



739 Sutter Avenue Residential Project

Class 32 Categorical Exemption Report

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1 Introduction

This report serves as the technical documentation of an environmental analysis for the 739 Sutter Avenue Residential Project in the City of Palo Alto. The intent of the analysis is to document whether the project is eligible for a Class 32 Categorical Exemption (CE). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for a Class 32 exemption. The report concludes that the project is eligible for a Class 32 CE.

The State of California's *CEQA Guidelines* Section 15332 states that a CE is allowed when:

- a. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare, or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic¹, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

Additionally, *CEQA Guidelines* Section 15300.2 outlines exceptions to the applicability of a Categorical Exemption, including cumulative impacts, significant effects due to unusual circumstances, scenic highways, hazardous waste sites, and historical resources. A full listing of these exceptions and an assessment of their applicability to the proposed project is provided in this report.

The City, in coordination with Rincon Consultants, Inc., evaluated the project's consistency with the above requirements, including its potential impacts in the areas of biological resources, traffic, noise, air quality, greenhouse gas emissions (GHG), and water quality to confirm the project's eligibility for the Class 32 exemption.

¹ Impacts related to parking are not discussed in this report, as such impacts are generally not considered as a physical effect on the environment under CEQA.

2 Project Description

2.1 Project Location and Setting

The project site encompasses one Assessor's parcel (APN #127-35-200) that is approximately 0.38 acres in size and is located at 739 Sutter Avenue in the City of Palo Alto, Santa Clara County. The project site has a Palo Alto Comprehensive Plan land use designation of Multi-Family Residential and is zoned Low Density Multiple-Family Residence District (RM-20).

The project site is bounded by Sutter Avenue to the southeast, single-family residential development to the northeast and northwest, and multi-family residential development to the southeast and southwest. Figure 1 shows the regional location of the project site and Figure 2 shows the project site in its immediate context.

The project site is currently developed with an 8-unit single-story apartment building. The project site is generally flat and includes landscaped areas throughout the site. Access to the site is provided via a driveway on Sutter Avenue.

2.2 Project Characteristics

The proposed project would involve demolition of the existing apartment building and construction of 12 townhomes in two separate three-story buildings. Each townhome would have three bedrooms, an attached garage, and an outdoor balcony. The proposed site plan is shown on Figure 3.

Each of the 12 residential units would include two vehicle parking spaces and one bicycle parking space within the attached garages. Two short-term (visitor) bicycle parking spaces would be provided in the northeastern corner of the project site.

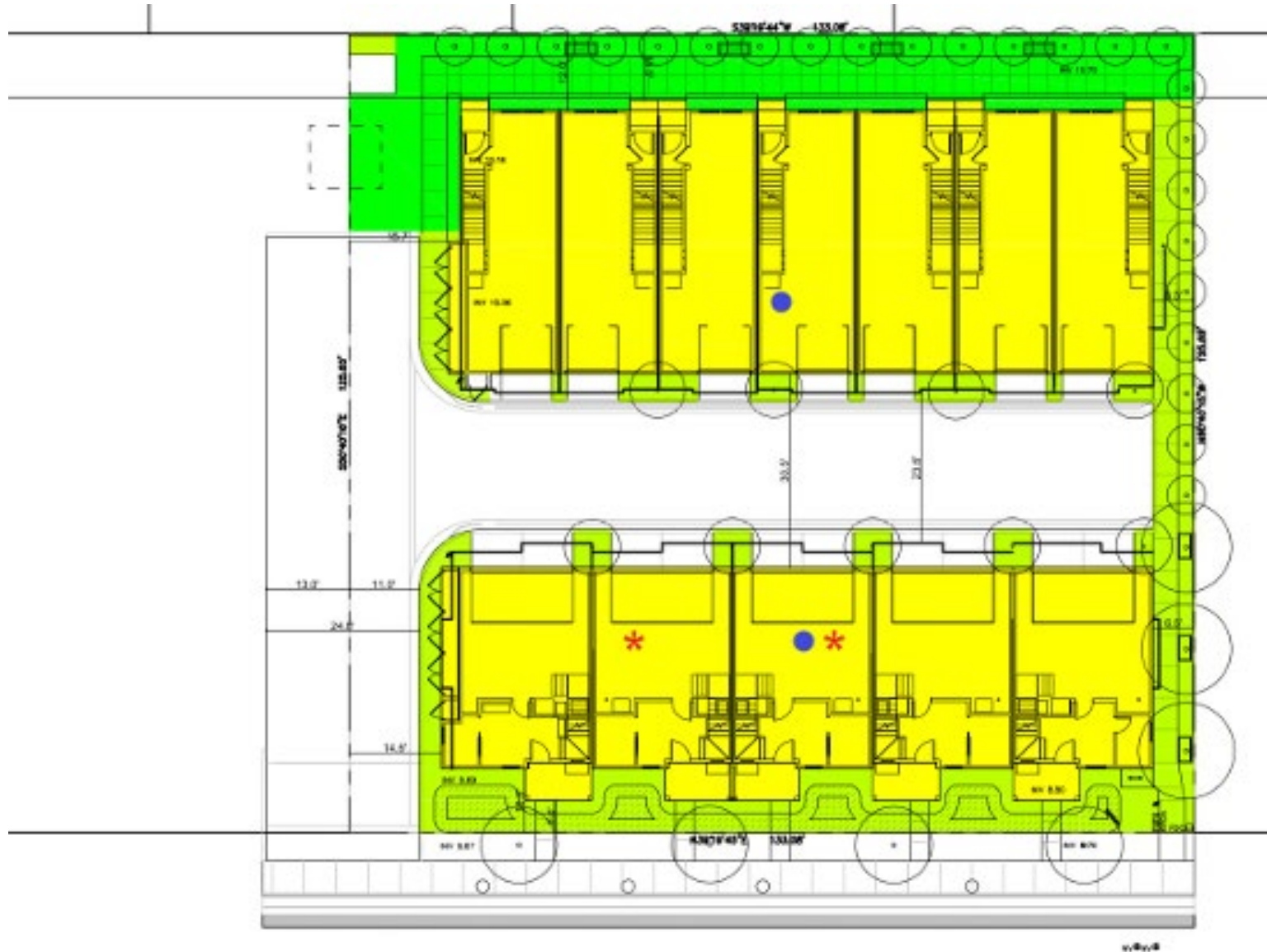
Two of the 12 units would be offered at below market rates, thus making the project eligible for a density bonus pursuant to the State Density Bonus Law and the Palo Alto Municipal Code (PAMC) Chapter 18.15. The applicant has requested a 50 percent density bonus in addition to related waivers, concessions, and incentives in accordance with these regulations, to allow for the following modifications to the code standards:

- Floor area ratio (1.4:1 where 1.25:1 is allowed)
- Maximum site coverage (50 percent where 35 percent is allowed)
- Minimum front yard setback (5 feet where 20 feet is required)
- Minimum interior side yard setback (4.6 feet where 10 feet is required)
- Side lot line daylight plane (10 feet, 82 degrees where 10 feet, 45 degrees is required)
- Private street width (20 ft minimum where 32 feet is required)
- Minimum finished floor height (0.5 feet where 1.5 feet is required)
- Upper floor stepback (stepback of 6 feet for 33% of the east façade on building 1 where 6 feet for 70% of the façade is required at 33-37 feet in height)

Figure 2 Project Site Location



Figure 3 Proposed Site Plan



- Façade break (1-foot by 4-foot break with minimum 8.9 square foot area where 2-foot by 4-foot break with 32 square foot area is required)
- Individual residential entry width (4.5 feet for Building 2 entry stoops where 5 feet is required)
- Landscaping screening (no trees along the west interior side yard [shared drive aisle] where one tree every 25 feet is required)
- Landscape coverage (34% where 35% is required)
- Sidewalk width for shared path from public right-of-way to bicycle parking (4 ft minimum with 1.5 ft shoulders where 8 ft minimum with 2 ft shoulders is required).

The following concession is also requested:

- Building height (33.5 feet maximum height where 30 feet is allowed)

The project is also utilizing State density bonus law to allow for tandem parking on seven of the 12 units. The project would comply with all other development standards required in the RM-20 zone. The RM-20 standards are summarized in Table 1.

