Initial Study

Martin Luther King Jr. Park Master Plan Project



Prepared by

CITY OF EAST PALO ALTO
INCORPORATED 1983

In Consultation with

DAVID J. POWERS & ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

September 2026

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SECTION 1.0 INTRODUCTION AND PURPOSE

1.1 PURPOSE OF THE INITIAL STUDY

The City of East Palo Alto, as the Lead Agency, has prepared this Initial Study for the Martin Luther King, Jr. Park (MLK Jr. Park) Masterplan in compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines (California Code of Regulations §15000 et. seq.) and the regulations and policies of the City of East Palo Alto, California.

The project proposes to renovate and expand the existing MLK Jr. park within the City of East Palo Alto. This Initial Study evaluates the environmental impacts that might reasonably be anticipated to result from implementation of the proposed project.

1.2 PUBLIC REVIEW PERIOD

Publication of this Initial Study marks the beginning of a 20-day public review and comment period. During this period, the Initial Study will be available to local, state, and federal agencies and to interested organizations and individuals for review. Written comments concerning the environmental review contained in this Initial Study during the 20-day public review period should be sent to:

Maurice Baker, Community Services Manager
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303
mbaker@cityofepa.org

1.3 CONSIDERATION OF THE INITIAL STUDY AND PROJECT

Following the conclusion of the public review period, the City will consider the adoption of the Initial Study/Mitigated Negative Declaration (MND) for the project at a regularly scheduled meeting. The City shall consider the Initial Study/MND together with any comments received during the public review process. Upon adoption of the MND, the City may proceed with project approval actions.

1.4 NOTICE OF DETERMINATION

If the project is approved, the City will file a Notice of Determination (NOD) within five days of the approval, which will be available for public inspection and posted within 24 hours of receipt at the County Clerk's Office for 30 days. The filing of the NOD starts a 30-day statute of limitations on court challenges to the approval under CEQA (CEQA Guidelines Section 15075(g)).

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Martin Luther King Jr. Park Master Plan Project

2.2 LEAD AGENCY CONTACT

Maurice Baker, Community Services Manager
City of East Palo Alto
2415 University Avenue
East Palo Alto, CA 94303

2.3 PROJECT LOCATION

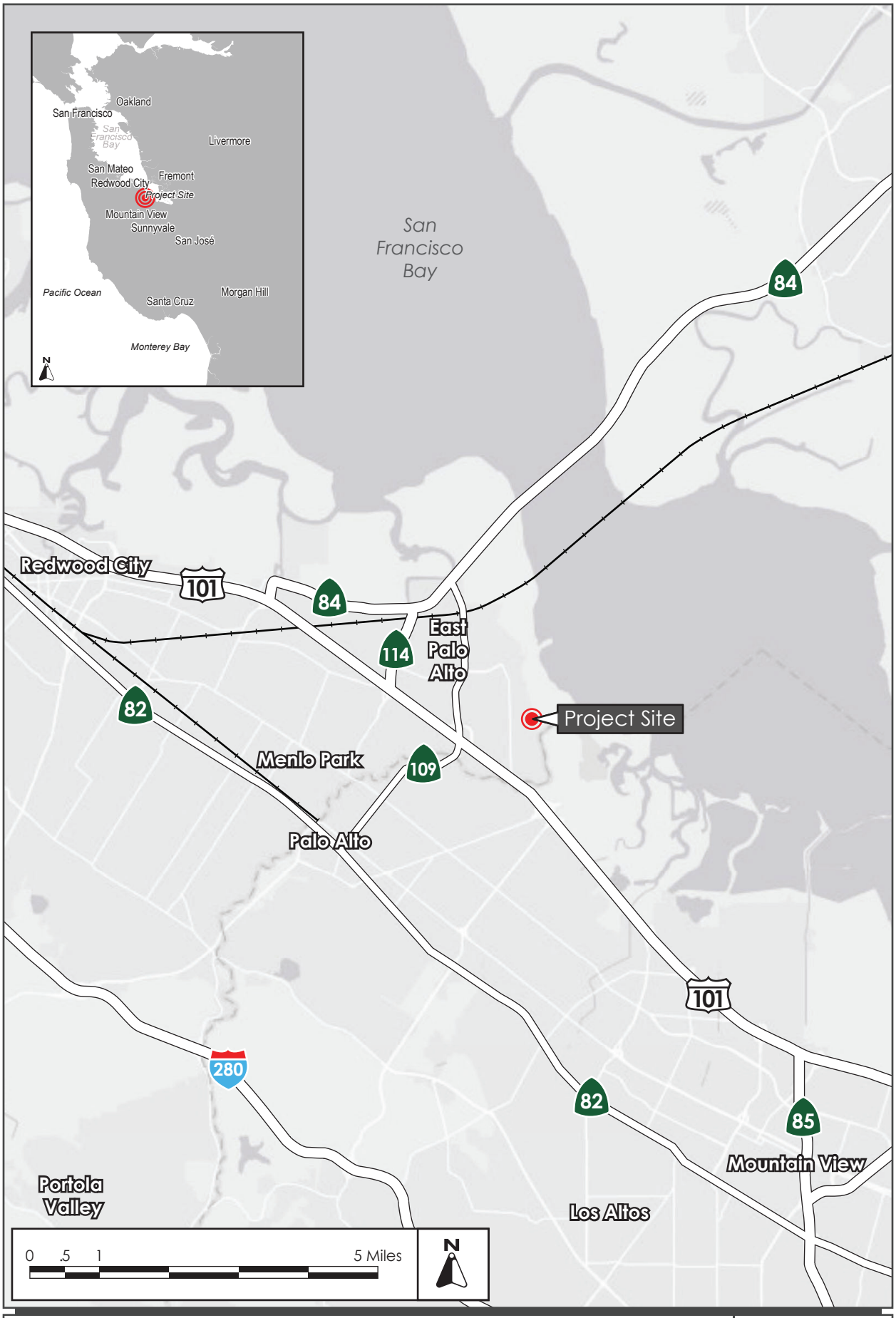
The approximately 13.89-acre project site includes MLK Jr. Park in East Palo Alto and undeveloped parcels located to the north, east, and south of the existing park which contain seasonal wetlands, potential seasonal wetlands, and ruderal grassland. The project site consists of five parcels (Assessor's Parcel Numbers [APNs] 063-600-060, 063-600-999, 063-390-030, 063-580-050, and 063-580-040) and is bounded by Beech Street to the north, residences and O'Connor Street to the south, the Runnymede channel, Bay Trail, and Don Edwards Wildlife Preserve to the east, and residences to the west. Surrounding uses include a residential neighborhood to the north, south, and west, the Bay Trail, Bayshore pond (managed by the Mid-peninsula Open Space District) and undeveloped wetlands (Faber Marsh) within the Don Edwards Wildlife Preserve to the east, San Francisquito Creek, San Francisquito Creek Trail, Baylands Golf Links golf course, and Palo Alto Airport to the southeast. Regional, vicinity, and aerial maps of the project site are shown in Figure 2.6-1, Figure 2.6-2, and Figure 2.6-3.

2.4 ASSESSOR'S PARCEL NUMBERS

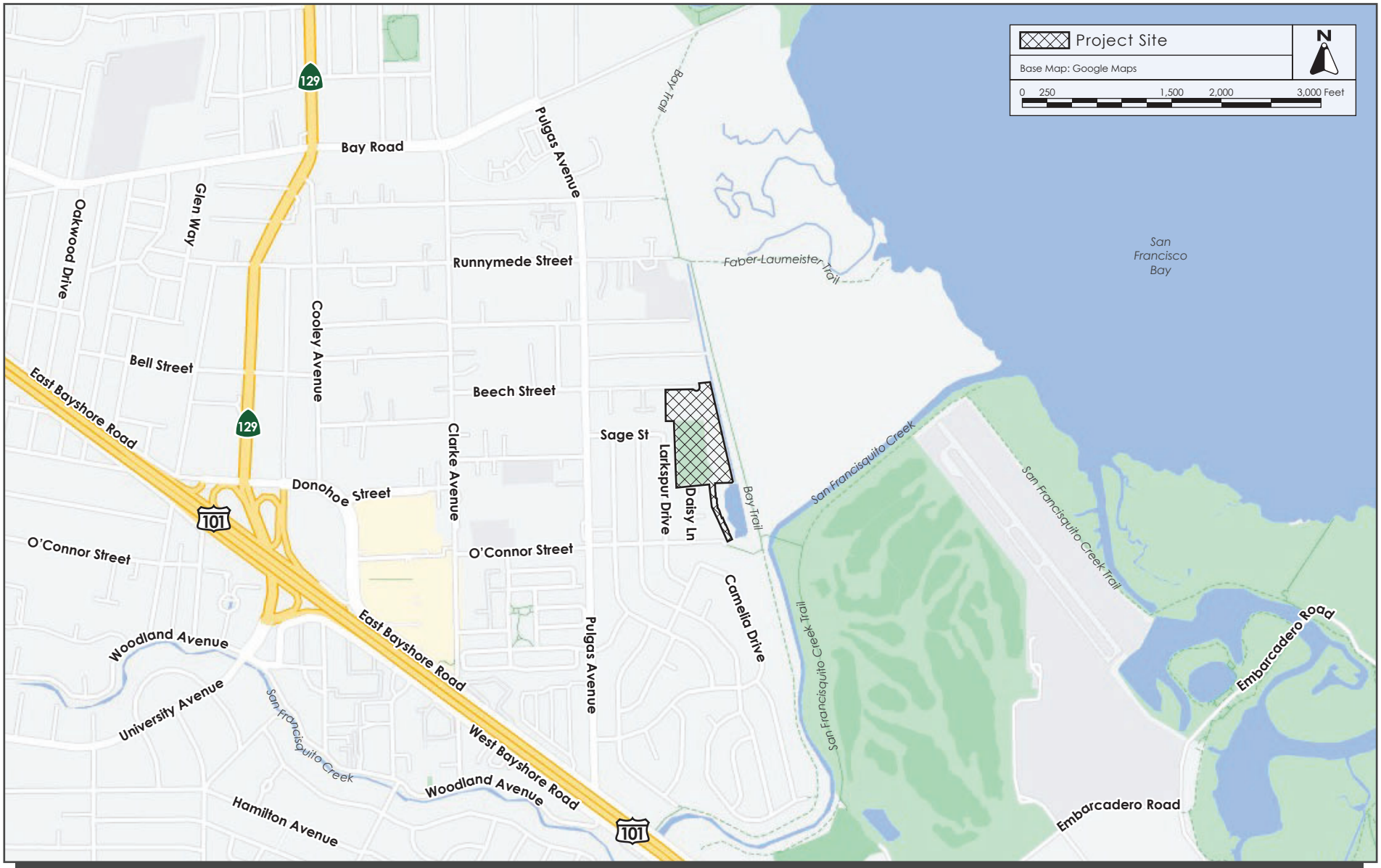
APNs: 063-600-060, 063-600-999, 063-390-030, 063-580-050, and 063-580-040

2.5 GENERAL PLAN DESIGNATION AND ZONING DISTRICT

The majority of the project site, including the existing park and Beech Street parcel, is designated Parks/Recreation/Conservation (PRC) in the City's General Plan and zoned PR - Parks and Recreation Zone in the East Palo Alto Municipal Code (EPAMC). The PG&E easement land and area of the proposed access road to O'Connor Street are designated Resource Management (RM) in the City's General Plan and are zoned RM - Resource Management.



REGIONAL MAP | FIGURE 2.6-1



VICINITY MAP

FIGURE 2.6-2



AERIAL PHOTOGRAPH AND SURROUNDING LAND USES | FIGURE 3

SECTION 3.0 PROJECT DESCRIPTION

3.1 BACKGROUND INFORMATION

The project site consists of an existing City park, MLK Jr. Park and approximately 9.19 acres of undeveloped grassland adjacent to the north, east, and southeast of the existing park. The existing MLK Jr. Park is a 4.7-acre existing public park within the City of East Palo Alto that consists of two unlighted, natural turf playing fields (one baseball and one multi-sport), a scoreboard, bleachers, a 1,271-square-foot concession building with public restrooms, a play structure, two BBQ and picnic areas, a 25-space surface parking lot, and landscaping including mature trees. Existing lighting at the project site includes 32 15-foot-tall pole-mounted lights adjacent to the picnic area and around the perimeter of the playing fields which are illuminated from sunset to sunrise. The existing natural turf playing fields are currently impacted by rodent burrows, resulting in safety hazards for users.

The park is currently open from sunrise to sunset seven days per week.

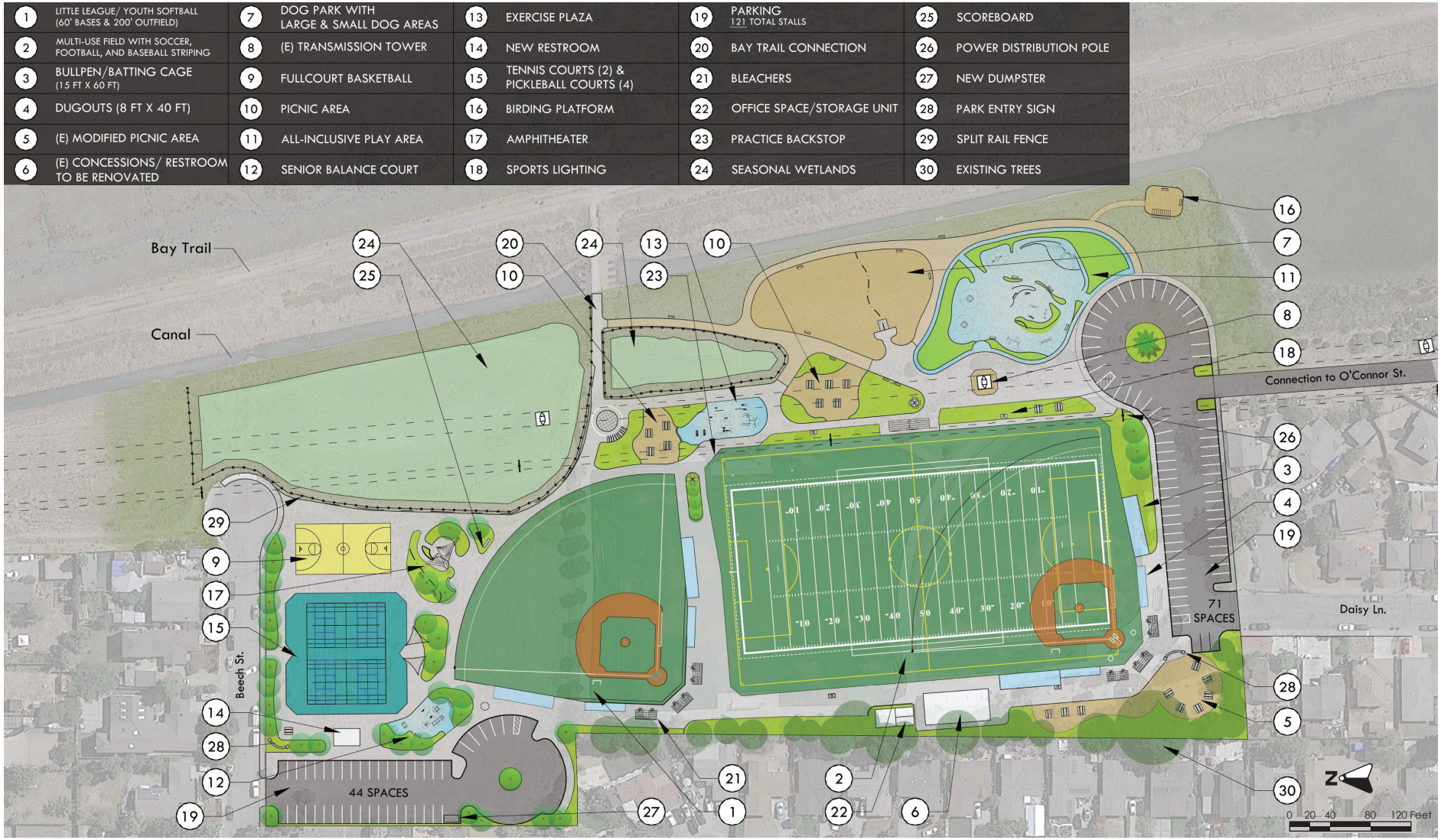
Based on past reservation data for the park, MLK Jr. Park primarily serves the surrounding neighborhood and receives an average of 45 to 60 users per day during weekdays and an average of 80 to 100 users per day during weekends under baseline conditions.[1]

Two seasonal wetland and potential seasonal wetland areas are located on-site within the undeveloped grassland area of the project site.[2]

3.2 PROJECT DESCRIPTION

The proposed project would redevelop the existing 4.7-acre park and expand into undeveloped land adjacent to the east and north resulting in a total of 13.89 acres and construct a new access road south from the Daisy Lane parking lot to O'Connor Street. The project would construct one new lighted synthetic multi-sport playing field with a perimeter track, one new lighted synthetic baseball field, lighted sports courts, lighted amphitheater/performance stage, all-inclusive playground[3], exercise equipment, fenced dog park, public address (PA) system, and a new 44 space surface parking lot with access from Beech Street. The project would preserve the existing seasonal wetlands and potential seasonal wetlands on the project site. The existing concessions/restroom building, play structure, and BBQ/picnic areas would be retained and renovated, the existing fence along the western project boundary would be replaced with a new eight to 10-foot-tall chain-link fence with privacy screen, and the existing parking lot off Daisy Lane would be expanded from 25 to 71 spaces. A conceptual site plan is shown on Figure 3.2-1. A detailed description of these improvements is included below.

[1] Maurice Baker. Recreation Program Coordinator, City of East Palo Alto. Personal Communication. June 13, 2022.
[2] H.T. Harvey & Associates, Inc. *Martin Luther King, Jr. Park Master Plan Biological Resources Report*. March 8, 2023.
[3] All-inclusive playground is a playground that is designed to be used by children and adults of all abilities. The proposed all-inclusive playground will include play structures that meet accessibility guidelines per the Americans with Disabilities Act (ADA).



Source: Verde Design, Inc.

CONCEPTUAL MASTER PLAN

FIGURE 3.2-1

3.2.1 New Facilities and Buildings

Within the existing boundaries of MLK Jr. Park, the project would replace the two existing fenced natural turf playing fields, a scoreboard with two new scoreboards (one for each playing field), and five existing bleachers (with a total seating capacity of 200 people) with a new lighted and fenced multi-sport synthetic turf playing field with perimeter track, a new lighted synthetic baseball field[4], batting cage, dugout, backstop, PA system, and eight new bleachers (with a total seating capacity of 320 people). The perimeter track would be 0.23 miles in length, consist of the same synthetic turf material as the playing fields, and be located adjacent to the multisport field. No competitive track and field events are proposed. The PA system would be mounted on the backstop poles (which have a maximum height of approximately 30 feet) between the two playing fields and oriented downwards toward spectators in the bleachers. The PA system would be used intermittently and only during scheduled games when the fields are reserved and would not be used past 10:00 PM Monday through Saturday. A new approximately 200-300 square foot storage/office building would be constructed adjacent to the existing concessions building for use by approximately three park management employees during park operational hours. The storage/office building would have a maximum height of nine feet. Permanent and temporary movable fencing would be installed around the perimeter of the multi-sport playing field and track (permanent) and within the multi-sport field (temporary) to mark the boundary of the field when it is being used for baseball. The permanent fences would be approximately six to 10-feet tall, and the temporary fence would be six-feet tall. Both fences would be chain link, similar to those present on the site under existing conditions. As a project option, the City is considering replacement of the existing approximately 30-foot-tall backstop and netting system and installation of two new backstops and netting systems around both of the proposed playing fields to prevent foul balls from exiting the playing fields. For the purposes of this analysis, it is assumed that the backstop would be installed.

To the east, within the PG&E easement, the project would construct a new all-inclusive play area, fenced dog park, exercise plaza and bay trail connection, bird viewing platform, two new picnic areas, preserve two existing seasonal wetland and potential seasonal wetland areas and install new split rail fencing around the perimeter of the wetland areas, retain the existing high voltage electrical transmission tower adjacent to the all-inclusive play area, and expand (from 25 to 71 spaces) the existing surface parking lot to the east with a new connection to O'Connor Street. Fencing may be added around the perimeter of high voltage electrical transmission tower adjacent to the all-inclusive play area based on consultation with PG&E, to prevent park users from climbing on the transmission tower.

Within the parcel to the north, the project would construct a new 468-square-foot restroom building, lighted synthetic turf baseball field with batting cage, dugout, backstop, bleachers, lighted amphitheater, picnic area, senior balance court[5], two new tennis/pickleball courts, new park sign facing Beech Street, a new 44-space parking lot with access off Beech Street, and a new split rail fence between the park amenities and the existing seasonal wetlands and potential seasonal wetlands to the east. The new restroom building would have a maximum height of 12 feet. The existing power lines and poles (including the two high voltage lines and towers) in the eastern portion of the site would remain with the project. A new dumpster would be located along the western project boundary

[4] Fill material used in the synthetic turf fields would include natural material such as cork or wood and would not be composed of recycled tire materials to avoid water quality impacts.
[5] A space for adults to strengthen motor skills and manual dexterity to promote healthy ageing and rehabilitation

within the new 44-space surface parking lot and enclosed in a structure.

3.2.2 Lighting

The project would replace the 32 existing 15-foot-tall pole-mounted lights on-site with a combination of stadium lights, pedestrian lights, and pole-mounted parking lot lights. A total of eight stadium lights would be installed in the park, including two 100-foot lights, one 80-foot light, and two 60-foot lights around the multi-sport playing field, as well as two 60-foot lights and one 70-foot light around the softball field. All lights would be fitted with LED bulbs and would not exceed 100 feet which is well below the maximum height limit of 143 feet as established in Federal Aviation Administrative (FAA) Part 77.[6] All lights would be oriented downward toward the playing fields and include shielding materials to direct light on the fields only, minimize interference with airport operations, and limit light spillover in the Don Edwards Wildlife Preserve. In addition, the project would include installation of 10 25-foot-tall pole-mounted parking lot lights, eight 12 to 14-foot-tall pedestrian lights along the proposed connection to O'Connor Street, and 35 pedestrian lights (12 to 14 feet tall) at the amphitheater and along paths and walking trails.

Pole mounted parking lot lights would be illuminated during park operational hours from sunset until closing at 10:00 PM and pedestrian lights would be illuminated from sunset until 11:00 PM. Stadium lights around the sports fields would be illuminated only when fields are in use until 9:00 PM during regular park operations or up to 11:00 PM during special events. A lighting plan showing the proposed illumination levels with the proposed lighting is included as Figure 3.2-2.

3.2.3 Improvements to Existing Park Facilities

The project proposes improvements to existing park facilities in the southwest corner of the project site to meet current accessibility codes. These proposed improvements include resurfacing and replacement of the existing BBQ grills, picnic tables, trash receptacles, and water fountain in the picnic area, installation of a new poured-in-place rubber surface and play equipment in the playground, and a new roof, doors, and interior renovations to the concessions/restroom building. In addition, the existing six-foot-tall chain link fence with privacy screening along the western park boundary would be replaced with a new eight to 10-foot-tall chain-link fence with privacy screen.

3.2.4 Preservation of Existing Seasonal Wetlands

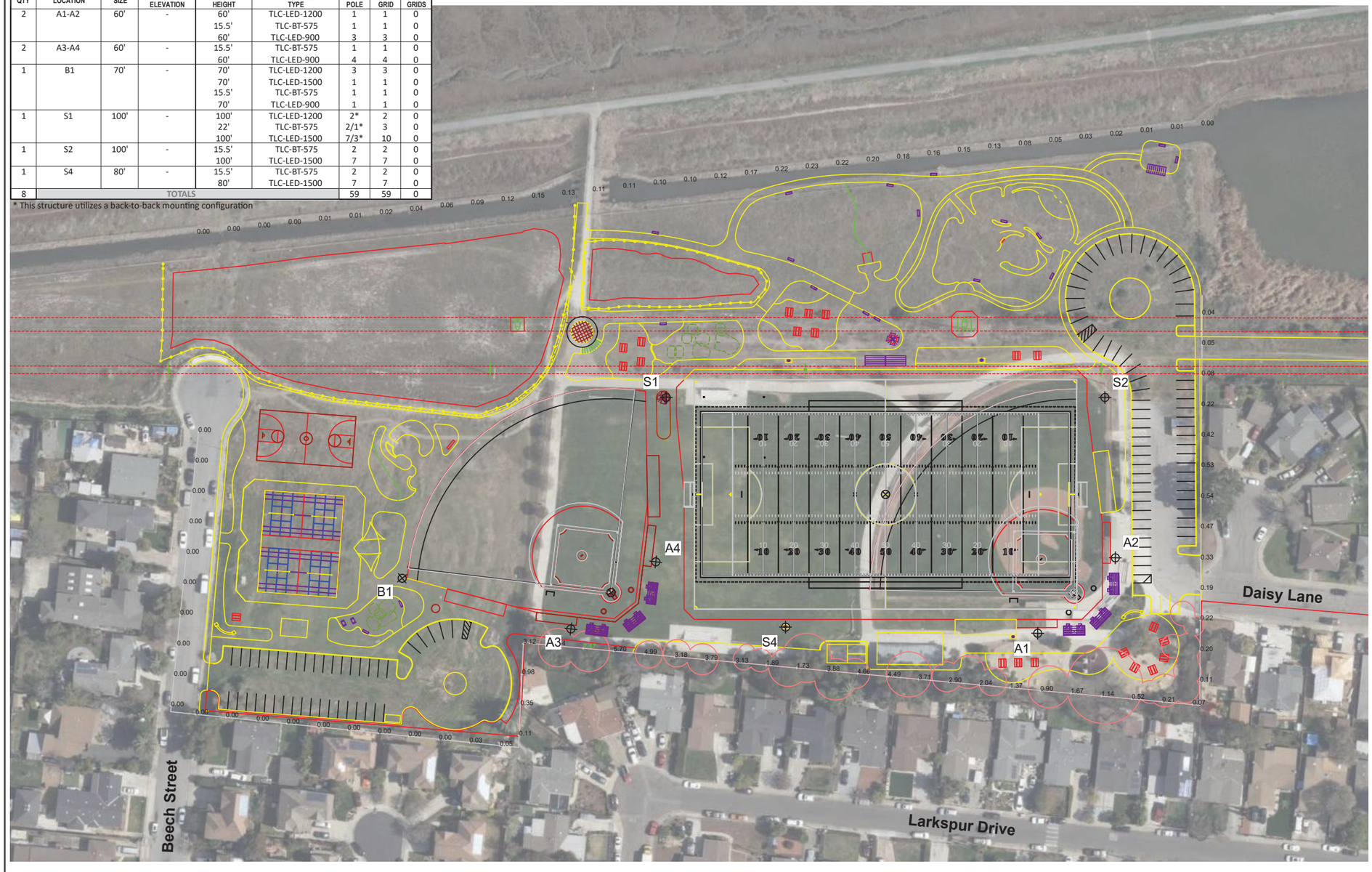
No new park facilities are proposed within the seasonal wetlands and potential seasonal wetlands. A split rail fence would be installed around the perimeter of the seasonal wetland area to prevent park users from entering the seasonal wetland areas during project operations.

[6] FAA Part 77 requires all structures on the project site not to exceed 154 feet above mean sea level. The project site has an elevation of 11 feet above mean sea level. Therefore, structures on-site shall not exceed 143 feet in height. Source: County of Santa Clara Department of Planning and Development. *Comprehensive Land Use Plan, Palo Alto Airport.* November 16, 2016. Figure 6. Accessed May 2, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf

EQUIPMENT LIST FOR AREAS SHOWN

Pole				Luminaires				
QTY	LOCATION	SIZE	GRADE ELEVATION	MOUNTING HEIGHT	LUMINAIRE TYPE	QTY / POLE	THIS GRID	OTHER GRIDS
2	A1-A2	60'	-	60'	TLC-LED-1200	1	1	0
				15.5'	TLC-BT-575	1	1	0
				60'	TLC-LED-900	3	3	0
2	A3-A4	60'	-	15.5'	TLC-BT-575	1	1	0
				60'	TLC-LED-900	4	4	0
1	B1	70'	-	70'	TLC-LED-1200	3	3	0
				70'	TLC-LED-1500	1	1	0
				15.5'	TLC-BT-575	1	1	0
				70'	TLC-LED-900	1	1	0
1	S1	100'	-	100'	TLC-LED-1200	2*	2	0
				22'	TLC-BT-575	2/1*	3	0
				100'	TLC-LED-1500	7/3*	10	0
1	S2	100'	-	15.5'	TLC-BT-575	2	2	0
				100'	TLC-LED-1500	7	7	0
1	S4	80'	-	15.5'	TLC-BT-575	2	2	0
				80'	TLC-LED-1500	7	7	0
8	TOTALS					59	59	0

* This structure utilizes a back-to-back mounting configuration



ILLUMINATION SUMMARY

MAX VERTICAL FOOTCANDLES	Entire Grid
Scan Average:	0.64575
Maximum:	7.47
Minimum:	0.00
No. of Points:	94
LUMINAIRE INFORMATION	
Applied Circuits:	A, B, C
No. of Luminaires:	**59**
Total Load:	64.19 kW

Guaranteed Performance: The ILLUMINATION described above is guaranteed per your Musco Warranty document.

Field Measurements: Individual field measurements may vary from computer-calculated predictions and should be taken in accordance with IESNA RP-6-15.

Electrical System Requirements: Refer to Amperage Draw Chart and/or the **"Musco Control System Summary"** for electrical sizing.

Installation Requirements: Results assume ± 3% nominal voltage at line side of the driver and structures located within 3 feet (1m) of design locations.

Pole location(s) ⊕ dimensions are relative to 0,0 reference point(s) ⊗

0 50 100 200 Feet

Source: Musco Lighting, October 17, 2022.

LIGHTING PLAN | FIGURE 3.2-2

3.2.5 Interpretive Signage

The project will include installation of interpretive signage acknowledging the Native American history of the area. Signage will be located within active recreation areas of the site and will not be located within the seasonal wetlands.

3.2.6 Site Access and Parking

Vehicular access to the project site is currently provided via one driveway on Daisy Lane. Pedestrian access to the site is provided via the driveway on Daisy Lane and an additional informal pedestrian entrance in the northeast corner of the site with access to the Bay Trail. Under the proposed project, the existing driveway on Daisy Lane would be retained, the existing surface parking lot off Daisy Lane would be expanded from 25 to 71 spaces and a new road and driveway would be added to provide access from O'Connor Street. In addition, a new driveway and 44-space surface parking lot would be constructed in the northwestern corner of the project site with access to Beech Street. Pedestrian access to the site would be provided via formalized pedestrian paths from Daisy Lane, O'Connor Street, the Bay Trail, and via three new entrances on Beech Street located midblock and in the northeast and northwest corners of the site.

A six- to twelve-foot-wide paved concrete trail connection between the playing fields, sports courts, parking lots, and the Bay Trail would also be constructed and provide access to the site from the Don Edwards Wildlife Preserve. Additionally, the project would include a series of five and a half- to eight-foot-wide decomposed granite walking trails along the eastern portion of the site adjacent to the Bay Trail.

With project implementation, the surface parking spaces provided on-site would increase from 25 to 115 spaces within the expanded parking lot on Daisy Lane and the new parking lot on Beech Street. Both parking lots would include stormwater planting features to address runoff.[7] The project proposes to provide bicycle parking in accordance with the City's Municipal Code (Section 18.30.120) and the Santa Clara Valley Transportation Authority, Bicycle Technical Guidelines for bicycle parking, which requires one short-term space per 5,000 square feet of outdoor recreation space for a total of 84 spaces.

3.2.7 Landscaping

There are a total of 57 trees on-site. The project would retain 30 and remove 27 existing on-site trees and turf and plant 70 new 15-gallon sized trees and shrubs around the perimeter of the site, within the surface parking lot, along the project frontages, and adjacent to the existing buildings and proposed new restroom building.

3.2.8 Utilities

With implementation of the project, the existing restroom/concessions building utility connections to sanitary sewer and water mains in Daisy Lane would remain in place. The new restroom building would connect to the existing 18-inch sanitary sewer main and the existing eight-inch water main in Beech Street.

[7] The exact stormwater features installed on-site would be selected when construction level designs are prepared.

Stormwater on the project site would generally flow from west to east across the site. Stormwater generated on the proposed parking lots would be directed to stormwater features for treatment before being discharged in the on-site seasonal wetlands and/or to the municipal stormwater system (existing 30-inch storm drain in Beech Street and 18-inch storm drain in Daisy Lane). The proposed synthetic turf fields would be designed to be self-treating and include one inch of cushion material and up to six inches of permeable rock beneath the turf allowing stormwater to be treated as it filters through these materials. Once stormwater has filtered through the synthetic fields, it would either be absorbed into the soil beneath the fields or be directed to the City's municipal stormwater system. All discharges of stormwater from the site to the municipal stormwater system would be controlled and would not exceed the existing rate or volume of stormwater discharges currently generated at the site under the design storm.

3.2.9 Park Operations

During operation of the proposed project, the playing fields would be available for reservation by the general public and used for sporting events. The estimated attendance at sporting events upon completion of the proposed project would vary by sport and other factors, such as level of competition (e.g., regular season v. postseason) and weather conditions. As described in Section 3.1, Background Information, under existing conditions, MLK Jr. Park typically receives an average of 45 to 60 users per day during weekdays and an average of 80 to 100 users per day on weekends. With implementation of the proposed project there would be a maximum of 320-370 users per weekday and 460-670 users per weekend day, resulting in a net increase of up to up to 275 to 310 users per weekday and up to 380 to 570 users per weekend day.[8] The park operational hours would be extended to from sunrise to 10:00 PM seven days a week. The playing fields would be available for reservations during operational hours seven days a week with the exception of Sunday evenings when fields would not be available for reservation from Sunset to park closing at 10:00 PM

3.2.10 Green Building Features

The project would include the following measures to improve energy and resource efficiency on-site:

- Designed to comply with the California Green Building Standards Code (CALGreen) for energy efficiency
- Include six parking spaces equipped with Electric Vehicle (EV) charging stations and 25 EV capable parking spaces meeting CALGreen Level 2 standards.
- Design maintenance/storage and restroom buildings to maximize solar orientation
- Plant shade trees and construct shade structures for park user and pedestrian/bicyclist comfort
- Use permeable synthetic turf fields to maintain pre-project permeability and conserve water for irrigation

3.2.11 Construction

Project construction would include demolition of the existing natural turf playing field, bleachers,

[8] Maurice Baker. Recreation Program Coordinator, City of East Palo Alto. Personal Communication. June 13, 2022. And Ibid. November 1, 2022.

and scoreboard on-site, grading for the new synthetic playing fields and excavation for the restroom and storage building foundations, stadium lighting foundations, and for installation of stormwater drainage features within the fields. Construction would be completed in two phases lasting for a total of approximately 18 months. Of these 18 months, ground disturbing construction activities are anticipated to take approximately two months (60 days). During this time, construction activities would occur between 7:00 AM and 6:00 PM Monday through Friday and from 9:00 AM to 5:00 PM on Saturdays with no construction occurring on Sundays or national holidays. Approximately 8,086 cubic yards of soil would be exported from the site and approximately 2,727 cubic yards would be reused on-site to raise the floor elevation for the new restroom and storage buildings. Exporting 8,086 cubic yards would require approximately 675 trips, assuming 12 cubic yards per truckload. Grading for the sports fields would extend approximately 12 inches below the ground surface (bgs). The maximum depth of excavation required for the foundation of the restroom and storage/office building would be two feet bgs. Eight borings for the stadium lighting foundations would be made on-site with a maximum depth of 20 feet bgs. Excavation to an approximate depth of 2.5 to five feet bgs would be required for installation of stormwater features within the playing fields. It is assumed that construction trucks would access the site via either Beech Street or Daisy Lane.

SECTION 4.0 ENVIRONMENTAL SETTING, CHECKLIST, AND IMPACT DISCUSSION

This section presents the discussion of impacts related to the following environmental subjects in their respective subsections:

4.1 Areas of No Measurable Impact
4.2 Aesthetics
4.3 Air Quality
4.4 Biological Resources
4.5 Cultural Resources
4.6 Energy
4.7 Geology and Soils
4.8 Greenhouse Gas Emissions
4.9 Hazards and Hazardous Materials
4.10 Hydrology and Water Quality
4.11 Land Use and Planning
4.12 Mineral Resources
4.13 Noise
4.14 Population and Housing
4.15 Public Services
4.16 Recreation
4.17 Transportation
4.18 Tribal Cultural Resources
4.19 Utilities and Service Systems
4.20 Mandatory Findings of Significance

4.1 AREAS OF NO MEASUREABLE IMPACT

The proposed project would expand an existing City park within a developed area of East Palo Alto. Because the project's impacts under CEQA are measured against the baseline that consists of existing physical conditions, impacts in certain resource areas that are typically evaluated within an Initial Study will not occur. In the case of the proposed project, measurable impacts to agricultural,[9] forest, and mineral resources,[10] and wildfire[11] are not anticipated because these resources or hazards are not located in the project area. Thus, these areas are not further analyzed in this Initial Study.

The discussion for each environmental subject includes the following subsections:

- **Environmental Setting** – This subsection 1) provides a brief overview of relevant plans, policies, and regulations that compose the regulatory framework for the project and 2) describes the existing, physical environmental conditions at the project site and in the surrounding area, as relevant.
- **Impact Discussion** – This subsection 1) includes the recommended checklist questions from Appendix G of the CEQA Guidelines to assess impacts and 2) discusses the project's impact on the environmental subject as related to the checklist questions. For significant impacts, feasible mitigation measures are identified. "Mitigation measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guidelines Section 15370). Each impact is numbered to correspond to the checklist question being answered. For example, Impact BIO-1 answers the first checklist question in the Biological Resources section.

[9] California Natural Resources Agency. San Mateo County Important Farmland 2016. Published February 2018.
[10] City of East Palo Alto. Vista 2035 General Plan. March 17, 2016
[11] California Department of Forestry and Fire Protection. Fire Hazard Severity Zones Maps. Accessed April 22, 2021. https://gis.data.ca.gov/datasets/789d5286736248f69c4515c04f58f414

Mitigation measures are also numbered to correspond to the impact they address. For example, MM BIO-1.3 refers to the third mitigation measure for the first impact in the Biological Resources section.

4.2 AESTHETICS

4.2.1 Environmental Setting

4.2.1.1 *Regulatory Framework*

State

Streets and Highway Code Sections 260 through 263

The California Scenic Highway Program (Streets and Highway Code, Sections 260 through 263) is managed by the California Department of Transportation (Caltrans). The program is intended to protect and enhance the natural scenic beauty of California highways and adjacent corridors through special conservation treatment. There are no state-designated scenic highways within or near East Palo Alto. The closest officially designated state scenic highway to the project site is Interstate 280 from the San Mateo County/Santa Clara County line north to approximately Interstate 380.[12]

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating aesthetic impacts resulting from planned development within the City, including the following:

Policy	Land Use and Urban Design
5.8	**Streetscape beautification.** Proactively beautify existing streetscapes with pedestrian-scaled lighting, and drought-tolerant street trees and landscaping
9.9	**Tree planting.** Encourage the planting and maintenance of appropriate street tree species that shade the sidewalk, improve the pedestrian experience throughout the City, and enhance flood protection. Street trees should be selected that do not damage sidewalks, or block views of commercial buildings
9.10	**Streetscape.** Enhance the pedestrian experience through streetscape improvements that could include new street lighting, tree planting, and easement dedications to increase the size of the sidewalks and pedestrian amenities.
13.8	**Viewsheds.** Encourage developers to design projects that capitalize on views of adjacent natural resources. Require viewshed analysis as part of any potential development application. New development shall allow for the proposed east-west view corridor through Ravenswood north of Bay Road (see Specific Plan for details).
Policy	**Parks, Open Space, and Conservation**
1.12	**Opportunistic conversions.** Work to convert unused utility rights-of way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur), and alleys into attractive open space corridors.

[12] California Department of Transportation. "Scenic Highways." Accessed May 6, 2022. https://dot.ca.gov/programs/design/lap-landscape-architecture-and-community-livability/lap-liv-i-scenic-highways.

4.4	**Light pollution.** Require that new buildings located adjacent to Baylands Nature Preserve or Ravenswood Open Space Preserve shield any site lighting from the Bay.
4.5	**Light and Glare.** Review major public and private development projects to ensure that the spillover effects of light and glare from new exterior lighting is minimized. Where feasible, require lighting fixtures to be directed downward and equipped with cut-off lenses. For development near sensitive sites, particularly undeveloped bayfront areas, require submittal of photometric studies to demonstrate minimization of light spill-over. Ensure that all implemented lighting measures adhere to the regulations outlined in Title 24.
6.1	**Urban forestry.** Expand the urban forest in East Palo Alto by adding street trees and landscaping throughout the City.
6.3	**Fruit trees.** Encourage planting of fruit trees and other edible landscaping in private development for food sources for residents and foraging opportunities for wildlife. Plant fruit trees when feasible on public property.

Policy	Infrastructure, Services, and Facilities
8.6	**Role of civic buildings.** Require civic buildings to be distinctive, beautiful, and architecturally beneficial to the fabric of the City.

City of East Palo Alto Municipal Code

The City of East Palo Alto addresses visual considerations for development in various City documents, including the Municipal Code. The City Development Code (Title 18A in the Municipal Code) sets forth specific design guidelines, height limits, building density, building design and landscaping standards, architectural features, and open space and setback requirements.

4.2.1.2 *Existing Conditions*

Project Site

The project site consists of an existing 4.7-acre park and 9.19-acres of undeveloped lands. The existing park is developed with two playing fields occupying the majority of the space, with a BBQ and picnic area located in the southwest corner with an adjacent one-story concessions/restroom building along the western property line. A 25-space surface parking lot is located along the southern property line. Three sets of bleachers are located behind homebase of the baseball field and one set of bleachers is located on either side of the soccer field. There are 57 existing trees on-site around the perimeter of the park and within the picnic area. Views of the park are partially obscured by mature trees on Daisy Lane. Photos 1 through 6 show existing conditions on-site.

Surrounding Area

The project site is bounded by two two-lane roads, Beech Street to the north and Daisy Lane to the south. One- to two-story single-family homes border the project site to the west, north, across Beech Street, and south, across Daisy Lane from the project site. A drainage channel, the Bayshore pond, the Bay Trail, and Don Edwards Wildlife Preserve border the project site to the west.



Photo 1: View of existing play structure and picnic area looking southwest.



Photo 2: View of existing concessions building and playing fields looking northwest from Bay Trail.

PHOTOS 1 & 2



Photo 3: View of existing undeveloped Beech Street parcel looking west.



Photo 4: View of project site from Daisy Lane.



Photo 5: View of project site from Beech Street.



Photo 6: View of Don Edwards Wildlife Preserve and Diablo Range from project site.

Scenic Vistas and Resources

The General Plan does not identify any designated scenic vistas, view corridors, or scenic resources within the city.[13] However, the General Plan notes that views of the San Francisco Bay and Mount Diablo Range are available from open space and parks near the San Francisco Bay (such as the project site). Views of the San Francisco Bay and Mount Diablo Range are currently available from the project site (refer to Photo 6) and from public viewpoints on Beech Street, although these views from Beech Street are partially obscured by existing soil piles and mature vegetation on-site.

The nearest designated state scenic highway is Interstate 280, approximately 6.5-miles west of the site. Due to the distance of the project site from the nearest scenic highway and the presence of intervening structures, the project site is not visible from a state designated scenic highway.

Light and Glare

Existing lighting at the project site includes 32 15-foot-tall pole-mounted lights adjacent to the picnic area and around the perimeter of the playing fields. Streetlights are also present adjacent to the project site on Daisy Lane and Beech Street.

Glare can be caused by sunlight or artificial light reflecting from finished surfaces. The existing pole-mounted lights on-site are directed outwards. Due to the finishes of the existing restroom/concessions buildings and presence of mature trees between these lights and adjacent residential buildings, the existing lights do not generate substantial glare. Furthermore, existing streetlights are directed downwards and do not reflect off the surrounding buildings.

4.2.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Except as provided in Public Resources Code Section 21099, would the project:				
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
3) In non-urbanized areas, substantially degrade the existing visual character or quality of public views of the site and its surroundings?[14] If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality?	☐	☐	☒	☐

[13] City of East Palo Alto. *Draft Environmental Impact Report City of East Palo Alto General Plan Update*. April 2016. P 4.1-4.

[14] Public views are those that are experienced from publicly accessible vantage points.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐

Impact AES-1: The project would not have a substantial adverse effect on a scenic vista. (Less than Significant Impact)

As discussed in Section 4.2.1 Existing Setting above, views of the San Francisco Bay and Mount Diablo Range are available from and through the project site from Beech Street, although views through the project site are partially obscured by existing soil piles.

The proposed project would expand and redevelop the existing MLK Jr. park with new playing fields, bleachers, sports courts, amphitheater, exercise area, playground, dog park, two new buildings (a 468 square foot restroom and 200-300 square foot office/storage building), and plant landscaping trees on-site. The project would also include removal of the existing soil piles on the Beech Street Parcel and grading of the site to the elevation of the existing MLK Jr. park.

The proposed sports courts, amphitheater, and dog park would have minimal to no vertical features, and would therefore, not obstruct views of San Francisco Bay and the Diablo Range from Beech Street. The project would replace the existing approximately 30-foot-tall backstop behind homebase of the baseball field with a new 30-foot backstop and add a second backstop of the same height behind the proposed multi-sport field. Although the project would add one new backstop on-site, these backstops would be similar in height and material to those currently on-site and would not result in a substantial change in views from Beech Street compared to existing conditions due to their placement along the western perimeter of the site. The project would add three new sets of bleachers on-site compared to existing conditions.[15] Three sets of bleachers would be located around homebase on both fields and two sets of bleachers would be located at the center of the multi-sport field on the east side, similar to existing conditions. Therefore, although the project would increase the number of bleachers on-site, their placement on would be consistent with existing conditions and would not substantially change views of the San Francisco Bay or Diablo Range from public viewpoints looking through the site. While removal of soil piles and grading of the site would increase views of the Diablo Range through the site from Beech Street, the proposed landscaping trees on the northern project boundary along Beech Street would partially obscure views from Beech Street. Furthermore, the new restroom and office/storage buildings would have maximum heights of nine and 12- feet, respectively and would be located along the western project boundary parallel to the fence line. The new restroom building would be visible from publicly accessible viewpoints in the project area including from Beech Street. However, due to the relatively small size and placement of these buildings on the interior of the site parallel to the fence line, the new buildings would not have a substantial adverse effect on views of San Francisco Bay or the Diablo Range from public viewpoints on Beech Street.

[15] The project site currently includes five sets of bleachers located at homebase and on the western and eastern side of the multi-sport field.

