

RESOLUTION NO. ____

A Resolution of the City Council of the City of Palo Alto, Certifying a Supplemental Environmental Impact Report to the 2017 Comprehensive Plan Final Environmental Impact Report, Adopting a Statement of Overriding Considerations, and Adopting a Comprehensive Plan Amendment for the North Ventura Coordinated Area Plan

R E C I T A L S

- A. California Government Code Section 65300 et seq. requires every city and county in California to adopt a General Plan, known in Palo Alto as its Comprehensive Plan, for its long-range development, and further, to periodically to update that plan to reflect current issues and conditions; and
- B. On November 13, 2017, the City Council for the City of Palo Alto (City) certified a Final Environmental Impact Report (EIR) for the City of Palo Alto 2030 Comprehensive Plan through Resolution No. 9720, made findings in relation to the Final EIR, adopted a mitigation monitoring and report plan (MMRP), and adopted a statement of overriding considerations through Resolution No. 9721 and adopted the City of Palo Alto 2030 Comprehensive Plan through Resolution No. 9722; and
- C. The City of Palo Alto 2030 Comprehensive Plan Policy L-1.7 and Program L-4.10 calls for the preparation of a plan for the North Ventura and surrounding California Avenue area in order to establish the future of the North Ventura area as a walkable neighborhood with multi-family housing, ground-floor retail, a public park, creek improvements, and an interconnected street grid; and
- D. On November 6, 2017, the City Council adopted a Resolution No. 9717 to initiate the local planning process for a North Ventura Coordinated Area Plan in accordance with Palo Alto Municipal Code Section 19.10.020; and
- E. On March 5, 2018, the City Council approved preliminary Project Goals, Objectives, schedule milestones, and Plan boundaries for the North Ventura Coordinated Area Plan, recognizing that these may be modified during the planning process; and
- F. On April 30, 2018, the City Council appointed a total of 14 members of the working group to advise the staff, boards/commissions, and the Council during the preparation of the plan; and
- G. The City conducted extensive community outreach in multiple languages since the NVCAP process has initiated in November 2017 including 17 meetings of the NVCAP Working Group; several community pop-up events; numerous meeting with stakeholders including school district, commercial property owners and tenants, interest groups in housing and transportation; two community workshops; one meeting of the Architectural Review Board (ARB); two meetings of the Historic Resources Board (HRB); six meetings of the Planning and Transportation Commission (PTC); and seven meetings of the City Council; and

- H. On January 10, 2022, City Council endorsed a preferred plan alternative, which was further refined on November 14, 2022, which allows additional 530 dwelling units, reduces 278,000 square feet of office and up to 7,500 square feet of retail to accommodate the new dwelling units, and allow up to two acres of park, including an opportunity to renaturalize the Matadero Creek through establishment of a 100-foot riparian corridor buffer.
- I. Pursuant to the provisions and requirements of CEQA and CEQA Guidelines Section 15163, the City as lead agency, prepared a Supplemental Environmental Impact Report to the 2017 Comprehensive Plan Final EIR (SEIR) to analyze the potential environmental impacts resulting from adopting the NVCAP; and
- J. The SEIR analyzes the environmental impacts of the NVCAP, in conjunction with the 2017 Comprehensive Plan Final EIR, is the environmental document upon which adoption of the NVCAP is predicated; and
- K. As provided in Government Code sections 65352 – 65352.5 the City mailed a public notice to all California Native American tribes provided by the Native American Heritage Commission and to other entities listed; and
- L. No California Native American tribe requested consultation; and
- M. In accordance with Government Code Section 65585 (b), on March 8, 2024, the City posted the SEIR and the draft NVCAP and requested public comment for a 45-day review period; and
- N. On May 8, 2024, the PTC held a duly and properly noticed public hearing to consider a draft of the SEIR and the NVCAP, and recommended that the City Council adopt the draft NVCAP.
- O. On June 10, 2024, the City Council conducted a duly and properly noticed public hearing to take public testimony, consider the SEIR, reviewed the NVCAP and all pertinent maps, documents and exhibits, including the staff report, and all attachments, and oral and written public comments.

NOW, THEREFORE, BE IT RESOLVED, that the City Council hereby finds that, based on substantial evidence in the record:

SECTION 1. Record of Proceedings

The record of proceedings upon which the City Council bases its decision herein includes, but is not limited to: (1) the SEIR and the 2017 Comprehensive Plan Final EIR including all appendices and attachments cited and/or relied upon therein; (2) the staff reports, City files and records and other documents prepared for and/or submitted to the City relating to the 2017 Comprehensive Plan Final EIR, SEIR, and the NVCAP; (3) the evidence, facts, findings, and other determinations set forth in this Resolution; (4) the 2017 Comprehensive Plan; (5) all studies, data, and correspondence submitted by the City in connection with the SEIR and the NVCAP; (6) all documentary and oral evidence received at

public workshops, meetings, and hearings; (7) all other matters of common knowledge to City decisionmakers, including City, state, and federal laws, policies, rules, and regulations, reports, records, and projections related to development within the City of Palo Alto and its surrounding areas. The location and custodian of records is the City Clerk of the City of Palo Alto, 250 Hamilton Avenue, Palo Alto, CA 94305.

SECTION 2. General CEQA Findings.

The City Council, in the exercise of its independent judgment, makes and adopts the following findings to comply with the requirements of CEQA, including Sections 15091, 15092, and 15093 of the CEQA Guidelines, based upon the entire record of proceedings for the Project. All statements set forth in this Resolution constitute formal findings of the City Council, including the statements set forth in this paragraph and in the recitals above.

1. The City determined to prepare a Supplemental EIR because the NVCAP would be built out and fully occupied by 2040, which exceeds the 2030 Comprehensive Plan's development horizon of 2030; and the adoption of NVCAP could result in a new significant and unavoidable impact for cultural resources and air quality not previously analyzed, but only minor additions or changes would be necessary to make the Comprehensive Plan Final adequately apply to the NVCAP.
2. The City Council was presented with, and has independently reviewed and analyzed, the SEIR and other information in the record, and has considered the information contained therein prior to acting upon and adopting the Project. The City Council bases the findings stated below on such review.
3. The SEIR, in conjunction with the Comprehensive Plan Final EIR, provides an adequate basis for considering and acting upon the Project. The City Council has considered all of the evidence and arguments presented during consideration of the Project and the SEIR. In determining whether the Project may have a significant impact on the environment, and in adopting the findings set forth herein, the City Council certifies that it has complied with Public Resources Code Sections 21081, 21081.5, and 21082.2.
4. The City Council agrees with the characterization of the SEIR 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 SEIR. This finding does not apply to impacts identified as significant or potentially significant that are reduced to a less than significant level by mitigation measures included in the SEIR. The disposition of each of those impacts and the mitigation measures adopted to reduce them are addressed specifically in the findings below.
5. Mitigation measures associated with the potentially significant impacts of the Project will be implemented through the Mitigation Monitoring and Reporting Program (MMRP) described below, which is the responsibility of the City to enforce. The MMRP associated with the SEIR works, for the NVCAP area, in addition to the MMRP for the Comprehensive Plan.
6. The SEIR considers a reasonable range of potentially feasible alternatives, sufficient to foster informed decision making, public participation and a reasoned choice, in accordance with CEQA.
7. The Revised Final SEIR contains responses to comments received on the Draft SEIR. The Final SEIR also contains corrections and clarifications to the text and analysis of the Draft SEIR where warranted. Factual corrections and minor changes added to the Draft SEIR have been made to merely clarify, amplify, and/or make insignificant modifications to the information provided in the Draft SEIR. The City Council does hereby find that such changes and additional information

are not significant new information under CEQA because such changes and additional information do not indicate that any of the following would result from approval and implementation of the Project: (i) any new significant environmental impact or substantially more severe environmental impact (not already disclosed and evaluated in the Draft SEIR) would result from the Project or from a new mitigation measure proposed to be implemented, (ii) any feasible mitigation measure considerably different from those analyzed in the Draft SEIR that would lessen a significant environmental impact of the Project has been proposed and would not be implemented, (iii) any feasible alternative considerably different from those analyzed in the Draft SEIR that would lessen a significant environmental impact of the Project has been proposed that would not be implemented, or (iv) the Draft SEIR was fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded. The City Council does find and determine that recirculation of the Final SEIR for further public review and comment is not warranted or required under the provisions of CEQA.