Table 1 Proposed Project Characteristics

| Project Characteristic | Required | Proposed |
|---------------------------------|--|---|
| Address | – | 739 Sutter Avenue |
| Assessor’s Parcel Number | – | 127-35-200 |
| Gross/Net Lot Area ¹ | 8,500 sf/8,500 sf minimum | 16,707 sf gross/13,093 sf net |
| Lot Coverage | 5,847 sf (35%) | 8,294 sf (50%) |
| Floor Area ¹ | 16,366 sf (1:25:1:0) | 18,256 sf (1.4:1.0) |
| Front Yard Setback | 20 ft | 10 ft building, 5 ft porch |
| Interior Side Yard Setback | 10 ft | 4.5 ft min |
| Interior Rear Yard Setback | 10 ft | 12 ft |
| Height | 30 ft | 33 ft, 6 inches 3 stories above grade |
| Residential Units | 8 units maximum (20 units per acre) | 12 units (with 50% density bonus) |
| Vehicle Parking | Two spaces per unit (24 total spaces), maximum tandem parking percentage 25% | Two garage spaces per unit (24 total spaces), tandem parking percentage 58% |
| Bicycle Parking | Long Term: 1 space/unit (12 spaces total) Short Term: 1 space/ 10 units (1 space total) | 12 long term spaces, 2 short term spaces |

¹ The total gross floor area is calculated pursuant to Palo Alto Municipal Code §18.04.030. “Gross floor area” means the total area of all floors of a building measured to the outside surfaces of exterior walls. Net lot area is the area of a lot measured horizontally between bounding lot lines, but excluding any portion of a flag lot providing access to a street and lying between a front lot line and the street, and excluding any portion of a lot within the lines of any natural watercourse, river, stream, creek, waterway, channel, or flood control or drainage easement and excluding any portion of a lot within a public or private street right-of-way whether acquired in fee, easement, or otherwise.

ft = feet or foot; sf = square feet

Landscaping and Open Space

There are three evergreen maple trees on or adjacent to the project site. The project would include the removal of the three trees, two of which are street trees. The proposed project would include planting twenty-four 24-inch box trees on site where seven 24-inch box replacement trees are required. The project would also include 1,689 square feet of landscaped space in the form of the aforementioned trees as well as shrubs, vines, and grasses.

The project would include 3,820 square feet of usable open space in the form of common and private open space (including ground level common open space and private balconies on Buildings 1 and 2). The project provides private open space in the form of second and third floor balconies on Building 1 and third floor balconies on Building 2 for a total of 1,582 square feet. Stoops in each unit on Building 2 provide additional amenity space for these units though they are not counted as open space as they do not meet the minimum dimension requirements.

Site Access and Circulation

Access to the project site would be provided via the existing driveway off Sutter Avenue on the southeastern side of the project site. The project includes a 24-foot-wide private access road in the center of the project site that would provide a 20-foot-wide street (plus 10.5 feet of driveway apron areas total) to provide direct access to the residential units. The project would include 24 parking spaces provided in two-car garages attached to the first floor of each unit. Pedestrian access would be provided along internal pathways between each building.

Utilities and Stormwater Management

City of Palo Alto Utilities (CPAU) provides electricity, natural gas, water, wastewater, and fiber optics services to the city. The City is currently contracted with GreenWaste of Palo Alto for collection of garbage, recycling, and composting services. Utility lines for the proposed project would be connected to existing infrastructure along Sutter Avenue.

The proposed project would include the construction of a 515-square-foot stormwater bioretention areas in the landscaped areas along the Sutter Avenue boundary of the project site. The center aisle of the project site would also be underlain with permeable grass pavers.

Construction

Project construction would occur over approximately 15 months. The project would include demolition of the existing 4,400 square-foot building on site. The project would utilize static rollers and would not utilize vibratory rollers. Pile drivers would also not be used in building construction.

3 Consistency Analysis

3.1 Criterion (a)

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The parcel at 739 Sutter Avenue (APN 127-35-200) is zoned RM-20. The site has a comprehensive land use designation of Multiple-Family Residential.

The City of Palo Alto has determined that the proposed project is consistent with the applicable 2030 Comprehensive Plan designations and policies as well as with applicable zoning designations and regulations, except where waivers and concessions are requested in accordance with State density bonus law. As described above in the Project Description, the project would comply with zoning ordinance requirements set forth in the Palo Alto Municipal Code (PAMC) related to building height, FAR, site coverage, front setback, street width, and accessory use location with density bonus concessions and waivers as required under State Density Bonus Law and PAMC Chapter 18.15. In addition, pursuant to PAMC Section 18.13.040(E)(2), the project is required to include 150 square feet of minimum usable open space per unit, including 75 square feet of minimum common usable open space per unit and 50 square feet of minimum private usable open space per unit. The project would exceed these requirements.

Applicable 2030 Comprehensive Plan policies include:

Goal L-2 Promote an enhanced sense of “community” with development designed to foster public life, meet citywide needs and embrace the principles of sustainability.

Policy L-2.3 As a key component of a diverse, inclusive community, allow and encourage a mix of housing types and sizes integrated into neighborhoods and designed for greater affordability, particularly smaller housing types, such as studios, co-housing, cottages, clustered housing, accessory dwelling units and senior housing.

Policy L-2.5 Support the creation of affordable housing units for middle to lower income level earners, such as City and school district employees, as feasible.

Policy L-2.11 Encourage new development and redevelopment to incorporate greenery and natural features such as green rooftops, pocket parks, plazas and rain gardens.

Goal L-3 Safe, attractive residential neighborhoods, each with its own distinct character and within walking distance of shopping, services, schools, and/or other public gathering places.

Policy L-3.1 Ensure that new or remodeled structures are compatible with the neighborhood and adjacent structures.

Policy L-3.4 Ensure that new multi-family buildings, entries and outdoor spaces are designed and arranged so that each development has a clear relationship to a public street.

Consistent with these policies, the project would involve multi-family development, including affordable units, in a neighborhood with mixed residential types and densities; would not decrease landscaping and tree cover on the site compared to existing conditions; would be within walking distance of key services including a grocery store (Safeway), a pharmacy (Walgreen's) and parks (Hoover Park); and would have front doors, balconies and windows directly on Sutter Avenue, creating a relationship with the public street.

The project would be consistent with the site's Comprehensive Plan land use designation, Comprehensive Plan policies, zoning designation, and zoning regulations. Therefore, the project would meet the requirements of *criterion (a)*.

3.2 Criterion (b)

The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The project is located on an approximately 0.38-acre site within a developed urban neighborhood in the City of Palo Alto. It is immediately surrounded by urban uses on all sides. Therefore, the project would be consistent with *criterion (b)*.

3.3 Criterion (c)

The project site has no value as habitat for endangered, rare, or threatened species.

The project site is located within a developed urban area that lacks suitable habitat for sensitive animal or plant species. The project site is currently developed with an 8-unit apartment building and paving with limited, generally non-native landscaping and does not contain suitable habitat for sensitive species.

The project would include the removal of three trees on the property. The trees to be removed are on the perimeter of the project site. Since the trees are located in areas of high human activity and presence, and isolated from forestlands, water bodies, and other foraging habitat, they do not provide structure or habitat for substantial numbers of special status birds. Because the project was submitted prior to modifications to PAMC Title 8, the project is not subject to the revised ordinance requirements. However, because two of these trees are street trees and in accordance with the no net loss tree canopy provisions, they require replacement regardless.

The project would include planting new trees to replace the removed trees. As mentioned above in *Landscaping and Open Space*, the project would provide 24 new 24-inch box trees to replace the three trees removed. This satisfies the requirement of seven replacement trees.

A search on the U.S. Fish and Wildlife Services (USFWS) National Wetlands Inventory for the project site and surrounding area for the occurrences of wetlands concluded that there are no wetlands on or near the project site (USFWS 2023a). Additionally, according to the USFWS Threatened & Endangered Species Active Critical Habitat Report, the project site does not contain and is not adjacent to critical habitat for special status species (USFWS 2023b). The project site has no value as habitat for endangered, rare, or threatened species, and the project would meet the requirements under *criterion (c)*.

3.4 Criterion (d)

Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The following discussion provides an analysis of the project’s potential effects with respect to traffic, noise, air quality, and water quality.

A. Traffic

This analysis is based primarily on the Local Transportation Analysis prepared by W-Trans for the project in August 2023. This report is included in Appendix A.

Project Trip Generation

Vehicle trip generation rates were based on estimates from Trip Generation Manual, 11th Edition (Institute of Transportation Engineers [ITE] 2021), which are based on a compilation of empirical trip generation surveys at locations throughout the country to forecast the number of trips that would be generated by the project. The average trip rates for “Single Family Attached Housing” (Land Use 215) were applied to the proposed project. As shown in Table 2, the project is expected to generate a gross total of 86 daily trips, six morning (a.m.) peak hour trips, and seven afternoon (p.m.) peak hour trips from the proposed residential use. After subtracting the trips generated by the existing multi-family residential building on the site, which will be demolished, the project is estimated to result in a net increase of 32 daily trips, three a.m. peak hour trips, and three p.m. peak hour trips in comparison to existing conditions.