As noted in Section 3.2.2 Lighting, the project would replace the 32 existing 15-foot-tall pole-mounted pedestrian lights on-site with 10 new 25-foot- tall pole mounted parking lot lights, 35 new pedestrian lights (12 to 14 feet tall) and eight new stadium lights around the perimeter of the playing fields ranging in height from 60-to 100-feet. Additionally, eight 10 to 14-foot-tall pedestrian lights would be added along the new road connection to O'Connor Street. The proposed stadium lights would be visible from public viewpoints on Beech Street but would not substantially obstruct views of San Francisco Bay and the Diablo Range due to their slim profile. Finally, as shown in Figure 3.2-1, the project would add 10 new trees along the northern project boundary. The addition of these trees would partially obstruct views of San Francisco Bay and the Diablo Range from Beech Street looking through the project site; however, scenic vistas from Beech Street looking east would be unobstructed. For these reasons, the proposed project would not have a substantial adverse effect on a scenic vista. **(Less than significant Impact)**

Impact AES-2:	**The project would not substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway. (No Impact)**

The nearest officially designated state scenic highway is Interstate 280, which is located approximately 6.5-miles west of the project site. The project site is not visible from Interstate 280. For this reason, the project would not damage scenic resources within a designated state scenic highway. **(No Impact)**

Impact AES-3:	**The project would not substantially degrade the existing visual character or quality of public views of the site and its surroundings. The project would not conflict with applicable zoning and other regulations governing scenic quality. (Less than Significant Impact)**

Development in the project area consists of one- to two-story single-family residences, vacant parcels, and recreational uses within the Don Edwards Wildlife Preserve. The project site is located in an area that is not highly visible, except from the surrounding roadways, Bay Trail, and properties.

The proposed project would replace the existing aging recreational equipment, buildings, and fields at MLK Jr. Park with new equipment and facilities and would not result in a change in the visual character of the site. As discussed in Section 4.11, Land Use, the project would be consistent with the land use designation and zoning for the site. For these reasons, the project would not conflict with applicable zoning and other regulations governing scenic quality. **(Less than Significant Impact)**

Impact AES-4:	The project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. (Less than Significant Impact)

MLK Jr. Park is located east of a developed residential area of East Palo Alto with existing sources of light and glare, and west of the Don Edwards Wildlife Preserve, which is a federally protected wetland area with limited artificial lighting. Sources of light and glare that currently exist within the residential neighborhood to the west include streetlights, vehicular headlights, internal building lights from nearby buildings, and reflective building surfaces and windows. Existing lighting within the park includes 20 15-foot-tall pole-mounted lights adjacent to the picnic area and around the perimeter of the playing fields, street lighting on adjacent streets, and building mounted security lights on the restroom and storage buildings.

As discussed in Section 3.2, Project Description, the project would replace 32 existing 15-foot-tall pole-mounted lights with eight stadium lights ranging in height from 60 to 100 feet, 10 25-foot parking lot lights, eight 12-to 14-foot pedestrian lights, and building mounted security lights. All lighting on-site would not exceed 100 feet above ground level (AGL) and would be referred to the FAA for Part 77 Airspace Safety Review.[16] Consistent with General Plan Policies POC 4.4 and 4.5, all lighting would be fitted with LED bulbs and oriented downward to minimize interference with airport operations and limit light spillover into the Don Edwards Wildlife Preserve (refer to Section 4.9 Hazards and Hazardous Materials for further discussion of the projects impacts on airport operations, and Section 4.11 Land Use for further discussion of the airport land use compatibility). Under existing conditions, pole-mounted lights are currently illuminated from sunset to sunrise seven days per week. With implementation of the proposed project, pole-mounted parking lot lights would be turned off at 10:00 PM, pedestrian lights would be illuminated until 11:00 PM, Stadium lights would be illuminated only when fields are in use until 9:00 PM. during regular park operations or until 11:00 PM during special events. Therefore, although the length of time in which lights would be illuminated on-site would decrease, the number of lights on-site would increase, resulting in increased lighting levels on-site compared to existing conditions, for those hours when lights are on, and a reduction in on-site lighting levels when lights are turned off (refer to Section 4.4 Biological Resources for further discussion of project impacts on biological resources). As shown in Figure 4.2-1 through Figure 4.2-3, the proposed lighting would be visible from the adjacent residential neighborhood at night. However, due to the shielding materials, increased lighting from the project would not result in a substantial change in lighting levels in the project area compared to existing conditions. For these reasons, the project would not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area. **(Less than Significant Impact)**

[16] Federal Aviation Administrative (FAA) Part 77 requires that the FAA be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project location, FAA Part 77 regulations dictate that any proposed structure above approximately 154 feet above ground level (AGL) must be submitted to the FAA for mandatory Airspace Safety Review Source: County of Santa Clara Department of Planning and Development. *Comprehensive Land Use Plan, Palo Alto Airport.* November 16, 2016. Figure 6. Accessed May 2, 2022. https://www.sccgov.org/sites/dpd/DocsForms/Documents/ALUC_SJC_CLUP.pdf



EXISTING LIGHTING



PROPOSED LIGHTING

EXISTING AND PROPOSED LIGHTING ON SHOREBREEZE COURT | FIGURE 4.2-1



EXISTING LIGHTING



PROPOSED LIGHTING

EXISTING AND PROPOSED LIGHTING ON SAGE STREET | FIGURE 4.2-2



EXISTING LIGHTING



PROPOSED LIGHTING

EXISTING AND PROPOSED LIGHTING ON DAISY LANE | FIGURE 4.2-3

4.3 AIR QUALITY

The following discussion is based in part on a Construction Health Risk Assessment prepared by Illingworth & Rodkin, Inc. on January 18, 2023. This report is included as Appendix A to this Initial Study.

4.3.1 Environmental Setting

4.3.1.1 *Background Information*

Criteria Pollutants

Air quality in the Bay Area is assessed related to six common air pollutants (referred to as criteria pollutants), including ground-level ozone (O_3), nitrogen oxides (NO_x), particulate matter (PM), carbon monoxide (CO), sulfur oxides (SO_x), and lead.[17] Criteria pollutants are regulated because they result in health effects. An overview of the sources of criteria pollutants and their associated health are summarized in Table 4.3-1. The most commonly regulated criteria pollutants in the Bay Area are discussed further below.

Table 4.3-1: Health Effects of Air Pollutants

Pollutants	Sources	Primary Effects
Ozone (O_3)	Atmospheric reaction of organic gases with nitrogen oxides in sunlight	• Aggravation of respiratory and cardiovascular diseases • Irritation of eyes • Cardiopulmonary function impairment
Nitrogen Dioxide (NO_2)	Motor vehicle exhaust, high temperature stationary combustion, atmospheric reactions	• Aggravation of respiratory illness • Reduced visibility
Fine Particulate Matter ($PM_{2.5}$) and Coarse Particulate Matter (PM_{10})	Stationary combustion of solid fuels, construction activities, industrial processes, atmospheric chemical reactions	• Reduced lung function, especially in children • Aggravation of respiratory and cardiorespiratory diseases • Increased cough and chest discomfort • Reduced visibility
Toxic Air Contaminants (TACs)	Cars and trucks, especially diesel-fueled; industrial sources, such as chrome platers; dry cleaners and service stations; building materials and products	• Cancer • Chronic eye, lung, or skin irritation • Neurological and reproductive disorders

High O_3 levels are caused by the cumulative emissions of reactive organic gases (ROG) and nitrogen oxides (NO_x). These precursor pollutants react under certain meteorological conditions to form high O_3 levels. Controlling the emissions of these precursor pollutants is the focus of the Bay Area's attempts to reduce O_3 levels. The highest O_3 levels in the Bay Area occur in the eastern and southern

[17] The area has attained both state and federal ambient air quality standards for CO. The project does not include substantial new emissions of sulfur dioxide or lead. These criteria pollutants are not discussed further.

inland valleys that are downwind of air pollutant sources.

PM is a problematic air pollutant of the Bay Area. PM is assessed and measured in terms of respirable particulate matter or particles that have a diameter of 10 micrometers or less (PM_{10}) and fine particulate matter where particles have a diameter of 2.5 micrometers or less ($PM_{2.5}$). Elevated concentrations of PM_{10} and $PM_{2.5}$ are the result of both region-wide emissions and localized emissions.

Toxic Air Contaminants

TACs are a broad class of compounds known to have health effects. They include but are not limited to criteria pollutants. TACs are found in ambient air, especially in urban areas, and are caused by industry, agriculture, diesel fuel combustion, and commercial operations (e.g., dry cleaners). TACs are typically found in low concentrations, even near their source (e.g., diesel particulate matter [DPM] near a freeway).

Diesel exhaust is the predominant TAC in urban air and is estimated to represent about three-quarters of the cancer risk from TACs. Diesel exhaust is a complex mixture of gases, vapors, and fine particles. Medium- and heavy-duty diesel trucks represent the bulk of DPM emissions from California highways. The majority of DPM is small enough to be inhaled into the lungs. Most inhaled particles are subsequently exhaled, but some deposit on the lung surface or are deposited in the deepest regions of the lungs (most susceptible to injury).[18] Chemicals in diesel exhaust, such as benzene and formaldehyde, have been previously identified as TACs by the California Air Resources Board (CARB).

Sensitive Receptors

Some groups of people are more affected by air pollution than others. CARB has identified the following persons who are most likely to be affected by air pollution: children under 16, the elderly over 65, athletes, and people with cardiovascular and chronic respiratory diseases. These groups are classified as sensitive receptors. Locations that may contain a high concentration of these sensitive population groups include residential areas, hospitals, daycare facilities, elder care facilities, and elementary schools.

4.3.1.2 *Regulatory Framework*

Federal and State

Clean Air Act

At the federal level, the United States Environmental Protection Agency (EPA) is responsible for overseeing implementation of the Clean Air Act and its subsequent amendments. The federal Clean Air Act requires the EPA to set national ambient air quality standards for the six common criteria pollutants (discussed previously), including PM, O_3, CO, SO_x, NO_x, and lead.

CARB is the state agency that regulates mobile sources throughout the state and oversees

[18] California Air Resources Board. "Overview: Diesel Exhaust and Health." Accessed May 6, 2022. https://ww2.arb.ca.gov/resources/overview-diesel-exhaust-and-health.

implementation of the state air quality laws and regulations, including the California Clean Air Act. The EPA and the CARB have adopted ambient air quality standards establishing permissible levels of these pollutants to protect public health and the climate. Violations of ambient air quality standards are based on air pollutant monitoring data and are determined for each air pollutant. Attainment status for a pollutant means that a given air district meets the standard set by the EPA and/or CARB.

Risk Reduction Plan

To address the issue of diesel emissions in the state, CARB developed the Risk Reduction Plan to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles. In addition to requiring more stringent emission standards for new on-road and off-road mobile sources and stationary diesel-fueled engines to reduce particulate matter emissions by 90 percent, the plan involves application of emission control strategies to existing diesel vehicles and equipment to reduce DPM (in additional to other pollutants). Implementation of this plan, in conjunction with stringent federal and CARB-adopted emission limits for diesel fueled vehicles and equipment (including off-road equipment), will significantly reduce emissions of DPM and NO_X.

Regional

2017 Clean Air Plan

The Bay Area Air Quality Management District (BAAQMD) is the agency primarily responsible for assuring that the federal and state ambient air quality standards are maintained in the San Francisco Bay Area. Regional air quality management districts, such as BAAQMD, must prepare air quality plans specifying how state and federal air quality standards will be met. BAAQMD's most recently adopted plan is the Bay Area 2017 Clean Air Plan (2017 CAP). The 2017 CAP focuses on two related BAAQMD goals: protecting public health and protecting the climate. To protect public health, the 2017 CAP describes how BAAQMD will continue its progress toward attaining state and federal air quality standards and eliminating health risk disparities from exposure to air pollution among Bay Area communities. To protect the climate, the 2017 CAP includes control measures designed to reduce emissions of methane and other super-greenhouse gases (GHGs) that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.[19]

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. Jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing air quality impacts developed by BAAQMD within their CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

[19] BAAQMD. *Final 2017 Clean Air Plan.* April 19, 2017. http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans.

Community Air Risk Evaluation Program

Under the Community Air Risk Evaluation (CARE) program, BAAQMD has identified areas within high TAC emissions, and sensitive populations that could be affected by them, and uses this information to establish policies and programs to reduce TAC emissions and exposures. Impacted communities identified to date are located in Concord, Richmond/San Pablo, San José, eastern San Francisco, western Alameda County, Vallejo, San Rafael, and Pittsburg/Antioch. The main objectives of the program are to:

- Evaluate health risks associated with exposure to TACs from stationary and mobile sources:
- Assess potential exposures to sensitive receptors and identify impacted communities;
- Prioritize TAC reduction measures for significant sources in impacted communities; and
- Develop and implement mitigation measures to improve air quality in impacted communities.

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating air quality impacts resulting from planning development in the City, including the following:

Policy	Health and Equity
10.7	**Other mobility strategies.** Implement the strategies in the Transportation Element that improve air quality. These include transit, walking, biking, and Transportation Demand Management strategies.
Policy	**Parks, Open Space, and Conservation**
6.2	**New tree planting.** Prioritize the planting of new trees on sites designated as sensitive receptors (e.g., schools, health centers) or that are in close proximity to sources of air pollution such as freeways and heavily traveled road corridors.

4.3.1.3 *Existing Conditions*

The San Francisco Bay Area Air Basin, within which the project site is located, has non-attainment status for ground level ozone, fine particulate matter ($PM_{2.5}$), and respirable particulate matter (PM_{10}). The San Francisco Bay Area Air Basin has attainment or undetermined status for all other regional criteria pollutants for which the US EPA and CARB have set standards. The nearest official monitoring station which monitors all of the criteria pollutants and ozone precursors is located at 158 East Jackson Street in San José, approximately 15-miles southeast of the site.[20] Pollutant monitoring results for the years 2017 to 2019 at the San José monitoring station are shown in Table 4.3-3. The station monitors ozone, carbon monoxide, nitrogen oxide, PM_{10} and $PM_{2.5}$ levels.

[20] BAAQMD, Meteorology and Measurement Division. 2017 Air Monitoring Plan. July 1, 2018. Accessed May 17, 2022. http://www.baaqmd.gov/~/media/files/technical-services/2017_network_plan_20180701-pdf.pdf?la=en. There is a BAAQMD monitoring station located at 897 Barron Avenue, Redwood City approximately four miles west of the site. This station monitors ground-level ozone, nitrous oxide, carbon monoxide and $PM_{2.5}$. The station does not monitor PM_{10}.

Table 4.3-2: Ambient Air Quality Standards Violations and Highest Concentrations				
Pollutants	**Standard**	**Days Exceeding Standard**		
		2017	**2018**	**2019**
SAN JOSÉ STATION				
Ozone	State 1-hour	4	0	2
	Federal 8-hour	4	0	2
Carbon Monoxide	Federal 8-hour	0	0	0
Nitrogen Dioxide	State 1-hour	0	0	0
PM_{10}	Federal 24-hour	0	0	0
	State 24-hour	6	0	4
$PM_{2.5}$	Federal 24-hour	6	15	0
Source: BAAQMD. Air Pollution Summaries (2017-2019). Available at: https://www.baaqmd.gov/about-air-quality/air-quality-summaries				

Sensitive Receptors

Sensitive receptors in the project area include the adjacent single-family homes to the west, north, and south of the project site. Additionally, the Sweet Angels WeeCare daycare and Tiny Town Daycare are located approximately 300 feet to the south and 675 feet to the west, respectively. The Eastside College Preparatory School is also considered a sensitive receptor and is located within 1,000 feet of the project site. However, only one building on the school campus is located within 1,000 feet of the project site and it is an administrative/maintenance building that would not contain students (i.e., sensitive receptors).

4.3.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐
2) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	☐	☐	☒	☐
3) Expose sensitive receptors to substantial pollutant concentrations?	☐	☒	☐	☐

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
4) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☐	☐	☒	☐

4.3.2.1 *Thresholds of Significance*

Impacts from the Project

As discussed in CEQA Guidelines Section 15064(b), the determination of whether a project may have a significant effect on the environment calls for judgment on the part of the lead agency and must be based to the extent possible on scientific and factual data. The City of East Palo Alto has considered the air quality thresholds updated by BAAQMD in May 2017 and regards these thresholds to be based on the best information available for the San Francisco Bay Area Air Basin and conservative in terms of the assessment of health effects associated with TACs and $PM_{2.5}$. The BAAQMD CEQA Air Quality thresholds used in this analysis are identified in Table 4.3-4 below.

Table 4.3-3: BAAQMD Air Quality Significance Thresholds

Pollutant	Construction Thresholds	Operational Thresholds	
	Average Daily Emissions (pounds/day)	Average Daily Emissions (pounds/day)	Annual Average Emissions (tons/year)
Criteria Air Pollutants			
ROG, NO_x	54	54	10
PM_{10}	82 (exhaust)	82	15
$PM_{2.5}$	54 (exhaust)	54	10
CO	Not Applicable	9.0 ppm (eight-hour) or 20.0 ppm (one-hour)	
Fugitive Dust	Dust Control Measures/Best Management Practices	Not Applicable	
Health Risks and Hazards for New Sources (within a 1,000-foot Zone of Influence)			
Health Hazard	**Single Source**	**Combined Cumulative Sources**	
Excess Cancer Risk	10 per one million	100 per one million	
Hazard Index	1.0	10.0	
Incremental Annual $PM_{2.5}$	0.3 $\mu g/m^3$	0.8 $\mu g/m^3$ (average)	

Impact AIR-1: The project would not conflict with or obstruct implementation of the applicable air quality plan. (Less than Significant Impact)

The BAAQMD CEQA Air Quality Guidelines set forth criteria for determining consistency with the 2017 CAP. In general, a project is considered consistent if, a) the plan supports the primary goals of the 2017 CAP; b) it includes relevant control measures; and c) it does not interfere with implementation of 2017 CAP control measures. The project's consistency with the Bay Area 2017 CAP is summarized below in Table 4.3-5.

Table 4.3-4: Applicable Control Measures

Control Measure	Project Consistency with Measure Intent
Stationary Source Measures	
SS30 - Residential Fan Type Furnaces: Reduce NOX emission limits on new and replacement central furnace installations. Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use.	The City adopted a Reach Code ordinance which prohibits natural gas infrastructure in all new construction. The proposed project would include all electric building construction, consistent with the City's Reach Code. The project is consistent with this measure.
TR9 - Bicycle and Pedestrian Access and Facilities: Encourage planning for bicycle and pedestrian facilities in local plans, e.g., general and specific plans, fund bike lanes, routes, paths and bicycle parking facilities.	The proposed project would include new bicycle and pedestrian paths through the site with connections to Daisy Lane, Beech Street, and the Bay Trail. The project would also include bicycle parking consistent with City requirements. In addition, there are sidewalks and crosswalks along the surrounding roadways to facilitate non-automotive access. The project is consistent with this measure.
TR13 - Parking Policies: Encourage parking policies and programs in local plans, e.g., reduce minimum parking requirements; limit the supply of off-street parking in transit-oriented areas; unbundle the price of parking spaces; support implementation of demand-based pricing in high-traffic areas.	The project proposes parking for the site consistent with City requirements. Therefore, the project is consistent with this measure.
Energy Measures	
EN2 - Decrease Electricity Demand: Work with local governments to adopt additional energy-efficiency policies and programs. Support local government energy efficiency program via best practices, model ordinances, and technical support. Work with partners to develop messaging to decrease electricity demand during peak times.	The project would be designed to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure.

Table 4.3-4: Applicable Control Measures	
Control Measure	**Project Consistency with Measure Intent**
Building Measures	
BL1 - Green Buildings: Collaborate with partners such as KyotoUSA to identify energy related improvements and opportunities for onsite renewable energy systems in school districts; investigate funding strategies to implement upgrades. Identify barriers to effective local implementation of the California Green Building Standards Code (CALGreen; Title 24) statewide building energy code; develop solutions to improve implementation/enforcement. Work with ABAG's BayREN program to make additional funding available for energy-related projects in the buildings sector. Engage with additional partners to target reducing emissions from specific types of buildings.	As discussed above, the project would be designed to comply with the City's Green Building Ordinance and the most recent CALGreen requirements. The project is consistent with this measure.
BL2 - Decarbonize Buildings: Explore potential Air District rulemaking options regarding the sale of fossil fuel-based space and water heating systems for both residential and commercial use. Explore incentives for property owners to replace their furnace, water heater or natural-gas powered appliances with zero-carbon alternatives. Update Air District guidance documents to recommend that commercial and multi-family developments install ground source heat pumps and solar hot water heaters.	As noted above, the City adopted a Reach Code ordinance which prohibits natural gas infrastructure in all new construction. The proposed project would include all electric building construction, consistent with the City's Reach Code. The project is consistent with this measure.
BL4 - Urban Heat Island Mitigation: Develop and urge adoption of a model ordinance for "cool parking" that promotes the use of cool surface treatments for new parking facilities, as well existing surface lots undergoing resurfacing. Develop and promote adoption of model building code requirements for new construction or reroofing/roofing upgrades for commercial and residential multifamily housing.	As noted in Section 3.2 Project Description, new trees would be planted within the expanded Daisy Lane parking lot and within and adjacent to the proposed Beech Street parking lot to reduce urban heat island effect within the surface parking. Therefore, the project is consistent with this control measure.
Natural and Working Lands Measure	
NW2 - Urban Tree Planting: Develop or identify an existing model municipal tree planting ordinance and encourage local governments to adopt such an ordinance. Include tree planting recommendations, BAAQMD's technical guidance, best	A total of 27 on-site trees would be removed as a part of the project. The project would be required to comply with the City's tree replacement policy which would result in 35 replacement trees being planted. Therefore, the project is consistent with his control measure.

Table 4.3-4: Applicable Control Measures	
Control Measure	**Project Consistency with Measure Intent**
management practices for local plans, and CEQA review.	
Waste Management Measures	
WA3 - Green Waste Diversion: Develop model policies to facilitate local adoption of ordinances and programs to reduce the amount of green waste going to landfills.	Organics waste generated by all City parks is currently collected by the City and sorted at the GreenWaste materials recovery facility to prevent this waste from being deposited at landfills.
WA4 - Recycling and Waste Reduction: Develop or identify and promote model ordinances on community-wide zero waste goals and recycling of construction and demolition materials in commercial and public construction projects.	The project would comply with the City's Construction and Demolition Diversion Program during construction which ensures that at least 65 percent of construction waste generated by the project is recovered and diverted from landfills. Therefore, the project is consistent with this control measure.
Water Measures	
WR2 - Support Water Conservation: Develop a list of best practices that reduce water consumption and increase on-site water recycling in new and existing buildings; incorporate into local planning guidance.	The project would replace the existing natural turf fields with synthetic turf fields, reducing water use on-site. In addition, all new landscaping on-site would be designed to be water efficient and utilize water efficient irrigation systems. For this reason, the project would be consistent with this measure.

As discussed in the table above, the project would be consistent with the applicable control measures and would not conflict with or obstruct implementation of the 2017 CAP.

Construction Emissions

The California Emissions Estimator Model (CalEEMod) Version 2020.40 was used to estimate annual emissions from construction activities. Refer to Appendix A for more information regarding assumptions and CalEEMod inputs. The construction schedule assumes that the project would be constructed in one phase starting in June 2023 and ending in December 2024. Table 4.3-6 shows the estimated daily air emissions from construction of the proposed project.

Table 4.3-5: Daily Construction Period Emissions				
Year	**ROG**	**NOx**	**PM_{10} Exhaust**	**$PM_{2.5}$ Exhaust**
Construction Emissions (Tons)				
2023	0.21	1.91	0.09	0.08
2024	0.25	2.01	0.10	0.08
Average Daily Construction Emissions (pounds/day)				
2023 (153 construction workdays)	2.78	24.96	1.20	0.98
2024 (248 construction workdays)	2.01	16.22	0.81	0.63
BAAQMD Threshold	*54*	*54*	*82*	*54*
Exceed Threshold?	**No**	**No**	**No**	**No**
Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Construction Health Risk Assessment, East Palo Alto, California.* January 18, 2023.				

As shown in the table above, project construction would not exceed the BAAQMD significance thresholds for any criteria pollutant during any year of construction. For these reasons, impacts would be less than significant.

Operational Emissions

Operational period criteria pollutant emissions associated with the project would be generated primarily from vehicles driven by park visitors and maintenance personnel. The earliest the project would be constructed and operational is 2024. Emissions associated with buildout later than 2024 would be lower due to assumed efficiencies over time from improved vehicle emissions standards.

The BAAQMD CEQA Guidelines include screening criteria to provide lead agencies and project applicants with a conservative indication of whether a project would result in a potentially significant air quality impact. If a project proposes less development than the screening criteria, it can be conservatively assumed the project would not result in a significant air quality impact. The screening criteria for city parks is 2,613 acres. As noted in Section 3.2 Project Description, the project would expand the existing park from 4.7 acres to 13.89 acres in size. Therefore, the project is below the screening criteria and would result in less than significant operational air quality emissions.

For these reasons, the proposed project would not exceed the BAAQMD significance threshold for construction and operational criteria pollutant emissions. In addition, the project would be consistent with the applicable control measures. Therefore, the project would not conflict with or obstruct implementation of the 2017 CAP. **(Less than Significant Impact)**

Impact AIR-2:	**The project would not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard. (Less than Significant Impact)**

The BAAQMD thresholds used by the City of East Palo Alto were developed such that a project-level impact would also be a cumulatively considerable impact. As noted under checklist question a. above, project construction would not result in emissions exceeding the BAAQMD significance thresholds and due to the project size and operational period emissions would be less than significant. In the 2017 CEQA Air Quality Guidelines, BAAQMD identifies screening criteria for the sizes of land use projects that could result in significant air pollutant emissions. For operational impacts, the screening size for city parks is 2,613 acres. Operational impacts for city park projects smaller than this screening size would be considered less than significant. Because the project proposes to expand the existing city park from 4.7 to 13.89 acres, the project's criteria air pollutant emissions would be below the BAAQMD significance thresholds, and the impact would be less than significant. (Less **than Significant Impact)**

Impact AIR-3:	**The project would not expose sensitive receptors to substantial pollutant concentrations. (Less than Significant Impact with Mitigation Incorporated)**

Fugitive Dust Emissions

Construction activities associated with the project, particularly during site preparation and grading, would temporarily generate fugitive dust in the form of PM_{10} and $PM_{2.5}$. Sources of fugitive dust would include disturbed soils at the construction site and trucks carrying uncovered loads of soil. Unless properly controlled, vehicles leaving the site would deposit mud on local streets, which could be an additional source of airborne dust after it dries. The BAAQMD CEQA Air Quality Guidelines consider these impacts to be less than significant if best management practices are implemented to reduce the emissions.

Impact AIR-1: Ground disturbing activities associated with project construction could generate fugitive dust emissions. **(Significant Impact)**

Mitigation Measure: The following mitigation measure, which is consistent with the Basic Construction Mitigation Measures identified in the BAAQMD CEQA Air Quality Guidelines to reduce impacts from construction-related fugitive dust to a less than significant level, shall be implemented.

MM AIR-1.1: During construction period ground disturbance, the project contractor shall implement the following measures recommended by BAAQMD to control dust and exhaust:

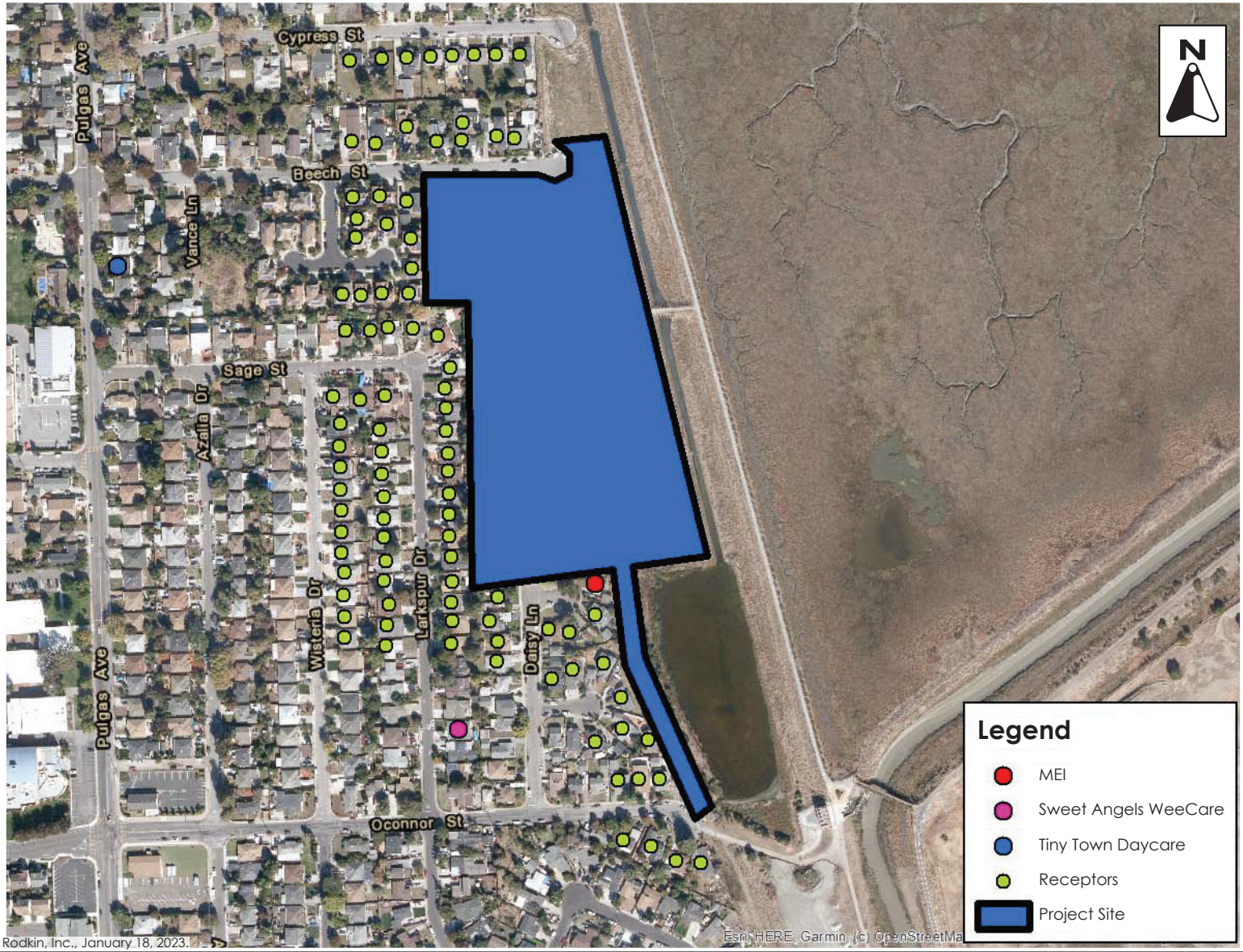
- Exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day.

- Haul trucks transporting soil, sand, or other loose material off-site shall be covered
- Visible mud or dirt tracked-out onto adjacent public roads shall be removed using wet power vacuum street sweeps at least once per day. The use of dry power sweeping is prohibited.
- Vehicle speeds on unpaved surfaces shall be limited to 15 miles per hour (mph)
- 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.
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations). Clear signage shall be posted for construction workers at all access points.
- Construction equipment shall be maintained and properly tunes in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- Post a publicly visible sign with the telephone number and contact at the City of East Palo Alto regarding dust complaints. This person shall respond and take corrective action within 48 hours. The BAAQMD's phone number shall also be included to ensure compliance with applicable regulations.

With implementation of MM AQ-1.1, dust emissions during construction of the proposed project would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Toxic Air Contaminants

Construction equipment and associated heavy-duty truck traffic generates diesel exhaust, which is a known TAC. Construction exhaust emissions pose health risks for sensitive receptors such as surrounding residents. The primary community risk impact issues associated with construction emissions are cancer risk and exposure to DPM and $PM_{2.5}$. The health risk assessment of project construction activities (refer to Appendix A) evaluated potential health effects of sensitive receptors including nearby residences and the Sweet Angels WeeCare daycare. The identified maximally exposed individual (MEI) for construction emissions of DPM and $PM_{2.5}$ is located on the first floor of a single-family residence to the south of the project site on Daisy Lane (refer to Figure 4.3-1). The results of the health risk assessment for project construction activities are summarized in Table 4.3-7 below.



Source: Illingworth & Rodkin, Inc., January 18, 2023.

LOCATION OF OFF-SITE SENSITIVE RECEPTORS AND MEI | FIGURE 4.3-1

Table 4.3-6: Construction Risk Impacts of Proposed Project at MEI			
Source	**Cancer Risk (per million)**	**Annual $PM_{2.5}$ ($\mu g/m^3$)**	**Hazard Index**
Impacts at MEI			
Project Construction	52.09	0.56	0.03
BAAQMD Single-Source Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**Yes**	**Yes**	**No**
Impacts at Sweet Angels WeeCare			
Project Construction	24.26	0.06	0.01
BAAQMD Single-Source Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**Yes**	**No**	**No**
Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Construction Health Risk Assessment, East Palo Alto, California.* January 18, 2023.			

As shown in Table 4.3-7, the project would exceed the BAAQMD single-source thresholds for increased cancer risks and maximum $PM_{2.5}$ concentrations. **(Significant Impact)**

Impact AIR-2: Project construction activities would expose sensitive receptors at the maximally exposed individual and Sweet Angels WeeCare to toxic air contaminant emissions in excess of BAAQMD thresholds for cancer risk of 10 per million and the maximally exposed individual to annual $PM_{2.5}$ emissions exceeding 0.3 micrograms, respectively. **(Significant Impact)**

Mitigation Measure: The project shall implement MM AIR-1.1 above and the following mitigation measure to reduce exposure of sensitive receptors to TAC emissions during construction.

MM AIR-2.1: Prior to the start of construction activities for the project, the project shall submit a construction operations plan that includes specifications of the equipment to be used during construction and a letter signed by a qualified air quality specialist, verifying that the equipment included in the plan meets the standards set forth below:

- All construction equipment larger than 25 horsepower used at the site for more than two continuous days or 20 hours total shall meet U.S. EPA Tier 4 emission standards for PM (PM_{10} and $PM_{2.5}$), if feasible, otherwise,
    - If use of Tier 4 equipment is not available, alternatively use equipment that meets U.S. EPA emission standards for Tier 3 engines and include particulate matter emissions control equivalent to CARB Level 3 verifiable diesel emission control devices that altogether achieve an 85 percent reduction in particulate matter exhaust in comparison to uncontrolled equipment.

- Use of electrical or non-diesel fueled equipment.

- Alternatively, the applicant may develop another construction operations plan demonstrating that the construction equipment used on-site would achieve a reduction in construction diesel particulate matter emissions by 85 percent or greater. Elements of the plan could include a combination of some of the following measures:
    - Implementation of No. 1 above to use Tier 4 or alternatively fueled equipment,
    - Installation of electric power lines during early construction phases to avoid use of diesel generators and compressors,
    - Use of electrically-powered equipment,
    - Forklifts and aerial lifts used for exterior and interior building construction shall be electric or propane/natural gas powered,
    - Change in construction build-out plans to lengthen phases, and
    - Implementation of different building techniques that result in less diesel equipment usage.

With implementation of Mitigation Measures MM AIR-1.1 and MM AIR-2.1, the cancer risk would be reduced to 6.77 per million and the annual $PM_{2.5}$ emissions would be reduced to 0.20 $\mu g.m^3$ at the MEI and 3.18 per million and 0.02 $\mu g.m^3$ at Sweet Angels WeeCare. Therefore, the project would have a less than significant impact. **(Less than Significant Impact with Mitigation Incorporated)**

Impact AIR-4:	**The project would not result in other emissions (such as those leading to odors) adversely affecting a substantial number of people. (Less than Significant Impact)**

City park uses do not typically generate objectionable odors. Typical odors associated with park uses would include fuel and oil odors from operation of landscape maintenance equipment such as lawn mowers and leaf blowers. The odors generated would be intermittent, localized in nature, and would disperse quickly.

Project construction activities would also generate odors such as fuel and oil odors and asphalt paving odors. Similar to the odors generated during operations, construction-related odors would be intermittent, localized in nature, and would disperse quickly. Therefore, implementation of the proposed project would not create objectionable odors affecting a substantial number of people. **(Less than Significant Impact)**

4.4 BIOLOGICAL RESOURCES

The following discussion is based in part on a Biological Resources Evaluation prepared by H. T. Harvey & Associates, Inc. on March 8, 2023. This report is included as Appendix B to this Initial Study.

4.4.1 Environmental Setting

4.4.1.1 *Regulatory Framework*

Federal and State

Endangered Species Act

Individual plant and animal species listed as rare, threatened, or endangered under state and federal Endangered Species Acts are considered special-status species. Federal and state endangered species legislation has provided the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Wildlife (CDFW) with a mechanism for conserving and protecting plant and animal species of limited distribution and/or low or declining populations. Permits may be required from both the USFWS and CDFW if activities associated with a proposed project would result in the take of a species listed as threatened or endangered. To "take" a listed species, as defined by the State of California, is "to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill" these species. Take is more broadly defined by the federal Endangered Species Act to include harm of a listed species.

In addition to species listed under state and federal Endangered Species Acts, Sections 15380(b) and (c) of the CEQA Guidelines provide that all potential rare or sensitive species, or habitats capable of supporting rare species, must be considered as part of the environmental review process. These may include plant species listed by the California Native Plant Society and CDFW-listed Species of Special Concern.

Migratory Bird Treaty Act

The federal Migratory Bird Treaty Act (MBTA) prohibits killing, capture, possession, or trade of migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. Hunting and poaching are also prohibited. This includes direct and indirect acts, except for harassment and habitat modification, which are not included unless they result in direct loss of birds, nests, or eggs. The CDFW also protects migratory and nesting birds under California Fish and Game Code Sections 3503, 3503.5, and 3800. The CDFW defines taking as causing abandonment and/or loss of reproductive efforts through disturbance.

Sensitive Habitat Regulations

Wetland and riparian habitats are considered sensitive habitats under CEQA. They are also afforded protection under applicable federal, state, and local regulations, and are generally subject to regulation by the United States Army Corps of Engineers (USACE), Regional Water Quality Control Board (RWQCB), CDFW, and/or the USFWS under provisions of the federal Clean Water Act (e.g., Sections 303, 304, 404) and State of California Porter-Cologne Water Quality Control Act.

Fish and Game Code Section 1602

Streambeds and banks, as well as associated riparian habitat, are regulated by the CDFW per Section 1602 of the Fish and Game Code. Work within the bed or banks of a stream or the adjacent riparian habitat requires a Streambed Alteration Agreement from the CDFW.

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to biological resources resulting from planned development within the City including the following:

Policy	Parks, Open Space, and Conservation
4.1	**Public access.** Ensure that public access to the Bay is designed, developed, and maintained in a manner that protects the existing natural resources and habitats.
4.2	**Human activities.** Protect wildlife from adverse impacts caused by human activities.
4.3	**Don Edwards NWR management.** Coordinate with federal agencies and neighboring cities to manage the Don Edwards San Francisco Bay National Wildlife Refuge in a manner consistent with the Conservation Plan, including: • Increased survey efforts on native fauna and flora • Additional improvements to tidal marsh areas • Enhanced visitor service and expanding the volunteer program • Adopt the 15 Comprehensive Conservation Plan
4.4	**Light Pollution.** Require that new buildings located adjacent to Baylands Nature Preserve or Ravenswood Open Space Preserve shield any site lighting from the Bay.
4.5	**Predation.** Ensure that new development and landscaping adjacent to tidal marshes and other Bayfront areas avoids tall perches for raptors or other predatory birds. Protect the salt-marsh harvest mouse from feral cat predation.
4.6	**Native Species.** Encourage or require the use of native and/or non-invasive plants in privately built landscaping or new open spaces near natural open space areas, in order to provide foraging, nesting, breeding, and migratory habitat for wildlife. Discourage use of herbicides and fertilizers.
4.7	**Interagency coordination**. Coordinate with other public agencies such as the San Francisquito Creek Joint Powers Authority, Army Corps of Engineers, National Fish and Wildlife Service, and other similar entities on construction or development activities occurring within or adjacent to the City.
6.1	**Urban forestry.** Expand the urban forest in East Palo Alto by adding street trees and landscaping throughout the City.
6.3	**Fruit trees.** Encourage planting of fruit trees and other edible landscaping in private development for food sources for residents and foraging opportunities for wildlife. Plant fruit trees when feasible on public property.

City of East Palo Alto Municipal Code

Section 18.28.60 of the City's Municipal Code states that it is unlawful for any person to destroy or remove or cause to be destroyed or removed, any protected tree upon any private or public property in the City without first having obtained a permit to do so. The removal of trees with a main stem or trunk that measures eight inches in diameter 54 inches above the natural grade and the removal of all street trees planted in the public right-of-way requires the issuance of a Tree Removal permit from the City's Planning and Housing Division. The conditions of the permit require planting of replacement trees at an equivalent value and/or if replacement cannot be fully accomplished on-site staff may authorize payment of in-lieu fees.

In addition, the removal of any tree that existed at the time of an approval granted under the City's subdivision or development code and required to be preserved as part of such approval, and any tree required to be planted as a condition of any development granted by the City requires a permit, although tree trimming does not require authorization by the City.

4.4.1.2 *Existing Conditions*

On-site Habitats

A reconnaissance level survey of the project site identified four habitat/land use types on the project site: developed/landscaped (4.7 acres), ruderal grassland (7.96 acres), seasonal wetland (0.93 acres) and potential seasonal wetland (0.3 acres). These habitats/land use types are described in detail below, and their locations are shown on Figure 4.4-1.

Developed/Improved

The portion of the project site currently developed as the existing MLK Jr. Park is considered developed/improved area. This portion of the project site is developed with cement pads, a parking lot, public restrooms, ornamental turf grass, non-native trees and one planter containing native plant species including a dwarf cultivar of the native California buckeye (Aesculus californica). Ruderal weeds including prostrate knotweed (Polygonum aviculare) and Jersey cudweed (Pseudognaphalium luteoalbum) are also present scattered throughout the existing MLK Jr. park.

The wildlife most often associated with developed/improved areas of the site are those that are tolerant of periodic human disturbances, including introduced species such as the European starling (Sturnus vulgaris), rock pigeon (Columba livia), house mouse (Mus musculus), and Norway rat (Rattus norvegicus). Numerous common, native species are also able to utilize these habitats, including the western fence lizard (Sceloporus occidentalis), striped skunk (Mephitis mephitis), and a variety of birds. Birds such as the house finch (Haemorhous mexicanus), Anna's hummingbird (Calypte anna), and mourning dove (Zenaida macroura) were observed foraging on the project site. Mature trees within this habitat type provide food and nesting opportunities for a variety of native and non-native species, including the American crow (Corvus brachyrhynchos), California scrub-jay (Aphelocoma californica), and eastern gray squirrel (Sciurus carolinensis). In addition, the eaves and corners of the public restroom building on the project site may be attractive to other nesting and/or roosting species in the area, such as the black phoebe (Sayornis nigricans). Crevices and cavities of a sufficient size for roosting bat colonies were not observed on the public restroom building or other structures (e.g.., playground equipment) located within this habitat type.



Source: H.T. Harvey & Associates, February 2023.

ON-SITE HABITATS | FIGURE 4.4-1

These areas could attract small numbers of individual bats, but do not provide habitat for large roosting or maternity colonies. In addition, an examination of these structures during the field reconnaissance survey failed to detect any evidence of bat activity (i.e., guano or urine staining), indicating that large bat colonies are absent from these areas.

Ruderal Grassland

Approximately 7.96 acres of the project site to the north and east of the existing MLK Jr. Park consist of ruderal grassland. This habitat is dominated by non-native grasses such as wild oats (Avena fatua) and smilo grass (Stipa miliacea), and by non-native forbs such as nettle leaf goosefoot (Chenopodium murale), cheesewed mallow (Malva parviflora), bristly ox-tongue (Helminthotheca echiodes), perennial pepperweed (Lepidium latifolium), and stinkwort (Dittrichia graveolens). Several ornamental trees grow on the margins of the ruderal grassland including pecan (Carya illinoinensis), plum (Prunus domestica), and Canary Island date palm (Pheonix canariensis). During both the surveys, the ruderal grassland was fairly dry and did not appear to support hydrophytic vegetation. The ground surface is uneven due to many dump piles of non-native dirt and construction debris.

The ruderal grassland on the project site provides breeding habitat for relatively few bird species due to the lack of structural complexity of the vegetation, and wildlife species associated with more extensive grassland habitats in the region, such as the grasshopper sparrow (Ammodramus savannarum) and western meadowlark (Sturnella neglecta) are absent from these small patches of habitat. It is possible that small numbers of Bryant's savannah sparrows (Passerculus sandwichensis alaudinus) breed in ruderal grasslands on the site. Most of the bird species using this habitat during the breeding season nest in the landscaped habitat or more heavily vegetated areas outside the project site, using the ruderal grassland habitat on the site only for foraging. Such species include the white-tailed kite (Elanus caeruleus), red-tailed hawk (Buteo jamaicensis), American kestrel (Falco sparverius), red-winged blackbird (Agelaius phoeniceus), and Brewer's blackbird (Euphagus cyanocephalus). Similarly, a few species nesting on nearby structures, such as the cliff swallow (Petrochelidon pyrrhonota), barn swallow (Hirundo rustica), rock pigeon (Columba livia), black phoebe, and European starling, also forage on or over the ruderal grassland habitat on the site. Several other species of birds use the ruderal habitat during the nonbreeding season. These species, which include the savannah sparrow, white-crowned sparrow (Zonotrichia leucophrys), golden-crowned sparrow (Zonotrichia atricapilla), and Lincoln's sparrow (Melospiza lincolnii), forage on the ground or in herbaceous vegetation, primarily for seeds.

Few species of reptiles and amphibians occur in the ruderal grassland in the study area due to its disturbed nature and low habitat heterogeneity. Nevertheless, the western fence lizard and gopher snake (Pituophis melanoleucus) occur in this type of habitat. Small mammals expected to be present include the western harvest mouse (Reithrodontomys megalotis), house mouse, Norway rat, and black rat (Rattus rattus). Small burrowing mammals, such as the Botta's pocket gopher (Thomomys bottae) and California ground squirrel (Spermophilus beecheyi), are also present in this habitat type. Larger mammals, such as the striped skunk, Virginia opossum (Didelphis virginiana), raccoon (Procyon lotor), and black-tailed hare (Lepus californicus) are also likely to occur here.

Seasonal Wetlands

Approximately 0.93 acres of the project site to the east and northeast of the existing MLK Jr. park consist of seasonal wetlands. This habitat is dominated by native species and contains very few non-native species. The dominant native species within this area include Pacific pickleweed (Salicornia pacifica), saltgrass (Ditsichlis spicata), and alkali heath (Frankenia salina). Red brome (Bromus rubens), an annual grass, is the only non-native species that occurs regularly throughout the area. Old concrete debris is present in a few slightly elevated spots. This habitat type contains hydrophytic vegetation, hydric soils, and wetland hydrology, meeting the definition of a wetland under the Regional Settlement to the Corps of Engineers Wetland Delineation Manual: Arid West Region. The alkali species composition of this habitat type and its location relative to Faber Marsh suggest that this site was likely formerly tidal Baylands saltmarsh that has since been diked and removed from tidal influence.

