



**SANTA CLARA COUNTY CLERK  
CEQA FILING COVER SHEET**

THIS SPACE FOR CLERK'S USE ONLY

Complete and attach this form to each CEQA Notice filed with the County Clerk

**TYPE OR PRINT CLEARLY**

**Check Document being Filed:**

- Environmental Impact Report (EIR)
- Filing Fee (new project)
  - Previously Paid F&W (**must attach F&W receipt and project titles must match**)
  - No Effect Determination (**F&W letter must be attached**)
- Mitigated Negative Declaration (MND) or Negative Declaration (ND)
- Filing Fee (new project)
  - Previously Paid F&W (**must attach F&W receipt and project titles must match**)
  - No Effect Determination (**F&W letter must be attached**)
- Notice of Exemption (NOE)
- Other (Please fill in type):

1. LEAD AGENCY: City of Palo Alto
2. LEAD AGENCY EMAIL: emily.kallas@cityofpaloalto.org
3. PROJECT TITLE: 123 Sherman Ave. Office Building
4. APPLICANT NAME: KSHA PHONE: 415-847-9193
5. APPLICANT EMAIL: aborden@ksha.com
6. APPLICANT ADDRESS: 349 Sutter St. San Francisco, CA 94108
7. PROJECT APPLICANT IS A:  Local Public Agency  School District  Other Special District  State Agency  Private Entity
8. NOTICE TO BE POSTED FOR 30 DAYS.

Filing fees are due at the time a Notice of Determination/Exemption is filed with our office. For more information on filing fees and No Effect Determinations, please refer to California Code of Regulations, Title 14, section 753.5.



## NOTICE OF DETERMINATION

**TO**

- Office of Planning + Research  
PO Box 3044  
Sacramento, California 95812-3044
- County Clerk  
County of Santa Clara
- 70 West Hedding Street, East Wing,  
First Floor  
Santa Clara, California 95110

**FROM**

City of Palo Alto, Planning Division  
250 Hamilton Avenue, Ground Floor  
Palo Alto, California 94301

Contact: Emily Kallas  
Phone: 650-617-3125

**SUBJECT:**

Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

**PROJECT TITLE:**

123 Sherman Ave. Office Building

**PROJECT LOCATION:**

The project site includes three parcels in the City of Palo Alto located between Sherman Avenue and Grant Avenue, bounded by Park Boulevard to the south. The project site includes 150 Grant (APN 124-29-020), 123 Sherman (APN 124-29-013), and 2501 Park Boulevard (APN 124-29-012).

**STATE CLEARINGHOUSE NUMBER**

2023050160

**PROJECT DESCRIPTION**

The project proposes to demolish the existing buildings on-site in order to construct a new three-story, approximately 68,763 square-foot office building with two levels of below-grade parking. The building would include approximately 48,966 square-feet of office space as well as 4,301 square-feet of retail uses on the ground floor. The project would include 75,574 square-feet of total parking area. Parking would be distributed on the ground floor of the proposed building as well as two levels of below-grade parking, which would require approximately 27,000 cubic yards of soil removal. The project would provide a total of approximately 175 parking spaces. The project site is listed on the Cortese List as a Cleanup Program Site under the oversight of the Santa Clara County Department of Environmental Health. The project site is also located within the California-Olive-Emerson (COE) groundwater plume and is adjacent to 2555 Park Boulevard, another site listed on the Cortese List. The proposed project would require an Architecture Review Board (ARB) approval.

This is to advise that the City of Palo Alto (Lead Agency) has approved the project described above on September 12, 2023 and has made the following determinations regarding the above described project:

1. The project [will will not] have a significant effect on the environment.
2. An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.
3. A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.
4. Mitigation measures [were were not] made a condition of the approval of the project.
5. A mitigation reporting or monitoring plan [was was not] adopted for this project.
6. For an EIR, a statement of Overriding Considerations [was was not] adopted for this project.
7. For an EIR, findings [ were were not] made pursuant to the provisions of CEQA.

This is to certify that the final EIR with comments and responses and record of project approval, or the Negative Declaration, is available to the General Public at:

*City of Palo Alto, Planning Division, 250 Hamilton Ave, Ground Floor, Palo Alto, California 94301*

DocuSigned by:  
*Emily Kallas*  
EFA3557B6E9A43B...

