



City of Palo Alto

(ID # 5749)

Planning & Transportation Commission Staff Report

Report Type:

Meeting Date: 4/29/2015

Summary Title: 2555 Park Boulevard

Title: Request for Planning and Transportation Commission (PTC) Review of a Final Environmental Impact Report (FEIR) and Recommendation for EIR Certification for a Proposal by FGY Architects on Behalf of Campbell Avenue Portfolio LLC to Demolish an Existing 10,800 sq. ft. Two-story Mid-century Modern Office Building and Construct a new 24,466 sq. ft. Three-story Office Building with One Level of Below Grade Parking and a Roof Terrace in the Community Commercial (CC(2)) Zone District. The Architectural Review Board has Recommended Approval of the Application, Which Includes a Design Enhancement Exception Request to Allow Two Stair Towers and a Roof Top Canopy Structure to Exceed the Height Limit by 10 and 13 Feet Respectively.

From: Russ Reich, Interim Planning Manager

Lead Department: Planning & Community Environment

Recommendation

Staff recommends that the Planning and Transportation Commission (P&TC) recommend City Council approval of the Final Environmental Impact Report (FEIR) for the proposed project at 2555 Park Boulevard.

Executive Summary

The P&TC is requested to review and recommend approval of the Final Environmental Impact Report (FEIR) for a new 24,466 square foot (sf), three story office building on a 12,518 sf site. The Draft Environmental Impact report (DEIR) was reviewed by the P&TC on October 29, 2014. The P&TC comments, along with the comments of the Architectural Review Board (ARB) and the Historic Resources Board (HRB), have been summarized in the attached FEIR (Attachment A). Responses to each of the comments have also been provided within the document. The discussion section of this staff report summarizes the commonly raised comments and the responses to those comments.

The proposed project includes one level of below grade parking for 92 vehicles to meet the

parking demand for the new building, which would replace a 10,800 sf, two-story, mid-century modern office building. The existing building is over 50 years old and has been unaltered since its original construction. A historic analysis supports that the existing building is eligible for listing on the California Register of Historic Resources. As the structure is proposed to be demolished, an Environmental Impact Report (EIR) is required to inform the public and responsible agencies of the potential adverse effects.

P&TC Purview

The project outlined above is subject to ARB review and Director Decision. However, because the FEIR must be certified by the City Council prior to any final decision whether to approve the project, the Council will also make the final decision on the Architectural Review application. The P&TC's role is to review and consider recommending certification of the FEIR and provide its recommendation to the City Council. The ARB has recommended approval of the ARB application and DEE request, and its recommendation will be forwarded to the City Council for a final decision on the project, along with the P&TC's recommendation on the FEIR.

Background

To initiate the EIR process, the City circulated a Notice of Preparation (NOP) and Initial Study (IS) to solicit agency and public comments on the scope of the environmental analysis to be included in the EIR.

The applicant proposes to demolish the existing building, which is eligible for listing on the California Register of Historic Resources; therefore, the project would result in a significant impact and an EIR has been prepared.

Architectural Review Board

The EIR scoping meeting was held during the April 17, 2014 ARB hearing, to provide the public an early opportunity to provide input and learn about the DEIR process. The ARB then conducted a preliminary review of the conceptual project on June 5, 2014, providing comments related to building massing, interior setback, traffic/parking, the tensile structure, and the second floor balcony railing. On October 16, 2014 the ARB reviewed and unanimously recommended the formal project and the DEIR, and asked for specific details to return to the ARB subcommittee to satisfy approval conditions (and this review will take place prior to the City Council action on the project).

Planning and Transportation Commission

On October 29, 2014 the P&TC reviewed the DEIR and provided comments. Those comments and responses are provided in the attached FEIR. The commonly raised issues, and responses to those issues, are summarized in the discussion section below.

Historic Resources Board

On November 19, 2014 the HRB reviewed the DEIR and provided comments. While the HRB review was not a required step in the Architectural Review process, the HRB's input was sought

in conjunction with the Environmental document, since the only issue that cannot be mitigated is the demolition of an historic resource. The HRB's comments and the environmental consultant's responses are provided in the FEIR.

Site Information

The project site is a trapezoidal-shaped property on the northeast side of Park Boulevard, between Sherman and Grant Avenues. A location map showing the property, and surrounding properties, is attached (Attachment B). The total area of the site is 12,518 sf. The property is currently occupied by a two-story office building with at-grade parking. The existing "H"-shaped building was built in 1964 in the Mid-Century Modern style of architecture. Since the building is 50 years old and does not appear to have been altered since its construction, it has been determined to be eligible for listing in the California Register of Historic Resources under Criterion 3 (architecture). Under CEQA, this qualifies the structure as a historic resource. The property is zoned Community Commercial (CC(2)).

Context

The site's Comprehensive Plan land use designation is Regional Community Commercial. The property's primary street frontage is located on Park Boulevard. Typical uses in the immediate vicinity include multifamily residential and office uses. Slightly further to the north west of the site is the California Avenue Business District with a multitude of restaurants and retail businesses. The site is also located about 800 feet from the California Avenue Cal Train station.

Adjacent uses to the northwest include a two-story, single-family residence and a two-story, professional office building. Adjacent uses to the northeast include office and other commercial uses in a single story structure. To the southwest, across Park Boulevard, is the four-story County Courthouse building surrounded by at-grade parking. To the southeast, across Grant Avenue, are a single-story office building and three-story, multifamily residential buildings. To the south, diagonally across from the intersection of Grant and Park Boulevard, is a surface level parking lot.

Project Description

The project includes the demolition of the existing two-story office building and the construction of a new 24,466 sf, three-story office building. A total of 92 parking spaces would be provided on site in both at grade and below grade facilities beneath the new building. Most of the parking spaces would be provided within mechanical lift systems to improve the efficiency of the garage space. Vehicle access to the parking areas would be provided from Grant Avenue. The curb cut along Park Boulevard would be removed to improve bicycle safety.

The proposed building is a modern design with two horizontal board-form concrete finished stair towers, designed to anchor the building at each end of the site. The two-story glass office block would float between the open balconies. Three of the four balconies would have cable railings, while the fourth balcony above the main entry would have a vertical painted metal picket. Each of the four balconies would be exposed concrete. The building walls would be

stucco plaster with a curtain wall system using clear double glazed windows with aluminum frames. The south and east facing facades would have double height, vertical sun shade mullion fins, to reduce heat gain. The glass office block would float over a green wall with vines at the first level that would screen the at-grade parking. In front of the green wall would be a concrete planter with a wood plank bench adjacent to the public sidewalk.

The building design also features a rooftop tensile structure to allow greater usage of the roof deck and to assist in keeping the building cooler in the hot summer months. This structure is the subject of the requested Design Enhancement Exception (DEE).

Discussion

During the comment period on the DEIR the City received a total of 10 comment letters and multiple verbal comments during three public hearings. The FEIR includes master responses to commonly raised comments; five master responses provide a detailed discussion of particular project issues and environmental effects. These issues include concerns over the Function of the Grant-Park Intersection, Queuing onto Grant Avenue, the Design Enhancement Exceptions, Visitor and Guest Parking, and Bicycle and Pedestrian Safety.

Grant-Park Intersection Function

Some commenters raised concerns regarding the intersection of Grant Avenue and Park Boulevard; specifically, the concerns were about the difficulty for vehicles exiting Grant and circulating onto Park. Some neighbors felt the lack of visibility at the busy intersection would be exacerbated by the new project. Others asked that the City install a new stop sign at the intersection. This intersection was analyzed in the Traffic Impact Analysis, which found the intersection currently operates at acceptable levels, and the existing and proposed volume of traffic would not warrant a new stop sign at this location.

Staff identified measures to improve visibility and pedestrian safety at this intersection. The project includes a new cross walk, signs and pavement striping in conjunction with the new project. The project also includes a new curb extension or “bulb-out” at the north-west corner of Grant and Park. This would ensure greater visibility by moving parked cars further from the intersection and providing protection for vehicles exiting Grant, allowing drivers to pull farther forward into the street within the width of the bulb-out. The applicant is also required to paint the bike lane through the intersection to assist drivers to pull forward to check for oncoming traffic.

Queuing onto Grant Avenue

Some commenters voiced concern about vehicle back-ups, or queuing, onto Grant Avenue as a result of drivers trying to park within the proposed project. Since the parking is provided within mechanical lift systems, there was concern that the time it may take to park a vehicle within the lift may cause cars to back up onto Grant Avenue and onto Park Boulevard. The question is understandable, considering most people are not familiar with mechanical parking lift systems. The traffic consultant prepared a supplemental analysis to study this concern and has

determined that backups onto Grant are highly unlikely. The lifts are designed to operate very quickly, taking only a minute or two to load a vehicle. The statistical analysis looked at the time it takes to load a vehicle at the busiest part of the day based on the anticipated peak demand. The resulting determination is that backups are not likely to occur.

Design Enhancement Exception

Some of the commenters expressed concern over the requested Design Enhancement Exception (DEE) for height. The proposed DEE would allow two stair towers and a roof top canopy structure to exceed the allowable height by 11 feet and 13 feet respectively. The ARB has recommended approval of the DEE with the condition that the canopy structure be reduced in size. The Board had no objection to the aesthetics of the features. Privacy and shading were also listed as concerns. The roof top patio would be located away from the edges of the building such that people on the rooftop patio would not be able to stand at the edges of the building and be able to look down onto the neighboring properties. A shadow analysis was conducted to review existing and proposed shading of the neighboring single-family residence. The study found that the neighboring residence was already impacted to some degree by the existing privacy fence between the properties and the existing office building on the adjacent property. While the proposed project will cast additional shadow, design changes in the project have reduced the shadow impact to the adjacent residential neighbor from the shadow impact of the initial submittal. The revised design reduced the building height and increased the building setback.

Visitor and Guest Parking

Several commenters raised the concern over the availability of guest parking within the project. The proposed project meets the parking requirements of the code by providing all 92 required parking spaces on site. These are provided within mechanical lift systems to make the most efficient use of a limited amount of space. The mechanical lift systems require individual remotes for access to the spaces making the parking spaces within the building only accessible to building occupants. This scenario does not accommodate parking for guests, visitors, or non-building occupants. This concern was raised early in the process and the EIR considered a parking exemption option that would eliminate some of the parking lifts and free up some of the machine parking lift spaces with regular parking spaces that could be used by guests and visitors. Elimination of these parking machine lifts would reduce the number of overall parking spaces within the building by ten spaces. To offset this reduction in parking spaces, the parking exemption scenario would be coupled with a Transportation Demand Management (TDM) plan that would provide Go Passes for the building occupants. With close proximity to Cal-Train and VTA buses, the Go Pass strategy would likely reduce the overall number of vehicles traveling to and from the site.

Bicycle and Pedestrian Safety

Some respondents commented that the new vehicle trips generated by the project would lead to increased safety issues for cyclists and pedestrians. The concern is that there would be an increase in the bicycle-car interactions and that the cumulative increase in vehicle and bicycle

trips would lead to unsafe interactions with pedestrians. The desire for a stop sign at the Grant and Park intersection was again suggested. The traffic analysis determined that the project would not substantially increase the traffic on Park, and would therefore not substantially increase the potential for conflicts to occur. By eliminating the driveway into the project from Park, the number of locations in which a vehicle could cross over the bicycle lane on Park would be reduced thus improving bicycle safety. The project would also add a cross walk at this intersection improving pedestrian safety as well.