8. The City Council finds and certifies that the SEIR has been prepared and completed in compliance with CEQA and reflects the City of Palo Alto's independent judgment and analysis as the lead agency.
9. The City Council makes findings in this resolution with respect to significant effects on the environment of the Project, as identified in the SEIR, with the understanding that all of the information in this Resolution is intended as a summary of the full administrative record supporting the SEIR, which full administrative record should be consulted for the full details supporting these findings.
10. Any modifications to the NVCAP directed by the City Council on June 18, 2024 do not change the conclusions of the SEIR and the Comprehensive Plan Final EIR.

SECTION 3. Significant Impacts Reduced to Less than Significant.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes these findings with respect to the potential for significant environmental impacts from approval and implementation of the Project and the means for mitigating those impacts.

These findings do not attempt to describe the full analysis of each environmental impact contained in the SEIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the SEIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the SEIR. These findings hereby incorporate by reference the discussion and analysis in the SEIR that support the SEIR's determinations regarding significant project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the SEIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the SEIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

The SEIR identified a number of significant and potentially significant environmental impacts that the Project will cause or to which the Project would contribute. The following significant effects can be fully addressed and reduced to less than significant through the adoption and implementation of standard

project requirements incorporated as part of the Project and feasible mitigation measures. Those impacts, along with the standard project requirements and mitigation measures to reduce them to less than significant, are listed below as referenced in the SEIR.

Biological Resources

Impact BIO-1: Construction activities associated with build out of the Project could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.

(a) Potential Impact. The impact identified above is described and discussed in Section 3.3.2.2 of the SEIR.

(b) Mitigation Measures. The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings:

MM BIO-1.1: Construction During Migratory Bird and Raptor Nesting Season. To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code shall be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.

If initial site disturbance activities, including tree, shrub, or vegetation removal, are to occur during the bird breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors. The survey for nesting migratory birds shall cover the project site itself and the immediate vicinity of the site, with the survey for nesting raptors encompassing the site and surrounding lands within 250 feet, where accessible. The survey shall occur within seven days prior to the onset of ground disturbance.

If active nests are detected, appropriate construction-free buffers shall be established. The buffer sizes shall be determined by the project biologist based on species, topography, and type of activity occurring in the vicinity of the nest. Typical buffers are 25 to 50 feet for passerines and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed, as determined by the biologist, the buffer shall no longer be required.

Following the conclusion of nesting activity and removal of the construction buffers, a report shall be submitted to the City summarizing the results of the survey including identifying any buffer zones, and outlining measures implemented to prevent impacts to nesting birds.

(c) Finding and Rationale. The City Council finds that the above mitigation measure is feasible and that it would reduce the potential impacts on fertile eggs, nesting raptors or other migratory birds, or nest abandonment to a less-than-significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR.

The 2030 Comprehensive Plan Update FEIR maps the NVCAP and surrounding area as “urban forest” and based on a survey of the California Natural Diversity Database, there is no special-status habitat located within the areas mapped urban forest. The channelized portion of the Matadero Creek also does not contain riparian habitat or sensitive natural communities. However, tree removal activities have the potential to disturb migratory birds resulting in a short-term reduction in potential nesting and foraging habitat as well as directly destroying active nests if present; however, it is anticipated that resident and migratory bird species would resume nesting and foraging behavior once the construction is complete, and would utilize existing nearby nesting and foraging habitat during construction. In addition, the above mitigation would ensure habitat or species avoidance through appropriately timed habitat surveys to determine absence/presence, pre-construction surveys to determine absence/presence, implementation of avoidance/preventative measures, passive removal efforts, on-site monitoring by qualified biologists, and/or establishment of no-construction buffer zones during construction. Therefore, this impact would be reduced to a less-than-significant level.

(d) Remaining Impact. Mitigation Measure BIO-1.1 specified above would reduce all potential impacts for future development under the Project to less than significant.

Noise

Impact NOI-1: Construction activities associated with build out of the Project could generate groundborne vibration capable of causing cosmetic or worse building damage or adversely nearby sensitive receptors.

(a) Potential Impact. The impact identified above is described and discussed in Section 3.10.2.3 of the SEIR.

(b) Mitigation Measures. The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings:

MM NOI-1.1: Applicants for projects within the North Ventura Coordinated Area Plan area shall obtain a groundborne vibration study prior to the issuance of any discretionary permits that would allow the use of construction equipment within 22 feet or pile driving within 101 feet of existing structures. The study shall be prepared by a qualified professional in accordance with industry-accepted methodology, which include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans and the Federal Highway Administration. The study should identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures:

- A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds.
- Place operating equipment on the construction site as far as possible from vibration-sensitive receptors.

- Use smaller equipment to minimize vibration levels below the limits.
- Avoid using vibratory rollers and tampers near sensitive areas.
- Select demolition methods not involving impact tools.
- Modify/design or identify alternative construction methods to reduce vibration levels below the limits.
- Avoid dropping heavy objects or materials.

(c) Finding and Rationale. The City Council finds that the above mitigation measure is feasible and that it would reduce the potential impacts related to groundborne vibration to a less-than-significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR.

MM NOI-1.1 requires a qualified professional to prepare a study outlining recommended vibration assessment procedures, thresholds, and construction controls. These recommendations would address both human annoyance and cosmetic damage, if any, to nearby single- and multi-family residences, which are noise-sensitive receptors defined by the Comprehensive Plan. Therefore, with implementation of MM NOI-1.1, impacts would be reduced to a less-than-significant level.

(d) Remaining Impact. Mitigation Measure NOI-1.1 specified above would reduce all potential impacts for future development under the Project to less than significant.

Tribal Cultural Resources

Impact TCR-1: Future projects proposed under the North Ventura Coordinated Area Plan could potentially result in impacts to undiscovered tribal cultural resources.

(a) Potential Impact. The impact identified above is described and discussed in Section 3.12.2.2 of the SEIR.

(b) Mitigation Measures. The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings:

MM TCR-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training program has been provided to construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3.

MM TCR-1.2: Sub-Surface Monitoring. Prior to issuance of any tree removal, grading, demolition, and/or building permits or activities, the applicant shall notify the Director of Planning, of grading and construction dates and activities that require a qualified archeologist and Native American monitor to be present on the project site. The City shall then notify the tribe via email correspondence 10 days prior to any grading or construction activities. If the tribe chooses not to send a monitor or does not respond within the 10 days, work shall continue without the monitor.

A qualified archaeologist and a Native American monitor, registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during earthmoving activities including, trenching, initial or full grading, scraping or blading, lifting of foundation, boring, drilling, , or major landscaping. The qualified archaeologist and Native American monitor shall have the authority to halt construction activities in the event any cultural materials are encountered during ground-disturbing construction activities. The qualified archeologist and Native American monitor shall keep a daily monitoring log on days that monitoring occurs documenting construction activities that were monitored, location of the monitoring, and any cultural materials identified. These daily monitoring logs shall be made available to the City upon request.

MM TCR-1.3: Treatment Plan. In the event any significant cultural materials are encountered during construction, construction within a radius of 50 feet of the find would be halted, the Director of Planning shall be notified, and the on-site qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate treatment of the resource.

The qualified archeologist in collaboration with a Native American monitor, registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare and implement a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall contain, at a minimum:

1. Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.
2. Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).
3. Monitoring schedules and individuals.
4. Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).
5. Detailed field strategy to record, recover, or avoid the finds and address research goals.
6. Analytical methods.
7. Report structure and outline of document contents.
8. Disposition of the artifacts.
9. Security approaches or protocols for finds.
10. Appendices: all site records, correspondence, and consultation with Native Americans, etc.

The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the Director of Planning, or the Director's designee prior to implementation of the plan.