Table 2 Project Operation Trip Generation

| Land Use | ITE Code | Size | Daily Trips | A.M. Peak Hour Trips | | | P.M. Peak Hour Trips | | |
|--|----------|-------|-------------|----------------------|----------|----------|----------------------|----------|----------|
| | | | | In | Out | Total | In | Out | Total |
| Existing Land Use | | | | | | | | | |
| Multifamily Housing (Low Rise) | 220 | 8 du | (54) | (1) | (2) | (3) | (3) | (1) | (4) |
| Proposed Land Use | | | | | | | | | |
| Single Family Attached Housing | 215 | 12 du | 86 | 2 | 4 | 6 | 4 | 3 | 7 |
| Net New Vehicle Trips (Proposed Land Use minus Existing Land Use) | | | 32 | 1 | 2 | 3 | 1 | 2 | 3 |

du = Dwelling Unit, () denotes subtraction

All rates are from Institute of Transportation Engineers, *Trip Generation Manual, 11th Edition, 2021*. Average rates used.

Source: W-Trans 2023 (Appendix A)

Vehicle Miles Traveled (VMT)

The City of Palo Alto has adopted thresholds of significance related to VMT in 2020 pursuant to Senate Bill (SB) 743 and the Governor’s Office of Planning and Research (OPR) guidelines. The Palo Alto VMT criteria indicates that residential projects located in areas where the baseline VMT is 15 percent or higher below the existing county average VMT per resident would be considered as a low-VMT area and therefore presumed to have a less than significant VMT impact.

According to the Santa Clara Countywide VMT Evaluation Tool (Version 2), the countywide VMT per capita is 13.33 miles. Using the Palo Alto VMT criteria, a project generating a VMT of 11.33 miles per capita (15 percent or higher below existing county average) or less would have a less than significant impact on VMT. Table 3 shows the project VMT rate compared to the baseline and significance threshold.

Table 3 VMT Analysis – Baseline Compared to the Project

| VMT Metric | Baseline VMT Rate | Significance Threshold | Project VMT Rate | Significance |
|--|-------------------|------------------------|------------------|-----------------------|
| Household VMT per Capita (Countywide Baseline) | 13.33 | 11.33 | 8.09 | Less than Significant |

Source: W-Trans 2023 (Appendix A)

As shown in Table 3, the project would result in a VMT rate of 8.09 per capita, which is below the significance threshold of 11.33 miles per capita. The project’s low VMT is due to the surrounding land uses and the project’s location in proximity to transit services, since the project would be served by the Santa Clara Valley Transportation Authority (VTA; bud stops two blocks from the site on Middlefield Road) and Caltrain at the California Avenue Caltrain Station approximately 1.2 miles from the project site. Impacts to VMT would be less than significant.

Site Access

Access to the site was evaluated by W-Trans based on the proposed site plan to determine the adequacy of the project driveways with regard to sight distance and emergency vehicle access. As mentioned above in the Project Description, *Site Access and Circulation*, the project would continue to use the existing driveway fronting Sutter Avenue.

Sight Distance

Providing adequate sight distance reduces the likelihood of a collision at a driveway or intersection and provides drivers with the ability to see vehicles, pedestrians and bicyclists when exiting a driveway.

Sight distance requirements vary depending on the roadway speeds. The posted speed limit on Sutter Avenue is 25 miles per hour, for which the California Department of Transportation’s (Caltrans) stopping sight distance is 150 feet. Thus, a driver exiting the project site must be able to see at least 150 feet on Sutter Avenue to stop and avoid a collision. A review in the field showed the available sight distance along Sutter Avenue from the project driveway exceeds 150 feet in each direction, which would satisfy minimum stopping sight distance requirements. The Local Transportation Analysis (Appendix A) concluded that with the trimming of vegetation near the project’s driveways to a height of less than three feet and the trimming of trees so nothing hangs below a height of seven feet from the roadway surface, impacts to sight distance would be less than significant. PAMC Section 18.54.050 requires the trimming of vegetation near the project’s driveways to a height of no more than three feet above driveway grade, and no more than three feet above parking lot grade in parking lots. With adherence to PAMC Section 18.54.050, impacts to sight distance would be less than significant.

Emergency Vehicle Access

The project would include 20- to 24-foot-wide drive aisles which would have sufficient width to accommodate two-way traffic operations for circulating vehicles, as well as parking maneuvers to/from covered parking spaces. Additionally, emergency response vehicles would be able to access the site via the use of trucks parked on Sutter Avenue. Ground ladder access is provided on each end of the two buildings and hoses would be used from the trucks on Sutter. Due to the existing overhead lines, aerial ladder access is not included in the proposed fire safety plan for this site, consistent with existing conditions. Sutter Avenue is at least 20 feet wide, which meets the minimum width of 20 feet for fire access required by the California Fire Code (CFC), Section 503.2.1, which states, "Fire apparatus access roads shall have an unobstructed width of not less than 20 feet, exclusive of shoulders." Impacts to emergency vehicle access and circulation for the site would be less than significant.

On-Site Circulation

Pursuant to PAMC Section 18.54.070, drive aisles adjacent to 90-degree parking stalls are required to be 24 feet wide, to provide sufficient room for vehicles to back out of the parking stalls. The proposed internal drive aisle is 20 feet wide with an additional four to six feet of driveway apron for each garage, providing adequate back out space from each of the garages. As noted above, emergency vehicle access is not required for the site and the site would be served from Sutter Avenue consistent with existing conditions. Waste pick-up would also occur on Sutter due to both the overhead lines as well as due to the cul-de-sac design, consistent with existing conditions. This impact would be less than significant.

Truck Access and Circulation

According to PAMC Section 18.52.040, multi-family residential uses are not required to provide a loading space. Therefore, the project is not required to provide an on-site loading space. However, the 24-foot private street proposed for site access could be utilized by a truck if needed for a smaller delivery truck or other short-term needs such as Uber or Lyft. The proposed project improves the existing condition by widening the access aisle in comparison to the existing condition. This impact would be less than significant.

Parking Supply

Pursuant to PAMC Section 18.52.040, two parking stalls are required for each unit constructed. In accordance with Assembly Bill 2345, the project is only required to provide one and a half parking space per unit, though based on the design as private spaces, a total of 2 spaces per unit would be warranted. No guest parking is required in accordance with the municipal code and pursuant to AB 2345. The project would provide two parking spaces for each unit (for a total of 24 spaces) in the garages attached to each unit in compliance with local and state requirements. This impact would be less than significant.

Bicycle Parking

Pursuant to the City's bicycle parking standards (PAMC Section 18.52.040, Table 1), the project is required to provide one bicycle parking space per residential unit (all long-term), and one guest bicycle parking space per 10 residential units (all short-term). The project would include one long-term bicycle parking space (for a total of 12 long-term bicycle parking spaces) in each of the garages attached to each unit. The proposed project would also include two outdoor short-term parking

space in the northeastern corner of the project site. The project's bicycle parking would meet the City's standards. This impact would be less than significant.

Pedestrian, Bicycle, and Transit Analysis

The Comprehensive Plan *Transportation Element* contains the following applicable goals and policies to encourage the use of non-automobile transportation modes, including walking and bicycling, to achieve Palo Alto's mobility goals.

Goal T-1 **Create a sustainable transportation system, complemented by a mix of land uses, that emphasizes walking, bicycling, use of public transportation and other methods to reduce GHG emissions and the use of single-occupancy motor vehicles.**

Policy T-1.16 Promote personal transportation vehicles as an alternative to cars (e.g., bicycles, skateboards, roller blades) to get to work, school, shopping, recreational facilities and transit stops.

Policy T-1.17 Require new office, commercial and multi-family residential developments to provide improvements that improve bicycle and pedestrian connectivity as called for in the 2012 Palo Alto Bicycle + Pedestrian Transportation Plan.

Pedestrian Facilities

Pedestrians would access the site via the existing sidewalks along Sutter Avenue, which would be demolished and replaced by the proposed project. Internal pedestrian circulation within the site would be provided via a network of sidewalks and curb ramps. All pedestrian facilities would be built to satisfy City of Palo Alto Public Works Department standards pursuant to PAMC Section 18.54.050 and new guidelines in PAMC Section 18.24 (City of Palo Alto 2020), as well as the 2012 Palo Alto Bicycle and Pedestrian Transportation Plan (City of Palo Alto 2012). This impact would be less than significant.

Bicycle Facilities

According to the City of Palo Alto Bicycle and Pedestrian Transportation Plan (City of Palo Alto 2012), bikeways are classified into four categories:

- **Class I Bikeways/Multi-Use Paths:** A completely separated right-of-way for the exclusive use of bicycles and pedestrians with cross flows of motorized traffic minimized.
- **Class II Bike Lanes:** A striped and signed lane for one-way bike travel on a street or highway.
- **Class III Bike Routes:** Signing only for shared use with motor vehicles within the same travel lane on a street or highway.
- **Bicycle Boulevards:** Bicycle boulevards are signed, shared roadways with especially low motor vehicle volumes such that motorists passing bicyclists can use the full width of the roadway. Bicycle boulevards prioritize convenient and safe bicycle travel through traffic calming strategies, wayfinding, and other measures.

Table 4 summarizes bicycle facilities in the project vicinity which are currently existing and planned as described in the City of Palo Alto Bicycle and Pedestrian Transportation Plan.