Timeline

Application submitted	September 9, 2013
EIR scoping meeting before the ARB	April 17, 2014
Preliminary ARB meeting	June 5, 2014
Release of the DEIR for the 45 day public comment period	September 5, 2014
ARB meeting recommendation on AR and DEE	October 16, 2014
P&TC meeting on DEIR	October 29, 2014
P&TC meeting on FEIR	April 29, 2015
Final EIR Certification by City Council	June 1, 2015
Final Decision on the Proposed Project by City Council	June 1, 2015

Environmental Review

The City has prepared a FEIR to provide the public and responsible agencies information about potential adverse effects on the local and regional environment associated with the proposed 2555 Park Boulevard project. The FEIR is provided as Attachment A. The initial 45 day public comment period on the DEIR began on September 5, 2014 and ran through October 20, 2014. The public comment period was extended to November 19, 2014. The FEIR was prepared after input was received during public hearings of the ARB, the HRB, and the P&TC.

The City began the environmental analysis with an Initial Study. The Initial Study determined that the project could have a significant impact on the environment, which triggered the requirement to prepare an EIR, and indicated that the EIR would need to discuss three environmental topics: Cultural and Historic Resources, Hazards and Hazardous Materials, and Transportation and Traffic.

For each of the three topics, the DEIR describes the existing environmental and regulatory conditions, presents the criteria used to determine whether an impact would be significant, analyses significant impacts identifies mitigation measures for each significant impact, and discusses the significance of impacts after mitigation has been applied. Potential direct, indirect, and cumulative impacts are all considered.

Cultural and Historic Resources

Two possible impacts were identified under the Cultural and Historic Resources section. One impact was identified as being significant and unavoidable. This impact is the demolition of the existing mid-century modern building that has been identified as being eligible for listing on the

California Register of Historic Resources. The loss of the historic resources would be considered a Significant and Unavoidable impact under CEQA. Mitigation measures are proposed, but these measures cannot reduce the level of significance to a less than significant level, therefore the City would need to adopt a statement of overriding considerations in order to approve the proposed project. The other impact identified was the possible disturbance of archeological remains during excavation. With mitigation, this impact was less than significant.

Hazards and Hazardous Materials

There were five areas of this section that were identified as being potentially significant. These are related to construction debris, the handling of existing hazardous materials within the building, disturbance of contaminated soils, the release of VOC from the contaminated ground water, and vapor intrusion from the contaminated ground water. Mitigation measures have been included that reduce the level of significance to a less than significant level.

Transportation and Traffic

The environmental analysis found no significant impacts related to traffic, and no mitigation measures are needed. However, it should be noted that the proposed project would provide ample parking, is a short distance from CalTrain, and an option is being analyzed that would provide a robust Transportation Demand Management (TDM) program with CalTrain Go Passes as an incentive for transit use.

The FEIR contains the DEIR, the comments received during the public review period, responses to the comments, and any revisions to the DEIR needed as a result of public agency and public comments.

Attachments:

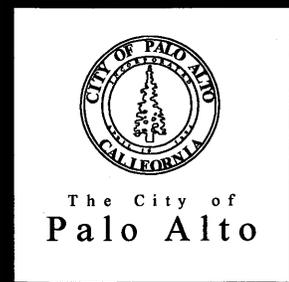
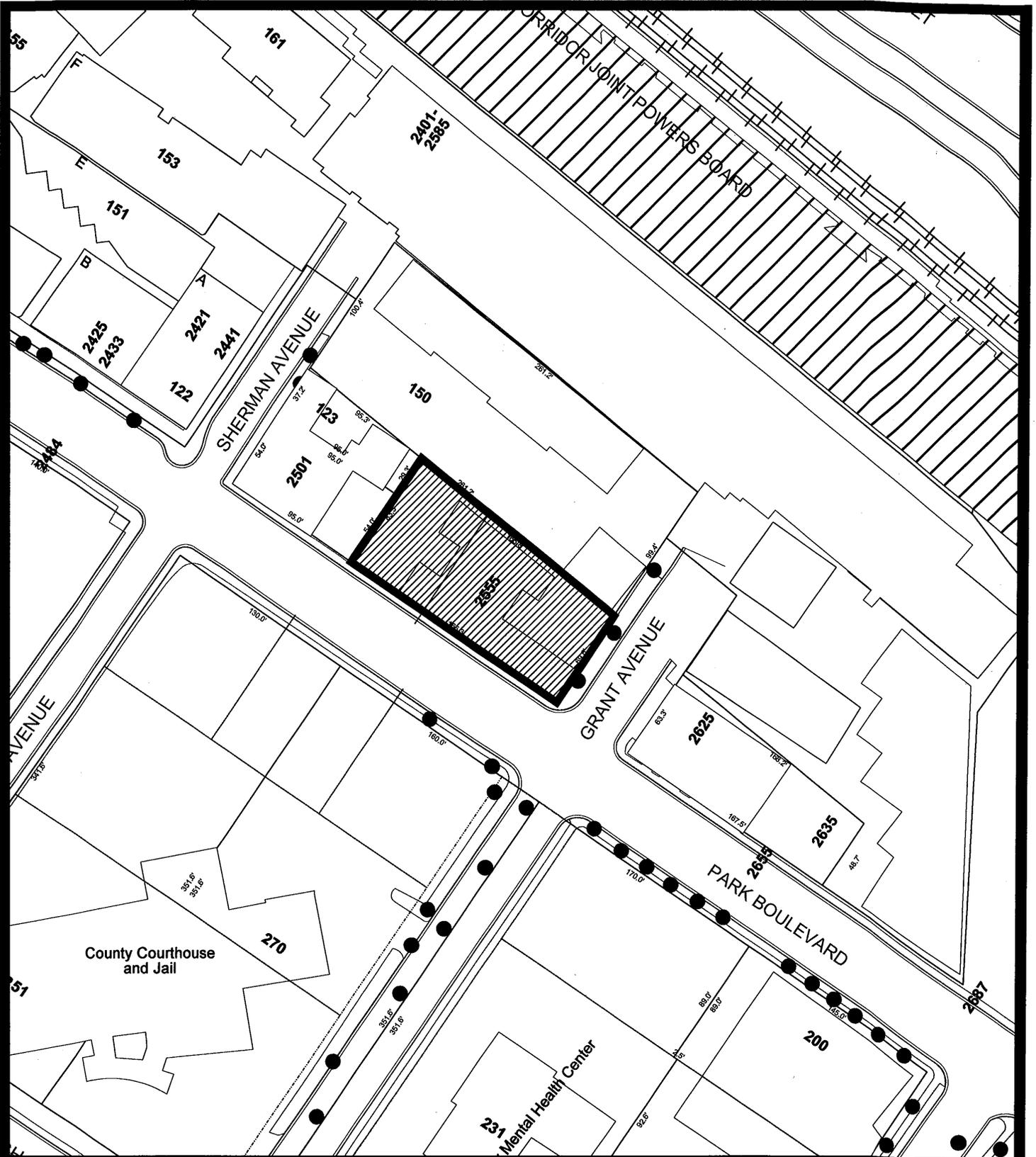
- Attachment A: Final EIR (PDF)
- Attachment B: Site Location Map (PDF)
- Attachment C: CEQA Findings(PDF)
- Attachment D: Mitigation Monitoring Program (MMP) (PDF)
- Attachment E: 2555 Park Blvd. Project Plans (PDF)

Attachment A

Final EIR
2555 Park Blvd.

Hard copies to Planning & Transportation Commissioners, staff,
libraries and Development Services Center

Can be found on-line at
<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=46951>



2555 Park Boulevard

This map is a product of the City of Palo Alto GIS

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2555 Park Boulevard Project

Statement of Findings and Overriding Considerations

SCH # 2014042050

April 2015

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I. OVERVIEW AND INTRODUCTION

This Statement of Findings is made with respect to approval of a Major Architectural Review and Design Enhancement Exception for the 2555 Park Boulevard project and states the findings of the City Council of the City of Palo Alto (“City Council”) relating to the potentially significant environmental effects of the project.

The project applicant, Tarlton Properties, has requested that the City take the following actions:

1. Certification of an Environmental Impact Report and adoption of the Mitigation Monitoring Plan.
2. Approval of Major Architectural Review.
3. Approval of a Design Enhancement Exception.

Approval of the Major Architectural Review and other requested entitlements constitutes the project for purposes of the California Environmental Quality Act (Public Resources Code Section (§) 21000 *et seq.*) (CEQA), CEQA Guidelines § 15378, and these determinations of the City Council.

II. PROCEDURAL HISTORY

WHEREAS, the *City of Palo Alto Comprehensive Plan* designates land for Community Commercial development; and

WHEREAS, the applicant proposes to demolish the existing building and construct a new 24,466 square foot office building and onsite parking at 2555 Park Boulevard; and

WHEREAS, the City prepared an Initial Study and issued a Notice of Preparation (NOP) to prepare an environmental impact report (EIR) on April 4, 2014; prepared a Draft EIR and released it for public comment in August 2014; received public comments on the Draft EIR until November 19, 2014, including at a public hearing held before the Architectural Review Board on October 16, 2014, a public hearing held before the Planning and Transportation Commission on October 29, 2014, and a public hearing held before the Historic Resources Board on November 19, 2014; and

WHEREAS, the Planning and Transportation Commission gave notice of a public hearing to consider and provide a recommendation to the City Council regarding the Final EIR and the 2555 Park Boulevard project, and a public hearing was held before the Planning and Transportation Commission on April 29, 2015; and

WHEREAS, the City Council gave notice of a public hearing to consider and act upon the Final EIR for the 2555 Park Boulevard project, and a public hearing was held before the City Council on **DATE**, 2015; and

WHEREAS, after holding public hearings, the Planning Commission considered the Final EIR as prepared for the project (which includes the NOP and Initial Study dated April 4, 2014, the Draft EIR dated August 2014, the Final EIR dated April 2015), the

comments of the public, both oral and written, and all written materials in the record connected therewith; and

WHEREAS, at the conclusion of the public process described above for the project, the City Council certified the Final EIR and adopted a Mitigation Monitoring Program, findings of fact and a statement of overriding considerations, and approved the requested entitlements.

NOW, THEREFORE, BE IT RESOLVED, by the City Council as follows:

1. The foregoing statements of procedural history are correct and accurate.
2. The Final EIR has been prepared in accordance with all requirements of CEQA, the CEQA Guidelines, and the City's Environmental Impact Ordinance, codified in Title 11 of the City's Municipal Code.
3. The Final EIR was presented to and reviewed by the Planning Commission and the City Council. The Final EIR was prepared under the supervision of the City and reflects the independent judgment of the City. The City Council has reviewed the Final EIR, and bases the findings stated below on such review and other substantial evidence in the record.
4. The City finds that the Final EIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice. Thus, the alternatives analysis in the EIR is sufficient to carry out the purposes of such analysis under CEQA and the CEQA Guidelines.
5. The City Council hereby certifies the Final EIR as complete, adequate and in full compliance with CEQA and as providing an adequate basis for considering and acting upon the 2555 Park Boulevard project and makes the following specific findings with respect thereto.
6. The City Council agrees with the characterization of the Final EIR with respect to all impacts initially identified as "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR. This finding does not apply to impacts identified as significant and unavoidable or significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the Final EIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.
7. All mitigation measures in the Final EIR are adopted and incorporated into the 2555 Park Boulevard project.
8. The Mitigation Monitoring Program (MMP) includes all mitigation measures adopted with respect to the project and explains how and by whom they will be implemented and enforced.
9. The mitigation measures and the MMP have been incorporated into the Conditions of Approval for the Major Architectural Review and Design Enhancement Exception and have thus become part of and limitations upon the entitlements conferred by the Major Architectural Review, Design Enhancement Exception and other project approvals.