The levee located to the east is slightly higher than the project site. The levee's slopes contain similar species to ruderal grassland. However, the areas between the toe of the levee slopes and the nontidal channel (Runnymede channel) contain dense pickleweed and alkali heath.

Seasonal wetlands can provide habitat for a unique array of special-status and common wildlife species that rely specifically on the particular features they provide. However, because the seasonal wetlands in the study area do not regularly pond water, are frequently disturbed by activities such as mowing that compresses soils and inhibits use by wetland-associated species, and contain relatively sparse vegetation, use of these areas by wetland-associated wildlife is limited. During the dry season, the habitat provided by these features is functionally similar to the adjacent ruderal grasslands from the perspective of wildlife use. Bryant's savannah sparrows could possibly nest in small numbers in areas with denser vegetation. When these wetlands are inundated during the wet season, ducks such as the northern shoveler (Spatula clypeata), gadwall (Mareca strepera), mallard (Anas platyrhynchos), and green-winged teal (Anas crecca), as well as shorebirds such as the killdeer (Charadrius vociferus), least sandpiper (Calidris minutilla), and greater yellowlegs (Tringa melanoleuca), likely forage in these wetlands. However, due to relatively high human use of the existing park and the small size of these seasonal wetlands, waterbird numbers are expected to be limited.

Potential Seasonal Wetlands

Approximately 0.3 acres of the project site are considered potential seasonal wetlands as they contain similar species as the seasonal wetlands but the proportion of saltgrass is much greater and some upland grasses, such as smilo grass and wild oats are present. Saltgrass can tolerate dryer conditions than pickleweed and alkali heath. These locations are also slightly higher in elevation than the seasonal wetlands and contain slightly more non-native and upland species. Because drought conditions prior to the reconnaissance surveys may have influenced the distribution of vegetation in these areas, it was unclear whether vegetation in these potential seasonal wetland areas would be more hydrophytic under more normal hydrologic conditions.

Wildlife use of the potential seasonal wetland areas is similar to that in the ruderal grassland habitats.

Special-Status Species

Special-Status Plan Species

Only one special-status plant species, Congdon's tarplant (Centromadia parryi ssp. congdonii), has any potential for occurrence on the project site. Congdon's tarplant is known to occurs in alkaline soils in valley and foothill grasslands, typically in sumps and disturbed sites where water collects. Congdon's tarplant is often associated with nonnative grassland species, including mustard (Brassica spp.) and star-thistle (Centaurea spp.). A small population of Congdon's tarplant (17 plants) was reported in 2001 approximately 1.2 miles north of the project site behind the address of 2888 Illinois Street. Focused rare plant surveys in 2018 and 2019; however, failed to detect any individual Congdon's tarplants at that location. During reconnaissance surveys of the project site, no Congdon's tarplant was observed. However, those surveys were conducted prior to the species' main flowering period, and it is possible that the species could occur in the ruderal grassland, and possibly the potential seasonal wetland, on the project site.

All other special-status plant species identified as potentially occurring in the region were determined to be absent from the project site and vicinity due to absence of suitable habitat types; lack of specific microhabitat or edaphic requirements, such as serpentine soils; the elevation range of the species is outside of the range of the project site; and/or the species is considered extirpated from the project region.

Special-Status Animal Species

Several special-status animal species occur on or in the immediate vicinity of the project site including the San Francisco common yellowthroat, Alameda song sparrow, Bryant's savannah sparrow, California black rail, California Ridgway's rail, white-tailed kite (Elanus leucurus), northern harrier (Circus hudsonius), salt marsh harvest mouse, and salt marsh wandering shrew, all of which may breed on or close to the site. Additionally, special-status bird and mammal species which can occasionally occur in the project area as nonbreeding foragers, include the burrowing owl (Athene cunicularia), loggerhead shrike (Lanius ludovicianus), tricolored blackbird, pallid bat (Antrozous pallidus), Townsend's big-eared bat (Corynorhinus townsendii), and western red bat (Lasiurus blossevillii).

The monarch butterfly is not expected to breed on the project site, given that its larval hostplant milkweed (Asclepias spp.) is currently absent from the site; however, it occurs as an uncommon migrant and may nectar on flowers (such as bristly ox-tongue) on the site. No special-status fish species would occur on the project site because of the lack of aquatic habitat, or immediately adjacent to the site given the lack of a direct hydrological connection between the adjacent nontidal channel (Runnymede channel)/pond and the Bay.

Sensitive and Riparian Habitats

There are no riparian habitats located within or adjacent to the project site. The nontidal Runnymede channel and pond located adjacent to the east of the project site does not meet the definition of riparian habitat under Section 1602 of the California Fish and Game Code because it does not receive hydrology from streams or creeks.

The seasonal wetlands located on the project site are considered a sensitive natural community. Additional sensitive natural communities can be found in Faber Marsh within the Don Edwards Nature Preserve approximately 120 feet east of the project site.

On-site Trees

There are 57 trees located on the project site. Of the 57 trees, 17 are considered protected trees under the East Palo Alto Tree Preservation and Management Regulations.

Conservation Plan

The project site is not within the boundaries of an adopted or pending Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Off-Site Habitats

Nontidal Channel and Pond

A nontidal channel (Runnymede channel) is located to the east of the project site and terminates at a nontidal pond to the southeast of the project site. The nontidal Runnymede channel and pond receive limited freshwater inputs from the surrounding landscape and stormwater runoff from adjacent developed properties. The nontidal Runnymede channel and pond are fresh or brackish aquatic habitats with limited wetland vegetation at their margins, although cattails (Typha sp.) are present in some areas along the edges of the pond.

Tidal Marsh

The Bay Trail levee separates the nontidal Runnymede channel and pond from tidal marsh in Faber Marsh, approximately 120 ft east of the project site. Tidal marsh vegetation occurs on a low-elevation plain at or above permanently inundated areas. The vegetation in the tidal marsh habitat consists of dense stands of native, salt-tolerant hydrophytes, including patches of salt grass (*Distichlis spicata*), marsh gumplant (*Grindelia stricta* var. *angustifolia*), alkali heath, and California cordgrass (*Spartina foliosa*). Northern coastal salt marsh is recognized by state and federal agencies as a sensitive habitat due to its significance to animal species and to the San Francisco Bay's ecosystem. Faber Marsh has one of the highest densities of California Ridgway's rail in the South Bay and also supports a number of other special-status wildlife species, such as the California black rail, San Francisco common yellowthroat (*Geothlypis trichas sinuosa*), salt marsh harvest mouse, and salt marsh wandering shrew (*Sorex vagrans halicoetes*). Vegetation around the pond immediately east of the project site may also support special-status wildlife species such as the San Francisco common yellowthroat and Alameda song sparrow (*Melospiza melodia pusillula*).

4.4.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (CDFW) or United States Fish and Wildlife Service (USFWS)?	☐	☒	☐	☐
2) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?	☐	☒	☐	☐
3) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐
4) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☒	☐
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☒	☐	☐
6) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

Impact BIO-1:	**The project would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)**

Impacts on Special Status Plant Species

As discussed in Section 4.4.1.2 Existing Conditions above, ruderal grassland, seasonal wetlands, and potential seasonal wetlands habitat on-site is considered suitable habitat for Congdon's tarplant, suggesting that this special status plant species could be present on-site. If present on-site, disturbance and destruction of individual plants or suitable habitat during construction and project operations would result in significant direct impacts to this special status species. Additionally, indirect impacts to this species could occur if dust is deposited onto plants, affecting the photosynthesis and respiration of the plants, or if grading and construction result in changes in hydrology. Impacts to more than 10 percent of an occurrence would be significant impact given this species' regional rarity.

Impact BIO-1.1: Implementation of the proposed project could result in direct and indirect impacts to Congdon's Tarplant if present. **(Significant Impact)**

Mitigation Measure:

MM BIO-1.1: **Pre-Activity Surveys for Congdon's Tarplant.** Prior to initial ground disturbance for project-related activities in seasonal wetland, potential seasonal wetland, and ruderal grassland habitats, a qualified plant ecologist shall conduct a survey for Congdon's tarplant within the project footprint and within a 50-ft buffer around the project footprint (to the extent access permits). This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the areas, but must be at least 50 ft wide. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading; potential for project activities to alter hydrology supporting habitat for the species; or proximity to proposed structures that may shade areas farther than 50 feet away. Surveys shall be conducted during the appropriate blooming season for the species (typically July through October) in a year with near-average or above-average precipitation. Surveys may be conducted earlier or later than July-October, or in a year of below-average rainfall, if examination of nearby reference populations indicate that the species would be detectable if present. The purpose of the survey shall be to assess the presence (and distribution/abundance) or absence of Congdon's tarplant. If Congdon's tarplant is not found in the impact area or the identified buffer, then no further mitigation shall be required. If Congdon's tarplant is found in the impact area or identified buffer, then MM BIO-1.2 and BIO-1.3 shall be implemented.

MM BIO-1.2: **Congdon's Tarplant Avoidance Buffers, Protection, and Management.** To the extent feasible, and in consultation with a qualified plant ecologist, the project

proponent shall design and construct the proposed project to completely avoid impacts on all populations of Congdon's tarplant within the project footprints or within the identified buffers of the impact areas. Avoided populations of the species shall be protected by establishing and observing the identified buffer between plant populations and the impact area. All such populations located in the impact area or the identified buffer, and their associated designated avoidance areas, shall be clearly depicted on any construction plans. In addition, prior to initial ground disturbance or vegetation removal, the limits of the identified buffer around Congdon's tarplant to be avoided shall be marked in the field (e.g., with flagging, fencing, paint, or other means appropriate for the site in question). This marking shall be maintained intact and in good condition throughout project-related construction activities.

Any onsite occurrence of Congdon's tarplant that can be avoided shall be protected with signage or low fencing (less than 3 feet tall, to avoid providing high-quality raptor foraging perches for potential salt marsh harvest mouse predators) to discourage people from entering the occupied habitat. Any management of the occupied habitat that currently occurs – which may include periodic mowing – the management shall continue to occur to maintain suitable conditions for the species.

If complete avoidance is not feasible and more than 10% of a population (by occupied area or individuals) would be impacted as determined by a qualified plant ecologist, MM BIO-1.3 shall be implemented.

MM BIO-1.3: **Preserve and Manage Mitigation Populations of Congdon's Tarplant.** If avoidance of Congdon's tarplant is not feasible and more than 10% of the population would be impacted, compensatory mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population. To compensate for impacts on Congdon's tarplant, habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant impacted, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10% significance threshold. Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for impacts to special-status plants beyond the 10% significance threshold) or establish an entirely new population in suitable habitat.

Areas proposed to be preserved as compensatory mitigation for impacts to Congdon's tarplant must contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation areas shall be managed in perpetuity to encourage persistence and even expansion of this species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality shall be achieved by the mitigation activities. The mitigation habitat will be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance,

vegetation structure, and dominant species composition, and shall contain at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase.

A habitat mitigation and monitoring plan (HMMP) shall be developed and implemented for the mitigation lands. That plan shall include, at a minimum, the following information:

- a summary of habitat impacts and the proposed mitigation;
- a description of the location and boundaries of the mitigation site and description of existing site conditions;
- a description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the species;
- a description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which shall be determined by a qualified plant or restoration ecologist);
- proposed management activities to maintain high-quality habitat conditions for the species;
- a description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria shall include demonstration that any plant population fluctuations over the monitoring period of a minimum of 5 years for preserved populations and a minimum of 10 years for enhanced or established populations do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management); and
- contingency measures for mitigation elements that do not meet performance criteria.

The HMMP shall be prepared by a qualified plant or restoration ecologist. Approval of the HMMP by the City shall be required before project impacts to this species occur.

With implementation of Mitigation Measure MM BIO-1.1 through MM BIO-1.3, impacts to Condgon's Tarplant would be reduced to a less than significant level. **(Less than Significant Impact With Mitigation Incorporated)**

Impacts to Monarch Butterfly

As discussed in Section 4.4.1.2 above, the monarch butterfly occurs in the project region as a migrant species, no current or historical overwintering sites are known in the project area, and no larval host plants were observed during reconnaissance surveys of the project site.[21] However, flowering plants (such as bristly ox-tongue) providing nectar sources for migrating monarch butterflies are present on the project site. Disturbance and destruction of individual nectar plants or suitable habitat for such plants during construction and project operations would result in significant direct impacts to monarch butterflies. Additionally, indirect impacts to this species could occur if dust is deposited onto plants, affecting the photosynthesis and respiration of the plants, or if grading and construction result in changes in hydrology.

However, because the project site does not provide a particularly large concentration of nectar plants, the loss of larval hostplants and nectar plants during project construction and operations would not result in a substantial impact to the regional availability of such habitat, hostplants, or monarch butterfly populations. Similarly, if any host plants containing monarch butterfly eggs, larvae, or pupae were impacted, they would represent such a small portion of the regional population of monarchs that such impacts would not result in a substantial reduction in regional populations of monarchs. For these reasons, impacts to the monarch butterfly resulting from project construction and operation would be less than significant. **(Less than Significant Impact)**

Impacts on the Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew

As noted in Section 4.4.1.2 Existing Conditions, salt marsh harvest mice are known to occur in tidal marsh habitat of Faber Marsh, located to the east of the project site. On-site habitats such as the seasonal wetland, potential seasonal wetland, and to a lesser extent the ruderal grasslands, provide potentially suitable habitat for salt marsh harvest mouse and salt marsh wandering shrew as recent radio-tracking has demonstrated that the species also uses brackish marshes, nontidal managed wetlands, and some adjacent upland habitats similar to the ruderal grassland habitat found on the project site.[22]

Construction Impacts

As noted in Section 3.2.4 Preservation of Existing Seasonal Wetlands, the project would be designed to preserve the existing seasonal wetland and potential seasonal wetlands on-site. No grading or construction activities are proposed within the seasonal wetlands or potential seasonal wetlands. The project would include grading and construction activities within on-site ruderal grassland habitat which could result in direct impacts to salt marsh harvest mouse and salt marsh wandering shrew such as injury and mortality from crushing by equipment, vehicle traffic, and worker foot traffic.

As mentioned under Impacts to Special Status Plant Species and Impact BIO-3 below, construction and operation of the project could degrade seasonal wetland habitat by introducing invasive plant species which could outcompete the native plants that typically dominate salt marsh harvest mouse

[21] H.T. Harvey & Associates, Inc. *Marin Luther King, Jr. Park Master Plan Biological Resources Report.* March 8, 2023.
[22] Ibid. P. 45.

and salt marsh wandering shrew habitat. Additionally, individual mice and shrew may vacate the ruderal grassland habitat on-site because of increased levels of noise and disturbance during construction, exposing them to increased competition and predation. Degradation of the seasonal wetlands and increased competition and predation of mice and shrews would be considered indirect impacts.

Operational Impacts

The project would include increased park users, operation of a dog park, stadium lights, a PA system, and increased impervious surfaces which could result in direct and indirect impacts to salt marsh harvest mouse and salt marsh wandering shrew. During operations, the number of park users, dogs, and the amount of solid waste generated on-site would increase compared to existing conditions, attracting predators and nuisance species such as American crow, common raven (Corvus corax), and racoon and nonnative feral cat (Felix catus), Norway rat, and black rat. The project would add new buildings, fences, backstops, light poles, and trees to the project site which could be used as hunting perches for avian predators such as common ravens and red-tailed hawks. Although PG&E towers on the site already provide predator perches, any new buildings, fences, or light poles would introduce more high perches on-site, thus potentially increasing risk of predation of salt marsh harvest mouse and salt marsh wandering shews. Furthermore, although there are dogs within the existing park and Bay Trail under existing conditions, the addition of a dog park on-site would increase the number of dogs on-site and could result in increased loss of individual mice and shrew through trampling and predation by dogs.

Operation of new lighting installed by the project could also impact these species by reducing habitat quality, as perceived by salt marsh harvest mouse and salt marsh wandering shrew and improving the ability of nocturnal predators to detect these mammals during the nighttime when stadium, parking lot, and pedestrian lights are illuminated.

PA system would be installed between the two playing fields on the project site, mounted on the backstop poles and oriented downwards toward spectators in the bleachers. As noted in Section 3.2.8 Park Operations and in Section 4.12 Noise, the PA system would only be used during scheduled games when the fields are reserved (likely approximately two-three days per week) and would not be used past 10:00 pm. The noise level produced by the PA system, as perceived at the Bay Trail, would be less than the existing noise levels from air traffic of the Palo Alto Airport, and would be on par with normal conversation. Thus, the increase in noise from the PA system (and from park operations in general) would not result in substantial disturbance of salt marsh harvest mice or salt marsh wandering shrews in the high-quality habitat of Faber Marsh. Noise could potentially be greater in and around the seasonal wetland and potential seasonal wetland habitats on the project site, though it would not cause these sensitive mammal species to abandon suitable habitats or move into areas where they would be subject to substantially increased predation risk.

As discussed in Section 4.10 Hydrology and Water Quality, the project would increase impervious surfaces on-site and replace the existing natural turf field with a synthetic turf field. Compared to existing conditions, where stormwater from the fields is absorbed into the ground and/or travels across the site into the seasonal and potential seasonal wetland areas, under the proposed project, stormwater from the synthetic turf fields would drain to stormwater features where it would be retained and treated prior to entering the municipal storm drainage system. This change in

stormwater runoff from increased impervious areas could affect the seasonal wetlands and potential seasonal wetlands by inundating these areas more extensively, and for a longer duration, than currently occurs, killing existing wetland vegetation. Alternatively, if less runoff enters the seasonal wetlands and potential seasonal wetlands after project implementation (e.g., if all runoff from developed areas were routed to storm sewers), these wetlands could suffer from lack of water, reducing the health and amount of vegetation.

In summary, project construction and operation could result in impacts on the salt marsh harvest mouse and salt marsh wandering shrew due to loss of individuals and suitable habitats. Although impacts to these species habitat would not result in substantial impacts to these species and their populations, as described above, impacts to individuals of these species would be significant due to the regional rarity of these species. Implementation of MM BIO-1.15 would reduce impacts associated with new lighting and implementation of MM BIO-2.1 would reduce impacts associated with the introduction and spread of invasive plants. Nonetheless, the following mitigation measures would be required to further reduce impacts to salt marsh harvest mouse and salt marsh wandering shrew.

Impact BIO-1.2: Project construction and operation could result in impacts to salt marsh harvest mouse and salt marsh wandering shrew due to loss of individuals and suitable habitat. **(Significant Impact)**

Mitigation Measures:

MM BIO-1.4: **Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Construction Minimization Measures.** The following measures shall be implemented to minimize the potential for impacts on individual salt marsh harvest mice and salt marsh wandering shrews, and these species' habitats, during project construction.

- Before any construction activities begin, a qualified biologist shall conduct a worker environmental awareness training program (WEAP) for all construction personnel. At a minimum, the training shall include descriptions of the salt marsh harvest mouse, salt marsh wandering shrew, California black rail, and California Ridgway's rail, their habitats, the laws protecting them, the general measures that are being implemented to conserve these species as they relate to the project, and the boundaries within which the project may be accomplished.
- To avoid the loss of individual harvest mice or shrews from any excavation, fill, or construction activities in suitable habitat, vegetation removal shall be limited to the minimum amount necessary to permit the activity to occur. Wherever feasible, sufficient suitable habitat, as determined by a qualified biologist, shall remain adjacent to the activity area to provide refugia for displaced individuals.
- Within areas where vegetation potentially supporting salt marsh harvest mice or salt marsh wandering shrews (as determined by a qualified biologist) shall be impacted, vegetation and debris that could provide cover for mice shall be removed using only hand tools (which may include motorized equipment such as line trimmers if the vegetation

removed is inspected by a qualified biologist and does not contain any salt marsh harvest mice or salt marsh wandering shrews) at least one week prior to the commencement of construction activities. Vegetation removal within potential habitat for these mammals shall occur under the supervision of a qualified biologist. This vegetation shall be removed on a progressive basis, such that the advancing front of vegetation removal moves toward suitable habitat that would not be disturbed. A qualified biologist shall monitor the vegetation removal and make specific recommendations with respect to the rate of vegetation removal (to ensure that any harvest mice or shrews present are able to escape to cover that shall not be impacted), and whether vegetation needs to remain in a certain area temporarily to facilitate dispersal of mice into habitat outside the impact area.

- All cut vegetation, except cut vegetation left in place as escape cover, shall be removed daily from vegetation removal areas within 50 feet of suitable salt marsh harvest mouse and salt marsh wandering shrew habitats to prevent it from being used as refugia by these species.
- If a salt marsh harvest mouse or salt marsh wandering shrew, or an animal that may be a salt marsh harvest mouse or salt marsh wandering shrew, is detected during vegetation removal or other project activities, all work that could impact the individual shall cease until the animal has moved out of the impact area on its own. A qualified biologist will monitor the animal to ensure that it disperses out of the impact area. If the animal does not move on its own, the biologist will confer with the USFWS and CDFW to identify appropriate measures to avoid impacts to the animal. No salt marsh harvest mice or salt marsh wandering shrews shall be handled (even for relocation) without prior approval from the USFWS and CDFW.
- Following the hand-removal of vegetation, exclusion fencing shall be erected as needed between construction areas and harvest mouse/shrew habitat that is to remain unimpacted to define and isolate protected harvest mouse/shrew habitat. This would specifically include the seasonal wetland and potential seasonal wetland habitats found on the project site; no fencing would be constructed on the east or north side of the larger seasonal/potential seasonal wetland area, to allow mammals to move between the on-site wetland and suitable habitat to the north and east. This fencing shall consist of material that cannot be climbed by harvest mice, buried at least 4 inches below the ground's surface, and with at least one ft (but no more than 3 ft) above the ground. All supports for the fencing shall be placed on the inside of the work area. A minimum one-ft buffer shall be maintained free of vegetation around the outside of the exclusion fencing. The fencing shall be inspected daily during construction, and any necessary repairs shall be made within 24 hours of when they are found. If any breaks in the fencing are found, the qualified biologist shall inspect the work area for salt marsh harvest mice and salt marsh wandering shrews.

- No animals (e.g., dogs or cats) shall be brought to the project site during construction by project personnel to avoid harassment, killing, or injuring of wildlife.
- The project site shall be maintained trash-free, and food refuse shall be contained in secure bins and removed daily during construction, to avoid attracting nuisance animals that may then prey on salt marsh harvest mice.
- Nighttime construction shall be avoided if feasible. If avoidance of night work is infeasible, all project lighting shall be shielded and directed away from tidal marshes.

MM BIO-1.5: **Prohibit Rodenticides.** Use of rodenticides shall not be allowed by the City within 100 feet of any seasonal wetland or potential seasonal wetland habitat on-site.

MM BIO-1.6: **Restrict Pesticide Use in and near Wetland Habitats.** All pesticides (e.g., herbicides or insecticides) used within 100 ft of seasonal wetland or potential seasonal wetland habitats must be utilized in accordance with the manufacturer's directions. No pesticides shall be applied within seasonal wetland or potential seasonal wetland habitats as part of project activities. Any pesticides used in areas where they could be washed, or could drift via wind, into tidal marsh or seasonal wetland habitat must be approved by the EPA for use in aquatic habitats.

MM BIO-1.7: **Avian Predator Perch Deterrents.** A qualified biologist shall assess any new structures, including fencing, buildings, light poles, bleachers, or other structures, that shall be constructed within 300 ft of any suitable salt marsh harvest mouse and salt marsh wandering shrew habitat (both onsite and offsite) to determine whether they provide suitable perches for avian predators of the salt marsh harvest mouse and salt marsh wandering shrew, and whether their construction shall improve the ability of predators to prey on these sensitive mammals (relative to existing structures, such as electrical poles, that shall remain on the site). This assessment shall take into consideration both onsite habitat for these mammals and offsite habitat, such as potential habitat across the nontidal Runnymede channel from the project site and in Faber Marsh. Avian predator perch deterrents shall be placed on any structures that are determined by the qualified biologist to improve the ability of predators to prey on these sensitive mammals. The specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City.

MM BIO-1.8: **Landscape Design.** Landscaping shall be designed to avoid providing suitable perches for avian predators and dense woody vegetation that could hide mammalian predators of salt marsh harvest mouse and salt marsh wandering shrew. No dense shrubs or trees capable of reaching heights (at maturity) greater than four feet shall be planted within 100 feet of the seasonal wetlands, potential seasonal wetlands, or the wetlands east of the Bay Trail, and no shrubs or trees capable of reaching heights (at maturity) greater than six feet shall be planted within 200 feet of the seasonal wetlands, potential seasonal wetlands, or the

wetlands east of the Bay Trail, unless there are intervening structures, topography, or other features shall be considered by the biologist that may block the view of the seasonal wetland and potential seasonal wetland areas on the project site or the salt marsh to the east, from avian predators using proposed trees and shrubs.

MM BIO-1.9: **Restrictions on Off-Leash Dogs.** Off-leash dogs shall be prohibited within 100 ft of seasonal wetland or potential seasonal wetland habitats unless within fenced areas designated specifically for dogs. Signage prohibiting off-leash dogs shall be placed at various locations around the park, including on the fence around the onsite seasonal wetlands and potential seasonal wetlands and at the entrance to the Bay Trail.

MM BIO-1.10: **Food Waste Management.** The following measures shall be implemented within 100 ft of salt marsh or seasonal wetland habitats to minimize impacts on salt marsh harvest mice and salt marsh wandering shrews due to the attraction of nuisance predators.

- Any bins used for food waste shall include lids that seal tightly to prevent access by animals and incorporate a mechanism to prevent them from being inadvertently left open when not in active use.
- Outdoor trash and recycling receptacles shall be emptied frequently enough that cans do not fill up and allow food waste to spill out.
- Litter on the site shall be picked up daily, and no food trash shall be left onsite overnight.
- Signs will be placed on trash and recycling receptacles reminding users to close the lids so that they shall not be inadvertently left open.
- Residents and visitors shall be prohibited from feeding feral or wild mammals.
- Educational signs shall be posted explaining the importance and sensitivity of nearby marsh habitats and the seasonal wetland habitats onsite, prohibiting feeding wildlife and feral animals on the property, prohibiting off-leash dogs within 100 ft of seasonal wetland or potential seasonal wetland habitats, as well as offsite tidal salt marsh, and advising visitors to dispose of food waste in outdoor areas appropriately to avoid attracting and subsidizing nuisance species.

MM BIO-1.11: **Fencing of Seasonal Wetlands and Potential Seasonal Wetlands.** To discourage park visitors from entering seasonal wetlands and potential seasonal wetlands that provide potential habitat for salt marsh harvest mice and salt marsh wandering shrews, low (<3 feet tall) symbolic fencing, with educational signs prohibiting entry, shall be placed around the seasonal wetlands and potential seasonal wetlands. On the east side of the larger wetland area north of the Bay Trail access pathway, such fencing shall only be installed on the north, west, and south sides of the wetland/potential wetland (i.e., no fencing shall be installed between this wetland and the nontidal Runnymede channel to avoid placing even a low avian predator perch in

this area).

MM BIO-1.12: Maintenance of Hydrology and Water Quality in the Seasonal Wetlands. Effects of changes in stormwater runoff on hydrology and water quality within the seasonal wetlands and potential seasonal wetlands shall be minimized during detailed project design by designing stormwater features so that the amount and timing of runoff does not change substantially as a result of the project, and so that no runoff from new hardscape, artificial turf fields, or fertilized lawn or landscaping enters the wetlands without first being treated in stormwater treatment features. A qualified hydrologist shall inform detailed design of the stormwater system so that the amount of runoff entering the wetlands, and the rate at which it enters the wetlands, from the rest of the park does not increase or decrease by more than 10 percent from existing conditions. Further, stormwater treatment features, which may include vegetated swales, detention basins, or other features located outside of the existing seasonal wetlands and potential seasonal wetlands, shall be included to treat any runoff from new hardscape, artificial turf fields, or fertilized lawns or landscaping before that water enters the seasonal wetlands or potential seasonal wetlands.

With implementation of Mitigation Measures MM BIO-1.4 through MM BIO-1.12, impacts to salt marsh harvest mice and salt marsh wandering shrew and their habitats would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts to the California Black Rail and California Ridgway's Rail

No suitable foraging or nesting habitat for the California black rail and California Ridgway's rail occurs on or within 120 feet of the project site. The nearest suitable breeding and foraging habitat for both species is the salt marsh located in Faber Marsh, approximately 120 feet east of the project site. Thus, project construction would not result in the direct loss of suitable habitat for these species. Although Faber Marsh is separated from the project site by the nontidal Runnymede channel and Bay Trail, project construction and operation could impact these species and their habitats, as discussed below.

Project construction would increase noise and result in vibration approximately 120 feet from this habitat. If pairs of the California black rail and/or California Ridgway's rail are nesting close to the project site when construction occurs, heavy ground disturbance, noise, and vibrations caused by construction could potentially result in the abandonment of nests, and possibly the loss of eggs or young as a result. Additionally, construction activities could degrade rails' marsh habitats by introducing or spreading nonnative invasive plant species which could out complete the native plants that typically dominate high-quality rail habitat.

Project operations could impact the California Ridgway's rail and California black rail by attracting predators to the area due to increased human food availability, and by increasing the abundance and quality of hunting perches for avian predators such as common ravens and red-tailed hawks. As noted above, a PA system would be installed between the two playing fields on the project site, mounted on the backstop poles and oriented downwards toward spectators in the bleachers. The increased noise from the PA system (and from park operations in general) would not result in

substantial disturbance of rails. In addition, increased park users could increase disturbance of rails due to human noise and activity. Further, if people bring dogs on the Bay Trail, those dogs could disturb rails close to the marsh edge, especially during king tides when rails may be concentrated at the edge of Faber Marsh. Off-lease dogs could prey on rails. Operation of new lighting installed by the project could impact rails in Faber Marsh by reducing habitat quality, as perceived by the rails, and improving the ability of nocturnal predators to detect rails.

Due to the low population sizes of the California black rail and California Ridgway's rail and the quality of habitat provided by Faber Marsh adjacent to the project site, the impacts on these species described above would be significant. Furthermore, due to the difficulty in detecting active rail nests and the disturbance caused by preconstruction nest surveys for those species during the breeding season, preconstruction surveys to identify the precise location of rail nests are infeasible.

Impact BIO-1.3: Project construction and operation could result in impacts to California Black rail and California Ridgway's rail due to loss of individuals and suitable habitat. **(Significant Impact)**

Mitigation Measure:

MM BIO-1.13: **Seasonal Avoidance or Protocol-level Surveys and Buffers around Calling Centers.** To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, project construction activities occurring within 700 of salt marsh habitats located in Faber Marsh to the east shall be avoided during the rail breeding season (from February 1 through August 31) unless (a) a qualified biologist determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity in question (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or (2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs. If breeding rails are determined to be present, construction activities shall not occur within 700 ft of an identified California Ridgway's rail calling center, or within 300 feet of a California black rail calling center, during the breeding season, unless the buffer is reduced based on the assessment of a qualified biologist as described above. California Ridgway's rails are known to breed in Faber Marsh, though their calling centers may vary from year to year, and they may not necessarily be nesting/calling from the immediate edge of the marsh, closest to the project area; thus, conducting protocol-level surveys may help to determine whether and where breeding-season construction can occur, relative to rail locations.

With implementation of MM BIO-1.4 and MM BIO-1.7 through MM BIO-1.10, and MM BIO-1.13 impacts to rails would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts to Burrowing Owls

As discussed in Section 4.4.1.2 Existing Conditions above, burrowing owls are not known or expected to nest in or very close to the project site due to the lack of known occurrences on and very close to the project site and the high level of human activity in areas that support California ground squirrel burrows. However, burrowing owls could occur on-site as a wintering resident or migrant individuals, and nonbreeding individuals could potentially forage and roost in the project area in small numbers. The project area does not provide high-quality habitat for this species due to the lack of extensive undisturbed grassland habitat, the close proximity of development to the small areas of grassland on-site, and the high level of existing human activity in the park. Because the project site lacks high-quality burrowing owl habitat and is not known or expected to support breeding burrowing owl or large numbers of nonbreeding birds, the project would not result in the loss of habitat for burrowing owls.

Nevertheless, project activities could disturb foraging and roosting individuals, if present on-site. Because burrowing owls roost underground, they may be killed or injured during construction activities if occupied burrows are destroyed or compacted by heavy equipment. Construction activities that occur in close proximity to active burrows may disturb owls to the point of abandoning their burrows, exposing them to increased predation risk as they disperse. Due to the rarity of the burrowing owl in the region and the effects on burrowing owl population, the loss of any individuals would be a significant impact under CEQA.

Impact BIO-1.4: Project construction could result in impacts to burrowing owls foraging and roosting on and adjacent to the project site. **(Significant Impact)**

Mitigation Measure:

MM BIO-1.14: **Burrowing Owl Minimization Measures.** To minimize impacts on burrowing owls, the following measures shall be implemented.

- **Preconstruction Surveys.** Preconstruction surveys for burrowing owls shall be conducted prior to the initiation of construction activities (regardless of the time of year) within suitable burrowing owl roosting or nesting habitat (i.e., grassland or ruderal habitats), or within 250 feet of this habitat. During the initial site visit, a qualified biologist shall survey the entire project site and (to the extent that access allows) areas within 250 feet by walking transects with centerlines no more than 50 feet apart and ensure complete visual coverage and looking for suitable burrows that could be used by burrowing owls. If no suitable burrows are present, no additional surveys are required. If suitable burrows are determined to be present within 250 feet of project impact areas, a qualified biologist shall conduct a second survey to determine whether owls are present in areas where they could be affected by proposed activities. The surveys shall last a minimum of three hours, beginning one hour before sunrise and continuing until 2 hours after sunrise or beginning 2 hours before sunset and continuing until 1 hour after sunset. Regardless of the time of year, the first survey may occur up to 14 days prior to the start of

construction activities in any given area, and the second survey shall be conducted within two days prior to the start of construction activities.

- **Implement Buffer Zones for Burrowing Owls.** If burrowing owls are detected during the pre-activity survey, a 165-foot buffer, within which no newly initiated construction-related activities should occur, shall be maintained between construction activities and occupied burrows to the extent feasible during the nonbreeding season (September 1 through January 31). This buffer may be reduced if a qualified biologist determines that work shall not result in damage to the burrow(s) being used by the owls. Though the species is highly unlikely to breed on or nearby to the project site, owls present between February 1 and August 31 shall be assumed to be nesting, and a 250-foot protected area shall remain in effect until August 31, or until the burrow is no longer occupied, whichever occurs first.
- **Passive Relocation.** No burrowing owls shall be relocated from burrows during the breeding season (February 1 through August 31). If, during the nonbreeding season (September 1 through January 31), it is infeasible to maintain a buffer around occupied burrow(s) large enough to ensure that the burrow(s) shall not be physically disturbed (thus risking injury or mortality of the owl), the owl may be passively relocated from the occupied burrow(s) using one-way doors. Passive relocation shall be performed only by a qualified biologist, in coordination with CDFW to obtain any appropriate guidance. One-way doors must be in place for a minimum of 48 hours, during dry conditions, to ensure that owls have left the burrow before the burrow is impacted.

With implementation of MM BIO-1.14, impacts to burrowing owls would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts to Nesting Birds

As discussed in Section 4.4.1.2 Existing Conditions, San Francisco common yellowthroats, Alameda song sparrows, and Bryant's savannah sparrows may nest in marsh or adjacent upland vegetation along the eastern margins of the project site; northern harriers nest in Faber Marsh; and white-tailed kites may nest in trees in or near the project site. In addition, numerous other, non-special-status birds nest on the project site and in nearby areas.

Construction disturbance during the bird nesting season (February 1 through August 31, for most species) could result in the incidental loss of eggs or nestlings of native birds, either directly through the destruction or disturbance of active nests or indirectly by causing enough disturbance that adults abandon their nests. Impacts on some special-status birds, including the California Ridgway's rail and California black rail, and burrowing owl have been previously addressed. In addition to those three species, several other special-status birds may nest in or adjacent to the project site. The Alameda song sparrow, Bryant's savannah sparrow, San Francisco common yellowthroat, and northern harrier (all California species of special concern), as well as the white-tailed kite (state fully-protected species), are associated with wetland and/or grassland habitats and are known to nest

in or near the project site. Impacts to these bird species of special concern are discussed below.

Due to the potential proximity of nesting to project construction activities, eggs or young in nests of the San Francisco common yellowthroat, Alameda song sparrow, Bryant's savannah sparrow, and white-tailed kite, as well as non-special-status species nesting in the project area, may be destroyed, killed, or injured during construction activities as a result of destruction by construction personnel or equipment, or removal of vegetation containing nests. In addition, construction activities causing a substantial increase in noise, movement of equipment, or human presence near active nests could result in the abandonment of nests of all of these bird species, as well as species such as northern harrier that may nest in nearby areas, and possibly the loss of eggs or young as a result.

Increased human activity may also affect the behavior of birds, causing them to avoid work sites and possibly exposing them to increased competition with other birds in the areas to which they disperse and to increased levels of predation caused by their unfamiliarity with the new area. Increases in human concentration and activity associated with construction in the vicinity of the project site may also result in an increase in native and nonnative predators that would be attracted to trash left in the work site, and in a reduction in the quality of breeding or foraging habitat caused by the introduction of nonnative vegetation.

In addition, increased sedimentation or hazardous material spills from construction activities may result in the temporary or permanent degradation of water quality and, hence, habitat quality in wetland habitats on- and adjacent to the project site, and the resulting in impacts to nesting habitat (e.g., cattails near the adjacent pond that may be used by nesting yellowthroats) or prey (e.g., invertebrates) could adversely affect these bird species. Following completion of construction, increased human activity in and near these species' habitats and near nests could potentially disturb these species to the point that they no longer occupy suitable habitat on or near the project site, and noise from park users and the PA system could disturb nesting birds to some extent. However, noise impacts would decrease substantially with increasing distance from the park (and from the PA system's speakers), and thus, effects of noise on nesting birds would be localized. Most of the bird species that would nest in the park are species that are common and widespread in urban areas and that thus already tolerate high noise levels.

Operation of new lighting installed by the project could impact nesting birds by reducing habitat quality and improving the ability of nocturnal predators to detect active nests. Refer to Impact BIO-1.5 below for a detailed discussion of lighting impacts to biological resources. Because nesting birds occur mainly in the undeveloped habitats along the eastern margin of the site and in landscape trees, and because the majority of these areas would remain undeveloped, permanent impacts to their breeding and foraging habitats would be limited. The number of pairs of any given bird species that may nest on the site or close enough to be affected directly or indirectly by project activities is low given the low population sizes of the special-status species addressed in this impact, and the relatively limited size of the project site. Therefore, the permanent loss and/or temporary disturbance of nesting and foraging habitat for these species in the project area would not result in appreciable impacts on their regional populations, and even the loss of active nests of these species would not result in a substantial reduction in these species' regional populations. Nevertheless, all the native bird species that nest on or near the project site are protected by state and federal laws, and enough birds (considering all species) may nest in or adjacent to the project site for construction activities to cause the loss of a moderate number of nests.

Impact BIO-1.5: Project construction could directly or indirectly impact nesting birds protected under the Migratory Bird Treaty Act and the California Fish and Game Code. **(Significant Impact)**

Mitigation Measures:

MM BIO-1.14: Nesting Bird Avoidance. The following measures would be implemented to avoid and minimize impacts of project activities on nesting birds.

- **Seasonal Avoidance.** To the extent feasible, vegetation removal, demolition, and initiation of grading and other construction activities should be scheduled to avoid the nesting season. If such activities take place outside the nesting season, all impacts on nesting birds protected under the MBTA and California Fish and Game Code shall be avoided. The nesting season for most birds in San Mateo County extends from February 1 through August 31.
- **Preconstruction Surveys.** If it is not possible to schedule vegetation removal, demolition, and construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted by a qualified biologist to ensure that no nests of migratory birds shall be disturbed during project implementation. These surveys shall be conducted no more than 7 days prior to the initiation of tree removal, demolition, ground disturbance, or construction activities for each construction phase. During this survey, the biologist shall inspect all potential nesting habitats (e.g., trees, shrubs, buildings, electrical towers, and the ground) in and immediately adjacent to the impact areas for migratory bird nests.
- Buffers. If an active nest is found within areas that would be disturbed by project activities, the qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 ft for raptors and 100 ft for other species, though buffers may be reduced by the biologist based on intervening structures or vegetation, the magnitude of disturbance produced by the activity, and the level of human activity to which the birds are already habituated), to ensure that no active nests of species protected by the MBTA and California Fish and Game Code shall be disturbed during project implementation.
- Inhibition of Nesting. If construction activities shall not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (e.g., prior to February 1) to reduce the potential for establishment of nests in areas to be disturbed.

With implementation of MM BIO 1.14, impacts to nesting birds would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impacts on Non-breeding Special-Status Animals

Several special-status bird and mammal species occur in the project area as non-breeding migrants, transients, or foragers, but they are not known or expected to breed or occur in large numbers in the project area; these include birds such as the tricolored blackbirds and loggerhead shrike, and mammals such as the pallid bat, Townsend's big-eared bat, and western red bat. These species are mobile enough to avoid construction equipment, therefore, the project would not result in injury or mortality of these species. Project construction would, however, result in the loss and disturbance of ruderal grassland habitat which may be used as foraging habitat for these species or roosting habitat for western red bats. In addition, construction-related disturbance may result in the alteration of foraging patterns (e.g., avoidance of work sites because of increased noise and activity levels during project activities) of a few individuals of these species. However, the project site does not provide important or extensive foraging habitat that is used regularly or by large numbers of any of these species and is not heavily relied upon by a breeding pair of any of these species. Thus, impacts to these species and their foraging habitats resulting from project construction would be limited. Accordingly, project construction would not result in substantial reductions in local or regional populations of these species and would affect a very low proportion of regionally available habitat. Therefore, impacts would be less than significant. **(Less than Significant Impact)**

Impacts of Increased Lighting on Wildlife

As discussed in Section 3.2 Project Description, the project would replace 32 existing pole-mounted lights with eight stadium lights, 10 pole-mounted parking lot lights, and 35 pedestrian lights. Under existing conditions, pole-mounted lights are currently illuminated from sunset to sunrise seven days per week. With implementation of the proposed project, pole-mounted parking lot lights would be turned off at 10:00 PM, pedestrian lights would be illuminated until 11:00 PM, Stadium lights would be illuminated only when fields are in use until 9:00 PM during regular park operations or until 11:00 PM during special events. Therefore, although the length of time in which lights would be illuminated on-site would decrease, the number of lights on-site would increase, resulting in increased lighting levels on-site compared to existing conditions. Areas to the west, north, and south of the project site are developed and do not support sensitive species that might be impacted by project lighting. However, areas along the eastern project boundary include or are adjacent to salt marsh habitats which support wildlife species, including sensitive species such as the salt marsh harvest mouse, salt marsh wandering shrew, California black rail, California Ridgway's rail, and other special-status birds.

Many animals are sensitive to light cues, which influence their physiology and shape their behaviors, particularly during the breeding season. Artificial light has been used as a means of manipulating breeding behavior and productivity in captive birds for decades and has been shown to influence the territorial signing behavior of wild birds. Artificial lighting may indirectly impact mammals and birds by increasing the nocturnal activity of predators such as owls, hawks, and mammalian predators. The presence of artificial light may also influence habitat use by rodents and any breeding birds by causing avoidance of well-lit areas, resulting in a net loss of habitat availability and quality. Local birds using habitats on a site may become disoriented during flights among foraging areas and fly toward the lights, colliding with the lights or with nearby structures. Nocturnally migrating birds may alter their flight direction or behavior upon seeing lights; the birds may be drawn toward the lights or may become disoriented, potentially striking objects such as buildings, adjacent power lines,

or even the lights themselves.

Increased lighting on the project site could increase potential predation of wildlife species using the undeveloped habitats within and adjacent to the project site, decrease habitat availability (for species that show aversion to increased light), and alter the physiological processes of some species that use the project area. New lighting has some potential to attract and/or disorient birds, especially during inclement weather when nocturnally migrating birds descend to lower altitudes. As a result, some birds moving along the San Francisco Bay at night may be attracted to the project site, where they are more likely to collide with buildings, and/or be disoriented by night lighting, potentially causing them to collide with buildings or other infrastructure on the site resulting in a significant impact.

According to the biological resources report prepared by the project, increases in illuminance (relative to baseline conditions) of up to 0.1 footcandles (fc) would not result in substantial adverse effects on the species inhabiting the seasonal wetlands and potential seasonal wetlands on the project site, or aquatic and wetland habitats east of the project site (such as the nontidal Runnymede channel and pond, and Faber Marsh) because these species are already habituated to some existing artificial illuminance from a variety of urban and natural light sources that are found surrounding the project area. However, in the biologists' professional opinion, increases in illuminance of these sensitive habitats of more than 0.1 fc are potentially significant, as such increases could be great enough to affect the behavior of animals using these habitats, their willingness to continue to use these habitats, and/or predation on these species.

As shown in Figure 3.2-2, the maximum lighting level on-site would be highest closer to the proposed playing fields where the largest concentration of lights is proposed. Lighting levels on the western project boundary range from 0.00 to 7.47 fc while the lighting levels along the eastern bank of the Runnymede channel range from 0.00 to 0.23 fc.

The existing Bay Trail/levee would block new lighting at the project site from reaching portions of Faber Marsh closest to the site, and illuminance would attenuate with increasing distance from the light source. As a result, increased illumination of Faber Marsh by new lighting associated with the project would not be substantial. Nevertheless, given the high ecological value of the wetlands on and east of the project site, as well as the scarcity of some of the special-status animals using those wetlands, an increase in illuminance of more than 0.1 fc within this habitat is potentially significant.

Impact BIO-1.5: Increased lighting in the project area could result in loss sensitive habitat and disorientation of birds. **(Significant Impact)**

Mitigation Measure:

MM BIO-1.15: **Lighting Impact Reduction Measures.** Measures shall be implemented to reduce spillover of lighting into, or glare/increased luminance perceived by animals using seasonal wetlands and potential seasonal wetland habitat on the project site and sensitive habitats east of the project site, as well as adverse effects of lighting on migratory birds.

- All lights (including those that are and are not associated with the athletic field) shall be oriented downward toward park areas and shall include shielding to minimize light spillover into the seasonal wetlands and potential seasonal wetlands on the project site, as well as sensitive

habitats located east of the project site. The luminaires (e.g., bulbs) of new project lighting shall be shielded from view of any animals in Faber Marsh, and to the extent feasible, from any animals in the wetlands and potential wetlands on the site and between the site and the Bay Trail levee. Shielding shall also be provided to prevent lights from shining upward.

- Any spillage of lighting that does occur into sensitive habitats, such as the seasonal wetland and potential seasonal wetland habitat on the project site, wetlands between the project site and the Bay Trail levee, and the western edge of Faber Marsh, shall not exceed 0.1 fc over ambient, pre-project light conditions. This shall be measured by a qualified light technician with a handheld photometer held 5 ft above ground level, standing at the edge of each sensitive habitat area. Should illuminance levels be found above 0.1 fc over ambient light levels (i.e., no stadium, parking lot or pedestrian lighting on) at the edge of sensitive habitats, then the City shall make the necessary adjustments to lighting angles, shields, and other variables to reduce the increase in lighting to 0.1 fc or lower in these sensitive habitat areas.