MM TCR-1.4: Evaluation. The project applicant shall notify the Director of Planning, Native American Monitor, and Archeological Monitor, of any finds during grading or other construction activities. Any historic or prehistoric material identified in the project area during excavation

activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test, hand augering, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center, and the Director of Planning.

(c) Finding and Rationale. The City Council finds that the above mitigation measure is feasible and that it would reduce the potential impacts related to undiscovered tribal cultural resources to a less-than-significant level. This mitigation measure is adopted by the City Council. Accordingly, the City Council finds that changes or alterations have been required in, or incorporated into, the Project that would avoid or substantially lessen the significant environmental effect as identified in the SEIR.

There are no known Tribal Cultural Resources in the NVCAP area. In addition to complying with the Comprehensive Plan Policies L-7.15, L-7.17, and L-7.18, require mitigation, identification, and protection of archaeological resources, as well as L-7.16 that would ensure tribal consultation in accordance with California Government Code Section 65352.3, implementation of above mitigation measures would provide proper training and proper procedures to follow if any undiscovered tribal resources are uncovered during construction. Therefore, with implementation of mitigation measures TCR-1.1 through TCR-1.4, potential impacts would be reduced to a less-than-significant level.

(d) Remaining Impact. Mitigation Measures TCR-1.1 through TCR-1.4 specified above would reduce all potential impacts for future development under the Project to less than significant.

SECTION 4. Significant and Unavoidable Impacts.

Pursuant to Public Resources Code Section 21081 and CEQA Guidelines Section 15091, the City Council hereby makes these findings with respect to the potential for significant environmental impacts from approval and implementation of the Project and the means for mitigating those impacts.

These findings do not attempt to describe the full analysis of each environmental impact contained in the SEIR. Instead, the findings provide a summary description of each impact, describe the applicable mitigation measures identified in the SEIR and adopted by the City, and state the findings on the significance of each impact after imposition of the adopted mitigation measures. A full explanation of these environmental findings and conclusions can be found in the SEIR. These findings hereby incorporate by reference the discussion and analysis in the SEIR that support the SEIR's determinations regarding significant project impacts and mitigation measures designed to address those impacts. The facts supporting these findings are found in the record as a whole for the Project.

In making these findings, the City ratifies, adopts, and incorporates into these findings the analysis and explanation in the SEIR, and ratifies, adopts, and incorporates into these findings the determinations and conclusions of the SEIR relating to environmental impacts and mitigation measures, except to the extent that any such determinations and conclusions are specifically and expressly modified by these findings.

The Draft SEIR and the Revised Final SEIR documented that the Project would result in significant and unavoidable impacts which cannot be adequately mitigated through the adoption and implementation

of feasible mitigation measures. Those impacts, along with mitigation measures to mitigate them to the extent feasible, are listed below as referenced in the SEIR.

Air Quality

Impact AIR-1: Build out of the Project would increase VMT and daily trips by six and 12.2 percent, respectively, and increase the service population by 4.1 percent. Since the increase in population would be exceeded by the increase in VMT and daily trips, the Project would have a significant criteria air pollutant emissions impact.

(a) Potential Impact. The impact identified above is described and discussed in Section 3.2.2.3 of the SEIR.

(b) Mitigation Measures. The following Comprehensive Plan mitigation measure are already adopted and will be implemented as provided in the MMRP for the Project, and as further described in the remainder of these findings:

AIR-2a: The City shall amend its local CEQA Guidelines and Municipal Code to require, as part of the City's development approval process, that future development projects comply with the current Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing construction emissions of PM₁₀ (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines).

AIR-2b: The City shall amend its local CEQA Guidelines to require that, prior to issuance of construction permits, development project applicants that are subject to CEQA and have the potential to exceed the BAAQMD screening-criteria listed in the BAAQMD CEQA Guidelines prepare and submit to the City of Palo Alto a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Palo Alto shall require that applicants for new development projects incorporate mitigation measures (Table 8-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold, of the BAAQMD CEQA Guidelines or applicable construction mitigation measures subsequently approved by BAAQMD) to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City.

AIR-2c: To ensure that development projects that have the potential to exceed the BAAQMD screening criteria air pollutants listed in the BAAQMD CEQA Guidelines reduce regional air pollutant emissions below the BAAQMD thresholds of significance, the proposed Plan shall include policies that require compliance with BAAQMD requirements, including BAAQMD CEQA Guidelines.

AIR-2d: Implement Mitigation Measures TRANS-1a and TRANS-1b. In addition, to reduce long-term air quality impacts by emphasizing walkable neighborhoods and supporting alternative modes of transportation, the proposed Plan shall include policies that achieve the following:

- Enhanced pedestrian and bicycle connections between commercial and mixed-use centers.

AIR-3a: The City of Palo Alto shall update its CEQA Procedures to require that future non-residential projects within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Palo Alto prior to future discretionary project approval or shall comply with best practices recommended for implementation by the BAAQMD.

The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds the BAAQMD significance thresholds, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.

Mitigation measures and best practices may include but are not limited to:

- Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible.
- Electrifying warehousing docks.
- Requiring use of newer equipment and/or vehicles.
- Restricting off-site truck travel through the creation of truck routes.

Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project.

AIR-3c: The proposed Plan shall include policies to mitigate potential sources of toxic air contaminants through siting or other means to reduce human health risks and meet the Bay Area Air Quality Management District's applicable threshold of significance. Policies shall also require that new sensitive land use projects (e.g., residences, schools, hospitals, nursing homes, parks or playgrounds, and day care centers) within 1,000 feet of a major stationary source of TACs and roadways with traffic volumes over 10,000 vehicles per day consider potential health risks and incorporate adequate precautions, such as high-efficiency air filtration, into project design.

AIR-4: To reduce odor impacts, the proposed Plan shall include policies requiring:

- Buffers, mechanical, and other mitigation methods to avoid creating a nuisance.

TRANS-1a: Adopt a programmatic approach to reducing motor vehicle traffic, with the goal of achieving no net increase in peak-hour motor vehicle trips from new development, with an exception for uses that directly contribute to the neighborhood character and diversity of Palo Alto (such as ground-floor retail and below-market-rate housing). The program should, at a

minimum, require new development projects above a specific size threshold to prepare and implement a Transportation Demand Management (TDM) Plan to achieve the following reduction in peak-hour motor vehicle trips from the rates included in the Institute of Transportation Engineers' Trip Generation Manual for the appropriate land use category and size. These reductions are deemed aggressive, yet feasible, for the districts indicated.

- 45 percent reduction in the Downtown district
- 35 percent reduction in the California Avenue area
- 30 percent reduction in the Stanford Research Park
- 30 percent reduction in the El Camino Real Corridor
- 20 percent reduction in other areas of the city

TDM Plans must be approved by the City and monitored by the property owner or the project proponent on an annual basis. The Plans must contain enforcement mechanisms or penalties that accrue if targets are not met and may achieve reductions by contributing to citywide or employment district shuttles or other proven transportation programs that are not directly under the property owner's control.

TRANS-1b: Require new development projects to pay a Transportation Impact Fee for all those peak-hour motor vehicle trips that cannot be reduced via TDM measures. Fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion.

(c) Findings. The above-noted mitigation measures are adopted Comprehensive Plan Final EIR mitigation measures. The Comprehensive Plan Final EIR concluded that the Comprehensive Plan would result in a significant and unavoidable impact on O₃, PM₁₀, and PM_{2.5}. Future development under the NVCAP would be subject to the above mitigation measures; however, as the Comprehensive Plan Final EIR concluded that impact even with implementation of these mitigation measures would not be reduced to a less-than-significant level. In addition, the buildout of the NVCAP would conflict with the 2017 Clean Air Plan due to a net increase of O₃, PM₁₀, and PM_{2.5}.

(d) Remaining Impacts. There are no other feasible mitigation measures available to mitigate this impact to a less-than-significant level due to the programmatic nature of the NVCAP. Even though future individual projects under the NVCAP might comply with air quality regulations, the overall program-level impact with the buildout of the NVCAP would remain significant and unavoidable.

(e) Overriding Considerations. The environmental, social, economic and other benefits of the Project override any remaining significant adverse impacts of the Project relating to air quality as set forth in the Statement of Overriding Considerations below.