10. The descriptions of the impacts in these findings are summary statements. Reference should be made to the Final EIR for a more complete description.
11. The Planning Division is directed to file a Notice of Determination with the County Clerk within five (5) working days in accordance with CEQA §21152(a) and CEQA Guidelines §15094.

III. STATUTORY REQUIREMENTS FOR FINDINGS

This Statement of Findings addresses the environmental effects associated with the proposed 2555 Park Boulevard project, located in the City of Palo Alto on APN 124-29-011 located at 2555 Park Boulevard. This Statement of Findings is made pursuant to CEQA §§21081 and 21081.6 and CEQA Guidelines §15091.

Significant effects of the 2555 Park Boulevard project were identified in the Draft EIR. CEQA §21081 and CEQA Guidelines §15091 require that the Lead Agency prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Less than significant effects (without mitigation) of the project were also identified in the Draft EIR and Initial Study. CEQA does not require that the Lead Agency prepare written findings for less than significant effects.

CEQA requires that the Lead Agency adopt mitigation measures or alternatives, where feasible, to avoid or mitigate significant environmental impacts that would otherwise occur with implementation of the project. Project mitigation or alternatives are not required, however, where substantial evidence in the record demonstrates that they are infeasible or where the responsibility for modifying the project lies with another agency. Specifically, CEQA Guidelines §15091 states:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:
 - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
 - (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 - (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.
- (b) The findings required by subdivision (a) shall be supported by substantial evidence in the record.

- (c) The finding in subdivision (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with identified feasible mitigation measures or alternatives. The finding in subsection (a)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.
- (d) When making the findings required in subdivision (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes which it has either required in the project or made a condition of approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.
- (e) The public agency shall specify the location and custodian of the documents or other material which constitute the record of the proceedings upon which its decision is based.

The “changes or alterations” referred to in §15091(a)(1) above, that are required in, or incorporated into, the project which mitigate or avoid the significant environmental effects of the project, may include a wide variety of measures or actions as set forth in Guidelines §15370, including:

- (a) Avoiding the impact altogether by not taking a certain action or parts of an action.
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the impacted environment.
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
- (e) Compensating for the impact by replacing or providing substitute resources or environments.

Legal Effects of Findings

To the extent that these findings conclude that proposed mitigation measures outlined in the Final EIR are feasible and have not been modified, superseded, or withdrawn, the City of Palo Alto hereby binds itself to implementing or ensuring the project applicant implements these measures. These findings, in other words, constitute a binding set of obligations that will come into effect when the City Council formally approves the 2555 Park Boulevard project.

CEQA requires that when a public agency has made the findings under CEQA Guidelines §15091(a)(1) relative to an EIR, the public agency must also adopt a program for monitoring or reporting on the revisions and mitigation measures that will avoid significant impacts.

The mitigation measures required of the 2555 Park Boulevard project are identified in the MMP. The MMP is adopted concurrently with these findings as required by CEQA §21081.6(a)(1), and will be implemented throughout construction and operation of the project. The Planning and

Community Environment Department will use the MMP to track and enforce compliance with all mitigation measures. The MMP will remain available for public review during the compliance period.

IV. DEFINITIONS

The following definitions apply where the subject words or acronyms are used in these findings:

“ARB” means the City of Palo Alto Architectural Review Board.

“ACM” means asbestos-containing material.

“BAAQMD” means the Bay Area Air Quality Management District.

“Cal-OSHA” means California Division of Occupational Safety and Health.

“City Council” means the City of Palo Alto City Council.

“CEQA” means the California Environmental Quality Act (Pub. Resources Code §21000 *et seq.*).

“Comprehensive Plan” means the *City of Palo Alto Comprehensive Plan*, as adopted in 2007 with subsequent amendments.

“Condition” means a Condition of Approval adopted by the City in connection with approval of the project.

“City” means the City of Palo Alto.

“Draft EIR” means the Draft Environmental Impact Report dated August 2014 for the proposed 2555 Park Boulevard project.

“DTSC” means the California Department of Toxic Substances Control.

“EIR” means environmental impact report.

“Environmental Impact Ordinance” means the City of Palo Alto Environmental Impact Ordinance, as codified in Title 11 of the *City of Palo Alto Municipal Code*.

“EPA” means the U.S. Environmental Protection Agency.

“Final EIR” means the Final EIR as prepared for the project (which includes the NOP and Initial Study dated April 4, 2014, the Draft EIR dated August 2014, the Final EIR dated April 2015).

“HASP” means Health and Safety Plan.

“HRB” means the City of Palo Alto Historic Resources Board.

“LCM” means lead-containing material.

“MMP” means the Mitigation Monitoring Program for the project.

“NOP” means Notice of Preparation of an EIR.

“P&TC” means the City of Palo Alto Planning and Transportation Commission.

“PCE” means the City of Palo Alto Planning and Community Environment Department.

“Project” means the proposed 2555 Park Boulevard project.

“PTOD” means Pedestrian Transit-Oriented Development.

“RWQCB” means the Regional Water Quality Control Board.

“SMP” means Site Mitigation Plan.

“Zoning Ordinance” means the City of Palo Alto Zoning Ordinance, including all amendments thereto.

V. PROJECT BACKGROUND

The project would demolish the existing 10,800-square-foot building at 2555 Park Boulevard and construct a new 24,466 square foot office building and onsite parking. The existing building was constructed in 1964 and appears eligible for inclusion in the California Register under Criteria 3. The existing and proposed office use is consistent with the land use and zoning designations for the site.

VI. PROJECT OBJECTIVES AND DESCRIPTION

Project Objectives

As reported in the Draft EIR, the applicant’s stated objectives of the proposed 2555 Park Boulevard project include:

1. Redevelop the 2555 Park Boulevard site with a safe, healthy, and energy-efficient building that meets current standards for structural design, site and building accessibility, and hazardous materials.
2. Develop a new office building on the site that generates increased rental income and supports the vision of the City’s Draft California Avenue Area Concept Plan, specifically Goal CACP-3, which calls for promoting Park Boulevard as a hub of innovation and entrepreneurship for small new companies and supports related planning initiatives such as the Pedestrian Transit-Oriented Development overlay and Bicycle and Pedestrian Transportation Plan.
3. Increase the usable square footage of a transit-accessible site by increasing the building height and providing parking at grade and underground.
4. Create a pedestrian and bicycle friendly street frontage with wide sidewalks, amenities, and street trees.
5. Provide adequate parking to ensure the project is fully parked on site.

Project Description

The proposed project would involve the demolition of an existing two-story, 10,800-square-foot general office building and 28 surface parking spaces, and the construction of a new three-story, 24,466-square-foot office building with a roof deck and 92 parking spaces. A conceptual site plan of the proposed project is shown in Draft EIR Figure 2.4, and conceptual renderings are shown in Draft EIR Figure 2.5.

A complete description of the project as proposed by the project applicant is provided in Section 2.4 of the Draft EIR, as modified in the Final EIR.

VII. RECORD OF PROCEEDINGS

In accordance with CEQA §21167.6(e), the record of proceedings for the City's decision on the 2555 Park Boulevard project includes, without limitation, the following documents:

- ◆ The NOP and all other public notices issued by the City in conjunction with the project;
- ◆ All comments submitted by agencies or members of the public during the comment period on the NOP (provided in Appendix A of the Draft EIR);
- ◆ The Draft EIR (August 2014) for the project;
- ◆ All comments submitted by agencies or members of the public during the comment period on the Draft EIR;
- ◆ All comments and correspondence submitted to the City with respect to the Project, in addition to timely comments on the Draft EIR;
- ◆ The Final EIR (April 2015) for the project, including comments received on the Draft EIR and responses to those comments;
- ◆ Documents cited or referenced in the Draft and Final EIRs;
- ◆ The project MMP;
- ◆ All findings and resolutions adopted by the City in connection with the project and all documents cited or referred to therein;
- ◆ All reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's action on the project;
- ◆ All documents submitted to the City (including the P&T and City Council) by other public agencies or members of the public in connection with the project;
- ◆ Any minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the project;
- ◆ Any documentary or other evidence submitted to the City at such information sessions, public meetings and public hearings;
- ◆ The *City of Palo Alto Comprehensive Plan* and all environmental documents prepared in connection with the adoption of the Comprehensive Plan;
- ◆ The City of Palo Alto Environmental Impact Ordinance and Zoning Ordinance (City of Palo Alto Municipal Code, Title 11 and Title 18), and all other City Code provisions cited in materials prepared by or submitted to the City;

- ◆ Any and all resolutions and/or ordinances adopted by the City regarding the project, and all staff reports, analyses, and summaries related to the adoption of those resolutions;
- ◆ Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- ◆ Any documents cited in these findings, in addition to those cited above; and
- ◆ Any other materials required for the record of proceedings by CEQA §21167.6(e).

The City Council has relied on all of the documents listed above in reaching its decision on the project, even if not every document was formally presented to the City Council, P&TC or City Staff as part of the City files generated in connection with the project. Without exception, any documents set forth above not found in the project files fall into one of two categories. Many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the 2555 Park Boulevard project. (See *City of Santa Cruz v. Local Agency Formation Commission* (1978) 76 Cal.App.3d 381, 391-392; *Dominey v. Department of Personnel Administration* (1988) 205 Cal.App.3d 729, 738, fn. 6.) Other documents influenced the expert advice provided to City staff or consultants, who then provided advice to the City Council. For that reason, such documents form part of the underlying factual basis for the City Council's decisions relating to approval of the 2555 Park Boulevard project. (See Public Resources Code §21167.6(e)(10); *Browning-Ferris Industries c. City Council of City of San Jose* (1986) 181 Cal.App.3d 852, 866; *Stanislaus Audubon Society, Inc. v. County of Stanislaus* (1995) 33 Cal.App.4th 144, 153, 155.)

The official custodian of the record is the Planning and Community Environment Director, 285 Hamilton Avenue, Palo Alto, CA 94301.

VIII. GENERAL FINDINGS

Impacts Determined to be Less Than Significant

The City Council agrees with the characterization in the Final EIR with respect to all impacts identified as "no impact" or "less than significant" and finds that those impacts have been described accurately and are less than significant as so described in the Final EIR.

This finding applies to the following impacts determined to be "less than significant" based on the analysis in the Initial Study (circulated with the NOP and provided in Appendix A to the Draft EIR) or in the Draft EIR. Some impacts that were identified in the Initial Study as being "potentially significant" were later determined through the analysis in the Draft EIR to be "less than significant."

