ140/pdf/PLAW-110publ140.pdf.
[30] EPA Federal Register, Vol. 83, No. 165, August 24, 2018. https://www.govinfo.gov/content/pkg/FR-2018-08-24/pdf/2018-16820.pdf. Accessed May 22, 2019.

Operational Energy Demand

The proposed project would demolish the existing 1,610-square foot gasoline service station and associated surface parking and construct a 47-unit residential building with two levels of below-grade parking. The proposed project would intensify use of the site by introducing residential uses and increasing the size and scale of development. In doing so, the project would increase the demand for electricity at the project site and in the City as a whole. As a multi-family residential development, the project would inherently place less demand per capita on the grid when compared to a single-family home. Additionally, the proposed project is an infill development and would require less energy than development of a greenfield site. It is assumed that the project would be built out over a period of 17 months. Operation of the proposed project would consume energy (in the form of electricity) primarily for building heating and cooling, lighting, cooking, and water heating. Energy would also be consumed in the form of gasoline from residential vehicle trips. Table 4.6-1 below shows the estimated annual energy use of the proposed building.

Table 4.6-1: Estimated Annual Energy Use of Proposed Development[1]

Development	Electricity Use (kWh)
Apartments Mid-Rise – 45 dwelling units[2]	311,704
Enclosed Parking with Elevator – 84 spaces	220,793
Total:	**532,497**

Notes: [1] Illingworth & Rodkin, Inc. *4350 El Camino Real Air Quality and Greenhouse Gas Assessment.* May 28, 2019.

The above table does not take into account the gasoline use of the proposed project. Using the U.S. EPA fuel economy estimates, the proposed project would result in the consumption by project residents of approximately 21,666 gallons of gasoline per year.[31] The estimates of electricity use are conservative and reflect a calculation of gross demand; the actual increase in use would be lower when subtracting out the energy demands of the existing gasoline service station. Further, the gross energy use of the project is likely overstated because the estimates for energy use do not take into account the efficiency measures incorporated into the project. The project would be built to the most recent CALGreen requirements and Title 24 energy efficiency standards, which would improve the efficiency of the overall project. Additionally, the community-owned SVCE is the electricity provider for the City of Los Altos.[32] SVCE sources the electricity and the Pacific Gas and Electric Company delivers it to customers over their existing utility lines. Customers are automatically enrolled in the GreenStart plan, which generates its electricity from 100 percent carbon free sources (50 percent from solar).

The CEC provides new forecasts for statewide electricity and natural gas demand every two years as part of the Integrated Energy Policy Report process. According to the 2019 Integrated Energy Policy Report, annual electricity consumption in California is forecasted to increase to approximately 340,000 GWh in 2030 from approximately 280,000 GWh in 2019.[33] The proposed project would result in an annual electricity use of approximately 520,508 kWh and would not result in a substantial increase in demand on electrical energy resources relative to forecasted statewide increases.

[31] 552,475 annual vehicle miles traveled/25.5 miles per gallon = 21,666 gallons of gasoline
[32] SVCE. "Frequently Asked Questions". Accessed May 23, 2019. https://www.svcleanenergy.org/faqs.
[33] California Energy Commission. *Final 2019 Integrated Energy Policy Report.* Adopted February 20, 2020. Page 209.

The conversion in land use from a gasoline station to a residential building would result in a net reduction in vehicle trips[34] and subsequent gasoline consumption. New automobiles purchased by future occupants of the proposed project would be subject to fuel economy and efficiency standards applied throughout the State of California, which means that over time the fuel efficiency of vehicles associated with the proposed project would improve. The project site is located within a designated Transit Priority Area as delineated in the Plan Bay Area 2040; the nearest bus stops are located at the project frontage on El Camino Real, allowing easy access to transit for future occupants. The proposed project would comply with all applicable General Plan policies intended to promote the use of transit and non-vehicular modes of travel (bicycling and walking). As a result, implementation of the proposed project would not result in a substantial increase on transportation-related energy uses.

Energy Efficiency

Construction

The anticipated construction schedule assumes that the project would be built over a period of approximately 17 months. The project would require demolition, site preparation, grading, trenching, building construction, paving, and building interior. The overall construction schedule and process is designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel would not be used wastefully on the site because of the added expense associated with renting, maintaining, and fueling equipment. Therefore, the opportunities for future efficiency gains during construction are limited. The project does, however, include several measures that would improve the efficiency of the construction process. Implementation of the mitigation measures detailed in *Section 4.3, Air Quality*, would restrict equipment idling times to five minutes or less and would require the applicant to post signs on the project site reminding workers to shut off idle equipment.

Energy is consumed during construction because the use of fuels and building materials are fundamental to construction of new buildings. However, energy would not be wasted or used inefficiently by construction equipment and waste from idling would be further reduced with implementation of the Mitigation Measures AIR-2 outlined in *Section 4.3, Air Quality*. The project would be required to prepare a Construction and Demolition Waste Plan to recycle and/or reuse construction waste, which would further reduce energy expenditures during the construction phase. Therefore, construction of the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary.

Operation

The project would be required to comply with Title 24 of the State Building Code (Building Energy Efficiency Standards for Residential and Nonresidential Buildings), including the mandatory measures set forth in the 2019 CALGreen Code for planning and design, water conservation, energy efficiency, and environmental quality (Title 24, Part 11). By meeting these mandatory measures, the project's operational energy use would be minimized.

[34] Hexagon Transportation Consultants. *Traffic Report for the Proposed Residential Project at 4350 El Camino Real in Los Altos, California.* July 9, 2020.

The project proposes to provide 30 on-site bicycle parking spaces. The inclusion of bicycle parking and proximity to transit would incentivize the use of alternative methods of transportation to and from the site, which could result in a reduction of fuel consumption.

The project includes extensive landscaping, including the planting of approximately 47 trees along the perimeter of the site and within the open space interior areas. This will have the effect of providing shade and reducing the heat island effect, thus reducing the energy demand from the proposed buildings. The project would provide parking in a below-grade garage, which would further reduce the project's heat island effect by minimizing the amount of asphalt paving and associated heat retention. For this reason, and those listed above, operation of the proposed project would not consume energy in a manner that is wasteful, inefficient, or unnecessary. **(Less than Significant Impact)**

Impact EN-2:	The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

The LACAP includes several focus areas where GHG emissions reductions can be achieved. Each focus area includes specific reduction measures, which are a diverse mix of incentives, education, and regulations applicable to both new and existing development. One focus area in the LACAP is energy; reduction measures in this focus area include promoting effective energy conservation strategies (Measure 2.1), increasing energy efficiency (Measure 2.2), and increasing renewable energy (Measure 2.3). Each reduction measure in the LACAP is accompanied by implementing actions to support it.

While the LACAP is primarily focused on reducing GHG emissions, it serves the dual purpose of promoting energy conservation and renewable energy availability in the City. The proposed residential project would not conflict with the LACAP. Measure 2.1 would primarily be implemented by the City through outreach and education programs for renewable energy and conservation programs. The proposed project would comply with the 2019 CALGreen Code. The proposed project would also provide at least four electric vehicle (EV) charging stations and install higher-efficiency appliances and outdoor lighting fixtures, thereby ensuring that it satisfies Measure 2.2. The proposed project does not include any renewable energy power sources on-site; however, the energy provider for the project would be SVCE, which provides 100 percent carbon-free energy (solar and hydroelectric). Residents would also have the option to enroll in the GreenPrime plan, which generates its electricity from 100 percent renewable sources, such as wind and solar. For these reasons, the project would satisfy Measure 2.3. The project would, therefore, not conflict with renewable energy and energy efficiency measures included in the LACAP. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act ensures public safety by prohibiting the siting of most structures for human occupancy across traces of active faults that constitute a potential hazard to structures from surface faulting or fault creep. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction.

Seismic Hazards Mapping Act

Following the 1989 Loma Prieta earthquake, the Seismic Hazards Mapping Act (SHMA) was passed. The SHMA directs the Department of Conservation, California Geological Survey to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. It also requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the identified hazard is present and requires the inclusion of measures to reduce earthquake-related hazards.

California Building Standards Code

The California Building Standards Code (CBC) contains the regulations that govern the construction of buildings in California and prescribes standards for constructing safer buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared by a licensed professional for proposed developments to evaluate seismic and geologic conditions that may affect a project, such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years; the current version is the 2019 CBC.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Paleontological Resources Regulations

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These are valued for the information they yield about the history of the earth and its past ecological settings. The California Public Resources Code

(Section 5097.5) specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it will disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of Los Altos General Plan

The City of Los Altos General Plan addresses geologic hazards in its Natural Environment and Hazards Element. The following General Plan policies related to geology and soils are applicable to the proposed project:

Policy 1.2: Avoid placement of critical facilities and high occupancy structures in areas known to be prone to ground failure during an earthquake.

Policy 1.3: Require soil analysis and erosion mitigation for all development proposed on sites known to be prone to erosion or ground failure.

4.7.1.2 *Existing Conditions*

The following discussion is based on available information regarding the project site's geologic setting and soil conditions. Per the California Building Code Chapter 18, Section 1803, a geotechnical report will be prepared for the proposed project prior to the issuance of building or grading permits.

Geology and Soils

The project site is located within the Coast Ranges geomorphic province of California, an area characterized by a series of northwest-trending mountain ranges that have been folded and faulted by tectonic activity. The project site is located in the broad, north-south trending, alluvial-filled Santa Clara Valley. The Santa Clara Valley was formed when sediments derived from the surrounding mountain ranges were exposed by tectonic uplift and regression of the inland seas which previously inundated the area.

Soils underlying the project site are comprised of Urbanland-Flaskan complex, zero to two percent slopes. The Urbanland-Flaskan complex consists of very deep, well-drained soils that formed in alluvium from mixed rock sources. The typical profile of this soil complex consists of sandy loam, sandy clay loam, gravelly sandy clay loam, and very gravelly sandy loam. Soils on-site have a moderate expansion potential.[35] Expansive soils have a high shrink-swell potential and can impact the structural integrity of buildings. Expansive soils swell when the water content is increased and shrink when it decreases. This shrink-swell action can rupture utility lines, damage building foundations, and result in structural instability.

[35] United States Department of Agriculture, Natural Resources Conservation Service. *Custom Soil Resource Report for Eastern Santa Clara Area, California*. Accessed March 25, 2019.

Liquefaction and Landslides

Soil liquefaction can be defined as ground failure or loss of strength that causes otherwise solid soil to take on the characteristics of a liquid. Soils generally most susceptible to liquefaction are clean, loose, saturated, uniformly graded, fine-grained sands that lie within roughly 50 feet of the ground surface. This phenomenon is triggered by earthquake or ground shaking that causes saturated or partially saturated soils to lose strength, potentially resulting in the soil's inability to support structures. Liquefaction can result in adverse impacts to human and building safety and must be addressed in the project design. Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as a steep bank of a stream channel.

The project site is located on relatively flat, stable terrain. The site is not located within a liquefaction hazard zone or a landslide hazard zone.[36]

Seismicity and Seismic Hazards

The project site is located within the seismically-active San Francisco Bay Area. The project site is approximately 2.7 miles northeast of the Monte Vista-Shannon Fault, 5.7 miles east of the San Andreas Fault, 12.7 miles southwest of the Hayward Fault, 16 miles east of the San Gregorio Fault, and 17.3 miles west of the Calaveras Fault.[37] The project site is not located within a designated Alquist-Priolo Earthquake Fault Zone and no known surface expression of active faults is believed to exist within the site.[38]

The U.S. Geological Survey's 2014 Working Group on California Earthquake Probabilities has compiled the earthquake fault research for the San Francisco Bay Area in order to estimate the probability of fault segment rupture. They have determined that the overall probability of a magnitude 6.7 or greater earthquake occurring in the San Francisco Region during the next 30 years (starting from 2014) is 72 percent. The highest probabilities are assigned to the Hayward Fault, Calaveras Fault, and the northern segment of the San Andreas Fault. These probabilities are 14.3, 7.4, and 6.4 percent, respectively. During a major earthquake on a segment of one of the nearby faults, strong to very strong ground shaking is expected to occur at the project site. The ground shaking intensity felt at the project site would depend on the size of the earthquake (magnitude), the distance from the site to the fault source, the directivity (focusing of earthquake energy along the fault in the direction of the rupture), and the site-specific soil conditions.

Groundwater

Groundwater is estimated to be encountered at depths between 24 and 28 feet below ground surface (bgs).[39] Groundwater levels at the site may fluctuate with time due to seasonal conditions, rainfall, and irrigation practices.

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[36] California Geological Survey. "Earthquake Zones of Required Investigation". Accessed March 25, 2019. https://maps.conservation.ca.gov/cgs/EQZApp/app/

[37] United States Geological Survey. "The San Andreas and Other Bay Area Faults". https://earthquake.usgs.gov/earthquakes/events/1906calif/virtualtour/bayarea.php Accessed: March 25, 2019.

[38] California Geological Survey. "Earthquake Zones of Required Investigation". Accessed March 25, 2019. https://maps.conservation.ca.gov/cgs/EQZApp/app/

[39] AEI Consultants. *Phase I ESA.* October 31, 2018.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☐	☒
– Strong seismic ground shaking?	☐	☐	☐	☒
– Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
– Landslides?	☐	☐	☐	☒
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☐	☒
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☐	☒	☐

Impact GEO-1:	The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. **(No Impact)**

Fault Rupture

The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no active faults are known to cross the site, making fault rupture at the site unlikely. **(No Impact)**

Seismic Ground Shaking

The project site is located within the seismically active San Francisco Bay region. The faults in this region are capable of generating earthquakes of magnitude 7.0 or higher. During an earthquake, very strong ground shaking could occur at the project site, which could damage buildings and other proposed structures and threaten residents and occupants of the proposed development and surrounding areas.

The project would be required to adhere to the 2019 CBC, which requires preparing a site-specific geotechnical report and incorporating the recommendations of the geotechnical report into the project. Additionally, the project would be required to utilize standard engineering techniques to increase the likelihood that the project would withstand minor earthquakes without damage and major earthquakes without collapse. In this manner, the proposed project would not expose people or property to impacts associated with seismically-induced ground failures or other geologic conditions on-site. The project would not directly or indirectly cause seismic ground shaking. **(No Impact)**

Liquefaction and Lateral Spreading

The project site is not located within a liquefaction hazard zone as delineated on California Geological Survey maps. As required under the CBC, a site-specific geotechnical investigation would be prepared for the project site that will characterize the soil profile of the underlying soils and analyze their susceptibility to settlement from liquefaction. If any risks are identified during the investigation, recommendations would be made for site and building design or engineering techniques to be implemented to reduce these risks. The project would be required by the City to adhere to the 2019 California Building Code and recommendations in the site-specific geotechnical report prepared for the project, prior to permit issuance. Adhering to the recommendations of the design-level geotechnical report would ensure that any liquefaction hazards on the project site are adequately addressed. The project site is not located in the vicinity of any open faces or steep embankments that indicate a risk of lateral spreading. The project would not directly or indirectly cause liquefaction or lateral spreading. Therefore, the proposed project would have no impact in relation to liquefaction and lateral spreading. **(No Impact)**

Landslides

The project site is not located in a landslide hazard zone as delineated on California Geological Survey maps. The project site is relatively flat and is not located in the vicinity of steep embankments that could increase the risk of landslides affecting the site. The proposed project is not susceptible to future landslides, on- or off-site. The project would also not directly or indirectly cause landslides. Therefore, the project would have no impacts related to landslides. **(No Impact)**

Impact GEO-2:	The project would not result in substantial erosion or the loss of topsoil. **(Less than Significant Impact)**

Ground disturbance on the project site would result from the demolition of the existing gasoline service station, excavation to construct the below-grade parking garage, trenching for utilities, and construction of the proposed five-story building. Transportation of construction materials and equipment to and from the site could also result in disturbance of the soils at the site. These activities would increase exposure of soil to wind and water erosion. As discussed in *Section 4.10 Hydrology and Water Quality*, the project will conform to applicable City requirements for construction and operations and will include standard measures (based on RWQCB recommendations) as a condition of project approval to reduce erosion. Implementation of the identified erosion control measures would ensure that erosion impacts are reduced to less than significant. **(Less than Significant Impact)**

Impact GEO-3:	The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. **(No Impact)**

The project site is located on flat, stable terrain. There are no steep embankments on or in the vicinity of the site which could increase the risk of landslides. The site is not located in a liquefaction hazard zone, and there are no open faces on or in the vicinity of the site which indicate a risk of lateral spreading. Nonetheless, a site-specific geotechnical investigation would be completed for the project prior to permit issuance and recommended measures to avoid hazards posed by geologic and soil conditions would be incorporated into the project's design. For these reasons, the proposed project would not result in a significant impact due to unstable geologic units or soils. **(No Impact)**

Impact GEO-4:	The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. **(Less than Significant Impact)**

The soils underlying the project site have a moderate expansion potential. Expansive soils can be addressed by tailoring fill placement specifications to the expansive characteristics of the soil and/or use of a mat foundation. A design-level geotechnical investigation would be prepared for the proposed project per California Building Code Section 1803 which would provide foundation recommendations based on subsurface geotechnical data and the building layout and type. Conformance to the recommendations of the design-level geotechnical investigation would ensure

that the proposed project is designed and built to reduce hazards posed by expansive soils underlying the site. **(Less than Significant Impact)**

Impact GEO-5:	The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. **(No Impact)**

The project site is located within an urban area of Los Altos where municipal sanitary sewer systems are available to dispose of wastewater from the project site. Therefore, the project would not need to support septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6:	The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. **(Less than Significant Impact)**

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Most of the City is situated on alluvial fan deposits of Holocene age that have a low potential to contain significant nonrenewable paleontological resources. The proposed residential development includes a five-story building above two levels of below-grade parking in an urbanized area of the City.

Although it is unlikely that paleontological resources would be discovered on-site given its prior disturbance and the low potential for such resources, construction activities could result in the disturbance and/or accidental destruction of paleontological resources.

Standard Measures

The following standard measures, in accordance with City regulatory programs, would avoid and/or reduce potential construction-related paleontological resources impacts to a less than significant level.

- The project proponent shall ensure all construction personnel receive paleontological resources awareness training that includes information on the possibility of encountering fossils during construction; the types of fossils likely to be seen, based on past finds in the project area; and proper procedures in the event fossils are encountered. Worker training shall be prepared and presented by a qualified paleontologist. The applicant shall provide the Community Development Director with documentation showing the training has been completed by all required construction personnel prior to issuance of grading permits.
- If vertebrae fossils are discovered during construction, all work within 50 feet of the discovery shall stop immediately until a qualified professional paleontologist can assess the nature and importance of the find and recommend appropriate treatment. Treatment may include avoidance, if feasible, preservation in place, or preparation and recovery of fossil materials so that they can be housed in an appropriate museum or university collection and may also include preparation of a report for publication describing the finds.

Because the proposed project would comply with the applicable City policies and regulatory programs related to paleontological resources, including the standard measures above, implementation of the proposed project would have a less than significant impact on paleontological resources. **(Less than Significant Impact)**

4.8 GREENHOUSE GAS EMISSIONS

The following discussion is based in part on a greenhouse gas emissions assessment prepared for the proposed project by *Illingworth & Rodkin, Inc.* The report, dated May 28, 2019, and revised August 21, 2019, is included in Appendix A of this Initial Study.

4.8.1 Environmental Setting

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and sulfur hexafluoride emissions are commonly created by industries such as aluminum production and semi-conductor manufacturing.

Each GHG has its own potency and effect upon the earth's energy balance. This is expressed in terms of a global warming potential (GWP), with CO_2 being assigned a value of one and sulfur hexafluoride being several orders of magnitude stronger. In GHG emission inventories, the weight of each gas is multiplied by its GWP and is measured in units of CO_2 equivalents (CO_2e).