Cultural Resources

Impact CUL-1: Future projects proposed under the North Ventura Coordinated Area Plan could result in the demolition of historic buildings, including yet identified historic resources as defined in CEQA Guidelines Section 15064.5.

(a) Potential Impact. The impact identified above is described and discussed in Section 3.3.22 of the SEIR.

(b) Mitigation Measures. The following mitigation measure will be adopted and will be implemented as provided in the MMRP, and as further described in the remainder of these findings:

MM CUL-1.1: Prior to project approval, future development projects that would demolish a potential historic resource shall be required to prepare a Historic Resource Evaluation (HRE) to evaluate whether the property is eligible for inclusion into the City's Historic Resources Inventory, CRHR, and NRHP. The HRE shall address the feasibility of avoiding adverse impacts through project redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting shall be identified.

MM CUL-1.2: If impacts to the historic resource cannot be avoided, all feasible measures are required to be implemented to reduce the magnitude of the impact. At a minimum, the City shall require "Documentation" and "Commemoration" efforts in accordance with the guidelines established for Historic American Building Survey (HABS) consistent with the Secretary of Interior's Standards for Architectural and Engineering Documentation. Additional measures could include relocation, incorporation of the resources into the project, and/or salvage. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior's Professional Qualification Standards for History and/or Architectural History.

(c) Findings. MM CUL-1.1 requires future projects that involve demolition or substantial alteration of a potential historic resource to prepare a Historic Resources Evaluation (HRE). This evaluation would explore ways to minimize harm to the resource through project redesign, rehabilitation, or reuse. MM CUL-1.2 ensures that all feasible measures are taken to minimize impacts if the resource cannot be entirely avoided. However, even with these measures in place, development under the NVCAP could still result in the demolition of historic resources, which would be considered a significant impact under CEQA.

(d) Remaining Impacts. No further feasible measures are available to eliminate the potential for significant cultural resource impacts. While implementing the mitigation measures outlined above (MM CUL-1.1 and MM CUL-1.2) can lessen the impact on potential historic resources, a significant impact may still occur. Even in scenarios where future development avoids demolition or substantial alteration, challenges remain. Adaptive reuse of historic resources for housing presents uncertainties regarding compliance with both the Secretary of the Interior Standards for Treatment of Historic Properties and the California Historic Building Code. Due to these uncertainties, the impact on cultural resources would remain significant and unavoidable.

(e) Overriding Considerations. The environmental, social, economic and other benefits of the Project override any remaining significant adverse impacts of the Project relating to historical resources as set forth in the Statement of Overriding Considerations below.

SECTION 5. Findings Regarding Project Alternatives.

Public Resources Code section 21002 prohibits a public agency from approving a project if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project. When a lead agency finds, even after the adoption of all

feasible mitigation measures, that a project will still cause one or more significant environmental effects that cannot be substantially lessened or avoided, it must, prior to approving the project as mitigated, first determine whether there are any project alternatives that are feasible and that would substantially lessen or avoid the project's significant impacts. Under CEQA, "feasibility" includes "desirability" to the extent that it is based on a reasonable balancing of the relevant economic, environmental, social, and technological factors, and an alternative may be deemed by the lead agency to be "infeasible" if it fails to adequately promote the project applicant's and/or the lead agency's primary underlying goals and objectives for the project. Thus, a lead agency may reject an alternative, even if it would avoid or substantially lessen one or more significant environmental effects of the project, if it finds that the alternative's failure to adequately achieve the objectives for the project, or other specific and identifiable considerations, make the alternative infeasible.

The City Council certifies that the Final SEIR describes a reasonable range of alternatives to the Project, which could feasibly obtain the basic objectives of the Project, and that the City Council has evaluated the comparative merits of the alternatives.

Chapter 2 of the Draft SEIR set forth the Goals and Objectives for the NVCAP. That list is incorporated herein by reference. In light of the applicant's objectives for the Project, and given that the Project is expected to result in certain significant environmental effects even after the implementation of all feasible mitigation measures, as identified above, the City hereby makes the following findings with respect to whether one or more of the alternatives evaluated in the Draft SEIR could feasibly accomplish most of the goals and objectives for the Project and substantially lessen or avoid one or more of its potentially significant effects.

No Project Alternative

The No Project Alternative assumes the NVCAP would remain as developed today with 142 residential units, 744,000 square feet of office, and 111,200 square feet of retail. The No Project Alternative is discussed in Section 7.2.2.1 of the Draft SEIR. The No Project Alternative is hereby rejected as infeasible because it would not achieve the Project objectives, as explained in Section 7.2.2.1 of the Draft SEIR. This Alternative would not meet the NVCAP's objectives to establish the future of the North Ventura area as a walkable neighborhood with multi-family housing, ground-floor retail, a public park, creek improvements, and an interconnected street grid. It would be in conflict with the Comprehensive Plan Policy L-1.7 and Program L-4.10. No Alternative was identified as an environmentally superior alternative because it would avoid the identified significant impacts to historic resources.

Alternative 2: Single-Story Adaptive Reuse Alternative

Alternative 2, Single-Story Adaptive Reuse Alternative, aims to minimize modifications by keeping the eligible historic resource building at 340 Portage Avenue at one story and creating 113 residential units, compared to the NVCAP, which proposes to accommodate 281 residential units with a 3-story development.

While Alternative 2 preserves the building's character, particularly the monitor roof, significant changes would still be necessary for residential conversion. These include modifications to all exterior walls for windows and doors, interior compartmentalization with light wells, and substantial structural upgrades. In addition, Alternative 2 produces a smaller number of residential units, which falls short of the project's

objectives.

Alternative 2 still contributes to significant and unavoidable air quality impacts due to increased VMT, but Alternative 2's reduced number of residential units (168 fewer than NVCAP) results in slightly lower GHG emissions. The potential construction-related impacts on migratory birds, construction air quality and noise, and tribal cultural resources would be same as the NVCAP and would require the same mitigation measures.

Alternative 2 would meet all of the NVCAP's objectives but the alternative would provide fewer residential units than the NVCAP and would therefore be only partially consistent with Objective 1 (Housing and Land Use).

SECTION 6. Statement of Overriding Considerations.

Pursuant to Public Resources Code Section 21081 and Section 15093 of the CEQA Guidelines, this City Council adopts and makes the following Statement of Overriding Considerations regarding the remaining significant unavoidable impacts of the Project, as discussed above, and the anticipated economic, social and other benefits of the Project.

The City finds that: (i) the majority of the significant impacts of the Project will be reduced to less-than-significant and acceptable levels by the mitigation measures described in the Revised Final SEIR and approved and adopted by these Findings; (ii) the City's approval of the Project will result in certain significant adverse environmental effects that cannot be avoided even with the incorporation of all feasible mitigation measures into the Project; and (iii) there are no other feasible mitigation measures or feasible Project alternatives that would further mitigate or avoid the remaining significant environmental effects.

The significant effects that have not been mitigated to a less-than-significant level and are therefore considered significant and unavoidable are identified in Section 4 herein. Despite these potentially significant impacts, it is the City's considered judgment that the benefits offered by the Project outweigh the potentially adverse effects of these significant impacts. The substantial evidence supporting the following described benefits of the Project can be found in the preceding findings and in the record of proceedings.

The benefits of the NVCAP which the City Council finds serve as overriding considerations justifying its approval include the following:

- (1) The NVCAP promotes a mix of residential, employment, and commercial uses within close proximity. This integrated design encourages residents to walk, bike, and utilize public transportation for daily needs, demonstrably reducing reliance on automobiles. With a multi-modal transportation improvement and reduced VMT, the NVCAP would contribute to cleaner air and help combat climate change by minimizing transportation-related GHG emissions. In addition, a walkable, mixed-use community fosters a more efficient lifestyle, potentially reducing overall energy consumption.
- (2) The NVCAP prioritizes housing needs by planning for 530 residential units, directly contributing to the City's efforts to meet its Regional Housing Needs Allocation (RHNA) goal. This increase in housing stock creates more opportunity for affordable housing units within the NVCAP area as well. While there is a reduction in office space, this prioritizes housing needs and encourages the development of retail to create a "complete neighborhood." This mixed-use approach offers

residents amenities and services conveniently located within walking distance, potentially reducing reliance on cars and fostering a more vibrant community.