Table 4 Bicycle Facilities in Project Vicinity

| Bicycle Facility | Type | Length (miles) | Begin Point | End Point |
|---------------------------|-------------------|----------------|-------------------|-------------------|
| Existing | | | | |
| Hoover Park | Class I | 0.4 | Middlefield Road | Cowper Street |
| Colorado Avenue (EB Only) | Class II | 0.4 | Louis Road | Middlefield Road |
| Colorado Avenue (WB Only) | Class III | 0.4 | Louis Road | Middlefield Road |
| Colorado Avenue | Class III | 0.2 | Middlefield Road | Cowper Street |
| Moreno Boulevard | Bicycle Boulevard | 0.4 | Louis Road | Middlefield Road |
| Ross Road | Bicycle Boulevard | 1.7 | Oregon Expressway | Louis Road |
| Planned | | | | |
| Matadero Creek | Class I | 1.5 | Alma Street | Bayshore Road |
| Middlefield Road | Class II | 0.5 | Moreno Avenue | Loma Verde Avenue |

See Appendix A for Local Transportation Analysis prepared by W-Trans
 Source: City of Palo Alto 2012

The proposed project would be adequately served by existing and planned bicycle facilities. Further, the proposed project would not interrupt or otherwise impact existing or planned bicycle facilities. This impact would be less than significant.

Transit Services

Rail transit service is provided by Caltrain which has a station at 101 California Avenue approximately 1.2 miles from the project site. Bus transit service in the project vicinity is provided by the VTA. Within a half-mile walk of the project site there are bus stops VTA Routes 21, School 288, School 288L, and School 288M. According to the Local Transportation Analysis, if 20 percent of peak hour trips were made by transit, there would be one additional transit rider during each peak hour. This additional rider during each peak hour would not exceed the carrying capacity of existing transit services near the project site. Impacts related to transit service would be less than significant.

Conclusion

Compliance with standard City requirements would ensure that impacts related to traffic remain less than significant. VMT per capita from the project would be below the Palo Alto VMT significance criteria resulting in less than significant VMT impacts. Based on a review of the project site plan, site access along Sutter Avenue is adequate for on-site circulation and safety. Furthermore, the proposed project would not have an adverse effect on the existing transit, pedestrian, or bicycle facilities in the area. Therefore, the project would meet the requirements for Traffic under *criterion (d)*.

B. Noise

Noise Characteristics and Measurement

Noise is defined as unwanted sound that disturbs human activity. A noise level (or volume) is generally measured in decibels (dB) using the A-weighted sound pressure level (dBA). The A-weighting scale is an adjustment to actual sound power levels to be consistent with that of human hearing response, which is most sensitive to frequencies around 4,000 Hertz (about the highest note on a piano) and less sensitive to low frequencies (below 100 Hertz).

One of the most frequently used noise metrics that considers duration as well as sound power level is the equivalent noise level (L_{eq}). The L_{eq} is a steady A-weighted noise level that is equivalent to the amount of energy contained in the actual varying levels over a period of time (essentially, L_{eq} is the average sound level).

Noise Standards

The City’s Comprehensive Plan Natural Environment Element includes goals and policies related to noise. This element establishes land use compatibility categories for community noise exposure (see Table 5). For residential uses, noise levels up to 60 dBA Ldn are identified as normally acceptable and noise levels between 60 and 75 dBA Ldn are identified as conditionally acceptable.

Table 5 Palo Alto Land Use Compatibility for Community Noise Environments

| Land Use Category | Exterior Noise Exposure Ldn or CNEL or dB | | |
|--|---|--------------------------|--------------|
| | Normally Acceptable | Conditionally Acceptable | Unacceptable |
| Residential, Hotel and Motels | 50-60 | 60-75 | 75+ |
| Outdoor Sports and Recreation, Neighborhood Parks and Playgrounds | 50-65 | 65-80 | 80+ |
| Schools, Libraries, Museums, Hospitals, Personal Care, Meeting Halls, Churches | 50-60 | 60-75 | 75+ |
| Office Buildings, Business Commercial, and Professional | 50-70 | 70-80 | 80+ |
| Auditoriums, Concert Halls, and Amphitheaters | N/A | 50-75 | 75+ |
| Industrial, Manufacturing, Utilities, and Agriculture | 50-70 | 75+ | N/A |

Source: City of Palo Alto 2017

The Palo Alto Municipal Code (PAMC) regulates noise primarily through the Noise Ordinance, which comprises Chapter 9.10 of the Code, under Title 9, Public Peace, Morals and Safety. Section 9.10.060 of the PAMC restricts construction activities to the hours of 8 AM to 6 PM Monday through Friday and 9 AM to 6 PM on Saturday. Construction is prohibited on Sundays and holidays. Construction, demolition, or repair activities during construction hours must meet the following standards:

- No individual piece of equipment shall produce a noise level exceeding 110 dBA at a distance of 25 feet. If the device is housed within a structure on the property, the measurement shall be made outside the structure at a distance as close to 25 feet from the equipment as possible.

- The noise level at any point outside of the property plane of the project shall not exceed 110 dBA.
- The holder of a valid construction permit for a construction project in a non-residential zone shall post a sign at all entrances to the construction site upon commencement of construction, for the purpose of informing all contractors and subcontractors, their employees, agents, materialmen, and all other persons at the construction site, of the basic requirements of this chapter.

The project operational impacts from traffic and stationary sources (e.g., HVAC equipment) noise would be significant if operation of the project results in the exposure of sensitive receptors to a perceptible increase in noise levels. Roughly a doubling of traffic volume would be necessary to generate a perceptible increase in roadway noise levels of 3 dBA or more.

Existing Ambient Noise Levels

The primary source of noise in the vicinity of the project site is motor vehicle traffic, including automobiles, trucks, buses, and motorcycles. Among area roadways, Sutter Avenue, Middlefield Road and Colorado Avenue produce noise from vehicles adjacent to the project site. Secondary sources of noise include garbage trucks and other delivery trucks, pedestrian activity and conversations.

To determine existing ambient noise levels on the project site, Rincon Consultants conducted a short-term noise measurement survey between 3:02 p.m. and 3:24 p.m. on September 18, 2023 and a long-term measurement was also conducted from September 18 through September 19, 2023 using a Piccolo II sound level meter fitted with a windscreen. The meter complies with American National Standards Institute (ANSI) Standard S1.4. The sound level meters were set to “slow” response and “A” weighting (dBA). The meters were calibrated prior to and after the monitoring period. All measurements were at least five feet above the ground and away from reflective surfaces. Measurements were taken at two locations (ST-1/LT-1 and ST-2) as shown in Figure 4. See Appendix B for noise monitoring data.

Short-term (ST)-1 is a monitor which logged noise data at 10-minute intervals near the northwestern border of the site behind the existing building from Sutter Avenue. ST-2 monitor was placed southeastern corner of the project site. Long-term (LT)-1 was placed at the same location as ST-1.

Figure 4 Approximate Noise Measurement Locations



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23-14767 EPS
Fig X Noise Measurement Locations

Table 6 shows short-term noise measurement survey results and Table 7 shows long-term noise measurement survey results.

Table 6 Short Term Noise Measurement Survey Results

| Measurement Location | Measurement Location | Sample Times | Approximate Distance to Primary Noise Source | L _{eq} (dBA) | L _{min} (dBA) | L _{max} (dBA) |
|----------------------|--|------------------|--|-----------------------|------------------------|------------------------|
| ST 1 | Midpoint of the northwest project boundary | 3:02 – 3:12 p.m. | Approximately 150 feet to Sutter Avenue centerline | 52 | 38 | 67 |
| ST 2 | Near the southeast project boundary | 3:14 – 3:24 p.m. | Approximately 20 feet to Sutter Avenue centerline | 55 | 44 | 68 |

dBA = A-weighted decibels; L_{eq} = equivalent noise level; L_{min} = minimum noise level, L_{max} = maximum noise level

Table 7 Long Term Noise Measurement Survey Results

| Sample Time | dBA L _{eq} | Sample Time | dBA L _{eq} |
|--|---------------------|-------------|---------------------|
| 24-hour Measurement – September 18-19, 2023 | | | |
| 3:00 p.m. | 50 | 3:00 a.m. | 36 |
| 4:00 p.m. | 48 | 4:00 a.m. | 38 |
| 5:00 p.m. | 48 | 5:00 a.m. | 46 |
| 6:00 p.m. | 45 | 6:00 a.m. | 50 |
| 7:00 p.m. | 48 | 7:00 a.m. | 50 |
| 8:00 p.m. | 51 | 8:00 a.m. | 49 |
| 9:00 p.m. | 49 | 9:00 a.m. | 46 |
| 10:00 p.m. | 45 | 10:00 a.m. | 44 |
| 11:00 p.m. | 44 | 11:00 a.m. | 50 |
| 12:00 a.m. | 43 | 12:00 p.m. | 49 |
| 1:00 a.m. | 36 | 1:00 p.m. | 50 |
| 2:00 a.m. | 35 | 2:00 p.m. | 53 |
| 24-hour Noise Level (L_{dn}) | | | 52 |

dBA = A-weighted decibels; L_{eq} = equivalent noise level; L_{dn} = day-night average noise level

See Figure 4 for Approximate Noise Measurement Locations; see Appendix B for full measurement data.