An expanding body of scientific research supports the theory that global climate change is currently affecting changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.1 *Regulatory Framework*

State

Global Warming Solutions Act

Under the California Global Warming Solution Act, also known as Assembly Bill (AB) 32, the California Air Resources Board (CARB) established a statewide GHG emissions cap for 2020,

adopted mandatory reporting rules for significant sources of GHG, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, Senate Bill (SB) 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of carbon dioxide equivalent (MMTCO2e). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 MMTCO2e.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035, as compared to 2005 emissions levels. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission partnered with the Association of Bay Area Governments, BAAQMD, and Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area. Plan Bay Area establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs) and Transit Priority Areas (TPAs). The project site is not located within a PDA but is located in a TPA.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing (criteria) pollutants and GHG emissions into a single coordinated set of requirements for model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[40]

Regional

Bay Area 2017 Clean Air Plan

Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards would be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect the climate,

[40] CARB. "The Advanced Clean Cars Program". Accessed January 10, 2019. https://www.arb.ca.gov/msprog/acc/acc.htm.

the 2017 CAP includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The City of Los Altos and other jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

Local

City of Los Altos Climate Action Plan

The City of Los Altos Climate Action Plan (LACAP) was adopted in 2013. The LACAP outlines the strategy for reducing the community's greenhouse gas emissions and is consistent with AB 32, which directed public agencies in California to support the statewide goal of reducing GHG emissions to 1990 levels by 2020. It is anticipated that the City will update the LACAP in the next 12 to 18 months to address emission reductions beyond 2020 and set a 2030 reduction target in alignment with SB 32 and the statewide goal of reducing GHG emissions to 40 percent below 1990 levels by 2030.

The LACAP includes a range of incentives, education, and regulations within five focus areas, Transportation, Energy, Resource Conservation, Green Community and Municipal Operations, to achieve GHG emission reductions. The LACAP's reduction measures are applicable to new and existing development. Most emissions reductions come from the Transportation and Energy focus areas, which correspond to the City's largest sources of emissions. Implementation of the reduction measures contained in the LACAP would reduce the City's 2020 emissions by 15,640 metric tons of CO2e, which would help the City achieve a 17 percent reduction in GHG emissions by 2020. The LACAP also requires development projects to demonstrate compliance with all applicable best management practices contained in the LACAP by preparing a LACAP checklist.

4.8.1.2 *Existing Conditions*

The 0.66-acre project site is developed with a gas station containing four pump islands, surface parking, and perimeter landscaping. The existing gasoline service station contributes to the region's GHG emissions portfolio primarily from emissions due to vehicular travel to and from the site.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☐	☒

Impact GHG-1: The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

GHG emissions associated with development of the proposed project would occur over the short-term from construction activities, consisting primarily of emissions from equipment exhaust and worker and vendor trips. There would also be long-term operational emissions associated with vehicular traffic within the project vicinity, energy and water usage, and solid waste disposal.

BAAQMD sets forth project land use screening sizes in the 2017 BAAQMD CEQA Air Quality Guidelines which can be used to determine if a project would contribute a significant level of GHG emissions. The screening sizes in the Guidelines are intended for use in determining less than significant GHG impacts through 2020, as the Guidelines are based on the 2020 thresholds (1,100 metric tons of CO2e or 4.6 metric tons per capita) in alignment with GHG targets set forth in AB 32. Based on the GHG screening levels, the operational GHG screening size for a general mid-rise apartment development project is 87 dwelling units. [41] Since the GHG reductions targets stipulated in SB 32 through the year 2030 are based on a 40 percent reduction from the 2020 threshold, the screening size for a general mid-rise apartment development project (reducing the 2020 screening size by 40 percent) would be 52 dwelling units.

The proposed residential project includes 47 dwelling units and would be below the reduced screening size for the proposed land use. Therefore, the proposed project would have a less than significant operational GHG emissions impact. **(Less than Significant Impact)**

[41] Bay Area Air Quality Management District. *California Environmental Quality Act Air Quality Guidelines*. Updated May 2017. Page 3-2.

Impact GHG-2: The project would not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHGs. **(No Impact)**

City of Los Altos Climate Action Plan

The LACAP outlines the strategy for reducing the community's greenhouse gas emissions and is consistent with AB 32, which directed public agencies in California to support the statewide goal of reducing GHG emissions to 1990 levels by 2020. While project construction and operation would not be completed prior to 2020, in the interim, the project would continue to comply with all applicable best management practices required by the City to ensure its consistency with the LACAP.
To be considered consistent with the LACAP, a proposed project must be consistent with the Los Altos General Plan, must be anticipated within the GHG emissions forecasts identified in Chapter 2 of the LACAP, and must incorporate all BMPs identified in the checklist applicable to the project type based on proposed land use, size, location, and other factors. As discussed in *Section 4.11, Land Use and Planning*, the proposed project is consistent with the General Plan. The project would therefore be represented by the Households and Annual VMT emissions indicators used in the 2020 and 2035 forecast growth estimates of the LACAP. The project's compliance with relevant BMPs is shown in Table 4.8-1, below.

Table 4.8-1: New Development Climate Action Plan Checklist

Best Management Practice	Applicability	Project Compliance
1.3 Provide Alternative-Fuel Vehicle Infrastructure		
Comply with parking standards for electric vehicle (EV) pre-wiring and/or charging stations.	New and substantially remodeled residential units. Nonresidential projects greater than 10,000 square feet.	***Consistent.*** The project would provide at least (4) electric vehicle (EV) parking spaces for residents, which is consistent with the 2016 CALGreen Code requirement of three percent of the total number of parking spaces.
2.2 Increase Energy Efficiency		
Install higher-efficiency appliances.	All new construction	***Consistent.*** The project would incorporate high-efficiency appliances where applicable. The project would be constructed in accordance with 2016 CALGreen and the most recent building energy efficiency standards.
Install high-efficiency outdoor lights.	All new construction	***Consistent.*** All outdoor lighting would be high-efficiency fixtures. Light pollution would be controlled through the selection of site lighting fixtures.

Table 4.8-1: New Development Climate Action Plan Checklist		
Best Management Practice	**Applicability**	**Project Compliance**
Comply with the Green Building Ordinance.	All new construction	***Consistent.*** The project would be constructed to meet the 2016 CALGreen standards.
3.1 Reduce and Divert Waste		
Develop and implement a Construction and Demolition (C&D) waste plan.	All new projects	***Consistent.*** The project would prepare a C&D waste plan and adhere to the City's Solid Waste Collection and Recycling Ordinance and Municipal Code Chapter 6.14. Compliance with these policies would ensure that at least 75 percent of construction waste would be recycled and/or reused.
3.2 Conserve Water		
Reduce turf area and increase native plant landscaping.	All new projects	***Consistent.*** The project's landscaping and irrigation would be required to comply with the City's Water Efficient Landscape Ordinance.
3.3 Use Carbon-Efficient Construction Equipment		
Implement applicable BAAQMD construction site and equipment best management practices.	All new projects	***Consistent.*** The proposed project would implement the BAAQMD Basic Construction Mitigation Measures for dust control and the mitigation measures discussed in *Section 4.3, Air Quality*.
4.1 Sustain a Green Infrastructure System and Sequester Carbon		
Create or restore vegetated common space.	Projects over 10,000 square feet	***Consistent.*** The proposed project would include open space areas for residents and vegetation throughout the site.
Establish a carbon sequestration project or similar off-site mitigation strategy.	Projects over 10,000 square feet	***Consistent.*** The project does not have a GHG impact that requires off-site mitigation, such as the purchase of carbon credits.
Plant at least one well-placed shade tree per dwelling unit.	New residential projects	***Consistent.*** The project proposes 47 new trees, which would meet the LACAP goal.

Source: City of Los Altos, 2014.

The City of Los Altos updated its Water Efficient Landscape Ordinance in December 2015 to increase water efficiency standards for new and rebuilt landscapes through more efficient irrigation systems, increase the use of greywater systems and on-site storm water capture, and limit the amount of new

turf area installed. The proposed project would be required to comply with this ordinance and submit a landscape documentation package to the City during review of the project to verify compliance.

Overall, the project would be consistent with the requirements of the LACAP and would not prevent the City from meeting its GHG reduction goals through 2020.

Association of Bay Area Governments Final Plan Bay Area 2040

ABAG's Plan Bay Area is the RTP/SCS for the San Francisco Bay Area. Plan Bay Area establishes GHG emissions goals for automobiles and light-duty trucks, a potent source of GHG emissions attributable to land use development. As previously described, ABAG was tasked by CARB to achieve a seven percent per capita reduction in mobile-source GHG emissions compared to 2005 vehicle emissions by 2020 and a 15 percent per capita reduction by 2035. Plan Bay Area 2013-2040 establishes an overall mechanism to achieve these GHG targets for the project region consistent with both the target date of AB 32 (2020) and the post-2020 GHG reduction goals of SB 32. CARB has confirmed the project region will achieve its GHG reduction targets by implementing Plan Bay Area (CARB 2014).

The RTP/SCS identifies 200 "Priority Development Areas," which are areas focused for growth and development. Priority Development Areas are defined by the RTP/SCS as existing neighborhoods that are served by public transit and have been identified as appropriate for additional, compact development. While the project site is located just outside of a Priority Development Area, it is located in a Transit Priority Area along a high-quality transit corridor (El Camino Real) in the vicinity of local and regional transit connections. Furthermore, the project modernizes land uses within a built environment (infill development), increasing site land use densification. The project would increase density in the vicinity over current conditions. Increased density, measured in terms of persons, jobs, or dwelling units per unit area, reduces emissions associated with transportation as it reduces the distance people travel for work or services and provides a foundation for the implementation of other strategies such as enhanced transit services.

For these reasons, the project is consistent with Plan Bay Area and it can be assumed that regional mobile emissions will decrease in line with the goals of Plan Bay Area with implementation of the proposed project. Implementing ABAG's RTP/SCS would greatly reduce the regional GHG emissions from transportation, and the proposed project would not obstruct the achievement of Plan Bay Area's emission reduction targets.

The proposed project would not result in a substantial increase in GHG emissions, as discussed under Impact GHG-1. In addition, the proposed project would not conflict with the LACAP or Plan Bay Area. Therefore, the proposed project would not conflict with plans, policies, or regulations adopted for the purpose of reducing GHG emissions. **(No Impact)**

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based, in part, on a Phase I Environmental Site Assessment (Phase I ESA) prepared for the project site by *AEI Consultants, Inc,* and a peer review letter prepared by *Cornerstone Earth Group.* The report and peer review letter, dated October 31, 2018, and April 15, 2019, respectively, are attached to this Initial Study as Appendix C.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Federal and State

Hazardous Materials Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. Federal regulations and policies related to development include the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, and the Resource Conservation and Recovery Act (RCRA). In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies including the Santa Clara County Department of Environmental Health have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. The California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Cortese List (Government Code Section 65962.5)

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by the state, local agencies, and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC), State Water Resources Control Board (SWRCB), and CalRecycle.

Asbestos-Containing Material and Lead Paint Regulations

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl asbestos floor tiles, and transite siding made with cement. Use of friable asbestos products was banned in 1978. National Emission Standards for

Hazardous Air Pollutants (NESHAP) guidelines require that potentially friable ACMs be removed prior to building demolition or remodel that may disturb the ACMs.

The U.S. Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, California Code of Regulations 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Polychlorinated Biphenyls (PCBs)

Polychlorinated biphenyls (PCBs) are chlorinated organic compounds that were produced in the U.S. between 1955 to 1978. Due to their non-flammability, chemical stability, high boiling point, and electrical insulating properties, PCBs were used in hundreds of industrial and commercial applications, including building and structure materials such as plasticizers, paints, sealants, caulk, and wood floor finishes. In 1979, the U.S. Environmental Protection Agency banned the production and any new uses of PCBs due to concerns about their potential harmful health effects and their persistence in the environment. The one remaining approved use is for existing, totally enclosed applications (i.e., the use in electrical transformers).

Although production has been banned since 1979, PCBs can still be released to the environment today through various pathways, including building materials that contain legacy caulks and sealants or other potential PCBs-containing material potentially released during demolition or renovation. With the adoption of the reissued San Francisco Bay Region Municipal Regional Stormwater NPDES Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, the implementation of stormwater control programs for PCBs has become a high priority compliance issue for permittees throughout the Bay Area. Provision C.12.f. of the San Francisco Bay Region Municipal Regional Stormwater NPDES Permit requires that permittees develop an assessment protocol methodology for managing materials with PCBs in applicable structures that are planned for demolition, so that PCBs do not enter municipal storm drain systems.[42] Municipalities throughout the Bay Area are currently modifying demolition permit processes and implementing PCB screening protocols to comply with Provision C.12.f. (see *Section 4.10 Hydrology and Water Quality*).

4.9.1.2 *Existing Conditions*

The 0.66-acre project site is in an urbanized area consisting of a mix of residential and commercial uses and is developed with a gasoline service station with pump islands and vehicle service bays, surface parking, and landscaping. Adjacent uses consist of a multi-family residential building immediately adjacent to the south and east, a hotel to the west, across Los Altos Avenue, and various commercial and lodging uses along El Camino Real to the east and west.

[42] Geosyntec Consultants, Technical Memorandum, Current State-of-Practice for PCBs-Containing Building Materials in California. May 9, 2017.

Site History

According to historical property information, the project site was developed predominantly for agricultural use from 1948 to 1960. Prior to 1948, the use of the site is unknown. The existing gas station and auto repair shop was constructed in 1968 and the use of the site has remained the same to the present day.

Environmental Conditions

On-Site

The Phase I ESA identified several recognized environmental conditions (REC) on the site. A REC refers to the presence or likely presence of any hazardous substances or petroleum products in, on, or at a property; due to release to the environment; under conditions indicative of a release to the environment; or under conditions that pose a material threat of a future release to the environment. The RECs on the site are discussed below.

- The project site has been occupied by a gas station and auto repair shop since 1968. The following features of concern have been noted on-site:

    - The project site is equipped with two 12,000-gallon gasoline Underground Storage Tanks (USTs) and a 550-gallon waste oil UST, which were installed in 1990. The USTs are double-walled, fiberglass-reinforced plastic and equipped with a leak-detection system, which was replaced in 2001. A review of documents by *AEI* did not reveal any reported discharges; however, based on the age of the USTs, a potential release from the USTs that affects the subsurface of the project site cannot be ruled out.

    - The project site is equipped with three below-ground hydraulic lifts. The lifts were presumably installed in 1968, when the building was constructed. Based on the pre-1977 installation of the lifts, the potential exists that the hydraulic fluid within the lift systems previously contained PCBs. Two of the lifts are no longer in use, and one is still in operation. Due to the age of the equipment, the integrity of the equipment is unknown; therefore, the potential exists that a release of hydraulic fluid which may have contained PCBs has occurred on-site.

    - During *AEI's* on-site reconnaissance, evidence of significant staining associated with leakage from the containers was observed within the auto repair bays and the exterior hazardous waste storage area. No storm drains or other subsurface conduits were located in the immediate vicinity of the stains. Based on the presence of the staining, the length of time hazardous materials has been used on the project site, and the lack of secondary containment, a potential release to the subsurface of the project site cannot be ruled out.

    - According to a 2002 Santa Clara County Department of Environmental Health (SCCDEH) Inspection Record and the regulatory database, an oil-water separator existed on the project site. The size and age of the separator was not noted, and no

site maps were on file with the SCCDEH indicating its location. Separators can act as conduits to the subsurface of properties and when utilized to treat wastewater streams, can act as preferential pathways for contaminants in the waste streams. Additionally, the structural integrity of separators and their associated piping can become compromised over time, especially when located in areas prone to high seismic activity. Based on the use of hazardous materials on-site and the presumed length of time the separator system had been in place, there is a potential that oils or other petroleum-based materials present in the wastewater stream could impact the subsurface of the project site if the separator or drain system has been compromised.

- Based on a review of historical sources, the project site was determined to have historically been used for agricultural purposes. There is potential that agricultural chemicals, such as pesticides, herbicides and fertilizers, were used on-site, and that the project site has been impacted by the use of such agricultural chemicals.

The Phase I ESA also identified one controlled recognized environmental condition (CREC) on the site. A CREC refers to a REC resulting from a past release of hazardous substances or petroleum products that has been addressed to the satisfaction of the applicable regulatory authority, with hazardous substances or petroleum products allowed to remain in place subject to the implementation of required controls. The CREC is discussed below.

- In October 1990, two 10,000-gallon gasoline steel USTs and a 550-gallon waste oil steel UST (installed in 1969) were removed from the project site from the same locations as the existing USTs. Initial soil sampling indicated that elevated levels of total petroleum hydrocarbons as gasoline (TPHg) existed below the former USTs, and additional soil excavation was subsequently performed. In March 1991, three groundwater monitoring wells were installed. A fourth monitoring well (MW4) was installed near the former USTs in 1992. In groundwater from MW-4, TPHg, benzene, toluene, ethylbenzene, and xylene compounds were detected at up to 4,600 µg/L, 430 µg/L, 700 µg/L, 110 µg/L, and 1,800 µg/L, respectively.

  A temporary soil vapor extraction system was operated for a few weeks in 1992, and a groundwater extraction system was operated for 8.5 hours in 1992. Residual contaminant concentrations in soil were noted as follows: 1,900 mg/kg TPHg, 6.4 mg/kg TPH as diesel (TPHd), 1.7 mg/kg benzene, 68 mg/kg toluene, 220 mg/kg ethylbenzene and 33 mg/kg xylenes.

  The Water Board's Tier 1 Environmental Screening Levels (ESLs) for TPHg, TPHd and BTEX (benezene, toluene, ethylbenzene, and xylene) compounds are 100 mg/kg, 260 mg/kg, 0.025 mg/kg, 3.2 mg/kg, 0.43 mg/kg and 2.1 mg/kg, respectively. Thus, some of the detected analyte concentrations exceed the ESLs.

  During the most recent four sampling events (in 1993 and 1994), TPHg and BTEX compounds were not detected in groundwater from wells MW1, MW2, or MW3. Methyl tertiary-butyl ether (MTBE) was detected at up to 60 µg/L. Groundwater from well MW4 was last sampled in October 1992; TPHg and BTEX compounds were detected at 58 µg/L,

1.1 µg/L, 3.8 µg/L, 1.4 µg/L and 11 µg/L, respectively. For comparison, the Water Board's Tier 1 ESLs for these constituents in groundwater are 100 µg/L, 0.42 µg/L, 0.40 µg/L, 3.5 µg/L and 20 µg/L, respectively. The ESL for MTBE in groundwater is five µg/L.

In 1996, the Santa Clara Valley Water District issued a case closure letter stating that based on the available information, including the current land use, that no further action related to the UST release was required.

The Phase I ESA identified two other environmental considerations (OECs) for the project site. OECs are environmental concerns that, while not qualifying as RECs, warrant further discussion. The OECs identified at the project site are discussed below:

- According to a Phase I ESA prepared for the project site in 2013, six soil borings were advanced near the existing fuel and waste oil USTs and fuel dispensers in July 2007. Soil samples collected indicated concentrations of methyl chloride, chromium, lead, nickel and zinc. Groundwater samples indicated concentrations of chromium, nickel and zinc. No TPHg, TPHd, MTBE or BTEX compounds were detected in any of the soil or groundwater samples collected, with the exception of TPHd at 1.1 mg/L. The 2013 Phase I ESA concluded that based on the absence of VOCs and fuel oxygenates above laboratory detection limits in both soil and groundwater samples collected, low concentration of diesel range hydrocarbon in groundwater is not likely to pose a significant environmental concern.

- The existing building on-site is proposed for demolition. Due to its age, there is potential for asbestos and lead-based paints to be present. Construction activities could disturb these materials and pose a health risk to construction workers and adjacent uses.

Off-Site

The surrounding land uses have primarily been used for commercial and residential purposes since as early as 1960. Prior to that, surrounding land uses were comprised mainly of a mix of agricultural and residential land, with commercial developments beginning to be established in 1956.

According to a review of historical sources completed by *AEI*, the adjacent site to the northwest was formerly a gasoline service station from at least 1956 until 1968. The site was not listed on regulatory databases as a current or former UST site; however, based on the former use, it is apparent that USTs were located on-site. The locations of the former USTs at this site are unknown. Based on the lack of a documented release, the groundwater gradient, relative distance, and the fact that the site has undergone redevelopment since that time, the former adjacent gas station is not expected to represent a significant environmental concern.

The Four Seasons Motel at 4320 El Camino Real is listed as having an UST that was last used in 2003. The contents and size have not been reported on any regulatory databases. Based on the lack of documented release and the topographical gradient, the listed UST is not expected to represent a significant environmental concern.

