



## MITIGATED NEGATIVE DECLARATION

**CIRCULATION PERIOD** 2/13/2023 to 3/15/2023

**PROJECT NAME** 3001 El Camino Real Affordable Housing Project

**PROJECT LOCATION** 3001 El Camino Real  
Assessor Parcel Number 182-46-012  
Palo Alto, CA 94306 (Santa Clara County)

**PROJECT PROPONENT** Charities Housing  
1400 Parkmoor Ave., Suite 190  
San Jose, CA 95126  
Contact: Kathy Robinson  
Phone: (408) 550-8311  
Email: krobinson@charitieshousing.org

**CITY CONTACT** Claire Raybould, AICP, Senior Planner  
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### PROJECT DESCRIPTION

The proposed project is a request for approval of a Major Architectural Review application to allow demolition of two existing vacant retail buildings and to construct a 129 Unit, 100% affordable, five-story, multi-family residential development utilizing allowances and concessions provided in accordance with State Density Bonus Regulations. The units would be deed restricted to serve tenants meeting 30%-50% of area median income. The project would be located on a 49,864 square-foot parcel. The proposed project would include 103 parking spaces and 152 bicycle parking spaces.

### DETERMINATION

In accordance with the City of Palo Alto's procedures for compliance with the California Environmental Quality Act (CEQA), the City has conducted an Initial Study to determine whether the proposed project could have a significant effect on the environment. On the basis of that study, the City makes the following determination:

- The proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION is hereby adopted.
- Although the project, as proposed, could have a significant effect on the environment, there will not be a significant effect on the environment in this case

because mitigation measures have been added to the project and, therefore, a MITIGATED NEGATIVE DECLARATION is hereby adopted.

The attached initial study incorporates all relevant information regarding the potential environmental effects of the project and confirms the determination that an EIR is not required for the project. In addition, the following mitigation measures have been incorporated into the project:

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| <b>MITIGATION<br/>MEASURE BIO-1</b> | <b>Nesting Bird Protection.</b> Construction of the project and any other site disturbing activities that would involve vegetation or tree removal shall be prohibited during the general avian nesting season (February 1 – August 31), if feasible. If nesting season avoidance is not feasible, the applicant shall retain a qualified biologist, as approved by the City of Palo Alto, to conduct a preconstruction nesting bird survey to determine the presence/absence, location, and activity status of any active nests on or adjacent to the project site. The extent of the survey buffer area surrounding the site shall be established by the qualified biologist to ensure that direct and indirect effects to nesting birds are avoided. To avoid the destruction of active nests and to protect the reproductive success of birds protected by the MBTA and CFGC, nesting bird surveys shall be performed not more than 14 days prior to scheduled vegetation clearance and structure demolition. In the event that active nests are discovered, a suitable buffer (typically a minimum buffer of 50 feet for passerines and a minimum buffer of 250 feet for raptors) shall be established around such active nests and no construction shall be allowed within the buffer areas until a qualified biologist has determined that the nest is no longer active (i.e., the nestlings have fledged and are no longer reliant on the nest). No ground disturbing activities shall occur within this buffer until the qualified biologist has confirmed that breeding/nesting is completed, and the young have fledged the nest. Nesting bird surveys are not required for construction activities occurring between August 31 and February 1. |
| <b>MITIGATION<br/>MEASURE BIO-2</b> | <b>Tree Preservation and Protection Plan.</b> To avoid disturbance and injury to on-site trees, the recommendations for tree preservation in the Arborist Report dated March 18, 2022 or any subsequent report prepared by a qualified Arborist that has been reviewed and approved by the City’s arborist and that is equally as protective to the trees, shall be implemented. These recommendations include, but are not limited to, tree protection fencing to the extent of construction around City trees on El Camino Real and Olive Avenue, no grading encroachments closer than 6 inches to the tree trunk diameter, and periodic inspections by the Site Arborist during construction activities.  |
| <b>MITIGATION<br/>MEASURE CR-1</b>  | <b>Unanticipated Discovery of Cultural or Tribal Cultural Resources.</b> In the unlikely event that archaeological resources are unexpectedly  |

encountered during ground-disturbing activities, work in the immediate area should be halted and an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for archeology (National Park Service 1983) should be contacted immediately to evaluate the find. If the find is Native American in origin, then a Native American representative should also be contacted to participate in the evaluation of the find. The qualified archaeologist, and, if applicable, the Native American representative, shall examine the find and make appropriate recommendations regarding additional work necessary to evaluate the significance of the find and the appropriate treatment of the resource. All cultural resources identified shall be evaluated for CRHR eligibility and local listing. Additional work may be necessary to evaluate the resource for inclusion in the CRHR or local listing. Recommendations could include, but are not limited to, invasive or non-invasive testing, sampling, laboratory analysis, preservation in place, or data recovery. A report of findings documenting any data recovered during monitoring shall be prepared by a qualified archaeologist and submitted to the Director of Planning. If the discovery is determined to be Native American in nature locally affiliated Native American tribes shall be invited to consult regarding the appropriate treatment of any Native American resources identified during project construction, including but not limited to a representative from Tamien Nation.