- (3) The NVCAP creates an opportunity for a new public park for recreation and enjoyment, while also creating an opportunity to naturalize Matadero Creek and a sufficient setback enhancing the environment and promoting a connection with nature.
- (4) The NVCAP's increased development capacity fosters a potential for revenue generation through impact fees. This additional revenue stream can be strategically allocated to enhance public amenities, ultimately improving the quality of life for residents within the NVCAP area and potentially throughout the city.
- (5) The NVCAP strengthens the City's grant applications by demonstrating a commitment to well-planned development. Granting agencies often favor projects aligned with approved community plans that have undergone environmental review (CEQA). This process ensures the project considers potential impacts and incorporates strategies to minimize them, ultimately benefiting the community.

SECTION 7. Mitigation Monitoring and Reporting Program

- (1) CEQA requires the lead agency approving a project to adopt a Mitigation Monitoring and Reporting Program (MMRP) for the changes made to the project that it has adopted in order to mitigate or avoid significant effects on the environment. An MMRP has been prepared and is recommended for adoption by the City Council concurrently with the adoption of these findings to ensure compliance with standard project requirements incorporated as part of the project and mitigation measures during Project implementation. As required by Public Resources Code section 21081.6, the MMRP designates responsibility and anticipated timing for the implementation of the mitigation measures recommended in the Final EIR. The MMRP will remain available for public review during the compliance period.
- (2) The City Council hereby adopts the MMRP for the Project attached hereto as Exhibit A and incorporated by reference, and finds, determines, and declares that the adoption of the MMRP will ensure enforcement and continued imposition of the mitigation measures recommended in the Final EIR, and set forth in the MMRP, in order to mitigate or avoid significant impacts on the environment.

SECTION 8. NVCAP Adopted as an Amendment to the Comprehensive Plan.

1. Based on the record of proceedings as a whole, the City Council makes the following findings and declarations regarding the NVCAP, attached hereto as Exhibit C and incorporated herein:
 - a. Adoption of the NVCAP is in the public interest. The NVCAP provides the framework to create a walkable neighborhood with multi-family housing, ground-floor retail, a public park, creek improvements, and an interconnected street grid for the North Ventura neighborhood.
 - b. The NVCAP is internally consistent and consistent with the rest of the Comprehensive Plan. As an integrated set of goals, policies, programs, and timelines, and quantified objectives, the NVCAP does not itself approve any specific development projects; it acknowledges land use and zoning changes that will be required and therefore it creates no inconsistencies with the Comprehensive Plan.

- c. The NVCAP was developed through diligent effort by the City to achieve public participation of all segments of the community, as described in Chapter 1 of the NVCAP.
2. Based on substantial evidence in the record, including, but not limited to, implementation of the NVCAP's visions for the NVCAP in Chapter 2 as well as land use policies and programs as well as design standards provided in Chapters 3 through 6, the City would allow 530 additional dwelling units, supporting much needed housing supply for the City, and approximately two acres of new public open space within the plan area. The NVCAP envisions creating and enhancing well-defined connections to transit, pedestrian, and bicycle facilities, including improved connections to the Caltrain Station and other major streets like Park Boulevard and El Camino Real. It would create an opportunity to re-naturalize Matadero Creek through the establishment of a 100-foot riparian corridor buffer.
3. The NVCAP is hereby adopted in its entirety, as an appendix and amendment to the 2030 Comprehensive Plan.
4. Additional amendments to the Land Use and Community Design Element of the Comprehensive Plan are necessary to reflect adoption of the NVCAP; these amendments are in the public interest as they implement the NVCAP and the land use policies and programs contained therein. Specific Comprehensive Plan Amendments are shown in detail in the attached Exhibit B.
5. The Director of Planning and Development Services and City Clerk are hereby directed to distribute copies of the NVCAP in the manner provided in Government Code Sections 65357 and 65589.7.
6. The Director of Planning and Development Services is directed to make the necessary changes to the Comprehensive Plan Land Use Map to reflect this amendment.

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SECTION 9. Effective Date.

This resolution will be effective upon adoption by the City Council.

INTRODUCED AND PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Chief Assistant City Attorney

City Manager

Director of Planning and
Development Services

Exhibit A

Mitigation Monitoring and Reporting Program

Section 21081 of the California Environmental Quality Act (CEQA) requires a Lead Agency to adopt a Mitigation Monitoring or Reporting Program (MMRP) whenever it approves a project for which measures have been required to mitigate or avoid significant effects on the environment. The purpose of the monitoring or reporting program is to ensure compliance with the mitigation measures during project implementation.

The North Ventura Coordinated Area Plan Supplemental Environmental Impact Report (EIR) concluded that the implementation of the project could result in significant effects on the environment and mitigation measures were incorporated into the proposed project or are required as a condition of project approval. This MMRP addresses those measures in terms of how and when they will be implemented.

This document does *not* discuss those subjects for which the EIR concluded that mitigation measures would not be required to reduce significant impacts.