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☒	☐	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will it create a significant hazard to the public or the environment?	☐	☐	☒	☐
5) For a project located within 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, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
6) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials. **(Less than Significant Impact)**

Operation of the proposed residential development would not routinely transport, use, or dispose of hazardous materials that would pose a significant hazard to the public. The proposed residential project would include the on-site use and storage of cleaning supplies and maintenance chemicals (oil, paint, pesticides, etc.) in small quantities. The transport, use, and disposal of these small quantities of cleaning supplies and maintenance chemical would not pose a risk to site users or adjacent uses. **(Less than Significant Impact)**

Impact HAZ-2:	The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. **(Less than Significant Impact with Mitigation Incorporated)**

Soil and Groundwater

The project site is developed with a gasoline service station that has operated on the site since 1968. Thus, there is potential for soil and groundwater contamination as a result of the below-ground accumulation of petroleum products and heavy metals. The proposed project would demolish the existing structures on-site and remove two 12,000-gallon gasoline USTs, a 550-gallon waste oil UST, and hydraulic lifts which are presumed to contain PCBs. Accumulation of petroleum products and PCBs in the underlying soil and groundwater can pose a health risk to construction workers.

Based on prior sampling data, residual petroleum hydrocarbon concentrations resulting from the prior USTs (removed in 1990) may remain in on-site soil and/or groundwater at concentrations exceeding published screening levels.

Prior to development and operation of the on-site gasoline service station, the site was used for agriculture. Pesticides may have been applied to crops in the normal course of farming operations. There is potential for residual agricultural chemicals, such as organochlorine pesticides and insecticides, and heavy metals to be persistent in on-site soils. Localized contamination from agricultural materials can pose a health risk when the soils containing them are disturbed. If elevated concentrations of agricultural chemicals are present, mitigation or soil management measures may be required during construction/earthwork activities

As part of the facility closure process for occupants that use and/or store hazardous materials, the DEH and/or Fire Department typically require that a closure plan be submitted by the occupant that describes required closure activities, such as removal of remaining hazardous materials, cleaning of hazardous material handling equipment, decontamination of building surfaces, and waste disposal practices, among others.

Hazardous Building Materials

Due to the age of the on-site structures, building materials may contain asbestos. Because demolition of the building is planned, an asbestos survey is required by local authorities and/or National Emissions Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable asbestos-containing building materials (ACBM) prior to building demolition or renovation that may disturb these materials.

Some components encountered as part of a building demolition waste stream may contain hazardous materials. Materials that may result in possible risk to human health and the environment when improperly managed include lamps, thermostats, and light switches containing mercury; batteries from exit signs, emergency lights, and smoke alarms; lighting ballasts which contain PCBs; and lead pipes and roof vent flashings. Demolition waste such as fluorescent lamps, PCB ballasts, lead acid batteries, mercury thermostats, and lead flashings have special case-by-case requirements for generation, storage, transportation, and disposal. The Consumer Product Safety Commission banned

the use of lead as an additive in paint in 1978. Based on the age of the existing building, lead-based paint may be present.

Mitigation Measures: The following mitigation measures are recommended to address hazardous materials concerns at the project site:

MM HAZ-2.1: Prior to conducting earthwork activities at the site, soil sampling shall be performed to evaluate if agricultural chemicals (i.e. organochlorine pesticides and associated metals including lead and arsenic) are present.

MM HAZ-2.2: Prior to redevelopment of the site, the USTs and associated piping and dispensers shall be removed. The removal activities shall be coordinated with the Santa Clara County Department of Environmental Health (DEH) and Fire Department. In accordance with the requirements of these agencies, soil quality below the USTs, piping and dispensers shall be evaluated via the collection of soil samples and laboratory analyses.

MM HAZ-2.3: Prior to redevelopment of the site, each of the below-ground lift casings and any associated hydraulic fluid piping and reservoirs shall be removed and properly disposed. An environmental professional shall be retained to observe the removal activities and, if evidence of leakage is identified, soil sampling and laboratory analyses shall be conducted.

MM HAZ-2.4: Facility closure shall be coordinated with the DEH and Fire Department to ensure that required closure activities are completed prior to redevelopment of the site.

MM HAZ-2.5: The DEH shall be contacted to evaluate if any further mitigation measure will be required to facilitate residential development of the site. Any required mitigation measures shall be described in the Site Management Plan (refer to MM HAZ-2.6) or appropriate corrective action/risk management plan (i.e. remedial action plan [RAP], removal action workplan [RAW], etc.).

MM HAZ-2.6: A Site Management Plan (SMP) and Health and Safety Plan (HSP) for the proposed demolition and redevelopment activities shall be prepared by an Environmental Professional. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater or other materials (such as the reported former oil-water separator) that may potentially be encountered during construction activities. The SMP also shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.

If the sampling recommended in the above measures identifies contaminants at concentrations exceeding applicable published residential screening levels, appropriate mitigation measures shall be implemented under oversight from an appropriate regulatory agency (i.e. DEH, Water Board or California

Department of Toxic Substances Control [DTSC]). All sampling shall be performed by an Environmental Professional following commonly accepted sampling protocols.

MM HAZ-2.7: Prior to issuance of a demolition permit, an asbestos survey shall be conducted and identified ACBM shall be managed and/or removed in accordance with BAAQMD and NESHAP guidelines. Pursuant to BAAQMD regulations, a BAAQMD job number "J#" shall be applied for and obtained prior to demolition.

MM HAZ-2.8: Universal wastes, lubrication fluids, refrigerants and other potentially hazardous building materials shall be removed before structural demolition begins. Before disposing of any demolition waste, the demolition contractor shall determine if the waste is hazardous and ensure proper disposal of waste materials.

MM HAZ-2.9: The removal of lead-based paint is not required prior to building demolition if the paint is bonded to the building materials. However, if the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training, air monitoring and dust control, among others. Any debris containing lead shall be disposed appropriately.

Implementation of the mitigation measures described above would reduce potential impacts to the health of construction workers, adjacent uses, future site occupants and the environment to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact HAZ-3:	The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. **(Less than Significant Impact)**

There are no schools within a quarter-mile of the project site, and the proposed project would not emit hazardous emissions or handle hazardous materials or substances. The nearest school to the project site is Ellen Fletcher Middle School, located approximately 0.4-mile west of the site. **(Less than Significant Impact)**

Impact HAZ-4:	The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. **(Less than Significant Impact)**

The project is not located on a site which is included on a list of a hazardous materials sites compiled pursuant to Government Code Section 65962.5.[43] The project site is listed on several hazardous materials databases due to the presence of USTs and previous removal of USTs; however, the

[43] CalEPA. "Cortese List Data Resources". Accessed April 8, 2019. https://calepa.ca.gov/sitecleanup/corteselist.

regulatory status of the USTs indicate that they do not pose a significant hazard to the public or the environment. **(Less than Significant Impact)**

Impact HAZ-5:	The project would not be located within 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. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(No Impact)**

The project site is not located within an airport land use plan. Palo Alto Airport, a general aviation facility, is located approximately 3.5 miles north of the project site. Moffett Federal Airfield, a joint civil-military airport, is located approximately 3.7 miles east of the project site. Norman Y. Mineta San José International Airport is located approximately 10 miles east of the project site. Therefore, the proposed project would not result in a safety hazard or noise impacts due to airport activities. **(No Impact)**

Impact HAZ-6:	The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. **(Less than Significant Impact)**

The City has adopted an Emergency Preparedness Plan which identifies potential risks, facilities and resources relied upon in the event of a catastrophe, and persons responsible for implementation. While the proposed residential project would incrementally increase demand on emergency responders in Los Altos, the proposed project would not impair implementation of, or physically interfere with, the Emergency Preparedness Plan. **(Less than Significant Impact)**

Impact HAZ-7:	The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires. **(No Impact)**

The project site is not located within a Very High Fire Hazard Severity Zone as delineated on CalFire SRA and LRA maps. The project site is in an urban area and is not located near wildland areas that would be susceptible to fire. For these reasons, implementation of the proposed project would not expose people or structures to wildland fires. **(No Impact)**

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

Water Quality Overview

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality. Regulations set forth by the U.S. Environmental Protection Agency (EPA) and the State Water Resources Control Board (SWRCB) have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the water quality control boards. The project site is within the jurisdiction of the San Francisco Bay Regional Water Quality Control Board (RWQCB).

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) in order to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRM) that identify Special Flood Hazard Areas (SFHA). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented a NPDES General Construction Permit for the State of California. For projects disturbing one acre or more of soil, a Notice of Intent (NOI) and Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction. The Construction General Permit includes requirements for training, inspections, record keeping, and for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

Regional

Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan or "Basin Plan". The Basin Plan lists the beneficial uses that the RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources

such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Stormwater NPDES Permit (MRP)/C.3 Requirement

The San Francisco Bay RWQCB has issued a Municipal Regional Stormwater NPDES Permit (MRP) that covers the project area. Under provisions of the MRP, redevelopment projects that create or replace 10,000 square feet or more of impervious surface area are required to design and construct on-site stormwater treatment controls utilizing Low Impact Development (LID) practices to treat post-construction stormwater runoff. The MRP also requires regulated projects to incorporate site design and pollutant source control measures to maintain or restore the site's natural hydrologic functions and reduce the pollutants loads of post-construction runoff. The MRP requires that stormwater treatment measures are properly installed, operated and maintained.

In addition to water quality controls, the MRP requires all new and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration. Such hydromodification is likely to cause increased erosion, silt pollutant generation or other impacts to beneficial uses of local rivers, streams, and creeks. Projects may be deemed exempt from the permit requirements if they do not meet the size threshold, drain into tidally influenced areas or directly into the Bay, drain into hardened channels, or are infill projects in subwatersheds or catchments areas that are greater than or equal to 65 percent impervious (per the Cities of Los Altos and Los Altos Hills HMP Applicability Map).

PCBs Controls

Provision C.12 of the MRP requires the co-permittee agencies to implement a control program for polychlorinated biphenyls (PCBs) that reduces PCBs loads by a specified amount during the term of the permit, thereby making substantial progress toward achieving the urban runoff PCBs wasteload allocation in the Basin Plan by March 2030. The program must include focused implementation of PCBs control measures (source control, treatment control, and pollution prevention strategies) through a collaborative effort. One of the strategies that has been recently adopted by municipalities region-wide is the updating of their building demolition permitting processes to incorporate the management of PCBs in building materials. The goal is to ensure that PCBs are not discharged to storm drains during demolition of buildings that contain PCBs in building materials (such as certain older caulks, paints, and mastics). Buildings constructed between 1955 and 1978 that are proposed for demolition may now be required to be screened for the presence of PCBs prior to the issuance of a demolition permit. The Bay Area Stormwater Management Agencies Association (BASMAA) is assisting Bay Area municipalities to comply with these new stormwater permit building demolition requirements.

Santa Clara Valley Water District

The Santa Clara Valley Water District (Valley Water) operates as the flood control agency for Santa Clara County. Their stewardship also includes creek restoration, pollution prevention efforts, and groundwater recharge. Permits for well construction and destruction work, most exploratory boring for groundwater exploration, and projects within Valley Water property or easements are required under Valley Water's Water Resources Protection Ordinance and District Well Ordinance.

Dam Safety

Dam failure is the uncontrolled release of impounded water behind a dam. Flooding, earthquakes, blockages, landslides, lack of maintenance, improper operation, poor construction, vandalism, and terrorism can all cause a dam to fail. [44] Because dam failure that results in downstream flooding may affect life and property, dam safety is regulated at both the federal and state level. In accordance with the state Dam Safety Act, dams are inspected regularly and detailed evacuation procedures have been prepared for each dam.

Local

City of Los Altos General Plan

The following General Plan hydrology and water quality policies are contained in the Infrastructure and Waste Disposal Element and are applicable to the proposed project.

Policy 3.1: Control surface runoff water discharges into the stormwater system to comply with the National Pollutant Discharge Elimination System Permit and the receiving water limitations assigned by the California Regional Water Quality Control Board.

Policy 3.3: Minimize the amount of impervious surfaces and directly connected impervious surfaces in areas of new development and redevelopment and where feasible maximize on-site infiltration of storm water runoff.

Policy 3.4: Implement pollution prevention methods supplemented by pollutant source controls and treatment. Use small collection strategies located at, or as close as possible to the source (i.e., the point where water initially meets the ground) to minimize the transport of urban runoff and pollutants offsite.

4.10.1.2 *Existing Conditions*

The project site is predominantly covered by impervious surfaces (building/pump island roofs and paved areas). Pervious areas on-site consist of landscaping located in parking lot planters and at the site frontage and perimeter. The project site is estimated to be approximately 97 percent impervious.

Hydrology and Drainage

Four creeks are located within the City of Los Altos, including Adobe Creek, Stevens Creek, Permanente Creek, and Hale Creek. The closest creek to the project site is Adobe Creek, located approximately 800 feet to the west. The approximately 0.66-acre project site is located in the Adobe drainage basin, an approximately 1.8 square mile area which drains to Adobe Creek via a network of connecting stormwater pipes.[45]

[44] State of California. *2013 State Hazards Mitigation Plan*. 2013. Accessed March 20, 2019. http://hazardmitigation.calema.ca.gov/plan/state_multi-hazard_mitigation_plan_shmp.
[45] City of Los Altos. *Stormwater Master Plan.* April 2016.

Stormwater from the project site is collected by on-site storm drain inlets and conveyed to the existing storm drain line in El Camino Real. Stormwater is then conveyed through the City's drainage system to a point north of the project site, where it is discharged, untreated, into Adobe Creek. Adobe Creek flows to the San Francisco Bay.

Flooding and Other Hazards

The project site is not located in a 100-year floodplain, according to FEMA Flood Insurance Rate Maps for Santa Clara County. The project site is located in a Flood Zone X. Zone X is designated as areas of 0.2 percent annual chance flood, areas of one percent annual chance flood with average depths of less than one foot or with drainage areas of less than one square mile, and areas protected by levees from one percent annual chance floods.[46]

The project site is not located within any dam failure inundation zone.[47] There are no landlocked bodies of water near the project site that would affect the site in the event of a seiche, and no bodies of water near the project site that would affect the site in the event of a tsunami. The project area is flat and there are no hillsides in proximity that would affect the site in the event of a mudflow.

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐

[46] Federal Emergency Management Agency. *Flood Insurance Rate Map Number 06085C0038H.* May 18, 2009.
[47] Santa Clara County of Emergency Services. *Annex to 2010 Association of Bay Area Government Local Hazard Mitigation Plan.* December 2011.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

Impact HYD-1: The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. **(Less than Significant Impact)**

Construction Phase

Construction activities, such as grading and excavation, have the potential to result in temporary impacts to surface water quality in adjacent waterways. When disturbance to the soil occurs, sediments may be dislodged and discharged into the storm drainage system when surface runoff flows across the site. The proposed project would disturb approximately 0.66 acres, which is below the one-acre threshold requiring compliance with the State of California Construction General Permit (Construction General Permit); however, the project will conform to applicable City requirements for construction operations, as specified in Municipal Code Section 10.08.430. The following standard measures (based on RWQCB recommendations) will be included as a condition of project approval to further reduce potential construction-related water quality impacts:

Standard Measures

- Burlap bags filled with drain rock shall be installed around storm drains to route sediment and other debris away from the drains. Silt sacks shall also be installed at all catch basins.
- Earthmoving or other dust-producing activities would be suspended during periods of high winds.
- All exposed or disturbed soil surfaces would be watered at least twice daily to control dust as necessary.
- Stockpiles of soil or other materials that can be blown by the wind would be watered or covered.
- All trucks hauling soil, sand, and other loose materials would be covered and all trucks would be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas, staging areas and residential streets adjacent to the construction sites would be swept daily (with water sweepers).

- Vegetation in disturbed areas would be replanted as quickly as possible.
- A construction entrance shall be installed and maintained at all times to prevent sediment tracking.

With implementation of the identified construction measures, construction of the proposed project would have a less than significant impact on water quality. **(Less than Significant Impact)**

Post-Construction Phase

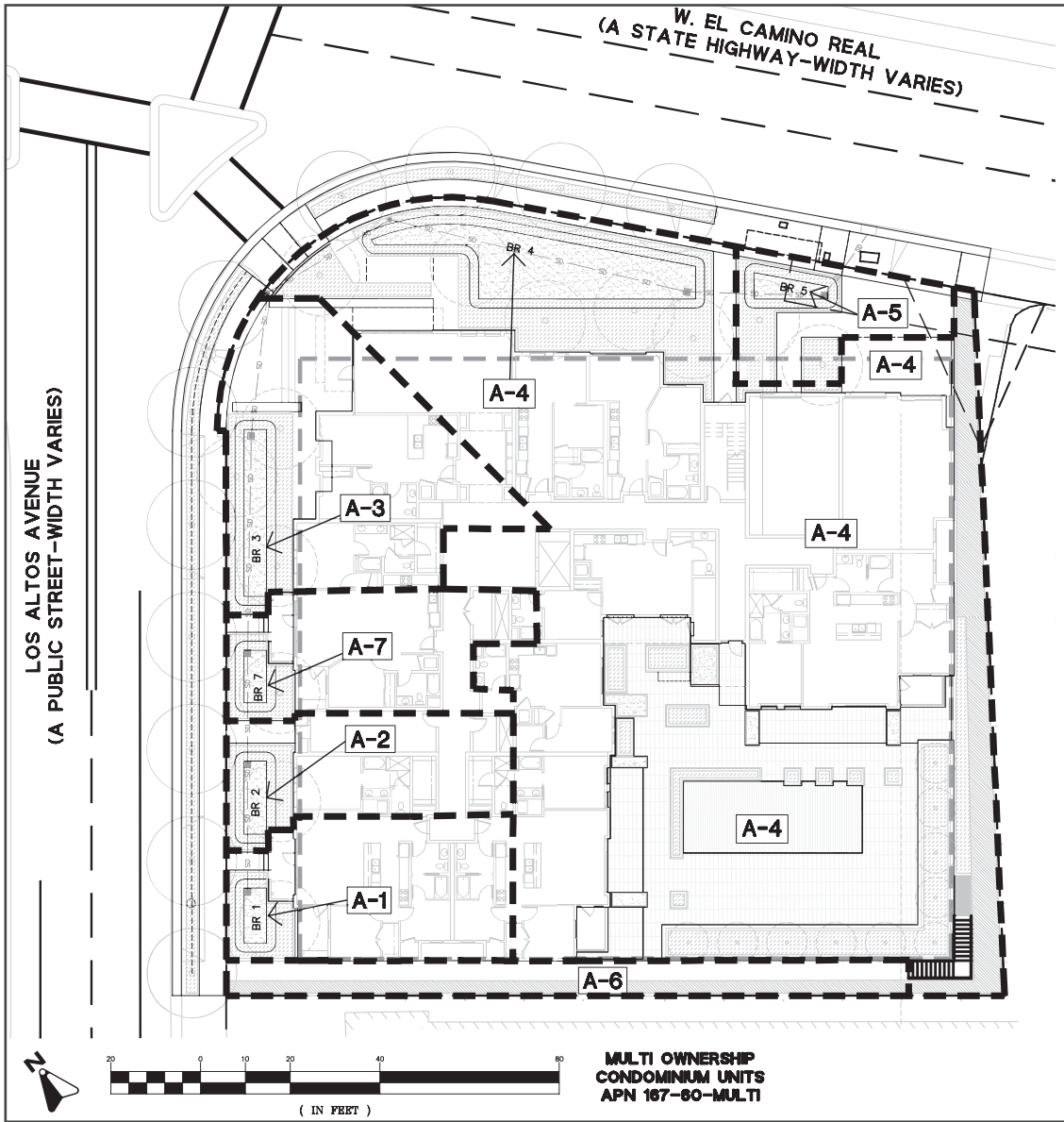
The project would add or replace more than 10,000 square feet of impervious surface area, and would therefore require conformance with Provision C.3 of the MRP. A Conceptual Stormwater Control Plan has been prepared for the project that includes appropriate source control and LID-based treatment control measures to meet Provision C.3 requirements. The Stormwater Control Plan would require third-party verification by a qualified stormwater consultant prior to project approval. In addition, the project would be required to maintain all post-construction treatment control measures, as outlined below, throughout the life of the project.