Planner

9/13/23

*Signature (Public Agency)*

*Title*

*Date*

Date Received for filing at OPR:



## MITIGATED NEGATIVE DECLARATION

<b>CIRCULATION PERIOD</b>	5/5/2023 to 6/5/2023
<b>PROJECT NAME</b>	123 Sherman Avenue Office Building
<b>PROJECT LOCATION</b>	The project site includes three parcels in the City of Palo Alto located between Sherman Avenue and Grant Avenue, bounded by Park Boulevard to the south. The project site includes 150 Grant Avenue (Assessor's Parcel Number [APN] 124-29-020), 123 Sherman Avenue (APN 124-29-013), and 2501 Park Boulevard (APN 124-29-012).
<b>PROJECT PROPONENT</b>	KSH Architects
<b>CITY CONTACT</b>	Emily Foley, AICP, Planner City of Palo Alto, 250 Hamilton Avenue, Ground Floor Palo Alto, CA 94301 Fax: 650.329.2240, Email: <a href="mailto:Emily.Foley@CityofPaloAlto.org">Emily.Foley@CityofPaloAlto.org</a>

### PROJECT DESCRIPTION

The project proposes to demolish the existing buildings on-site in order to construct a new three-story, approximately 68,763 square-foot office building with two levels of below-grade parking. The building would include approximately 48,966 square-feet of office space as well as 4,301 square-feet of retail uses on the ground floor. The project would include 75,574 square-feet of total parking area. Parking would be distributed on the ground floor of the proposed building as well as two levels of below-grade parking, which would require approximately 27,000 cubic yards of soil removal. The project would provide a total of approximately 175 parking spaces. The project site is listed on the Cortese List as a Cleanup Program Site under the oversight of the Santa Clara County Department of Environmental Health. The project site is also located within the California-Olive-Emerson (COE) groundwater plume and is adjacent to 2555 Park Boulevard, another site listed on the Cortese List. The proposed project would require an Architecture Review Board (ARB) approval.

### 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:

**MM BIO-1.1:** When possible, construction shall be scheduled to avoid the nesting season to the extent feasible. The nesting season for most birds, including most raptors, in the San Francisco Bay area extends from February 1 through August 31.

If it is not possible to schedule construction and tree removal between September and January, then pre-construction surveys for nesting birds shall be completed by a qualified ornithologist, as approved by the City of Palo Alto, to ensure that no nests shall be disturbed during project implementation. This survey shall be completed no more than 14 days prior to the initiation of grading, tree removal, or other demolition or construction activities.

During this survey, the ornithologist shall inspect all trees and other possible nesting habitats within and immediately adjacent to the construction area for nests. If an active nest is found sufficiently close to work areas to be disturbed by construction, the ornithologist shall determine the extent of a construction-free buffer zone to be established around the nest to ensure that nests of bird species protected by the MBTA or Fish and Game code shall not be disturbed during project construction. The construction-free buffer zones shall be maintained until after the nesting season has ended and/or the ornithologist has determined that the nest is no longer active.

A final report of nesting birds, including any protection measures, shall be submitted to the Director of Planning and Development Services prior to the start of grading or tree removal.

**MM CUL-2.1:** Prior to commencement of any project-related construction activities, a qualified Archeologist shall provide a worker environmental awareness training to all site personnel. The training shall discuss the

appearance of resources that may be encountered during construction as well as the procedures and notification process in the event of discovery.

**MM CUL-2.2:**

A Qualified Archaeological monitor shall be present to monitor ground-disturbing activities in the southwest corner of the project site, where the residence previously existed. The Archaeologist shall have the authority to halt construction activities in the event any cultural materials are encountered during ground-disturbing construction activities.

**MM CUL-2.3:**

In the event any significant cultural materials are encountered during construction grading or excavation, construction within a radius of 50 feet of the find would be halted, the Director of Planning and Development Services shall be notified, and the on-site qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate treatment of the resource. Recommendations could include, but are not limited to, preservation in place or collection, recordation, and analysis of any significant cultural materials. In the event that discovered resources appear to be Native American in nature, the appropriate local Native American tribe(s) shall be contacted for consultation. A report of findings documenting any data recovered during monitoring shall be submitted to the Director of Planning and Development Services.

**MM CUL-3.1:**

Pursuant to Section 7050.5 of the Health and Safety Code, and Section 5097.94 of the Public Resources Code of the State of California in the event of the discovery of human remains during construction, there shall be no further excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he shall notify the Native American Heritage Commission (NAHC) who shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this state law, then the landowner shall reinter the human remains, and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. If the Director of Planning and Development Services, in consultation with the archaeologist and Native American monitor, finds that the archaeological find is not a significant resource, work would resume only after the submittal of a preliminary archaeological report and after provisions for reburial and ongoing monitoring are accepted by the Director of Planning and Development Services.