Construction Noise

As discussed above, PAMC Section 9.10.060 regulates temporary construction noise. Construction of the project would generate temporary noise that would be audible at the single-family residence adjacent to the northeast/east of the project site. Noise associated with construction is a function of the type of construction equipment, the location and sensitivity of nearby land uses, and the timing and duration of the construction activities. Based on construction details provided by the applicant, it is estimated that the construction period would involve approximately 15 months from June 2024 until September 2025. While all phases of construction would generate noise, the site preparation and grading phases would typically generate the highest noise levels. According to applicant-provided information, pile drivers would not be used in building construction.

Construction noise was estimated using the Federal Highway Administration’s Roadway Construction Noise Model (RCNM) (Appendix B). Noise was modeled based on the list of anticipated

equipment list for each phase of construction and the distances to nearby sensitive receivers. For a conservative approach, it was assumed that all construction equipment per phase would be operating simultaneously and would combine as a collective noise source. Table 8 shows the results of construction noise modeling measured at 25 feet from construction equipment to the closest property lines at the single-family residences to the northwest and multi-family to the north/northeast of the project site.

Table 8 Estimated Noise Levels during Project Construction

| Construction Phase | L _{max} dBA | | |
|-----------------------|--|---|---|
| | RCNM Reference Noise Level ¹ 50 feet | Single-Family Residences to the Northwest 25 feet | Single-Family Residences to the Northeast 25 feet |
| Demolition | 88 | 94 | 94 |
| Site Preparation | 91 | 97 | 97 |
| Grading | 91 | 97 | 97 |
| Building Construction | 91 | 97 | 97 |
| Paving | 86 | 92 | 92 |
| Architectural Coating | 84 | 90 | 90 |

¹ RCNM reference noise levels are noise levels generated during each construction phase measured from a point 50 feet from the location of the construction phase.

Source: Roadway Construction Noise Model (RCNM). See Appendix B for modeling outputs.

As shown in Table 8, construction noise could be as high as 97 dBA L_{max} during site preparation (estimated duration of 30 days), grading (estimated duration of 25 days) and building construction (estimated duration of 260 days). This peak measurement would be based on the maximum level at the property line. However, due to the dynamic nature of construction activity, equipment would not all operate at the same time or at a single location on the site. In addition, construction equipment would not be in constant use during the 8-hour operating day and noise levels would reduce where work is occurring at further distances from the property line. Construction noise levels would also be below the City's standard of 110 dBA L_{max} at any point outside the property line during allowable construction hours (PAMC Section 9.10.060). Therefore, impacts related to construction noise would be less than significant.

Construction Vibration

Vibration limits used in this analysis to determine a potential impact to local land uses from construction activities, such as, vibratory compaction or excavation, are based on information contained in the 2018 Federal Transit Administration's (FTA) *Transit Noise and Vibration Impact Assessment Manual*. Shown in Table 9, Based on FTA recommendations limiting vibration levels to below 0.2 inches per second peak particle velocity (in/sec PPV) at residential structures would prevent structural damage regardless of building construction type (FTA 2018).

Table 9 Groundborne Vibration Architectural Damage Criteria

| Building Category | PPV (in/sec) |
|---|--------------|
| I. Reinforced concrete, steel, or timber (no plaster) | 0.5 |
| II. Engineered concrete and masonry (no plaster) | 0.3 |
| III. Non-engineered timber and masonry buildings | 0.2 |
| IV. Buildings extremely susceptible to vibration damage | 0.12 |

in/sec = inches per second; PPV = peak particle velocity

Source: FTA 2018

The project does not include any substantial vibration sources associated with operation. Therefore, construction activities have the greatest potential to generate groundborne vibration affecting nearby receivers, especially during grading and paving of the project site. According to the project applicant, impact pile driving is not proposed and vibratory rollers would not be used. Rubber-tired loaders would be used when within close distances to nearby buildings. Based on data from the FTA, use of a vibratory roller could exceed the significance threshold of 0.2 in/sec PPV if within 25 feet of residential buildings with plaster (FTA 2018). As discussed in the Project Description, the project applicant would use a static roller for paving activities. Vibration from a static roller would be up to approximately 0.05 in/sec PPV at 25 feet (McIver 2012), which would not exceed the 0.2 in/sec PPV threshold for potential architectural damage to nearby residential structures, and impacts would be less than significant.

Operational Noise

Stationary Sources

The primary on-site operational noise source from the project would be from HVAC units that are anticipated to be on the second floor balconies of the front units on Sutter Avenue and third floor balconies of the buildings at the rear of the project. For a conservative approach, this analysis assumes that HVAC units would operate at 100 percent of an hour for 24 hours. Based on review of various manufacturer specifications for residential applications, a representative noise level of 65 dBA L_{eq} at 3 feet for a 2.5-ton Carrier 24ABA4030 was selected for the analysis (see Appendix B for specification sheets). The nearest noise-sensitive receivers are single-family residences to the northwest, which would be located at least 15 feet from the nearest third floor, balcony-mounted HVAC equipment (note that this estimate is conservative in that the units are currently proposed to be approximately 18 feet from the property line). Additionally, there will be an approximately 3.5-foot wall with no gaps from the base of the balcony to the top of the wall and would block the line-of-sight to the nearest residences, providing at least 5 dBA of noise reduction. Because noise from HVAC equipment would attenuate at a rate of approximately 6 dBA per doubling of distance from the source, HVAC equipment would generate noise levels of up to 46 dBA L_{eq} at 15 feet at the nearest residential property lines. With the attenuation from the balcony wall and assuming that units could conservatively run 24 hours a day, this would equate to a Ldn of 53 dBA. Based on noise measurements taken at the project site, the existing ambient noise level is 52 dBA Ldn. Therefore, noise generated by HVAC equipment would not produce a noise level of 3 dBA or more above the existing ambient noise level of 52 dBA Ldn. In addition, the normally acceptable range of noise levels for residential uses is up to 60 dBA Ldn (Palo Alto 2017). Therefore, impacts would be less than significant.

In addition to mechanical equipment, the project would generate noise from people gathering on balconies. The main noise source associated with the use of the proposed balconies would be speech from conversations. Typically, a conversation between two people using a normal voice (not raised) at a distance of three feet is 60 dBA (Engineering ToolBox 2005). No amplified sound is proposed at any of the terraces, and speech from conversations would quickly dissipate and would not interfere with surrounding outdoor activities and noise-sensitive uses. Furthermore, per Assembly Bill 1307 (2023), the effect of noise generated by residential project occupants and their guests is not a significant effect on the environment. This impact would be less than significant.

Off-Site Traffic Noise

In addition, the proposed project would generate traffic noise from vehicles traveling to and from the project site. The proposed project would generate an estimated increase of 32 daily trips, 3 AM peak hour trips, and 3 PM peak hour trips (W-Trans 2023).

The project would not make substantial alterations to roadway alignments or substantially change the vehicle classifications mix on local roadways. Therefore, the primary factor affecting off-site noise levels would be increased traffic volumes. As shown in Table 10, using average daily traffic (ADT) counts from the City of Palo Alto Transportation Division (City of Palo Alto 2018) and the project trip generation provided by W-Trans, the increase in traffic noise levels would be less than 0.1 Ldn dBA along Middlefield Road, between Colorado Avenue and Loma Verde Avenue. A significant impact would occur if traffic noise increases the existing noise environment by 3 dBA or greater. Traffic noise impacts would be less than significant.

Table 10 Predicted Increases in Traffic Noise Levels

| Roadway Segment | Average Daily Trips (ADT) | | Noise Level Increase (dBA Ldn) | Significant Impact? |
|---|---------------------------|-----------------------|--------------------------------|---------------------|
| | Existing | Existing Plus Project | | |
| Middlefield Road, Between Colorado Avenue and Loma Verde Avenue | 14,003 | 14,035 | <0.1 | No |

Source: W-Trans 2023, City of Palo Alto 2018.

Conclusion

Construction noise could generate noise levels of up to 97 dBA L_{max} at the nearest residential property line, which would not exceed the City’s threshold of 110dBA L_{max} . In addition, construction would be limited to hours allowed by the City’s Municipal Code. Impacts would be less than significant. Vibration from construction equipment would not exceed the FTA threshold of 0.2 PPV (in/sec) and would be less than significant. The project would introduce sources of operational noise to the site, including mechanical equipment (HVAC). Assuming that the units were to run for an entire 24-hour period, the closest single-family residential property line to the northwest would be exposed to a noise level of 53 dBA Ldn, which would not produce a noise level of 3 dBA or more above the existing ambient noise level of 52 Ldn and would not exceed the City’s normally acceptable noise and land use compatibility standard of 60 Ldn for residential uses. Therefore, impacts would be less than significant.