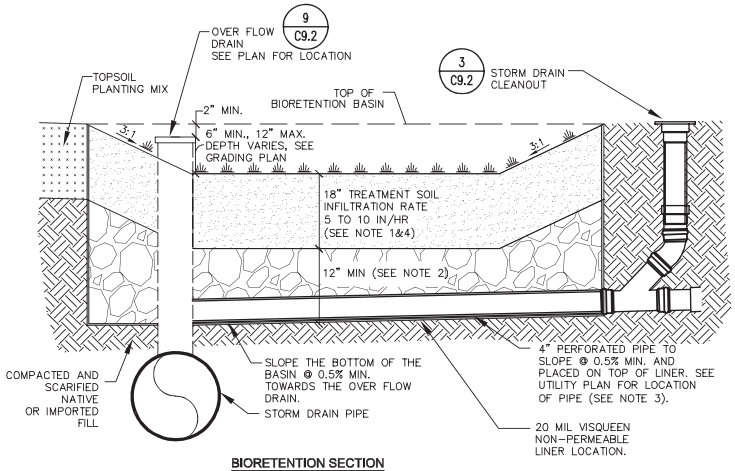
Standard Measures

The following standard measures, based on the RWQCB Best Management Practices (BMPs), would be included in the proposed project as a condition of approval to ensure compliance with NPDES permit requirements to reduce post-construction water quality impacts.

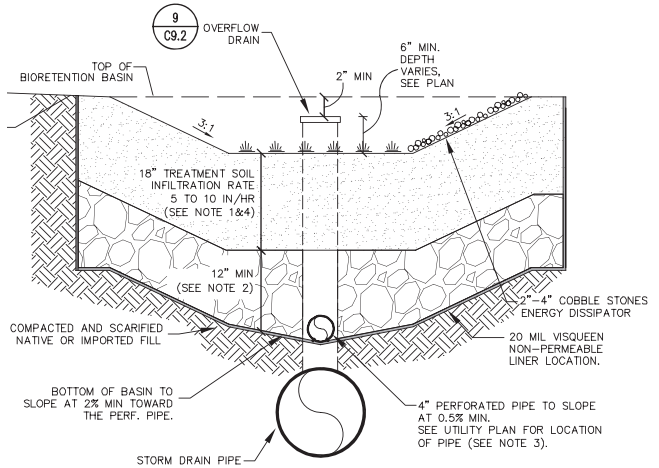
- All post-construction treatment control measures shall be installed, operated, and maintained by qualified personnel. On-site inlets will be cleaned out at a minimum of once per year, prior to the wet season.
- The property owner/site manager shall keep a maintenance and inspection schedule and record to ensure the Treatment Control Measures continue to operate effectively for the life of the project.

The proposed treatment control measures consist of bioretention areas located along the El Camino Real and Los Altos Avenue frontages (refer to Figure 4.10-1 for the Conceptual Stormwater Management Plan). The bioretention areas are located within the perimeter landscape margins and will treat runoff from building roof and hardscape areas. These LID-based treatment measures have been sized in accordance with Provision C.3 standards. The bioretention areas would not only remove pollutants from storm water, but also help to reduce post-construction runoff rates and volumes. The project site is less than one acre in size and is thereby exempt from the hydromodification management requirements of Provision C.3.





BIORETENTION SECTION
(NTS)



BIORETENTION DETAIL

Source: Seidel Architects Inc., 12/05/2018.

CONCEPTUAL STORMWATER MANAGEMENT PLAN

FIGURE 4.10-1

The project applicant would be required to implement and maintain the project's Stormwater Control Plan (SWCP) to ensure compliance with the MRP requirements for reduction of post-construction water quality impacts. The project would therefore have a less than significant impact on water quality. **(Less than Significant Impact)**

Impact HYD-2:	The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. **(Less than Significant Impact)**

The Phase I ESA prepared for the project by *AEI* cited the depth to groundwater at approximately 24 to 28 feet below bgs, with a groundwater flow direction of northeast to east. Groundwater levels at the project site may fluctuate with time due to seasonal conditions and rainfall.

Development of the proposed project would include excavation to construct a two-level, below-ground parking structure, as well as trenching for new utility connections. The excavation required to construct the parking structure could require dewatering of groundwater. In the event that groundwater is encountered during excavation, any construction dewatering that occurs would be required to follow local and regional requirements for safe transport and disposal of dewatered groundwater. Any construction dewatering would be temporary in nature and would not substantially reduce groundwater supplies or affect groundwater quality in the area.

The project site is not located within or adjacent to any groundwater recharge facilities used by the Santa Clara Valley Water District (SCVWD).[48] Groundwater recharge facilities are integral to the maintenance of groundwater levels in Santa Clara County because the amount of groundwater pumped far exceeds natural recharge.[49] The proposed project would increase the amount of pervious surfaces on-site by replacing existing hard surfaces with landscaping. Therefore, the proposed project would not interfere with groundwater recharge nor impede sustainable management of groundwater resources in the Santa Clara subbasin. **(Less than Significant Impact)**

Impact HYD-3:	The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. **(Less than Significant Impact)**

The proposed project would incrementally reduce the amount of impervious surface area on the site from approximately 97 percent to approximately 73 percent, thereby slightly reducing the amount of post-construction runoff from the site. The project would include site design and post-construction

[48] SCVWD. *2016 Groundwater Management Plan*. Figure 1-3. 2016.
[49] Valley Water. "Groundwater Supply". https://www.valleywater.org/your-water/where-your-water-comes-from/groundwater/groundwater-supply Accessed June 4, 2019.

treatment control measures in compliance with the MRP. Site design measures include landscaping to reduce the amount of treatable impervious surface area, and the treatment control measures consist of bioretention areas, which would reduce the rate, volume and pollutant load of runoff leaving the site and entering the public storm drain system.

The project, as planned, would reduce runoff volumes when compared to the current development on the site, and is not expected to impact the capacity of the existing public storm drain system. The City's Stormwater Master Plan identified areas of known drainage issues throughout the City, none of which would be exacerbated by the proposed development. The storm drain system would continue to provide adequate stormwater conveyance for a 10-year event following the implementation of the project, and would not require upgrades or drainage pattern alterations to accommodate the project.

Adherence to the standard measures described above would ensure that the project reduces potential erosion and sedimentation during construction activities. Compliance with the MRP would ensure that stormwater flows generated at the project site would be reduced and treated to the maximum extent feasible using LID methods. In this manner, the proposed project would not result in significant storm drainage impacts. **(Less than Significant Impact)**

Impact HYD-4:	The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. **(Less than Significant Impact)**

The project site is located in a Flood Zone X, indicating an area of minimal flood hazard. The project site is not located within any dam failure inundation zones and is not proximate to bodies of water that could inundate the project in the event of a tsunami or seiche. Therefore, the proposed project would not risk release of pollutants due to inundation. **(Less than Significant Impact)**

Impact HYD-5:	The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. **(Less than Significant Impact)**

The SCVWD prepared a Groundwater Management Plan (GMP) for the Santa Clara and Llagas subbasins in 2016, describing its comprehensive groundwater management framework including objectives and strategies, programs and activities to support those objectives, and outcome measures to gauge performance. The GMP is the guiding document for how the SCVWD will ensure groundwater basins within its jurisdiction are managed sustainably. The project site is located within the Santa Clara subbasin, which has not been identified as a groundwater basin in a state of overdraft.

Implementation of the proposed project would not interfere with any actions set forth by the SCVWD in its GMP regarding groundwater recharge, transport of groundwater, and/or groundwater quality. The proposed project is located in an urban area served by existing water retailers and would not directly extract groundwater to meet its water demands. As discussed under HYD-2, the site is not located in proximity to any recharge ponds and creeks. Therefore, the proposed project would not preclude the implementation of the GMP. **(Less than Significant Impact)**

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Local

City of Los Altos General Plan

The City of Los Altos General Plan was adopted in November of 2002 and serves as the primary source of long-range planning and policy direction used to guide growth and preserve the quality of life within the City. Implementation of the General Plan ensures future development is consistent with the community's goals and that adequate urban services are available to meet the needs of new development. The General Plan is divided into eight different elements, each of which provide issues, goals, and policies related to the element topic. The eight elements include Community Design and Historic Resources, Land Use, Housing, Economic Development, Open Space, Conservation and Community Facilities, Circulation, Natural Environment and Hazards, and Infrastructure and Waste Disposal.

The Los Altos General Plan contains several policies that support the City's land use goals, including the following Land Use Element policies, which are applicable to the El Camino Real corridor and the proposed project.

Policy 4.1: Discourage projects, which are exclusively office use.

Policy 4.2: Encourage mixed-use projects with retail, housing, and/or lodging in addition to retail and office uses.

Policy 4.3: Encourage residential development on appropriate sites within the El Camino Real corridor.

Policy 4.4: Encourage the development of affordable housing.

Policy 4.6: Continue to review development proposals to ensure a balance between development rights and impact on surrounding residential neighborhoods.

City of Los Altos Municipal Code

The City of Los Altos Municipal Code contains provisions and laws adopted by the City Council to maintain a healthy and safe community and to preserve the quality of life in Los Altos. Included in the Code are Zoning and Building regulations as well as administrative regulations.

Title 14 of the Municipal Code contains the Zoning Code, where standards for growth and development in the City are codified. The Zoning Code is the primary tool for implementing the policies of the General Plan and addressing physical development standards and criteria for the City. Government Code Section 65860 requires municipalities to maintain consistency between their zoning ordinance and their adopted General Plan. One of the purposes of zoning is to implement the

land use designations set forth in the General Plan. Although the two are distinct documents, the Los Altos General Plan and Zoning Code are closely related, and state law mandates that zoning regulations be consistent with the General Plan maps and policies.

4.11.1.2 *Existing Conditions*

The existing General Plan land use designation of the project site is *Thoroughfare Commercial.* This designation provides for retail, service and office uses that typically rely on automobile traffic and attract customers from a citywide and/or regional trade area. The City allows commercial mixed-use with housing or residential-only development within this land use designation.[50] High-density residential land uses that provide affordable housing are also encouraged within this designation.

The project site is zoned *CT (Commercial Thoroughfare).* Specific purposes of the *CT District* include encouraging a variety of residential developments (including affordable housing), promoting the economic and commercial success of Los Altos, buffering the impacts of commercial and multi-family land uses on neighboring residential properties, and allowing for mixed uses of commercial and residential. Multiple-family housing and single-room occupancy housing projects are conditional uses in this district. The maximum permitted residential density in the *CT District* is 38 dwelling units per net acre of land (du/ac).

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☐	☒
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1: The project would not physically divide an established community. **(No Impact)**

The proposed project would redevelop the 0.66-acre project site with a five-story, multiple-family residential building. Parking for the project would be provided by a two-story, below-ground parking structure. The land use of the project site would change upon implementation of the proposed project, from a commercial to a residential use; however, this change would not involve the construction of substantial infrastructure, such as highways, freeways, or major arterial streets that would physically divide an existing community. Furthermore, movement of residents to and from the area would not be inhibited by the proposed project due to the alteration of circulation patterns in the site's vicinity or other off-site improvements. For these reasons, the project would not physically divide an established community. **(No Impact)**

[50] City of Los Altos. *Draft 2015-2023 Housing Element.* 2015.

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

The proposed project would redevelop and intensify the land uses on the project site by providing high density housing on a site currently used for commercial purposes. The project site is located on the El Camino Real, a transportation corridor which has been identified in the General Plan Land Use Element as an area where redevelopment can be focused and where affordable housing can be provided. The proposed project would not conflict with General Plan goals or policies intended to avoid or mitigate environmental impacts, specifically regarding land use compatibility.

The project site has a General Plan land use designation of *Thoroughfare Commercial,* in which high-density residential land uses are encouraged. The project is eligible for a State Density Bonus under California Government Code 65915 and the LAMC, for restricting 28 percent of its residential units (seven units) from the base density to a price that is affordable to families making a very-low or moderate income. The project would provide three very-low income and four moderate income units; this would exceed the City's Affordable Housing Ordinance requirement of at least 15 percent.

The Zoning Code permits a maximum density of 38 dwelling units per acre, which results in an allowable base density of 25 units. But as noted above, the project is eligible for an 88 percent density bonus per California Government Code 65915 and the LAMC, resulting in the maximum density permitted on the project site being 71 dwelling units per acre (47 units), which is what the project proposes. The project requires a Conditional Use Permit (CUP) for multiple-family developments in the CT District. Obtaining a CUP is requisite for consistency with the current zoning. The project applicant has applied for a CUP as part of the development application that is under consideration.

The proposed condominium building would reach a maximum height of 56 feet, which exceeds the allowable building height under the current zoning (45 feet) [51]; therefore, the project proponent has requested an incentive to allow the proposed building height of 56 feet (Los Altos Municipal Code Section 14.28.040C). Pursuant to State Density Bonus law and the City's Affordable Housing Ordinance, the project is eligible for two incentives or concessions, as well as reduced on-site parking requirements.

With the exception of the requested incentives, the project would meet all required site standards, including setbacks and buffer zones between adjacent land uses. The City of Los Altos' design review process for Multiple-Family Residential developments would ensure that the final design and site layout of the project is consistent with all applicable design findings and CT District specific design controls.

The proposed residential use would be compatible with the adjacent multiple-family residential, commercial, and hotel uses. The project would provide adequate vehicle access from the surrounding

[51] These heights are per the City's Zoning Code, which measures to the top of a building's roof deck. Rooftop mechanical equipment, PV panels, elevator overrun towers and parapet screening walls are allowed to exceed this height.

roadways and on-site parking in conformance with City standards. The project would include new landscaping and street trees to buffer the project from surrounding uses. The project would be designed to comply with the City's noise regulations, as described in *Section 4.13, Noise and Vibration.* For these reasons, implementation of the proposed project would be consistent with established local and regional plans and policies. **(Less than Significant Impact)**

4.12 MINERAL RESOURCES

4.12.1 Environmental Setting

4.12.1.1 *Existing Conditions*

The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mount Hamilton-Diablo Range were exposed by continuous tectonic uplift and regression of the inland sea that had previously inundated the area. As a result of this process, the topography of the City is relatively flat and there are no significant mineral resources. The project site is not located in an area containing known mineral resources.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in the loss of availability of a known mineral resource that will be of value to the region and the residents of the state?	☐	☐	☐	☒
2) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

Impact MIN-1:	The project would not result in the loss of availability of a known mineral resource that would be of value to the region and residents of the state. **(No Impact)**

The proposed project would redevelop a site that is not known to contain mineral resources of value to the region and residents of the state. The proposed project would not indirectly affect the availability of any mineral resources by restricting access to a resource recovery site or substantially depleting the reserves of any resources in the region. Therefore, development of the proposed residential project would not result in a significant impact to mineral resources. **(No Impact)**

Impact MIN-2:	The project would not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. **(No Impact)**

There are no identified mineral resource recovery sites located within or adjacent to the project site. The project site is currently developed with a gas station and is surrounded by commercial and residential properties. Therefore, the development of the proposed residential project would not result in the loss of a mineral resource recovery site. **(No Impact)**

4.13 NOISE

The following discussion is based on a noise assessment study prepared for the proposed project by *Edward L. Pack Associates, Inc.*, dated August 2, 2018, and a peer review of the noise assessment study prepared by *Illingworth & Rodkin, Inc.*, dated May 13, 2019. The reports are attached to this Initial Study as Appendix D1 and D2, respectively.

4.13.1 Environmental Setting

4.13.1.1 *Background Information*

Noise

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and the fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness over a wide range of intensities. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[52] Using one of these descriptors is a way for a location's overall noise exposure to be measured, given that there are specific moments when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

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 the *Illingworth & Rodkin* 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.

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

[52] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 p.m. and 7:00 a.m. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 p.m. and 10:00 p.m. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

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: 1) cosmetic only, such as paint flaking or minimal extension of cracks in building surfaces; 2) minor, including limited surface cracking; or 3) major, that may threaten the structural integrity of the building. 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.

4.13.1.2 *Regulatory Framework*

State

California Building Standards Code

The California Building Standards Code (CBC) establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources do not exceed 45 dBA DNL or CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, industrial source or fixed-guideway noise source.

Local

Los Altos General Plan

The Natural Environment & Hazards Element of the City of Los Altos' General Plan contains Noise and Land Use Compatibility Standards policies that are applicable to the project. Residential land uses are considered “normally acceptable” when sites are exposed to noise levels below 60 dBA L_{dn}, “conditionally acceptable” when exposed to noise levels between 60 and 70 dBA L_{dn}, “normally unacceptable" when exposed to noise levels of between 70 and 75 dBA L_{dn} and “clearly unacceptable” when exposed to noise levels above 75 dBA L_{dn}.

The Natural Environment and Hazards Element of the General Plan also contains goals and policies that seek to minimize the amount of noise to which the community is exposed, and the amount of noise created by future development and urban activities. The following policies from the Natural Environment and Hazards Element are applicable to the proposed project:

Policy 7.1: Ensure that new development can be made compatible with the noise environment by utilizing noise/land use compatibility standards and the Noise Contours Map as a guide for future development decisions.

Policy 7.2: Enforce the following maximum acceptable noise levels for new construction of various noise-sensitive uses in an existing noise environment.

- 60 dBA CNEL is the maximum acceptable outdoor noise exposure level for single-family residential areas.
- 65 dBA CNEL is the maximum acceptable outdoor noise exposure level for multiple-family residential areas.
- 70 dBA CNEL is the maximum acceptable outdoor noise exposure level for schools (public and private), libraries, churches, hospitals, nursing homes, parks, commercial, and recreation areas. Excepted from these standards are golf courses, stables, water recreation, and cemeteries.

Policy 7.3: Work to achieve indoor noise levels not exceeding 45 dBA CNEL in the event that outdoor acceptable noise exposure levels cannot be achieved by various noise attenuation mitigation measures.

Policy 7.6: Consider noise attenuation measures to reduce noise levels to City-adopted acceptable levels for any development along roadways.

Policy 7.7: Require the inclusion of design features in development and reuse/revitalization projects to reduce the impact of noise on residential development.

Policy 7.8: Require an acoustical analysis for new construction and in areas with higher than established noise levels.

Policy 7.9: Minimize stationary noise sources and noise emanating from construction activities.

Policy 7.10: Publicize and enforce local noise regulations to reduce nuisance noises related to private developments and residences.

City of Los Altos Municipal Code

The City's Noise Control Ordinance was adopted to control unnecessary, excessive, and annoying noise and vibration within the City. Specifically, Chapter 6.16.50 of the Los Altos Municipal Code establishes exterior noise limits for various zoning districts, as shown on Table 4.13-1.

Table 4.13-1: Exterior Noise Limits
(levels not to be exceeded more than 30 minutes in any hour)

Receiving Land Use Category	Time Period	Noise Level (dBA)
All R1 Zoning Districts	10:00 p.m. – 7:00 a.m. 7:00 a.m. – 10:00 p.m.	45 55
All R3 Zoning Districts	10:00 p.m. – 7:00 a.m. 7:00 a.m. – 10:00 p.m.	50 55
All OA Zoning Districts	10:00 p.m. – 7:00 a.m. 7:00 a.m. – 10:00 p.m.	55 60
All C Zoning Districts	10:00 p.m. – 7:00 a.m. 7:00 a.m. – 10:00 p.m.	60 65

Source: City of Los Altos, 2017

The Municipal Code prohibits the production of noise on one property that would (i) exceed the noise standard on any other property for a cumulative period of more than thirty minutes in any hour; (ii) exceed the noise standard plus five dB on any other property for a cumulative period of more than fifteen minutes in any hour; (iii) exceed the noise standard plus 10 dB on any other property for a cumulative period of more than five minutes in any hour; (iv) exceed the noise standard plus 15 dB on any other property for a cumulative period of more than one minute in any hour; or (vi) exceed the noise standard plus 20 dB or the maximum measured ambient on any other property for any period of time.

The Code states that if the measured ambient level exceeds the maximum permissible noise level within any of the first four noise limit categories, the allowable noise exposure standard shall be increased in five dB increments in each category as appropriate to encompass or reflect such ambient noise level. In the event the ambient noise level exceeds the fifth noise limit category, the maximum allowable noise level under said category shall be increased to reflect the maximum ambient noise level. If the noise measurement occurs on a property adjacent to a zone boundary, the noise level limit applicable to the lower noise zone, plus five dB is the applicable noise limit.

To ensure that unnecessary or excessive noise disturbances from specific activities and equipment are avoided, the Noise Control Ordinance sets noise thresholds for musical instruments, loudspeakers, loading and unloading, construction and demolition, and air-conditioning equipment (*Section 6.16.070*). Exceeding those thresholds is considered a prohibited act and would constitute a violation of the Ordinance.