Implementation of Mitigation Measure MM BIO-1.15 would reduce impacts of project lighting to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-2:	**The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)**

No riparian habitat is present on the project site. Therefore, implementation of the proposed project would not result in impacts to riparian habitats. The seasonal wetlands, including potential seasonal wetlands, located on the project site are considered northern coastal salt marsh habitat and are considered a sensitive natural community by the CDFW. Trampling, equipment staging, and vegetation removal contribute to disturbance of soil and promote the spread of nonnative species which could degrade the ecological value of the on-site seasonal wetlands (and potential seasonal wetlands). The introduction or spread of invasive weeds into the seasonal wetlands (and potential seasonal wetlands) would be a significant impact under CEQA. Refer to Impact BIO-3 below for further discussion of impacts to on-site seasonal wetlands habitat.

Impact BIO-2: Project construction could result in disturbance of soils and promote the spread of nonnative species degrading the ecological value of on-site seasonal wetlands (and potential seasonal wetlands). **(Significant Impact)**

Mitigation Measure:

MM BIO-2.1: The invasion and/or spread of noxious weeds would be avoided by the use of the following invasive weed Best Management Practices:

- The use of moderate or highly invasive (Cal-IPC 2022) and/or noxious weed (as defined by California Department of Food and Agriculture) for landscaping shall be prohibited.
- During project construction, all seeds and straw materials used in the project area shall be weed-free rice (or similar material acceptable to the City) straw, and all gravel and fill material shall be certified weed-free to the satisfaction of the City. Any deviation from this shall be approved by the City.
- Vehicles and equipment used during project construction within 100 feet of seasonal wetlands, including wheels, undercarriages, and bumpers, shall be washed at existing construction yards or car washes before entering the proposed project footprint.
- Following construction of the project, a standard erosion control seed mix (acceptable to the City) from a local source, and free of invasive species, shall be planted within the temporary impact zones on any disturbed ground that shall not be under hardscape, landscaped, or maintained. This would minimize the potential for the germination of the majority of seeds from nonnative, invasive plant species.

With implementation of Mitigation Measure MM BIO-2.1, impacts to on-site seasonal wetlands would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-3:	**The project would not have a substantial adverse effect on state or federally protected wetlands through direct removal, filling, hydrological interruption, or other means. (Less than Significant Impact with Mitigation Incorporated)**

As noted in Section 4.4.1.2 Existing Conditions, approximately 1.23 acres of the project site is considered wetland habitat (including 0.93 acres of seasonal wetlands and 0.3 acres of potential seasonal wetlands. Implementation of the project during construction and operations could affect these seasonal wetlands.

As discussed in Section 3.2.4 Preservation of Existing Seasonal Wetlands, the project would be designed to preserve the existing seasonal and potential seasonal wetlands on-site. No grading or construction activities are proposed within the seasonal and potential seasonal wetlands and the project would install a split rail fence around the perimeter of the wetland areas to prevent park users from entering these areas during project operations. Although the proposed project has been designed to avoid grading or construction activities within the seasonal and potential seasonal wetlands, unauthorized entry by construction workers and equipment and spills of chemicals and fuels could occur during construction and park users could pass under the proposed split rail fence and enter the seasonal wetland areas, possibly trampling wetland vegetation which would be considered a significant effect under CEQA.

In addition, as discussed under Impact BIO-1 above, the project would change the amount of runoff that would enter the seasonal and potential seasonal wetland areas potentially killing existing wetland vegetation or reducing the health and amount of vegetation.

Impact BIO-3.1: Implementation of the proposed project could result in unauthorized entry of the wetlands by construction workers, equipment and by park users during operations resulting in trampling of wetland vegetation and increased impervious surfaces could affect the amount of runoff entering seasonal wetlands and the length of time in which the water pools in these areas, filling existing wetland vegetation. **(Significant Impact)**

Mitigation Measure:

MM BIO-3.1: The following measures shall be implemented to avoid and minimize impacts to jurisdictional wetlands found on the project site:

- Prior to commencement of project activities, a wetland delineation of the project area shall be conducted in accordance with USACE standards to determine the precise boundaries of jurisdictional wetlands on the project site. Impacts to any jurisdictional habitats will be avoided.
- The jurisdictional wetlands on the project site, as well as other jurisdictional aquatic and wetland habitats immediately adjacent to the construction area, shall be demarcated with orange construction fencing to exclude workers, vehicles, and equipment during construction.
- The locations of habitats to be avoided shall be identified in the contract documents (plans and specifications) as "Sensitive Biological Resources – Do Not Disturb."

With implementation of Mitigation Measure MM BIO-3.1, impacts to on-site seasonal wetlands would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-4:	**The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant Impact)**

No native wildlife nursery sites are present on the project site or in the vicinity of the site such that they would be significantly impacted by project activities.

The project site is surrounded on three sides by urban development (residential neighborhoods), which does not allow for wildlife movement by non-flying wildlife. Wildlife movement is possible to the east of the project site along the Bay Trail and edge of the San Francisco Baylands, as well as along the nontidal Runnymede channel and the pond on the eastern edge of the project site. Construction activities associated with the project could impact wildlife movement along the upland/bayland edge through disturbance by construction workers, vehicles, and equipment during

construction as well as from direct habitat disturbance. During operation of the project, increased recreational park users and increased noise and nighttime lighting associated with the project could result in disturbance of dispersing animals. However, because animals moving along the upland/bayland edge are already exposed to such stressors, any animal movement that currently occurs along the eastern edge of the project site involves animals that are habituated to such anthropogenic influences, and project construction and operations would not substantially impede wildlife movement. For these reasons, the proposed project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or impede the use of a native wildlife nursery site. Therefore, impacts would be less than significant. **(Less than Significant Impact)**

Impact BIO-5:	**The project would not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. (Less than Significant Impact with Mitigation Incorporated)**

Tree Preservation and Management Regulations

There are 57 trees located on the project site. Of the 57 trees, 17 are considered protected trees under the East Palo Alto Tree Preservation and Management Regulations. With implementation of the project, 30 trees would be retained, and 27 trees would be removed. Out of the trees proposed to be removed, 2 are protected trees. The proposed project would plant 70 new 15-gallon sized trees which exceeds the tree replacement ratios in Municipal Code Section 18.28.040. For these reasons, development of the proposed project would not conflict with any ordinance protecting biological resources and would not result in a significant impact to trees and the community forest. **(Less than Significant Impact)**

General Plan Policies

General Plan Conservation and Open Space Policy 2.7 calls for the conservation and maintenance of natural plan and animal communities such as the Baylands, Cooley Landing, the shoreline and significant tree stands. As discussed under Impact BIO-1 through Impact BIO-4 above, with implementation of Mitigation Measures MM BIO-1.1 through MM BIO-1.15, MM BIO-2.1, and MM BIO-3.1, the project would result in less than significant impacts to natural plant communities. **(Less than Significant Impact with Mitigation Incorporated)**

Impact BIO-6:	**The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (Less than Significant Impact)**

The project site is not located within an adopted or pending habitat conservation plan or natural community conservation plan. Therefore, development of the proposed project would not conflict with an adopted habitat conservation or natural community conservation plan. **(No Impact)**

4.5 CULTURAL RESOURCES

The following discussion is based in part on a Cultural Resources Survey Report prepared by Archaeological Historical Consultants, Inc. in November 2022. This report, which is a confidential document, is on file at the City of East Palo Alto Department of Community and Economic Development and is available upon request with appropriate credentials.

4.5.1 Environmental Setting

4.5.1.1 *Regulatory Framework*

Federal and State

National Historic Preservation Act

Federal protection is legislated by the National Historic Preservation Act of 1966 (NHPA) and the Archaeological Resource Protection Act of 1979. These laws maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Section 106 of the NHPA and related regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the primary federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed or eligible for listing in the NRHP. Impacts to properties listed in the NRHP must be evaluated under CEQA.

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is administered by the State Office of Historic Preservation and encourages protection of resources of architectural, historical, archeological, and cultural significance. The CRHR identifies historic resources for state and local planning purposes and affords protections under CEQA. Under Public Resources Code Section 5024.1(c), a resource may be eligible for listing in the CRHR if it meets any of the NRHP criteria.[23]

Historical resources eligible for listing in the CRHR must meet the significance criteria described previously and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. A resource that has lost its historic character or appearance may still have sufficient integrity for the CRHR if it maintains the potential to yield significant scientific or historical information or specific data.

The concept of integrity is essential to identifying the important physical characteristics of historical resources and, therefore, in evaluating adverse changes to them. Integrity is defined as "the authenticity of a historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance." The processes of determining integrity are similar for both the CRHR and NRHP and use the same seven variables or aspects to define integrity that are used to evaluate a resource's eligibility for listing. These seven characteristics include 1) location, 2) design, 3) setting, 4) materials, 5) workmanship, 6) feeling, and 7) association.

[23] California Office of Historic Preservation. "CEQA Guidelines Section 15064.5(a)(3) and California Office of Historic Preservation Technical Assistance Series #6." Accessed May 17, 2022. http://www.ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The act requires that upon discovery of human remains, construction or excavation activity must cease and the county coroner be notified.

Public Resources Code Sections 5097 and 5097.98

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These procedures are outlined in Public Resources Code Sections 5097 and 5097.98. These codes protect such remains from disturbance, vandalism, and inadvertent destruction, establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project, and establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Pursuant to Public Resources Code Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are of a Native American, the county coroner must notify the NAHC. The NAHC then notifies those persons most likely to be related to the Native American remains. The code section also stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to cultural resources resulting from planned development within the City, including the following:

Policy	Parks, Open Space, and Conservation
9.1	**Archaeology, paleontology, and natural resources.** Protect areas of important archaeological paleontological and natural resources.
9.4	**City History.** Work with partners to document, educate the public about the history of the City, and memorialize significant people, places and events in the history of East Palo Alto through plaques and public art.
9.7	**Construction impacts**. Suspend development activity when archaeological resources are discovered during construction. The project sponsor will be required to retail a qualified archaeologist to oversee the handling of resources in coordination with appropriate local and State agencies and organizations and local Native American representatives, as appropriate.

4.5.1.2 *Existing Conditions*

Prehistoric Resources

Native Americans occupied the San Francisco Peninsula and greater Bay Area for more than 5,000 years. The exact time period of the Ohlone (originally referred to as Costanoan) migration into the Bay Area is debated by scholars but estimated to range from between 3,000 B.C. and 500 A.D.

The Ohlone people were hunter/gatherers focused on hunting, fishing, and collecting seasonal plant and animal resources, including tidal and marine resources from San Francisco Bay. The customary way of living, or lifeway of the Ohlone people disappeared by about 1810 due to disruption by introduced diseases, a declining birth rate, and the impact of the California mission system established by the Spanish in the area beginning in 1777.

Based on mission records from 1784 and 1794, the project area was occupied by the Puichon local tribe with a population of approximately 449 people. Artifacts pertaining to the Ohlone occupation of East Palo Alto can be found near fresh water sources and the Bay shore.

Based on the literature search completed for the project site, no recorded archaeological resources were identified on or within 0.25-mile of the project site. Based on the distance between the site and the historic course of San Francisquito Creek (approximately ½ mile south of the site), the site has low sensitivity for pre-historic archaeological resources.

Historic Resources

Mission Period

Spanish explorers began coming to the San Francisco Bay Area and entered the Palo Alto/East Palo Alto area in 1770. From 1770 to 1776 several expeditions were made to the area during which explorers encountered the Native American tribes who had occupied the area since prehistoric times. Expeditions in the Bay Area and throughout California led to the establishment of the California Missions, pueblos, and presidios.

American Period

The project area was part of the larger Rancho de las Pulgas which included the land between San Mateo Creek in the north and San Francisquito Creek in the south. In the 1850s, the rancho was subdivided with the settlement of Ravenswood in anticipation of the Central Pacific Railroad in the area, which never came. By 1916, the area from Bay Road to San Francisquito Creek, including the project site, was further subdivided and sold to families as a utopian poultry farming colony called Runnymede which was one of the largest poultry producers in the United States during the 1920s.

After 1925, the communities of Ravenswood and Runnymede became known as East Palo Alto but remained unincorporated and agricultural until the post-war period when agricultural properties were subdivided, and several residential neighborhoods were developed. By 1960, East Palo Alto was one of the few areas in San Mateo County where African Americans were allowed to buy or rent homes, leading the area to become predominantly African American by that time. High taxes and poor county services led East Palo Alto to vote to incorporate in 1983. In the 1990s, the city transitioned to a majority Latino community with significant numbers of black and Pacific Islander residents. From the 2010s, gentrification and the growth of Silicon Valley led to the development high-technology and mall developments along the Highway 101 corridor.

Project Area

The project site was undeveloped from 1877 and used for agricultural purposes through 1980s when a portion of the project site was purchased by the City and developed as the current MLK Jr. Park.

The existing baseball field was constructed by 1991 and the existing soccer field was constructed in 2003.

No historic-era structures were located on the project site prior to development of MLK Jr. Park. Therefore, the site has low sensitivity for historic-era archaeological resources. The nearest historic resource listed on the City's Historic Resources Inventory is a residence at 1006 Beech Street, approximately 1,370 feet west of the project site.[24]

4.5.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5?	☐	☐	☐	☒
2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5?	☐	☒	☐	☐
3) Disturb any human remains, including those interred outside of dedicated cemeteries?	☐	☒	☐	☐

Impact CUL-1: The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5. (Less than Significant Impact)

Development on-site consists of a City park with playing fields, scoreboard, bleachers, a wood framed concession building, a play structure, two BBQ and picnic areas, parking lot, and landscaping including mature trees. The existing development on-site, which is less than 50 years in age, is not considered a historic resource.[25] The nearest historic resource is over 1,000 feet away from the project site. There are no historic resources in the vicinity of the site. Therefore, the proposed project would not impact historic resources. **(No Impact)**

Impact CUL-2: The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5. (Less than Significant Impact with Mitigation Incorporated)

No archaeological resources have been recorded on or within 0.25-mile of the project site. Therefore, the archaeological literature search concluded that the site has low potential for archaeological deposits and cultural materials. Nonetheless, construction of the proposed park expansion would

[24] City of East Palo Alto. *Historic Resources Inventory Report*. February 1994.
[25] Ibid.

require excavation to a maximum depth of 20 feet bgs for stadium light foundations which could result in impacts to unrecorded archaeological resources.

Impact CUL-2: Ground disturbing activities associated with construction of the project could disturb previously unrecorded archaeological resources. **(Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented to reduce impacts to archaeological resources that may be present on the site.

MM CUL-2.1: The following mitigation measures are based on the recommendations in the archaeological assessment and based on tribal consultation completed pursuant to AB 52. Implementation of these mitigation measures would reduce impacts to previously unidentified archaeological resources to a less than significant level:

- Prior to the start of any grading activities associated with the project, the City's contractor shall submit evidence to the Director of the Department of Community and Economic Development that one Cultural Awareness Training was held prior to ground disturbance. The training shall be facilitated by a qualified archaeologist in coordination with a representative of a tribe that is traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3. This training shall be provided to all construction workers as a field training prior to the beginning of ground disturbing activities, and shall include a discussion of applicable laws and penalties under the laws; samples or visual aids of resources that could be encountered in the project vicinity, instructions regarding the need to halt work in the vicinity of any potential archaeological and Native American resource encountered, and measures to notify their supervisor, the applicant, and the specialists.
- In the event that archaeological resources are exposed during construction, the City of East Palo Alto Community and Economic Development Department Director or their designee shall be notified, work within 100 feet of the find shall cease, and the City shall engage with a qualified archaeologist and Native American monitor who shall examine the find to allow the City as lead agency to determine if it meets the definition of a historical, unique archaeological, or tribal cultural resource as defined in the CEQA Guidelines. If the find does not meet the definition of a historical, unique archaeological, or tribal cultural resource, no further study or protection is necessary for work to continue. If the find does meet the definition of a historical, unique archaeological, or tribal cultural resource, then it shall be avoided by project activities for the entire duration of construction.
- If avoidance is not feasible, adverse effects to a historical, unique archaeological, or tribal cultural resource shall be mitigated through the implementation of a treatment plan prepared by the project archaeologist in consultation with the Native American monitor. The scope of the treatment plan shall be commensurate with the level of project impacts

and determined by a qualified archaeologist in consultation with a Native American representative. The treatment plan shall outline the potential data categories associated with the find, and shall detail methods of data collection, recording, and analysis of significant cultural materials. The treatment plan shall be submitted to the City of East Palo Alto Community and Economic Development Department Director or their designee for approval prior to implementation. After field testing, an evaluation report shall be prepared documenting the fieldwork, analyzing the cultural materials recovered, defining the resource boundaries on the project site, and evaluating the resource per the California Register of Historic Resources. The report shall document the results of field and laboratory investigations and shall meet the Secretary of the Interior's Standards for Archaeological Documentation. The report shall be submitted to the City of East Palo Alto Community and Economic Development Department Director or their designee for review and approval. The NAHC (for tribal cultural resources) and the Northwest Information Center shall receive copies of the final report after City approval.

With implementation of the above mitigation measures, impacts to archaeological resources during project construction activities would be reduced to a less than significant level. **(Less than Significant Impact with Mitigation Incorporated)**

Impact CUL-3:	**The project would not disturb any human remains, including those interred outside of dedicated cemeteries. (Less than Significant Impact with Mitigation Incorporated)**

Human remains are often associated with prehistoric occupation sites. Due to the proximity of the site to San Francisquito Creek, there is potential for project ground-disturbing activities to disturb human remains. Disturbance of human remains would constitute a significant impact under CEQA.

Impact CUL-3: Ground disturbance during construction of the proposed project could disturb human remains. **(Significant Impact)**

Mitigation Measures: The following mitigation measures shall be implemented under the proposed project to reduce potential impacts to human remains.

MM CUL-3.1: If human remains are encountered during project construction activities, all work in the vicinity shall be halted and the San Mateo County Coroner contacted. In the event that the County Coroner determines the human remains are Native American, notification of the Native American Heritage Commission (NAHC) is required, who shall appoint a Most Likely Descendant (MLD) (PRC Section 5097.98). The qualified archaeologist, project sponsor, and MLD shall make all reasonable efforts to develop an agreement for treatment. The agreement shall incorporate 'best practices' as identified by the NAHC. A final report shall be prepared by the project archaeologist in consultation with the MLD and approved

by the City of East Palo Alto. Work on the project may proceed upon City approval.

With implementation of the mitigation measures listed above, construction of the proposed project would have a less than significant impact on human remains. **(Less than Significant Impact with Mitigation Incorporated)**

4.6 ENERGY

4.6.1 Environmental Setting

4.6.1.1 *Regulatory Framework*

Federal and State

Energy Star and Fuel Efficiency

At the federal level, energy standards set by the EPA apply to numerous consumer products and appliances (e.g., the EnergyStar™ program). The EPA also sets fuel efficiency standards for automobiles and other modes of transportation.

Renewables Portfolio Standard Program

In 2002, California established its Renewables Portfolio Standard Program, with the goal of increasing the percentage of renewable energy in the state's electricity mix to 20 percent of retail sales by 2010. Governor Schwarzenegger issued Executive Order (EO) S-3-05, requiring statewide emissions reductions to 80 percent below 1990 levels by 2050. In 2008, EO S-14-08 was signed into law, requiring retail sellers of electricity serve 33 percent of their load with renewable energy by 2020. In October 2015, Governor Brown signed SB 350 to codify California's climate and clean energy goals. A key provision of SB 350 requires retail sellers and publicly owned utilities to procure 50 percent of their electricity from renewable sources by 2030. SB 100, passed in 2018, requires 100 percent of electricity in California to be provided by 100 percent renewable and carbon-free sources by 2045.

Executive Order B-55-18 To Achieve Carbon Neutrality

In September 2018, Governor Brown issued an executive order, EO-B-55-18 To Achieve Carbon Neutrality, setting a statewide goal "to achieve carbon neutrality as soon as possible, and no later than 2045, and achieve and maintain net negative emissions thereafter." The executive order requires CARB to "ensure future Scoping Plans identify and recommend measures to achieve the carbon neutrality goal." EO-B-55-18 supplements EO S-3-05 by requiring not only emissions reductions, but also that, by no later than 2045, the remaining emissions be offset by equivalent net removals of CO_2 from the atmosphere through sequestration.

California Building Standards Code

The Energy Efficiency Standards for Residential and Nonresidential Buildings, as specified in Title 24, Part 6 of the California Code of Regulations (Title 24), was established in 1978 in response to a legislative mandate to reduce California's energy consumption. Title 24 is updated approximately every three years.[26] Compliance with Title 24 is mandatory at the time new building permits are issued by city and county governments.[27]

[26] California Building Standards Commission. "California Building Standards Code." Accessed May 17, 2022. https://www.dgs.ca.gov/BSC/Codes#@ViewBag.JumpTo.
[27] California Energy Commission (CEC). "2019 Building Energy Efficiency Standards." Accessed May 17, 2022. https://www.energy.ca.gov/programs-and-topics/programs/building-energy-efficiency-standards/2019-building-energy-efficiency.

California Green Building Standards Code

CALGreen establishes mandatory green building standards for buildings in California. CALGreen was developed to reduce GHG emissions from buildings, promote environmentally responsible and healthier places to live and work, reduce energy and water consumption, and respond to state environmental directives. CALGreen covers five categories: planning and design, energy efficiency, water efficiency and conservation, material and resource efficiency, and indoor environmental quality.

Advanced Clean Cars Program

CARB adopted the Advanced Clean Cars program in 2012 in coordination with the EPA and National Highway Traffic Safety Administration. The program combines the control of smog-causing pollutants and GHG emissions into a single coordinated set of requirements for vehicle model years 2015 through 2025. The program promotes development of environmentally superior passenger cars and other vehicles, as well as saving the consumer money through fuel savings.[28]

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating energy use impacts resulting from planned development within the City including the following:

Policy	Parks, Open Space, and Conservation
7.1	**Citywide building energy efficiency.** Promote and encourage citywide building energy efficiency through strategies that may include the following: Retrofits of buildings with energy-efficient technology High energy performance in new buildings, in excess of CALGreen when possible.
7.4	**Renewable energy**. Encourage the use of renewable energy in the City, including solar and wind in new and existing development.
8.11	**Green building certification**. Require that new residential, commercial, or mixed-use buildings over 20,000 square feet earn LEED Silver certification (or equivalent) including meeting the minimum CALGreen code requirements.
8.12	**Green waste management practices.** Support ongoing green waste recycling efforts to facilitate composting opportunities for residents and businesses in order to reduce surface ozone pollution and offset greenhouse gas emissions and provide soil nutrients.

City of East Palo Alto Climate Action Plan

The City of East Palo Alto's 2030 Climate Action Plan includes a prioritized list of actions for reducing the City's greenhouse gas emissions, such as increasing electrification efforts in commercial and residential properties, encouraging swapping for electric vehicles with the assistance of rebates,

[28] California Air Resources Board. "The Advanced Clean Cars Program." Accessed February 13, 2023. https://ww2.arb.ca.gov/our-work/programs/advanced-clean-cars-program

and improving the walkability and bike-ability of the City over the long term. The goal of this plan is to improve the health and resilience of the community in the face of climate change, as well as to stay on track to comply with the State's goal of achieving carbon neutrality by 2045.

City of East Palo Alto Building Electrification and Electric Vehicle Infrastructure Reach Codes Ordinance

The City Council adopted the City of East Palo Alto Building Electrification and Electric Vehicle Infrastructure Reach Codes Ordinance on March 21, 2023. The ordinance includes requirements for electrification, solar, and EV infrastructure on all new residential and commercial buildings and other non-residential buildings within the city.

4.6.1.2 *Existing Conditions*

Total energy usage in California was approximately 6,956.6 trillion British thermal units (Btu) in the year 2020, the most recent year for which this data was available. Out of the 50 states, California is ranked second in total energy consumption and 49th in energy consumption per capita. The breakdown by sector was approximately 21.8 percent (1,507.7 trillion Btu) for residential uses, 19.6 percent (1,358.3 trillion Btu) for commercial uses, 24.6 percent (1,701.2 trillion Btu) for industrial uses, and 34 percent (2,355.5 trillion Btu) for transportation. This energy is primarily supplied in the form of natural gas, petroleum, nuclear electric power, and hydroelectric power.

Electricity

Electricity in San Mateo County in 2020 was consumed primarily by the non-residential sector (60 percent), with the residential sector consuming 40 percent. In 2020, a total of approximately 4,167 Gigawatt-Hour (GWh) of electricity was consumed in San Mateo County.

Peninsula Clean Energy (PCE) is a public and locally controlled electricity provider for the County of San Mateo. Electricity provided by PCE is delivered through PG&E transmission lines. Commercial and residential customers in San Mateo County are included in the PCE service area and can choose to have 50 to 100 percent of their electricity supplied from carbon-free and renewable sources. Customers are automatically enrolled in the ECOplus plan, which generates its electricity from 100 percent carbon-free sources, with at least 50 percent from renewable sources. Customers have the option to enroll in the ECO100 plan, which generates its electricity from 100 percent carbon-free, renewable sources. [29]

Natural Gas

PG&E provides natural gas services within East Palo Alto. In 2020, approximately two percent of California's natural gas supply came from in-state production, while the remaining supply was imported from other western states and Canada. In 2020 California used 2,144 trillion Btu of natural gas. In 2020, San Mateo County used less than one percent of the state's total consumption of natural gas.

[29] Sources: 1) Peninsula Clean Energy. "Frequently Asked Questions." Accessed August 4, 2023. https://www.peninsulacleanenergy.com/faq/. 2) Peninsula Clean Energy. "Energy Choices." Accessed August 4, 2023. https://www.peninsulacleanenergy.com/faq/.

Fuel for Motor Vehicles

In 2019, 15.4 billion gallons of gasoline were sold in California. The average fuel economy for light-duty vehicles (autos, pickups, vans, and sport utility vehicles) in the United States has steadily increased from about 13.1 miles per gallon (mpg) in the mid-1970s to 25.4 mpg in 2020. Federal fuel economy standards have changed substantially since the Energy Independence and Security Act was passed in 2007. That standard, which originally mandated a national fuel economy standard of 35 miles per gallon by the year 2020, was updated in April 2022 to require all cars and light duty trucks achieve an overall industry average fuel economy of 49 mpg by model year 2026.

4.6.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☐	☐	☒	☐
2) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☐	☐	☒	☐

Impact EN-1:	**The project would not result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation. (Less than Significant Impact)**

Construction

Project construction would require energy for the manufacture and transportation of building materials, site preparation and grading, and construction of the restroom and storage buildings, pathways, and other site improvements. Construction processes are generally designed to be efficient in order to avoid excess monetary costs. That is, equipment and fuel are not typically used wastefully because of the added expense associated with renting the equipment, as well as maintenance and fuel. Compared to construction in outlying, undeveloped areas, the proposed project would save energy by constructing in an urbanized area that is proximate to roadways, construction supplies, and workers. In addition, construction of the proposed project includes several measures to improve the efficiency of the construction process, including participating in the City's recycling construction and demolition materials program, restricting equipment idling times to five minutes or less, and requiring the project to post signs on-site reminding workers to shut off idling equipment (see Section 4.3 Air Quality). For these reasons, project construction would not use energy in a wasteful manner. **(Less than Significant Impact)**

Operational

Park operation would continue as it does today. The operation of the new stadium lights, scoreboards, PA system, restroom, and storage buildings would consume energy in the form of lighting. Energy would also be consumed during vehicle trips generated by park employees and visitors. The net increase in energy use resulting from the proposed project compared to existing conditions on-site is summarized in Table 4.6-1.

Table 4.6-1: Annual Energy Use of Existing and Proposed Development

	Electricity (kWh)	Natural Gas (kBtu)	Gasoline (gallons)
Existing Use	3,500	0	454
Proposed Project	100,212	0	1,551
Project Net Increase	96,712	0	1,096

Note: No natural gas is currently used at MLK Jr. Park and no natural gas features are proposed with implementation of the project. The estimated gasoline demand is based on the estimated VMT of 11,539 for existing uses and 39,411 for the proposed project, and the average fuel economy of 25.4 mpg.

kWh = kilowatt per hour

kBtu = kilo-British thermal unit

Source: California Air Pollution Control Officers Association. California Emissions Estimator Model (CalEEMod). Accessed January 18, 2023.

As shown in Table 4.6-1, the project would not result in a net change in natural gas demand and would cause an increase in electricity and gasoline demand compared to existing conditions on-site. The project, however, would not represent a wasteful or inefficient use of energy resources because the project would be required to comply with Title 24 and CALGreen energy efficiency measures, be all electric, and obtain 100 percent carbon-free energy through PCE. As noted in Section 3.2.10 Green Building Features, the project would include six parking spaces equipped with EV charging stations and 25 EV capable parking spaces consistent with CALGreen Tier 2 standards. Furthermore, the project also encourages alternatives to single-vehicle occupancy trips by being located within walking and biking distance of residential uses, adequately served by existing pedestrian and bicycle facilities and include new bicycle and pedestrian paths through the site and improving connections to the surrounding neighborhood and adjacent Bay Trail. For these reasons, project operation would not use energy in a wasteful manner. **(Less than Significant Impact)**

Impact EN-2: The project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. (Less than Significant Impact)

The project would be consistent with the regulations described in Section 4.6.1 (including General Plan policies) by complying with Title 24 and CALGreen. The project, therefore, would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. **(Less than Significant Impact)**

4.7 GEOLOGY AND SOILS

4.7.1 Environmental Setting

4.7.1.1 *Regulatory Framework*

State

Alquist-Priolo Earthquake Fault Zoning Act

The Alquist-Priolo Earthquake Fault Zoning Act was passed following the 1971 San Fernando earthquake. The act regulates development in California near known active faults due to hazards associated with surface fault ruptures. Alquist-Priolo maps are distributed to affected cities, counties, and state agencies for their use in planning and controlling new construction. Areas within an Alquist-Priolo Earthquake Fault Zone require special studies to evaluate the potential for surface rupture to ensure that no structures intended for human occupancy are constructed across an active fault.

Seismic Hazards Mapping Act

The Seismic Hazards Mapping Act (SHMA) was passed in 1990 following the 1989 Loma Prieta earthquake. The SHMA directs the California Geological Survey (CGS) to identify and map areas prone to liquefaction, earthquake-induced landslides, and amplified ground shaking. CGS has completed seismic hazard mapping for the portions of California most susceptible to liquefaction, landslides, and ground shaking, including the central San Francisco Bay Area. The SHMA requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards.

California Building Standards Code

The CBC prescribes standards for constructing safe buildings. The CBC contains provisions for earthquake safety based on factors including occupancy type, soil and rock profile, ground strength, and distance to seismic sources. The CBC requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The CBC is updated every three years.

California Division of Occupational Safety and Health Regulations

Excavation, shoring, and trenching activities during construction are subject to occupational safety standards for stabilization by the California Department of Industrial Relations, Division of Occupational Safety and Health (Cal/OSHA) under Title 8 of the California Code of Regulations and Excavation Rules. These regulations minimize the potential for instability and collapse that could injure construction workers on the site.

Public Resources Code Section 5097.5

Paleontological resources are the fossilized remains of organisms from prehistoric environments

found in geologic strata. They range from mammoth and dinosaur bones to impressions of ancient animals and plants, trace remains, and microfossils. These materials are valued for the information they yield about the history of the earth and its past ecological settings. California Public Resources Code Section 5097.5 specifies that unauthorized removal of a paleontological resource is a misdemeanor. Under the CEQA Guidelines, a project would have a significant impact on paleontological resources if it would disturb or destroy a unique paleontological resource or site or unique geologic feature.

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating geology and soils impacts resulting from planned development within the City including the following:

Policy	Safety and Noise
1.1	**Construction Requirements.** Apply the proper development engineering and building construction requirements to avoid or mitigate risks from seismic and geologic hazards.
1.2	**Robust Seismic Guidance.** Utilize and enforce the most recent State guidance for seismic and geologic hazards when evaluating development proposals.
1.3	**Licensed Geologist.** Require that a State licensed engineering geologist prepare and/or review development proposals involving grading, unstable soils, and other hazardous conditions. Incorporate recommendations of the geologist into design plans, potentially including building modifications and open space easements.
1.4	**Seismic upgrades.** Examine necessity of seismic upgrades to existing public facilities as well as existing multi-family housing constructed prior to 1971.

City of East Palo Alto Municipal Code

Title 15 (Building and Construction) of the City of East Palo Alto Municipal Code includes the currently adopted Building Code as well as requirements in Chapter 15.48 for excavation, grading, filling, and clearing. In accordance with the Municipal Code, procedures for the issuance, administration, and enforcement of building, grading, and land clearing permits are employed in order to protect health and safety, which includes the reduction or elimination of the hazards of undue settlement, erosion, siltation, and flooding, or other special conditions.

4.7.1.2 *Existing Conditions*

The City of East Palo Alto is located on the San Francisco Peninsula. The Peninsula is bounded by the Pacific Ocean to the west and the San Francisco Bay to the east and north.

On-Site Topography and Soils

The project site is situated on an alluvial fan on the western shore of San Francisco Bay at an elevation of approximately 11 feet above mean sea level (amsl).[30] On-site topography is generally

[30] Federal Emergency Management Agency. Flood Rate Insurance Map 06081C0309F. April 5, 2019.

flat with a slight downward slope to the northeast toward San Francisco Bay which is located approximately 0.5-mile east of the project site. There are no steep slopes on or adjacent to the project site subject to landslide hazards.

The project site is underlain by marine sediments and metamorphic and igneous rocks of Middle Pleistocene to Holocene (655,000 to 11,700 years ago).[31] Soils underlying the project site are classified as Botella-Urban land complex with zero to five percent slopes.[32] Urban land is comprised of disturbed and human transported material. The Botella complex soil at the site are mostly comprised of clay loam from zero-to five-feet bgs.[33] On-site soils have a low expansive potential.[34]

Groundwater

Groundwater at the project site fluctuates. Based on the groundwater levels in the San Mateo Plain Subbasin Assessment, nearby wells are identified as shallow and less than 10 feet below the surface.[35] Fluctuations in groundwater levels occur due to many factors including seasonal fluctuations and underground drainage patterns.

Seismicity and Seismic Hazards

The San Francisco Bay Area is considered to be one of the most seismically active regions in the United States. The nearest active faults to the project site include the Monte-Vista Shannon (six miles southwest of the site), San Andreas (7.8 miles west of the site), and Hayward (approximately 10.5 miles east of the site). No known active faults cross the project site.

The City of East Palo Alto is susceptible to the effects of regional seismic activity that produces ground shaking intensity levels of 8 (severe shaking) according to the Modified Mercalli Intensity (MMI) Scale.[36] In the event of a moderate to large earthquake occurring because of one of the faults mentioned above, strong seismic ground shaking is likely to occur on-site.

Liquefaction

Liquefaction is the result of seismic activity and is characterized as the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. During ground shaking, such as during earthquakes, cyclically induced stresses may cause increased pore water pressures within soil voids, resulting in liquefaction. Liquefied soils may lose shear strength that may lead to large shear deformations and/or flow failure under moderate to high shear stresses, such as beneath foundations or sloping ground. Soils most susceptible to liquefaction are loose, non-cohesive soils that are saturated and are bedded with poor drainage, such as sand and silt layers bedded with a

[31] Macrostrat. MLK Jr. Park, East Palo Alto, CA. Accessed January 20, 2023. https://macrostrat.org/map/#/z=13.3/x=-122.1148/y=37.4635/columns/.
[32] United States Department of Agriculture. Web Soil Survey. Accessed May 13, 2020. https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx.
[33] Ibid.
[34] Ibid.
[35] Cornerstone Earth Group. Phase I Environmental Site Assessment, Martin Luther King, Jr. Park 435 Daisy Lane East Palo Alto. July 1, 2022.
[36] Metropolitan Transportation Commission/Association of Bay Area Governments Hazard Viewer Map. "Probabilistic Earthquake Shaking Hazard". Map. Accessed May 13, 2022. https://www.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8

cohesive cap. The project site is located within a State-designated liquefaction hazard zone and has medium susceptibility for liquefaction hazards.[37,38]

Lateral Spreading

Lateral spreading is a type of ground failure related to liquefaction. It consists of the horizontal displacement of flat-lying alluvial material toward an open area, such as the steep bank of a stream channel. The nearest waterway to the project site is the Runnymede channel, located along the project site's eastern boundary. The adjacent Runnymede channel is a shallow bank with narrow unsupported face. The project site is relatively flat. For these reasons, the potential for lateral spreading at the site is moderate.

Paleontological Resources

Geologic units of Holocene age are generally not considered sensitive for paleontological resources, because biological remains younger than 10,000 years are not usually considered fossils. Younger sediments have the potential to yield fossil resources or to contain significant paleontological resources. These recent sediments may contain Pleistocene sediments with high potential to contain paleontological resources at surface. Older sediments, often found at depths of greater than 10 feet below the ground surface, have more commonly yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates.

4.7.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:				
– Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault (refer to Division of Mines and Geology Special Publication 42)?	☐	☐	☐	☒
– Strong seismic ground shaking?	☐	☐	☐	☒
– Seismic-related ground failure, including liquefaction?	☐	☐	☐	☒
– Landslides?	☐	☐	☐	☒
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐

[37] California Department of Conservation, California Geologic Survey. Earthquake Zones of Required Investigation. Accessed May 13, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/.
[38] City of East Palo Alto. *Draft Environmental Impact Report City of East Palo Alto General Plan Update*. April 2016.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
3) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☐	☐	☐	☒
4) Be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property?	☐	☐	☒	☐
5) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒
6) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature?	☐	☒	☐	☐

Impact GEO-1: The project would not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault; strong seismic ground shaking; seismic-related ground failure, including liquefaction; or landslides. (No Impact)

Ground Surface Rupture

Ground surface displacement closely follows the trace of geologically young faults. The project site is not located within an Alquist-Priolo Earthquake Fault Zone and no known active or potentially active faults exist on the site. Therefore, the potential for ground surface rupture to occur at the site from a known active fault is very low. Additionally, the proposed project would not exacerbate ground surface rupture in the project area. Therefore, there would be no CEQA impact associated with ground surface rupture. **(No Impact)**

Seismic Ground Shaking and Ground Failures

The project site is located within a seismically active region due to proximity of active faults and has the potential to induce severe ground shaking (MMI Level 8). Ground shaking could damage structures and threaten future visitors of the proposed project. However, the project's adherence to General Plan Safety and Noise Policies 1.1 through 1.4 and the 2019 California Building Code would ensure that the proposed restroom and storage buildings and other park structures would resist minor earthquakes without damage and major earthquakes without collapse. The project would not

exacerbate ground shaking in the project area. Therefore, there would be no CEQA impact associated with seismicity. **(No Impact)**

Liquefaction

The project site is located within a State designated liquefaction hazard zone.[39] Therefore, the site is susceptible to liquefaction and liquefaction induced differential settlement during seismic events. The proposed project would not modify groundwater levels or otherwise exacerbate the existing risk of liquefaction. Furthermore, the project would comply with General Plan policies such as Policy 1.3 which requires that a State licensed engineering geologist review development proposals involving grading, unstable soils, and other hazardous conditions and that projects incorporate recommendations of the geologist into design plans. With compliance with General Plan Policies and Building Code standards, the project would not result in CEQA impacts associated with liquefaction. **(No Impact)**

Landslides

The project site is flat and does not contain steep slopes or other features that would result in a landslide or collapse. Therefore, the project would not result in cause substantial adverse effects related to landslides. **(No Impact)**

Impact GEO-2:	**The project would not result in substantial soil erosion or the loss of topsoil. (Less than Significant Impact)**

The proposed project could result in erosion or the loss of topsoil during demolition and grading; however, the project would be required to comply with the City's excavation, grading, filling and clearing regulations in Chapter 15.48 (see Section 4.10 Hydrology and Water Quality), which includes the implementation of erosion and dust control during site preparation including a Stormwater Prevention Plan and Stormwater Management Plan. Implementation of the City's Grading Ordinance would reduce the project's potential erosion impacts to a less than significant level. **(Less than Significant Impact)**

Impact GEO-3:	**The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. (No Impact)**

Due to the flat topography of the project site and surrounding area, there are no existing slope instability or landslide related hazards on or adjacent to the site. The proposed project would not cause or exacerbate an unstable soil hazard; therefore, there would be no CEQA impact associated with unstable soil hazards. **(No Impact)**

[39] [39] California Department of Conservation, California Geologic Survey. Earthquake Zones of Required Investigation. Accessed May 13, 2022. https://maps.conservation.ca.gov/cgs/EQZApp/app/.

Impact GEO-4:	**The project would not be located on expansive soil, as defined in the current California Building Code, creating substantial direct or indirect risks to life or property. (Less than Significant Impact)**

Soils on the project site have low expansion potential. The proposed project would not exacerbate the expansion potential of on-site soils. Therefore, there would be no CEQA impact. City of East Palo Alto General Plan Safety and Noise Policies 1.1 through 1.3 would be incorporated into the project to address the effect of expansive soil on the project. **(Less than Significant Impact)**

Impact GEO-5:	**The project would not have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater. (No Impact)**

As noted in Section 3.2.7, Sanitary Sewer, the project would be served by the existing West Bay Sanitation District wastewater system. No septic tanks or alternative wastewater disposal systems are proposed on-site; therefore, the proposed project would not result in soils impacts due to the installation of septic tanks or alternative wastewater disposal systems. **(No Impact)**

Impact GEO-6:	**The project would not directly or indirectly destroy a unique paleontological resource or site or unique geological feature. (Less than Significant Impact with Mitigation Incorporated)**

No unique paleontological resources or sites or geological features are known to exist at the project site, and the likelihood of encountering a unique paleontological resource or geologic feature during project construction is low given the depth to sensitive paleontological soils in the project area relative to the depth of project disturbance (i.e., 20 feet).[40] Although unlikely, there is potential that the project could disturb currently unrecorded paleontological resources.

Impact GEO-6: Although unlikely, construction of the proposed project paleontological resources could disturb paleontological resources. **(Significant Impact)**

Mitigation Measure: The proposed project would implement the following mitigation measure:

MM GEO-6.1: If paleontological resources are encountered during the grading or excavation, all construction activities within 50 feet shall stop and the City of East Palo Alto shall be notified. A qualified paleontologist shall inspect the findings within 24 hours of discovery. If it is determined that the proposed development could damage unique paleontological resources, mitigation shall be implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines. Possible mitigation under Public Resources Code Section 21083.2 requires that reasonable efforts be made for resources to be preserved in place or left undisturbed. If preservation in place is not feasible, data recovery through excavation shall be

[40] City of East Palo Alto. *City of East Palo Alto General Plan Update Draft Environmental Impact Report*. April 2016. Pp 4.5-10.

conducted with a data recovery plan in place. Therefore, when considering these possible mitigations, the City shall have a preference for preservation in place.

With implementation of the mitigation measure identified above, construction of the proposed project would not result in a significant impact to paleontological resources. **(Less than Significant Impact with Mitigation Incorporated)**

4.8 GREENHOUSE GAS EMISSIONS

4.8.1 Environmental Setting

4.8.1.1 *Background Information*

Gases that trap heat in the atmosphere, GHGs, regulate the earth's temperature. This phenomenon, known as the greenhouse effect, is responsible for maintaining a habitable climate. In GHG emission inventories, the weight of each gas is multiplied by its global warming potential (GWP) and is measured in units of CO_2 equivalents (CO_2e). The most common GHGs are carbon dioxide (CO_2) and water vapor but there are also several others, most importantly methane (CH_4), nitrous oxide (N_2O), hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and sulfur hexafluoride (SF_6). These are released into the earth's atmosphere through a variety of natural processes and human activities. Sources of GHGs are generally as follows:

- CO_2 and N_2O are byproducts of fossil fuel combustion.
- N_2O is associated with agricultural operations such as fertilization of crops.
- CH_4 is commonly created by off-gassing from agricultural practices (e.g., keeping livestock) and landfill operations.
- Chlorofluorocarbons (CFCs) were widely used as refrigerants, propellants, and cleaning solvents, but their production has been stopped by international treaty.
- HFCs are now used as a substitute for CFCs in refrigeration and cooling.
- PFCs and SF_6 emissions are commonly created by industries such as aluminum production and semiconductor manufacturing.

An expanding body of scientific research supports the theory that global climate change is currently causing changes in weather patterns, average sea level, ocean acidification, chemical reaction rates, and precipitation rates, and that it will increasingly do so in the future. The climate and several naturally occurring resources within California are adversely affected by the global warming trend. Increased precipitation and sea level rise will increase coastal flooding, saltwater intrusion, and degradation of wetlands. Mass migration and/or loss of plant and animal species could also occur. Potential effects of global climate change that could adversely affect human health include more extreme heat waves and heat-related stress; an increase in climate-sensitive diseases; more frequent and intense natural disasters such as flooding, hurricanes and drought; and increased levels of air pollution.

4.8.1.2 *Regulatory Framework*

State

Assembly Bill 32

Under the California Global Warming Solutions Act, also known as AB 32, CARB established a statewide GHG emissions cap for 2020, adopted mandatory reporting rules for significant sources of GHGs, and adopted a comprehensive plan, known as the Climate Change Scoping Plan, identifying how emission reductions would be achieved from significant GHG sources.

In 2016, SB 32 was signed into law, amending the California Global Warming Solution Act. SB 32, and accompanying Executive Order B-30-15, require CARB to ensure that statewide GHG emissions are reduced to 40 percent below the 1990 level by 2030. CARB updated its Climate Change Scoping Plan in December of 2017 to express the 2030 statewide target in terms of million metric tons of CO_2E ($MMTCO_2e$). Based on the emissions reductions directed by SB 32, the annual 2030 statewide target emissions level for California is 260 $MMTCO_2e$.

Senate Bill 375

SB 375, known as the Sustainable Communities Strategy and Climate Protection Act, was signed into law in September 2008. SB 375 builds upon AB 32 by requiring CARB to develop regional GHG reduction targets for automobile and light truck sectors for 2020 and 2035. The per-capita GHG emissions reduction targets for passenger vehicles in the San Francisco Bay Area include a seven percent reduction by 2020 and a 15 percent reduction by 2035.

Consistent with the requirements of SB 375, the Metropolitan Transportation Commission (MTC) partnered with the Association of Bay Area Governments (ABAG), BAAQMD, and the Bay Conservation and Development Commission to prepare the region's Sustainable Communities Strategy (SCS) as part of the Regional Transportation Plan process. The SCS is referred to as Plan Bay Area 2040. Plan Bay Area 2040 establishes a course for reducing per-capita GHG emissions through the promotion of compact, high-density, mixed-use neighborhoods near transit, particularly within identified Priority Development Areas (PDAs).

Regional and Local

2017 Clean Air Plan

To protect the climate, the 2017 CAP (prepared by BAAQMD) includes control measures designed to reduce emissions of methane and other super-GHGs that are potent climate pollutants in the near-term, and to decrease emissions of carbon dioxide by reducing fossil fuel combustion.