Aesthetics

Substantially Damage Scenic Resources along a Scenic Highway

Substantially Degrade the Existing Visual Character or Quality of the Site and Its Surroundings

Cause a Substantial Adverse Effect on a Public View or View Corridor

Violate Existing Comprehensive Plan Policies Regarding Visual Resources
Create a New Source of Substantial Light or Glare Which Would Adversely Affect Day or Nighttime Views in the Area
Substantially Shadow Public Open Space (Other Than Public Streets and Adjacent Sidewalks) Between 9:00 A.M. and 3:00 P.M. from September 21 to March 21

Agriculture and Forestry

Convert Prime, Unique, or Important Farmland to Non-Agricultural Use
Conflict with Agricultural Zoning or a Williamson Act Contract
Conflict with Forest Land or Timberland Zoning
Result in Loss or Conversion of Forest Land
Cause Other Changes to the Existing Environment Which Could Result in Conversion of Farmland to Non-Agricultural Use or Conversion of Forest Land to Non-Forest Use

Air Quality

Conflict with or Obstruct Implementation of the Applicable Air Quality Plan
Violate Any Air Quality Standard or Contribute Substantially to an Existing or Projected Air Quality Violation
Contribute to Direct or Indirect Operational Emissions Exceeding the Bay Area Air Quality Management District Criteria Air Pollutants of 80 Pounds Per Day and/or 15 Tons Per Year for Nitrogen Oxides, Reactive Organic Gases, and Fine Particulate Matter
Contribute to Carbon Monoxide Concentrations Exceeding the State Ambient Air Quality Standard
Expose Sensitive Receptors to Substantial Levels of Toxic Air Contaminants
Create Objectionable Odors Affecting a Substantial Number of People
Fail to Implement Applicable Construction Emission Control Measures Recommended in *Bay Area Air Quality Management District CEQA Guidelines*

Biological Resources

Adversely Affect Candidate, Sensitive, or Special Status Species
Adversely Affect Riparian Habitat, Federally Protected Wetlands, or Other Sensitive Natural Community
Conflict with Provisions of an Adopted Habitat Conservation Plan or Natural Community Conservation Plan
Conflict with Local Policies or Ordinances Protecting Biological Resources, Including the City of Palo Alto's Tree Preservation Ordinance
Interfere Substantially with Wildlife Movement or Native Wildlife Nursery Sites

Cultural and Historic Resources

Directly or Indirectly Destroy a Local Cultural Resource Recognized by City Council Resolution

Directly or Indirectly Destroy a Unique Paleontological Resource or Geologic Feature

Disturb Human Remains, Including Those Interred Outside Formal Cemeteries

Geology and Soils

Exposure to Rupture of an Earthquake Fault, Seismic Ground Shaking, Seismic-Related Ground Failure, Liquefaction, or Landslides

Create Substantial Erosion or Loss of Topsoil

Cause Substantial Siltation

Exposure to Unstable Earth Conditions or Changes in Geologic Substructures

Located on Expansive Soils

Exposure to Geologic and Geomorphological Hazards

Located on Soils Incapable of Adequately Supporting the Use of Septic Tanks or Alternative Waste Water Disposal Systems, If Sewers Are Not Available

Hazards and Hazardous Materials

Create Hazardous Emissions or Waste or Use Hazardous Substances Within One-Quarter Mile of an Existing or Proposed School

Construct a School on a Property Subject to Hazards

Located on a Site Included on a List of Hazardous Materials Sites Compiled Pursuant to Government Code Section 65962.5

Expose Residents or Workers to Risks Associated with Public or Private Airport/ Airstrip

Expose People or Structures to Risks Involving Wildland Fires

Interfere with an Emergency Response Plan

Create a Significant Hazard to the Public or Environment through Routine Transport, Use, or Disposal of Hazardous Materials During Project Operation

Hydrology and Water Quality

Expose People or Structures to Flood Risks from a Levee or Dam Failure

Adversely Affect Groundwater Supplies, Recharge, and Existing Flow Patterns

Violate Any Water Quality Standards or Waste Discharge Requirements

Alter the Existing Onsite Drainage Pattern in a Manner Which Would Result in Substantial Erosion or Siltation On- or Off Site

Alter the Existing Onsite Drainage Pattern in a Manner Which Would Substantially Increase Surface Runoff or 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

Place Structures within a 100-year Flood Hazard Area

Expose People or Structures to Inundation by Seiche, Tsunami, or Mudflow

Cause Stream Bank Instability

Land Use and Planning

Physical Division or Disruption of an Established Community

Conflict with Any Applicable Land Use Plan, Policy, or Regulation Adopted for the Purpose of Avoiding or Mitigating an Environmental Effect

Conflict with Provisions of an Adopted Habitat Conservation Plan or Natural Community Conservation Plan

Cause a Substantial Adverse Change in the Type or Intensity of Existing or Planned Land Use in the Area

Create a Land Use Incompatibility

Conflict with Established Residential, Recreational, Educational, Religious, or Scientific Uses of an Area

Convert Prime, Unique, or Important Farmland to Non-Agricultural Use

Mineral Resources

Result in the Loss of Availability of a Known Mineral Resource Valuable to the Region or State

Result in the Loss of Availability of a Locally-Important Mineral Resource Recovery Site

Noise

Expose Residents to Noise Levels in Excess of Local General Plan or Noise Ordinance Standards

Cause a Substantial Permanent Increase in Ambient Noise Levels Above Levels Existing without the Project

Expose People to Excessive Noise Associated with a Public Airport or Public Use Airport

Expose People to Excessive Noise Associated with a Private Airstrip

Cause the Average 24 Hour Noise Level to Increase by 5.0 dB or More in an Existing Residential Area

Cause the Average 24 Hour Noise Level to Increase by 3.0 dB or More in an Existing Residential Area where the Average 24 Hour Noise Level Currently Exceeds 60 dB

Result in Indoor Noise Levels for Residential Development to Exceed an Average 24 Hour Noise Level of 45 dB

Result in Instantaneous Noise Levels of Great than 50 dB in Bedrooms or 55 dB in Other Rooms in Areas with an Exterior Average 24 Hour Noise Level of 60 dB or Greater

Generate Construction Noise Exceeding the Daytime Background Ambient Noise Levels at Sensitive Receptors by 10 dBA or More

Population and Housing

Induce Substantial Population Growth, Directly or Indirectly

Displace Housing or People

Create a Substantial Imbalance between Employed Residents and Jobs

Public Services

Result in Substantial Adverse Physical Impacts Associated with the Provision of New or Physically Altered Governmental Facilities or Interfere with the Service Ratios or Performance Objectives of Local Fire Protection, Police Protection, School, Park, or Other Public Facilities

Recreation

Contribute to the Substantial Physical Deterioration of Existing Recreational Facilities

Create an Adverse Physical Effect on the Environment Due to the Construction or Expansion of Recreational Facilities

Transportation and Circulation

Substantially Increase Hazards Due to a Design Feature or Incompatible Uses

Result in a Change in Air Traffic Patterns

Exceed the Capacity of the Existing Circulation System, Including Intersections, Streets, Highways and Freeways, Pedestrian and Bicycle Paths, and Mass Transit

Conflict with an Applicable Congestion Management Program

Result in Inadequate Emergency Access

Result in Inadequate Parking Capacity that Impacts Traffic Circulation and Air Quality

Conflict with Adopted Policies, Plans, or Programs Supporting Alternative Transportation

Cause a Local Intersection to Deteriorate Below LOS D and Cause an Increase in the Average Stopped Delay for Critical Movements by Four Seconds or More and the Critical Volume/Capacity Ratio Value to Increase by 0.01 or More

Cause a Local Intersection Already Operating at LOS E or F to Deteriorate in the Average Stopped Delay for the Critical Movements by Four Seconds or More

Cause a Regional Intersection to Deteriorate from LOS E or Better to LOS F or Cause Critical Movement Delay at an Intersection Operating at LOS F to Increase by Four Seconds or More and the Critical Volume/Capacity Ratio Value to Increase by 0.01 or More

Cause a Freeway Segment to Operate at LOS F or Contribute Traffic in Excess of 1% of Segment Capacity to Freeway Segment Operating at LOS F

Cause any Change in Traffic that Would Increase the Traffic Infusion on Residential Environment Index by 0.1 or More

Cause Queuing Impacts Based on a Comparative Analysis between Design Queue Length and Available Queue Storage Capacity

Impede Development or Function of Planned Pedestrian or Bicycle Facilities

Impede Operation of Transit System as Result of Congestion

Utilities and Service Systems

Exceed Wastewater Treatment Requirements of the Applicable Regional Water Quality Control Board

Require or Result in the Construction of New or Expansion of Existing Water or Wastewater Treatment Facilities

Require or Result in the Construction of New or Expansion of Existing Storm Water Drainage Facilities

Require New or Expanded Entitlements to Provide Water Service to the Project

Result in a Determination by the Applicable Wastewater Treatment Provider that It Has Inadequate Capacity to Serve the Project's Demand in Addition to the Provider's Existing Commitments

Generate an Amount of Solid Waste that Would Exceed the Permitted Capacity of the Applicable Landfill

Violate Federal, State, and Local Statutes and Regulations Related to Solid Waste

Result in the Substantial Physical Deterioration of a Public Facility Due to Increased Use as a Result of the Project

Cumulative Impacts

Generate Noise Levels in Excess of General Plan and Community Plan Standards or Cause a Substantial Permanent Increase in Ambient Noise Levels

Result in a Cumulatively Considerable Net Increase of Criteria Pollutant for Which the Project Region is Non-Attainment

Generate Substantial Greenhouse Gas Emissions, Directly or Indirectly

Conflict with an Applicable Plan, Policy, or Regulation Adopted for the Purpose of Reducing Greenhouse Gas Emissions

Contribute to a Cumulative Excess of Population Beyond Local or Regional Projections

Contribute to Cumulative Loss of Cultural and Historic Resources Listed or Eligible for Inclusion in the National Register of Historic Places and the California Register of Historic Resources

Contribute to Cumulative Increase in Exposure to Hazards and Hazardous Materials

Cause an Increase in Delay or the Volume/Capacity Ratio that Would Exceed Local
Traffic Standards in the Cumulative Traffic Scenario

Significant and Potentially Significant Impacts Reduced to Less Than Significant With Implementation of Mitigation Measures

The City Council agrees with the characterization in the Final EIR with respect to all impacts initially identified as “significant” or “potentially significant” that are reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR. In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below. This section includes impacts that were evaluated in the Initial Study and determined to be reduced to less than significant levels with implementation of the mitigation measures identified in the Initial Study as well as impacts evaluated in the EIR.

Cultural and Historic Resources

Impact CUL-1: Given the site’s location in an area identified as having “moderate” archaeological sensitivity, there is limited potential for inadvertent impact to presently unknown subsurface encountered archaeological deposits that may be encountered during earth moving activities onsite. Such deposits may be important examples of a major period of California pre-history. Therefore, impacts would be significant.

Mitigation Measure:

MM-CUL-1: In the event that subsurface cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and the City of Palo Alto contacted. A qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines and the City of Palo Alto, shall be retained to evaluate the archaeological discovery for its eligibility for local and state listing. The discovery or disturbance of any identified cultural resource shall be reported as appropriate to the City of Palo Alto and the Native American Heritage Commission. Identified cultural resources shall be recorded on California Department of Parks and Recreation form 523 (archaeological sites). Measures prescribed by these groups and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City of Palo Alto’s Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMP will ensure that the potential for the project to adversely impact archaeological resources would be reduced to a less than significant level.

Explanation: This mitigation measure will ensure that in the event cultural resources are discovered, proper evaluation, handling, and treatment measures as dictated by

federal, State, and local regulations are implemented, and the potential for identification and listing are evaluated by qualified individuals.

Significance After Mitigation: Less Than Significant.

Hazards and Hazardous Materials

Impact HAZ-1: Due to the use of potentially hazardous substances during construction of the proposed project, the project could expose people or the environment to a release of hazardous materials.

Mitigation Measure HAZ-1: Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products and other potentially hazardous materials, shall be removed to a waste facility permitted to treat, store, or dispose of such materials.

Mitigation Measure HAZ-2: A project-specific Health and Safety Plan (HASP) and Site Mitigation Plan (SMP) shall be prepared by the project applicant and approved by the Regional Water Quality Control Board (RWQCB) prior to issuance of grading or building permits from the City of Palo Alto. The HASP and SMP shall be implemented during construction activities. The SMP shall outline strategies for managing contaminated soil and groundwater encountered during project construction and shall discuss the following:

- Results of previous environmental investigations at the site
- Anticipated contaminants of concern to be encountered
- The procedures and protocols of determining of the extent of the impact of soil gas from the former dry cleaner
- Development plans
- Likely disposal fate of excavated material based on excavation plan and contaminants of concerns identified, if any
- Dewatering contingency options
- Stormwater management options
- Monitoring and soil management procedures
- Regulatory considerations
- Planned procedures and notifications.