4.13.1.3 *Existing Conditions*

The project site is developed with a gas station and is located in an urbanized area developed with a mix of residential and commercial uses. Long-term noise measurements were completed in August 2018 to characterize the ambient noise levels in the project area. Traffic along El Camino Real is the primary contributor to the existing noise environment. Noise levels were measured at the proposed building's northeast setback from El Camino Real (85 feet from the centerline), along the western setback from Los Altos Avenue, and at the proposed building's exterior common area (155 feet from the El Camino Real centerline). The three noise measurement locations were selected to account for the various locations at which future residents at the site would be exposed to noise from surrounding roadways.

The existing exterior noise exposure was measured at 71 dBA CNEL along the most impacted planned areas at the proposed building's northeast setback from El Camino Real. Existing traffic noise along the western setback from Los Altos Avenue ranged from 63 to 70 dBA CNEL, depending on the distance from El Camino Real. The existing exterior noise exposure in the proposed exterior common area of the project was measured at 64 dBA CNEL. Prior noise assessments along El Camino Real in the vicinity of the project site resulted in comparable exterior noise levels.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) 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?	☐	☒	☐	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☒	☐	☐
3) 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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

4.13.2.1 *Significance Criteria*

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

Temporary or Permanent Noise Increases in Excess of Established Standards

A significant impact would be identified if project construction or operations would result in a substantial temporary or permanent increase in ambient noise levels at sensitive receivers in excess of the local noise standards contained in the Los Altos General Plan or Municipal Code, as follows:

- **Operational Noise in Excess of Standards.** 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. The City of Los Altos limits sound levels generated by air-conditioning or air-handling equipment to 50 dBA at residential property lines. Other operational noise sources, such as vehicle trips and circulation, are limited to the levels specified in Table 4.13-1.

- **Permanent Noise Increase.** A significant impact would be identified if traffic generated by the project would substantially increase noise levels at sensitive receivers in the vicinity. A substantial increase would occur if: a) the noise level increase is five dBA L_{dn} or greater, with a future noise level of less than 60 dBA L_{dn}, or b) the noise level increase is three dBA L_{dn} or greater, with a future noise level of 60 dBA L_{dn} or greater.

- **Temporary Noise Increase.** A significant temporary noise impact would be identified if construction would occur outside of the hours specified in the Municipal Code or if construction noise levels were to exceed the City's construction noise limits at adjacent noise

sensitive land uses. Construction occurring during allowable hours is limited to 75 dBA in single-family residential areas (all R1 Zoning Districts), 80 dBA in multi-family residential areas (all R3 Zoning Districts), and 85 dBA in commercial areas (all OA and C Zoning Districts).

Generation of Excessive Groundborne Vibration

A significant impact would be identified if the construction of the project would generate excessive vibration levels. Groundborne vibration levels exceed 0.3 in/sec PPV would be considered excessive as such levels would have the potential to result in cosmetic damage to buildings.

4.13.2.2 *Noise Impacts*

Impact NOI-1:	The project would not result in 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. **(Less than Significant with Mitigation Incorporated)**

Operational Noise

Parking

The majority of parking would be provided in the underground garage. Parking activities occurring in the underground garage would not be anticipated to be audible outside of the parking structure. Noise associated with on-site circulation and parking for the residential units would be similar to levels generated by use of the current parking lot and below noise levels generated by vehicular traffic traveling along El Camino Real. Therefore, operational parking noise impacts of the project would be less than significant. **(Less than Significant Impact)**

Mechanical Equipment

The proposed project would include mechanical equipment such as heating, ventilation, and air conditioning systems (HVAC). Based on the project plans, dated December 19, 2018, a boiler room and two sets of condensers would be located near the middle of the rooftop. Project plans show that the boiler room would be entirely enclosed, which would provide adequate shielding to reduce levels to be inaudible at off-site locations. In total, the proposed building includes 70 condensers. The condensers would be as close as 58 feet to the nearest shared property line to the southwest and 48 feet to the center of the nearest neighboring patio to the southwest. Condenser equipment was not specified; however, based on data for similar equipment, sound power levels of 56 dBA were estimated for each condenser. Condenser equipment at this sound level would not result in a noise impact to adjacent residences. While the condensers are not expected to exceed the 50 dBA L_{eq} - thresholds for air-conditioning or air-handling equipment at residential property lines, the mechanical equipment has not been specified for the proposed building, and there is significant variability in potential decibel levels of operating units. Mechanical equipment could be selected which generates noise levels that exceed noise thresholds at residential property lines. This would constitute a significant operational noise impact.

Mitigation Measures: Implementation of the following mitigation measures would reduce potential operational noise impacts to adjacent residences from the proposed project's mechanical equipment:

MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's 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 50 dBA Leq residential noise limit at the shared property lines. Noise reduction measures that would accomplish this reduction 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.

Implementation of the mitigation measures described above would ensure that the project's mechanical equipment does not result in an operational noise impact. **(Less than Significant Impact with Mitigation Incorporated)**

Project Traffic

Neither the City of Los Altos nor the State of California define the traffic noise level increase that is considered substantial. A significant impact would typically be identified if project-generated traffic were to result in: 1) a permanent noise level increase of three dBA CNEL or greater in a residential area where the resulting noise environment would exceed or continue to exceed 60 dBA CNEL; or 2) result in a permanent noise increase of five dBA CNEL or greater in a residential area where the resulting noise environment would continue to be 60 dBA CNEL or less. For reference, a three dBA CNEL noise increase would be expected if the project would double existing traffic volumes along a roadway.

The project's trip generation estimates were reviewed, and it was determined that there would be a significant reduction in the number of daily trips generated by the proposed project in comparison to existing conditions.[53] Traffic noise levels resulting from a decrease in traffic volumes would also decrease. Therefore, project-generated traffic would not result in a noise increase of three dBA CNEL or more on the surrounding roadway network, and the noise impact from project traffic would be less than significant. **(Less than Significant Impact)**

Construction Noise

Chapter 6.16.070 of the City's Municipal Code establishes allowable hours of construction within residentially zoned properties. In these areas, construction is permitted between 7:00 a.m. and 5:30 p.m. Monday through Friday and between 9:00 a.m. and 3:00 p.m. on Saturdays. Construction in all other zoning districts (excluding single-family districts) is permissible between 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. and 6:00 p.m. on Saturdays. Construction activities are not permitted on Sundays or the City observed holidays of New Year's Day, Memorial Day, Independence Day, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day. The project

[53] Hexagon Transportation Consultants. *4350 El Camino Real Traffic Study.* June 21, 2019.

site is in a commercially zoned area. In addition, where technically and economically feasible, maximum noise levels from construction activities should not exceed those listed in Tables 3 and 4 in Chapter 6.16.070 of the City's Municipal Code.

The City also provides recommended maximum noise level limits, where economically and technically feasible, for mobile construction equipment used on an intermittent basis for less than 10 days, and for stationary sources associated with construction when there are long-term, scheduled construction activities. This analysis utilizes the applicable noise limits to project construction, given that construction would occur for a period greater than 10 days. Construction occurring during allowable daytime hours is limited to 75 dBA in the R1 zoning districts, 80 dBA in the PCF and R3 zoning districts, and 85 dBA in all OA and C zoning districts. The project site is in a "C" zoning district. This code is not explicit in terms of the acoustical descriptor associated with the noise level limit. The City has interpreted this standard as an hourly average L_{eq}.

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, if the construction occurs in areas immediately adjacent to noise-sensitive land uses, or when construction lasts over extended periods of time. Table 4.13-2 shows typical ranges of construction noise levels at 50 feet. Construction-generated noise levels drop off at a rate of about six dBA per doubling of the distance between the source and receptor. Shielding by buildings or terrain can provide an additional five to 10 dBA noise reduction at distant receptors.

Table 4.13-2: Typical Ranges of Construction Noise Levels at 50 Feet, L_{eq} (dBA)

	Domestic Housing		Office Building, Hotel, Hospital, School, Public Works		Industrial Parking Garage, 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: USEPA, Legal Compilation on Noise, Vol. 1, p. 2-104, 1973.

Construction activities would include demolition, excavation, site preparation, grading, building construction, paving, and architectural coating. During each stage of construction, there would be a different mix of equipment operating, and noise levels would vary by stage and vary within stages, based on the amount of equipment in operation and the location at which the equipment is operating. The hauling of excavated materials and construction materials would generate truck trips on local roadways as well. Pile driving is not anticipated as a method of construction.

As shown in Table 4.13-2, construction activities generate considerable amounts of noise, especially during demolition and earth-moving activities when heavy equipment is used. Project construction would occur adjacent to multi-family residential property lines to the southeast and southwest, and across Los Altos Avenue from the Courtyard Marriott Hotel. Construction noise levels would be anticipated to exceed the multi-family residential limit of 80 dBA L_{eq} when heavy construction is located within 80 feet of the shared property line with the multi-family residential uses to the southeast and southwest. Construction noise is not anticipated to exceed 85 dBA L_{eq} at the Courtyard Marriott Hotel or 75 dBA L_{eq} at single-family residences located 175 feet to the southwest and shielded by intervening structures.

Construction of the proposed project would be in compliance with the City of Los Altos' Municipal Code specified hours of construction but would be anticipated to exceed the construction noise limits during some periods of construction when heavy construction is operating adjacent to shared property lines.

Mitigation Measures: Implementation of the following mitigation measures would reduce potential construction noise impacts at adjacent multi-family residential properties to less than significant levels:

MM NOI-1.2: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 6:00 p.m., in accordance with the City's Municipal Code. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.

- Use of the concrete saw within 50 feet of any shared property line with adjacent residential uses shall be limited.

- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.

- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors

(residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.

- Utilize "quiet" air compressors and other stationary noise sources where technology exists.

- A temporary noise control blanket barrier could be erected, if necessary, at the property line or along off-site building facades facing construction sites, if requested by the property owners. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.

- Control noise from construction workers' radios to a point where they are not audible at existing residences bordering the project site.

- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to neighbors with the construction schedule.

- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g. bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

Implementation of the above best management practices would reduce construction noise levels emanating from the site, limit construction hours beyond what is required in the Municipal Code, and thus minimize disruption and annoyance. With implementation of these measures and recognizing that noise generated by construction activities would occur over a temporary period, the project would result in a less than significant construction noise impact. **(Less than Significant Impact with Mitigation Incorporated)**

4.13.2.3 *Vibration Impacts*

Impact NOI-2:	The project would not result in generation of, excessive groundborne vibration or groundborne noise levels. **(Less than Significant with Mitigation Incorporated)**

The City of Los Altos does not specify a construction vibration limit. 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 0.25 in/sec PPV for historic and some old buildings. The conservative 0.3 in/sec PPV vibration limit would be applicable to properties in the vicinity of the project site. Historic or very old buildings are not known to exist in the immediate project vicinity.

Project construction may generate perceptible vibration when heavy equipment or impact tools (i.e. jackhammers, hoe rams) are used. Construction activities would include demolition, site preparation, grading and excavation, trenching and foundation, building (exterior), interior/architectural coating and paving. Pile driving is not anticipated for construction of the building foundation.

Table 4.13-3, on the following page, shows typical vibration levels from construction equipment at various distances. Vibration levels would depend on soil conditions, construction methods, and equipment used. Calculations were made to estimate vibration levels at distances of 18, 25, 40, and 80 feet from the site to represent other nearby buildings. As indicated in Table 4.13-3, project construction activities could generate vibration levels exceeding the threshold of 0.3 in/sec PPV at the residential building to the southwest and southeast of the project site; the nearby residential building is setback from the shared southwestern property line by approximately 18 feet. Such vibration levels would be unlikely to cause cosmetic, major, or minor structural damage, but are conservatively identified as significant to provide the ultimate level of protection from construction vibration. Vibration levels at all other buildings in the project's vicinity are calculated to be below the 0.3 in/sec PPV threshold and would not be impacted by project construction-generated vibration.

Table 4.13-3: Vibration Levels for Construction Equipment at Various Distances

Equipment		PPV at 18 ft. (in/sec)	PPV at 25 ft. (in/sec)	PPV at 40 ft. (in/sec)	PPV at 80 ft. (in/sec)
Clam shovel drop		0.290	0.202	0.127	0.056
Hydromill (slurry wall)	in soil	0.011	0.008	0.005	0.002
	in rock	0.024	0.017	0.011	0.004
Vibratory Roller		**0.301**	0.210	0.132	0.058
Hoe Ram		0.128	0.089	0.056	0.025
Large bulldozer		0.128	0.089	0.056	0.025
Caisson drilling		0.128	0.089	0.056	0.025
Loaded trucks		0.109	0.076	0.048	0.021
Jackhammer		0.050	0.035	0.022	0.010
Small bulldozer		0.004	0.003	0.002	0.001

Source: Transit Noise and Vibration Impact Assessment, United States Department of Transportation, Office of Planning and Environment, Federal Transit Administration, October 2018 as modified by Illingworth & Rodkin, Inc., May 2019.

Mitigation Measures: Implementation of the following mitigation measure would reduce potential construction vibration impacts to a less than significant level:

MM NOI-2: A construction vibration-monitoring plan shall be implemented to document conditions at the structure located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed

Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to groundborne vibration of the structure located within 20 feet of construction.

- Performance of a photo survey, elevation survey, and crack monitoring survey for structures located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration-generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the exterior of said structure. Interior inspections would be subject to property owners' permission.

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

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

Implementation of the mitigation measures described above would reduce construction vibration impacts to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

4.13.2.4 *Airport Noise Impacts*

Impact NOI-3:	The project would not be 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. The project would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

There are no airports near the project site that would expose people residing or working in the project area to excessive noise levels. Moffett Federal Airfield, a joint civil-military airport, is located approximately 3.7 miles east of the project site. Palo Alto Airport, a general aviation facility, is located approximately 3.5 miles north of the project site. Norman Y. Mineta San José International Airport is located approximately 10 miles east of the project site. The project site is located outside of the airport land use plan areas of the aforementioned airports. Therefore, the project would not expose people residing or working in the area to excessive noise levels due to airport activities. **(No Impact)**

4.13.3 Non-CEQA Effects

Per *California Building Industry Association v. Bay Area Air Quality Management District,* 62 Cal. 4th 369 *(BIA v. BAAQMD)*, effects of the environment on the project are not considered CEQA impacts. The following discussion is included for informational purposes only because the City of Los Altos has policies that address existing noise conditions affecting a proposed project.

The applicable Los Altos General Plan noise policies were presented in *Section 4.13.1.2*. Policies pertaining to the noise impacts of the existing environment on the proposed residential project are summarized below:

- The City of Los Altos establishes 65 dBA CNEL as the maximum acceptable outdoor noise exposure level for multi-family residential areas.
- The City's acceptable interior noise level is 45 dBA L_{dn} for residential uses.

The proposed project's compliance with the City's exterior and interior residential noise standards is discussed below.

Exterior Noise

The future noise environment at the project site would continue to result from vehicular traffic on El Camino Real and Los Altos Avenue. The proposed project would result in a reduction in the number of daily trips generated at the site in comparison to existing conditions.[54] Future traffic noise levels along El Camino real and Los Altos Avenue are calculated to increase up to one dBA.

A ground-level courtyard is proposed at the southern corner of the site. The courtyard would be well shielded from the surrounding traffic noise sources by the proposed project building. Future exterior noise levels at the courtyard, not taking into account the shielding provided by the proposed building, were calculated to reach up to 64 dB CNEL, and below the maximum acceptable noise level exposure for multi-family residential uses (65 dB CNEL) . At the center of the courtyard, noise levels would be lower due to the shielding provided by the project building.

Future exterior noise exposure at patios and balconies directly facing El Camino Real were reported to reach up to 71 dB CNEL. This would exceed the City of Los Altos' multi-family outdoor noise level standard by up to six dBA. Exterior noise exposures at the patios and balconies along Los Altos Avenue would range from 63 to 70 dB CNEL, exceeding the City of Los Altos' exterior noise standard by up to five dBA.

Interior Noise

Exterior noise levels at residential façades facing El Camino Real and Los Altos Avenue would range from 63 to 71 dBA CNEL. Interior noise levels would vary depending upon the design of the buildings (relative window area to wall area) and the selected construction materials and methods. Standard residential construction provides approximately 15 dBA of exterior-to-interior noise reduction, assuming the windows are partially open for ventilation. Standard construction with the windows closed provides approximately 25 dBA of noise reduction in interior spaces for a newer

[54] Hexagon Transportation Consultants. *4350 El Camino Real Traffic Study.* June 21, 2019.

dwelling. Where exterior noise levels range from 60 to 70 dBA CNEL, the inclusion of adequate forced-air mechanical ventilation is often the method selected to reduce interior noise levels to acceptable levels by closing the windows to control noise. In noise environments of 70 dBA CNEL or greater, a combination of forced-air mechanical ventilation and sound-rated construction methods is often required to meet the interior noise level limit. Such methods or materials may include a combination of smaller window and door sizes as a percentage of the total building façade facing the noise source, sound-rated windows and doors, sound-rated exterior wall assemblies, and mechanical ventilation so windows may be kept closed at the occupant's discretion.

With the exterior-to-interior noise reduction of 15 dBA provided by standard residential construction, the most impacted living spaces closest to El Camino Real would be exposed to interior noise levels of 56 dB CNEL. The most impacted living spaces closest to Los Altos Avenue would be exposed to interior noise levels of 48 to 55 dB CNEL. Noise levels in these areas would exceed the City's interior noise standard for residential uses (45 dB CNEL).

Conditions of Approval: For consistency with General Plan noise policies, the following Conditions of Approval are recommended for consideration by the City.

- Maintain closed at all times all windows and glass doors of living spaces with a direct or side view of El Camino Real, i.e., those on the west, north or east façades on the outer periphery of the building. Noise controls are not required for the windows and glass doors of living spaces viewing directly into the common area. Provide some type of mechanical ventilation for all living spaces with a closed window requirement.

- Install windows and glass doors rated minimum Sound Transmission Class (STC) 35 at the living spaces within 120 feet of the centerline of El Camino Real and with a direct or side view of the roadway.

- Install windows and glass doors rated minimum STC 32 at the living spaces between 85 feet and 260 feet of the centerline of El Camino Real and with a direct or side view of the roadway.

4.14 POPULATION AND HOUSING

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

In order to attain the state housing goal, cities are required to make sufficient suitable land available for residential development, as documented in an inventory, to accommodate their share of regional housing needs. California's Housing Element Law requires all cities to: 1) zone adequate lands to accommodate its Regional Housing Needs Allocation (RHNA); 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis. The City of Los Altos Housing Element and related land use policies were last updated in 2014.

Regional

The Association of Bay Area Governments (ABAG) allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, Metropolitan Transportation Commission, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population and Housing (upon which Plan Bay Area is based), which is an integrated land use and transportation plan looking out to the year 2040 for the San Francisco Bay Area.

Plan Bay Area is a state-mandated, integrated long-range transportation, land-use and housing plan. It is intended to support a growing economy, provide more housing and transportation choices, and reduce transportation-related pollution and GHG emissions in the Bay Area. Plan Bay Area promotes compact, mixed-use residential and commercial neighborhoods near transit, particularly within identified Priority Development Areas (PDAs) and Transit Priority Areas (TPAs). One of the Plan Bay Area policies that supports this objective is to reduce the cost of building new housing in PDAs and TPAs through eased parking minimums and streamlined environmental clearance. Another objective is to increase the share of affordable housing in PDAs, TPAs, or high-opportunity areas to 15 percent. The project site is not located within a PDA but is located in a TPA.[55]

4.14.1.2 *Existing Conditions*

As of January 2020, the City of Los Altos had a total population of approximately 30,876 residents.[56] In 2040 it is estimated that the City will have approximately 32,800 residents.[57]

[55] Metropolitan Transportation Commission. "Priority Development Area (PDA) and Transit Priority Area (TPA) Map for CEQA Streamlining". Accessed April 29, 2019. https://www.planbayarea.org/pda-tpa-map
[56] State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020*. Sacramento, California, May 2020.
[57] City of Los Altos. *City of Los Altos 2015-2023 Housing Element*. May 26, 2014.