CEQA Air Quality Guidelines

The BAAQMD CEQA Air Quality Guidelines are intended to serve as a guide for those who prepare or evaluate air quality impact analyses for projects and plans in the San Francisco Bay Area. The jurisdictions in the San Francisco Bay Area Air Basin utilize the thresholds and methodology for assessing GHG impacts developed by BAAQMD within the CEQA Air Quality Guidelines. The guidelines include information on legal requirements, BAAQMD rules, methods of analyzing impacts, and recommended mitigation measures.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating greenhouse gas emissions impacts resulting from planned development within the City including the following:

Policy	Parks, Open Space, and Conservation
7.1	**Citywide building energy efficiency.** Promote and encourage citywide building energy efficiency through strategies that may include the following: • Retrofits of buildings with energy-efficient technology • High energy performance in new buildings, in excess of CALGreen when possible.
7.2	**Municipal building energy efficiency.** Strive for high levels of energy efficiency in municipal facilities
7.3	**Energy-efficient infrastructure.** Whenever possible, use energy efficient models and technology when replacing or providing new city infrastructure such as streetlights, traffic signals, water conveyance pumps, or other public infrastructure.
8.1	**Climate Action Plan**. Implement and regularly update the City's Climate Action Plan (CAP). Update the City's Greenhouse Gas Inventory and associated implementation actions matric every 2 to 3 years, and the overall CAP framework document every 5 to 10 years.
8.2	**Heat island reductions.** Require heat island reduction strategies in new developments such as light-colored cool roofs, light-colored paving, permeable paving, right-sized parking requirements, vegetative cover and planting, substantial tree canopy coverage, and south and west side tree planting.
8.3	**Public realm shading.** Strive to improve shading in public spaces such as bus stops, sidewalks and public parks and plazas through the use of trees, shelters, awnings, gazebos, fabric shading and other creative cooling strategies.
8.4	**Reducing GHG emissions.** In consulting with applicants and designing new facilities, prioritize the selection of green building design features that enhance the reduction of GHG emissions.
8.11	**Green building certifications.** Require that new residential, commercial, or mixed-use buildings over 20,000 square feet earn LEED Silver certification (or equivalent) including meeting the minimum CALGreen code requirements.
8.12	**Green waste management practices.** Support ongoing green waste recycling efforts and facilitate composting opportunities for residents and businesses in order to reduce surface ozone pollution and offset greenhouse gas emissions and provide soil nutrients.
Policy	**Transportation**
2.1	**Accommodating all modes.** Plan, design and construct transportation projects to safely accommodate the needs of pedestrians, bicyclists, transit riders, motorists, people with disabilities, and persons of all ages and abilities.
3.2	**Pedestrian network.** Create a safe, comfortable, and convenient pedestrian network that focuses on a) safe travel; b) improving connections between neighborhoods and commercial areas, and across existing barriers; c) providing places to sit or gather, pedestrian-scaled street lighting, and buffers from moving vehicle traffic; and d) includes amenities that attract people of all ages and abilities**.**
4.1	**Bicycle network.** Improve facilities and eliminate gaps along the bicycle network to connect destinations across the city and create a network of bicycle facilities of multiple types that connect to neighboring cities, including a path along Newell Road between Highway 101 and San Francisquito Creek. The network should facilitate bicycling for commuting, school, shopping, and recreational trips by riders of all ages and levels of experience.
4.5	**Public bicycle parking.** Increase the amount of safe and convenient short- and long-term bicycle parking and storage available to the public throughout the city.

4.6	**Bicycle parking standards.** Require large public and private development projects to provide sufficient bicycle parking, shower and locker facilities.

City of East Palo Alto Climate Action Plan

The City of East Palo Alto's 2030 Climate Action Plan includes a prioritized list of actions for reducing the City's greenhouse gas emissions, such as increasing electrification efforts in commercial and residential properties, encouraging swapping for electric vehicles with the assistance of rebates, and improving the walkability and bike-ability of the City over the long term. The goal of this plan is to improve the health and resilience of the community in the face of climate change, as well as to stay on track to comply with the State's goal of achieving carbon neutrality by 2045.

City of East Palo Alto Building Electrification and Electric Vehicle Infrastructure Reach Codes Ordinance

The City Council adopted the City of East Palo Alto Building Electrification and Electric Vehicle Infrastructure Reach Codes Ordinance on March 21, 2023. The ordinance includes requirements for electrification, solar, and EV infrastructure on all new residential and commercial buildings and other non-residential buildings within the city.

4.8.1.3 *Existing Conditions*

Unlike emissions of criteria and toxic air pollutants, which have regional and local impacts, emissions of GHGs have a broader, global impact. Global warming is a process whereby GHGs accumulating in the upper atmosphere contribute to an increase in the temperature of the earth and changes in the weather patterns.

The project site is currently developed with a city park. Operation of the park generates GHG emissions from vehicles traveling to and from the site, and electricity usage for lighting.

4.8.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐
2) Conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs?	☐	☐	☒	☐

Impact GHG-1:	The project would not generate GHG emissions, either directly or indirectly, that may have a significant impact on the environment. **(Less than Significant Impact)**

Construction Emissions

Construction activities on-site would result in temporary GHG emissions. Construction related GHG emissions vary depending on the level of activity, length of construction period, specific construction operations, types of equipment, and number of personnel. Neither the City of East Palo Alto nor BAAQMD has established a quantitative threshold or standard for determining whether a project's construction related GHG emissions are significant. Project construction would occur over a period of approximately 18 months and include use of equipment for grading, excavation for building and light foundations and landscaping. Project construction would not result in a permanent increase in emissions.

Operational Emissions

BAAQMD adopted revised CEQA Air Quality Guidelines on June 2, 2010, and then adopted a modified version of the Guidelines in May 2017. The BAAQMD CEQA Air Quality Guidelines include thresholds of significance for GHG emissions. In April 2022, BAAQMD adopted new CEQA Thresholds for evaluating the significance of climate impacts from land use projects and plans. Pursuant to the latest CEQA Air Quality Guidelines and GHG thresholds of significance, a project that meets the following criteria would result in a less than significant GHG impact.

- The project will not include natural gas appliances or natural gas plumbing; and
- The project will not result in any wasteful, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines; and
- Achieve a reduction in project-generated vehicle miles traveled below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target:
    - Residential projects: 15 percent below the existing VMT per capita; or
    - Office projects: 15 percent below the existing VMT per employee; or
    - Retail projects: no net increase in existing VMT; and
- Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

The proposed project would not include natural gas appliances or gas plumbing. As discussed in Section 4.6 Energy, the proposed project would not result in wasteful or inefficient use of energy because, although the project would result in an incremental increase in electricity use for operation of the stadium lights and gasoline use from vehicle trips generated by visitors; however, the project would comply with Title 24 and CALGreen energy efficiency measures and obtain 100 percent carbon-free energy through PCE. As noted in Section 3.2.10 Green Building Features, the project would include six parking spaces equipped with EV charging stations and 25 EV capable parking spaces consistent with CALGreen Tier 2 standards. The project also encourages alternatives to

single-vehicle occupancy trips by being located within walking and biking distance of residential uses, and adequately served by pedestrian and bicycle facilities. For these reasons, project operation would not use energy in a wasteful manner.

Furthermore, as discussed in Section 4.16 Transportation, the project is a locally serving public facility with a less than significant impact on VMT.

For these reasons, consistent with the BAAQMD CEQA Guidelines and Thresholds, the project would result in less than significant GHG impacts. **(Less than Significant Impact)**

Impact GHG-2:	**The project would not conflict with an applicable plan, policy, or regulation adopted for the purpose of reducing the emissions of GHGs. (Less than Significant Impact)**

CARB Climate Change Scoping Plan

The CARB Scoping Plan provides a framework for state government to lower GHG emissions statewide in order to reach GHG reduction goals and local governments, with their land use decisions, play a role in these efforts. The proposed project would comply with requirements of the City-adopted CALGreen Building Code requirements, including high-efficiency water fixtures, water-efficient irrigation systems, energy-efficient electrical systems and fixtures. While the measures in the Scoping Plan are not generally directly applicable to individual land use projects, the energy efficiency and water conservation included in the proposed project would be consistent with the intent of this statewide plan to reduce GHG emissions through 2030.

Plan Bay Area and 2017 CAP

The proposed project, which is redevelopment and expansion of an existing City park would not conflict with the latest clean air and GHG reduction plan efforts.[41] The project would not exceed the BAAQMD GHG thresholds of significance for land use projects and the project would provide recreational opportunities to the adjacent residential and would not be a substantial source of emissions of methane or other super-GHGs. The project is generally consistent with the development assumptions for development contained within the City's General Plan, Plan Bay Area, and the 2017 CAP. For these reasons, the proposed project would not conflict with Plan Bay Area or the 2017 CAP.

East Palo Alto General Plan and Climate Action Plan

The project proposes development of the site in conformance with energy, transportation, water conservation, and waste reduction policies and regulations of the City of East Palo Alto. Consistent with the General Plan Parks, Open Space, and Conservation Policy 8.4, the project includes the following green building features that reduce GHG emissions:

[41] Metropolitan Transportation Commission. "Priority Development Areas (Plan Bay Area 2050)." Last updated March 22, 2023. https://opendata.mtc.ca.gov/datasets/4df9cb38d77346a289252ced4ffa0ca0/explore?location=37.515515%2C-122.054695%2C11.85

- Water efficient landscaping with irrigation design (including synthetic turf playing fields)
- Bicycle parking spaces
- LED light fixtures
- Low flow indoor water fixtures

Consistent with the General Plan Parks, Open Space, and Conservation Policy 8.12 and Infrastructure, Services, and Facilities Policy 4.4, the project would recycle green waste and compost, and would divert 80 percent of construction waste away from landfills.

Climate Action Plan implementation Actions EW-1.7, EW-1.10, and EW-1.11 apply to the proposed project. Action EW-1.7 calls for the City to establish a policy to prohibit gas powered lawn equipment engine exhaust, all leaf blowers, and wood/charcoal burning devices on Spare-the-Air Days. Action EW-1.10 calls for installation of energy efficient street lighting on public streets and within parks, and Action EW-1.10 calls for the City to participate in community choice aggregation for municipal facilities. Maintenance of the proposed park would be conducted in accordance with applicable City policies, including prohibiting use of gas powered equipment during Spare-the-Air Days. As discussed under Section 3.2.10 Green Building Features, the proposed project would be subject to and comply with the City's CALGreen Building Code requirements and Reach Code which requires use of energy efficient lighting fixtures. In addition, the project would obtain 100 percent carbon-free energy through PCE, the community choice aggregation for San Mateo County. For these reasons, the project would be consistent with Actions EW-1.7, EW-1.10, and EW-1.11 of the City's Climate Action Plan.

As discussed above, the proposed project would be consistent with the goals, policies, and development standards in the General Plan, measures in the City's Climate Action Plan, the City's CALGreen Building Code requirements, CARB Scoping Plan, Plan Bay Area, 2017 CAP and the City's Reach Code. These measures would reduce energy consumption and therefore would reduce GHG emissions. For this reason, the project would not conflict with applicable plans adopted for the purpose of reducing the emissions of GHGs.

City of East Palo Alto Reach Code

The proposed project would be required to comply with the City's Reach Code requirements. According to the City's Reach Code, all non-residential buildings are required to be all electric, and all non-office, non-residential projects are required to provide Level 2 EV charging stations at 10 percent of parking spaces provided and equip an additional 10 percent of the parking spaces with electric infrastructure to support the future installation of EV charging stations. An exception to the EV charging and infrastructure requirement is allowed if the installation costs of these charging stations or infrastructure exceeds $4,500 per space. Based on the number of parking spaces proposed (115 spaces), under the Reach Code, the project would be required to install EV charging stations at 12 parking spaces and install electric infrastructure at an additional 12 spaces.

Pursuant to the City's Reach Code, the proposed restroom and storage/office building will be all electric. However, due to the cost of installation of these EV charging stations (approximately

$15,000),[42] the project includes an exception to the installation of EV charging stations under the City's Reach Code. As noted in Section 3.2.10 Green Building Features, the project proposes installation of EV charging stations at six parking spaces and electric infrastructure at 25 spaces, consistent with CALGreen Tier 2 requirements. Therefore, the project is consistent with the City's Reach Code requirements.

Through conformance with the goals, policies, and development standards in the General Plan and measures in the City's Climate Action Plan, the project would not conflict with local applicable plans adopted for the purpose of reducing the emissions of GHGs. **(Less than Significant Impact)**

[42] Daniel Collazos, Project Manager. Verde Design, Inc. Personal Communication. January 30, 2024.

4.9 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part on a Phase I Environmental Site Assessment and Phase II Soil Sampling report prepared by Cornerstone Earth Group in July 2022 and August 2023, respectively. These reports are included as Appendix C to this Initial Study.

4.9.1 Environmental Setting

4.9.1.1 *Regulatory Framework*

Overview

The storage, use, generation, transport, and disposal of hazardous materials and waste are highly regulated under federal and state laws. In California, the EPA has granted most enforcement authority over federal hazardous materials regulations to the California Environmental Protection Agency (CalEPA). In turn, local agencies have been granted responsibility for implementation and enforcement of many hazardous materials regulations under the Certified Unified Program Agency (CUPA) program.

Worker health and safety and public safety are key issues when dealing with hazardous materials. Proper handling and disposal of hazardous material is vital if it is disturbed during project construction. Cal/OSHA enforces state worker health and safety regulations related to construction activities. Regulations include exposure limits, requirements for protective clothing, and training requirements to prevent exposure to hazardous materials. Cal/OSHA also enforces occupational health and safety regulations specific to lead and asbestos investigations and abatement.

Federal and State

Federal Aviation Regulations Part 77

Federal Aviation Regulations, Part 77 Objects Affecting Navigable Airspace (FAR Part 77) sets forth standards and review requirements for protecting the airspace for safe aircraft operation, particularly by restricting the height of potential structures and minimizing other potential hazards (such as reflective surfaces, flashing lights, and electronic interference) to aircraft in flight. These regulations require that the Federal Aviation Administration (FAA) be notified of certain proposed construction projects located within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above the ground.

Government Code Section 65962.5

Section 65962.5 of the Government Code requires CalEPA to develop and update a list of hazardous waste and substances sites, known as the Cortese List. The Cortese List is used by state and local agencies and developers to comply with CEQA requirements. The Cortese List includes hazardous substance release sites identified by the Department of Toxic Substances Control (DTSC) and State Water Resources Control Board (SWRCB).[43]

[43] California Environmental Protection Agency. "Cortese List Data Resources." Accessed May 28, 2020. https://calepa.ca.gov/sitecleanup/corteselist/.

California Accidental Release Prevention Program

The California Accidental Release Prevention (CalARP) Program aims to prevent accidental releases of regulated hazardous materials that represent a potential hazard beyond the boundaries of a property. Facilities that are required to participate in the CalARP Program use or store specified quantities of toxic and flammable substances (hazardous materials) that can have off-site consequences if accidentally released. The San Mateo County Department of Environmental Health reviews CalARP risk management plans as the CUPA.

Asbestos-Containing Materials

Friable asbestos is any asbestos containing material (ACM) that, when dry, can easily be crumbled or pulverized to a powder by hand, allowing the asbestos particles to become airborne. Common examples of products that have been found to contain friable asbestos include acoustical ceilings, plaster, wallboard, and thermal insulation for water heaters and pipes. Common examples of non-friable ACMs are asphalt roofing shingles, vinyl floor tiles, and transite siding made with cement. The EPA phased out use of friable asbestos products between 1973 and 1978. National Emission Standards for Hazardous Air Pollutants guidelines require that potentially friable ACMs be removed prior to building demolition or remodeling that may disturb the ACMs.

CCR Title 8, Section 1532.1

The United States Consumer Product Safety Commission banned the use of lead-based paint in 1978. Removal of older structures with lead-based paint is subject to requirements outlined by Cal/OSHA Lead in Construction Standard, CCR Title 8, Section 1532.1 during demolition activities. Requirements include employee training, employee air monitoring, and dust control. If lead-based paint is peeling, flaking, or blistered, it is required to be removed prior to demolition.

Local Regulations

Comprehensive Land Use Plan for Palo Alto Airport

The project site is approximately one-mile northwest of the Palo Alto Airport; the closest airport to the site. The Palo Alto Airport Comprehensive Land Use Plan (CLUP) is intended to safeguard the general welfare of inhabitants within the Airport vicinity and aircraft occupants.[44] The CLUP is also intended to ensure that surrounding new land uses do not affect the Airport's continued operation.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hazards and hazardous materials impacts resulting from planned development within the Plan Area including the following:

[44] Santa Clara County Airport Land Use Commission. *Palo Alto Airport – Comprehensive Land Use Plan*. Amended November 2016.

Policy	Health and Equity
4.2	**Pollutants.** Continue to work with state, federal, regional, and local agencies to eliminate and reduce concentrations of regulated legacy pollutants.
4.4	**Agricultural Pesticides.** Reduce exposure to legacy pesticides, particularly in areas previously under agricultural use, and whenever possible work with landowners and developers to eliminate concentrations of pesticides from soil and groundwater.
Policy	**Infrastructure, Services, and Facilities**
10.7	**Code enforcement.** Work to ensure that buildings, homes, yards, businesses and public spaces are free from hazards. Maintain cooperation and communication between the Code Enforcement Division (within EPAPD), the Planning Division, and the Building Department on issues relating to neighborhood quality of life.
Policy	**Parks, Open Space, Conservation**
9.8	**Soil Quality.** Require soil testing for contaminants on sites that have historically, or currently, been exposed to chemical releases. If contamination does exist, require remediation strategy to reduce or eliminate contamination on site.
Policy	**Safety and Noise**
4.1	**Contamination.** Avoid or minimize risk to the community from exposure to contaminated soils or groundwater.
4.2	**Management of Hazardous Materials.** Continue to cooperate with federal, State, and county agencies to effectively regulate the management of hazardous materials and hazardous wastes.
4.5	**Airport Land Use Plan.** Coordinate with the Santa Clara County ALUC and Palo Alto Airport Comprehensive Land Use Plan (CLUP) and consider the CLUP in making any land use decisions in airport influence area.
5.4	**Emergency Access Routes.** Ensure the City's designated system of emergency access routes is coordinated with regional activities for both emergency operations and evacuation.

City of East Palo Alto Municipal Code

Chapter 8.40, Hazardous Materials: Toxic Waste Disposal, in the City of East Palo Alto's Municipal Code seeks to protect health, life, resources and property through prevention and control of unauthorized discharges of hazardous materials and establish performance standards for all activities involving storage of hazardous materials.

East Palo Alto Hazard Mitigation Plan

In 2016, the City of East Palo Alto, in coordination with the County of San Mateo, adopted a local Multi-Jurisdictional Hazard Mitigation Plan (HMP). The HMP is designed to conform to requirements of the Federal Disaster Mitigation Plan of 2000, which requires all cities counties, and special districts to adopt an HMP to receive disaster mitigation funding from FEMA.

City of East Palo Alto Emergency Operations Plan

The City of East Palo Alto adopted its Emergency Operations Plan (EOP) in January 2011. The City of East Palo Alto EOP defines the scope of preparedness and incident management activities necessary for the City and multi-jurisdictional partners. The EOP describes organizational structures,

roles and responsibilities, policies, and protocols for providing emergency support. The EOP facilities response and short-term recovery activities (which set the stage for successful long-term recovery). It drives decisions on long-term preparedness and mitigation efforts, or risk-based preparedness measures directed at specific hazards. The EOP is flexible enough for use in all emergencies. It also describes the purpose of the plan, situation and assumptions, concept of operations, organization and assignment or responsibilities, administration and logistics, plan development and maintenance, and authorities and references. It contains functional sections (EOC Checklists), hazard-specific appendices (Event Specific Checklists), and a glossary. It identifies pre-designated jurisdictional and/ or functional area representatives to the EOC Emergency Response Team to facilitate responsive and collaborative incident management.[45]

4.9.1.2 *Existing Conditions*

Historic Uses of the Project Site

Between 1897 and 1948 the project site and surrounding parcels were mainly undeveloped and used as pastureland and for other agricultural purposes with no structures on-site. In 1948 electrical transmission line towers were constructed on-site. Beginning in the mid-1950s, the existing residential neighborhood was constructed to the north, west, and south of the project site and greenhouses were constructed on the northern portion of the project site adjacent to Beech Street. In 1963 two small structures were constructed on the southern portion of the site, however, they were removed by 1968 and the use is not known. By 1974, the existing baseball field was constructed. Other park amenities such as the muti-sport field, playground area, concessions building and perimeter walkways were constructed between 2005 and the present.

Several feet of fill were placed in the undeveloped portion of the site at 1266 Beech Street and on the western edge of the existing MLK Jr. park. No record of the origins or contents of this fill were identified in the Phase I ESA completed for the proposed project. The Phase I ESA prepared for the proposed project did not identify any recorded contamination, however, historic use of the project site for agricultural purposes and the presence of undocumented fill on-site represent recognized environmental conditions that could have resulted in the release of contaminants on the site.

On-site Sources of Contamination

On-site soil samples were collected from the native soils and fill material and analyzed to determine if contaminants or agricultural chemicals are present on-site. Organochlorine pesticides and pesticide-based metal concentrations were detected in native soil samples; however, these concentrations did not exceed their respective environmental screening levels (ESLs).[46] Soil samples taken from fill material on-site did not detect contaminants above residential ESLs and all metal

[45] City of East Palo Alto. *Emergency Operations Plan.* January 2011.

[46] Environmental Screening Levels (ESLs) established by the State Water Resources Control Board are used to screen sites for potential human health concerns where releases of chemicals have occurred. These screening levels are risk-based concentrations derived from standardized equations combining exposure assumptions with toxicity data. Under most circumstances, the presence of a chemical at concentrations below the corresponding screening level can be assumed not to pose a significant health risk. Residential ESLs were used for the proposed park project because outdoor activities associated with park uses and the potential exposure of users to contaminants on-site is most similar to those occurring in residential settings. Source: Cornerstone Earth Group. *Soil Sampling Services, Martin Luther King Jr. Park, 435 Daisy Lane, East Palo Alto, California.* August 9, 2023.

concentrations in the fill samples were representative of natural background levels and/or did not exceed their respective residential ESLs.

Off-site Conditions

No off-site sources of contamination were identified in the Phase I ESA.

Other Hazards

Airports

The nearest airport to the site is Palo Alto Airport, located approximately 0.4 miles south of the project site. The project site is located within the airport influence area and Traffic Pattern Zone of the Palo Alto Airport. [47] The project site is within an area regulated by the FAA FAR Part 77 height requirements for new developments given the distance of the site from the airport.

Wildfire

The project site is surrounded by urban development and is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE. [48]

4.9.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐
2) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☒	☐
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐
4) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒

[47] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Palo Alto Airport.* November 19, 2008, Amended November 16, 2016.
[48] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. October 8, 2008. Accessed January 14, 2022. https://osfm.fire.ca.gov/media/6764/fhszl_map43.pdf

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, result in a safety hazard or excessive noise for people residing or working in the project area?	☐	☐	☒	☐
6) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐
7) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☐	☐	☐	☒

Impact HAZ-1: The project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. (Less than Significant Impact)

Small quantities of herbicides and pesticides are currently transported to and used on the project site for maintenance of park landscaping and playing fields. Use of herbicides and pesticides are currently managed in accordance with existing laws and regulations that ensure proper containment. Although the project would increase the overall size of the park from 4.7 to 13.89 acres, implementation of the proposed project would reduce the quantity of herbicides and pesticides transported to and used on-site as the existing natural turf playing fields would be replaced with synthetic turf fields, which do not require use of herbicides and pesticides. Small quantities would still be required to be transported to and used on-site for maintenance of the landscaping in other areas of the park. These hazardous materials would continue to be managed in accordance with existing laws and regulations that ensure proper containment. For these reasons, post-construction operation of the proposed park expansion and renovation project would not result in hazardous materials being transported, used, or disposed of in quantities that would result in a significant hazard to the public. **(Less than Significant Impact)**

Impact HAZ-2: The project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. (Less than Significant Impact with Mitigation Incorporated)

As discussed in Section 4.9.1.2 Existing Conditions, soil samples taken from the project site revealed native soils on-site have not been significantly impacted by past agricultural uses and fill materials on-site do not contain contaminants that would pose a significant human health risk. Therefore, implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of

hazardous materials into the environment. **(Less than Significant Impact)**

Impact HAZ-3:	**The project would not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. (Less than Significant Impact)**

The nearest school is Los Robles Ronald McNair Academy, approximately 930 feet west of the project site. As discussed under Impact HAZ-1 and HAZ-2 above, the project would not create a hazard to the public due to use, transport, or disposal of hazardous materials, nor through upset or accidental release of hazardous materials. For these reasons, the project would not emit hazardous materials, substances, or waste within 0.25 mile of an existing or proposed school. **(Less than Significant Impact)**

Impact HAZ-4:	**The project would not be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, create a significant hazard to the public or the environment. (No Impact)**

The project site is not listed as a hazardous materials site pursuant to Government Code Section 65962.5, and therefore, would not be located on a hazardous site that would result in a significant hazard to the public or the environment. **(No Impact)**

Impact HAZ-5:	**The project would not be located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not result in a safety hazard or excessive noise for people residing or working in the project area. (Less than Significant Impact)**

As noted in Section 4.9.1.2 Existing Conditions above, the project site is located within the Traffic Pattern Zone of Palo Alto Airport. The Traffic Pattern Zone represents the portion of the airport area routinely overflown by aircraft operating in the airport traffic pattern. The potential for aircraft accidents is relatively low and the need for land use restrictions in this area is minimal.[49] The project site is also located within the 55 and 60 dBA noise contour according to the Santa Clara CLUP for Palo Alto Airport.

According to the CLUP for Palo Alto Airport, uses allowed within the Traffic Pattern Zone include residential uses. However, no sports stadiums or similar uses with very high concentrations of people are allowed. There is no maximum population density established for development within the Traffic Pattern Zone. A minimum of 10 percent of every one-half mile of the site is required to be open space with no structures.[50]

[49] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Palo Alto Airport.* November 19, 2008, Amended November 16, 2016.
[50] Ibid. Page 4-8.

The proposed project includes renovation to and expansion of an existing city park. No residential uses are proposed. With implementation of the proposed project, the number of park users would increase from 45 to 60 users per day during weekdays and 80 to 100 users per day during weekends to a maximum of 320-370 users per weekday and 460-670 users per weekend day, resulting in a net increase of up to 275 to 310 users per weekday and up to 380 to 570 users per weekend day. During park operational hours, the playing fields would be available for reservation per hour and the sports courts, exercise and picnic areas, amphitheater, playground, and dog park would be open to the general public. As discussed in Section 3.2 Project Description, the proposed bleachers seat a maximum of 320 people at one time. Due to park reservation system, seating capacity of the bleachers, and the nature of City park uses, park users would not all occupy the site at the same time and would be spread throughout park operational hours. Therefore, although the park would host sports events, it would not include very high concentrations of people similar to sports stadium uses. Furthermore, a total of 1,883 square feet or 0.3 percent of the project site would be developed with building area.[51] Additionally, as discussed in Section 4.13 Noise, the project would be located in the 55-60 dBA CNEL noise contour for the Palo Alto Airport where 65 dBA CNEL is considered acceptable for parks and playgrounds.

As discussed in Section 4.9.1.2 above, FAR Part 77 requires that the FAA be notified of certain construction projects proposed within an extended zone defined by an imaginary slope radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structures exceeding 143 feet in height above grade would require submittal to the FAA for airspace safety review. As noted in Section 3.2 Project Description above, the proposed restroom and storage buildings would have a maximum height of 12 feet and nine feet respectively, the backstop would have a maximum height of 30 feet, and the stadium lights would have a maximum height of 100 feet. Therefore, notification of the FAA is not required to determine the potential for the project to create avigation hazard.

For these reasons, the proposed park renovation project would not result in a safety hazard or excessive noise for people residing or working in the project area. **(Less than Significant Impact)**

Impact HAZ-6:	**The project would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan. (Less than Significant Impact)**

The proposed project would include renovations to and expansion of an existing City park and extension of a new road from the Daisy Lane parking lot to O'Connor Street. There are no formal evacuation routes or emergency response plans that would be impacted by the proposed project. The project would be constructed in accordance with building and fire codes to ensure structural stability and safety. In addition, the Menlo Park Fire Protection District (MPFPD) would review the site development plans to ensure fire protection design features are incorporated and adequate emergency access is provided. For these reasons, the project would not impair implementation of, or physically interfere with, the City's Emergency Operations and Evacuation Plans. **(Less than Significant Impact)**

[51] Including a 1,271 square foot existing concession building, 468 square foot new restroom, and 144 square foot new storage building.

Impact HAZ-7:	**The project would not expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires. (No Impact)**

As discussed in Section 4.9.1.2, the project site is not located within a Very-High Fire Hazard Severity Zone for wildland fires designated by CalFIRE.[52] **(No Impact)**

[52] California Department of Forestry and Fire Protection. Santa Clara County FHSZ Map. October 8, 2008. https://osfm.fire.ca.gov/divisions/wildfire-prevention-planning-engineering/wildland-hazards-building-codes/fire-hazard-severity-zones-maps/.

4.10 HYDROLOGY AND WATER QUALITY

4.10.1 Environmental Setting

4.10.1.1 *Regulatory Framework*

Federal and State

The federal Clean Water Act and California's Porter-Cologne Water Quality Control Act are the primary laws related to water quality in California. Regulations set forth by the Environmental Protection Agency (EPA) and the SWRCB have been developed to fulfill the requirements of this legislation. EPA regulations include the National Pollutant Discharge Elimination System (NPDES) permit program, which controls sources that discharge pollutants into the waters of the United States (e.g., streams, lakes, bays, etc.). These regulations are implemented at the regional level by the Regional Water Quality Control Boards (RWQCBs). The project site is within the jurisdiction of the San Francisco Bay RWQCB.

Under Section 303(d) of the federal Clean Water Act, the SWRCB and RWQCBs are required to identify impaired surface water bodies that do not meet water quality standards and develop total maximum daily loads (TMDLs) for contaminants of concern. The list of the state's identified impaired surface water bodies, known as the "303(d) list" can be found on the on the RWQCB's website.[53]

National Flood Insurance Program

The Federal Emergency Management Agency (FEMA) established the National Flood Insurance Program (NFIP) to reduce impacts of flooding on private and public properties. The program provides subsidized flood insurance to communities that comply with FEMA regulations protecting development in floodplains. As part of the program, FEMA publishes Flood Insurance Rate Maps (FIRMs) that identify Special Flood Hazard Areas (SFHAs). An SFHA is an area that would be inundated by the one-percent annual chance flood, which is also referred to as the base flood or 100-year flood.

Statewide Construction General Permit

The SWRCB has implemented an NPDES General Construction Permit for the State of California (Construction General Permit). For projects disturbing one acre or more of soil, a Notice of Intent (NOI) must be filed with the RWQCB by the project sponsor, and a Storm Water Pollution Prevention Plan (SWPPP) must be prepared by a qualified professional prior to commencement of construction and filed with the RWQCB by the project sponsor. The Construction General Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related storm water discharges.

[53] San Francisco Regional Water Quality Control Board. "The 303(d) List of Impaired Water Bodies." Accessed June 21, 2022. https://www.waterboards.ca.gov/sanfranciscobay/water_issues/programs/TMDLs/303dlist.html.

Regional and Local

San Francisco Bay Basin Plan

The San Francisco Bay RWQCB regulates water quality in accordance with the Water Quality Control Plan for the San Francisco Bay Basin (Basin Plan). The Basin Plan lists the beneficial uses that the San Francisco Bay RWQCB has identified for local aquifers, streams, marshes, rivers, and the San Francisco Bay, as well as the water quality objectives and criteria that must be met to protect these uses. The San Francisco Bay RWQCB implements the Basin Plan by issuing and enforcing waste discharge requirements, including permits for nonpoint sources such as the urban runoff discharged by a City's stormwater drainage system. The Basin Plan also describes watershed management programs and water quality attainment strategies.

Municipal Regional Permit Provision C.3

The San Francisco Bay RWQCB re-issued the Municipal Regional Stormwater NPDES Permit (MRP) in 2015 to regulate stormwater discharges from municipalities and local agencies (co-permittees) in Alameda, Contra Costa, San Mateo, and Santa Clara Counties, and the cities of Fairfield, Suisun City, and Vallejo.[54] Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area are required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls to treat post-construction stormwater runoff. LID-based treatment controls are intended to maintain or restore the site's natural hydrologic functions, maximizing opportunities for infiltration and evapotranspiration, and using stormwater as a resource (e.g., rainwater harvesting for non-potable uses). The MRP also requires that stormwater treatment measures are properly installed, operated, and maintained.

In addition to water quality controls, the MRP requires new development and redevelopment projects that create or replace one acre or more of impervious surface to manage development-related increases in peak runoff flow, volume, and duration, where such hydromodification is likely to cause increased erosion, silt pollutant generation, or other impacts to local rivers, streams, and creeks. Projects may be deemed exempt from these requirements if they do not meet the minimized size threshold, drain into tidally influenced areas or directly into the Bay, or drain into hardened channels, or if they are infill projects in subwatersheds or catchment areas that are greater than or equal to 65 percent impervious.

Construction Dewatering Waste Discharge Requirements

Each of the RWQCBs regulate construction dewatering discharges to storm drains or surface waters within its Region under the NPDES program and Waste Discharge Requirements.

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City, including

[54] MRP Number CAS612008

the following:

Policy	Infrastructure, Services, and Facilities
1.1	**NPDES compliance.** Ensure compliance with all NPDES requirements for litter control, dumping, pollutants of control, business operations, and new/re-development.
1.2	**On-site stormwater management.** Encourage development projects to manage stormwater on-site to reduce burdens on the City's stormwater system. Whenever possible, stormwater should be infiltrated, evaporated, reused, or treated on-site in other ways to improve stormwater quality and reduce flows into the storm drain system.
1.3	**Stormwater infrastructure for new development.** Require development projects to pay for their share of new stormwater infrastructure or improvements necessitated by that development.
1.4	**Stormwater re-use and recycling.** Encourage innovative ways of capturing and reusing stormwater for non-drinking purposes to reduce the use of potable water, including the creation of a recycled water system and installation of purple pipe in private and public projects.
1.5	**Collaborative stormwater management.** Encourage collaborative, integrated stormwater management between multiple property owners and sites.
1.7	**Regional and local collaboration.** Collaborate with Palo Alto, Menlo Park, the San Francisquito Creek Joint Powers Authority and other jurisdictions and agencies in the watershed to reduce and remove contaminants from stormwater runoff.
1.8	**Stormwater best practices.** Encourage the use of best practices in stormwater treatment, retention, and quality and quantity control into flood control efforts, ensuring that flood control measures do not have negative ecological impacts on stormwater runoff.
1.9	**Stormwater and flooding.** Integrate stormwater management efforts with floor control efforts, seeking synergies and innovative strategies for stormwater treatment to reduce flood risks and volumes.
2.7	**Municipal water conservation and efficiency.** Seek to reduce municipal water use through the following strategies: • Implement aggressive indoor and outdoor water efficiency measures in all new city developments, substantial rehabs, and remodels. • Prioritize water efficiency upgrades to existing buildings, such as water efficient fixtures. • Reduce potable water used for parks by planting drought-tolerant species and implementing other water saving practices.
2.11	**Groundwater recharge.** Working with regional partners, explore options for groundwater recharge and prohibit new private groundwater wells.
2.12	**Maximizing infiltration.** Consider requiring all new development to provide roof catchment systems, irrigated landscaping, and permeable pavements (where feasible), or other means to enhance on-site infiltration of stormwater runoff or landscape irrigation water.
3.2	**Sewer infrastructure for new development.** Require development projects to pay for their share of new sewer infrastructure or improvements necessitated by that development
Policy	**Parks, Open Space, and Conservation**
4.7	**Inter-agency coordination.** Coordinate with other public agencies such as the San Francisquito Creek Joint Powers Authority, Army Corps of Engineers, National Fish

	and Wildlife Service, and other similar entities on construction or development activity occurring within or adjacent to the City.

Policy	Safety and Noise
2.1	**Flood Insurance Program.** Continue to participate in the National Flood Insurance Program and FEMA's voluntary programs, such as the Community Rating System.
2.2	**Flood related to sea level rise.** Consider expanding boundaries of development control particularly where sea level rise could worsen flooding above predicted conditions.
2.3	**Development in floodways.** Continue to control development in the floodway and floodway fringe.
2.4	**Floodplain Management Ordinance.** Continue to enforce and consider strengthening the City's Floodplain Management Ordinance.
2.6	**Public buildings.** Work to enhance flood protection for essential public buildings and associated parking areas.

City of East Palo Alto Municipal Code

Chapter 15.52, Flood Plain Management, in the City of East Palo Alto's Municipal Code seeks to promote the health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas of East Palo Alto by establishing development standards and review process for development projects within identified flood hazard zones.

4.10.1.2 *Existing Conditions*

Water Quality

The project site is partially developed with an approximately 4.7-acre city park, 1,271 square-foot restroom/concessions building, natural turf playing fields, gravel picnic areas, walking paths and landscaping areas. The remaining 9.19 acres of the project site consists of undeveloped land with no existing impervious surfaces. Stormwater runoff from the project site enters the City's storm drain system which discharges to the San Francisco Bay. The project site and surrounding area are not located in an area of San Mateo County subject to the MRP hydromodification controls.[55]

Groundwater

Groundwater at the project site is estimated at a depth of approximately 10 feet bgs or less. Groundwater found within the project area may be brackish due to the proximity of the San Francisco Bay.

Storm Drainage

The project site is located in a developed area served by an existing storm drainage system. Approximately 4.7 acres of the project site is currently developed with a City Park and the remaining 9.19 acres is undeveloped. The site contains approximately 39,301 square feet (6.5 percent) of impervious surfaces and 565,747 square feet (93.5 percent) of pervious surfaces.

[55] San Mateo Countywide Water Pollution Prevention Program. *HM Control Map*. March 2009. http://www.flowstobay.org/documents/business/new-development/C.3%202010/H01_SMCWPPP_HM_CoverPg_CountywideMap_MapIndex.pdf

Storm drainage lines in the project area are owned and maintained by the City of East Palo Alto. There is an 18-inch storm drain main along the Daisy Lane frontage, which serves the project site and outfalls to San Francisquito Creek. The 18-inch storm drain main leads to a storm drain outfall in Bayshore Pond, adjacent to the project site.

Flooding

The project site is located within special flood hazard Zone AE with base elevation of 11 feet amsl, with the exception of a small portion of the Beech Street parcel (designated Zone X) where imported fill has elevated the site above the flood elevation.[56]

Seiches, Tsunamis, and Mudflows

Coastal and shoreline portions of California must consider the potential for tsunamis and seiches. Tsunamis, like the surges generated by the March 11, 2011, Tōhoku earthquake in northeast Japan, resulted in substantial damage to harbors in Crescent City and Santa Cruz. East Palo Alto's position within San Francisco Bay limits the potential for tsunami damage, but sea surges may impact areas of the city directly adjacent to the Bay. The Tsunami and Dam Inundation Zones map in the City's General Plan shows that the project site would not be inundated by floodwaters from a tsunami or seiche.[57]

Seiches are earthquake-induced waves within an enclosed or partially enclosed body of water like a lake or reservoir. San Francisco Bay is partially enclosed with outlets to San Pablo Bay and the Pacific Ocean and is relatively shallow with a mean depth of approximately 27.6 feet. Geologic-induced seiche events have not been documented in San Francisco Bay and meteorological effects are quickly dissipated due to the connection with the Pacific Ocean.[58] The existing park and Beech Street parcel are not located within the tsunami hazard zone, however, the eastern portion of the project site adjacent to Runnymede channel is located within the tsunami hazard zone.[59]

A mudflow is the rapid movement of a large mass of mud formed from loose soil and water. The project area is flat and there are no slopes near the project site that in the event of a mudflow would affect the site.

Sea Level Rise

The Bay Conservation and Development Commission (BCDC) has mapped areas throughout the Bay region susceptible to inundation from potential sea level rise scenarios. Even under the low sea level rise scenario (16 inches), substantial bayside portions of East Palo Alto would be at risk of inundation if no inundation protections are implemented. The Sea Level Rise map in the General Plan shows that portions of the project site would be inundated under a condition with approximately

[56] Federal Emergency Management Agency. Flood Rate Insurance Maps 06081C0309F. April 5, 2019.
[57] City of East Palo Alto. *Visa 2035 East Palo Alto General Plan.* October 2016. P 10-4.
[58] Metropolitan Transportation Commission and Association of Bay Area Governments. *Plan Bay Area 2040 Draft Environmental Impact Report.* April 2017.
[59] State of California, 2021, Tsunami Hazard Area Map, San Mateo County; produced by the California Geological Survey, the California Governor's Office of Emergency Services, and AECOM; dated 2021, mapped at multiple scales.

five feet of sea level rise.[60]

4.10.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☐	☐	☒	☐
2) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☐	☐	☒	☐
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	☐	☐	☒	☐
– result in substantial erosion or siltation on- or off-site;	☐	☐	☒	☐
– substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☐	☐	☒	☐
– create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☐	☐	☒	☐
– impede or redirect flood flows?	☐	☐	☒	☐
4) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☐	☐	☒	☐
5) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☐	☐	☒	☐

[60] City of East Palo Alto. *Vista 2035 East Palo Alto General Plan.* October 2016. P. 10-8.

Impact HYD-1:	The project would not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality. (Less than Significant Impact)

Construction Water Quality Impacts

Implementation of the proposed project would require excavation, paving, and grading of the project site, which can result in temporary impacts to surface water quality. Grading and construction activities would expose soil to the erosive forces of wind and water, increasing the potential for sedimentation downstream of the site, including in the San Francisco Bay.

The proposed project would disturb more than one acre. Ground disturbing construction activities would include grading to a maximum depth of 12 inches bgs for the sports fields, excavation for the restroom and storage/office building foundations and installation of stormwater features within the playing fields to a maximum depth of two- to 2.5 feet bgs, respectively. Additionally, eight20-foot bores would be drilled on-site for installation of the stadium light foundations. As noted in Section 4.10.1.2 Existing Conditions above, groundwater is present approximately 10 feet bgs at the project site. Therefore, groundwater would not be encountered during project construction except during drilling for the stadium light foundations. Temporary dewatering may be required during construction of the proposed stadium light foundations. However, permanent dewatering would not be required. As a result, the project would be required to comply with the NPDES Construction General Permit including the following standard measures to reduce the impacts to water quality from construction activities:

Standard Project Condition: Consistent with the NPDES Construction General Permit, the following standard measures will be implemented to prevent stormwater pollution and minimize erosion and sedimentation during construction:

- The proposed project will file a Notice of Intent (NOI) with the RWQCB and prepare a SWPPP prior to commencing construction. The project's SWPPP shall include measures for:
    - Soil stabilization,
    - Sediment control,
    - Sediment tracking control,
    - Wind erosion control, and
    - Non-stormwater management and waste management and disposal control.
- BMPs shall be implemented for reducing the volume of runoff and pollution in runoff to the maximum extent practicable during excavation, grading, and construction. All measures shall be included in the project's SWPPP and printed on construction documents, contracts, and project plans. The following erosion and sediment control measures, based upon Best Management recommendations by the RWQCB, shall be implemented by the project to reduce potential construction-related water quality impacts:
    - Stormwater inlet protection consisting of burlap bags filled with drain rock shall be installed around storm drain inlets to keep sediment and other debris out of the storm drainage system.

- All exposed or disturbed soil surfaces shall be watered at least twice daily to control dust, as necessary.
- Earthmoving or other dust-producing activities shall be suspended during periods of high winds.
- Stockpiles of soil or other materials subject to wind erosion shall be watered or covered.
- All trucks hauling soil, sand, and other loose materials shall be watered or covered, and all trucks will be required to maintain at least two feet of freeboard.
- All paved access roads, parking areas and staging areas adjacent to the construction site shall be swept daily with water sweepers.
- Vegetation in disturbed areas shall be replanted as quickly as possible.

- **Dewatering.** The proposed project involves dewatering activities; therefore, the SWPPP shall include provisions for the proper management of dewatering effluent. At a minimum, all dewatering effluent will be contained prior to discharge to allow the sediment to settle out, and filtered, if necessary, to ensure that only clear water is discharged to the storm or sanitary sewer system. In areas of suspected groundwater contamination (i.e., underlain by fill or near sites where chemical releases are known or suspected to have occurred), groundwater will be analyzed by a State-certified laboratory for the suspected pollutants prior to discharge. Based on the results of the analytical testing, the applicant will work with the RWQCB and/or the local wastewater treatment plant to determine appropriate disposal options

The proposed project would comply with the standard measures identified in the NPDES Construction General Permit, consistent with General Plan Infrastructure, Services, and Facilities Policies 1.1 and 1.8, and would not violate any water quality standards or waste discharge requirement or otherwise substantially degrade surface or groundwater quality. **(Less than Significant Impact)**

Post-Construction Water Quality Impacts

The project site is developed with approximately 6.5 percent (39,301 square feet) of impervious surfaces (i.e., paved walking paths and/or structures). Implementation of the project would include development of new impervious surfaces such as new parking lots, walking trails, and paved picnic areas, resulting in a total impervious surface area of 101,759 square feet, an increase of 159 percent compared to existing conditions. Therefore, the project would replace over 5,000 square feet of impervious surfaces and be subject to the MRP. As noted in Section 3.2.1 New Facilities and Buildings, the synthetic turf fields would be designed to be self-treating and include natural material such as cork and would not be composed of recycled tire materials to avoid water quality impacts. Additionally, consistent with the MRP, stormwater runoff from the impervious surfaces on the site would be directed to stormwater features where it would be treated and retained prior to discharge into the on-site seasonal wetlands and/or City's municipal stormwater system.

The project, designed and constructed in compliance with the MRP, would not result in significant post-construction water quality impacts. **(Less than Significant Impact)**

Impact HYD-2:	**The project would not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. (Less than Significant Impact)**

As mentioned under Impact HYD-1 above, ground disturbing construction activities would include grading for the sports fields (maximum depth of 12 inches), excavation for new building foundations (two feet bgs) and stormwater features (2.5 feet bgs) and drilling for the stadium light foundations (20 feet bgs). Groundwater is present approximately 10 feet bgs at the project site. Therefore, groundwater would not be encountered during project construction except during drilling for the stadium light foundations. Dewatering during construction of the stadium light foundations would be temporary and limited to eight locations on-site where stadium lights would be installed around the perimeter of the multi-sport field. Additionally, dewatering would only occur during excavation for and construction of stadium light foundations. No permanent dewatering would be required during project operations.