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|--|--|--|-------------------------------------|----------------------------------|--|--|
| Air Quality | | | | | | |
| Impact AIR-1: Build out of the NVCAP would increase VMT and daily trips by six and 12.2 percent, respectively, and increase the service population by 4.1 percent. Since the increase in population would be exceeded by the increase in VMT and daily trips, the NVCAP would have a significant criteria air pollutant emissions impact. | Comprehensive Plan Final EIR (FEIR) Mitigation measures AIR-2a, AIR-2b, AIR-2c, AIR-2d, and TRANS-1a and Trans 1b | | | | | |
| | AIR-2a: The City shall amend its local CEQA Guidelines and Municipal Code to require, as part of the City’s development approval process, that future development projects comply with the current Bay Area Air Quality Management District (BAAQMD) basic control measures for reducing construction emissions of PM ₁₀ (Table 8-2, Basic Construction Mitigation Measures Recommended for All Proposed Projects, of the BAAQMD CEQA Guidelines). | City of Palo Alto Planning and Development Services (PDS) Department | During development approval process | City of Palo Alto PDS Department | Ensure future development complies with current BAAQMD basic control measures | As development applications are received |
| | AIR-2b: The City shall amend its local CEQA Guidelines to require that, prior to issuance of construction permits, development project applicants that are subject to CEQA and have the potential to exceed the BAAQMD screening-criteria listed in the BAAQMD CEQA Guidelines prepare and submit to the City of Palo Alto a technical assessment evaluating potential project construction-related air quality impacts. The evaluation shall be prepared in conformance with BAAQMD methodology in assessing air quality impacts. If construction-related criteria air pollutants are determined to have the potential to exceed the | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that projects that exceed BAAQMD screening criteria prepare construction air quality assessments in conformance with BAAQMD | As development applications are received |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|----------------------|--|----------------------------------|-------------------------------------|----------------------------------|---|--|
| | <p>BAAQMD thresholds of significance, as identified in the BAAQMD CEQA Guidelines, the City of Palo Alto shall require that applicants for new development projects incorporate mitigation measures (Table 8-3, Additional Construction Mitigation Measures Recommended for Projects with Construction Emissions Above the Threshold, of the BAAQMD CEQA Guidelines or applicable construction mitigation measures subsequently approved by BAAQMD) to reduce air pollutant emissions during construction activities to below these thresholds. These identified measures shall be incorporated into all appropriate construction documents (e.g., construction management plans) submitted to the City.</p> | | | | | |
| | <p>AIR-2c: To ensure that development projects that have the potential to exceed the BAAQMD screening criteria air pollutants listed in the BAAQMD CEQA Guidelines reduce regional air pollutant emissions below the BAAQMD thresholds of significance, the proposed Plan shall include policies that require compliance with BAAQMD requirements, including BAAQMD CEQA Guidelines.</p> | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that projects that exceed BAAQMD screening criteria prepare air quality assessments in conformance with BAAQMD | As development applications are received |
| | <p>AIR-2d: Implement Mitigation Measures TRANS-1a and TRANS-1b. In addition, to reduce long-term air quality impacts by emphasizing walkable neighborhoods and supporting alternative modes of transportation, the proposed Plan shall include policies that achieve the following:</p> <ul style="list-style-type: none"> ▪ Enhanced pedestrian and bicycle connections between commercial and mixed-use centers. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that Transportation Demand Management (TDM) Plans incorporate enhanced pedestrian and bicycle connections | As development applications are received |
| | <p>TRANS-1a: Adopt a programmatic approach to reducing motor vehicle traffic, with the goal of achieving no net increase in peak-hour motor vehicle trips from new development, with an exception for uses that directly contribute to the neighborhood</p> | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Require projects implement a TDM Plan to achieve established trip reductions. | As development applications are received |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|----------------------|---|----------------------------------|---------------------------------|----------------------------------|--|--|
| | <p>character and diversity of Palo Alto (such as ground-floor retail and below-market-rate housing). The program should, at a minimum, require new development projects above a specific size threshold to prepare and implement a Transportation Demand Management (TDM) Plan to achieve the following reduction in peak-hour motor vehicle trips from the rates included in the Institute of Transportation Engineers' <i>Trip Generation Manual</i> for the appropriate land use category and size. These reductions are deemed aggressive, yet feasible, for the districts indicated.</p> <ul style="list-style-type: none"> ▪ 45 percent reduction in the Downtown district ▪ 35 percent reduction in the California Avenue area ▪ 30 percent reduction in the Stanford Research Park ▪ 30 percent reduction in the El Camino Real Corridor ▪ 20 percent reduction in other areas of the city <p>TDM Plans must be approved by the City and monitored by the property owner or the project proponent on an annual basis. The Plans must contain enforcement mechanisms or penalties that accrue if targets are not met and may achieve reductions by contributing to citywide or employment district shuttles or other proven transportation programs that are not directly under the property owner's control.</p> | City of Palo Alto PDS Department | At the building permit issuance | City of Palo Alto PDS Department | Collect Transportation Impact Fees for peak-hour trips that cannot be reduced. | As development applications are received |
| | <p>TRANS-1b: Require new development projects to pay a Transportation Impact Fee for all those peak-hour motor vehicle trips that cannot be reduced via TDM measures. Fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion.</p> | City of Palo Alto PDS Department | At the building permit issuance | City of Palo Alto PDS Department | Collect Transportation Impact Fees for peak-hour trips that cannot be reduced. | As development applications are received |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
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| | <p>AIR-3a: The City of Palo Alto shall update its CEQA Procedures to require that future non-residential projects within the city that: 1) have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and 2) are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, shall submit a health risk assessment (HRA) to the City of Palo Alto prior to future discretionary project approval or shall comply with best practices recommended for implementation by the BAAQMD.</p> <p>The HRA shall be prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment and the Bay Area Air Quality Management District. If the HRA shows that the incremental cancer risk exceeds the BAAQMD significance thresholds, the applicant will be required to identify and demonstrate that mitigation measures are capable of reducing potential cancer and noncancer risks to an acceptable level, including appropriate enforcement mechanisms.</p> <p>Mitigation measures and best practices may include but are not limited to:</p> <ul style="list-style-type: none"> ▪ Restricting idling on-site beyond Air Toxic Control Measures idling restrictions, as feasible. ▪ Electrifying warehousing docks. ▪ Requiring use of newer equipment and/or vehicles. ▪ Restricting off-site truck travel through the creation of truck routes. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that projects that have the potential to generate 100 or more diesel truck trips per day or have 40 or more trucks with operating diesel-powered TRUs, and are within 1,000 feet of a sensitive land use (e.g., residential, schools, hospitals, nursing homes), as measured from the property line of a proposed project to the property line of the nearest sensitive use, prepare and submit a health risk assessment (HRA) | As development applications are received |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|-----------------------------|--|----------------------------------|-------------------------------------|----------------------------------|---|--|
| | Mitigation measures identified in the project-specific HRA shall be identified as mitigation measures in the environmental document and/or incorporated into the site development plan as a component of a proposed project. | | | | | |
| | AIR-3b: To ensure that new industrial and warehousing projects with the potential to generate new stationary and mobile sources of air toxics that exceed the BAAQMD project-level and/or cumulative significance thresholds for toxic air contaminants and PM _{2.5} listed in the BAAQMD CEQA Guidelines reduce emissions below the BAAQMD thresholds of significance, amend the City’s CEQA guidelines to require compliance with BAAQMD requirements. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that new industrial and warehousing projects are evaluated against BAAQMD thresholds and comply with BAAQMD requirements | As development applications are received |
| | AIR-3c: The proposed Plan shall include policies to mitigate potential sources of toxic air contaminants through siting or other means to reduce human health risks and meet the Bay Area Air Quality Management District’s applicable threshold of significance. Policies shall also require that new sensitive land use projects (e.g., residences, schools, hospitals, nursing homes, parks or playgrounds, and day care centers) within 1,000 feet of a major stationary source of TACs and roadways with traffic volumes over 10,000 vehicles per day consider potential health risks and incorporate adequate precautions, such as high-efficiency air filtration, into project design. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that new sensitive land uses are evaluated in conformance with BAAQMD’s health risk thresholds. | As development applications are received |
| | AIR-4: To reduce odor impacts, the proposed Plan shall include policies requiring: <ul style="list-style-type: none"> ▪ Buffers, mechanical, and other mitigation methods to avoid creating a nuisance. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that new development provides adequate buffers and/or incorporates other methods to avoid creating odor nuisances. | As development applications are received |
| Biological Resources | | | | | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|---|---|---|---|---|--|--|
| <p>Impact BIO-1: Construction activities associated with build out of the NVCAP could result in the loss of fertile eggs, nesting raptors or other migratory birds, or nest abandonment.</p> | <p>MM BIO-1.1 Construction During Migratory Bird and Raptor Nesting Season. To the extent feasible, construction activities shall be scheduled to avoid the nesting season. If construction activities are scheduled to take place outside the nesting season, all impacts to nesting birds protected under the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code shall be avoided. The nesting season for most birds in Santa Clara County extends from February 1 through August 31.</p> | <p>City of Palo Alto PDS Department</p> | <p>Prior to the issuance of any tree removal or grading permits</p> | <p>City of Palo Alto PDS Department</p> | <p>Ensure that the projects either avoid the nesting season or conduct pre-construction surveys for nesting migratory birds.</p> | <p>Prior to the issuance of any tree removal or grading permit</p> |
| | <p>If initial site disturbance activities, including tree, shrub, or vegetation removal, are to occur during the bird breeding season (February 1 through August 31), a qualified biologist shall conduct a pre-construction survey for nesting migratory birds and raptors. The survey for nesting migratory birds shall cover the project site itself and the immediate vicinity of the site, with the survey for nesting raptors encompassing the site and surrounding lands within 250 feet, where accessible. The survey shall occur within seven days prior to the onset of ground disturbance.</p> | | | | | |
| | <p>If active nests are detected, appropriate construction-free buffers shall be established. The buffer sizes shall be determined by the project biologist based on species, topography, and type of activity occurring in the vicinity of the nest. Typical buffers are 25 to 50 feet for passerines¹ and up to 250 feet for raptors. The project buffer shall be monitored periodically by the project biologist to ensure compliance. After the nesting is completed,</p> | | | | | |

¹ Refers to smaller perching birds.