The City of Los Altos had an estimated 1.28 jobs for every employed resident in 2010. Although the General Plan focuses on increased housing and the placement of housing near employment, the overall jobs/employed residents ratio is expected to increase to 1.36 by 2040. Some employees who work within the City are, and still would be, required to seek housing outside the community with full implementation of the General Plan.

The project site is currently used for commercial purposes and provides no housing.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact POP-1: The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). **(No Impact)**

A project can induce substantial population growth by proposing new housing beyond projected or planned development levels, generating demand for housing as a result of new businesses, extending roads or other infrastructure to previously undeveloped areas, or removing obstacles to population growth (e.g., expanding capacity of a wastewater treatment plant beyond that necessary to serve planned growth).

The project site is currently developed with commercial land uses. The project proposes to demolish the existing gasoline service station and construct a five-story residential building. The proposed building would provide 47 residential units. In 2020, it was estimated that the number of persons per household in Los Altos was 2.76.[58] Using this metric, and assuming full occupancy, the proposed project would increase the local population by approximately 130 persons. While the project would increase the local population, the increase would not be substantial. The project is consistent with the site's General Plan designation and, therefore, is consistent with planned growth set forth in the City's General Plan.

[58] State of California, Department of Finance, *E-5 Population and Housing Estimates for Cities, Counties and the State — January 1, 2011-2020*. Sacramento, California, May 2020.

In its 2015-2023 Housing Element, the City estimated that a total of 190 single-family residential units and 552 multi-family residential units would be added through January of 2023. These estimates are based on a number of factors, including historical production, current market forces, pending Zoning Ordinance Amendments, City housing programs, and state laws and guidelines for density bonuses. The project proposes to provide 47 multi-family residential units, which is included within the expected growth in housing detailed in the Housing Element.

The Department of Housing and Community Development establishes housing production targets, known as regional housing needs assessment (RHNA) targets, to ensure each jurisdiction is doing its fair share to house Californians. According to the City's Annual Housing Report, provided to the City Council on March 26, 2019, the City has made the following progress towards meeting its RHNA targets for 2023:

	Permits	**RHNA Targets**
Extremely-Low Income	0	84
Very-Low Income	4	85
Low Income	30	99
Moderate Income	2	112
Above Moderate Income	427	97
Total	463	477

The project would help the City meet its RHNA target for Very-Low Income and Moderate Income units by developing three Very-Low Income units and four Moderate Income units.

The site is served by existing infrastructure and would not extend roads or other infrastructure to undeveloped or unserved areas. For this reason, and those discussed above, the project would not induce substantial unplanned growth in Los Altos. **(No Impact)**

Impact POP-2:	The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. **(No Impact)**

The project would increase the City's housing stock by developing the site with a 47-unit residential building. The project would not displace existing housing or people or require replacement housing to be constructed. Therefore, the project would not result in a housing impact. **(No Impact)**

4.15 PUBLIC SERVICES

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Quimby Act – Parks

The Quimby Act (California Government Code Sections 66475-66478) was approved by the California legislature to preserve open space and parkland in the State. This legislation was in response to California's increased rate of urbanization and the need to preserve open space and provide parks and recreation facilities for California's growing communities. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions, single-family and multiple-family, to dedicate park lands, pay an in-lieu fee, or perform a combination of the two.

School Facilities

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Sections 65995-65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation goes on to say that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

In accordance with California Government Code Section 65996, developers pay a school impact fee to the local school district to offset the increased demands on school facilities caused by their proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Local

City of Los Altos General Plan

The City of Los Altos has included policies related to public services in its General Plan that are applicable to the proposed project. The following policies are included in the Open Space, Conservation, and Community Facilities Element.

Policy 1.4: Require park dedication, public open space, or require fees in lieu thereof, for all new subdivisions and multi-family residential development in Los Altos.

Policy 6.1: Promote community order by preventing criminal activity, enforcing laws, and meeting community service demands.

Policy 6.2: Provide community-oriented policing services that are responsive to citizen needs.

Policy 6.3: Provide response times for police and fire protection services emergencies that are comparable to similar jurisdictions in Santa Clara County.

Policy 9.2: Work with private developers to offer cultural activities within the community, such as a community theater and cinema.

Policy 11.4: Encourage private sector provision of facilities and/or services.

Parkland Dedication Ordinance

The City of Los Altos has established a Parkland Dedication Ordinance (Chapter 13.24.010 of the Municipal Code) which requires residential subdivisions to dedicate land for park or recreational purposes, or pay a fee in-lieu thereof, as a condition of approval for the final subdivision or parcel map. The intent of the ordinance is to allow development to occur within the City in a manner that meets the City's parks and recreation goals.

Los Altos Parks Plan

The Los Altos Parks Plan, adopted in May of 2012, is intended to create a clear set of goals, policies, and objectives that will provide direction to the City Council and City staff for the development, improvement, and enhancement of the City's park system for the next twenty to thirty years. The Parks Plan was designed to parallel the General Plan's Open Space, Conservation, and Facilities Element by providing specific direction and recommendations related to parks in Los Altos.

4.15.1.2 *Existing Conditions*

Fire and Police Protection Services

The City of Los Altos contracts with the Santa Clara County Fire District for fire and emergency medical services. There are two fire stations in Los Altos: Almond Fire Station located at 10 Almond Avenue; and Loyola Fire Station located at 765 Fremont Avenue. The closest station to the project site is the Almond Fire Station, located approximately 1.4 miles south of the site.

Police protection services for the project site are provided by the Los Altos Police Department, headquartered at 1 North San Antonio Road, approximately 1.6 miles south of the site. The Department has 30 sworn officers, five reserve officers, and 17 professional civilian staff.

Schools

The project site is located in the Los Altos School District and Mountain View-Los Altos Union High School District. Elementary school students in the project area attend Santa Rita Elementary School, located approximately 0.75 miles southwest of the project site. Middle school students in the project area attend Egan Junior High School, located approximately 0.6 miles south of the project site. High school students in the project area attend Los Altos High School, located approximately 1.2 miles southeast of the project site.[59]

[59] Los Altos School District. http://www.myschoollocation.com/losaltossd/ Accessed March 28, 2019.

Parks

The City provides and maintains developed parkland and open space to serve its residents. Residents of Los Altos are served by community park facilities, neighborhood parks, playing fields and community centers. The City's Department of Recreation and Community Services is responsible for development, operation, and maintenance of all City park facilities.

The project site is well served by public park facilities. The closest public park is Terman Park, in the City of Palo Alto, located approximately 0.3-mile southwest of the site. Other park facilities in the vicinity include Del Medio Park, in the City of Mountain View, approximately 0.3-mile northeast of the site, Alta Mesa Memorial Park, in the City of Palo Alto, approximately 0.5-mile southwest of the site, and Briones Park, in the City of Palo Alto, approximately 0.5-mile west of the site. The closest public park in the City of Los Altos is Village Park, approximately 1.6 miles south of the site.

Libraries

The City of Los Altos is served by the Santa Clara County Library District. The closest libraries to the project site include Mitchell Park Library in Palo Alto, approximately 1.2 miles northeast of the site, and Los Altos Library, approximately 1.7 miles south of the site.

Community Centers

There are two community centers located in Los Altos: Grant Park Community Center, located at 1575 Holt Avenue and Hillview Community Center, located at 97 Hillview Avenue. The closest community center – Hillview Community Center – is located approximately 1.7 miles southeast of the project site.

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☒	☐
4) Parks?	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☒	☐

Impact PS-1:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for fire protection services. **(Less than Significant Impact)**

The project proposes to construct one new residential building on the site that would provide a total of 47 residential units. Using the 2020 estimated residential occupancy rate for Los Altos of 2.76 persons per household, the project would result in a permanent population increase of approximately 130 persons. As discussed in *Section 4.13, Population and Housing,* the proposed development is included within planned development levels through the year 2023, per the Housing Element. The project would incrementally increase the local population and associated demand on fire protection services. The incremental increase in demand, however, would not, by itself, require new facilities or expansion of existing facilities to provide adequate fire protection services and meet the City's overall service goals. The project would be reviewed by the Santa Clara County Fire District to ensure applicable Fire Code standards to reduce potential fire hazards are included in the project design when construction permits are issued, including sprinklers and smoke detectors. For these reasons, the project would not significantly impact fire protection services. **(Less than Significant Impact)**

Impact PS-2:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for police protection services. **(Less than Significant Impact)**

As mentioned, the project would increase the permanent population of the area by approximately 130 persons. This incremental increase in population would not place a substantial new burden on police protection services in the area. The project would be constructed in conformance with current codes and the project design would be reviewed by the Los Altos Police Department to ensure that it incorporates appropriate safety features to minimize criminal activity. New facilities, or the expansion of existing facilities, would not be required to provide adequate police services to serve the proposed project and meet the City's overall service goals. For these reasons, the project would not significantly impact police protection services. **(Less than Significant Impact)**

Impact PS-3:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for schools. **(Less than Significant Impact)**

The proposed project would introduce an additional eight students to the area.[60] Students from the proposed project would attend schools in the Los Altos School District and the Mountain View Los Altos Union High School District. While the proposed project would incrementally increase the demand placed on schools in Los Altos, this increase would not be substantial and would not require the construction of new school facilities or the expansion of existing facilities. In accordance with California Government Code Section 65996, the project applicant shall pay applicable school impact fees to offset the increased demand on school facilities generated by the project. For these reasons, the proposed project would not result in a significant impact on school facilities. **(Less than Significant Impact)**

Impact PS-4:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for parks. **(Less than Significant Impact)**

The project would increase the residential population in the project area by approximately 130 persons. The new residents could reasonably be expected to use existing parks and recreational facilities in Los Altos and in adjacent cities. This incremental increase in demand, however, is not expected to create a substantial physical burden on local and regional parks to an extent that would require the expansion of existing facilities or construction of new facilities. In accordance with the City of Los Altos Parkland Dedication Ordinance (Chapter 13.24.010 of the Municipal Code), the project applicant shall pay the applicable parkland dedication in-lieu fee as a condition of project approval. The intent of the ordinance is to allow development to occur within the City in a manner that meets the City's parks and recreation goals. For these reasons, the proposed project would not result in a significant impact on parks. **(Less than Significant Impact)**

Impact PS-5:	The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for other public facilities. **(Less than Significant Impact)**

Libraries and community centers are located within one mile of the project site that could reasonably be expected to be used by future residents of the proposed project. The Hillview Community Center is currently undergoing redevelopment and is anticipated to be completed by the end of 2020. While the project would incrementally increase the demand on these facilities, the project is not expected to create a substantial physical burden to an extent that would require expansion of existing facilities or construction of new facilities. For these reasons, the proposed project would not result in significant impacts to libraries, community centers, or other public facilities. **(Less than Significant Impact)**

[60] Hexagon Transportation Consultants, Inc. *5150 El Camino Real Residential Development – Traffic Impact Analysis.* May 24, 2019.

4.16 RECREATION

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

City of Los Altos General Plan

The City of Los Altos General Plan contains the following recreation policies in its Open Space, Conservation, and Community Facilities Element.

Policy 1.4: Require park dedication, public open space, or require fees in lieu thereof, for all new subdivisions and multi-family residential development in Los Altos.

Policy 4.1: Provide adequate level of maintenance for City parks, open space, and public property to ensure safety, aesthetics, and recreational enjoyment for Los Altos residents.

Parkland Dedication Ordinance

The City of Los Altos has established a Parkland Dedication Ordinance (Chapter 13.24.010 of the Municipal Code) requiring residential subdivisions to dedicate land for park or recreational purposes, or pay a fee in-lieu thereof, as a condition of approval for the final subdivision or parcel map. The intent of the ordinance is to allow development to occur within the City in a manner that meets the City's parks and recreation goals.

Los Altos Parks Plan

The Los Altos Parks Plan, adopted in May of 2012, is intended to create a clear set of goals, policies, and objectives that will provide direction to the City Council and City staff for the development, improvement, and enhancement of the City's park system for the next twenty to thirty years. The Parks Plan was designed to parallel the General Plan's Open Space, Conservation, and Facilities Element by providing specific direction and recommendations related to parks in Los Altos.

4.16.1.2 *Existing Conditions*

The City of Los Altos' Department of Recreation and Community Services is responsible for maintaining various parks and recreation facilities, as well as managing special interest programs and classes, senior programs, and community events. Overall, the City maintains a total of 19 parks, nature preserves, gyms, youth centers, and community centers that serve the community.

Near the project site, there are several public parks, including: Terman Park, located approximately 0.3-mile southwest of the site, Del Medio Park, approximately 0.3-mile northeast of the site, Alta Mesa Memorial Park, approximately 0.5-mile southwest of the site, and Briones Park, approximately 0.5-mile west of the site.

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated?	☐	☐	☒	☐
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. **(Less than Significant Impact)**

The proposed project would incrementally increase the population in the project area. The incremental increase in population and associated demand upon recreational facilities is consistent with and planned for in the City's General Plan (see *Section 4.14, Population and Housing*). In accordance with the City of Los Altos Parkland Dedication Ordinance (Chapter 13.24.010 of the Municipal Code), the project applicant shall pay the applicable parkland dedication in-lieu fee as a condition of project approval. Fees collected from the project would contribute to the upkeep of existing park facilities in the City. For these reasons, the proposed project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of a facility would occur or be accelerated. **(Less than Significant Impact)**

Impact REC-2: The project would not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. **(Less than Significant Impact)**

The proposed project does not include on-site recreational facilities. It can reasonably be anticipated that residents of the proposed project would use nearby parks, such as Terman Park and Del Medio Park, to meet their recreational needs. The project would increase the local population by approximately 130 persons. The new residents would incrementally increase the demand on local and regional park facilities; however, this increase in demand would not warrant the construction or expansion of recreational facilities in the area. Thus, the impact would be less than significant. **(Less than Significant Impact)**

4.17 TRANSPORTATION

The following discussion is based on a traffic study prepared by *Hexagon Transportation Consultants, Inc.* The report, dated March 19, 2021, is attached to this Initial Study as Appendix E.

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Senate Bill 743

Senate Bill 743 was passed in 2013 and mandated a shift in the metrics used for transportation analysis under CEQA from Level of Service (LOS) to Vehicle Miles Traveled (VMT). The Governor's Office of Planning and Research (OPR) incorporated this requirement into its *Updates to the CEQA Guidelines* in November 2017. Pursuant to the newly established guidelines, transit-oriented development projects located within one-half mile of an existing major transit stop[61] or an existing stop along a high-quality transit corridor[62] would have a less than significant impact on VMT.

The proposed project is located along El Camino Real near local bus routes 22 and 522. The nearest bus stop, which serves bus route 22, is located at the project site's northern boundary. El Camino Real, which has fixed route bus service with service intervals no longer than 15 minutes during peak commute hours, is a high-quality transit corridor. The proposed project, therefore, qualifies as a transit-oriented development project and would be exempt from VMT analysis under SB 743. In addition, under SB 743, parking issues would not be considered CEQA impacts.

Regional

Regional Transportation Planning

The Metropolitan Transportation Commission (MTC) is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including Santa Clara County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2040 in July 2017, which includes the region's Sustainable Communities Strategy (integrating transportation, land use, and housing to meet GHG reduction targets set by CARB) and Regional Transportation Plan (including a regional transportation investment strategy for revenues from federal, state, regional and local sources over the next 24 years).

[61] A major transit stop means a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. (Public Resources Code Section 21064.3)
[62] A high-quality transit corridor means a corridor with fixed route bus service with service intervals no longer than 15 minutes during peak commute hours. (Public Resources Code Section 21155)

Congestion Management Program

The Santa Clara Valley Transportation Authority (VTA) oversees the Congestion Management Program (CMP), which is aimed at reducing regional traffic congestion. The relevant state legislation requires that all urbanized counties in California prepare a CMP in order to obtain each county's share of gas tax revenues. State legislation requires that each CMP define traffic LOS standards, transit service standards, a trip reduction and transportation demand management, a land use impact analysis program, and a capital improvement element. VTA has review responsibility for proposed development projects that are expected to affect CMP designated intersections.

Local

City of Los Altos General Plan

The City of Los Altos has established transportation policies in its General Plan that guide continued development of the circulation system and support planned growth. The following policies, contained in the City's Circulation Element, are applicable to the proposed residential project:

Policy 2.2: Make the most use of existing major streets and roads, minimize the need for additional right-of-way and street widening.

Policy 2.4: Require development projects to mitigate their respective traffic and parking impacts by implementing practical and feasible street improvements.

Policy 2.5: Ensure that new development or redevelopment projects provide adequate property dedication to accommodate future roadway improvements at key intersections and other problem areas.

Policy 2.6: Implement and require developers to implement street improvements that accommodate and encourage the use of non-automobile travel modes including walking, bicycling, and transit.

Policy 2.8: Cooperate with adjacent communities to maintain adequate service levels at shared intersections.

Policy 2.17: Maintain adequate emergency access for all land uses.

Policy 2.20: Enhance driving safety in the community.

Policy 3.1: Promote expansion of regional public transportation service and usage to provide alternative means of transportation and help reduce air pollution generated by automobiles.

Policy 4.2: Provide for safe and convenient pedestrian connections to and between Downtown, other commercial districts, neighborhoods and major activity centers within the City, as well as with surrounding jurisdictions.

Policy 4.8: Work with neighboring cities and other jurisdictions to provide safe and adequate pedestrian and bicyclist crossings along major roadways to minimize impediments caused by vehicular traffic, especially along major roadways such as El Camino Real, Foothill Expressway, and San Antonio Road.

Policy 5.1: Continue to encourage off-street parking in residential areas.

Policy 5.3: Reduce the amount of on-street parking in single-family residential neighborhoods caused by adjacent non-residential and multi-family residential uses.

City of Los Altos Circulation Element

A development project in Los Altos would be inconsistent with the Circulation Element of the General Plan if for either peak hour, either of the following conditions occurs at a signalized intersection:

- The level of service at the intersection drops below its respective level of service standard (LOS D or better for local intersections) when project traffic is added, or
- An intersection that operates below its level of service standard under no-project conditions experiences an increase in delay of four or more seconds, and the volume-to-capacity ratio (v/c) is increased by one percent (0.01) or more when project traffic is added.

Los Altos Draft VMT Policy

Pursuant to SB 743, the City of Los Altos has drafted an interim VMT policy. The policy includes the following screening criteria that are relevant to the project:

- Map-Based Screening: Residential and employment land use projects located in areas of low VMT, defined as exhibiting VMT that is 15 percent or greater below the existing citywide average VMT, shall be presumed to have a less than significant transportation impact. Citywide average VMT per capita or per employee baseline values are obtained from the Valley Transportation Authority (VTA) and may be amended periodically to reflect the best available data and most relevant base year.

- Screening based on Existing Use: Redevelopment projects that replace existing VMT-generating uses and result in a net decrease in total VMT shall be presumed to cause a less than significant impact. For redevelopment projects that result in a net increase in total VMT, the screening criteria for each land use will be based on the size of the proposed development without any credit for the existing use.

Los Altos Bicycle Transportation Plan

The City of Los Altos Bicycle Transportation Plan recommends a variety of improvements to complete and enhance bicycle and multi-use bicycle pedestrian paths throughout the City. The Bicycle Transportation Plan was updated by the City in 2012 to present new strategies to improve bicycling conditions and increase bicycling rates in Los Altos. The Bicycle Transportation Plan

works to fulfill the City's General Plan Policy 4.1, which calls for the City to develop and maintain a comprehensive and integrated bikeway network.

Los Altos Pedestrian Master Plan

In 2015, the City of Los Altos prepared a Pedestrian Master Plan, which reinforced the City's goals of becoming a more walkable, livable, and healthy city. The Pedestrian Master Plan outlines a broad vision, strategies, and actions for improving the pedestrian environment in Los Altos.

Neighborhood Traffic Management

In 1999, the City of Los Altos established a comprehensive neighborhood traffic management program (NTMP), which has been periodically updated. The NTMP specifies a process for implementing traffic calming measures designed to reduce or manage volumes and travel speeds on local streets.

4.17.1.2 *Existing Conditions*

Roadway Network

Regional access to the project site is provided via El Camino Real. Local access to the project site is provided via Los Altos Avenue. These roadways are described below.

El Camino Real (SR 82) is a six-lane state arterial that extends from Santa Clara County northerly to San Mateo County. El Camino Real is oriented in an east-west direction in the project vicinity. Near the project site, El Camino Real has a raised, landscaped median with left-turn pockets provided at intersections.