As discussed above, the proposed project would replace the existing natural turf playing fields with synthetic turf playing fields, new sports courts, amphitheater, walking paths, trail connection, surface parking lot, and other park amenities, increasing the amount of impervious surfaces on the site by approximately 62,458 square feet. Thus, the project would incrementally reduce the amount of groundwater recharge occurring on-site. The project site is not located in a designated groundwater recharge area.[61] Natural recharge of the groundwater basin occurs along the margins and southern portion of the subbasin where high lateral and vertical permeability allow surface water to infiltrate the aquifers. Percolation of precipitation within recharge areas replenishes groundwater and contributes to the recharge of principal aquifers.[62] The proposed project is not located within a designated groundwater recharge area where lateral and vertical permeability are high, thus, the incremental reduction in groundwater recharge resulting from the proposed project would not measurably affect groundwater levels beneath the site consistent with General Plan Infrastructure, Services, and Facilities Policies 2.12 and 2.1. **(Less than Significant Impact)**

Impact HYD-3:	**The project would not substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would result in substantial erosion or siltation on- or off-site; substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or impede or redirect flood flows. (Less than Significant Impact)**

The nearest waterbodies to the project site are the Runnymede Channel (adjacent to the east of the project site) and Bayshore Pond (approximately 45 feet east of the project site). The proposed project would not include work within Runnymede Channel or Bayshore and would not result in alteration of

[61] City of East Palo Alto. *Groundwater Management Plan for City of East Palo Alto.* August 2015. P. 43.
[62] Ibid.

the course of the channel. San Francisquito Creek is located approximately 315 feet southeast of the site.

As noted above, the project site is currently developed with a public park and undeveloped parcels, with approximately 39,301 square feet of impervious surfaces. Implementation of the project would include development of new impervious surfaces such as new parking lots, walking trails, paved picnic areas, and retaining walls, resulting in a total impervious surface area of 101,759 square feet, an increase of 159 percent compared to existing conditions. The project would comply with the NPDES General Construction Permit to reduce the rate of stormwater runoff while removing pollutants. Compliance with the MRP and associated City policies would ensure the overall rate and volume of runoff entering the storm drain system does not exceed that of existing conditions on the site under the design storm. Implementation of MM BIO-1.12 would ensure that the stormwater system is designed to control the amount of runoff entering the wetlands, and the rate at which it enters the wetlands, from the rest of the park so that it does not increase or decrease by more than 10 percent from existing conditions to avoid impacts to seasonal wetland and potential seasonal wetland vegetation. For these reasons, implementation of the proposed project would not result in an increase in stormwater runoff or pollutants, or substantially alter the existing drainage pattern of the site resulting in substantial flooding on- or off-site. **(Less than Significant Impact)**

Impact HYD-4: The project would not risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones. (Less than Significant Impact)

As noted in Section 4.10.1 above, the project site is not located in a seiche zone. The majority of the project site is located within special flood hazard Zone AE with base elevation of 11 feet amsl; however, a small portion of the Beech Street parcel where imported fill has elevated the site above the flood elevation is designated as Zone X.[63] Additionally, the eastern portion of the project site adjacent to Runnymede channel is located within the tsunami hazard zone.[64]

The proposed project would redevelop and expand an existing City park. No housing units are proposed. The project would construct one new restroom building and park amenities within the flood hazard zone but outside of the tsunami inundation zone. Additionally, the existing storage and restroom buildings located along the western project boundary within Zone AE would be retained with the project. Consistent with Section 15.52.70 of the Municipal Code, all new structures are required to be constructed such that the lowest floor is elevated 18 inches above the base flood elevation to avoid damage from inundation. Therefore, the proposed project would not result in inundation of structures in a tsunami hazard zone and impacts from flooding would be limited to the existing restroom and storage buildings. As discussed in Section 4.9 Hazards and Hazardous Materials, similar to existing conditions, the project would involve storage and use of small quantities of chemicals used for cleaning and landscape maintenance. These hazardous materials would continue to be managed in accordance with existing laws and regulations that ensure proper containment, including during flood events. For these reasons, the project would not result in a

[63] Federal Emergency Management Agency. Flood Rate Insurance Map 06081C0309F. April 5, 2019.
[64] State of California, 2021, Tsunami Hazard Area Map, San Mateo County; produced by the California Geological Survey, the California Governor's Office of Emergency Services, and AECOM; dated 2021, mapped at multiple scales.

significant impact related to the release of pollutants due to flood, tsunami, or seiche. **(Less than Significant Impact)**

Impact HYD-5:	**The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. (No Impact)**

Basin Plan

The Basin Plan for the San Francisco Bay area provides a framework for state and local governments to meet water quality objectives and criteria to protect the beneficial uses of local aquifers, streams, marshes, and San Francisco Bay. As noted above, the project would implement BMPs to prevent stormwater pollution and minimize potential erosion and sedimentation during construction and post-construction periods, consistent with the NPDES Construction General Permit and the MRP. These measures are consistent with General Plan Infrastructure, Services, and Facilities Policies 1.1-1.8 and 1.12. For these reasons, the project would not conflict with this plan to protect the beneficial uses of water resources. **(No Impact)**

East Palo Alto Groundwater Management Plan

The City of East Palo Alto prepared a Groundwater Management Plan (GMP) for the portion of the San Mateo subbasin underlying the City in 2015. The GMP is the guiding document for how the City will ensure groundwater basins within its jurisdiction are managed sustainably. The project site is not located within or adjacent to a groundwater recharge pond or facility.[65] Implementation of the proposed project would not interfere with actions set forth in the GMP regarding groundwater recharge, transport, and/or quality. Therefore, the proposed project would not preclude the implementation of GMP. **(No Impact)**

[65] City of East Palo Alto. *Groundwater Management Plan for City of East Palo Alto.* August 2015. P. 43.

4.11 LAND USE AND PLANNING

4.11.1 Environmental Setting

4.11.1.1 *Regulatory Framework*

Palo Alto Airport – Comprehensive Land Use Plan

The project site is approximately one-mile northwest of the Palo Alto Airport, the closest airport to the site. The site is not located within the CLUP's Airport Influence Area nor any airport safety zones.

Vista 2035 East Palo Alto General Plan and Development Code

Local land use is governed by the City's General Plan, which in turn provides the basis for the City's Development Code, precise plans, and design guidelines. The current General Plan and the City's Development Code are described below.

City of East Palo Alto Vista 2035 General Plan

The City's General Plan represents the East Palo Alto Community's statement of its core values and vision for its future. The current General Plan was adopted by the City Council in October 2016 and provides the City with a guide for future land use decisions within the City. The General Plan divides the City into land use designations, which specify the type of development that could occur throughout the City that would be consistent with the City's values and vision.

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City including the following:

Policy	Land Use and Urban Design
1.1	**Balanced land uses.** Create a balanced land use pattern to support a jobs-housing balance, minimize traffic and vehicle miles traveled, reduce greenhouse gas emissions, and promote a broad range of housing choices, retail businesses, employment opportunities, cultural venues, educational institutions, and other supportive land uses.
1.3	**Coherent pattern of land uses.** Ensure that new development occurs in a unified and coherent pattern that avoids conflicts between uses and promotes job creation and fiscal stability, creating a high-quality environment for East Palo Alto residents.
1.4	**Unique neighborhoods, districts, and corridors.** Enhance the unique character and identity of the City's neighborhoods, districts and corridors through land use and design decisions. Allow policies and programs to be focused on each unique area of the City.
13.6	**Adjacent neighborhoods and uses.** Ensure that new development throughout the Plan Area maintains or improves the character of any adjacent neighborhoods, including the following: • Require project proponents to design all new development so that it responds to the scale, grain, and character of existing nearby development. • Ensure that new development not adversely affect the Ravenswood Open Space Preserve and Palo Alto Baylands Natural Preserve.

- Maintain adequate separation between potentially incompatible land uses.

14.3 **Create community spaces.** When developing large parcels, seek opportunities to provide shared community open spaces and streets.

16.1 **Connections.** Improve existing or establish new connections as follows:

- Create better access to the Bay Trail (see the Open Space chapter for more details).
- Find opportunities to introduce new pedestrian cut-throughs to increase connectivity in the Gardens neighborhood.
- Focus streetscape improvements along walking routes to parks.
- Re-establish connections from Pulgas Avenue onto fenced or walled neighborhood streets east of Joel Davis Park.
- Remove restrictive fencing surrounding the University Square development, Gateway Retail Hub, and MLK Jr. Park to improve permeability and access to key amenities for pedestrians and bicyclists.
- Promote more events, such as festivals, at MLK Jr. Park
- Improve sidewalk accessibility by improving on street parking.
- Consult with and seek mutual approval of the Fire District on traffic calming locations, measures and devices so that they do not impede or adversely affect primary emergency response routes, response times or emergency vehicle access per the Fire Districts Ordinance adopted by the City.

Policy	Parks, Open Space, and Conservation
1.10	**New trails and paths.** Construct new trails or multi-use paths, particularly along the San Francisquito Creek or in the Baylands.

City of East Palo Alto Development Code

As a long-range planning document, the General Plan outlines long-term visions, policies, and actions designed to shape future development within East Palo Alto. The Development Code serves as an implementing tool for the General Plan by establishing detailed, parcel-specific development regulations and standards in each area of the City. Although the two are distinct documents, the General Plan and Development Code are closely related, and State law mandates that zoning regulations in general law cities be consistent with the General plan maps and policies.

4.11.1.2 *Existing Conditions*

Project Site

General Plan Land Use Designation

The majority of the project site including the existing park and Beech Street parcel is designated Parks/Recreation/Conservation, with the PG&E easement land designated as Resource Management within the City's General Plan.

Zoning

Similar to the General Plan designation, the majority of the project site including the existing park and Beech Street parcel is zoned Public Recreation (PR), with the PG&E easement land zoned

Resource Management Zone (RM). The PR zone provides for public parks, trails, community gardens, and other similar uses providing open space and conservation resources. The RM zone provides for the conservation and preservation of environmentally sensitive open space lands in a natural condition. This zone applies to Baylands, creeks, and other protected wetlands. Appropriate land uses include those required for the maintenance and security of the natural landscape. Permitted uses within the PR and RM zone include community gardens, open space and conservation resources, passive commercial parks and recreational facilities, and trails. Public parks and recreational facilities permitted within the PR zone and require an administrative use permit within the RM zone.

4.11.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Physically divide an established community?	☐	☐	☒	☐
2) Cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☒	☐

Impact LU-1: The project would not physically divide an established community. (Less than Significant Impact)

The project site is surrounded by existing development on three sides. The project proposes renovation to and expansion of an existing city park. The project would include a network of pedestrian and bike paths through the site providing new connections between Daisy Lane and Beech Street, as well as to the existing Bay Trail. In addition, as shown in Figure 3.2-1, the project would include extension of a new access road south from the Daisy Lane parking lot to O'Connor Street on undeveloped land between an existing residential neighborhood and the Bayshore pond/Don Edwards Wildlife Preserve.

Although the proposed road extension would be located between an existing residential development and open space within the Don Edwards Wildlife Preserve, access to Don Edwards Wildlife Preserve from this residential neighborhood is currently limited to O'Connor Street. Therefore, extension of the proposed access road would not impede access to the Don Edwards Wildlife Preserve from the residential neighborhood. For these reasons, implementation of the proposed project would not result in the division of an established community. **(Less than Significant Impact)**

Impact LU-2:	The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. (Less than Significant Impact)

City of East Palo Alto General Plan and Zoning Consistency

As described in Section 3.2, Project Description, the project proposes renovation to and expansion of an existing city park. The project would replace the existing playing fields, scoreboard, and bleachers, and construct new restroom and storage buildings, amphitheater, sports courts, and fenced dog park, exercise area, bike plaza, trails and bird viewing platform, nature walk and garden, access road, picnic area, all-inclusive play area, and a 64-space parking lot with access off Beech Street.

According to Section 18.08 of the Municipal Code, active park uses are defined as a type of outdoor recreation or activity that requires use of organized play areas (e.g., baseball, football, softball, and soccer fields, swimming pools, tennis and basketball courts, children's play equipment), and passive park uses are defined as a type of outdoor recreation or activity that can be carried out with little alteration or improvement to existing topography of a site, with the use of natural resources, and with a minimal impact (e.g., bicycling, bird watching, hiking, jogging, picnicking, walking, etc.). As discussed in Section 4.11.1-2 Existing Conditions, the project site is designated PR and RM in the General Plan and zoned PR and RM according to the City's Development Code. Passive park uses are permitted within both PR and RM zones, and active park uses are allowed with Administrative Use Permit. Active uses proposed by the project include playing fields, sports courts, exercise area, and play areas and fenced dog park. Passive park uses proposed by the project include bike plaza, trails and bird viewing platform, nature walk and garden. The proposed park, including active park uses within the eastern portion of the site (which is zoned RM), is substantially consistent with the applicable provisions and objective design and development standards of the RM zone.

The General Plan includes policies that address parks and open space within the City, and development at MLK Jr. park and the adjacent Baylands specifically. General Plan Land Use Policy LU-14.3 calls for the City to create community spaces when developing large parcels. Consistent with LU -14.3, the project would result in a net increase of 9.19 acres of new public open space within the City. Policy LU-16.1 calls for the City to create better access to the Bay Trail, find opportunities to introduce new pedestrian cut throughs to increase connectivity in the Garden neighborhood, remove restrictive fencing surrounding MLK Jr. park to improve permeability, and promote more events, such as festivals, at MLK Jr. Park. General Plan Policy POC 1.10 calls for construction of new trails or multi-use paths, particularly along the San Francisquito Creek or in the Baylands. Although the existing fencing at Daisy Lane would remain with implementation of the project, as noted in Section 3.2.4 Site Access and Parking, the project would add four new pedestrian/bicycle access points from O'Connor Street, the Bay Trail, and Beech Street and install new multi-use trails throughout the project site with connections to Daisy Lane, Beech Street, and the Bay Trail. The new trails and access points would increase permeability of the park as well as access to amenities within the park from the Garden neighborhood, consistent with General Plan Policies LU-16.1 and POC 1.10. Additionally, the project would include replacement of the existing natural turf fields with new lighted synthetic turf fields and construction of a new amphitheater. The addition of stadium lighting would allow for expanded park hours to 10 PM throughout the year. These

additional recreational facilities and expanded operational hours would allow for increased use of the park for events, including sporting events and tournaments, consistent with General Plan Policy LU-16.1 and POC 1.10; however, no festivals are proposed to be held on the project site.

The General Plan also includes policies that address several key environmental issues in the area, including development adjacent to the Don Edwards Wildlife Preserve. The project's consistency with General Plan Policies related to impacts on the Don Edwards Wildlife Preserve are discussed in Sections 4.2 Aesthetics, 4.4 Biological Resources, and 4.12 Noise of this Initial Study.

Final design of the proposed project would be reviewed for consistency with the General Plan and Development Code. For these reasons, the proposed project would not cause a significant environmental impact due to a conflict with an applicant land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. **(Less than Significant Impact)**

Santa Clara County Airport Land Use Compatibility

The project site is located within the Traffic Pattern Zone of Palo Alto Airport. The CLUP for Palo Alto Airport defines the Traffic Pattern Zone as the portion of the airport area routinely overflown by aircraft operating in the airport traffic pattern. The potential for aircraft accidents is relatively low and the need for land use restrictions in this area is minimal.[66] Uses allowed within the Traffic Pattern Zone include residential uses. No sports stadiums or similar uses with very high concentrations of people are allowed. There is no maximum population density established for development within the Traffic Pattern Zone. A minimum of 10 percent of every one-half mile of the site is required to be open space with no structures.[67]

The proposed project would include renovation to and expansion of an existing city park. No residential uses are proposed. With implementation of the proposed project, the number of park users would increase from 45 to 60 users per day during weekdays and 80 to 100 users per day during weekends to a maximum of 320-370 users per weekday and 460-670 users per weekend day, resulting in a net increase of up to 275 to 310 users per weekday and up to 380 to 570 users per weekend day. During park operational hours, the playing fields would be available for reservation per hour and the sports courts, exercise and picnic areas, amphitheater, playground, and dog park would be open to the general public. As discussed in Section 3.2 Project Description, the proposed bleachers seat a maximum of 320 people at one time. Due to park reservation system, seating capacity of the bleachers, and the nature of City park uses, it is anticipated that park users would not occupy the site at the same time and would be distributed throughout the operational hours of the park. Therefore, although the park would host sports events, it would not include very high concentrations of people similar to sports stadium uses. Furthermore, the project site would be developed with approximately 97 percent open space.[68] There is no maximum population density for uses within the Traffic Pattern Zone. Thus, the proposed project would be consistent with the uses and population density allowed within the Traffic Pattern Zone.

FAR Part 77 sets forth standards and review requirements for protecting the airspace for safe aircraft

[66] County of Santa Clara. *Comprehensive Land Use Plan Santa Clara County, Palo Alto Airport.* November 19, 2008, Amended November 16, 2016.
[67] Ibid. Page 4-8.
[68] 13.89 acres = 605,048 square feet. 1,883 square feet/54,500 square feet = 3 percent of site covered by structures.

operation, particularly by restricting the height of potential structures and minimizing reflective surfaces, flashing lights, electronic interface and other potential hazards to aircraft in flight. These regulations require that the FAA be notified of certain proposed construction projects located within an extended zone defined by a set of imaginary surfaces radiating outward for several miles from an airport's runways, or which would otherwise stand at least 200 feet in height above ground. For the project site, any structures exceeding 143 feet in height above grade would require submittal to the FAA for airspace safety review.

The project proposes construction of two new buildings and approximately eight stadium lights. As noted in Section 3.2 Project Description above, the proposed restroom and storage buildings would have a maximum height of 12 feet and nine feet respectively, the backstop would have a maximum height of 30 feet, and the stadium lights would have a maximum height of 100 feet. Therefore, notification of the FAA is not required to determine the potential for the project to create avigation hazard.

The project, therefore, would not result in a significant environmental impact due to a conflict with any land use plan, policy, or regulation. **(Less than Significant Impact)**

4.12 NOISE

The following discussion is based in part on a Noise and Vibration Assessment prepared by Illingworth & Rodkin, Inc. on March 9, 2023. This report is included as Appendix D to this Initial Study.

4.12.1 Environmental Setting

Noise

Factors that influence sound as it is perceived by the human ear, include the actual level of sound, period of exposure, frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a decibel scale, which serves as an index of loudness. The zero on the decibel scale is based on the lowest sound level that the healthy, unimpaired human ear can detect. Each 10 decibel increase in sound level is perceived as approximately a doubling of loudness. Because the human ear cannot hear all pitches or frequencies, sound levels are frequently adjusted or weighted to correspond to human hearing. This adjusted unit is known as the A-weighted decibel, or dBA.

Since excessive noise levels can adversely affect human activities and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. Noise guidelines are generally expressed using one of several noise averaging methods, including L_{eq}, DNL, or CNEL.[69] These descriptors are used to measure a location's overall noise exposure, given that there are times when noise levels are higher (e.g., when a jet is taking off from an airport or when a leaf blower is operating) and times when noise levels are lower (e.g., during lulls in traffic flows on freeways or in the middle of the night). L_{max} is the maximum A-weighted noise level during a measurement period.

Vibration

Ground vibration consists of rapidly fluctuating motions or waves with an average motion of zero. Vibration amplitude can be quantified using Peak Particle Velocity (PPV), which is defined as the maximum instantaneous positive or negative peak of the vibration wave. PPV has been routinely used to measure and assess ground-borne construction vibration. Studies have shown that the threshold of perception for average persons is in the range of 0.008 to 0.012 inches/second (in/sec) PPV.

4.12.1.1 *Regulatory Framework*

Federal

Federal Transit Administration Vibration Limits

The Federal Transit Administration (FTA) has developed vibration impact assessment criteria for evaluating vibration impacts associated with transit projects. The FTA has proposed vibration impact

[69] L_{eq} is a measurement of average energy level intensity of noise over a given period of time. Day-Night Level (DNL) is a 24-hour average of noise levels, with a 10 dB penalty applied to noise occurring between 10:00 PM and 7:00 AM. Community Noise Equivalent Level (CNEL) includes an additional five dB applied to noise occurring between 7:00 PM and 10:00 PM. Where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

criteria based on maximum overall levels for a single event. The impact criteria for groundborne vibration are shown in Table 4.12-1 below. These criteria can be applied to development projects in jurisdictions that lack vibration impact standards.

Table 4.12-1: Groundborne Vibration Impact Criteria			
Land Use Category	**Groundborne Vibration Impact Levels (VdB inch/sec)**		
	Frequent Event	**Occasional Events**	**Infrequent Events**
Category 1: Buildings where vibration would interfere with interior operations	65	65	65
Category 2: Residences and buildings where people normally sleep	72	75	80
Category 3: Institutional land uses with primarily daytime use	75	78	83
Source: Federal Transit Administration. *Transit Noise and Vibration Assessment Manual.* September 2018.			

State and Local

California Building Standards Code

The CBC establishes uniform minimum noise insulation performance standards to protect persons within new buildings housing people, including hotels, motels, dormitories, apartments, and dwellings other than single-family residences. Title 24 mandates that interior noise levels attributable to exterior sources not exceed 45 L_{dn}/CNEL in any habitable room. Exterior windows must have a minimum Sound Transmission Class (STC) of 40 or Outdoor-Indoor Transmission Class (OITC) of 30 when the property falls within the 65 dBA DNL noise contour for a freeway or expressway, railroad, or industrial source.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise and vibration impacts resulting from planned development within the City, including the following:

Policy	**Safety and Noise**
6.1	Noise standards. Use the Interior and Exterior Noise Standards (Table 10-1) for transportation noise sources. Use the City's Noise Ordinance for evaluating non-transportation noise sources when making planning and development decisions. Require that applicants demonstrate that the noise standards will be met prior to project approval.

Table 4.12-2: Interior and Exterior Noise Standards	
Land Use	**Noise Standard**

	Interior[1,2]	Exterior
Residential – Single family, multifamily, duplex, mobile home.	CNEL 45 dB	CNEL 65 dB[3]
Residential – Transit lodging, hotels, motels, nursing home, hospitals	CNEL 45 dB	CNEL 65 dB
Private offices, church sanctuaries, libraries, board rooms, conference rooms, theaters, auditoriums, concert halls, meeting halls, etc.	$L_{eq(12)}$ 45 dBA	–
Schools	$L_{eq(12)}$ 45 dBA	$L_{eq(12)\ 67}$ dBA
General offices, reception, clerical, etc.	$L_{eq(12)}$ 50 dBA	–
Bank lobby, retail story, restaurant, typing pool, etc.	$L_{eq(12)}$ 55 dBA	–
Manufacturing, kitchen, warehousing, etc.	$L_{eq(12)}$ 65 dBA	–
Parks, playgrounds	–	CNEL 65 dB
Golf courses, outdoor spectator sports, amusement parks	–	CNEL 70 dB

Notes:

1. Noise standard with windows closed.
2. Indoor environment excluding bathrooms, toilets, closets, and corridors.
3. Outdoor environment limited to rear yard of single-family homes, multi-family patios, and balconies (with a depth of six feet or more) and common recreation areas.
4. Outdoor environment limited to playground areas, picnic areas, and other areas of frequent human use.

6.2 **Compatibility standards.** Utilize noise/ land use compatibility standards and the Noise Ordinance as guides for future development decisions.

6.3 **Noise control.** Provide noise control measures, such as berms, walls, and sound attenuating construction in areas of new construction or rehabilitation.

7.1 **Noise ordinance.** Continually enforce and periodically review the City's Noise Ordinance for adequacy (including requiring construction activity to comply with established work schedule limits). Amend as needed to address community needs and development patterns.

7.2 **CEQA acoustical analysis.** Require an acoustical analysis to evaluate measures for noise generating projects that are likely to cause the following criteria to be exceeded or to cause a significant adverse community response:

Cause the Ldn/CNEL at noise-sensitive uses to increase by 3 dBA or more and exceed the "normally acceptable" level.

Cause the Ldn/ CNEL at noise-sensitive uses to increase 5 dBA or more and remain "normally acceptable."

7.7 **Site development review.** Utilize site design review to identify potential noise impacts on new development, especially from nearby transportation sources. Encourage the use of noise barriers (walls, berms, or landscaping), setbacks and/ or other buffers.

7.11 **Construction noise.** The City shall require that contractors use available noise suppression devices and techniques and limit construction hours near residential uses. Reasonable noise reduction measures shall be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties. The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial or office uses would:

- Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months.

For such large or complex projects, construction noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses. A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:

- Limit construction activity to weekdays between 7:00 AM and 7:00 PM and Saturdays and holidays between 9:00 AM and 7:00 PM, with no construction Sundays;[70]
- Utilize 'quiet' models of air compressors and other stationary noise sources where technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction materials as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise generated by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;
- If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented; and
- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction.

[70] Per Municipal Code Section 15.040125B(3) an exception to the permitted construction hours may be granted by Planning Commission.

City of East Palo Alto Municipal Code

Chapter 8.52, Noise Control, in the City of East Palo Alto's Municipal Code seeks to protect the citizens of East Palo Alto from unnecessary, excessive, and annoying noise, to maintain quiet in areas where noise levels are low, and to implement programs to reduce unacceptable noise. The regulations limit the amount of noise that may be created as measures at the exterior of any dwelling unit, school, hospital, church, or public library. below provides the Municipal Code's exterior noise standards. Additionally, Chapter 8.52 limits the creation of noise that results in excessive noise levels within any dwelling unit. Table 4.12-3 below provides the standards for interior noise in dwelling units. Exemptions to these standards are provided for special events and construction activities not taking place between 8:00 PM and 7:00 AM.

Table 4.12-3: Exterior Noise Level Standards

Category	Cumulative Numbers of Minutes in Any 1- Hour Time Period	Noise Level Standards, dBA	
		Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
1	30	55	50
2	15	60	55
3	5	65	60
4	1	70	60
5	0	75	70

Sources: City of East Palo Alto Municipal Code. 2019.

Notes:

1. In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in five dBA increments so as to encompass the background noise level.
2. Each of the noise level standards specified above shall be reduced by five dBA for simple tone noises, consisting primarily of speech or music, or for recurring or intermittent impulsive noises.
3. If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in this table.

Table 4.12-4: Interior Noise Level Standards

Category	Cumulative Numbers of Minutes in Any 1- Hour Time Period	Noise Level Standards, dBA	
		Daytime (7:00 AM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)
1	5	45	40
2	1	50	45
3	0	55	50

Sources: City of East Palo Alto Municipal Code. 2019.

Notes:

1. In the event the measured background noise level exceeds the applicable noise level standard in any category above, the applicable standard shall be adjusted in five dBA increments so as to encompass the background noise level.
2. Each of the noise level standards specified above shall be reduced by five dBA for simple tone noises, consisting primarily of speech or music, or for recurring or intermittent impulsive noises.
3. If the intruding noise source is continuous and cannot reasonably be stopped for a period of time whereby the background noise level can be measured, the noise level measured while the source is in operation shall be compared directly to the noise level standards in this table.

Section 15.04.125 of the City's Municipal Code limits construction activity to the hours of 7:00 AM

to 6:00 PM Monday through Friday and 9:00 AM to 5:00 PM on Saturdays. No construction activity is allowed on Sundays or national holidays.[71]

4.12.1.2 *Existing Conditions*

Existing Ambient Noise Levels

The project site is located on Daisy Lane and is bounded by Daisy Lane and single-family residences to the south, Beech Street and single-family residences to the north, single family residences to the west, and the Bay Trail and the Don Edwards Wildlife Preserve to the east. The project site is approximately 0.4 mile north of Palo Alto Airport. The existing noise environment at the project site is dominated by traffic noise from the surrounding residential streets as well as aircraft operations at Palo Alto Airport.

Two long-term and four short-term noise measurements were taken in December 2022 to determine the existing ambient noise level on and around the project site. Long-term noise measurement LT-1 was made at the northwest corner of the site approximately 20 feet south of the centerline of Beech Street. The second long term noise measurement, LT-2, was taken on southwest corner of the park, near the residential property line. Short term measurement 1, ST-1, was made near 53 Shorebreeze Court, ST-2 was taken near 467 Larkspur Drive, ST-3 was taken south of the park, approximately 22 feet west of the centerline of Daisy Lane, and ST-4 was taken along the southern property line, near the single-family residence nearest to the southeast corner of the park. Short term noise measurements were taken in these locations to represent ambient noise levels at receptors and noise levels due to aircraft overflight. Table 4.12-5 summarizes the results of the long-term and short-term noise measurements. Figure 4.12-1 shows the location of noise measurements.

Table 4.12-5: Existing Ambient Noise Levels

Noise Measurement Location	dBA L_{eq}	Daytime dBA L_{eq}	Nighttime dBA L_{eq}
Long-Term Noise Measurements			
LT-1: 20 feet south of centerline of Beech Street	--	46-61	36-53
LT-2: Southwest corner of project site	--	47-59	38-57
Short-Term Noise Measurements			
ST-1: 53 Shorebreeze Court	47	--	--
ST-2: 467 Larkspur Drive	42	--	--
ST-3: 411 Daisy Lane	43	--	--
ST-4: 454 Daisy Lane	49	--	--
Source: Illingworth & Rodkin, Inc. *MLK Park Master Plan Noise and Vibration Assessment.* March 9, 2023.			

[71] Per Municipal Code Section 15.040125B(3) an exception to the permitted construction hours may be granted by Planning Commission.



LOCATION OF NOISE MEASUREMENTS | FIGURE 4.12-1

Existing Noise-Sensitive Receptors

The nearest noise sensitive receptors to the project site are the adjacent residences on Larkspur Drive and Daisy Lane. Additional residential receptors are located across Beech Street from the project site.

4.12.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in:				
1) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☐
2) Generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
3) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐

Impact NOI-1:	**The project would not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. (Less than Significant Impact with Mitigation Incorporated)**

Construction Noise

Section 15.04.125 of the City's Municipal Code limits construction activities to the hours of 7:00 AM and 6:00 PM on weekdays and 9:00 AM and 5:00 PM on Saturdays. Construction activities are prohibited on Sundays and national holidays. During these allowable hours, construction noise is exempt from the City's exterior and interior noise level standards at single- or multi-family residences, schools, hospitals, churches, and public libraries. Additionally, Policy 7.11 of the City's General Plan states that a significant construction noise impact would occur if substantial noise-generating construction activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) occurs within 500 feet of residential uses or 200 feet of commercial or office uses for more than 12 months.

While the City of East Palo Alto does not have established noise level thresholds for construction activities, this analysis uses the noise limits established by the FTA to identify the potential for

impacts due to substantial temporary construction noise. The FTA identifies construction noise limits of 80 dBA Leq at residential land uses and 90 dBA Leq at commercial and industrial land uses.

As noted in Section 3.2.9 Construction, project construction would occur from 7:00 AM to 6:00 PM on weekdays and from 9:00 AM to 5:00 PM on Saturdays for a period of 18 months. The proposed project would be located approximately 140 feet east of the nearest residential uses, as measured from the center of construction. Table 4.12-6 shows the estimated noise levels generated by project construction.

Table 4.12-6: Total Calculated Noise Levels at 50 Feet and Closest Residential Receptor

Construction Phase	Total Calculated Leq (dBA)			
	Single Family Residential West (140 feet)	**Trail/Wildlife Preserve East (380 feet)**	**Single Family Residential South (450 feet)**	**Single Family Residential North (500 feet)**
Demolition	78	69	67	66
Site Preparation	79	70	69	68
Grading & Excavation	79	71	69	68
Trenching & Foundation	78	69	67	67
Building – Exterior	74	65	64	63
Building – Interior & Architectural Coatings	65	56	55	54
Paving	78	69	67	67

Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Master Plan Noise Assessment.* March 9, 2023.

As shown in Table 4.12-6, noise levels generated by construction of the project would range from 65 to 79 dBA Leq at the nearest residence to the west. These construction noise levels would not exceed the FTA exterior threshold of 80 dBA Leq at residential land uses. However, project construction would exceed one year in duration and would occur within 500 feet of a residential use, resulting in a significant temporary increase in noise levels pursuant to General Plan Policy 7.11.

Impact NOI-1: Project construction would occur for more than one year and be located within 500 feet of residential uses, conflicting with General Plan Policy 7.11 for construction noise impacts. **(Significant Impact)**

Mitigation Measures: The project applicant would be required to implement the following mitigation measures to reduce noise impacts related to project construction.

MM NOI-1.1: Prior to the issuance of any grading or demolition permits, the City's contractor shall submit and implement a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting and notification of construction schedules, equipment to be used, and designation of a

noise disturbance coordinator to respond to any local complaints about construction noise. The disturbance coordinator would determine the cause of the complaints (e.g., beginning work too early, bad mufflers, etc.) and institute reasonable measures warranted to correct the problem. The noise disturbance coordinator shall be in place prior to the start of construction. The noise logistics plan shall be signed by a qualified acoustical specialist verifying that this plan meets the reduction to noise levels and shall be submitted to the Director of Community and Economic Development or the Director's designee. As a part of the noise logistics plan, construction activities for the proposed project shall include, but are not limited to, the following best management practices:

- Limit construction activity to weekdays between 7:00 AM and 6:00 PM and Saturdays between 9:00 AM and 5:00 PM, with no construction on Sundays and holidays;
- Utilize "quiet" models of air compressors and other stationary noise sources where such technology exists;
- Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment;
- Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses;
- Locate staging areas and construction material areas as far away as possible from adjacent land uses;
- Prohibit all unnecessary idling of internal combustion engines;
- Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem are implemented.
- Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction.

With implementation of Mitigation Measure MM NOI-1.1, project-generated construction noise impacts would be reduced to a less than significant level, consistent with General Plan Policy 7.11. **(Less than Significant Impact with Mitigation Incorporated)**

Operational Noise

The City's General Plan establishes a normally acceptable noise level of 65 dBA CNEL at outdoor use areas of residential land uses. A significant impact would occur if the permanent noise level increase due to project-generated operations was 3 dBA CNEL or more and exceed the "normally acceptable" level or was 5 dBA CNEL or greater and remain "normally acceptable."

Chapter 8.52 of the City of East Palo Alto's Municipal Code provides exterior and interior noise

thresholds for different land uses and exempts parks and public playgrounds owned and operated by a public entity from these thresholds. The proposed park expansion project would, therefore, be exempt from that Municipal Code section.

Sports and Park Operational Noise

Sports activities at MLK Jr. Park would include soccer, baseball, softball, football, basketball, pickleball, and tennis. Additionally, as noted in Section 3.2 Project Description, the project would include intermittent use of a PA system during reservation-based sporting events. Although the multi-sport field would include a perimeter track, the track would be limited to local recreational use and would not be considered a noise generating use. Park usage and noise generated by park activities varies depending on the day of the week (weekday versus weekend or school year versus summer break), the time of day, and the popularity of the park.

To assess the permanent noise increase due to future park activities, the worst-case CNEL noise levels generated by the sports activity were calculated at the nearest single-family residences to the north, west, and south of the park and compared to the existing ambient noise levels (56 to 57 dBA CNEL and 55 to 60 dBA CNEL at documented at long-term noise measurement locations LT-1 and LT-2, respectively). Assuming worst-case conditions, both sports fields, the basketball court, and pickleball activities were conservatively assumed to be in use constantly from 7:00 AM to 10:00 PM on Saturdays and from 12:00 PM until 10:00 PM on Sundays. The playground and dog park were conservatively assumed to be in use constantly from 9:00 AM until 7:00 PM on Saturdays and from 12:00 PM until 7:00 PM on Sundays. Intermittent use of the PA system until 10:00 PM was assumed. The estimated noise level increase over existing noise levels at the nearby residential properties is shown in Table 4.12-7 below.

Table 4.12-7: Estimated Noise Level Increase over Existing Noise levels at Receptors in Project Vicinity

Receptor	Existing CNEL (dBA)	Worst-Case Combined Project CNEL (dBA)	Worst-Case Future Existing + Project CNEL (dBA)	Noise Level Increase from Project CNEL (dBA)
West Residential	55 to 60	54 to 55	58 to 61	1 to 3
North Residential	56 to 57	57 to 58	59 to 60	3
South Residential	55 to 0	48 to 50	56 to 60	0 to 1

Note: A conservative 5 dBA attenuation is assumed due to existing privacy fences along the residential property line.

Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Master Plan Noise Assessment.* March 9, 2023.

As shown in the table above, with implementation of the proposed project, future exterior noise levels would remain below 65 dBA CNEL at the surrounding residential property lines. This is considered a "normally acceptable" exterior noise level for residential land uses. When compared to existing ambient noise levels, the project would result in a permanent increase of up to 3 dBA CNEL at the residences to the west and north. Therefore, the project would not result in a significant permanent increase in noise levels at nearby residential uses. **(Less than Significant Impact)**

Parking Lot Activities

Noise associated with the use of parking lots would include vehicular circulation, loud engines, door slams, and human voices. Table 4.12-8 shows the estimated parking lot noise at the surrounding residential uses and the noise level increase at nearby residential uses attributable to project activities.

Table 4.12-8: Estimated Noise Level Increase from Existing Plus Project Parking Lot Activity

Receptor	Distance from Center of Nearest Parking Area (feet)	Hourly Average Leq (dBA)	Maximum Instantaneous Noise Lmax (dBA)	Worst-case CNEL (dBA)	Noise Level Increase, CNEL (dBA)
West Residential	100	35 to 45	40 to 50	42	0
North Residential	230	33 to 43	38 to 48	40	0
South Residential	55	40 to 50	45 to 55	47	0 to 1

Note: A conservative 5 dBA attenuation is assumed due to existing privacy fencing along the residential property lines.
Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Master Plan Noise Assessment.* March 9, 2023.

Noise levels resulting from parking lot activities would range from 40 to 47 dBA CNEL which is slightly lower than or equal to the existing ambient noise levels on-site (existing noise levels range from 42 to 49 dBA Leq). Thus, the parking lot activities associated with the proposed project would result in a 0 dBA increase in the average energy level intensity of noise over at 24-hour period at residences to the north and west and a 0 to 1 dBA increase in noise levels at the nearest residences to the south. This would be a less than significant impact. **(Less than Significant Impact)**

Project Traffic

A significant impact would occur if the permanent noise level increase due to project-generated traffic was 3 dBA CNEL and exceeded the "normally acceptable" level of 65 dBA or if the noise level increase from the project was 5 dBA CNEL or greater and remained within the "normally acceptable" range.

As shown in Table 4.12-8 above, noise levels at the project site range from 36 to 61 dBA Leq. Thus, if project-generated traffic noise would increase by three decibels or more (equal to a doubling of traffic on local roadways), impacts would be significant. As noted in Section 3.2 Project Description, the project would include a new connection between the Daisy Lane parking lot and O'Connor Street. Thus, a portion of the cars parked at the Daisy Lane parking lot would exit the site using the new connection to O'Connor Street during park operational hours between sunrise and 10:00 PM seven days a week. Based on a review of the existing and existing plus project traffic volumes, the project's contribution to the overall noise level increase would be one dBA CNEL or less for all

roadway segments included in the traffic study (including O'Connor Street).[72] Therefore, the project along would not result in a significant, permanent increase in noise levels. **(Less than Significant Impact)**

Impact NOI-2: The project would not result in generation of excessive groundborne vibration or groundborne noise levels. (Less than Significant Impact)

Construction activities such as drilling, use of jackhammers (approximately 0.035 in/sec PPV at 25 feet), rock drills and other high-powered or vibratory tools (approximately 0.09 in/sec PPV at 25 feet), and rolling stock equipment such as tracked vehicles, compactors, etc. (approximately 0.89 in/sec PPV at 25 feet) may generate substantial vibration in the project vicinity. Construction of the project would require demolition, site preparation, grading and excavation, trenching and foundation, building exterior and building interior and paving work. No pile driving is proposed.

Policy 6.4 of the City's General Plan limits vibration levels to 0.08 in/sec PPV at sensitive historic structures and to 0.30 in/sec PPV at buildings of normal conventional construction to minimize the potential for cosmetic damage. A review of the City's Historic Resources Inventory identified a residence at 1006 Beech Street approximately 1,370 feet west of the project site, as the only historic resource in the project vicinity.[73] Table 4.12-9 shows the vibration levels at the nearest structures.

Table 4.12-9: Vibration Source Levels for Construction Equipment

Equipment		PPV at 25 feet (in/sec)	Single Family Residential South (30 feet)	Single Family Residential West (20 feet)	Single Family Residential North (70 feet)
Clam shovel drop		0.202	0.165	0.258	0.071
Hydromill (slurry wall)	In soil	0.007	0.010	0.003	0.003
	In rock	0.014	0.022	0.006	0.006
Vibratory Roller		0.21	0.172	0.268	0.073
Hoe Ram		0.089	0.073	0.114	0.031
Large bulldozer		0.089	0.073	0.114	0.031
Caisson drilling		0.089	0.073	0.114	0.031
Loaded trucks		0.076	0.062	0.097	0.027
Jackhammer		0.035	0.029	0.045	0.012
Small bulldozer		0.003	0.002	0.004	0.001

Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Master Plan Noise Assessment.* March 9, 2023.

As shown in Table 4.12-9 above, project generated vibration would range from 0.003 to 0.268 at the

[72] Hexagon Transportation Consultants, Inc. *Martin Luther King Park Master Plan Local Transportation Analysis.* December 9, 2022.
[73] City of East Palo Alto. *Historic Resources Inventory Report*. February 1994.

nearest residence 20 feet to the west of the project site. Thus, the project would not generate vibration levels exceeding the City's threshold of 0.03 in/sec PPV for buildings of modern conventional construction. Additionally, these vibration levels would not exceed the City's threshold of 0.08 in/Sec PPV for historic buildings (the nearest historic property is located 1,370 feet from the project site). For these reasons, the project would not result in generation of excessive ground borne vibration or ground borne noise and impacts would be less than significant. **(Less than Significant Impact)**

Impact NOI-3:	**The project would not be located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport. The project would not expose people residing or working in the project area to excessive noise levels. (Less than Significant Impact)**

As noted in Section 4.12.1.2 Existing Conditions, the project is located approximately 0.4-mile northwest of Palo Alto Airport. According to the CLUP for the Palo Alto Airport, the project lies within the 55 to 60 CNEL noise contour for 2022. These noise levels would be compatible with the City's threshold of 65 dBA CNEL for parks and playgrounds. Therefore, the project would not be located within an area with elevated noise levels due to existing airport operations and the project would not expose people residing or working in the project area to excessive noise levels. **(Less than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Environmental Setting

4.13.1.1 *Regulatory Framework*

State

Housing-Element Law

State requirements mandating that housing be included as an element of each jurisdiction's general plan is known as housing-element law. The Regional Housing Need Allocation (RHNA) is the state-mandated process to identify the total number of housing units (by affordability level) that each jurisdiction must accommodate in its housing element. California housing-element law requires cities to: 1) zone adequate lands to accommodate its RHNA; 2) produce an inventory of sites that can accommodate its share of the RHNA; 3) identify governmental and non-governmental constraints to residential development; 4) develop strategies and a work plan to mitigate or eliminate those constraints; and 5) adopt a housing element and update it on a regular basis.[74] The City of East Palo Alto Housing Element and related land use policies were last updated on February 21, 2023.

Regional and Local

Plan Bay Area 2050

Plan Bay Area 2050 is a long-range plan for the nine-county San Francisco Bay Area that provides strategies that increase the availability of affordable housing, support a more equitable and efficient economy, improve the transportation network, and enhance the region's environmental resilience. Plan Bay Area 2050 promotes the development of a variety of housing types and densities within identified Priority Development Areas (PDAs).[75] PDAs are areas generally near existing jobs centers or frequent transit that are locally identified for housing and jobs growth.[76]

ABAG allocates regional housing needs to each city and county within the nine-county San Francisco Bay Area, based on statewide goals. These allocations are designed to lay the foundation for Plan Bay Area 2050's long-term envisioned growth pattern for the region. ABAG also develops forecasts for population, households, and economic activity in the Bay Area. ABAG, MTC, and local jurisdiction planning staff created the Regional Forecast of Jobs, Population, and Housing, which is an integrated land use and transportation plan through the year 2050 (upon which Plan Bay Area 2050 is based).

[74] California Department of Housing and Community Development. "Regional Housing Needs Allocation and Housing Elements" Accessed January 3, 2020. http://hcd.ca.gov/community-development/housing-element/index.shtml.
[75] Association of Bay Area Governments and Metropolitan Transportation Commission. "Project Mapper." http://projectmapper.planbayarea.org/.
[76] Association of Bay Area Governments and Metropolitan Transportation Commission. Plan Bay Area 2050. October 21, 2021. Page 20.

4.13.1.2 *Existing Conditions*

In 2020, the City of East Palo Alto had an approximate population of 28,155.[77] The ABAG Plan Bay Area Projections 2040 estimates that by 2040, the City's projected population would be 36,090 residents in 8,675 households.[78] ABAG projects that jobs in the City will increase from approximately 5,810 in 2020 to 6,660 in 2040.[79]

A portion of the project site (4.7 acres) is currently developed with a city park. There are no existing on-site residences or employment uses.

4.13.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
2) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

Impact POP-1:	**The project would not induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure). (No Impact)**

The project proposes expansion of and renovations to an existing park. No residential, commercial, or office development is proposed as part of the project. Implementation of the project would, therefore, not induce substantial population growth. **(No Impact)**

Impact POP-2:	**The project would not displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere. (No Impact)**

The project proposes expansion of and improvements to an existing park. Thus, the project would not displace existing people or housing. **(No Impact)**

[77] California Department of Finance. *E-1 Population Estimates for Cities, Counties, and the State – January 1, 2011 and 2020.* April 2020.
[78] Association of Bay Area Governments. "Plan Bay Area Projections 2040." Accessed December 1, 2020. http://projections.planbayarea.org/data
[79] Ibid.

4.14 PUBLIC SERVICES

4.14.1 Environmental Setting

4.14.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Government Code Section 65995 through 65998

California Government Code Section 65996 specifies that an acceptable method of offsetting a project's effect on the adequacy of school facilities is the payment of a school impact fee prior to the issuance of a building permit. Government Code Sections 65995 through 65998 set forth provisions for the payment of school impact fees by new development by "mitigating impacts on school facilities that occur (as a result of the planning, use, or development of real property" (Section 65996[a]). The legislation states that the payment of school impact fees "are hereby deemed to provide full and complete school facilities mitigation" under CEQA (Section 65996[b]).

Developers are required to pay a school impact fee to the school district to offset the increased demands on school facilities caused by the proposed residential development project. The school district is responsible for implementing the specific methods for mitigating school impacts under the Government Code.

Regional and Local

Bay Trail Plan

The Association of Bay Area Governments' Bay Trail Plan proposes development of a continuous regional hiking and bicycling trail around the perimeter of the San Francisco and San Pablo Bays.[80] Within East Palo Alto, there are two gaps in the Bay Trail: an unimproved section between Weeks Street and Bay Road and a planned section between University Avenue and the northern boundary of the Ravenswood Open Space Preserve.