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|--|--|----------------------------------|--|----------------------------------|--|---------------------------|
| | <p>as determined by the biologist, the buffer shall no longer be required.</p> <p>Following the conclusion of nesting activity and removal of the construction buffers, a report shall be submitted to the City summarizing the results of the survey including identifying any buffer zones, and outlining measures implemented to prevent impacts to nesting birds.</p> | | | | | |
| Cultural Resources | | | | | | |
| Impact CUL-1: Future projects proposed under the North Ventura Coordinated Area Plan could result in the demolition of historic buildings, including yet identified historic resources as defined in CEQA Guidelines Section 15064.5. | MM CUL-1.1: Prior to project approval, future development projects that would demolish a potential historic resource shall be required to prepare a Historic Resource Evaluation (HRE) to evaluate whether the property is eligible for inclusion into the City’s Historic Resources Inventory, CRHR, and NRHP. The HRE shall address the feasibility of avoiding adverse impacts through project redesign, rehabilitation, or reuse of the resource. Preservation in place is always the preferred measure for mitigating direct impacts to historic resources. If the resource is to be preserved on the property, specific measures to protect the integrity of the structure and its setting shall be identified. | City of Palo Alto PDS Department | During development approval process | City of Palo Alto PDS Department | Ensure that projects that would demolish a potential historic resource prepare and submit a Historic Resource Evaluation (HRE) | Prior to project approval |
| | MM CUL-1.2: If impacts to the historic resource cannot be avoided, all feasible measures are required to be implemented to reduce the magnitude of the impact. At a minimum, the City shall require “Documentation” and “Commemoration” efforts in accordance with the guidelines established for Historic American Building Survey (HABS) consistent with the Secretary of Interior’s Standards for Architectural and Engineering Documentation. Additional measures | City of Palo Alto PDS Department | “Documentation” to be provided prior to issuance of demo permits; “Commemoration” to be provided prior to issuance of occupancy permits. | City of Palo Alto PDS Department | If impacts to historic resources cannot be avoided, ensure that “Documentation” and “Commemoration” efforts are done in accordance with the guidelines established for Historic American Building Survey (HABS) consistent with the Secretary of Interior’s Standards for Architectural and Engineering Documentation. | Prior to project approval |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|---|---|---|--|---|--|----------------------------------|
| | <p>could include relocation, incorporation of the resources into the project, and/or salvage. The documentation shall be completed by a qualified architectural historian or historian who meets the Secretary of the Interior’s Professional Qualification Standards for History and/or Architectural History.</p> | | | | | |
| Noise | | | | | | |
| <p>Impact NOI-1: Construction activities associated with build out of the NVCAP could generate groundborne vibration capable of causing cosmetic or worse building damage or adversely affecting nearby sensitive receptors.</p> | <p>MM NOI-1.1: Applicants for projects within the North Ventura Coordinated Area Plan area shall obtain a groundborne vibration study prior to the issuance of any discretionary permits that would allow the use of construction equipment within 22 feet or pile driving within 101 feet of existing structures. The study shall be prepared by a qualified professional in accordance with industry-accepted methodology, which include the recommended vibration assessment procedure and thresholds provided by public agencies such as Caltrans and the Federal Highway Administration. The study should identify necessary construction vibration controls to reduce both human annoyance and the possibility of cosmetic damage. Controls shall include, but not be limited to, the following measures:</p> <ul style="list-style-type: none"> A list of all heavy construction equipment to be used for this project known to produce high vibration levels (tracked vehicles, vibratory compaction, jackhammers, hoe rams, etc.) shall be submitted to the City by the contractor. This list shall be used to identify equipment and activities that would potentially generate substantial vibration and to define the level of effort for reducing vibration levels below the thresholds. | <p>City of Palo Alto PDS Department</p> | <p>Prior to the issuance of discretionary permits for construction</p> | <p>City of Palo Alto PDS Department</p> | <p>Ensure that projects prepare and submit a groundborne vibration study by a qualified professional</p> | <p>Prior to project approval</p> |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|--|---|----------------------------------|---|----------------------------------|---|---|
| | <ul style="list-style-type: none"> Place operating equipment on the construction site as far as possible from vibration-sensitive receptors. Use smaller equipment to minimize vibration levels below the limits. Avoid using vibratory rollers and tampers near sensitive areas. Select demolition methods not involving impact tools. Modify/design or identify alternative construction methods to reduce vibration levels below the limits. Avoid dropping heavy objects or materials. | | | | | |
| Tribal Cultural Resources | | | | | | |
| Impact TCR-1: Future projects proposed under the North Ventura Coordinated Area Plan could potentially result in impacts to undiscovered tribal cultural resources. | MM TCR-1.1: Cultural Sensitivity Training. Prior to issuance of any grading permit, the project applicant shall be required to submit evidence that a Cultural Awareness Training program has been provided to construction personnel. The training shall be facilitated by a qualified archaeologist in collaboration with a Native American representative registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. | City of Palo Alto PDS Department | Prior to the issuance of any grading permit | City of Palo Alto PDS Department | Ensure that projects submit evidence that a Cultural Awareness Training program has been provided to construction personnel. | Prior to issuance of any grading permit |
| | MM TCR-1.2: Sub-Surface Monitoring. Prior to issuance of any tree removal, grading, demolition, and/or building permits or activities, the applicant shall notify the Director of Planning, of grading and construction dates and activities that require a qualified archeologist and Native American monitor to be present on the project site. The City shall then notify the tribe via email correspondence 10 days prior to any grading or construction activities. If the | City of Palo Alto PDS Department | Prior to the issuance of any tree removal, grading, demolition, and/or building permits or activities | City of Palo Alto PDS Department | Ensure that projects incorporate a qualified archaeologist and Native American monitor to be present during earthmoving activities including, trenching, initial or full grading, scraping or blading, lifting of foundation, boring, drilling, or major landscaping. | Prior to issuance of any grading permit |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|----------------------|--|---|----------------------------|---|---|---------------------------------|
| | <p>tribe chooses not to send a monitor or does not respond within the 10 days, work shall continue without the monitor.</p> | | | | | |
| | <p>A qualified archaeologist and a Native American monitor, registered with the Native American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall be present during earthmoving activities including, trenching, initial or full grading, scraping or blading, lifting of foundation, boring, drilling, or major landscaping. The qualified archaeologist and Native American monitor shall have the authority to halt construction activities in the event any cultural materials are encountered during ground-disturbing construction activities. The qualified archeologist and Native American monitor shall keep a daily monitoring log on days that monitoring occurs documenting construction activities that were monitored, location of the monitoring, and any cultural materials identified. These daily monitoring logs shall be made available to the City upon request.</p> | | | | | |
| | <p>MM TCR-1.3: Treatment Plan. In the event any significant cultural materials are encountered during construction, construction within a radius of 50 feet of the find would be halted, the Director of Planning shall be notified, and the on-site qualified archaeologist shall examine the find and make appropriate recommendations regarding the significance of the find and the appropriate treatment of the resource.</p> | <p>City of Palo Alto PDS Department</p> | <p>During construction</p> | <p>City of Palo Alto PDS Department</p> | <p>Ensure that the qualified archaeologist’s recommendations are incorporated into the treatment plan for any encountered cultural materials.</p> | <p>At the time of the find.</p> |
| | <p>The qualified archeologist in collaboration with a Native American monitor, registered with the Native</p> | | | | | |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|----------------------|---|---|----------------------------|---|---|---------------------------------|
| | <p>American Heritage Commission for the City of Palo Alto and that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, shall prepare and implement a treatment plan that reflects permit-level detail pertaining to depths and locations of excavation activities. The treatment plan shall contain, at a minimum:</p> <p>Identification of the scope of work and range of subsurface effects (including location map and development plan), including requirements for preliminary field investigations.</p> <p>Description of the environmental setting (past and present) and the historic/prehistoric background of the parcel (potential range of what might be found).</p> <p>Monitoring schedules and individuals.</p> <p>Development of research questions and goals to be addressed by the investigation (what is significant vs. what is redundant information).</p> <p>Detailed field strategy to record, recover, or avoid the finds and address research goals.</p> <p>Analytical methods.</p> <p>Report structure and outline of document contents.</p> <p>Disposition of the artifacts.</p> <p>Security approaches or protocols for finds.</p> <p>Appendices: all site records, correspondence, and consultation with Native Americans, etc.</p> <p>The treatment plan shall utilize data recovery methods to reduce impacts on subsurface resources. The treatment plan must be reviewed and approved by the Director of Planning, or the Director’s designee prior to implementation of the plan.</p> | | | | | |
| | <p>MM TCR-1.4: Evaluation. The project applicant shall notify the Director of Planning, Native American</p> | <p>City of Palo Alto PDS Department</p> | <p>During construction</p> | <p>City of Palo Alto PDS Department</p> | <p>Ensure that any historic or prehistoric material identified in</p> | <p>At the time of the find.</p> |