Los Altos Avenue is a two-lane local street that extends from West Edith Avenue to El Camino Real. Los Altos Avenue is oriented in a north-south direction in the project vicinity. There are bicycle lanes and sidewalks present along Los Altos Avenue in the vicinity of the site.

Existing Transit Facilities

The VTA operates both bus routes in the project vicinity. Routes 22 and 522 provide transit connections along El Camino Real. Local Route 22 provides service along El Camino Real between the Palo Alto Transit Center and the Eastridge Transit Center in San Jose, with 15- to 20-minute commute hour headways on weekdays and weekends. Express Route 522 provides service between the Palo Alto Transit Center and the Eastridge Transit Center, with 10- to 15-minute commute hour headways on weekdays and 20-minute headways on weekends.

The nearest bus stop, which serves Route 22, is located along El Camino Real at the project site's northern boundary. The nearest bus stop serving Express Route 522 is located approximately ½ -mile west of the site, at El Camino Real and Arastradero Road. Bus stops are located on both sides of El Camino Real in the vicinity of the project site. In addition, the San Antonio Caltrain station is located approximately 0.6-mile northeast of the site.

Existing Pedestrian and Bicycle Facilities

Pedestrian facilities in the vicinity of the project site are provided via sidewalks and signalized crossings. Crosswalks with pedestrian signal heads and push buttons are located at the intersections of El Camino Real/Los Altos Avenue and El Camino Real/Del Medio Avenue. Sidewalks are located on both sides of El Camino Real and Los Altos Avenue in the vicinity of the site.

Bicycle facilities in the vicinity of the project site include a bike route and a bikeway. Bike routes are existing rights-of-way that accommodate bicycles but are not separate from the existing travel lanes. Routes are typically designated only with signs or pavement markers. Bikeways are bike paths that are physically separated from motor vehicles and offer two-way bicycle travel on a separate path. Los Altos Avenue provides a designated bike route (Class III bikeway) marked with "sharrows". The Los Altos – Palo Alto bike path (Class I bikeway) travels in an east-west direction and connects Los Altos Avenue to Arastradero Road. Access to the bike path is provided on Los Altos Avenue, approximately 0.2-mile south of the project site.

Existing Trip Generation

Daily and peak hour trips generated by the existing gas station on the site were counted on Wednesday May 29, 2019. Many of the trips generated by gas stations are referred to as "pass-by" trips. Pass-by trips are intermediate stops on the way from an origin to a destination without diverting to another roadway. Typically, gas stations are an immediate stop along the primary trip destination. Thus, a pass-by trip reduction was applied to the gas station. Taking into account the pass-by trip reduction, the existing gas station generates approximately 378 daily trips.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities?	☐	☐	☒	☐
2) For a land use project, conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

4.17.2.1 *Thresholds of Significance*

The traffic impacts of the project are evaluated against the above-listed criteria (Section 4.17.1.1) to determine whether the impacts are significant. For criterion (2), the CEQA Guidelines provide that projects within one-half mile of either an existing major transit stop or a stop along an existing high-quality transit corridor (i.e., in a TPA) should be presumed to cause a less than significant transportation impact.

The City of Los Altos interim VMT policy includes the following screening criteria relevant to the project:

- Map-Based Screening: Residential and employment land use projects located in areas of low VMT, defined as exhibiting VMT that is 15 percent or greater below the existing citywide average VMT, shall be presumed to have a less than significant transportation impact. Citywide average VMT per capita or per employee baseline values are obtained from the Valley Transportation Authority (VTA) and may be amended periodically to reflect the best available data and most relevant base year.

- Screening based on Existing Use: Redevelopment projects that replace existing VMT-generating uses and result in a net decrease in total VMT shall be presumed to cause a less than significant impact. For redevelopment projects that result in a net increase in total VMT, the screening criteria for each land use will be based on the size of the proposed development without any credit for the existing use.

4.17.2.2 *Transportation Impacts*

Impact TRN-1:	The project would not conflict with a program plan, ordinance or policy addressing the circulation system, including transit, roadways, bicycle lanes and pedestrian facilities. **(Less than Significant Impact)**

Transit Facilities

The project site is proximate to bus stops for VTA Routes 22 and 522, with the nearest bus stop located on El Camino Real at the project's northern boundary. The site is located within a high-quality transit corridor and is generally well-served by transit; VTA bus stops are located on both sides of El Camino Real east and west of the site and the San Antonio Caltrain station is located 0.6-mile northeast of the site. The project would not conflict with Los Altos General Plan policies encouraging the use of public transit, nor would the project cause substantial transit delays. For these reasons, the proposed project would not conflict with a plan, policy, program, or ordinance which addresses transit facilities. **(Less than Significant Impact)**

Roadway Facilities

The proposed project's consistency with the Circulation Element of the General Plan is discussed below in *Section 4.17.2.3.* The project would result in a reduction of vehicle trips relative to the existing use of the site and would not result in any operational deficiencies on nearby roadway segments. The project would not interfere with any planned improvements to roadway facilities in

the area or conflict with General Plan policies pertaining to roadway facilities. Thus, the proposed project would not conflict with a plan, policy, program, or ordinance which addresses roadway facilities. **(Less than Significant Impact)**

Bicycle Facilities

The proposed project would provide 30 bicycle spaces in an enclosed bicycle parking area in the garage and four bicycle spaces next to the building lobby. Bicycle access to the project site, provided via the Class II bike lane on Los Altos Avenue and the Los Altos – Palo Alto bike path, would be retained. As discussed in *Section 4.17.1.1*, the City has adopted a Bicycle Transportation Plan to improve bicycling conditions and increase bicycling rates in the City. The proposed project would not preclude the continued use of existing bicycle facilities in the project area nor would it conflict with the Bicycle Transportation Plan or Los Altos General Plan policies promoting continued and expanded bicycle use. **(Less than Significant Impact)**

Pedestrian Facilities

The proposed project would provide sidewalks and street trees along the El Camino Real and Los Altos Avenue frontages to facilitate pedestrian travel in the surrounding area. Existing pedestrian facilities would not be removed by the project, nor would access to existing facilities be inhibited. As discussed in *Section 4.17.1.1*, the City has adopted a Pedestrian Master Plan. The Pedestrian Master Plan includes goals, policies and actions for improving the pedestrian environment in Los Altos, including planning for pedestrian accommodation and facilities that serve people of all ages and abilities, developing a safe pedestrian network, and increasing pedestrian mode share. The proposed project would include pedestrian access points to existing facilities and would not prevent the City from implementing the goals of the Pedestrian Master Plan. **(Less than Significant Impact)**

Impact TRN-2:	The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). **(Less than Significant Impact)**

Senate Bill 743 was passed in 2013 and mandated a shift in the metrics used for transportation analysis under CEQA from Level of Service (LOS) to VMT. CEQA Guidelines Section 15064.3, subdivision (b) (1) establishes that VMT is the metric to use to analyze transportation impacts of land use projects. As described in Section 4.17.1.1 Regulatory Setting, the City of Los Altos' VMT Policy establishes screening criteria for different land uses; projects that meet the screening criteria can be presumed to have a less than significant VMT impact.

As described below in *Section 4.17.2.3*, the proposed project would generate 122 fewer daily vehicle trips compared to the existing gas station. In addition, the project is located along El Camino Real in an area where residential VMT is 15 percent or greater below the existing citywide average VMT. The project would meet both the Screening Based on Existing Use and Map-based Screening criteria set forth in the City's interim VMT Policy. Additionally, the project site is located within a TPA and would qualify as a transit-oriented development. For the reasons stated above, the proposed project would have a less than significant transportation impact per CEQA Guidelines Section 15064.3. **(Less than Significant Impact)**

Impact TRN-3:	The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). **(Less than Significant Impact)**

The project's site circulation and access were evaluated in accordance with generally accepted traffic engineering standards. The various design elements of the site circulation and access are described and analyzed below.

Driveway Design

The project proposes to eliminate two existing driveways on Los Altos Avenue and one existing driveway on El Camino Real, and use one existing driveway on El Camino Real. The reduction in driveways would benefit circulation in the area by reducing the number of potential conflict points and by reducing the potential delays caused by inbound vehicles. Also, the reduction in driveways would represent a safety benefit for pedestrians and bicycles.

The proposed driveway on El Camino Real is the best location for a driveway to the site because El Camino Real is a major arterial that can accommodate driveway traffic. This driveway location would also direct project traffic to El Camino Real and would reduce the effect on the residential area (as opposed to having driveways on Los Altos Avenue). The project driveway on El Camino Real would be 28 feet wide leading in and out of the basement parking garage. This width is adequate for a low-volume, two-way driveway. Sight distance at the project driveway would be adequate provided (1) the landscaping is kept at a low level within 10 feet of the curb face on El Camino Real; and (2) sight distance is not blocked by a stopped bus. However, to further improve sight distance and to prepare for future bike lane implementations, Hexagon recommended that a red curb be painted along the project frontage on El Camino Real to prohibit parking. They also recommended that a stop sign and stop bar be provided where the driveway intersects El Camino Real to help with the safety of pedestrians and bicycles.

Ramp Design

The proposed garage ramps were measured to be approximately 22 feet wide, which meets the minimum width for a two-way drive aisle set forth by the City of Los Altos City Code (Section 14.74.200). Commonly cited parking publications recommend grades of up to 16 percent on ramps where no parking is permitted, but grades of up to 20 percent are cited as acceptable when ramps are covered (i.e. protected from weather) and not used for pedestrian walkways. The garage ramp would be designed with these requirements in mind.

Garage Design

On each level of the parking garage, there would be four rows of parking to the west of the ramp, as well one row against the wall of the garage. On all rows, parking would be provided at 90 degrees to the main drive aisle. The drive aisles through the parking garage are shown to be 24 feet wide, which would provide sufficient room for vehicles to enter or back out of the 90-degree parking stalls. Site access and circulation were evaluated with vehicle turning movement templates for a typical

AASHTO Passenger Car defined in AASHTO handbook 2011.[63] Some examples of this type of vehicle are: 2018 Cadillac Escalade, 2018 GMC Yukon, 2018 Chevrolet Suburban, 2018 Ford Expedition, and 2018 Toyota Sequoia. The turning template check showed that passenger vehicles (18 feet in length) would be able to access, circulation, and exit the garage.

The parking area has dead-end aisles, but all parking in the garage would be assigned. Therefore, residents would not have to make a multi-point turn to find another parking space as the parking space would always be available.

The site plan shows that the parking spaces are nine feet wide by 18 feet long, which meets the LAMC requirements. Per the California Building Code, accessible parking spaces are required to be nine feet wide by 18 feet long with adjacent five-foot wide loading/unloading spaces. The project site plan shows that the accessible parking spaces meet this requirement.

Truck Access

A 20-foot by 27-foot enclosed loading/staging (trash) area is shown adjacent to the garage driveway. Garbage bins would be wheeled from their respective trash rooms to the ground floor trash area. Garbage trucks would park on El Camino Real near the project driveway and wheel the garbage bins from the trash room to the truck and then return them.

Bike Parking

The VTA provides guidelines for bike parking in its publication Bike Technical Guidelines. Class I spaces are defined as spaces that protect the entire bike and its components from theft, such as in a secure designated room or a bike locker. Class II spaces provide an opportunity to secure at least one wheel and the frame using a lock, such as bike racks. For multi-family dwelling units, VTA recommends one Class I space per three dwelling units and one Class II space per 15 dwelling units. For the proposed project, this would equate to 16 Class I spaces and four Class II spaces. The project site plan shows 30 Class I spaces in the lower level of the garage and four Class II spaces located next to the lobby of the building. The project meets the VTA bicycle parking space requirements.

Pedestrian Access

The project would provide a paved walkway between the existing sidewalk on El Camino Real and the building entrance. There is an existing bus stop adjacent to the proposed project driveway on El Camino Real. The bus stop makes it convenient for residents and guests to utilize the bus services on El Camino Real.

Generally, the design of the project site circulation and access is consistent with urban design practices. The low traffic volume on-site means that the frequency of vehicle conflicts would be relatively low. The project proposes residential use of the site, which is compatible with surrounding land uses. For these reasons, the proposed project would not increase hazards due to a design feature or incompatible land use. **(Less than Significant Impact)**

[63] American Association of State and Highway Transportation Officials. *AASHTO Green Book – A Policy on Geometric Design of Highways and Streets*. 2011.

Impact TRN-4:	The project would not result in inadequate emergency access. **(Less than Significant Impact)**

The proposed project would have adequate emergency vehicle access from the surrounding roadways, El Camino Real and Los Altos Avenue. The project would not remove or restrict emergency access to the site. Therefore, the project would not result in inadequate emergency access. **(Less than Significant Impact)**

4.17.2.3 *Operational Transportation Issues Not Required Under CEQA*

Per Senate Bill 743, intersection LOS is no longer the metric used to identify transportation impacts under CEQA. Nonetheless, intersection LOS is still required to be analyzed per City policy. The results of the LOS analysis are discussed below.

Intersection Level of Service Analysis

Study Methodology

The traffic study prepared for the proposed project analyzed the intersections of El Camino Real/Los Altos Avenue and El Camino Real/Del Medio Avenue for potentially significant traffic effects resulting from the project. The study conducted a trip generation analysis to identify the change in traffic due to the proposed development. Daily and peak hour trips generated by the existing gas station on the site were counted on Wednesday May 29, 2019. The Institute of Transportation Engineers' (ITE) manual entitled *Trip Generation, 10th edition,* was used to estimate the trips generated by the proposed project.

The study intersection level of service was evaluated for General Plan consistency. Traffic conditions at the study intersections were analyzed for the weekday AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak hours of commute traffic. Traffic conditions were evaluated for the following scenarios:

Scenario 1: Existing Conditions. Existing traffic volumes were obtained from traffic counts conducted in May 2019 and November 2017.

Scenario 2: Existing Plus Project Conditions. Existing plus project traffic volumes were estimated by adding to existing traffic volumes the trips associated with the proposed development. Existing plus project conditions were evaluated relative to existing conditions in order to determine potential project impacts.

Scenario 3: Near-Term Conditions. Near-term traffic volumes were estimated by applying a growth factor (two percent per year) for five years to existing traffic volumes.

Scenario 4: Near-Term plus Project Conditions. Near-term traffic volumes with the project were estimated by adding to near-term traffic volumes the additional traffic generated by the project. Near-term plus project conditions were evaluated relative to near-term conditions in order to determine potential project impacts.

Data required for the analysis was obtained from field observations, the City of Los Altos, the CMP Annual Monitoring Report, and previous traffic studies. These sources provided the data used to determine intersection traffic volumes, intersection lane configurations, and intersection signal phasing.

Trip Generation, Distribution and Assignment

The magnitude of traffic produced by a new development and the locations where that traffic would appear are estimated using a three-step process: (1) trip generation, (2) trip distribution, and (3) trip assignment. In determining project trip generation, the magnitude of traffic entering and exiting the site is estimated for the AM and PM peak hours. As part of the project trip distribution, an estimate is made of the directions to and from which the project trips would travel. In the project trip assignment, project trips are assigned to specific streets and intersections.

Standard trip generation rates were applied for the proposed development in accordance with the ITE manual entitled *Trip Generation,* 10th edition. The trip rates for a Multiple-family Housing – Mid-Rise land use were used for the project to estimate total trips generated by the proposed multiple-family building. Daily and peak hour trips generated by the existing gas station on the site were counted on Wednesday May 29, 2019.

Many of the trips generated by gas stations are referred to as "pass-by" trips. Pass-by trips are intermediate stops on the way from an origin to a destination without diverting to another roadway. Typically, gas stations are an immediate stop along the primary trip destination. Thus, a pass-by trip reduction was applied to the gas station. Trips generated by the existing gas station were then compared to the trips that would be generated by the proposed residential development. Project trip generation estimates are shown in Table 4.17-1 below.

Table 4.17-1: Project Trip Generation

		AM Peak Hour Trips				PM Peak Hour Trips				Daily Rate	Daily Trips
Land Use	**Size**	**Rate**	**In**	**Out**	**Total**	**Rate**	**In**	**Out**	**Total**		
Mid-Rise Multifamily Housing[1]	47 units	0.36	4	13	17	0.44	13	8	21	5.44	256
Existing Gasoline/Service Station[2]	12 fuel pumps		-31	-29	-60	-	-44	-43	-87	76.75	-921
Pass-by trip reduction[3]	-		19	18	37	-	25	24	49	-	543
Net Existing Trips	-		*-12*	*-11*	*-23*		*-19*	*-19*	*-55*		*-378*
Net Project Trip Generation			**-8**	**-2**	**-6**		**-6**	**-11**	**-17**		**-122**

Table 4.17-1: Project Trip Generation

Notes:

Trip rates for multifamily and gas station pass-by are from the ITE Trip Generation Manual, 10th Edition, 2017.

[1] Mid-Rise Multifamily Housing (Land Use 221) average rates expressed in trips per dwelling unit (DU) are used.

[2] Existing gas station trips from driveway count 5/29/19.

[3] Average pass-by trip reduction percentage of 62 percent in the AM peak hour and 56 percent in the PM peak hour. Daily reduction percentage is the average of AM and PM peak-hour percentage.

As shown in Table 4.17-1, the existing gas station generates more trips than the proposed residential development. Thus, the project is estimated to eliminate 122 daily trips, including six fewer trips during the AM peak hour and 17 fewer trips during the PM peak hour. The proposed project, therefore, would result in a reduction in traffic at the intersections of El Camino Real/Los Altos Avenue and El Camino Real/Del Medio Avenue.

Level of Service

Project consistency with General Plan LOS thresholds was evaluated relative to both existing traffic volumes and near-term traffic volumes. For the existing plus project scenario, the new net trips generated by the proposed development were added to the existing traffic volumes to derive the existing plus project traffic volumes. For the near-term plus project scenario, the net new trips generated by the proposed development were added to the near-term traffic volumes to derive the near-term plus project traffic volumes. The results of the level of service analysis for existing plus project and near-term plus project scenarios are shown in Table 4.17-2 and 4.17-3, respectively. The intersection level of service calculation sheets are included in Appendix E of this Initial Study.

Table 4.17-2: Existing Plus Project Intersection Levels of Service

Intersections	Peak Hour	Existing		Existing plus Project			
		Delay (sec)	LOS	Delay (sec)	LOS	Δ in Critical Delay	Δ in Critical V/C
1. El Camino Real & Los Altos Avenue	AM PM	21.1 13.5	C+ B	21.2 12.0	C+ B+	0.1 -1.5	0.011 -0.019
2. El Camino Real & Del Medio Avenue	AM PM	29.4 21.5	C C+	29.7 21.8	C C+	0.3 0.2	0.004 -0.001

As shown in Table 4.17-2 above, the proposed project would not increase traffic volumes at affected intersections beyond the City's acceptable LOS standards in the existing plus project scenario.

Table 4.17-3: Near-Term Plus Project Intersection Levels of Service							
Intersections	**Peak Hour**	**Near-Term**		**Near-Term plus Project**			
		Delay (sec)	**LOS**	**Delay (sec)**	**LOS**	**Δ in Critical Delay**	**Δ in Critical V/C**
1. El Camino Real & Los Altos Avenue	AM PM	19.9 12.8	B- B	20.1 11.3	C+ B+	0.2 -1.5	0.011 -0.019
2. El Camino Real & Del Medio Avenue	AM PM	28.3 20.8	C C+	28.6 21.0	C C+	0.3 0.2	0.004 -0.001

As shown in Table 4.17-3 above, the proposed project would not increase traffic volumes at affected intersections beyond the City's acceptable LOS standards in the near-term plus project scenario.

For the reasons discussed above, traffic generated by the proposed project would be consistent with the General Plan and the LOS standards contained therein. The two signalized study intersections would continue to operate at acceptable levels of service under both existing plus project and near-term plus project conditions.

4.18 TRIBAL CULTURAL RESOURCES

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCRs are defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[64]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)
- A resource determined by the lead agency to be a TCR.

Initial consultation with Native American tribes was conducted for the project. On May 30th, 2019, the Native American Heritage Commission was contacted to request a review of the Sacred Land Files (SLF) for any evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the project area. On June 3rd, 2019, the Commission responded that no tribal cultural resources were identified during the SLF review. They also provided a contact list of six Native American individuals/organizations who may know of cultural resources in this area or have specific concerns about the project. Each of these contacts were sent an email with an attachment including a letter describing the project, a map of the project area, and inquiring whether they had any concerns. No responses have been received to date.