- MM GEO-6.1:** Unique Paleontological and/or Geologic Features and Reporting. Should a unique paleontological resource or site or unique geological feature be identified at the project site during any phase of construction, all ground disturbing activities within 25 feet shall cease and the City's Director of Planning and Development Services shall be notified immediately. A qualified paleontologist shall evaluate the find, prescribe recommendations for proper treatment of the resource, and, depending on the nature of the discovery, document their findings in a paleontological report. Treatment may include protection in-place or recovery of the resource and placement in a repository. The paleontological report shall be submitted to the City. If paleontological materials are recovered, they shall be cataloged and donated to a paleontological repository, such as the University of California Museum of Paleontology.
- MM HAZ-2.1:** Prior to conducting earthwork activities at the project site, a Site Management Plan (SMP) and Health and Safety Plan (HSP) shall be prepared. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater that may be encountered during construction activities. Based on the history of the project vicinity, areas of impacted soil, soil vapor and/or groundwater likely will be encountered during construction activities, which may require special monitoring, handling and/or disposal. The SMP shall be submitted to the San Francisco Bay Regional Water Quality Control Board (RWQCB), or an equivalent oversight agency (e.g. the Santa Clara County Department of Environmental Health or Department of Toxic Substances Control) for review and approval prior to commencing earthwork activities at the project site.
- MM HAZ-2.2:** Prior to excavation of the proposed below grade parking garage, additional soil sampling will be required to profile the soil for landfill disposal and/or reuse at another construction project. Soil sampling shall also be required during project construction if visibly contaminated soil is discovered during earthmoving activities. Soil profiling shall be performed in accordance with the acceptance criteria of the selected receiving facilities and/or the Department of Toxic Substance Control (DTSC's) October 2001 Clean Fill Advisory. Prior to soil transfer, written approval shall be obtained from the selected receiving facility and a copy shall be provided to the Director of Planning and Development Services upon request.
- MM NOI-2.1:** The project proponent shall implement a construction vibration monitoring plan to document conditions prior to, during, and after vibration generating construction activities for all properties within 20 feet of the project site. All plan tasks shall be undertaken under the

direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods.

The construction vibration monitoring plan shall include, but not be limited to, the following measures:

- The report shall include a description of measurement methods, equipment used, calibration certificates, and graphics as required to clearly identify vibration-monitoring locations.
- A list of all heavy construction equipment to be used for this project and the anticipated time duration of using the equipment that is known to produce high vibration levels (clam shovel drops, vibratory rollers, hoe rams, large bulldozers, caisson drillings, loaded trucks, jackhammers, etc.) shall be submitted to the Director of Planning and Development Services or Director's designee of the Department of Planning & Development by the contractor. This list shall be used to identify equipment and activities that could exceed the 0.3 PPV threshold adjacent residents or 0.5 PPV threshold adjacent to 2555 Park based on the planned equipment, location, and duration of use. Where project construction activities may be anticipated to exceed the threshold, the applicant shall provide a plan to show how levels would be reduced by phasing activities that are known to cause excessive vibration, utilizing alternative equipment, and/or reducing the time period that the equipment is being used.
- Where possible, use of the heavy vibration-generating construction equipment shall be prohibited within 20 feet of any adjacent building.
  - Smaller equipment to minimize vibration levels to below 0.5 in/sec PPV at the property lines adjacent to the building at 2555 Park Boulevard or 0.3 in/sec PPV at all other property lines. For example, a smaller vibratory roller, such as the Caterpillar model CP433E vibratory compactor, shall be used when compacting materials within 25 feet of the adjacent conventional building.
  - Avoid using vibratory rollers and clam shovel drops within 25 feet of sensitive areas.
  - Select demolition methods not involving impact tools.
  - Avoid dropping heavy equipment and use alternative methods for breaking up existing pavement, such as a



pavement grinder, instead of dropping heavy objects, within 25 feet of the adjacent conventional buildings.

- Document conditions at all structures located within 50 feet of construction prior to, during, and after vibration generating construction activities. All plan tasks shall be undertaken under the direction of a licensed Professional Structural Engineer in the State of California and be in accordance with industry-accepted standard methods. Specifically:
  - Vibration limits shall be applied to vibration-sensitive structures located within 20 feet of construction activities identified as sources of high vibration levels.
  - Performance of a photo survey, elevation survey, and crack monitoring survey for each structure of normal construction within 20 feet of construction activities identified as sources of high vibration levels. Surveys shall be performed prior to any construction activity, in regular intervals during construction, and after project completion, and shall include internal and external crack monitoring in structures, settlement, and distress, and shall document the condition of foundations, walls and other structural elements in the interior and exterior of said structures.
- Develop a vibration monitoring and construction contingency plan to identify structures where monitoring would be conducted, set up a vibration monitoring schedule, define structure-specific vibration limits, and address the need to conduct photo, elevation, and crack surveys to document before and after construction conditions. Construction contingencies shall be identified for when vibration levels approach the limits of 0.5 in/sec PPV at the adjacent building at 2555 Park Boulevard or 0.3 in/sec PPV at all other surrounding buildings.
- At a minimum, vibration monitoring shall be conducted during demolition and excavation activities.
- If vibration levels approach limits, suspend construction and implement contingency measures to either lower vibration levels or secure the affected structures.
- 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.
- Conduct a post-construction survey on structures where either monitoring has indicated high vibration levels or complaints of

damage has been made. Make appropriate repairs or compensation where damage has occurred as a result of construction activities.

DocuSigned by:  
*Emily Kallas*  
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Planner

9/13/23

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*Signature (Project Planner)*

*Title*

*Date*

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Emily Kallas  
 emily.kallas@cityofpaloalto.org  
 City of Palo Alto  
 Security Level: Email, Account Authentication (None)

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