MITIGATION MONITORING AND REPORTING PROGRAM

| Environmental Impact | Mitigation Measure | Implementation Responsibility | Implementation Timing | Monitoring Responsibility | Monitoring Action | Monitoring Frequency |
|----------------------|--|-------------------------------|-----------------------|---------------------------|---|----------------------|
| | <p>Monitor, and Archeological Monitor, of any finds during grading or other construction activities. Any historic or prehistoric material identified in the project area during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation. Data recovery methods may include, but are not limited to, backhoe trenching, shovel test, hand auguring, and hand-excavation. The techniques used for data recovery shall follow the protocols identified in the approved treatment plan. Data recovery shall include excavation and exposure of features, field documentation, and recordation. All documentation and recordation shall be submitted to the Northwest Information Center, and the Director of Planning.</p> | | | | <p>the project area during excavation activities shall be evaluated for eligibility for listing in the California Register of Historic Resources as determined by the California Office of Historic Preservation.</p> | |

MITIGATION MONITORING AND REPORTING PROGRAM

Exhibit B

State law (California Government Code Section 65302.10) requires the City to address potential regional inequity and infrastructure deficits within disadvantaged unincorporated communities (DUCs) in this Element. There are no DUCs within the Palo Alto Sphere of Influence (SOI) with public services or infrastructure needs or deficiencies.

PALO ALTO AIRPORT

Palo Alto Airport (PAO) is a general aviation airport owned and operated by the City of Palo Alto. PAO occupies 102 acres of land east of Highway 101 in the baylands and has one paved runway. The airport functions as a reliever to three Bay Area airports. PAO facilities include an air traffic control tower operated by the Federal Aviation Administration and a terminal building. Flight clubs and fixed base operators operate on-site, offering fuel sales, flight lessons, pilot training and aircraft sales, rentals, maintenance and repair. From 1967 to 2015, PAO was operated by Santa Clara County under a lease agreement. Operations and control have since been transferred to the City and key challenges ahead include addressing deterioration of runway conditions, addressing noise



impacts and hours of operation and the relationship between the Airport and the Baylands Master Plan.

LAND USE MAP AND LAND USE DESIGNATIONS

Map L-6 shows each land use designation within the city of Palo Alto. The land use designations translate the elements of city structure into a detailed map that presents the community's vision for future land use development and conservation on public and private land in Palo Alto through the year 2030. [Land use designations specific to neighborhoods covered by Area Plans are defined in detail within the corresponding](#)

[Area Plan policy documents.](#) Residential densities are expressed in terms of dwelling units per acre. Population densities per acre are not absolute limits.

Building intensities for non-residential uses are expressed in terms of floor area ratio (FAR), which is the ratio of gross building floor area (excluding areas designated for parking, etc.) to net lot area, both expressed in square feet. FAR does not regulate building placement or form, only the spatial relationship between building size and lot size; it represents an expectation of the overall intensity of future development.

The maximums assigned to the land use designations below do not constitute entitlements, nor are property owners or developers guaranteed that an individual project, when tested against the General Plan's policies, will be able or permitted to achieve these maximums.

LAND USE DEFINITIONS

[AREA PLAN](#)

[Area Plans may include unique land use designations within their boundaries, applicable only to the corresponding area. These distinct designations for different Area Plans are described in detail within the respective Area Plan policy documents.](#)

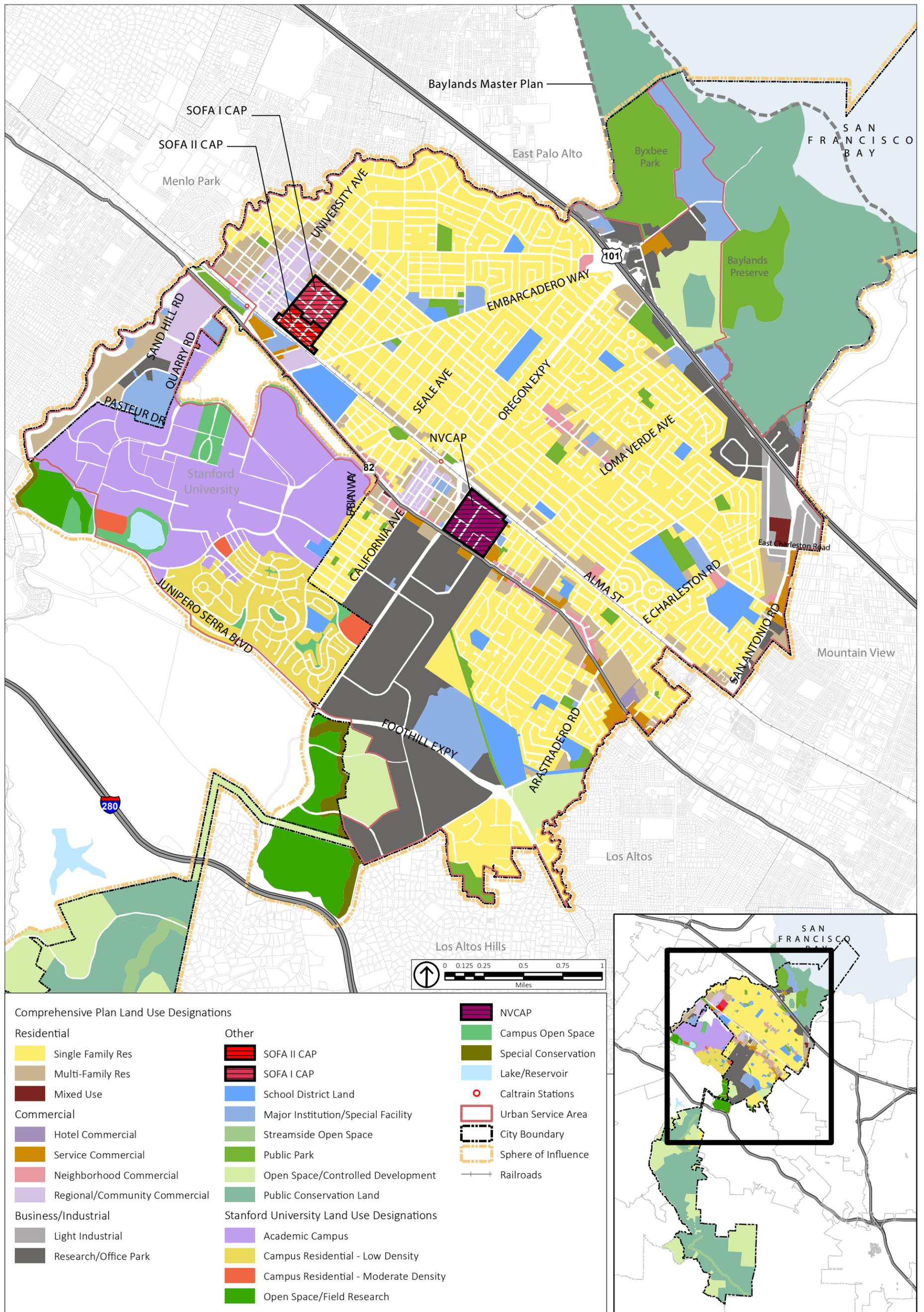
OPEN SPACE

Publicly Owned Conservation Land: Open lands whose primary purpose is the preservation and enhancement of the natural state of the land and its plants and animals. Only resource management, recreation and educational activities compatible with resource conservation are allowed.

Public Park: Open lands whose primary purpose is public access for active recreation and whose character is essentially urban. These areas, which may have been planted with non-indigenous landscaping, may



PALO ALTO GENERAL PLAN UPDATE
LAND USE ELEMENT



Source: ESRI, 2010; Tiger Lines, 2010; USGS, 2010; NHD, 2013; City of Palo Alto, 2013; PlaceWorks, 2015.
 As amended on December 19, 2022

Exhibit C:

This Exhibit is provided as Attachment G to Council report 2406-3197.