Local

Los Altos General Plan

The City of Los Altos General Plan contains the following policies in its Community Design and Historic Resources Element which relate to tribal cultural resources and the proposed project.

[64] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHR and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a)(b)).

Policy 6.4: Preserve archaeological artifacts and sites found in Los Altos or mitigate disturbances to them, consistent with their intrinsic value.

Policy 6.5: Require an archaeological survey prior to the approval of significant development projects near creeksides or identified archaeological sites.

4.18.1.2 *Existing Conditions*

As described above, in accordance with AB 52, initial consultation with Native American tribes was conducted to determine the presence of tribal cultural resources that could be affected by the project. No tribal cultural resources were identified during initial consultation process. As discussed in *Section 4.5, Cultural Resources*, no archaeological sites are recorded within the project area.

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☒	☐	☐
2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying this criteria, the significance of the resource to a California Native American tribe shall be considered.	☐	☒	☐	☐

Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact with Mitigation Incorporated)**

No tribal cultural resources were identified during initial consultation process. As discussed in *Section 4.5, Cultural Resources*, no archaeological sites are recorded within the project area. Project construction activities, however, have the potential to disturb as-yet undiscovered archaeological resources at the site, which could include tribal cultural resources. The previously described

mitigation measures (**MM CUL-2.1** and **MM CUL-2.2**) detail the appropriate process to be followed to ensure that project implementation does not significantly impact archaeological resources. Adhering to the mitigation measures previously described in *Section 4.5, Cultural Resources* would ensure that project implementation does not result in adverse changes to potentially significant tribal cultural resources. **(Less than Significant Impact with Mitigation Incorporated)**

Impact TCR-2:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. **(Less than Significant Impact with Mitigation Incorporated)**

There are no known tribal resources in the project area that would be affected by the project. In the event archaeological resources are discovered during project construction, **MM CUL-2.1** requires construction activity within a 50-foot radius of the find to stop, the Director of Community Development to be notified and an archaeologist to assess the find and make appropriate recommendations, if warranted. The Director's involvement in the process would allow for the City to make a determination of significance regarding any resources that are uncovered during project construction, including tribal cultural resources. By following the archaeologist's recommendations, impacts to these resources would be mitigated to a less than significant level. Therefore, the proposed project would not result in a substantial adverse change to tribal cultural resources that are determined by the City to be significant. **(Less than Significant Impact with Mitigation Incorporated)**

4.19 UTILITIES AND SERVICE SYSTEMS

4.19.1 Environmental Setting

4.19.1.1 *Regulatory Framework*

State and Regional

Urban Water Management Plan

Pursuant to the State Water Code, municipal water suppliers serving more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and contingency plans for drought events. The California Water Service adopted its most recent UWMP for the Los Altos Suburban District in June 2016.

Wastewater

The San Francisco Bay Regional Water Quality Board (RWQCB) includes regulatory requirements that each wastewater collection system agency shall, at a minimum, develop goals for the City's Sanitary Sewer System Master Plan to provide adequate capacity to convey peak flows. The City of Los Altos last updated its Sanitary Sewer Master Plan in February of 2013.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or Assembly Bill 939 (AB 939), established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Senate Bill 1383

Senate Bill (SB) 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of currently disposed edible food is recovered for human consumption by 2025.

California Green Building Standards Code

In January 2010, the State of California adopted the California Green Building Standards Code, establishing mandatory green building standards for all buildings in California. The code covers five categories: planning and design, energy efficiency, water efficiency and conservation, material conservation and resource efficiency, and indoor environmental quality. These standards include

mandatory measures, as well as more rigorous voluntary guidelines, for new construction projects to achieve specific green building performance levels.

Local

The City of Los Altos General Plan contains policies pertaining to utilities and service systems in its Infrastructure and Waste Disposal Element. The relevant policies are listed below.

Policy 1.3: Review development proposals to determine whether adequate water pressure exists for existing and new development.

Policy 2.2: Review development proposals to ensure that if a project is approved, adequate sewage collection and treatment capacity is available to support such proposals.

Policy 4.1: Continue to work with infrastructure providers to ensure that the community's current and future infrastructure needs are met.

Policy 4.2: Maintain accurate records of infrastructure usage and needed infrastructure improvements.

Policy 4.3: Continue to require utilities in new developments to be placed underground.

4.19.1.2 *Existing Conditions*

Water Service

The project site is served by the California Water Service Company (Cal Water) and is located within Cal Water's Los Altos Suburban (LAS) District. Water supply for the project site is sourced from a combination of groundwater and purchased water. Approximately 35 percent of the LAS District's provided water comes from primary groundwater production and 65 percent comes from water purchases from the SCVWD, sourced from underground aquifers, reservoirs, and the San Joaquin-Sacramento River Delta. The Cal Water system includes 297 miles of mains, 65 booster pumps, and 46 storage tanks.[65] The LAS District 2015 UWMP found that Cal Water has more than sufficient well capacity to meet the demands unserved by SCVWD purchases through 2040.

The 0.66-acre project site is currently developed with a 1,610-square foot gasoline service station, paved surface parking, and sparse landscaping. The water demand of the existing gasoline service station is estimated to be 244,307 gallons per year, or 669 gallons per day.[66] Water is supplied to the project site by an existing eight-inch water main in El Camino Real.

[65] California Water Service. *2016 Water Quality Service Report.* https://www.calwater.com/docs/ccr/2016/las-las-2016.pdf. Accessed April 2, 2019.
[66] California Emissions Estimator Model. *Appendix D – Table 9.1 Water Use Rates, Gasoline Service Station.* September 2016.

Sanitary Sewer/Wastewater Treatment

The City of Los Altos' Department of Public Works is responsible for the wastewater collection system within the City. Wastewater is conveyed to the Palo Alto Regional Water Pollution Control Plant (PARWQCP) for treatment and disposal. The PARWQCP serves the wastewater management needs of the communities of Palo Alto, Los Altos, Mountain View, East Palo Alto, Los Altos Hills, Stanford University and East Palo Alto Sanitary District. The City owns and maintains the collection system within the City and its sphere of influence and the trunk sewer that connects the City to the PARWQCP master metering station. The City's collection system includes approximately 140 miles of sewer pipes, most of which are six-inch and eight-inch vitrified clay pipe.[67]

The PARWQCP has an annual treatment capacity of 40 million gallons per day (mgd), with the City of Los Altos allocated 3.6 mgd of the plant's treatment capacity (nine percent). In 2015, the average dry weather flow to the PARWQCP was 18.4 mgd, with Los Altos contributing 3.47 mgd.[68]

An existing 15-inch sanitary sewer main in Los Altos Avenue serves the project site. The existing gasoline service station is estimated to generate approximately 207,661 gallons of wastewater per year, or 569 gallons per day.[69]

Storm Drainage

Runoff from the project site flows into the City of Los Altos' municipal storm drainage system. The existing on-site storm drainage system captures and conveys runoff from the project site to the City's storm drain system. Flows from the project site are discharged to Adobe Creek and ultimately, the San Francisco Bay.

Solid Waste

Solid waste collection in the City of Los Altos is provided by Mission Trail Waste Systems through a contract with the City. Mission Trail Waste Systems provides residential, commercial and industrial collection services for garbage, recycling and organics for the City. Mission Trail Waste Systems operates a transfer station at 1313 Memorex Drive in Santa Clara. The City of Los Altos is served by the Newby Island Landfill, located at 1601 Dixon Landing Road in Milpitas. Newby Island Landfill provides disposal capacity to the cities of San Jose, Milpitas, Santa Clara, Cupertino, Los Altos, and Los Altos Hills. As of November 2019, Newby Island Landfill had approximately 14.6 million cubic yards of capacity remaining and an estimated closure in 2041.[70]

[67] City of Los Altos. "Public Works – Sanitary Sewer." https://www.losaltosca.gov/publicworks/page/sanitary-sewer-0. Accessed December 20, 2018.
[68] California Water Service Company. *2015 Urban Water Management Plan – Los Altos Suburban District.* June 2016.
[69] Based on the California Emissions Estimator Model (CalEEMod) standard wastewater generation rate of 85 percent of total water usage. CalEEMod is a statewide land use emissions computer model designed to quantify criteria pollutant and greenhouse gas (GHG) emissions associated with both construction and operations from a variety of land use projects.
[70] North, Daniel. General Manager, Republic Services, Inc. Personal Communication. November 14, 2019.

The existing gasoline service station on the project site is estimated to generate six tons of solid waste per year. [71]

4.19.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☐	☒	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
5) Negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals?	☐	☐	☒	☐
6) Be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

[71] California Emissions Estimator Model. Appendix D – Table 10.1 Solid Waste Disposal Rates, Gasoline Service Station. September 2016.

Impact UTL-1:	The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

Sanitary Sewer Facilities

The proposed project would connect to the City's existing sanitary sewer system. The existing sanitary sewer lines in Los Altos Avenue would be utilized by the project to convey wastewater flows from the project to the PARWQCP. The City's Sanitary Sewer System Master Plan (SSMP) Update determined that less than five percent of the 121 miles of inspected sewer pipes in the City and in its immediate vicinity were in poor condition. No deficient pipe segments were located directly adjacent to the project site. Overall, the City's sewer system was determined to be in good condition, with several recommended improvements noted in the SSMP Update to be included in the Capital Improvement Program (CIP) to address deficiencies.[72] The proposed project would not require expansion of off-site facilities or the construction of new sewer lines aside from lateral lines required to connect to the existing sewer in Los Altos Avenue. **(Less than Significant Impact)**

Storm Drainage Facilities

Implementation of the proposed project would marginally decrease the impervious surface area on-site, resulting in a net reduction of runoff volumes and rates. Installation of the proposed flow-through planters and bioretention areas would further reduce post-construction runoff flows, minimizing the project's impacts to the existing storm drain system.

The City of Los Altos' Storm Water Management Master Plan identified various deficiencies in the City's storm drainage system and provided recommendations for follow-up actions to address these deficiencies. The project site is not located adjacent to, or in the vicinity of, identified deficiencies in the storm drainage system.[73] The proposed project would not exacerbate existing storm drainage deficiencies and compared to existing on-site conditions, would reduce the demand placed on the City's storm drainage system by reducing impervious surfaces and implementing BMPs to treat stormwater runoff generated at the site, per the MRP. For these reasons, the proposed project would not require the construction of new storm drainage infrastructure or alteration of the existing system to handle project-generated runoff. **(Less than Significant Impact)**

Water Facilities

The proposed project would connect to an existing eight-inch water main in El Camino Real via a six-inch lateral line that would provide domestic water to the residences. The project also proposes a new fire hydrant which would connect to an existing water main in Los Altos Avenue via a six-inch lateral line. Connections to the City's water delivery system would be constructed during grading and would not result in significant environmental impacts. The project would not require expansion of off-site facilities nor the construction of new water mains aside from the previously mentioned local

[72] City of Los Altos. *Sanitary Sewer System Master Plan Update.* February 2013.
[73] City of Los Altos. *Stormwater Master Plan.* Figure 1-2. April 2016.

connections. Therefore, the project would not result in a significant impact due to the relocation or construction of water facilities. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunication Facilities

The site is currently served by electric power, natural gas, and telecommunication utilities. The proposed redevelopment of the site would not require the expansion of these utilities. Therefore, the proposed project would not result in a significant impact due to the expansion or relocation of electric power, natural gas, or telecommunication facilities. **(Less than Significant Impact)**

Impact UTL-2:	The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. **(Less than Significant Impact)**

The proposed project includes construction of a five-story building providing 47 residential units. The proposed project would generate a gross water demand of approximately 4.9 million gallons per year.[74] Relative to the existing water demand on-site, the project would result in a net water demand of 4.7 million gallons per year. The estimated water use of the project is likely overrated because the project would be required to adhere to the 2019 CALGreen Code and Chapter 12.36 of the Municipal Code, which includes water efficient landscape regulations.

The Cal Water LAS District did not identify any substantial supply deficiencies through 2040 in its UWMP. Water is supplied to the LAS District by the SCVWD, which estimated that water demands in its jurisdiction would increase to 435,100 acre-feet per year, or 141,778 million gallons, during an average year in 2040.[75] This increase in demand would be met by estimated supplies of 441,900 acre-feet per year, or 143,994 million gallons per year. Under single and multiply dry year scenarios, there would be supply deficiencies of six percent and 41 percent, respectively. With implementation of water shortage contingency measures outlined in the LAS District UWMP, the LAS District is expected to meet the City of Los Altos' water demands in normal, single-dry and multiple-dry year scenarios. The increase in water demand generated by the project would be marginal in relation to forecasted local and regional water demands. Therefore, the proposed project would not have insufficient water supplies available to serve it during normal, dry and multiple dry years. **(Less than Significant Impact)**

Impact UTL-3:	The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. **(Less than Significant Impact)**

The PARWQCP has capacity to treat 40 mgd of dry weather flows from cities within its service area, with 3.6 mgd of dry weather flow allocated to serve the City of Los Altos' wastewater disposal needs. In 2015, it was estimated that the City of Los Altos generated 3.47 mgd for treatment at the PARWQCP, slightly below the capacity allocated to it at the plant. The proposed residential project

[74] California Emissions Estimator Model. *Appendix D – Table 9.1 Water Use Rates.* September 2016.
[75] California Water Service Company. *2015 Urban Water Management Plan – Los Altos Suburban District.* June 2016.

is estimated to generate approximately 13,671 gallons of wastewater per day, or 0.014 mgd. This amounts to a net increase of 13,102 gallons of wastewater per day, or 0.013 mgd, relative to the estimated wastewater generation rates of the existing gas station. The PARWQCP has approximately 0.13 mgd of capacity available to the City of Los Altos; therefore, the increase in wastewater generated by the project would not exceed the capacity of the treatment plant. **(Less than Significant Impact)**

Impact UTL-4:	The project would not generate solid waste in excess of state or local standards or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

Solid waste generated by the proposed project would be disposed of at Newby Island Landfill in Milpitas. As of November 2019, Newby Island Landfill had approximately 14.6 million cubic yards of capacity remaining and an estimated closure in 2041.[76] The proposed project is estimated to generate approximately 22 tons of solid waste per year.[77] This amounts to a net increase of 16 tons of solid waste per year compared to the waste generated by the existing gas station on the site. While the proposed project would increase the solid waste generated on-site, the project would be served by a landfill with adequate capacity to support growth expected in the region. **(Less than Significant Impact)**

Impact UTL-5:	The project would not negatively impact the provision of solid waste services or impair the attainment of solid waste reduction goals. **(Less than Significant Impact)**

The project would be required to provide three streams of waste – solid waste, recyclable materials and organic materials – per the City's Solid Waste Collection and Recycling Ordinance. The Ordinance is intended to support the City's target of achieving a 78 percent waste diversion rate. The project would also be required to comply with Municipal Code Chapter 6.14 to reduce construction and demolition waste. By diverting waste per City policies, the net increase in the amount of solid waste generated by the proposed project would be reduced. Overall, the proposed project would not result in a significant increase in solid waste and recyclable materials generated within the City of Los Altos and would not prevent the City from meeting its solid waste reduction goals. **(Less than Significant Impact)**

Impact UTL-6:	The project would not be noncompliant with federal, state, and local management and reduction statutes and regulations related to solid waste. **(Less than Significant Impact)**

Compliance with the City's Solid Waste Collection and Recycling Ordinance would ensure that project operation meets state and federal solid waste statutes and regulations. Additionally, the project would be required to collect, recycle and dispose of waste generated from construction and demolition activities per Municipal Code Chapter 6.14. Diversion of construction and demolition

[76] North, Daniel. General Manager, Republic Services, Inc. Personal Communication. November 14, 2019.
[77] CalEEMod. *Appendix D – Table 10.1 Solid Waste Disposal Rates.* September 2016.

materials would further the City's efforts to reduce waste and comply with AB 939, AB 32, AB 341 and help achieve the State 75 percent waste diversion goal by 2020 and the City's 78 percent waste diversion goal. Therefore, the proposed project would not conflict with federal, state, and local solid waste statutes and regulations. **(Less than Significant Impact)**

4.20 WILDFIRE

4.20.1 Environmental Setting

4.20.1.1 *Existing Conditions*

The project site is in an urbanized area. The site is not located within an identified Very High Fire Hazard Severity Zone in a State Responsibility Area (SRA) or a Local Responsibility (LRA).[78] [79] The project site is not located near wildlands that could present a fire hazard.

4.20.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:				
1) Impair an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
2) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☐	☐	☐	☒
3) Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☐	☐	☐	☒
4) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	☐	☐	☐	☒

The project site is not located in or near state responsibility areas or lands classified as very high fire hazard severity zones; therefore, the project would not result in wildfire impacts. **(No Impact)**

[78] CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – State Responsibility Area*. November 2007.
[79] CAL FIRE. *Santa Clara County Fire Hazard Safety Zone Map – Local Responsibility Area.* October 2008.

4.21 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☒	☐	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. **(Less than Significant Impact with Mitigation Incorporated)**

As discussed in the prior sections of this Initial Study, the proposed project would not degrade the quality of the environment, substantially affect biological resources or eliminate important examples of California history or prehistory with implementation of the identified standard measures, conditions of approval, and mitigation measures. As discussed in *Section 4.3, Air Quality,* implementation of standard measures and mitigation measures (**MM AIR-3.1** and **3.2**) for impacts during project construction would reduce potentially significant air quality impacts to a less than significant level. As discussed in *Section 4.4, Biological Resources,* implementation of mitigation measures (**MM BIO-1.1 – 1.3)** for impacts to nesting birds and adherence to the City of Los Altos' Tree Preservation Ordinance measures would reduce potentially significant impacts to biological resources to a less than significant level. As discussed in *Section 4.5, Cultural Resources* and *Section 4.18, Tribal Cultural Resources*, with implementation of the identified standard measures and mitigation measures (**MM CUL-2.1** and **2.2**), the project would result in a less than significant

impact on archaeological, historic, paleontological, and tribal cultural resources. Significant project-level impacts can all be mitigated to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. **(Less than Significant Impact with Mitigation Incorporated)**

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects."

Project construction activities could result in air quality, biological, cultural, and noise impacts. As discussed in *Section 4.3, Air Quality*, BAAQMD cumulative source thresholds would be exceeded when considering the combined emissions of TACs from El Camino Real and project construction. However, implementation of Mitigation Measures **MM AIR-3.1** and **3.2** would reduce the cumulative risk of air pollutant exposure to the MEI to a less than significant level.

Biological resource impacts of the project are limited to construction impacts to existing off-site trees, which could provide nesting habitat for migratory birds. Impacts to nesting habitat would not constitute a cumulative impact as there is no shortage of similar nesting habitat in the area.

Demolition and construction activities may result in the loss of unknown subsurface prehistoric resources on-site. Because the project would implement Mitigation Measures **MM CUL-2.1** and **MM CUL-2.2**, the proposed project would not have a cumulatively considerable impact on cultural resources in the project area.

The proposed project would not result in any significant permanent noise impacts. The primary concern related to the noise impacts of the project are construction-generated noise, and these impacts would be sufficiently mitigated to a less than significant level upon implementation of mitigation measures discussed in *Section 4.13, Noise and Vibration* (**MM NOI-1**). Potentially significant impacts from construction-generated vibration on historic and contemporary structures would be sufficiently reduced upon implementation of mitigation measures for vibration impacts (**MM NOI-2**). Therefore, the project would not contribute to a cumulatively considerable noise impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-3:	The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. **(Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project

has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction air quality, hazards and hazardous materials, and noise. The proposed project would adhere to General Plan policies and implement mitigation measures to reduce potential impacts to a less than significant level. As discussed in *Section 4.3, Air Quality*, with implementation of mitigation measures **MM AIR-3.1** and **3.2***,* project construction activities would not expose sensitive receptors in the project area to health risks associated with mobile and stationary sources of toxic air contaminants above CEQA significance thresholds. The implementation of mitigation measures **MM HAZ-2.1 – 2.9** would reduce potential impacts to construction workers, future residents of the project, and the surrounding environment from hazardous materials. In addition, the construction noise and vibration impacts discussed in *Section 4.13, Noise* would be reduced to less than significant levels with the implementation of mitigation measures **MM NOI-1** and **2**. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

SECTION 5.0 REFERENCES

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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