San Mateo County Trails Plan

The San Mateo County 2001 Trails Plan is a regional trails plan prepared for the San Mateo County Parks and Recreation Commission. It provides a framework for implementing the County's vision of providing a contiguous trail network that identifies the latest desired alignments, connections

[80] San Francisco Bay Trail. Bay Trail Plan. Accessed May 26, 2022. https://mtc.ca.gov/operations/regional-trails-parks/san-francisco-bay-trail/about-bay-trail.

between cities and adjacent counties, access ways for recreational and educational activities to portions of the County currently lacking access, access ways to and along the coast, recreational opportunities to area residents, commuter routes, and trail construction guidelines and policies.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating impacts to public services resulting from planned development within the City, including the following:

Policy	Land Use and Urban Design
7.1	**Public Uses.** Allow municipal facilities, structures, and projects in all land use designations.
7.3	**Continuation of public and institutional uses.** Allow for the continuation of recreational, cultural, public, and religious land uses.
Policy	**Transportation**
1.5	**Coordination with public safety.** Ensure that the Menlo Park Fire Protection District (MPFPD) and the City's Police Department review construction plans for roadway modifications, internal circulation, and establish, if needed, temporary alternative emergency routes to be used the duration of any construction project. During design review, ensure that roads and driveways are established that meet applicable code requirements for emergency access, including potentially including signal preemption mechanisms. Ensure that the MPFPD reviews related building plans for compliance with the Fire Code and establishes a future inspection schedule for continued compliance. Continue the existing practice of informing the MPFPD and the Police Department of projects and proactively engaging with the MPFPD and the Police Department through the Development Review Committee (DRC) and the plan check process.
Policy	**Infrastructure, Services, and Facilities**
7.10	**Libraries.** Coordinate with San Mateo County to provide library services for the community, aiming to provide approximately 750 square feet of equipped and staffed library space per 1,000 residents.
10.1	**Crime prevention through Environmental Design** (CPTED)**.** Work with the police and planning departments to deter crime by encouraging CPTED strategies in new and existing development, including the following strategies: • Active public space. • Building design to promote "eyes on the street." • Clear delineation between private and public space. • Natural access control between public and private space. • Maintenance of public places. • Removal or repair of vandalism or broken property
10.3	**Fire and emergency services.** Continue to coordinate with Menlo Park Fire Protection District (MPFPD) to ensure excellent fire and emergency services.
10.4	**Excellent police service.** Strive to continuously improve the performance and efficiency of the East Palo Alto Police Department.
Policy	**Parks, Open Space, and Conservation**
1.1	**New parks and open space.** Maintain a park standard of 3 acres per 1,000 residents. Undertake a program to add 79 acres of new formalized park spaces, prioritizing the areas

of the City currently underserved by parks (Weeks, Kavanaugh, Willow, and Woodland).

City of East Palo Alto Parks Master Plan

The City is currently in the process of developing a Citywide Parks Master Plan to guide future improvements of existing parks and the development of new parks and open spaces. A draft Parks Master Plan was released in February 2023. The plan includes actions, recommendations, and design guidelines to improve safety in existing parks, connect the community to shared schoolyards, reduce critical gaps in park acreage through private development, complement much needed housing without open space, support seniors with improved access to parks and programming, provide design guidelines to ensure new parks meet community need, promote equitable access to parks, trails, and open spaces, and enhance the effectiveness of City services to residents. The proposed renovation and expansion of MLK Jr. park is identified as a priority improvement in the draft Parks Master Plan.

4.14.1.2 *Existing Conditions*

Fire Protection Services

The Menlo Park Fire Protection District (MPFPD) provides fire protection and emergency medical services to the City of East Palo Alto as well as the City of Menlo Park, the Town of Atherton and unincorporated areas of San Mateo County.[81] The MPFPD responds to approximately 8,500 emergencies a year with approximately 60 percent of the emergencies being emergency medical incidents.[82] Additionally, the MPFPD is part of the greater San Mateo County boundary drop plan whereby the closest apparatus responds to each emergency services call.

The MPFPD has seven stations that are strategically placed to provide the most efficient response times. The closest MPFPD station to the project site is Station 2, which is located at 2290 University Avenue approximately 0.7-miles northwest of the site. Station 2 was rebuilt in 2016 with a new fire station approximately three times the size of the original Station 2.[83]

Police Protection Services

The East Palo Alto Police Department (EPAPD) provides police services in the City of East Palo Alto. The EPAPD patrols four beats in the City. EPAPD headquarters are located at 141 Demeter Street, approximately 0.6-miles northwest of the project site.

Schools

The project site is located within the Ravenswood City Elementary School District and the Menlo-Atherton High School. The Ravenswood City Elementary School District operates three K-5 schools and one middle school. The closest elementary school to the project site is Los Robles-Ronald McNair Academy, located at 2033 Pulgas Avenue, approximately 900 feet west of the project site.

[81] Menlo Park Fire Protection District. "About the Fire District." Accessed May 26, 2022. https://www.menlofire.org/about-the-fire-district.
[82] Ibid.
[83] San Jose Mercury News. "Menlo Park: Fire district on track to replace seven stations in 10 years." Accessed May 26, 2022. Available at: https://www.mercurynews.com/2016/03/16/menlo-park-fire-district-on-track-to-replace-seven-stations-in-10-years/.

Cesar Chavez Ravenswood Middle School is the nearest middle school to the project site, located at 2450 Ralmar Avenue, approximately 1.2-miles northwest of the project site. The Sequoia Union High School District operates seven high schools and one adult school.[84] The closest high school to the site is the East Palo Alto Academy, located approximately 0.23-mile west of the project site at 1050 Myrtle Street.

Parks

The City of East Palo Alto owns and maintains eight parks and contains 225 acres of the Don Edwards San Francisco Bay National Wildlife Refuge.[85] A portion of project site is developed as the Marin Luther King Park and includes two unlighted, natural turf playing fields (one baseball and one multi-sport), a scoreboard, bleachers, a 1,271-square-foot concession building with public restrooms, a play structure, and two BBQ and picnic areas.

Libraries

East Palo Alto Library is part of the San Mateo County Libraries system.[86] East Palo Alto Library is located approximately 0.8-mile west of the site on 2415 University Avenue. Library features include book rentals, computer and paper-printing services, wireless internet, and access to 3D printers.

4.14.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
1) Fire Protection?	☐	☐	☒	☐
2) Police Protection?	☐	☐	☒	☐
3) Schools?	☐	☐	☒	☐
4) Parks?	☐	☐	☒	☐
5) Other Public Facilities?	☐	☐	☒	☐

[84] Sequoia Union High School. "Schools". Accessed May 27, 2022. https://www.seq.org/SCHOOLS/index.html.
[85] City of East Palo Alto. "Parks, Open Space & City Facilities." Accessed May 26, 2022. https://www.cityofepa.org/parksrec.
[86] San Mateo County Libraries. "East Palo Alto." Accessed May 26, 2022. https://smcl.org/locations/1E/.

Impact PS-1:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for fire protection services. (Less than Significant Impact)**

The project site is currently served by MPFPD. The project proposes renovation to and expansion of the existing MLK Jr. park from 4.7 to 13.89 acres consistent with General Policy 1.1. With implementation of the proposed project, the number of park users would increase from 45 to 60 users per day during weekdays and 80 to 100 users per day during weekends to a maximum of 320-370 users per weekday and 460-670 users per weekend day, resulting in a net increase of up to 275 to 310 users per weekday and up to 380 to 570 users per weekend day. Although the project would result in an increase in the park's usage, the project would not preclude the MPFPD from meeting their service goals. Specifically, the project would be reviewed by MPFPD and constructed in accordance with current building codes and would be required to be maintained in accordance with applicable City policies to promote public and property safety. For these reasons, implementation of the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities. **(Less than Significant Impact)**

Impact PS-2:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for police protection services. (Less than Significant Impact)**

As discussed under checklist question a above, the proposed improvements to and expansion of MLK Jr. Park would increase the number of park users and demand for police protection services compared to existing conditions on-site. However, the proposed project would not preclude the EPAPD from achieving their service goals. The project would be reviewed by EPAPD and would be required to be maintained in accordance with applicable City policies identified in the General Plan EIR to promote public safety. Additionally, lighting and access to the project would be maintained according to City standards and policies. For these reasons, the project would have a less than significant impact on police protection services. **(Less than Significant Impact)**

Impact PS-3:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for schools. (No Impact)**

The project does not include residential development and would not increase student enrollment in

the project area. For this reason, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered schools. **(No Impact)**

Impact PS-4:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for parks. (Less than Significant Impact)**

The project proposes renovation to and expansion of the existing MLK Jr. park from 4.7 to 13.89 acres consistent with General Policy 1.1. As noted above, although the project would result in an increase in the park's usage compared to existing conditions, the proposed project is within the 79 acres of new parkland assumed in the General Plan and analyzed in the General Plan EIR.[87] Furthermore, as discussed in detail in the individual resource sections of this Initial Study, the proposed project would have a less than significant impact on the environment with implementation of the project conditions and mitigation measures. For these reasons, the project would not result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. **(Less than Significant Impact)**

Impact PS-5:	**The project would not result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for other public facilities. (No Impact)**

The proposed project does not include residential development that would contribute to the use of other public facilities. Thus, the project would have no impact on other public facilities. **(No Impact)**

[87] City of East Palo Alto. *Draft Environmental Impact Report City of East Palo Alto General Plan Update*. April 2016. Page 4.13-20.

4.15 RECREATION

4.15.1 Environmental Setting

4.15.1.1 *Regulatory Framework*

State

Government Code Section 66477

The Quimby Act (included within Government Code Section 66477) requires local governments to set aside parkland and open space for recreational purposes. It provides provisions for the dedication of parkland and/or payment of fees in lieu of parkland dedication to help mitigate the impacts from new residential developments. The Quimby Act authorizes local governments to establish ordinances requiring developers of new residential subdivisions to dedicate parks, pay a fee in lieu of parkland dedication, or perform a combination of the two.

Regional

Bay Trail Plan

The Association of Bay Area Governments' Bay Trail Plan proposes development of a continuous regional hiking and bicycling trail around the perimeter of the San Francisco and San Pablo Bays.[88] Within East Palo Alto, there are two gaps in the Bay Trail: an unimproved section between Weeks Street and Bay Road and a planned section between University Avenue and the northern boundary of the Ravenswood Open Space Preserve.

San Mateo County Trails Plan

The San Mateo County 2001 Trails Plan is a regional trails plan prepared for the San Mateo County Parks and Recreation Commission. It provides a framework for implementing the County's vision of providing a contiguous trail network that identifies the latest desired alignments, connections between cities and adjacent counties, access ways for recreational and educational activities to portions of the County currently lacking access, access ways to and along the coast, recreational opportunities to area residents, commuter routes, and trail construction guidelines and policies.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding mitigating recreation impacts resulting from planned development within the City, including the following:

Policy	Parks, Open Space, and Conservation
1.1	**New parks and open space.** Maintain a park standard of 3 acres per 1,000 residents. Undertake a program to add 79 acres of new formalized park spaces, prioritizing the areas of the City currently underserved by parks (Weeks, Kavanaugh, Willow, and Woodland).

[88] San Francisco Bay Trail. Bay Trail Plan. Accessed May 26, 2022. https://mtc.ca.gov/operations/regional-trails-parks/san-francisco-bay-trail/about-bay-trail.

1.2 **Bay Access Master Plan.** Implement the park and trail improvements and expansions called for in the EPA Bay Access Master Plan.

1.4 **General Plan Implementation.** Develop the other trails and parks listed in the General Plan Implementation Chapter (Table 11-9).

1.5 **Park access.** To increase resident access to open space, strive to locate park facilities within ¼ mile walking distance to all residences in East Palo Alto.

1.6 **Park variety.** Seek to maintain a diversity of park spaces throughout the City, including recreation areas and sports fields, pools, hardscaped plazas, children's play areas, and linear greenways.

1.7 **Community Involvement.** Encourage public involvement in every aspect of park and open space acquisition, design, construction, and programming.

1.8 **Parks and open space.** Establish a range of parks and open spaces, including tot lots, neighborhood parks, community parks, plazas/greens and/or greenways/parkways within all new Neighborhoods, Centers, and Districts.

1.9 **Measure AA projects.** With the financial and administrative support of Mid-Peninsula Regional Open Space, build new Bayfront trails and City-to-Bay trails. Support wetland restoration and science education exhibits.

1.10 **New trails and paths.** Construct new trails or multiuse paths, particularly along the San Francisquito Creek or in the Baylands.

1.12 **Opportunistic conversions.** Work to convert unused utility rights-of-way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur) and alleys into attractive open space corridors.

1.13 **Property acquisition.** Allow the City to purchase land, including single-family parcels, to construct new parks, particularly in areas of the City most underserved by parks.

1.14 **Connections to Bay Trail.** Explore new and improved connections to the Bay Trail in key locations.

2.2 **Crime Prevention through Environmental Design (CPTED).** Utilize CPTED to improve safety in new and existing parks. Some suggested techniques include:

- Appropriate lighting and visibility in public facilities
- Activate parking with programs/community gardens/community events
- Increase 'natural surveillance' by trimming surrounding vegetation and allowing views in and out of park spaces
- Removing graffiti and maintaining parks

2.3 **Access to parks.** Improve bike and pedestrian access to existing parks and schools.

2.4 **Perimeter paths.** Consider perimeter paths around parks, where feasible, to improve safety and to improve how the park interface with the sidewalk and surrounding neighborhoods.

2.5 **Park improvements.** Maintain and renovate existing parks with new equipment and features (especially drinking fountains, lighting, fitness equipment, and restrooms) to ensure continued use, accessibility, and quality facilities.

2.6 **Special events.** Continue to produce and/or provide support for community-related special events.

2.7 **Baylands Use.** Encourage public recreational use and access to the Baylands, South Bay Salt Pond, and other nearby open space, in coordination with the Don Edwards San Francisco Bay National Wildlife Refuge and other partners and in a manner that does not

adversely impact the natural environment.

4.1 **Public access.** Ensure that public access to the Bay is designed, developed, and maintained in a manner that protects the existing natural resources and habitats.

City of East Palo Alto Parks Master Plan

The City is currently in the process of developing a Citywide Parks Master Plan to guide future improvements of existing parks and the development of new parks and open spaces. A draft Parks Master Plan was released in February 2023. The plan includes actions, recommendations, and design guidelines to improve safety in existing parks, connect the community to shared schoolyards, reduce critical gaps in park acreage through private development, complement much needed housing without open space, support seniors with improved access to parks and programming, provide design guidelines to ensure new parks meet community need, promote equitable access to parks, trails, and open spaces, and enhance the effectiveness of City services to residents. The proposed renovation and expansion of MLK Jr. park is identified as a priority improvement in the draft Parks Master Plan.

4.15.1.2 *Existing Conditions*

The City of East Palo Alto owns and maintains eight parks totaling 30 acres (including the project site (MLK Jr. Park)), 1.25 acres of trails, and contains 225 acres of the Don Edwards San Francisco Bay National Wildlife Refuge.[89] The project site contains two natural turf playing fields including one baseball field and one multi-sport field, a scoreboard, five bleachers, concession building with public restrooms, a play structure, two BBQ and picnic areas, a 25-space surface parking lot, and trees. The project site is accessible by vehicle from Daisy Lane to the south and by pedestrian and bicyclist from the east by a bridge over the Runnymede Channel to the San Francisco Bay Trail. An informal trail runs from the end of Beech Street south to the existing playing fields. As discussed in Section 4.4 Biological Resources, the rodent burrows on the project's playing fields have resulted in safety hazards for recreational users.

Based on the most recent census data, in 2020, the City was below its park per capita standard per General Plan Policy 1.1 at three acre of park land per 1,000 residents.[90]

4.15.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☒	☐

[89] City of East Palo Alto. "City Parks." Accessed January 7, 2021. Available at: https://www.cityofepa.org/parksrec.
[90] United States Census Bureau. "Quick Facts, East Palo Alto city, California." Accessed March 7, 2023.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
2) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☒	☐

Impact REC-1: The project would not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. (Less than Significant Impact)

The project proposes renovation to and expansion of the existing MLK Jr. park from 4.7 to 13.89 acres consistent with General Policy 1.1, which calls for the City to develop 79 acres of new parkland in the City. The project includes improvements to existing park facilities to repair and replace old equipment to bring existing facilities up to current building codes. In addition, new recreational facilities would be added including one additional set of bleachers, larger, synthetic turf playing fields with stadium lights and perimeter track, a new picnic area, all-inclusive play area, senior balance court and exercise plaza, amphitheater, basketball, pickleball, and tennis courts. As discussed in Section 3.2.7 Park Operations, implementation of the proposed project would result in a net increase of up to 275 to 310 users per weekday (516 to 611 percent) and up to 380 to 570 users per weekend day (375 to 470 percent) compared to existing conditions on-site.[91]

Although the project would increase the use of MLK Jr. park, the project would be designed to current building standards that would ensure the long-term durability of the new and renovated park facilities. Additionally, the project would convert natural turf playing fields to synthetic turf playing fields to increase the durability, minimize required maintenance of the playing surface, and reduce hazards related to rodent burrows. For these reasons, the project would not result in substantial physical deterioration of MLK Jr. Park. **(Less than Significant Impact)**

Impact REC-2: The project does not include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment. (Less than Significant Impact)

The project proposes renovations to and expansion of the existing MLK Jr. park into adjacent undeveloped parcels. The environmental impacts associated with the proposed project are discussed throughout this Initial Study and were found to be less than significant or less than significant with implementation of project conditions. For these reasons the project would have a less than significant impact on the environment. **(Less than Significant Impact)**

[91] The park currently sees an average of 45 to 60 users per day during weekdays and 80 to 100 users per day during weekends under baseline conditions.

4.16 TRANSPORTATION

The following discussion is based in part on a Local Transportation Analysis prepared by Hexagon Transportation Consultants, Inc. on December 9, 2022. This report is included as Appendix E to this Initial Study.

4.16.1 Environmental Setting

4.16.1.1 *Regulatory Framework*

State

Regional Transportation Plan

MTC is the transportation planning, coordinating, and financing agency for the nine-county San Francisco Bay Area, including San Mateo County. MTC is charged with regularly updating the Regional Transportation Plan, a comprehensive blueprint for the development of mass transit, highway, airport, seaport, railroad, bicycle, and pedestrian facilities in the region. MTC and ABAG adopted Plan Bay Area 2050 in October 2021, which includes a Regional Transportation Plan to guide regional transportation investment for revenues from federal, state, regional and local sources through 2050.

Senate Bill 743

SB 743 establishes criteria for determining the significance of transportation impacts using a vehicle-miles traveled (VMT) metric intended to promote the reduction of GHG emissions, the development of multimodal transportation networks, and a diversity of land uses. Specifically, SB 743 requires the replacement of automobile delay—described solely by level of service (LOS) or similar measures of vehicular capacity or traffic congestion—with VMT as the recommended metric for determining the significance of transportation impacts. The Governor's Office of Planning and Research (OPR) approved the CEQA Guidelines implementing SB 743 on December 28, 2018. Local jurisdictions were required to implement a VMT policy by July 1, 2020.

SB 743 did not authorize OPR to set specific VMT impact thresholds, but it did direct OPR to develop guidelines for jurisdictions to utilize. CEQA Guidelines Section 15064.3(b)(1) describes factors that might indicate whether a development project's VMT may be significant. Notably, projects located within 0.50 mile of transit should be considered to have a less than significant transportation impact based on OPR guidance.

Regional and Local

Congestion Management Program

The City/ County Association of Governments of San Mateo County (C/CAG) oversees the area's Congestion Management Program (CMP), which identifies strategies to respond to future transportation needs, development procedures to alleviate and control congestion, and promotes countywide solutions to congestion issues. State legislation requires that urbanized counties in California prepare a CMP in order to alleviate and control congestion and promotes countywide solutions to congestion issues. State legislation requires that urbanized counties in California prepare

a CMP in order to obtain their share of increased gas tax revenues. The legislation requires that each CMP contain the following elements: 1) a system definition and traffic level of service standard element; 2) a transit service and standard element; 3) a trip reduction and transportation demand management element; 4) a land use impact analysis program element; and 5) a capital improvement element. CCAG is currently in the process of updating the County TDM program.

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating transportation/traffic impacts resulting from planned development within the City, including the following:

Policy	Transportation
1.4	**ADA-compliant Sidewalks.** Ensure sidewalks are ADA compliant and free of blockage resulting from parked vehicles or other obstructions.
1.5	**Coordination with public safety.** Ensure that the Menlo Park Fire Protection District (MPFPD) and the City's Police Department review construction plans for roadway modifications, internal circulation, and establish, if needed, temporary alternative emergency routes to be used the duration of any construction project. During design review, ensure that roads and driveways are established that meet applicable code requirements for emergency access, potentially including signal preemption mechanisms. Ensure that the MPFPD reviews related building plans for compliance with the Fire Code and establishes a future inspection schedule for continued compliance. Continue the existing practice of informing the MPFPD and the Police Department of projects and proactively engaging with the MPFPD and the Police Department through the Development Review Committee (DRC) and the plan check process.
3.3	**Pedestrian network.** Create a safe, comfortable, and convenient pedestrian network that focuses on a) safe travel; b) improving connections between neighborhoods and commercial areas, and across existing barriers; c) providing places to sit or gather, pedestrian-scaled street lighting, and buffers from moving vehicle traffic; and d) includes amenities that attract people of all ages and abilities.
4.1	**Bicycle network.** Improve facilities and eliminate gaps along the bicycle network to connect destinations across the city and create a network of bicycle facilities of multiple types that connect to neighboring cities, including a path along Newell Road between Highway 101 and San Francisquito Creek. The network should facilitate bicycling for commuting, school, shopping, and recreational trips by riders of all ages and levels of experience.
4.6	**Bicycle parking standards.** Require large public and private development projects to provide sufficient bicycle parking, shower, and locker facilities.
6.2	**Parking requirements.** Maintain efficient parking standards that consider the effect on demand due to various contextual conditions such as parking prices, transportation demand management strategies, transit accessibility, walkability, and bike ability. Study establishing a density bonus program for developments that utilize mechanized parking lifts.
7.1	**Automobile Level of Service Standards.** Improve the East Palo Alto circulation system roadways in concert with land development to maintain adequate LOS for

automobile travel. Automobile LOS performance can be measured using a volume-to-capacity (V/C) ratio. V/C ratios are calculated based on existing or future average daily traffic (ADT) volumes and daily capacity values for various types of roadways. A level of service scale is used to evaluate roadway performance based on V/C ratios. These levels range from "A" to "F", with LOS A representing free flow conditions and LOS F representing severe traffic congestion. Descriptions of traffic flow for the different levels of service are provided in Table 6-4 Standards for Roadway Level of Service. The performance criteria for evaluating volumes and capacities of the East Palo Alto roadway system is LOS D. At a signalized intersection, an impact is considered significant if it causes operations to degrade from LOS D or better to LOS E or F; or exacerbates LOS E of F conditions by increasing critical delay by >4 seconds and increasing volume to capacity ration (V/C ratio) by 0.01; or increases the V/C ratio by >0.01 at an intersection that exhibits unacceptable operations, even if the calculated LOS is acceptable. At an un-signalized intersection, an impact is considered significant if it: causes operations to degrade from LOS D or better to LOS E or F; or exacerbates LOS E or F conditions by increasing control delay; or causes volumes under project conditions to exceed the Caltrans Peak Hour Volume Warrant Criteria. Where the City determines that proposed development projects will cause LOS standards to be exceeded, appropriate mitigation will be required to improve roadways to meet LOS standards.

8.1	**Transportation Demand Management (TDM).** Promote effective TDM programs to reduce travel demand from existing and new development, shifting trips to alternative modes. Regularly update the TDM ordinance to establish effective requirements that reduce travel demand from existing and new development. Require projects to implement TDM programs, as defined in the TDM ordinance.

Policy	**Safety and Noise**
4.4	**Transportation safety.** Minimize transportation accidents by considering pedestrian safety in all land use decisions and working closely with CHP, Caltrans, SamTrans, and other relevant agencies to identify safety problems and implement corrective measures.

City of East Palo Alto Municipal Code

The City of East Palo Alto Municipal Code Chapter 10.32, Transportation Demand Management Program, was adopted with the following purposes:

- To reduce peak hour traffic congestion in the city, county, and surrounding region by reducing the number of vehicular trips and vehicular miles travelled related to work travel;
- To reduce vehicular emissions, energy usage, and ambient noise levels as a result of fewer vehicle trips, fewer vehicle miles travelled, and reduced traffic congestion;
- The City will periodically reevaluate its program in conjunction with any countywide TDM program and will revise it when warranted by traffic conditions and demonstrated results of the TDM program.

This chapter of the Municipal Code outlines requirements for TDM programs based on the number of employees, with thresholds for employer program requirements at 25 and 100 employees (refer to Municipal Code section 10.32.040, Applicability).

City of East Palo Alto Bike Master Plan

The East Palo Alto Bicycle Transportation Plan, adopted in 2011, was created to reflect the goals and policies of the 1999 General Plan and Bay Access Master Plan and improve the overall community health through improved air-quality and by helping people stay physically fit. The plan embraces a reduction in greenhouse gas emissions and advocated for connectivity of schools with residential areas, shoppers with businesses, and commuters to employment centers.

4.16.1.2 *Existing Conditions*

MLK Jr. Park is a locally serving public park. Local access to the project site is provided via Pulgas Avenue, Clarke Avenue, Beech Street, O'Connor Street, and Daisy Lane. These facilities are described below.

Local Roadway Access

Pulgas Avenue is a two-lane north-south neighborhood collector extending from East Bayshore Road in the south to a dead end about 900 feet north of Bay Road. The posted speed limit is 25 mph. Sidewalks are provided along both sides of the street between Oakes Street/Gaillardia Way and Bay Road. Pulgas Avenue provides access to the project site via Beech Street and O'Connor Street.

Clarke Avenue is a two-lane north-south neighborhood collector street extending from East Bayshore Road in the south to Bay Road in the north, where it becomes Illinois Street. The posted speed limit on Clarke Avenue is 25 mph. Clarke Avenue has continuous sidewalks, except for a short segment south of O'Connor Street. Clarke Avenue provides access to the project site via Beech Street and O'Connor Street.

Beech Street is a two-lane east-west local street with on-street parking on both sides of the street. The street extends eastward from Clarke Avenue past Pulgas Avenue to where it ends in a cul-de-sac near the Bay Trail. Sidewalks are provided along both sides of the street east of Pulgas Avenue. West of Pulgas Avenue, sidewalks exist along the north side of the street and some portions along the southern side of the street. Beech Street will provide direct access to the project site.

O'Connor Street is an east-west two-lane collector street with a posted speed limit of 25 mph between Clarke Avenue and Pulgas Avenue with on-street parking on the south side of the street. Bike lanes exist on O'Connor Street between Clarke Avenue and Pulgas Avenue. Sidewalks are provided along both sides of the street. O'Connor Street provides direct access to the project site via Daisy Lane. In addition, the project would construct a new roadway that would extend from the eastern terminus of O'Connor Street to MLK Jr. Park.

Daisy Lane is a two-lane north-south local street extending from O'Connor Street north for about 600 feet to its terminus at the existing parking lot of MLK Jr. park. Sidewalks are provided along both sides of the street.

Existing Bicycle, Pedestrian, and Transit Facilities

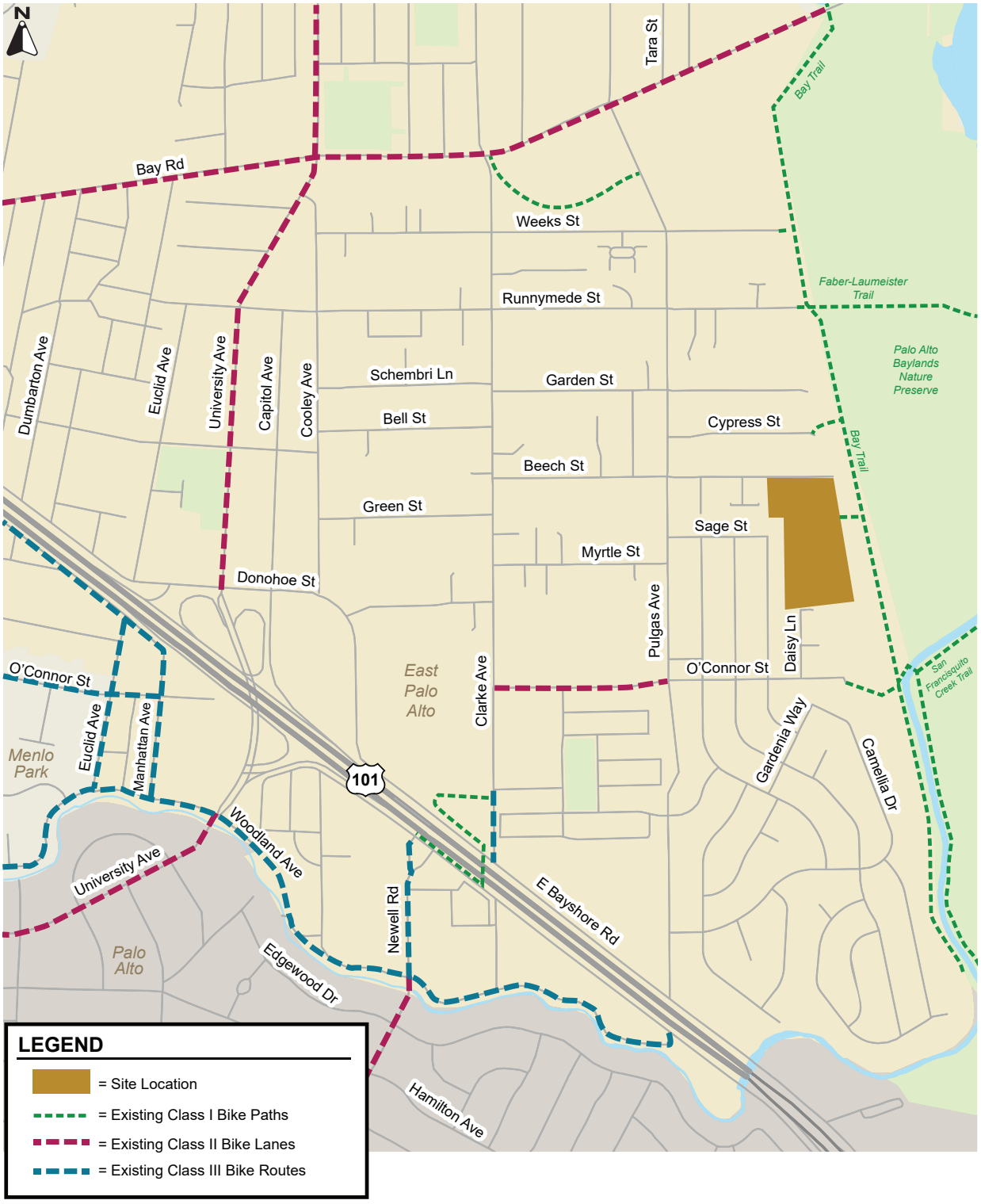
Bicycle Facilities

Bicycle facilities in East Palo Alto include bike/pedestrian paths, bike lanes, and bike routes.

- Bike/pedestrian paths (Class I facilities) are off-street paths with exclusive right-of-way for non-motorized transportation used for commuting as well as recreation.
- Bike lanes (Class II facilities) are lanes on roadways designated for use by bicycles with special lane markings, pavement, legends, and signage.
- Bike routes (Class III) are existing rights-of-way that accommodate bicycles but are not separate from the existing travel lanes.

Existing bicycle facilities in the project area are described below and are shown in Figure 4.16-1. The Bay Trail, a Class I bike and pedestrian path, runs along the eastern boundary of the Ravenswood Regional Open Space Preserve and the Don Edwards San Francisco Bay National Wildlife Refuge areas. A new segment was recently completed that extends along the north side of the University Village neighborhood from the Ravenswood Open Space Preserve to University Avenue, where a separated bikeway extends along the east side of University Avenue and connects to trail segment parallel to Bayfront Expressway. The Bay Trail also connects to the existing park, Bay Road, and several local neighborhood streets, including Weeks Street, Runnymede Street, Cypress Street, and O'Connor Street. In addition to the Bay Trail, there is also a short paved mixed-use trail in the project area known as the Rail Spur that extends from Bay Road to Pulgas Avenue and a new bike/pedestrian overpass that extends across US 101 at Clarke Avenue and Newell Road.

Class II bicycle lanes exist on Bay Road from Newbridge Street to the Bay Trail, on O'Connor Street between Clarke Avenue and Pulgas Avenue, and on University Avenue between Fulton Street and Woodland Avenue and north of Donohoe. Between the new Ravenswood Bay Trail segment and Bayfront Expressway, there is a bike lane on the west (southbound) side of University Avenue and a separate bikeway on the east side of University Avenue. No Class III bicycle facilities are provided on the other local and neighborhood streets near the project site. However, due to low traffic volumes, many of the local streets immediately adjacent to the project site are conducive to bicycle traffic.



Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING BICYCLE FACILITIES IN PROJECT AREA | FIGURE 4.16-1

Pedestrian Facilities

Pedestrian facilities consist of the Bay Trail, sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks are provided on both sides of Clarke Avenue, Pulgas Avenue south of Bay Road, Beech Street east of Pulgas Avenue, O'Connor Street, Daisy Lane.as well as on the north side and some portions of south side of Beech Street west of Pulgas Avenue. Crosswalks are found on one or more approaches at the following intersections in the vicinity of the project:

- Clarke Avenue and Myrtle Street (east approach)
- Clarke Avenue and Donohoe Street (west and south approaches)
- Clarke Avenue and O'Connor Street (all approaches)
- Pulgas Avenue and Myrtle Street (west and south approaches)
- Pulgas Avenue and Sage Street (east and south approaches)
- Pulgas Avenue and O'Connor Street (east, west, and north approaches)

There are no crosswalks available on Clark Avenue at Beech Street, Green Street, and on Pulgas Avenue at Beech Street. ADA compliant ramps are missing along all intersections that are missing crosswalks.

Transit Facilities

Existing transit services in the project area are provided by San Mateo County Transit District (Samtrans). There are three Samtrans routes within the project vicinity: Route 81, 280, and 296. Samtrans bus services and the locations of the nearest bus/shuttle stops are described below in Table 4.16-1 and shown in Figure 4.16-2.

Table 4.16-1: Existing Transit Services

Route	Description	Weekday Hours	Headways[1] (minutes)	Nearest Bus Stop
Route 81[2]	Menlo-Atherton High School – East Palo Alto	7:28 AM Westbound 3:20 PM – 4:50 PM Eastbound	One service AM 60 minutes PM	Pulgas Avenue/Sage Street Pulgas Avenue/O'Connor Street
Route 280	Purdue/Forman – Stanford Mall	5:40 AM – 10:20 PM	60 minutes	Pulgas Avenue/Sage Street Pulgas Avenue/O'Connor Street
Route 296	Redwood City Transit Center – Bayshore/Donohoe	5:15 AM – 10:00 PM Westbound 6:50 AM – 10:20 PM Eastbound	20-22 minutes	Clarke Avenue & Donohoe Street Clark Avenue & O'Connor Street

Notes: [1] Headways during weekday peak periods as of November 2022.
[2] School day route.
Source: Hexagon Transportation Consultants, Inc. *Martin Luther King Park Master Plan LTA.* December 9, 2022.



Source: Hexagon Transportation Consultants, Inc., December 16, 2022.

EXISTING TRANSIT FACILITIES IN PROJECT AREA | FIGURE 4.16-2

4.16.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?	☐	☐	☒	☐
2) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)?	☐	☐	☒	☐
3) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☒	☐
4) Result in inadequate emergency access?	☐	☐	☒	☐

Impact TRN-1: The project would not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities. (Less than Significant Impact)

Pedestrian Facilities

Pedestrian facilities in the project area consist of sidewalks, crosswalks, and pedestrian signals at signalized intersections. In the vicinity of the project site, sidewalks are provided on both sides of Clarke Avenue, Pulgas Avenue south of Bay Road, Beech Street east of Pulgas Avenue, O'Connor Street, Daisy Lane, as well as on the north side and some portions of south side of Beech Street west of Pulgas Avenue. The project includes new pedestrian pathways within the site that connect to the Bay Trail, existing sidewalks on adjacent streets, and to both parking lots on-site as well as installation of a new crosswalk at the Pulgas Avenue/Beech Street intersection. Implementation of the project would not create any hazardous conditions for pedestrians or interfere with accessibility to the site and adjoining areas, it would not conflict with existing or planned pedestrian facilities, or conflict with policies related to bicycle activity adopted by the City of East Palo Alto. For these reasons impacts would be less than significant. **(Less than Significant Impact)**

Bicycle Facilities

As noted in Section 4.16.1 Existing Setting, bicycle facilities in the immediate vicinity of the project site include the Bay Trail and bike lanes on Bay Road west of Clarke Avenue and bike lanes on Bay Road from Newbridge Street to the Bay Trail, on O'Connor Street between Clarke Avenue and Pulgas Avenue, and on University Avenue between Fulton Street and Woodland Avenue and north of Donohoe. Although there are no designated bike facilities on the local and neighborhood streets near the project site, due to low traffic volumes, many of the local streets immediately adjacent the project site are conducive to bicycle traffic. The project would include bicycle parking near the Daisy Lane and Beech Street parking lots. Furthermore, a new crosswalk at the Pulgas Avenue/Beech Street

intersection is planned to be installed as a part of the Pulgas Avenue Mini-Roundabout project which would further improve pedestrian access to the proposed project. Implementation of the project would not create any hazardous conditions for bicyclists or interfere with accessibility to the site and adjoining areas, it would not conflict with existing or planned bicycle facilities, or conflict with policies related to bicycle activity adopted by the City of East Palo Alto. For these reasons impacts would be less than significant. **(Less than Significant Impact)**

Transit Facilities

The project area is served by one school-day only bus route, one local SamTrans bus route and one community SamTrans bus route. The closest bus stops are located at the intersection of Pulgas Avenue and Beech Street, approximately 900 feet west of the project site. Another bus stop is located at the Pulgas Avenue/O'Connor Street intersection, approximately 0.3 miles southwest of the site. According to the Local Transportation Analysis prepared for the project, the project would generate a small number of transit trips which could be fully accommodated by the current transit service. Therefore, the project would not disrupt existing transit services or facilities, would not conflict with an existing or planned transit facility, or conflict with transit policies adopted by the City of East Palo Alto or SamTrans. For these reasons, impacts would be less than significant. **(Less than Significant Impact)**

Impact TRN-2:	**The project would not conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b). (Less than Significant Impact)**

The City of East Palo Alto adopted a VMT policy on July 1, 2020. Under this policy, a project may be screened out of a detailed VMT analysis if the use or size supports a presumption that, if analyzed, the project's VMT impact would be less than significant.

Based on past reservation data for the park, MLK Jr. Park is expected to primarily serve the surrounding neighborhood and meets the definition of a locally serving public facility. Therefore, the project is presumed to have a less than significant transportation VMT impact per the City's adopted VMT Policy and a detailed analysis of VMT is not required. For these reasons, the project would result in a less than significant VMT impact. **(Less than Significant Impact)**

Impact TRN-3:	**The project would not substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment). (Less than Significant Impact)**

Site Access and Driveway Design

Vehicular access to the project site is currently provided via one driveway on Daisy Lane. The proposed project would retain the existing driveway on Daisy Lane, expand the existing surface parking lot near Daisy Lane, construct a new road and driveway providing access from the project site to O'Connor Street. In addition, a new driveway and 44-space surface parking lot would be constructed in the northwestern corner of the project site with access to Beech Street.

The proposed driveway on Beech Street is located approximately 280 feet west of a cul-de-sac and

would be designed to meet the City's Geometric Design Guidelines, including minimum widths for public parks prior to the start of construction.

Sight Distance

The minimum acceptable sight distance is considered the Caltrans design standards. Sight distance requirements vary depending on the roadway speeds. Beech Street has a posted speed limit of 25 miles per hour. The Caltrans recommended stopping sight distance is 150 feet (based on a design speed of 25 miles per hour). Thus, a driver must be able to see 150 feet down Beech Street to locate a sufficient gap to turn out of the driveways.

There are no sharp roadway curves on Beech Street or landscaping features shown on the site plan that would obstruct the vision of exiting drivers. However, street parking is allowed on Beech Street and could obstruct the vision of exiting drivers if there are cars parked next the driveways. The project would include painting the curb on Beech Street red approximately 50 feet west of the project driveway and would install no parking signs along Beech Street. Therefore, it can be concluded that the sight distance at the new Beech Street driveway would be adequate, and impacts would be less than significant. **(Less than Significant Impact)**

Impact TRN-4:	**The project would not result in inadequate emergency access. (Less than Significant Impact)**

Emergency vehicle access to the project site would be provided from the Daisy Lane and Beech Street parking lots. The project would be designed to comply with and would be reviewed for compliance with City standards for driveway and drive aisle widths prior to construction of the project. Furthermore, the project would add a new street connection to O'Connor Street from the Daisy Lane parking lot which would provide an additional emergency access route from the site. For these reasons, the project would have adequate emergency access. **(Less than Significant Impact)**

4.16.3 Non-CEQA Effects

As noted above, with the passage of SB 743 amending CEQA's evaluation of transportation impacts and the effective date of the Guidelines implementing SB 743, a project's effects on LOS shall no longer be considered an impact on the environment. The following discussion is included because the City of East Palo Alto has policies that address LOS as a planning or growth management matter, outside the CEQA process. In the event a deficient LOS condition is identified, the City has discretion whether to require a project to address the deficiency by implementing roadway or other transportation improvements to restore or improve the LOS, and the relevant question under CEQA is whether those improvements would result in adverse physical changes to the environment, and not whether LOS has degraded below the condition considered acceptable.

Methodology

Consistent with City requirements, an LTA was completed for the project. The Institute of Transportation Engineers (ITE) Trip Generation Manual, 10th Edition (2017) was utilized to calculate the vehicle trips generated by the proposed project.

Trip Generation

Trip generation and intersection level of service analysis for the proposed project was completed in accordance with the City of East Palo Alto intersection analysis methodology and standards. As shown in Table 4.16-2, after applying the ITE trip rates, and appropriate trip reductions from the current park usage, it is estimated that the project would generate a net increase of 360 new daily vehicle trips, with 20 trips (11 inbound and 9 outbound) occurring during the AM peak hour and 85 trips (47 inbound and 38 outbound) occurring during the PM peak hour.

Table 4.16-2: Project Trip Generation Estimates

Land Use	Size	Daily Trips	AM Peak Hour			PM Peak Hour		
			In	Out	Total	In	Out	Total
Proposed Park								
General Park Area	13.89 acres	97	2	2	4	12	10	23
Tennis/Pickleball Courts	2 courts	30.32	3	3	6	4	4	8
Basketball Court	1 court	60	2	2	4	14	14	28
Dog Park	1 park	64	2	1	3	5	3	8
Baseball Field and Multi-Sport Field	2 fields	116	1	1	2	18	9	27
Park management office	3 employees	10	1	0	1	0	1	1
Gross Trips Generated by Project		**408**	**12**	**9**	**21**	**54**	**42**	**96**
Existing Park								
All uses	--	(48)	(1)	0	(1)	(7)	(4)	(11)
Net New Project Trips		**360**	**11**	**9**	**20**	**47**	**38**	**85**

Source: Hexagon Transportation Consultants, Inc. *Martin Luther King Park Master Plan LTA.* December 9, 2022.

Intersection Operations Analysis

Traffic conditions at four intersections in the project area were evaluated using LOS and compared to the City of East Palo Alto's LOS standards. LOS is a qualitative description of operating conditions ranging from LOS A, or free-slow conditions with little or not delay, to LOS F, or jammed conditions with excessive delays. As shown in Table 4.16-3 below, all four intersections currently and would continue to operate at acceptable LOS with implementation of the project.

Table 4.16-3: Existing Plus Project Intersection Level of Service					
Number	**Intersection**	**LOS Standard**	**Peak Hour**	**Existing**	**Existing Plus Project**
				LOS	**LOS**
1	Clarke Avenue/Beech Street	D	AM	B	B
			PM	B	B
2	Pulgas Avenue/Beech Street	D	AM	B	B
			PM	B	B
3	Clark Avenue/O'Connor Street	D	AM	A	A
			PM	B	B
4	Pulgas Avenue/O'Connor Street	D	AM	B	B
			PM	B	B
Source: Hexagon Transportation Consultants, Inc., *Martin Luther King Park Master Plan LTA.* December 9, 2022.					

Parking

Vehicle Parking

As discussed in Section 3.2.4 Site Access and Parking, the project would expand the existing surface parking lot off Daisy Lane to include 71 spaces and construct a new 44 space surface parking lot off Beech Street for a total of 115 parking spaces on-site.

The City of East Palo Alto Municipal Code Section 18.30.050 does not include specific parking requirements for Public Parks. However, the Municipal Code does specify that parking requirements for uses that are not specifically listed in Table 3-1 Off Street Parking Requirements shall be determined by the Director of Community and Economic Development based upon the requirements for similar uses or by utilizing the Institute of Transportation Engineers (ITE), Parking Generation Manual.

The parking demand for the project according to the ITE publication Parking Generation, 5th Edition, is 103 parking spaces. The proposed project would provide a total of 111 parking spaces. Therefore, the project would include sufficient parking to meet projected demand.

Bicycle Parking

The project proposes to provide bicycle parking in accordance with the City's Municipal Code (Section 18.30.120 Bicycle Parking Requirements) and the Santa Clara Valley Transportation Authority, Bicycle Technical Guidelines for bicycle parking, which requires one space per 20 employees and one space per 5,000 square feet of outdoor recreation space.[92] As discussed in Section 3.2 Project Description, three park employees would utilize the proposed office space on-site and the

[92] Santa Clara Valley Transportation Authority. *VTA Bicycle Technical Guidelines.* December 13, 2017. Table 10-3.

project would include approximately 420,000 square feet of outdoor recreation space.[93] Therefore, the project would be required to provide a total of 85 bicycle parking spaces.

[93] Assuming 420,000 square feet of outdoor recreation space (excluding seasonal wetlands, parking, and access road areas). 420,000 square feet / 5,000 square feet = 84 spaces required.

4.17 TRIBAL CULTURAL RESOURCES

4.17.1 Environmental Setting

4.17.1.1 *Regulatory Framework*

State

Assembly Bill (AB) 52, effective July of 2015, established a new category of resources for consideration by public agencies when approving discretionary projects under CEQA, called Tribal Cultural Resources (TCRs). AB 52 requires lead agencies to provide notice of projects to tribes that are traditionally and culturally affiliated with the geographic area if they have requested to be notified. Where a project may have a significant impact on a tribal cultural resource, consultation is required until the parties agree to measures to mitigate or avoid a significant effect on a tribal cultural resource or when it is concluded that mutual agreement cannot be reached.

Under AB 52, a TCR is defined as follows:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are also either:
    - Included or determined to be eligible for inclusion in the California Register of Historic Resources[94]
    - Included in a local register of historical resources as defined in Public Resources Code Section 5020.1 (k)
- A resource determined by the lead agency to be a TCR.

4.17.1.2 *Existing Conditions*

On June 14, 2021, Tamien Nation requested notification of all non-exempt projects within the City of East Palo Alto.

On June 27, 2022, a records search of the NAHC Sacred Lands File was completed for the site and the results were positive, indicating the need to contact tribes traditionally and culturally affiliated with the project area.[95] The City contacted the Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Wuksache Indian Tribe/Eshom Valley Band, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, the Ohlone Indian Tribe, Tamien Nation (i.e., the California Native American tribes traditionally affiliated with the project area). The tribes were notified of the proposed project via email and certified mail on September 29, 2022, and invited to initiate formal consultation with the City of East Palo Alto under AB 52, pursuant to applicable Public Resources and Government Codes. On November 2, 2022, representatives from the Ohlone Indian Tribe and the Wuksache Indian Tribe/Eshom Valley Band were contacted via phone and did not identify any tribal cultural resources on-site. On November 4,

[94] See Public Resources Code section 5024.1. The State Historical Resources Commission oversees the administration of the CRHS and is a nine-member state review board that is appointed by the Governor, with responsibilities for the identification, registration, and preservation of California's cultural heritage. The CRHR "shall include historical resources determined by the commission, according to adopted procedures, to be significant and to meet the criteria in subdivision (c) (Public Resources Code, Section 5024.1 (a) (b)).