Project traffic would increase traffic noise by less than 0.1 dBA Ldn over existing conditions along Middlefield Road, between Colorado Avenue and Loma Verde Avenue. Therefore, the project would not cause a traffic noise increase of 3 dBA or more. Therefore, off-site traffic noise impacts would be less than significant. The project would meet the requirements for Noise under *criterion (d)*.

C. Air Quality

A significant adverse air quality impact may occur when a project individually or cumulatively interferes with progress toward the attainment of the ozone standard by releasing emissions that equal or exceed the established long term quantitative thresholds for pollutants or causes an exceedance of a state or federal ambient air quality standard for any criteria pollutant. Primary criteria pollutants are emitted directly from a source (e.g., vehicle tailpipe, an exhaust stack of a factory, etc.) into the atmosphere. Primary criteria pollutants include reactive organic gases (ROG), nitric oxides (NO_x), carbon monoxide (CO), sulfur oxides (SO_x), and particulate matter (PM₁₀ and PM_{2.5}). PM₁₀ is particulate matter measuring no more than 10 microns in diameter, while PM_{2.5} is fine particulate matter measuring no more than 2.5 microns in diameter. The project site is located within the San Francisco Bay Area Basin and falls under the jurisdiction of the Bay Area Air Quality Management District (BAAQMD). The BAAQMD has adopted guidelines for quantifying and determining the significance of air quality emissions in its *California Environmental Quality Act Air Quality Guidelines* (BAAQMD 2023). BAAQMD recommends that lead agencies determine appropriate air quality emissions thresholds of significance based on substantial evidence in the record. BAAQMD’s significance thresholds in the updated guidelines are the most appropriate thresholds for use in determining air quality impacts of the project.

This air quality analysis conforms to the methodologies recommended by *BAAQMD’s California Environmental Quality Act Air Quality Guidelines* (BAAQMD 2023). Table 11 shows the significance thresholds that have been recommended by BAAQMD for project operations and construction in the San Francisco Bay Area Air Basin.

Table 11 Air Quality Thresholds of Significance

| Pollutant/ Precursor | Construction-Related Thresholds | | Operation-Related Thresholds | |
|----------------------|--|--------------------------------|-----------------------------------|--|
| | Average Daily Emissions (pounds per day) | Maximum Annual Emissions (tpy) | Average Daily Emissions (lbs/day) | |
| ROG | 54 | 10 | 54 | |
| NO _x | 54 | 10 | 54 | |
| PM ₁₀ | 82 (exhaust) | 15 | 82 | |
| PM _{2.5} | 54 (exhaust) | 10 | 54 | |

Notes: tpy = tons per year; lbs/day = pounds per day; NO_x = oxides of nitrogen; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; ROG = reactive organic gases; tpy = tons per year.

Source: BAAQMD 2022, Table 3-1

In addition, BAAQMD provides a preliminary screening methodology to conservatively determine whether a proposed project would exceed CO thresholds at the local level. If the following criteria are met, a project would result in a less than significant impact related to local CO concentrations:

1. Project is consistent with an applicable congestion management program established by the county congestion management agency for designated roads or highways, regional transportation plan, and local congestion management agency plans.
2. The project traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour.

3. The project traffic would not increase traffic volumes at affected intersections to more than 24,000 vehicles per hour where vertical and/or horizontal mixing is substantially limited (e.g., tunnel, parking garage, bridge underpass, natural or urban street canyon, below-grade roadway).

Methodology

Since the proposed project would involve demolition of the existing structure on the project site, none of the screening criteria would apply to this project. Air pollutant emissions generated by project construction and operation were thus estimated using the California Emissions Estimator Model (CalEEMod), version 2022.1.1.14. CalEEMod uses project-specific information, including the project's land uses, square footages, and location to model a project's construction and operational emissions. The analysis reflects the construction and operation of the project as described under *Project Description*.

Construction Emissions

Construction emissions modeled for this analysis include emissions generated by construction equipment and emissions generated by vehicle trips associated with construction, such as worker and vendor trips. CalEEMod estimates construction emissions by multiplying the amount of time equipment is in operation by emission factors. Construction of the proposed project was analyzed based on the applicant-provided construction schedule and default CalEEMod construction equipment list. Construction would occur over approximately 15 months. It is assumed that all construction equipment used would be diesel-powered. This analysis assumes that the project would comply with all applicable regulatory standards. In particular, the project would comply with BAAQMD Regulation 8 Rule 3 for architectural coatings and BAAQMD Regulation 6 Rule 3 for wood-burning devices. In addition, pursuant to Policy N-5.5 of the Palo Alto 2030 Comprehensive Plan (City of Palo Alto 2017), the project would also comply with the Basic Best Management Practices for Construction-Related Fugitive Dust Emissions (BAAQMD 2022):

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered.
- All visible mud or dirt trackout onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads shall be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.
- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph.
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.
- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.

Operational Emissions

Operational emissions modeled include mobile source emissions (i.e., vehicle emissions), energy emissions, and area source emissions. Mobile source emissions are generated by vehicle trips to and from the project site, and trip generation rates from the Local Transportation Analysis from W-Trans were used (Appendix A). Emissions attributed to energy use include natural gas consumption by appliances as well as for space and water heating. Area source emissions are generated by landscape maintenance equipment, consumer products and architectural coatings.

Construction Emissions

Project construction would involve demolition, site preparation, grading, building construction, paving, and architectural coating activities that have the potential to generate air pollutant emissions. Table 12 summarizes the estimated maximum daily emissions of ROG, NO_x, CO, PM₁₀ exhaust, PM_{2.5} exhaust, and sulfur oxide (SO_x) during project construction. As shown in the table, project construction emissions for criteria pollutants would be below the BAAQMD average daily thresholds of significance, and therefore impacts would be less than significant.

Table 12 Project Construction Average Daily Emissions

| Year | Emissions (lbs/day) | | | | | |
|---|---------------------|-----------------|-----|----------------------------|-----------------------------|-----------------|
| | ROG | NO _x | CO | PM ₁₀ (exhaust) | PM _{2.5} (exhaust) | SO _x |
| Maximum Daily Emissions | 1 | 11 | 11 | 1 | <1 | <1 |
| BAAQMD Thresholds (average daily emissions) | 54 | 54 | N/A | 82 | 54 | N/A |
| Threshold Exceeded? | No | No | N/A | No | No | N/A |

See Appendix C for AQ CalEEMod worksheets; emission data presented is the highest of winter or summer outputs
 N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = Carbon Monoxide; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur.
 No BAAQMD threshold for CO or SO_x

Operational Emissions

Operational emissions are those associated with the general use of the project after construction.

Table 13 summarizes the project’s net operational daily emissions and compares them to BAAQMD thresholds. As shown in Table 13, project operational emissions for all criteria pollutants would be below the BAAQMD average daily thresholds of significance and therefore would be less than significant.

Table 13 Estimated Operational Daily Emissions

| Sources | Estimated Emissions (lbs/day) | | | | | |
|---|-------------------------------|-----------------|-----|------------------|-------------------|-----------------|
| | ROG | NO _x | CO | PM ₁₀ | PM _{2.5} | SO _x |
| Proposed Project | | | | | | |
| Mobile | <1 | <1 | 2 | 1 | <1 | <1 |
| Area | <1 | <1 | 1 | <1 | <1 | <1 |
| Energy | 0 | 0 | 0 | 0 | 0 | 0 |
| Existing Uses to be Removed | | | | | | |
| Mobile | <1 | <1 | 2 | <1 | <1 | <1 |
| Area | <1 | <1 | <1 | <1 | <1 | <1 |
| Energy | <1 | <1 | <1 | <1 | <1 | <1 |
| Total Net Daily Operational Emissions (Proposed Project minus Existing Uses to be Removed) | <1 | <1 | 1 | <1 | <1 | <1 |
| BAAQMD Average Daily Thresholds | 54 | 54 | N/A | 82 | 54 | N/A |
| Threshold Exceeded? | No | No | No | No | No | No |

See Appendix C for AQ CalEEMod worksheets; emission data presented is the highest of winter or summer outputs
N/A = not applicable; lbs/day = pounds per day; ROG = reactive organic gases; NO_x = oxides of nitrogen; CO = Carbon Monoxide; PM_{2.5} = fine particulate matter with an aerodynamic resistance diameter of 2.5 micrometers or less; PM₁₀ = respirable particulate matter with an aerodynamic resistance diameter of 10 micrometers or less; SO_x = oxides of sulfur.
No BAAQMD threshold for CO or SO_x

Project Consistency with the 2017 Clean Air Plan

The California Clean Air Act requires that air districts create a Clean Air Plan that describes how the jurisdiction will meet air quality standards. The most recently adopted air quality plan is the 2017 Plan. The 2017 Plan focuses on two paramount goals, both consistent with the mission of BAAQMD:

- Protect air quality and health at the regional and local scale by attaining all national and state air quality standards and eliminating disparities among Bay Area communities in cancer health risk from TACs
- Protect the climate by reducing Bay Area GHG emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050

Under BAAQMD's methodology, a determination of consistency with the 2017 Plan should demonstrate that a project:

- Supports the primary goals of the air quality plan
- Includes applicable control measures from the air quality plan
- Does not disrupt or hinder implementation of any air quality plan control measures

A project that would not support the 2017 Plan's goals would not be considered consistent with the 2017 Plan. On an individual project basis, consistency with BAAQMD quantitative thresholds is interpreted as demonstrating support with the 2017 Plan's goals. The project would not result in exceedances of BAAQMD thresholds for criteria air pollutants and thus would not conflict with the 2017 Plan's goal to attain air quality standards.