**MITIGATION  
MEASURE GEO-1**

**Unanticipated Discovery of Paleontological Resources.** Prior to the start of construction, a Qualified Professional Paleontologist (as defined by SVP [2010]) or their designee shall conduct a paleontological Worker Environmental Awareness Program training for construction personnel regarding the appearance of fossils and the procedures for notifying paleontological staff should fossils be discovered by construction staff.

In the event a fossil is discovered during construction of the project, excavation within 50 feet of the find shall be temporarily halted or delayed until the discovery is examined by a Qualified Professional Paleontologist. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant, the applicant shall retain a Qualified Professional Paleontologist to direct all mitigation measures related to paleontological resources. The Qualified Professional Paleontologist shall design and carry out a data recovery plan consistent with the SVP (2010) standards.

**MITIGATION  
MEASURE HAZ-1**

**SCCDEH Regulatory Agency Submittal.** The project applicant shall continue to utilize Santa Clara County Department of Environmental

Health (SCCDEH) Case #2018-14s for agency oversight of assessment and remediation of the project site through completion of building demolition, subsurface demolition, and construction. Prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall submit the following documents to the SCCDEH project manager of the open Cleanup Program Site case:

- Current development plan and any modifications to the development plan
- All environmental documents completed for the project
- Following demolition and construction grading activities, all future environmental documents completed for the project

Subsurface soil, soil vapor, groundwater investigations, and/or other remediation reports, if required by SCCDEH after submittal of above required documents, shall be conducted in accordance with a sampling plan that shall be reviewed and approved by SCCDEH. SCCDEH may require approval of the final Site Management Plan (SMP) required by Mitigation Measure HAZ-2, below, prior to issuance of any required building or grading permits. The project applicant shall comply with SCCDEH requirements, conduct further investigations as required, and submit the results to SCCDEH.

SCCDEH may determine that San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) or Department of Toxic Substances Control (DTSC) may be best suited to perform the cleanup oversight agency duties for the assessment and/or remediation of the Project. Should the cleanup oversight agency be transferred from SCCDEH to SFBRWQCB or DTSC, this and other mitigation measures will still apply.

If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned per Santa Clara Valley Water District (SCVWD) specifications.

Abandonment activities will be documented in a letter report submitted to SCVWD within 60 days of the completion of abandonment activities.

The SCCDEH closure and approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the completed reports and approval documents to the City Planning Department prior to issuance of grading permits.

**MITIGATION  
MEASURE HAZ-2**

**Site Management Plan.** As described in Mitigation Measure HAZ-1, prior to commencement of demolition and construction/grading activities at the project site, the project applicant shall retain a

qualified environmental consultant (PG or PE) to prepare a SMP for the project site. Where groundwater impacts are identified during implementation of Mitigation Measure HAZ-1, a groundwater management section shall be added to the SMP. The SMP shall address:

1. On-site handling and management of impacted soils or other impacted wastes (e.g., stained soil, and soil or groundwater with solvent or chemical odors) if such soils or impacted wastes are encountered, and
2. Specific actions to reduce hazards to construction workers and offsite receptors during the construction phase.

The plan must establish remedial measures and soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project. These measures and practices shall include, but are not limited to:

- Stockpile management including stormwater pollution prevention and the installation of best management practices (BMPs)
- Soil sampling procedures for imported fill material (in accordance with DTSC's 2001 *Information Advisory Clean Imported Fill Material*)
- Proper disposal procedures of contaminated materials
- Investigation procedures for encountering known and unexpected odorous or visually stained soils, other indications of hydrocarbon piping or equipment, and/or debris during ground-disturbing activities
- Monitoring and reporting
- A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan shall outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction

The project applicant shall implement the SMP during demolition, grading, and construction at the project site. SCCDEH shall review and approve the SMP prior to construction (demolition and grading) activities at the project site. The City shall review the SMP prior to issuance of grading permits.

**MITIGATION  
MEASURE NOI-1**

**Construction Vibration.** For any activities within 25 feet of off-site sensitive receivers, static rollers, or similar alternative construction equipment that is demonstrated to have vibratory levels below the level of significance of 0.2 in/sec PPV shall be used in lieu of vibratory rollers. The applicant shall designate a disturbance coordinator who shall be responsible for responding to any local complaints about construction noise. The noise disturbance coordinator shall determine the cause of the noise complaint and shall require that reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator shall be conspicuously posted at the construction site.

DocuSigned by:  
*Claire Raybould*  
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Senior Planner

2/8/2023

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*Signature (Project Planner)*

*Title*

*Date*

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*Adopted by Director of Planning and Development Services  
(signed after MND has been adopted)*

*Title    Date*