The SMP shall include provisions for hazardous substance management, handling, storage, disposal, and emergency response. Hazardous materials spill kits shall be maintained on site for small spills.

Copies of the HASP and SMP shall be maintained on site during demolition, excavation, and construction of the proposed project. All workers on the project site shall be familiarized with these documents.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMP will ensure that the potential for the project to result in hazardous material exposure during construction would be reduced to a less than significant level.

Explanation: These mitigation measures will ensure that hazardous materials are controlled and disposed of properly during construction. Hazardous material handling and disposal protocol will be listed in a HSP and a SMP, which will be available to construction workers. These mitigation measures will reduce the potential for people or the environment to be exposed to hazardous construction materials on- or offsite to less than significant levels.

Significance After Mitigation: Less Than Significant.

Impact HAZ-2: Due to the potential for the existing building to contain asbestos-containing materials and lead-based paint/coatings, demolition of the building could result in the release of hazardous materials into the environment, which would be a significant impact.

Mitigation Measure HAZ-3: A scope of work for asbestos abatement and guidelines for proper asbestos removal shall be prepared following local, state, and federal regulations for any necessary removal of asbestos in accordance with the ProTech survey. The Bay Area Air Quality Management District (BAAQMD) shall be notified at least 10 working days prior to any asbestos removal. Monitoring during abatement shall be conducted to ensure regulatory compliance. Construction teams working with ACMs must possess a handling license and a certificate of registration issued by the California Department of Industrial Relations-Division of Occupational Safety and Health (Cal/OSHA). All abatement workers shall have annual Asbestos Hazard Emergency Response Act (AHERA) training. The minimum level of training that construction workers must complete also includes annual EPA Asbestos Operations and Maintenance training. Only particular types of equipment and methods of demolition are permitted under State and Federal regulations. ACMs and LCMs are wetted down to prevent the formation of dust within (and outside of) the project site, or they are vacuumed up with a high-efficiency particulate absorption (HEPA) machine to ensure the containment of 95% of particles 0.3 microns (10^{-6} meters) or larger in diameter (HEPA Corporation 2004). Prior to permitting demolition workers and other construction workers to enter the site, the hazardous waste construction team shall inspect the site for final clean-up. Final clean-up of ACMs shall be conducted by visual inspection and phase contrast microscopy or transmission electron microscopy. Final clean-up of LCMs shall be conducted by visual inspection and HEPA vacuuming of suspect dust and debris (SCA

Environmental 2012). Demolition shall not commence until the removal of ACMs and LCMs from the site has been confirmed by a certified contractor.

Mitigation Measure HAZ-4: Every contractor/employer who performs work at project site shall assess California Division of Occupational Safety and Health (Cal-OSHA) worker protection rules, California Department of Public Health certification requirements, U.S. Environmental Protection Agency (EPA) standards, and state and federal disposal requirements. Any demolition activities likely to disturb lead-based paint/coatings or lead containing materials (LCMs) shall be carried out by a contractor trained and qualified to conduct lead-related construction work, and all lead-related work shall be performed in accordance with the U.S. Office of Housing and Urban Development guidelines (ProTech 2013). Asbestos-containing materials (ACMs) must be disposed of in accordance with the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants, and LCMs must be handled in accordance with the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1) and disposed of in accordance with California Department of Toxic Substances Control and EPA requirements for hazardous waste. Demolition plans and contract specifications shall incorporate any necessary abatement measures required under these guidelines and regulations.

Mitigation Measure HAZ-5: A qualified environmental specialist shall inspect the site buildings for the presence of polychlorinated biphenyls (PCBs), mercury, and other hazardous building materials prior to demolition. If found, these materials shall be managed in accordance with the Metallic Discards Act and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act of 1991 (California Public Resource, Section 42160-42185), particularly Section 42175, Materials Requiring Special Handling for the removal of mercury switches, PCB-containing ballasts, and refrigerants.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMP will ensure that the impacts related to the release of ACMs and LCMs into the environment would be reduced to a less than significant level.

Explanation: These mitigation measures will ensure that ACMs, LCMs, and related hazardous materials are removed from the project site in compliance with federal, state, and local standards which prescribe handling protocols to ensure ACMs and LCMs are not released to the air. Project construction will not be permitted to commence until registered professionals have confirmed the removal of ACMs and LCMs from the project site.

Significance After Mitigation: Less Than Significant.

Impact HAZ-3: Due to the potential for contaminated soils to be encountered, disposed of during excavation, construction activities could expose individuals or the

environment to hazardous materials should contaminated soils be handled improperly.

Mitigation Measure HAZ-6: Soil samples shall be collected at discrete depth intervals to characterize impacted areas. Impacted soils identified by this sampling shall be segregated and managed per BAAQMD Rule 8-40, which regulates aeration of contaminated soil, as applicable, and in accordance with state and federal waste regulations. Excavated soil, particularly in the vicinity of the former dry cleaner, shall be screened during excavation using a field photoionization detector. Soil thought to be potentially contaminated with volatile organic compounds (VOCs) shall be segregated and characterized. This soil may potentially be profiled as listed dry cleaner wastes for the purposes of proper disposal in accordance with local, state, and federal regulations.

Mitigation Measure HAZ-7: A dewatering plan and detailed groundwater extraction design shall be prepared for the proposed project. The dewatering plan shall outline procedures that will be used to lower groundwater levels during excavation and specify the number of groundwater dewatering wells with dedicated pumps that will be installed around the site perimeter throughout project duration. Extracted groundwater can go to a Publicly Owned Treatment Work (POTW) or to the storm drain network in accordance with a National Pollution Discharge Elimination System (NPDES) permit. A plan for groundwater discharge pre-treatment shall be developed and kept on-hand should implementation be necessary. The detailed groundwater extraction design shall outline chemical testing and thresholds as required by the POTW or NPDES permit. It shall also provide the dewatering systems layout and well construction information, including depths, screened intervals, and pump settings.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMP will ensure that the impacts related to contaminated soils would be reduced to a less than significant level.

Explanation: These mitigation measures will ensure that contaminated soils and groundwater are removed from the project site and disposed of in an appropriate treatment facility.

Significance After Mitigation: Less Than Significant.

Impact HAZ-4: Groundwater contaminated with VOCs and petroleum hydrocarbons may be encountered during excavation and could be released into the environment, resulting in a significant impact.

Mitigation Measure HAZ-6: Soil samples shall be collected at discrete depth intervals to characterize impacted areas. Impacted soils identified by this sampling shall be segregated and managed per BAAQMD Rule 8-40, which regulates aeration of contaminated soil, as applicable, and in accordance with state and federal waste regulations. Excavated soil, particularly in the vicinity of the former dry cleaner, shall be screened during excavation using a field photoionization detector. Soil thought to be

potentially contaminated with volatile organic compounds (VOCs) shall be segregated and characterized. This soil may potentially be profiled as listed dry cleaner wastes for the purposes of proper disposal in accordance with local, state, and federal regulations.

Mitigation Measure HAZ-7: A dewatering plan and detailed groundwater extraction design shall be prepared for the proposed project. The dewatering plan shall outline procedures that will be used to lower groundwater levels during excavation and specify the number of groundwater dewatering wells with dedicated pumps that will be installed around the site perimeter throughout project duration. Extracted groundwater can go to a Publicly Owned Treatment Work (POTW) or to the storm drain network in accordance with a National Pollution Discharge Elimination System (NPDES) permit. A plan for groundwater discharge pre-treatment shall be developed and kept on-hand should implementation be necessary. The detailed groundwater extraction design shall outline chemical testing and thresholds as required by the POTW or NPDES permit. It shall also provide the dewatering systems layout and well construction information, including depths, screened intervals, and pump settings.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measures identified above and included in the MMP will ensure that the impacts related to contaminated groundwater would be reduced to a less than significant level.

Explanation: These mitigation measures will ensure that contaminated soils and groundwater are removed from the project site and disposed of in an appropriate treatment facility.

Significance After Mitigation: Less Than Significant.

Impact HAZ-5: Although it is unlikely that vapor intrusion from contaminated groundwater would create a significant hazard, there is the potential for the release of hazardous materials during operation of the proposed project. Therefore, the impact would be significant.

Mitigation Measure HAZ-8: The building plans shall include installation of a Certco Corflex or similar waterproofing/vapor barrier membrane to prevent the migration of vapor from groundwater into the indoor air of the basement parking garage. The building plans shall also demonstrate that garage ventilation equipment is sufficient to meet the National Fire Protection Association (NFPA) 2011 Standard for Parking Structures (NFPA 88A) to continuously provide a minimum of two air changes per hour. The applicant shall monitor indoor air quality in the basement garage to confirm that the waterproofing/vapor barrier membrane and garage ventilation effectively maintain indoor air VOC concentrations at levels not harmful to health (i.e., below appropriate environmental screen levels). An initial round of sampling shall be conducted upon construction completion and quarterly for the first year of operation. For each sampling event, a minimum of two 24-hour integrated indoor air samples shall be collected from the basement garage along with one 24-hour integrated air sample from an exterior location representative of ambient/background conditions. Sampling and analytical

procedures shall be conducted in accordance with the Department of Toxic Substance Control Vapor Intrusion Guidance (DTSC 2011). Results from the indoor air sampling shall be compared to established regulatory indoor air thresholds for residential and commercial use. The data shall be evaluated following the 1-year monitoring period.

Finding: Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR. Implementation of the mitigation measure identified above and included in the MMP will ensure that the impacts related to vapor intrusion during project operation would be reduced to a less than significant level.

Explanation: This mitigation measure will limit migration of hazardous vapor into the basement parking garage and ensure concentrations of hazardous vapors in the parking garage and office building remain below applicable standards and do not pose a health risk. Air quality monitoring will ensure that vapor levels are compatible with existing regulations.

Significance After Mitigation: Less Than Significant.

Significant and Unavoidable Impacts

The City Council agrees with the characterization in the Final EIR with respect to all Impacts initially identified as “significant” or “potentially significant” that are not reduced to less than significant levels with implementation of the mitigation measures identified in the Final EIR and are therefore determined to be “significant and unavoidable” impacts of the proposed project. In accordance with CEQA Guidelines §15091(a), a specific finding is made for each impact and its associated mitigation measures in the discussions below.

Cultural and Historic Resources

Impact CUL-2: Demolition of the existing building at 2555 Park Boulevard, which is considered eligible for the California Register of Historic Resources, would cause a significant impact to a historic resource and would eliminate an example of a major period of California history.

Mitigation Measure CUL-2: The project proponent shall document the affected historical resource and its setting. Generally, this documentation shall be in accordance with Historic American Building Survey (HABS) Level II, which includes:

1. Drawings: select existing drawings, where available; should be photographed with large-format negatives or photographically reproduced on Mylar.
2. Photographs: photographs with large-format negatives of exterior and interior views, or historic views, where available.
3. Written data: history and description in narrative or outline format.

HABS material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories such as the Palo Alto Historical Association Archives at the Palo Alto Public Library, the

Northwest Information Center of the Historical Resources Information System at Sonoma State University, and/or the California State Library.