The 2017 Plan includes goals and measures to promote building decarbonization, conservation of water, use of on-site renewable energy, and energy efficiency. The project would be supplied electricity by City of Palo Alto Power, which has provided 100% carbon neutral power since 2013. The project would comply with any applicable California Green Building Standards, including but not limited to, providing an all-electric building, installation of energy-efficient equipment and lighting, and incorporation of EV charging requirements for multi-family residences. Therefore, the project would not conflict with or obstruct the implementation of an applicable air quality plan, and impacts would be less than significant impact.

CO Emissions

According to BAAQMD, a project would have less than significant CO impacts if project-generated traffic would not increase traffic volumes at affected intersections to more than 44,000 vehicles per hour. There are no intersections in the project vicinity with volumes of more than 44,000 vehicles per hour. Additionally, the San Francisco Bay Area Air Basin has been designated attainment for both federal and State standards for CO since 1998 (BAAQMD 2017). As discussed in the Traffic section, the project would only produce a net increase of three new peak hour trips and would not result in a significant CO impact. Impacts related to CO emissions would be less than significant.

Toxic Air Contaminants

Certain population groups such as children, the elderly, and people with health issues are particularly sensitive to air pollution. The majority of sensitive receptor locations are schools, residences and hospitals. The closest sensitive receptors to the project site are the adjacent single-family residences along the northern, southern and western edges of the project site. The following subsections discuss the project's potential to result in impacts related to TAC emissions during construction and operation.

Construction

Construction-related activities would result in temporary project-generated emissions of diesel particulate matter (DPM) exhaust emissions from off-road, heavy-duty diesel equipment for site preparation, grading, building construction, and other construction activities. DPM was identified as a TAC by CARB in 1998 (CARB 2021).

Generation of DPM from construction projects typically occurs in a single area for a short period. Demolition and construction of the proposed project would occur over approximately fifteen months. The dose to which the receptors are exposed is the primary factor used to determine health risk. Dose is a function of the concentration of a substance or substances in the environment and the extent of exposure that person has with the substance. Dose is positively correlated with time, meaning that a longer exposure period would result in a higher exposure level for the Maximally Exposed Individual. The risks estimated for a Maximally Exposed Individual are higher if a fixed exposure occurs over a longer period of time. According to the California Office of Environmental Health Hazard Assessment (OEHHA), health risk assessments, which determine the exposure of sensitive receptors to toxic emissions, should be based on a 70-year exposure period; however, such assessments should be limited to the period/duration of activities associated with the project. Thus, the duration of proposed demolition and construction activities (i.e., 15 months) is approximately four percent of the total exposure period used for 30-year health risk calculations. Current models and methodologies for conducting health-risk assessments are associated with longer-term exposure periods of 9, 30, and 70 years, which do not correlate well with the temporary

and highly variable nature of construction activities, resulting in difficulties in producing accurate estimates of health risk (BAAQMD 2022).

The maximum PM₁₀ and PM_{2.5} emissions would occur during demolition, site preparation, and grading activities. For the purposes of this analysis, these activities were assumed to occur over 80 days. PM emissions would decrease for the remaining construction period because construction activities such as building construction and paving would require less intensive construction equipment. While the maximum DPM emissions associated with site preparation and grading activities would only occur for a portion of the overall construction period, these activities represent the worst-case condition for the total construction period. This would represent less than one percent of the total 30-year exposure period for health risk calculation. Given the aforementioned discussion, DPM generated by project construction would not create conditions where the probability is greater than one in one million of contracting cancer for the Maximally Exposed Individual or to generate ground-level concentrations of non-carcinogenic TACs that exceed a Hazard Index greater than one for the Maximally Exposed Individual.

In addition, pursuant to Policy N-5.5 of the Palo Alto 2030 Comprehensive Plan the project would incorporate BAAQMD *Basic Construction Mitigation Measures* during construction on the project site to reduce dust emissions. Therefore, project construction would not expose sensitive receptors to substantial TAC concentrations, and impacts would be less than significant.

Operation

Sources of operational TACs include, but are not limited to, land uses such as freeways and high-volume roadways, truck distribution centers, ports, rail yards, refineries, chrome plating facilities, dry cleaners using perchloroethylene, and gasoline dispensing facilities. The project does not include construction of new gas stations, dry cleaners, highways, roadways, or other sources that could be considered new permitted or non-permitted sources of TAC or PM_{2.5} in proximity to sensitive receptors. In addition, mobile emissions generated from the project would be minimal and spread over a broad geographical area. Therefore, project operation would not expose sensitive receptors to substantial TAC concentrations, and impacts would be less than significant.

Asbestos

Demolition would be subject to BAAQMD Regulation 11, Rule 2 (Asbestos Demolition, Renovation, and Manufacturing). BAAQMD Regulation 11, Rule 2 is intended to limit asbestos emissions from demolition and the associated disturbance of asbestos-containing waste material generated or handled during these activities. This rule requires notification of BAAQMD of any regulated demolition activity, and contains specific requirements for surveying, notification, removal, and disposal of material containing asbestos. Impacts related to asbestos emissions from projects that comply with Regulation 11, Rule 2 are considered to be less than significant since the regulation would ensure the proper and safe disposal of asbestos containing material.

Lead

The proposed project would be required to comply with BAAQMD Regulation 11, Rule 1 (Lead), which is intended to control the emission of lead into the atmosphere. In addition, the proposed project would also be required to comply with the California Code of Regulations, Section 1532.1, which requires testing, monitoring, containment, and disposal of lead-based materials, such that

exposure levels do not exceed California Occupational Safety and Health Administration (CalOSHA) standards. Odors

BAAQMD's 2022 CEQA Air Quality Guidelines identifies land uses that have the potential to generate substantial odor complaints. The uses in the table include wastewater treatment plants, landfills or transfer stations, refineries, composting facilities, confined animal facilities, food manufacturing, smelting plants, and chemical plants (BAAQMD 2022). Odors are typically associated with industrial projects involving the use of chemicals, solvents, petroleum products, and other strong-smelling elements used in manufacturing processes, as well as sewage treatment facilities and landfills.

The project does not involve, nor would locate, new sensitive receptors in proximity to odor-emitting uses as identified in BAAQMD's 2022 CEQA Air Quality Guidelines. The proposed uses would not generate objectionable odors that would affect a substantial number of people. Furthermore, the project would be subject to BAAQMD Regulation 7, Odorous Substances, which requires abatement of any nuisance generating an odor complaint. Therefore, the project would not substantially cause new sources of odors and would not significantly expose sensitive receptors to existing or new odors, and impacts would be less than significant.

Conclusion

The proposed project would not generate significant air quality impacts or require analysis for CO hotspots or TACs based on BAAQMD criteria. Therefore, the project would meet the requirements for Air Quality under *criterion (d)*.

D. Water Quality

The project site is currently developed with an 8-unit apartment building and does not contain ponds, a creek, or other surface water. The closest watercourse is the channelized Matadero Canal approximately 470 feet south of the project site. Construction of the proposed project would not alter the course of a stream or river.

The project site is connected to an existing stormwater drainage system managed and maintained by the city of Palo Alto. Currently the project site is almost entirely covered in impervious paving. The project would replace the impervious surface with new imperious paving, landscaping, and new buildings. The center aisle of the project site would be underlain with permeable grass pavers. Total impervious surface on site under the proposed project would be 12,750 square feet.

Pursuant to PAMC Chapter 16.11, the project is considered a "significant redevelopment project" because it would result in the replacement of 10,000 square feet or more of impervious surface. Significant redevelopment projects must treat, either through capture, flow-through filtration, or a combination of capture and flow-through filtration, the volume of stormwater specified in the PAMC. The project would include a 515 square-foot stormwater bioretention area along the project site fronting Sutter Avenue. The bioretention area would capture and filter runoff before entering the storm drain system, thereby removing pollutants and reducing the rate and volume of stormwater flow. The proposed square footage of bioretention area would exceed City of Palo Alto requirements. Therefore, the proposed project would not substantially increase runoff from the site.

Stormwater leaving the project site would enter the City's existing stormwater conveyance system via storm drains on site. Impervious surface that would result from the construction of the proposed project would not create or contribute runoff that would exceed the capacity of the existing

stormwater conveyance infrastructure or otherwise result in flooding on or near the project site. In addition, the project would adhere to all Bay Area Municipal Regional Stormwater Permit requirements and comply with specifications regarding installation and maintenance for C.3 features as described in the Santa Clara Valley Urban Runoff Pollution Prevention Program C.3 Handbook.

Because the project would not increase stormwater runoff and would comply with City requirements to control and filter runoff, development of the proposed project would not degrade the quality of stormwater runoff from the site. Impacts related to water quality would be less than significant.

Conclusion

The proposed project would not introduce new surface water discharges, would not increase runoff volumes, result in substantial erosion or siltation, or result in flooding on- or off-site. Additionally, the project would not substantially alter the existing drainage pattern of the site. Therefore, the project would meet the requirements for Hydrology and Water Quality under *criterion (d)*.

3.5 Criterion (e)

The site can be adequately served by all required utilities and public services.

The project site is in an existing urban area served by existing public utilities and services. The proposed project is relatively small with 12 units and would not result in a substantial increase in demand for services or utilities. The City of Palo Alto Power and City of Palo Alto Waste-Gas-Water provides electricity, water, sewer, and solid waste collection services (through GreenWaste of Palo Alto) to the existing units as well as neighboring residences and commercial buildings. The existing infrastructure would continue to provide these services to the proposed project. In accordance with the City's newly adopted all-electric requirements, the new buildings will be all electric and no gas service will be provided to site.

Conclusion

The proposed project involves infill development on a project site in an urban area that is already served by existing utilities and public services. As discussed under *criterion (a)*, the project is within the allowed density for the site and is consistent with the 2030 Comprehensive Plan land use designation for the site. The project would not change the site's use or increase the intensity of use such that existing utility and public service providers would not be able to serve the project site. Therefore, the project would meet the requirements for Utilities and Service Systems under *criterion e*.

4 Exceptions to the Exemption

CEQA Guidelines Section 15300.2 outlines exceptions to the applicability of a Categorical Exemption, including cumulative impacts, significant effects due to unusual circumstances, scenic highways, hazardous waste sites, and historical resources. These exceptions are discussed below. As shown, none of the exceptions would apply.

4.1 Cumulative Impacts Criterion

CEQA Guidelines Section 15300.2 states that “all exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.” Table 14 includes a list of relevant cumulative projects within a 500-foot-radius of the project site.

Table 14 Cumulative Projects List

| Project Location | Land Use | Size | Status | Distance to Project Site |
|------------------|-------------|---|-----------------|--------------------------|
| 702 Clara Drive | Residential | Three two-story residential units | Under review | 300 feet |
| 2938 Ross Road | Residential | Two-story single-family residence with attached one-car garage | Review complete | 0.2 miles |
| 3054 Price Court | Residential | Two-story, 2,457 square foot residence with 580 square foot accessory dwelling unit | Review complete | 0.4 miles |

sf = square feet

Source: City of Palo Alto 2023. Cumulative project details were sourced from building eye, a citizen-facing mapping interface provided by the City of Palo Alto and available online at <https://paloalto.buildingeye.com/planning> and verified with City planning staff.

As discussed in Section 3.3, Criterion (C) above, the project would not affect sensitive biological resources and therefore would not result in a cumulative impact related to biological resources. As discussed in Section 3.4, Criterion (D), subsections A and C above, VMT and air quality analyses already take into account cumulative impacts and these impacts were found to be less than significant. As discussed in Section 3.4, Criterion (D), subsection D and Section 3.5, Criterion (E), the proposed project would not contribute pollutants such that water quality would be impacted and would be served by available utilities and public services. Therefore, impacts related to these issue areas were found to be less than significant and the project would not result in a cumulatively considerable contribution to potential significant cumulative impacts.

The project would involve temporary noise and vibration during construction; however, these effects are localized and would cease upon cessation of construction activities. Additionally, noise levels would not exceed the City’s threshold for construction noise. Construction noise impacts may overlap for the proposed project and the projects listed above. However, construction noise impacts are temporary. Overall, the project would not result in significant cumulative impacts. The proposed project would result in an increase in operational noise by approximately <0.1 dBA, therefore the project would not result in a cumulatively considerable contribution to significant operational noise impacts. This exception does not apply to the proposed project.

4.2 Significant Effects due to Unusual Circumstances Criterion

State CEQA Guidelines Section 15300.2 states that “a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” As discussed under *Project Location and Setting* above, the project site is currently developed with an 8-unit residential building. The project site is generally flat and does not possess characteristics which would qualify as unusual circumstances under Section State CEQA Guidelines Section 15300.2. Therefore, no known circumstances at the project site or related to project operations would result in a reasonable possibility of significant effects to the environment. This exception would not apply to the project.

4.3 Scenic Highways Criterion

State CEQA Guidelines Section 15300.2 states that a categorical exemption “shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.” There are no designated State Scenic Highways in the vicinity of the project site. The closest scenic highway is I-280, which has been recognized as eligible for designation as a State Scenic Highway, located approximately 3.4 miles southwest of the project site (Caltrans 2018). Due to distance and intervening structures, the project site is not visible from I-280. Therefore, the project would not damage scenic resources within a highway officially designated as a state scenic highway. This exception would not apply to the project.

4.4 Hazardous Waste Sites Criterion

State CEQA Guidelines Section 15300.2 states that a categorical exemption “shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.” A search of the EnviroStor environmental database, the California Department of Toxic Substances Control Hazardous Waste and Substances Sites (Cortese) List, and the State Water Resources Control Board’s (SWRCB) Geotracker Database was conducted in August 2023. The records review indicated that this project is not located on a site included on any list compiled pursuant to Section 65962.5 of the Government Code (Department of Toxic Substances Control 2023, State Water Resources Control Board 2023). Therefore, this exception does not apply to the project.

4.5 Historic Resources Criterion

State CEQA Guidelines Section 15300.2 states that a categorical exemption “shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.” According to the Historical Resources Assessment (HRA) prepared by Rincon Consultants, Inc. in September 2023 (Appendix D), the existing structure on the site was constructed in 1954 and is recommended ineligible for listing in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR) or local Historic Resources Inventory (HRI) under any eligibility criteria. Rincon Consultants, Inc. conducted a search of the files at the California Historical

Resources Information System (CHRIS) - Northwest Information Center (NWIC) in September 2023.² The records search included a review of previous cultural resources studies and recorded cultural resources within a 0.5-mile buffer of the project site. Additionally, Rincon Consultants, Inc. completed a pedestrian survey of the site.

Based on the evaluation, there were four resources found in proximity to the project site. However, no cultural resources as defined by CEQA Guidelines Section 15064.5(a), or unique archaeological resources, as defined by Public Resources Code Section 21083.2(g), were found to exist within the project site. In accordance with the Historic Resources & Permit Review Requirements of the City of Palo Alto, the structure is therefore not considered a historical resource for the purposes of CEQA and demolition would not result in the substantial adverse change in the significance of a historical resource. Therefore, this exception does not apply to the project.

As concluded in the HRA (Appendix D), the property at 739 Sutter Avenue is recommended ineligible for listing in the NRHP or CRHR or for local listing. As such, the property does not qualify as a historical resource and its demolition would not result in a significant adverse impact as defined by Section 15064.5 of the CEQA Guidelines. Further, the CHRIS records search failed to identify other cultural resources, including historic districts, within proximity to the project site. Finally, Rincon Consultants did not identify any information to suggest that the project area may be sensitive for archaeological resources. Based on the findings of this investigation, there would be no impact on historic resources associated with the proposed project.

Although the project would not result in a substantial adverse change in the significance of a historical resource, the applicant has proposed to follow standard best management practices in the unanticipated event that a buried archeological resource is uncovered during construction which are reinforced in the City's standard conditions of approval for development projects. Specifically, the applicant has proposed that if a potential archeological resource is uncovered during construction all work within 100 feet of the discovery would cease until the discovery is evaluated by a Qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards for Archaeology. If the find is determined to be an archeological resource, the Qualified Archeologist would recommend appropriate treatment, such as avoidance and preservation in place or creation of an Archaeological Resources Data Recovery and Treatment Plan, depending on the nature of the discovery. If the discovery is Native American in nature, coordination with the appropriate Native American tribe, based on the nature of the discovery, would occur.

² The records search results are not included in this report because public access to information on the location of archaeological sites is restricted by laws including Section 6254.10 of the California State Government Code, Executive Order 13007, Section 304 of the National Historic Preservation Act, and Section 9(a) of the Archaeological Resources Protection Act.

5 Summary

Based on the analysis in this report, the proposed 739 Sutter Avenue Project meets all criteria for a Class 32 Categorical Exemption pursuant to Section 15332 of the State CEQA Guidelines. Further, none of the exceptions to the Categorical Exemption listed in CEQA Guidelines Section 15300.2 apply to the proposed project.

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