Finding: Changes or alterations have been required in, or incorporated into, the project which reduce the severity of a significant environmental effect as identified in the EIR. However, implementation of the mitigation measure identified above and included in the MMP will not reduce this impact to a less-than-significant level. Therefore, this impact remains Significant and Unavoidable as discussed in Section XII of these findings.

Explanation: This mitigation measure will create records of existing drawings, the current condition of the building, and the current condition of any historic views. The mitigation measure will create a written record of the history of the existing building to be submitted to the appropriate repositories for historical records, thereby ensuring that this impact is mitigated to the extent feasible.

Significance After Mitigation: Significant and Unavoidable.

IX. PROJECT ALTERNATIVES FINDINGS

Feasibility of Project Alternatives

Public Resources Code section 21002 provides that “public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such project[s].” Where a lead agency has determined that, even after the adoption of all feasible mitigation measures, a project as proposed will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, the agency, prior to approving the project as mitigated, must first determine whether, with respect to such impacts, there remain any project alternatives that are both environmentally superior and feasible within the meaning of CEQA. Although an EIR must evaluate this range of *potentially* feasible alternatives, an agency decision-making body may ultimately conclude that a potentially feasible alternative is actually infeasible. (*California Native Plant Society v. City of Santa Cruz* (2009) 177 Cal.App.4th 957, 1001-1002.) CEQA Guidelines §15126.6(f)(1) provides that among the factors that may be taken into account when addressing the feasibility of alternatives are “site suitability, economic viability, availability of infrastructure, general plan consistency, other plans or regulatory limitations, jurisdictional boundaries, and whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.”

Grounds for a conclusion of infeasibility might be the failure of an alternative to fully satisfy project objectives deemed to be important by decision-makers, or the fact that an alternative fails to promote policy objectives of concern to such decision-makers. (*Id.* at pp. 992, 1000-1003.) It is well established under CEQA that an agency may reject alternatives based on economic infeasibility. (*Foundation for San Francisco’s Architectural Heritage v. City and County of San Francisco* (1980) 106 Cal.App.3d 893, 913-914; *San Franciscans Upholding the Downtown Plan v. City and County of San Francisco* (2002) 102 Cal.App.4th 656, 774; *Association of Irrigated Residents*

v. County of Madera (2003) 107 Cal.App.4th 1383, 1399-1400; *Sierra Club v. County of Napa* (2004) 121 Cal.App.4th 1490, 1510.) In addition, the definition of feasibility encompasses “desirability” to the extent that an agency’s determination of infeasibility represents a reasonable balancing of competing economic, environmental, social, and technological factors supported by substantial evidence. (*City of Del Mar v. City of San Diego* (1982) 133 Cal.App.3d 410; 417.) Thus, even if a project alternative will avoid or substantially lessen any of the significant environmental effects of a proposed project as mitigated, the decision-makers may reject the alternative for such reasons.

CEQA Guidelines §15126.6(f) states that the range of alternatives required in an EIR is governed by a “rule of reason” that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. Further, CEQA Guidelines §15126(a) requires that an EIR describe a reasonable range of alternatives that would “feasibly obtain most of the basic project objectives” but would avoid or substantially lessen any of the significant environmental effects of the project and evaluate the comparative merits of the alternatives. CEQA case law has further indicated that the lead agency has the discretion to determine how many alternatives constitute the requisite “reasonable range” (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 566), and that an EIR need not present alternatives that are incompatible with fundamental project objectives (*Save San Francisco Bay Association vs. San Francisco Bay Conservation & Development Commission* (1992) 10 Cal.App.4th 908). Thus, the project objectives described above in section VI of these findings provided the framework for defining the possible alternatives. Based upon guidance contained in the CEQA Guidelines and applicable case law as well as the project objectives, the Draft EIR considered two project alternatives to the 2555 Park Boulevard project: the Building Preservation Alternative and the Pedestrian Transit Oriented Development (PTOD) Alternative. The Draft EIR also considered the no project alternative as required by CEQA.

The City Council finds that that a good-faith effort was made to evaluate a reasonable range of potentially feasible alternatives in the EIR that are reasonable alternatives to the project and could feasibly obtain most of the basic objectives of the project, even when the alternatives might impede the attainment of the project’s objectives and might be more costly. Alternatives were considered that would result in a substantial reduction or elimination of identified significant cultural resources and hazards and hazardous materials impacts. However, mitigation measures would continue to be required for each of these impacts under either of the two project alternatives. The Building Preservation Alternative studied in the EIR would also reduce, but not to a level of less than significant or entirely avoid, the proposed project’s significant and unavoidable impacts to cultural resources.

No Project Alternative

CEQA Guidelines §15126.6(e)(1) provides the following direction relative to the No Project Alternative:

The specific alternative of “no project” shall also be evaluated along with its impact. The purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.

The No Project Alternative assumes that the proposed 2555 Park Boulevard project would not be constructed and that the existing 10,800-square-foot general office building and surface parking for 28 cars would remain. No demolition would occur, and there would be no change in use or increase in office space. The EIR concluded that this alternative would avoid the Cultural and historic resource and hazards and hazardous materials impacts of the proposed project. No impacts to transportation and traffic would occur. The No Project Alternative would not meet any of the proposed project objectives.

Feasibility of the No Project Alternative: The City Council finds that this alternative is infeasible in that it meets none of the project objectives. Specifically, it does not support the project objectives of increasing the usable square footage and associated rental income of the site, enhancing the street frontage to create a pedestrian and bike-friendly environment, or meeting current building standards. For all of the foregoing reasons, and for any of them individually, the City Council determines that the No Project Alternative is infeasible and is hereby rejected.

Building Preservation Alternative

The Building Preservation Alternative assumes that the existing building is retrofitted rather than demolished and no new building is constructed. This alternative was considered and analyzed for the possibility that maintaining and improving the existing building could potentially reduce the proposed project's significant impacts.

In order to bring the existing building up to current codes, several improvements would be necessary, while others would not be feasible due to site constraints. For example, 15 additional parking spaces would be needed to meet the City's code; however, the site cannot accommodate additional parking spaces within its current limits. Some of the improvements to the existing building that would be necessary under this alternative include seismic retrofitting, restroom upgrades, addition of an elevator, replacement of the interior stairway, lead-based paint and asbestos removal, mechanical and electrical system upgrades, and installation of interior fire safety sprinklers and building insulation. In order to maximize preservation of the building's historic features and reduce impacts to Cultural and historic resources, all retrofitting activities would need to reflect consideration of the historic character and quality of the building, including preservation of historic materials and visual compatibility of improvements.

The Building Preservation Alternative would meet some of the project objectives by achieving compliance with many code requirements. However, it would not be feasible to comply with all code requirements. This alternative would not meet the project objectives of increasing the usable square footage onsite, reducing the need for offsite parking, or improving the bicycle and pedestrian environment.

Because this alternative does not propose to demolish the existing historic building, the Building Preservation Alternative would reduce the significant and unavoidable impact on the historic resource relative to the proposed project. However, because this alternative would require extensive building repairs and retrofitting, the building's historic character may be diminished and this impact would remain significant and unavoidable.

This alternative does not propose demolition or a subterranean parking lot, both of which would result in impacts related to hazards and hazardous materials under the proposed project. The project would implement Mitigation Measures HAZ-1 through HAZ-8 to reduce all hazards and hazardous materials impacts to less-than-significant levels. The Building Preservation Alternative would further reduce these impacts and eliminate the need for implementation of Mitigation Measures HAZ-6 through HAZ-8. The Building Preservation Alternative would result in similar impacts to traffic and transportation as the proposed project but, unlike the proposed project, this alternative would not provide for adequate onsite parking. The EIR concluded that the Building Preservation Alternative is Environmentally Superior to the proposed project because it avoids or reduces some of the project's significant effects.

Feasibility of the Building Preservation Alternative: The City Council finds that this alternative is infeasible for the reasons that it does not substantially reduce impacts compared to the proposed project. The Building Preservation Alternative results in the same significant and unavoidable impacts as the proposed project and would not provide the potential project benefit of reducing the demand for off-site parking. Further this alternative would not support the project objectives of increasing the usable square footage and associated rental income of the site, enhancing the street frontage to create a pedestrian and bike-friendly environment.

For all of the foregoing reasons, and for any of them individually, the City Council determines that the Building Preservation Alternative is infeasible and is hereby rejected.

PTOD Alternative

The PTOD Alternative assumes requires that the project site would be rezoned as part of the California Avenue PTOD Combining District, which allows for higher density residential uses within walking distance of the California Avenue Caltrain station. The project site would be redeveloped as a mixed-use development with both multifamily residential and commercial uses. This alternative was considered and analyzed as an alternative that would meet the stated objective of generating increased rental income and supporting the vision of the City's Draft California Avenue Area Concept Plan, including the Pedestrian Transit-Oriented Development overlay and the Bicycle and Pedestrian Transportation Plan.

The EIR concluded that the PTOD Alternative meets most of the project objectives by redeveloping the site with a building that meets current standards and increasing the usable square footage of the site. This alternative would also meet the objectives related to pedestrian and bicycle friendly features and the provision of adequate onsite parking.

Under the PTOD Alternative, the impacts to Cultural and historic resources, hazardous materials, and traffic would be generally the same as under the proposed project. Impacts to the historic resource onsite would remain significant and unavoidable, and impacts related to traffic and hazardous materials would remain less than significant or significant but mitigable.

Feasibility of Alternative C: The City Council finds that this alternative is infeasible for the reasons that it does not substantially reduce impacts compared to the proposed project. The PTOD Alternative results in the same significant and unavoidable impacts as the proposed

project and would require the same mitigation measures as would be required under the proposed project.

For all of the foregoing reasons, and for any of them individually, the City Council determines that the PTOD Alternative is infeasible and is hereby rejected.

X. GROWTH INDUCEMENT FINDINGS

As required by CEQA Guidelines §15126.2(d), an EIR must discuss ways in which a proposed project could foster economic or population growth or the construction of additional housing, either directly or indirectly, in the surrounding environment. Also, the EIR must discuss the characteristics of the project that could encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Growth can be induced in a number of ways, such as through the elimination of obstacles to growth, through the stimulation of economic activity within the region, or through the establishment of policies or other precedents that directly or indirectly encourage additional growth. Induced growth would be considered a significant impact if it can be demonstrated that the potential growth would directly or indirectly have a significant effect on the environment.

Residential development can induce growth by increasing the local population, which may lead to increased commercial activity, which may increase the local supply of jobs. Extension of public infrastructure or services can accommodate growth by removing constraints to development. A growth-inducing project directly or indirectly:

- ◆ Fosters economic or population growth or additional housing;
- ◆ Removes obstacles to growth;
- ◆ Taxes community services or facilities to such an extent that new services or facilities would be necessary; or
- ◆ Encourages or facilitates other activities that cause significant environmental effects.

The 2555 Park Boulevard project would provide additional office space in the City by increasing the usable office space by approximately 12,469 square feet. This increase in office space would accommodate additional employees and could indirectly induce a small amount of growth because some employees would seek housing and purchase foods and services in the area.

Finding: The 2555 Park Boulevard project would not induce substantial growth in the project area or region.

Explanation: The potential for growth inducement due to the increase in office space is not considered substantial. The increase in employment opportunities the project would provide would be insufficient to trigger noticeable changes in the housing market or demand for local goods and services. In addition, construction of the proposed project would be temporary and these short-term construction jobs are anticipated to be filled by workers who, for the most part, reside in the surrounding areas.

XI. CUMULATIVE IMPACTS FINDINGS

The City Council finds that the methodology used in the EIR to determine cumulative impacts complies with CEQA in that it assumed growth in accordance with the *City of Palo Alto Comprehensive Plan* as well as considering other known development projects in the region, and it provides an analysis of potential for the 2555 Park Boulevard project to contribute to cumulative impacts in the project area.

Finding: The City Council finds that the project would result in a less than considerable contribution to significant cumulative impacts in the project area.

Cultural and Historic Resources: Cumulative impacts to cultural resources may jeopardize the eligibility of one or more cultural resources eligible for inclusion in the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). Other than the existing building onsite, the project would not impact other listed buildings or buildings with the potential to be listed in the project vicinity. Other examples of Mid-Century Modern architectural style are in the vicinity of the project. While it is not anticipated that a past, present, or reasonably foreseeable project would adversely impact these buildings, the City's development history suggests that other buildings constructed in the early 1960s may be proposed for alteration or demolition. Many of these buildings have already been altered and may not be eligible for listing on the NRHP or the CRHR. The 2555 Park Boulevard project would not increase the likelihood of other projects to be proposed that would affect historic resources. As required for the 2555 Park Boulevard project and may be required during the City's review of other projects with the potential to adversely affect historic resources, requirements to record historic features and information would preserve the knowledge of historic structures in the area. The proposed project's contribution to potentially ongoing impacts to cultural and historic resources would not be cumulatively considerable.

Hazards and Hazardous Materials: Past, present, and reasonably foreseeable projects in the vicinity of the proposed project have the potential to result in similar impacts related to hazardous materials as the proposed project, including the presence of contaminated groundwater and hazardous materials that could be released during demolition and remodeling. Other projects in the vicinity could also use hazardous materials. However, the majority of hazardous materials issues related to contaminated groundwater or hazardous building materials are site-specific. Releases of trichloroethylene (TCE) from groundwater or air contaminants from demolished buildings would not result in a local or regional increase in air contaminants that could lead to health hazards. The established land use designations in the project vicinity do not indicate that use, transport, or exposure of hazardous materials would increase as the planning area is developed. The project would not contribute to cumulative increases in impacts to hazards and hazardous materials.

Transportation and Traffic: In the cumulative condition, it is expected that some local roadways and intersections in the project vicinity would operate at unacceptable levels of service. However, addition of traffic generated by the 2555

Park Boulevard project would not significantly increase the average delay or volume/capacity ratios for any intersection. The proposed project's contribution to the cumulative traffic scenario is considered less than cumulatively considerable.

Explanation: The potential impacts of project activities are limited to site specific conditions and would not result in any cumulatively considerable contributions to cumulative impacts in the project vicinity or region.

Significance After Mitigation: Less than Significant.

XII. STATEMENT OF OVERRIDING CONSIDERATIONS

The 2555 Park Boulevard EIR concluded that even with implementation of all feasible mitigation measures and project alternatives, the project will cause the following significant unavoidable impact:

Impact CUL-2: Demolition of the existing building at 2555 Park Boulevard, which is considered eligible for the California Register of Historic Resources, would cause a significant impact to a historic resource and would eliminate an example of a major period of California history.

The City of Palo Alto has considered and adopted all feasible mitigation measures with respect to this impact, which lessens the impact but does not entirely avoid or reduce it below a level of significance, as discussed in Section VIII of these Findings.

The environmentally superior alternative (Building Preservation Alternative) would lessen some impacts of the proposed project, but would not avoid the Significant and Unavoidable impact of the project. Further, as described above in Section IX, the environmentally superior alternative is not feasible.

The primary purpose of CEQA is to fully inform the decision makers and the public as to the environmental effects of a proposed project and to include feasible mitigation measures and alternatives to reduce any such adverse effects below a level of significance. CEQA recognizes and authorizes the approval of such projects where not all adverse impacts can be fully lessened or avoided. Before such a project can be approved, the public agency must consider and adopt a "statement of overriding considerations" pursuant to CEQA Guidelines §§15043 and 15093. Specifically, CEQA Guidelines §15093(b) requires that when a public agency approves a project that will result in the occurrence of significant and unavoidable impacts, the agency must "state in writing the reasons to support its action based on the final EIR and/or other information in the record." The agency's statement of overriding considerations must explain and justify the agency's conclusion to approve such a project, setting forth the proposed project's general social, economic, policy or other public benefits which support the agency's informed conclusion to approve the project.

The following statement identifies why, in the City Council's judgment, the benefits of the project as approved outweigh its unavoidable significant effects. Any one of these reasons is sufficient to justify approval of the project. Thus, even if a court were to conclude that not every reason is supported by substantial evidence, the City Council would stand by its determination

that each individual reason is sufficient. The substantial evidence supporting the various benefits can be found in the preceding findings, which are incorporated by reference into this section, and in the documents included in the Record of Proceedings.

The City Council finds that the significant and unavoidable impact previously identified and briefly explained above is acceptable because mitigation measures have been required to reduce this impact to the extent feasible, and on balancing the benefits to be realized by approval of the proposed project against the remaining environmental risks, the following economic, social, and other considerations outweigh the impacts and support approval of the proposed project.

Accordingly the City Council recognizes that a significant and unavoidable impact would result from implementation of the proposed project. Having (1) adopted all feasible mitigation measures; (2) rejected the alternatives to the project as infeasible, as discussed above; (3) recognized all significant, unavoidable impacts; and (4) balanced the benefits of the proposed project against the significant and unavoidable effect, the City Council finds that the benefits outweigh and override the significant unavoidable effect for the reasons stated below.

The City Council finds that the 2555 Park Boulevard project meets the following stated project objectives – which have substantial social, economic, policy and other public benefits – justifying its approval and implementation, notwithstanding the fact that not all environmental impacts were fully reduced below a level of significance:

Implementation of the 2555 Park Boulevard project will provide for the following:

- ◆ Development of a new office building on the site that generates increased rental income and supports the vision of the City’s Draft California Avenue Area Concept Plan, specifically Goal CACP-3 which calls for promoting Park Boulevard as a hub of innovation and entrepreneurship for small new companies; and supports related planning initiatives such as the Pedestrian Transit-Oriented Development overlay and Bicycle and Pedestrian Transportation Plan.
- ◆ Replacement of the existing office building at the 2555 Park Boulevard site with a modern building that meets current standards for structural design, site and building accessibility, and hazardous materials.
- ◆ Replacement of the existing office building at the 2555 Park Boulevard site with an energy and water efficient office building.
- ◆ Doubling the usable square footage of a transit-accessible site by increasing the building height to three stories and providing parking at grade and underground.
- ◆ Creating a pedestrian and bicycle friendly street frontage with wide sidewalks, amenities, and street trees.
- ◆ Increasing onsite parking to reduce off-site parking demands associated with the office use at the site.

Balancing Competing Goals

The City Council further finds that it is necessary to balance competing goals in approving the 2555 Park Boulevard project and the environmental documentation for the project. Not every environmental concern has been fully satisfied due to infeasibility and there is a need to satisfy competing concerns to some extent. The City Council has chosen to accept the significant and unavoidable environmental impact resulting from the 2555 Park Boulevard project because complete avoidance or reduction of the impact to a less than significant level is infeasible and not approving the project would unduly compromise other important economic, social, or other goal. The City Council finds and determines that the 2555 Park Boulevard project, the supporting environmental documentation, and the evidence in the administrative record as a whole provide for a positive balance of the competing goals and that the economic, fiscal, social, environmental, land-use and other benefits to be obtained by the project outweigh any remaining environmental and related potential significant impacts of the project.

XIII. CONCLUSION

The mitigation measures listed in conjunction with each of the findings set forth above, as implemented through the MMP, will eliminate or reduce to a less than significant level most adverse environmental impacts of the proposed project, except for the significant and unavoidable impact listed in Section XII above.

Taken together, the Final EIR, the mitigation measures, and the MMP provide an adequate basis for approval of the 2555 Park Boulevard project.

2555 Park Boulevard Project Mitigation Monitoring Program

INTRODUCTION

Section 15097 of the State California Environmental Quality Act (CEQA) Guidelines requires that, whenever a public agency approves a project based on an Environmental Impact Report (EIR), the public agency shall establish a mitigation monitoring or reporting program to ensure that all adopted mitigation measures are implemented.

This Mitigation Monitoring Program (MMP) is intended to satisfy this requirement of the CEQA Guidelines as it relates to the 2555 Park Boulevard project (proposed project). This MMP would be used by City staff and mitigation monitoring personnel to ensure compliance with mitigation measures during project implementation. Mitigation measures identified in this MMP were developed in the EIR prepared for the proposed project, State Clearinghouse #2014042050.

As noted above, the intent of the MMP is to ensure the effective implementation and enforcement of all adopted mitigation measures. The MMP will provide for monitoring of mitigation measure implementation through the plan check process, construction monitoring and inspections, post-construction building inspections, and in the field identification and resolution of environmental concerns.

MITIGATION MONITORING PROGRAM DESCRIPTION

The City of Palo Alto will coordinate monitoring activities and ensure appropriate documentation of mitigation measure implementation. The table below identifies each mitigation measure for the proposed project and the associated implementation, monitoring, timing and performance requirements.

The MMP table presented on the following pages identifies:

1. the full text of each applicable mitigation measure;
2. the party or parties responsible for implementation and monitoring of each measure;
3. the timing of implementation of each mitigation measure including any ongoing monitoring requirements; and
4. performance criteria by which to ensure mitigation requirements have been met.

Following completion of the monitoring and documentation process, the final monitoring results will be recorded and incorporated into the project file maintained by the City's Department of Planning and Community Environment.

It is noted that the mitigation measure numbering reflects the numbering used in EIR prepared for the project (Dudek 2014).

2555 Park Boulevard Project Mitigation Monitoring Program

No mitigation measures are required for the following resources:		
<ul style="list-style-type: none"> ▪ Aesthetics ▪ Agricultural Resources ▪ Air Quality ▪ Biological Resources ▪ Geology, Soils, and Seismicity 	<ul style="list-style-type: none"> ▪ Greenhouse Gas Emissions ▪ Hydrology and Water Quality ▪ Land Use and Planning ▪ Mineral Resources ▪ Noise 	<ul style="list-style-type: none"> ▪ Population and Housing ▪ Public Services ▪ Recreation ▪ Utilities and Service Systems

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
CULTURAL RESOURCES				
<p>Mitigation Measure CUL-1: In the event that subsurface cultural resources are encountered during ground-disturbing activities, work in the immediate vicinity shall be stopped and the City of Palo Alto contacted. A qualified archaeologist, as defined by the California Environmental Quality Act (CEQA) Guidelines and the City of Palo Alto, shall be retained to evaluate the archaeological discovery for its eligibility for local and state listing. The discovery or disturbance of any identified cultural resource shall be reported as appropriate to the City of Palo Alto and the Native American Heritage Commission. Identified cultural resources shall be recorded on California Department of Parks and Recreation form 523 (archaeological sites.) Measures prescribed by these groups and required by the City shall be undertaken before construction activities are resumed. If disturbance of a project area cultural resource cannot be avoided, a mitigation program, including measures set forth in the City of Palo Alto's Cultural Resources Management Program and in compliance with Sections 15064.5 and 15126.4 of the CEQA Guidelines, shall be implemented.</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	During earth disturbance	<ul style="list-style-type: none"> • Training materials provided to construction contractors • Compliance with measure verified during field inspections

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure CUL-2: The project proponent shall document the existing building at 2555 Park Boulevard and its setting. Generally, this documentation shall be in accordance with Historic American Building Survey (HABS) Level II, which includes:</p> <ol style="list-style-type: none"> 1. Drawings: select existing drawings, where available; should be photographed with large-format negatives or photographically reproduced on Mylar. 2. Photographs: photographs with large-format negatives of exterior and interior views, or historic views, where available. 3. Written data: history and description in narrative or outline format. <p>HABS material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories such as the Palo Alto Historical Association Archives at the Palo Alto Public Library, the Northwest Information Center of the Historical Resources Information System at Sonoma State University, and/or the California State Library.</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	Prior to building demolition and site clearing	<ul style="list-style-type: none"> • Documentation is completed in compliance with Historic American Building Survey (HABS) Level II standards

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
HAZARDS AND HAZARDOUS MATERIALS				
<p>Mitigation Measure HAZ-1: Hazardous materials shall not be disposed of or released onto the ground, the underlying groundwater, or any surface water. Totally enclosed containment shall be provided for all trash. All construction waste, including trash and litter, garbage, other solid waste, petroleum products and other potentially hazardous materials, shall be removed to a waste facility permitted to treat, store, or dispose of such materials.</p>	Applicant	<ul style="list-style-type: none"> • City of Palo Alto Department of Planning and Community Environment • San Francisco Regional Water Quality Control Board (RWQCB) 	During project construction	Applicant provides enclosed containment for all trash and all construction waste as shown on grading/drainage plans and provided onsite. All construction waste disposed of at a waste facility approved to accept such materials.

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ-2: A project-specific Health and Safety Plan (HASP) and Site Mitigation Plan (SMP) shall be prepared by the project applicant and approved by the Regional Water Quality Control Board (RWQCB) prior to issuance of grading or building permits from the City of Palo Alto. The HASP and SMP shall be implemented during construction activities. The SMP shall outline strategies for managing contaminated soil and groundwater encountered during project construction and shall discuss the following:</p> <ul style="list-style-type: none"> • Results of previous environmental investigations at the site • Anticipated contaminants of concern to be encountered • The procedures and protocols of determining the extent of the impact of soil gas from the former dry cleaner. • Development plans • Likely disposal fate of excavated material based on excavation plan and contaminants of concerns identified, if any • Dewatering contingency options • Stormwater management options • Monitoring and soil management procedures • Regulatory considerations • Planned procedures and notifications. <p>The SMP shall include provisions for hazardous substance management, handling, storage, disposal, and emergency response. Hazardous materials spill kits shall be maintained on site for small spills.</p> <p>Copies of the HASP and SMP shall be maintained on site during demolition, excavation, and construction of the proposed project. All workers on the project site shall be familiarized with these documents.</p>	Applicant	<ul style="list-style-type: none"> • City of Palo Alto Department of Planning and Community Environment • San Francisco RWQCB 	<ul style="list-style-type: none"> • HASP and SMP prepared and approved by RWQCB prior to issuance of grading or building permit • HASP and SMP implemented by applicant during construction • City of Palo Alto to conduct field inspections during construction 	<ul style="list-style-type: none"> • HASP and SMP approved by RWQCB • Compliance with HASP and SMP verified during field inspections • Copies of the HASP and SMP available on site during all grading and construction activities

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ-3: A scope of work for asbestos abatement and guidelines for proper asbestos removal shall be prepared following local, state, and federal regulations for any necessary removal of asbestos in accordance with the ProTech survey. The Bay Area Air Quality Management District (BAAQMD) shall be notified at least 10 working days prior to any asbestos removal. Monitoring during abatement shall be conducted to ensure regulatory compliance. Following asbestos abatement and removal, a final visual inspection and clearance air monitoring should be performed to certify that industry clearance standards are met.</p>	<p>Applicant</p>	<ul style="list-style-type: none"> • City of Palo Alto Department of Planning and Community Environment • BAAQMD 	<ul style="list-style-type: none"> • Asbestos abatement scope prepared prior to building demolition • City of Palo Alto to conduct field inspection during construction • Air monitoring conducted throughout and upon completion of construction 	<ul style="list-style-type: none"> • BAAQMD notified at least 10 working days prior to any asbestos removal. • Air monitoring during abatement and at time of final inspection show regulatory limits on asbestos dust are met • Final visual inspection confirms work meets regulatory requirements

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ-4: Every contractor/employer who performs work at project site shall assess California Division of Occupational Safety and Health (Cal-OSHA) worker protection rules, California Department of Public Health certification requirements, U.S. Environmental Protection Agency (EPA) standards, and state and federal disposal requirements. Any demolition activities likely to disturb lead-based paint/coatings or lead containing materials (LCMs) shall be carried out by a contractor trained and qualified to conduct lead-related construction work, and all lead-related work shall be performed in accordance with the U.S. Office of Housing and Urban Development guidelines (ProTech 2013). Asbestos-containing materials (ACMs) must be disposed of in accordance with the EPA's Asbestos National Emissions Standards for Hazardous Air Pollutants and LCMs must be handled in accordance with the Cal-OSHA Construction Lead Standard (CCR Title 8, Section 1432.1) and disposed of in accordance with California Department of Toxic Substances Control and EPA requirements for hazardous waste. Demolition plans and contract specifications shall incorporate any necessary abatement measures required under these guidelines and regulations.</p>	<p style="text-align: center;">Applicant</p>	<p style="text-align: center;">City of Palo Alto Department of Planning and Community Environment</p>	<ul style="list-style-type: none"> • Demolition plans shall include appropriate measures prior to issuance of demolition permits • Control measures implemented during demolition 	<ul style="list-style-type: none"> • Demolition plans/contracts include all required abatement measures • Demolition activities performed by trained personnel • LCMs and ACMs disposed of in accordance with the U.S. Environmental Protection Agency's (EPA) Asbestos National Emissions Standards for Hazardous Air Pollutants, the California Occupational Health and Safety's Construction Lead Standard (CCR Title 8, Section 1432.1), and California Department of Toxic Substances Control and EPA requirements for disposal of hazardous waste.
<p>2555 Park Boulevard Project Mitigation Monitoring Program</p>				<p style="text-align: right;">Page 7 December 2014</p>

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ-5: A qualified environmental specialist shall inspect the site buildings for the presence of polychlorinated biphenyls (PCBs), mercury, and other hazardous building materials prior to demolition. If found, these materials shall be managed in accordance with the Metallic Discards Act and other state and federal guidelines and regulations. Demolition plans and contract specifications shall incorporate any necessary abatement measures in compliance with the Metallic Discards Act of 1991 (California Public Resource, Section 42160–42185), particularly Section 42175, Materials Requiring Special Handling for the removal of mercury switches, PCB-containing ballasts, and refrigerants.</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	<ul style="list-style-type: none"> • Building inspection conducted prior to issuance of demolition permit • Demolition plans shall include appropriate measures prior to issuance of demolition permits • Control measures implemented during demolition 	<ul style="list-style-type: none"> • Building inspection completed. • Demolition plans/contracts include all required abatement measures in compliance with Metallic Discards Act of 1991 (California Public Resource, Section 42160–42185).

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ-6: Soil samples shall be collected at discrete depth intervals to characterize impacted areas. Impacted soils identified by this sampling shall be segregated and managed per BAAQMD Rule 8-40, which regulates aeration of contaminated soil, as applicable, and in accordance with state and federal waste regulations. Excavated soil, particularly that in the vicinity of the former dry cleaner, shall be screened during excavation using a field photoionization detector. Soil thought to be potentially contaminated with volatile organic compounds (VOCs) shall be segregated and characterized. This soil may potentially be profiled as listed dry cleaner wastes for the purposes of proper disposal in accordance with local, state, and federal regulations.</p>	Applicant	City of Palo Alto Department of Planning and Community Environment	<ul style="list-style-type: none"> • Soil samples collected prior to and during site clearing/grading • Soil screening during site preparation/excavation • Soil disposal during site preparation/excavation 	<ul style="list-style-type: none"> • Soil samples collected, per BAAQMD Rule 8-40 • All soils in the vicinity of the former dry cleaner screened using a field photoionization detector in the vicinity of the former dry cleaner • Any contaminated soil disposed of at appropriate waste facility

2555 Park Boulevard Project Mitigation Monitoring Program

Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure-HAZ-7: A dewatering plan and detailed groundwater extraction design shall be prepared for the proposed project. The dewatering plan shall outline procedures that will be used to lower groundwater levels during excavation and specify the number of groundwater dewatering wells with dedicated pumps that will be installed around the site perimeter throughout project duration. Extracted groundwater can go to a Publically Owned Treatment Work (POTW) or to the storm drain network in accordance with a National Pollution Discharge Elimination System (NPDES) permit. A plan for groundwater discharge pre-treatment shall be developed and kept on-hand should implementation be necessary. The detailed groundwater extraction design shall outline chemical testing and thresholds as required by the POTW or NPDES permit. It shall also provide the dewatering systems layout and well construction information, including depths, screened intervals, and pump settings.</p>	<p>Applicant</p>	<p>City of Palo Alto Department of Planning and Community Environment</p>	<ul style="list-style-type: none"> • Dewatering plan prepared prior to site clearing/grading • Dewatering plan implemented throughout construction 	<ul style="list-style-type: none"> • A dewatering plan prepared and submitted to the city • The plan to include procedures to lower groundwater levels during excavation and specifies the number of groundwater dewatering wells with dedicated pumps that will be installed around the site perimeter • Excavated groundwater to be pre-treated as necessary and disposed of via the City's storm drain system

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Mitigation Measure	Implementation Responsibility	Monitoring Responsibility	Timing	Performance Evaluation Criteria
<p>Mitigation Measure HAZ 8: The building plans shall include installation of a Certco Corflex or similar waterproofing/vapor barrier membrane to prevent the migration of vapor from groundwater into the indoor air of the basement parking garage. The building plans shall also demonstrate that garage ventilation equipment is sufficient to meet the National Fire Protection Association (NFPA) 2011 Standard for Parking Structures (NFPA 88A) to continuously provide a minimum of 2 air changes per hour. The applicant shall monitor indoor air quality in the basement garage to confirm that the waterproofing/vapor barrier membrane and garage ventilation effectively maintain indoor air VOC concentrations at levels not harmful to health (i.e., below appropriate environmental screen levels). An initial round of sampling shall be conducted upon construction completion and quarterly for the first year of operation. For each sampling event, a minimum of two 24-hour integrated indoor air samples shall be collected from the basement garage along with one 24-hour integrated air sample from an exterior location representative of ambient/background conditions. Sampling and analytical procedures shall be conducted in accordance with the Department of Toxic Substance Control Vapor Intrusion Guidance (DTSC 2011). Results from the indoor air sampling shall be compared to established regulatory indoor air thresholds for residential and commercial use. The data shall be evaluated following the 1-year monitoring period.</p>	<p style="text-align: center;">Applicant</p>	<p style="text-align: center;">City of Palo Alto Department of Planning and Community Environment</p>	<ul style="list-style-type: none"> • Building plans include required measures prior to issuance of building permit • Compliance with building plans verified and air monitoring conducted prior to issuance of certificate of occupancy • Air monitoring conducted quarterly for one year following construction 	<ul style="list-style-type: none"> • Waterproofing/vapor barrier included on building plans and installed • Garage venting sufficient to continuously provide a minimum of 2 air changes per hour included on building plans and installed. • Indoor air quality monitored in garage basement after construction. • Monitoring to include a minimum of two 24-hour integrated indoor air samples collected from the basement garage along with one 24-hour integrated air sample from an exterior location representative of ambient/background conditions.
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Attachment E

Project Plans

<https://www.cityofpaloalto.org/civicax/filebank/blobdload.aspx?BlobID=43778>

(Hard copies to Planning & Transportation Commission, staff, libraries
and Development Center)