[95] Archaeological Historic Consultants. Cultural Resources Survey Report. January 4, 2023

2022, the City received a request from Tamien Nation for formal consultation under AB 52. The City met with a representative of Tamien Nation on March 12, 2024. During the meeting, the tribal representative requested that mitigation measure MM CUL-2.1 be modified to include a requirement for archaeological and cultural awareness training, preparation of a monitoring plan by a qualified archaeologist and Native American tribal representative, a Native American and archaeological monitor be present during all ground disturbing construction activities, work stoppage within 100 feet of any finds discovered during construction, and installation of interpretive signs acknowledging the tribes culturally affiliated with the site. The tribal representative did not indicate that any known TCRs are present on the site. Two emails were sent to Quirina Geary, Chairwoman of Tamien Nation on February 11, 2025, and May 22, 2025, to re-engage the tribe and finalize requested mitigation measures. No response was received and on February 25, 2026, the City sent a letter via certified mail and email to Quirina Geary. The letter acknowledged the Tribe's requested mitigations and noted that based on the Cultural Resources Survey Report prepared by the project Archaeologist, Archaeological/Historical Consultants, the site was determined to have low sensitivity for cultural resources and monitoring during construction was not recommended. Monitoring is typically warranted when a site is known to have resources or is highly sensitive. Neither the Tribe nor the Archaeologist identified known resources on the site, and as noted above, the site is noted to have low sensitivity. Therefore, monitoring is not included as a mitigation measure. Instead, the City, as documented in Mitigation Measure CUL-2.1, agrees to require completion of one Cultural Awareness Training by a qualified Archaeologist and Tribal Monitor traditionally and culturally affiliated with the geographic area as described in Public Resources Code Section 21080.3, work stoppage within 100 feet of a resource find, and preparation of a treatment plan if resources are found during construction of the project. The letter also included a record of all communications between the City and tribe regarding the project and notes that if no response received by March 31, 2026, the City will close consultation. No response from Tamien Nation was received as of the publication of this Initial Study and tribal consultation is considered concluded.

4.17.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:				
1) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k)?	☐	☐	☒	☐

2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1? In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	☐	☒	☐	☐

Impact TCR-1:	The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

As noted in Section 4.17.1.2, a Sacred Lands File Search completed for the project site was positive, indicating the need to contact tribes traditionally and culturally affiliated with the project area. Representatives of the Ohlone Indian Tribe and the Wuksache Indian Tribe/Eshom Valley Band did not identify any known tribal cultural resources on the project site. In addition, after receiving notice of the proposed project, Tamien Nation consulted with the City on the project. As noted in Section 4.5 Cultural Resources, the project site is not listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). No tribal cultural resources were identified on-site during the tribal consultation process, the project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). **(Less than Significant Impact)**

Impact TCR-2:	**The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. (Less than Significant Impact with Mitigation Incorporated)**

As discussed under Impact TCR-1, no tribal cultural resources were identified during the Native American consultation process. If cultural resources are encountered during construction, mitigation measures MM CUL 2.1 and MM CUL 3.1 would be implemented to reduce impacts to cultural resources and human remains to a less than significant level.

Nonetheless, in accordance with the Tamien Nation's request for installation of interpretive signs acknowledging the tribes culturally affiliated with the site, the City will include the following Condition of Approval.

Condition of Approval:

- Prior to the opening of the renovated park, interpretive signage shall be installed in a publicly

visible location on-site. The signage shall include language acknowledging the tribes culturally affiliated with the site.

For these reasons, the project would not result in a substantial adverse change to a tribal cultural resource. **(Less than Significant Impact with Mitigation Incorporated)**

4.18 UTILITIES AND SERVICE SYSTEMS

4.18.1 Environmental Setting

4.18.1.1 *Regulatory Framework*

State

State Water Code

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an urban water management plan (UWMP) and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and adopt a Water Shortage Contingency Plan to outline the water supplier's response and plan for changes or shortages in water supplies. The City of East Palo Alto adopted its most recent UWMP in June 2021.

Assembly Bill 939

The California Integrated Waste Management Act of 1989, or AB 939, established the Integrated Waste Management Board, required the implementation of integrated waste management plans, and mandated that local jurisdictions divert at least 50 percent of solid waste generated (from 1990 levels), beginning January 1, 2000, and divert at least 75 percent by 2010. Projects that would have an adverse effect on waste diversion goals are required to include waste diversion mitigation measures.

Assembly Bill 341

AB 341 sets forth the requirements of the statewide mandatory commercial recycling program Businesses that generate four or more cubic yards of garbage per week and multi-family dwellings with five or more units in California are required to recycle. AB 341 sets a statewide goal for 75 percent disposal reduction by the year 2020.

Senate Bill 1383

SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020 and a 75 percent reduction by 2025. The bill grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that at least 20 percent of currently disposed edible food is recovered for human consumption by 2025.

Local

City of East Palo Alto Vista 2035 General Plan

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating utilities and service systems impacts resulting from planned development within the City including the following:

Policy	Economic Development
3.2	**Concurrency.** Require that infrastructure be in place or planned and funded prior to approval of new development projects that require such infrastructure, including water availability.
Policy	**Infrastructure, Services, and Facilities**
1.1	**NPDES compliance.** Ensure compliance with all NPDES requirements for litter control, dumping, pollutants of control, business operations, and new/re- development.
1.2	**On-site stormwater management.** Encourage development projects to manage stormwater on site to reduce burdens on the City's stormwater system. Whenever possible, stormwater should be infiltrated, evapotranspirated, reused or treated on-site in other ways that improve stormwater quality and reduce flows into the storm drain system.
1.3	**Stormwater infrastructure for new development.** Require development projects to pay for their share of new stormwater infrastructure or improvement necessitated by that development.
1.4	**Stormwater re-use and recycling.** Encourage innovative ways of capturing and reusing stormwater for non-drinking purposes to reduce the use of potable water, including the creation of a recycled water system and installation of purple pipe in private and public projects.
1.8	**Stormwater best practices.** Encourage the use of best practices in stormwater treatment, retention, and quality and quantity control into flood control efforts, ensuring that flood control measures do not have negative ecological impacts on stormwater runoff.
1.9	**Stormwater and flooding.** Integrate stormwater management efforts with flood control efforts, seeking synergies and innovative strategies for stormwater treatment to reduce flood risks and volumes.
1.10	**Storm Drain Master Plan.** Implement the adopted East Palo Alto Storm Drain Master Plan. Seek funding sources to complete the identified capital improvements.
2.2	**Water supply infrastructure.** Improve infrastructure to ensure the provision of a clean, reliable citywide water supply sufficient to serve existing and planned development.
2.4	**Water supply planning and demand offset regulations for new or intensified development.** Consider and adopt a water offset ordinance or other policy to reduce the water demand and to ensure adequate water supply exists to meet the needs of new projects or intensified development. Allow the City the right to require a Water Supply Assessment of any development project. The policy will consider the type and size of projects that might be exempt, the water offset ratio, the method for analyzing the projected water demand and methods for offsetting demand, the types of demand reduction/ mitigation implementation options (e.g., onsite or offsite design or building modification), including an in-lieu fee, that will be required, a method for estimating the savings from onsite or offsite efficiency measures, and the appropriate regulatory instruments to enforce, implement, and monitor the offset policy.
2.6	**Water infrastructure for new development.** Require development projects to pay for their share of new water infrastructure or improvements necessitated by that

development, including but not limited to water supply, storage, and conservation, and recycled water.

2.7 **Municipal water conservation and efficiency.** Seek to reduce municipal water use through the following strategies:

- Implement aggressive indoor and outdoor water efficiency measures in all new city developments, substantial rehabs, and remodels.
- Prioritize water efficiency upgrades to existing buildings, such as water efficient fixtures.
- Reduce potable water used for parks, by planting drought-tolerant species and implementing other water saving practices.

2.8 **Citywide water conservation and efficiency.** Encourage and promote community water conservation and efficiency efforts, including indoor and outdoor efforts that exceed CALGreen requirements.

2.12 **Maximizing infiltration.** Consider requiring all new development to provide roof catchment systems, irrigated landscaping, and permeable pavements (where feasible), or other means to enhance onsite infiltration of stormwater runoff or landscape irrigation water.

3.2 **Sewer infrastructure for new development.** Require development projects to pay for their share of new sewer infrastructure or improvements necessitated by that development.

4.2 **Waste reduction.** Seek to reduce East Palo Alto's rate of waste disposal per capita, and to increase the diversion rate of recycling and green waste.

4.4 **Construction waste.** Encourage all construction projects to divert 80% of their construction waste away from landfills, exceeding CALGreen requirements.

5.2 **Community benefits.** For large-scale projects, negotiate with developers to maximize the potential for acquiring community benefits like new facilities and infrastructure.

8.6 **Role of civic buildings.** Require civic buildings to be distinctive, beautiful, and architecturally beneficial to the fabric of the City.

8.7 **Family-friendly gathering spaces and businesses.** Encourage safe and family-friendly public gathering spaces and private businesses such as community centers, movie theaters, entertainment center and other uses focused on youth and families to locate in the City.

City of East Palo Alto Urban Water Management Plan

Pursuant to the State Water Code, water suppliers providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000 acre-feet (approximately 980 million gallons) of water annually must prepare and adopt an UWMP and update it every five years. As part of a UWMP, water agencies are required to evaluate and describe their water resource supplies and projected needs over a 20-year planning horizon, water conservation, water service reliability, water recycling, opportunities for water transfers, and a Water Supply Contingency Plan for changes and shortages in water supplies. The City of East Palo Alto adopted its most recent UWMP in June 2021.

The East Palo Alto UWMP was developed based on the growth projections and land use changes included in the Vista 2035 General Plan and based on the Water Supply Assessment prepared in

support of the General Plan. The UWMP concluded that the City would have adequate supplies during normal years through 2045. However, under both single- and multiple-dry years beginning in 2025, the City would experience water supply shortages. Additionally, from 2023 through 2025, if the Bay-Delta Plan Amendment is implemented, under single- and multiple dry-years, water supplies from SFPUC are expected to be reduced further contributing to additional water supply shortages.[96] To address these potential water shortages, the UWMP identifies water conservation measures such as restricting the time and duration of potable water use for irrigation, requiring hotels and motels to limit laundry service to at the end of a guests stay or at the guest's request, requiring restaurants to only serve water when requested by customers, as well as limiting the number and times of day when agricultural and commercial nursery operations are allowed to use potable water. Additionally, the City could explore extending a recycled water system from RWQCP to the City of East Palo Alto and adopting an emergency ordinance temporarily prohibiting new or expanded water service connections during drought conditions. Implementation of water conservation measures identified in the UWMP and Water Supply Contingency Plan would ensure adequate water supplies would be available during single- and multiple-dry years.

4.18.1.2 *Existing Conditions*

Water Service and Supply

Water service at the project site is provided by Veola, under contract with the City of East Palo Alto. Water provided by Veola comes from the SFPUC Hetch Hetchy water supply and distribution system. The Hetch Hetchy Aqueduct carries water from Yosemite National Park to San Francisco and other cities on the peninsula, including East Palo Alto. In addition, the City has acquired permanent water transfers from adjacent municipalities served by the SFPUC Hetch Hetchy water supply, including 1,000,000 gpd from the City of Mountain View in July 2017 and 500,000 gallons from the City of Palo Alto in May 2018.

There is currently no storage within the City of East Palo Alto's managed water system. The City is reliant upon the SFPUC supply system for the necessary storage equalization, fire flows, and emergency use. According to the City's 2020 UWMP the water supply from the SFPUC would be capable of meeting water demand in the City through the year 2045, with the demand within the City's service area expected to exceed projected supplies in single- and multiple-dry years beginning in 2025. The UWMP update projects shortfalls during single- and multiple-dry years.[97]

The City of East Palo Alto owns and operates one groundwater well located at the intersection of Gloria Way and Bay Road. Use of the well for potable purposes ceased shortly after construction in 1981, due to customer complaints related to elevated concentrations of manganese. The groundwater well is currently used for nonportable purposes (e.g., street cleaning and construction).

[96] The Bay-Delta Plan Amendment requires the release of waters in SFPUC supplies to three San Joaquin River tributaries (the Stanislaus, Merced, and Tuolumne Rivers) and the Bay-Delta, reducing the amount of water available to serve SFPUC customers during single and multiple-dry years. Source: City of East Palo Alto. *Final Urban Water Management Plan.* June 2021.
[97] City of East Palo Alto. *Final Urban Water Management Plan.* June 2021.

The City is in the process of expanding groundwater production to meet and supplement future water demands. The City plans to develop its local groundwater supplies by constructing a new water supply well and treatment system (the Pad D Well).

The project site is served by a 4-inch water lines in Beech Street and Daisy Lane. Water demand from the existing park is estimated to be approximately 15,342 gpd.[98]

Wastewater Services

Sanitary sewer lines serving the site are owned and maintained by the East Palo Alto Sanitary District. There is an existing 12-inch sanitary sewer main along the Daisy Lane project frontage, which currently serves the existing restroom facility.

Wastewater from the City of East Palo Alto is treated at the PARWQCP. The PARWQCB provides primary, secondary, and tertiary treatment of wastewater and has the capacity to treat 39 million gallons of wastewater a day. The PARWQCB treats an average of 20 million gallons of wastewater per day.[99] The PARWQCB has an available treatment capacity of 19 million gallons of wastewater per day. The tertiary recycled water facilities have a capacity of 4.5 million gallons per day and currently produce an annual average of 0.6 million gallons per day of recycled water. Recycled water from the PARWQCP is available to the Cities of Palo Alto, Los Altos, Los Altos Hills, Stanford University and East Palo Alto Sanitary District.[100]

As noted above, the project site is currently occupied by an existing city park and undeveloped parcels adjacent to the park. Existing wastewater generation on-site is minimal and limited to wastewater for the restroom building.[101]

Storm Drainage

The project site is located in a developed area served by an existing storm drainage system. Approximately 4.7-acres of the project site is currently developed with a City Park and the remaining 9.19-acres is undeveloped. The site contains approximately 39,301 square feet (6.5 percent) of impervious surfaces and 565,747 square feet (93.5 percent) of pervious surfaces.

Storm drainage lines in the project area are owned and maintained by the City of East Palo Alto. There is an 18-inch storm drain main along the Daisy Lane frontage, which serves the project site. The 18-inch storm drain main leads to a storm drain outfall in Bayshore Pond, adjacent to the project site.

Solid Waste

East Palo Alto is a member of the South Bay Waste Management Authority (SBWMA), a joint

[98] California Air Pollution Officers Association (CAPCOA). *CalEEMod Appendix D: Default Data Tables.* May 2021.
[99] Woodard & Curran. Technical Memorandum: Northwest County Recycled Water Strategic Plan. December 30, 2020. https://www.cityofpaloalto.org/files/assets/public/public-works/water-quality-control-plant/recycled-water/2021/tm-6.5_30dec2020.pdf
[100] Ibid.
[101] This analysis conservatively assumes no wastewater generation from existing uses.

powers authority whose other members include Atherton, Belmont, Burlingame, Foster City, Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, the West Bay Sanitary District, and San Mateo County.[102] The Shoreway Environmental Center serves as a regional solid waste and recycling facility for the receipt, handling, and transfer of solid waste and recyclables collected from the SBWMA service area.

The vast majority of solid waste generated in East Palo Alto (as well as other SBWMA member communities) is transported to the Ox Mountain Landfill near Half Moon Bay. The remaining permitted capacity of the landfill is 22,180,000 cubic yards (as of December 31, 2015).[103] Based on current waste disposal rates, the estimated closure date for the landfill is 2034.

The existing MLK Jr. park currently generates approximately 33 tons per year or 180 pounds of solid waste per day.[104]

4.18.2 Impact Discussion

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
1) Require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	☐	☐	☒	☐
2) Have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years?	☐	☒	☐	☐
3) Result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐
4) Generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☐	☐	☒	☐

[102] City of East Palo Alto. *Vista 2035 East Palo Alto General Plan.* October 2016.
[103] CalRecycle. SWIS Facility Detail: Corinda Los Trancos Landfill (Ox Mtn) (41-AA-0002). Accessed May 18, 2022.
[104] Maurice Baker, Community Services Manager, City of East Palo Alto. Personal Communication. January 12, 2024. Existing solid waste generation converted from 99 cubic yards per year.

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
Would the project:				
5) Be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste?	☐	☐	☒	☐

Impact UTL-1: The project would not require or result in the relocation or construction of new or expanded water, wastewater treatment or stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects. (No Impact)

Water Supply Infrastructure

The proposed project would connect to the four-inch water mains in Daisy Lane and Beech Street. The proposed project would have a water demand of approximately 32,643 gpd, or a net increase of 17,301 gpd or 37-acre feet per year compared to existing conditions.[105] Connections and any off-site improvements to water supply lines needed would be constructed on-site or within existing street right-of-way, per City standards for construction and sizing. For these reasons, the City's water supply infrastructure would have capacity to serve the proposed project. The project would not result in the relocation or construction of new or expanded water facilities that would cause significant environmental effects. **(Less than Significant Impact)**

Wastewater Infrastructure

As discussed in Section 4.18.1 above, the project would connect to the existing 12-inch sewer main in Daisy Lane. The proposed project would increase the number of park users and employees on-site compared to existing conditions. However, because indoor water use on-site would be limited to drinking water, handwashing, and toilet flushing for park users and maintenance employees, the volume of wastewater generated by the project per day would be minimal. For these reasons, the proposed project would not require or result in the relocation or construction of new or expanded wastewater treatment facilities, the construction or relocation of which could cause significant environmental effects. **(Less than Significant Impact)**

Storm Drainage Infrastructure

As discussed in Section 4.10 Hydrology and Water Quality, the project site is developed with approximately 6.5 percent (39,301 square feet) of impervious surfaces (i.e., paved walking paths and/or structures). Implementation of the project would include development of new impervious surfaces such as new parking lots, walking trails, and paved picnic areas, resulting in a total impervious surface area of 101,759 square feet, an increase of 159 percent compared to existing

[105] Project water demand 32,643 gpd – existing park water demand 15,342 gpd = net water demand 17,301 gpd. Approximately 3.4 acres of the site will be used for synthetic turf fields and does not require irrigation. Therefore, this area was not included in water demand calculations. Source: California Air Pollution Officers Association (CAPCOA). *CalEEMod Appendix D: Default Data Tables.* May 2021.

conditions. Consistent with the MRP, stormwater runoff from the impervious surfaces on the site would be directed to stormwater features where it would be retained and treated prior to discharge into the on-site seasonal wetlands (and potential seasonal wetlands) and/or entering the City's storm drainage system. As noted in Section 4.4 Biological Resources, implementation of MM BIO-1.12 would ensure that the on-site stormwater system is designed to control the amount of runoff entering the wetlands, and the rate at which it enters the wetlands, from the rest of the park so that it does not increase or decrease by more than 10 percent from existing conditions to avoid impacts to wetland vegetation. Furthermore, any stormwater discharged to the municipal stormwater system would be controlled within the on-site stormwater facilities and discharged at a rate and volume that does not exceed existing conditions on the site under the design storm. Therefore, compliance with existing policies, regulations and Mitigation Measure MM BIO-1.12 for the management of surface runoff would reduce the drainage impact of any proposed development on the site to a less than significant level. For these reasons, the proposed project would not require or result in the relocation or construction of new or expanded storm drainage infrastructure. **(Less than Significant Impact)**

Electric Power, Natural Gas, and Telecommunications Facilities

Existing natural gas, electricity, and telecommunications utilities currently serve the project site. No improvements or relocation are proposed for these utilities. Furthermore, as discussed in Section 4.6 Energy, above, the project would comply with the City's Reach Code and include no natural gas connections or appliances. Therefore, the proposed project would not result in a significant environmental effect from the construction or relocation of natural gas, electricity, or telecommunication utilities. **(Less than Significant Impact)**

Impact UTL-2:	**The project would not have insufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years. (Less than Significant Impact with Mitigation Incorporated)**

General Plan Policy ISF-2.4 calls for the City to reduce water demand and to ensure adequate water supply exists to meet the needs of new projects or intensified development. Pursuant to CEQA Guidelines Section 15155, a Water Supply Assessment (WSA) is required if a project would include:

a. More than 500 residential units;
b. A shopping center or business employing more than 1,000 people;
c. A hotel or motel with more than 500 rooms;
d. An industrial, manufacturing, or processing plant planned to house more than 1,000 people, occupying 40 acres of land or more, or having more than 650,000 square feet in floor area;
e. A mixed-use project that includes one or more of the criteria listed above, or
f. A project with water demand equivalent to or greater than 500 residential units

The proposed park expansion and redevelopment project would not include residential, commercial, or industrial uses; therefore, criteria a. through e. are not applicable. Based on standard water demand rates for residential developments, a 500 unit residential development would have a water demand of 145,519 gallons per day, or approximately 163 acre feet per year. The proposed project would result

in a net increase of 17,301 gpd or 19.3 acre feet per year in water demand compared to existing conditions.[106] Therefore, a WSA is not required for the proposed project.

As noted in Section 4.18.1.2 Existing Conditions, existing water demand at the project site is approximately 15,342 gpd.[107]

Nonetheless, project water demand was compared to the estimated supply for the City of East Palo Alto. Table 4.18-1 shows the estimated water supply and demand for the City.

Table 4.18-1: Estimated Water Supply and Demand (acre feet per year)

	2025	2030	2035	2040	2045
Normal Year					
Supply	1,271	1,271	1,271	1,271	1,271
Demand	692	692	721	779	1,078
Difference	578	578	549	492	193
Single Dry Year					
Supply	445	463	492	583	583
Demand	692	692	721	779	1,078
Surplus/(Deficit)	(248)	(258)	(287)	(344)	(495)
Multiple Dry Years					
Year 1					
Supply	445	463	492	583	583
Demand	692	692	721	779	1,078
Difference	(248)	(258)	(287)	(344)	(495)
Years 2, 3, 4, and 5					
Supply	383	397	423	503	583
Demand	692	692	721	779	1,078
Difference	(310)	(324)	(356)	(424)	(495)

Source: City of East Palo Alto. *Urban Water Management Plan*. June 2021.

As shown in Table 4.18-1, the City has sufficient water supplies to meet additional demand generated by the proposed project during normal years through 2045. Since adoption of the Urban Water Management Plan, one project (Jobtrain Office project) was approved which has a water demand of 6.41 acre-feet per year. Thus, the City has sufficient water supplies to meet additional demand

[106] Project water demand 32,643 gpd – existing park water demand 15,342 gpd = net water demand 17,301 gpd. Approximately 3.4 acres of the site will be used for synthetic turf fields and does not require irrigation. Therefore, this area was not included in water demand calculations. Source: California Air Pollution Officers Association (CAPCOA). *CalEEMod Appendix D: Default Data Tables.* May 2021.
[107] California Air Pollution Officers Association (CAPCOA). *CalEEMod Appendix D: Default Data Tables.* May 2021.

generated by the proposed project and approved development during normal years through 2045 and additional supplies, as well as conservation measures to reduce demand, would be required to meet the demand of the proposed project under single- and multiple-dry years.

Impact UTL-2: The City does not have sufficient water supplies available to serve the project and reasonably foreseeable future development during single-dry and multiple-dry years in 2025 and beyond. **(Significant Impact)**

Mitigation Measure: The following mitigation measures shall be implemented by the proposed project to ensure adequate water supplies are available to serve the project and reduce impacts to a less than significant level.

MM UTL-2.1: To address the discrepancy between the proposed project's 19.3-acre feet per year water demand and the available water supply, the City shall secure the additional water supplies needed for the proposed project. To do so, the City shall implement one or more of the following programs to supply a minimum of 19.3-acre feet per year:

- **Groundwater Opportunities.** The City has completed environmental review and has constructed a new groundwater well and treatment facility at Pad D to address the supply shortfall. This project produces 33-acre feet per year (29,460 gpd) and provides sufficient water supplies to serve the proposed project.
- **Transfer and Exchange Opportunities.** The City's agreement with SFPUC allows for the transfer or exchange of unused portions of water allocations among contracting agencies within the SFPUC system. Additionally, the agreement allows for purchase and transfer of water from outside the SFPUC service area through third party transmission systems. The City of East Palo Alto is seeking other opportunities for water supply transfers. However, no specific agreements are currently being negotiated by the City.
- **Recycled Water Opportunities.** The RWQCP currently produces an average of 672-acre feet (219 million gallons per year) of recycled water. It is estimated that the City of East Palo Alto could use approximately 450 acre-feet (146 million gallons per year) of recycled water for non-potable uses. There is currently no conveyance system to transport recycled water throughout the City of East Palo Alto service area. However, a four-inch recycled water pipeline was constructed as part of the San Francisquito Creek Bridge Replacement Project which would allow for future conveyance of recycled water from the RWQCP to the City of East Palo Alto. Extending the recycled water system into the City of East Palo Alto is considered a low cost and reasonable investment for the City. When this project is complete, a portion of the City's existing potable water demand (such as landscape irrigation) could be served by the new recycled water supply. The excess potable water supply made available with this program would be sufficient to meet the needs of the

proposed project. This option would require additional design and environmental review prior to it being a feasible option.

With implementation of these programs, total projected water supplies available during normal, single-dry, and multiple-dry years through 2045 would meet the projected water demand associated with the proposed project, in addition to the City's existing and planned developments.

Mitigation Measure UTL-2.1 would require the City to demonstrate that sufficient water supplies have been secured prior to installation of irrigation for the park. With implementation of this mitigation measure, impacts related to water supply sufficiency would be less than significant. **(Less than Significant Impact with Mitigation Incorporated)**

Impact UTL-3:	**The project would not result in a determination by the wastewater treatment provider which serves or may serve the project that it does not have adequate capacity to serve the project's projected demand in addition to the provider's existing commitments. (Less than Significant Impact)**

The project proposes renovation to and expansion of an existing city park to allow for increased park users. Increased use of the park under the proposed project would result in an increase in wastewater generation on-site. Implementation of the proposed project would increase the number of park users and employees on-site compared to existing conditions. However, because indoor water use on-site would be limited to drinking water, handwashing, and toilet flushing for park users and maintenance employees, the volume of wastewater generated by the project per day would be minimal. Given the available treatment capacity at the PARWQCP (19 mgd) and the project's estimated wastewater generation, the PARWQCP has adequate capacity to serve the project. **(Less than Significant Impact)**

Impact UTL-4:	**The project would not generate solid waste in excess of state or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals. (Less than Significant Impact)**

The project proposes renovation to and expansion of an existing city park to allow for increased park users. Increased use of the park under the proposed project would result in an increase in solid waste generation compared to baseline conditions.

Under existing conditions, the park generates up to 33 tons per year or 180 pounds of solid waste per day.[108] With project implementation, this would increase to approximately 89 tons per year or 488 pounds of solid waste per day.[109] However, as mentioned previously, the Ox Mountain Landfill had

[108] Maurice Baker, Community Services Manager, City of East Palo Alto. Personal Communication. January 12, 2024. Existing solid waste generation converted from 99 cubic yards per year.

[109] Assuming solid waste generation increases proportionally with increased park acreage. Project would increase park size from 4.7 to 12.75 acres (0.96 acres of seasonal and potential seasonal wetland excluded) 33 tons x 2.7 = 89 tons per year.

approximately 22 million cubic yards of capacity remaining in December 2015. Given Ox Mountain Landfill's remaining capacity, and the amount of waste the project is expected to generate, there is sufficient capacity at Ox Mountain Landfill to service the project. **(Less than Significant Impact)**

Impact UTL-5:	**The project would not be noncompliant with federal, state, or local management and reduction statutes and regulations related to solid waste. (Less than Significant Impact)**

Per CALGreen requirements, future projects (including the proposed project) would be required to provide on-site recycling facilities, develop a construction waste management plan, salvage at least 75 percent of nonhazardous construction/demolition debris (by weight), and implement other waste reduction measures. Compliance with existing regulations and programs would ensure that the proposed project would not result in significant impacts on solid waste disposal in excess of State or local standards or in excess of Ox Mountain Landfill capacity. **(Less than Significant Impact)**

4.19 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less than Significant with Mitigation Incorporated	Less than Significant Impact	No Impact
1) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
2) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	☐	☒	☐	☐
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☒	☐	☐

Impact MFS-1: The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. (Less than Significant Impact with Mitigation Incorporated)

As discussed in the individual resource sections of this Initial Study, the proposed project would not degrade the quality of the environment with the implementation of identified standard conditions of approval and mitigation measures. The project would implement MM BIO-1.1 through MM BIO-1.15 to reduce impacts to special status species, and MM BIO-2.1 and MM BIO-3.1 to reduce impacts to seasonal wetlands on the project site (see Section 4.4 Biological Resources) and MM CUL-2.1 to reduce potential impacts buried cultural resources to a less than significant level (see Section 4.5 Cultural Resources). **(Less than Significant Impact with Mitigation Incorporated)**

Impact MFS-2:	The project does not have impacts that are individually limited, but cumulatively considerable. (Less than Significant Impact with Mitigation Incorporated)

Under Section 15065(a)(3) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has potential environmental effects "that are individually limited, but cumulatively considerable." As defined in Section 15065(a)(3) of the CEQA Guidelines, cumulatively considerable means "that the incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." In addition, under Section 15152(f) of the CEQA Guidelines, where a lead agency has determined that a cumulative effect has been adequately addressed in a prior EIR, the effect is not treated as significant for purposes of later environmental review and need not be discussed in detail.

Resource Areas not Impacted by the Project

The proposed project would occur in an area of East Palo Alto that does not contain agricultural, forestry, or mineral resources and is not at risk of wildfires. In addition, because the proposed project involves the renovation and expansion of an existing City park it would have no impact regarding unplanned population growth or displacement of existing housing. Therefore, the project would not contribute to cumulative impacts to these resources or hazards.

Cumulative Air Quality Impacts

By its nature, air pollution is largely a cumulative impact. The geographic area for cumulative air quality impacts is the San Francisco Bay Area Air Basin. By its nature, air pollution is largely a cumulative impact. No single project is sufficient in size, by itself, to result in nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulatively significant adverse air quality impacts. The project would emit criteria air pollutants and contribute to the overall regional emissions of these pollutants. The project-level BAAQMD thresholds identified in Sections 4.3, are the basis for determining whether a project's individual impact is cumulatively considerable. For this reason, the project would have a less than significant cumulative impact on criteria air pollutant emissions. Therefore, the project's incremental contribution to regional air quality impacts would not be cumulatively considerable, resulting in a less than significant cumulative impact.

As discussed in Section 4.3, project construction activities would expose sensitive receptors at the maximally exposed individual and Sweet Angels WeeCare daycare to toxic air contaminant emissions in excess of BAAQMD thresholds for cancer risk and annual $PM_{2.5}$ emissions of 10 per million and 0.3 micrograms, respectively. However, this impact would be reduced to a less than significant level with implementation of MM AQ-1.1 which requires use of low emissions construction equipment. The project would not be a source of TAC emissions during operations and there are no other operational sources of TAC emissions within 1,000 feet of the project site. However, one pending project, the San Francisquito Creek Joint Powers Authority Strategy to Advance Flood Protection, Ecosystems and Recreation Along San Francisco (SAFER) Bay project is located approximately 130 feet east of the project site. The SAFER Bay project would include shoreline protection, restoration, and recreation improvements along the bayshore from Redwood

City/Menlo Park border south to East Palo Alto/Palo Alto. Within the project area, these improvements would include construction of levees, floodwalls, flood risk reduction structures and habitat restoration. An NOP was issued for the SAFER Bay project in April 2022 and a Draft EIR has not been released at the time of this analysis. At this time, the construction schedule and potential TAC emissions are unknown. Therefore, it is conservatively assumed that construction activities could overlap with the proposed project and that SAFER emissions would be mitigated as necessary to just below the BAAQMD single source thresholds as shown in Table 4.19-1 below.

Table 4.19-1: Cumulative Health Risk Impacts from Combined Sources at Off-Site MEI

Source	Cancer Risk (per million)	Annual $PM_{2.5}$ ($\mu g/m^3$)	Hazard Index
Project Construction Unmitigated	52.09	0.56	0.03
Mitigated	6.77	0.20	0.01
BAAQMD Single Source Threshold	*10*	*0.3*	*1.0*
Exceed Threshold?	**No**	**No**	**No**
Cumulative Sources			
Operational Sources (None)	N/A	N/A	N/A
SAFER Bay project – 130 feet east	<10.0	<0.3	<1.0
Combined Sources Unmitigated	62.09	0.89	1.03
Mitigated	16.77	0.50	1.01
BAAQMD Cumulative Source Threshold	*100*	*0.8*	*10.0*
Exceed Threshold? Unmitigated	**No**	**Yes**	**No**
Mitigated	**No**	**No**	**No**

Source: Illingworth & Rodkin, Inc. *Martin Luther King Jr. Park Construction Health Risk Assessment, East Palo Alto, California.* March 9, 2023.

As shown in Table 4.19-1 above, the proposed project, in combination with the SAFER Bay project, would not result in emissions above the BAAQMD cumulative source threshold for cancer risk or hazard index and cumulative annual $PM_{2.5}$ concentrations would not exceed the BAAQMD cumulative-source threshold with implementation of M AQ-1.1. Therefore, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative health risk from TAC emissions.

Cumulative Aesthetics Impacts

The geographic area of cumulative aesthetics impacts is the project vicinity. The SAFER Bay project is the only pending project within the project site's immediate vicinity, no other projects are approved or under construction. The SAFER Bay project is currently undergoing CEQA environmental review, and the aesthetics impacts of this project are currently unknown. Consistent with the proposed project, the SAFER Bay project would be reviewed for compatibility with the general character of the surrounding area as part of the City's environmental review processes. Specifically, this project would be reviewed for consistency with City design standards and guidelines to avoid conflicts with existing City policies and regulations governing scenic quality. Additionally, although unlikely, if lighting is proposed, the SAFER Bay project would be required to comply with Municipal Code Section 18.22.050 which limits the average maintained lighting levels for land uses to avoid lighting impacts. Through appropriate site design and review of these urban projects, impacts due to conflicts with applicable plans and policies would be avoided.

As discussed in Section 4.2, the project site is located in a developed area with existing sources of light and is not located within a public view corridor or along a state designated scenic highway. The project would not result in a significant impact to scenic vistas, scenic resources, or result in a substantial increase in light and glare, with implementation of mitigation measure MM BIO-1.15, which shall be implemented to reduce spillover of lighting into, or glare/increased luminance perceived by animals using seasonal wetlands and potential seasonal wetland habitat on the project site and sensitive habitats east of the project site, as well as adverse effects of lighting on migratory birds. If lighting is proposed by the SAFER Bay project, it would have similar impacts to wetland habitats and migratory birds and would be required to implement mitigation measures similar to MM BIO-1.15. For these reasons, the proposed project, in combination with cumulative projects, would not result in a significant cumulative aesthetics impacts. **(Less than Significant Cumulative Impact)**

Cumulative Greenhouse Gas Emissions and Energy Impacts

The proposed project, past, present, and future development projects worldwide contribute to global climate change. No single project is sufficient in size to, by itself, change the global average temperature. Therefore, due to the nature of GHG impacts, a significant project impact is a significant cumulative impact. As discussed in Section 4.8, the proposed project would be designed to conform with energy, water conservation, and waste reduction policies and regulations of the City of East Palo Alto, including the Climate Action Plan. Therefore, the project would, not result in a significant GHG impact. For these reasons, the project would not result in a cumulatively considerable contribution to a significant cumulative GHG impact.

The geographic area for cumulative energy impacts is the State of California. Past, present, and future development projects contribute to the state's energy impacts. If a project is determined to have a significant energy impact, it is concluded that the impact is cumulatively considerable. The project would not result in significant energy impacts or conflict with or obstruct a state or local plan for energy efficiency. The project, therefore, would not have a cumulatively considerable contribution to a significant cumulative energy impact.

Cumulative Biological Resources Impacts

The geographic area for cumulative impacts to trees includes the project site and adjacent parcels. Future cumulative projects on adjacent parcels could result in the removal of trees; however, as noted in Section 4.4, the proposed project and cumulative projects would be required to conform to the tree replacement requirements as identified in the East Palo Alto Tree Preservation and Management Regulations (Municipal Code Section 18.28.040) which would reduce impacts associated with tree removal to a less than significant level. For these reasons, the project would not have a cumulative impact due tree removal. **(Less than Significant Cumulative Impact)**

The geographic area for cumulative impacts to sensitive habitats such as wetland, riparian habitats, and serpentine habitats, and special-status species would be sites adjacent to Faber Marsh within the Don Edwards Preserve. The project would have a less than significant impact on riparian, wetland habitats or special-status species with implementation of MM BIO-1.1 through 1.15, MM BIO-2.1 and MM BIO-3.1. Due to its location within Faber Marsh, the SAFER Bay project could result in

impacts to these habitats and would be required to implement similar mitigation measures to reduce impacts. Therefore, the project would not have a cumulatively considerable contribution to cumulative impacts to these habitats. **(Less than Significant Cumulative Impact)**

The project site is not located within an adopted Habitat Conservation Plan; therefore, the project would not have a cumulative impact due to a conflict with an adopted Habitat Conservation Plan. **(No Cumulative Impact)**

The geographic area for cumulative impacts to migratory wildlife would be the City of East Palo Alto. Construction of projects throughout the city, including the proposed project, could result in a significant cumulative impact on nesting birds. Each project is subject to federal, state, and local regulations (including the MBTA, Fish and Game Code, and CEQA), which would avoid and/or minimize impacts to nesting birds. The project, with the implementation of mitigation measure MM BIO-1.5 would comply with the MBTA and Fish and Game Code, would not result in a cumulatively considerable contribution to a significant cumulative impact to nesting birds. **(Less than Significant Cumulative Impact)**

Cumulative Noise Impacts

The geographic area for cumulative construction noise impacts is approximately 1,000 feet radius from the site, given noise generated at locations beyond 1,000 feet is unlikely to combine with noise from the project to affect common receptors. As discussed above under Cumulative Air Quality Impacts, there is one known pending project within 1,000 feet of the project site, SAFER Bay project, located approximately 130 feet east of the project site.[110] While, at this time, it is unknown when this nearby project would be constructed, there is the possibility that construction could overlap with or occur immediately after construction of this project. The project would be subject to a series of noise controls (MM NOI-1.1) as detailed in Section 4.12 and it is reasonable to assume other pending or approved projects would also be subject to noise controls to minimize their construction noise impacts, as is common practice as each project is evaluated under CEQA for its construction noise impacts. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The geographic area for cumulative operational noise impacts is 1,000 feet radius from the site, given noise generated at locations beyond 1,000 feet is unlikely to combine with noise from the project to affect common receptors. As noted above, the SAFER Bay project is the only project within 1,000 feet of the proposed project. Although the environmental review for the SAFER Bay project has not been completed, due to the nature of that project (infrastructure improvements and habitat restoration) it would not generate noise during operations. Therefore, when combined with the proposed project, there would be no cumulative noise impacts. **(No Cumulative Impact)**

A significant cumulative traffic noise impact would occur if two criteria are met: 1) the cumulative traffic noise level increase was three dBA CNEL or greater for future levels exceeding 65 dBA CNEL or was five CNEL or greater for future levels at or below 65 dBA CNEL; and 2) the project would make a "cumulatively considerable" contribution to the overall traffic noise increase. A "cumulatively considerable" contribution would be defined as an increase of one dBA CNEL or

[110] City of East Palo Alto. "SAFER Bay Project (East Palo Alto Levee Project)." Accessed February 13, 2023. https://www.cityofepa.org/publicworks/project/safer-bay-project-east-palo-alto-levee-project

more attributable solely to the proposed project.

As discussed in Section 4.16, the project's contribution to the overall noise level increase would be one dBA CNEL or less for all roadway segments included in the traffic study; however, noise levels within the project area would not increase by more than one dBA CNEL above existing conditions (ambient noise levels are below 65 dBA CNEL).[111] Therefore, the project's contribution to cumulative traffic noise impacts in the project area would not be cumulatively considerable. **(Less than Cumulatively Considerable Impact)**

Cumulative Cultural Resources, Tribal Cultural Resources, and Geology Impacts

The project would have no impact on historic resources, and therefore, would not combine impacts to these resources with other projects or contribute to any cumulative impacts to these resources. **(No Cumulative Impact)**

The geographic area for archaeological resources, human remains, and tribal cultural resources is the project site and parcels in the project area with similar resources. The SAFER Bay project is the only pending project within the project area with similar resources and there are no other projects are approved or under construction. The SAFER Bay project is currently undergoing CEQA environmental review and the cultural resources, tribal cultural resources and geology impacts of this project are currently unknown. However, consistent with the proposed project, the SAFER Bay project would be subject to State law requiring halting of construction activities if archaeological resources (including those of Native American origins), tribal cultural resources, and/or human remains are discovered. Accordingly, with implementation of the mitigation measures identified in this Initial Study, construction-level impacts would be mitigated to a less than significant level and would not be considered cumulatively considerable. Therefore, the project would not contribute to a significant cumulative impact on archaeological resources, tribal cultural resources, or human remains. **(Less than Significant Cumulative Impact with Mitigation Incorporated)**

The geographic area for cumulative geological impacts would be locations adjacent to the site. As discussed in Section 4.7, the project would not result in substantial adverse effects related to seismic ground shaking, soil erosion, unstable soils, expansive soils, or septic tanks. As discussed in Section 4.7, the subject site and surrounding area are not subject to significant geologic hazards. With implementation of Mitigation Measure MM GEO-6.1, impacts to paleontological resources would be reduced. Therefore, the project would not have a cumulatively considerable contribution to a significant cumulative geology and soils impact. **(Less than Significant Cumulative Impact)**

Cumulative Hazards and Hazardous Materials Impacts

The geographic area for cumulative hazards and hazardous materials impacts includes the project site and adjacent parcels. The potential for on-site hazardous materials contamination to affect adjacent properties in combination with other development in the project vicinity is limited. As discussed in Section 4.9 Hazards and Hazardous Materials, existing fill and native soils on-site have not been substantially impacted by contaminants and do not pose a threat to the health of the environment and surrounding uses. Furthermore, given the distance of the project site from other pending or approved

[111] Hexagon Transportation Consultants, Inc. *Martin Luther King Park Master Plan Local Transportation Analysis.* December 9, 2022.

developments, the project does not have the potential to result in significant hazardous materials impacts when combined with other cumulative projects. The project, in combination with cumulative projects in the area, would not result in a cumulative hazardous materials impact. **(Less than Significant Cumulative Impact)**

Cumulative Hydrology Impacts

The geographic area for cumulative hydrology and water quality impacts is the San Francisquito Creek watershed. Cumulative developments within the watershed would have similar hydrological and stormwater runoff conditions. All projects occurring within East Palo Alto would be required to implement the same standard measures/best management practices related to construction water quality as the proposed project. In addition, all cumulative projects that would disturb more than one acre of soil or replace/add at least 10,000 square feet of impervious surfaces would be required to meet applicable San Francisco RWQCB requirements and the City's SWCP requirements on a project-specific basis. For these reasons, the cumulative projects, including the proposed project, would not result in significant cumulative hydrology or water quality impacts. **(Less than Significant Cumulative Impact)**

Cumulative Land Use Impacts

The geographic area for cumulative land use impacts is the City of East Palo Alto. Cumulative projects would generally consist of development of undeveloped and redevelopment of previously developed sites. Development of a number of these sites could result in a change in use and/or intensification of development.

The compatibility of new development with adjacent land uses is considered as a part of the City's architectural and environmental review processes. Through appropriate site design and review of these projects, impacts due to conflicts with applicable plans and policies would be avoided.

Additionally, future projects, including proposed project would be subject to General Plan goals, policies, and actions that require appropriate buffers, edges, and transition areas between conflicting land uses. In addition, the setback, design, and operational requirements of the East Palo Alto Municipal Code would minimize land use impacts. The project, in conformance with the applicable General Plan goals, policies, and actions and with implementation of mitigation measures, would minimize land use impacts. For these reasons, the proposed project, in combination with the other cumulative projects, would not result in significant land use impacts. **(Less than Significant Cumulative Impact)**

Cumulative Public Services and Recreation

The geographic area for cumulative public services impacts is the City of East Palo Alto. Development in the project area would increase demand on fire and police protection services, schools, and recreational facilities. All cumulative projects would be subject to state, county, and City policies and regulations associated with public services within East Palo Alto (such as payment of in-lieu park fees). The project would increase park facilities within the City and would not generate additional school age children, nor would the project produce additional residents who would use recreational facilities. Usage and provision of these facilities would not be substantial and would therefore, not result in a cumulatively considerable impact on public services and recreation.

(Less than Significant Cumulatively Considerable Impact)

Cumulative Transportation Impacts

The geographic area for cumulative traffic impacts is the City of East Palo Alto. Since the project is the expansion and renovation of an existing City park, the project would meet the definition of a community serving use and result in a less than significant VMT impact. Therefore, the project would result in a less than significant contribution to a cumulatively significant Citywide VMT impact. **(Less than Significant Contribution to a Significant Cumulatively Considerable Impact)**

Cumulative Utility and Service Systems Impacts

The geographic area for cumulative water supply impacts is the City of East Palo Alto service area. The City of East Palo Alto is responsible for supplying potable water to all residential, commercial, and industrial uses and for supplying firewater for fire protection within the service area. Cumulative development includes past, present, and future development projects in the East Palo Alto service area.

Cumulative development within the City of East Palo Alto service area will contribute to an increase in water demand. As shown in Table 4.18-1, by 2045 total demand within the City is estimated to be 1,078 acre feet per year, an increase of 386 acre feet per year from 2025 demands. As discussed in Section 4.19, Utilities and Service Systems, the City does have sufficient supplies to meet demand from projected growth and the proposed project during normal years; however, it would not have sufficient water supplies to meet demand from projected growth and the proposed project during single-dry and multiple-dry years in 2025 and beyond. This represents a significant cumulative impact. However, with implementation of conservation measures and mitigation measure MM UTL-2.1, overall potable water demand within the City would be reduced and supply would be adequate to meet the projected demand, resulting in a less than significant cumulative impact. **(Less than Cumulatively Considerable Contribution to a Significant Cumulative Impact with Mitigation Incorporated)**

Impact MFS-3:	**The project does not have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly. (Less than Significant Impact with Mitigation Incorporated)**

Consistent with Section 15065(a)(4) of the CEQA Guidelines, a lead agency shall find that a project may have a significant effect on the environment where there is substantial evidence that the project has the potential to cause substantial adverse effects on human beings, either directly or indirectly. Under this standard, a change to the physical environment that might otherwise be minor must be treated as significant if people would be significantly affected. This factor relates to adverse changes to the environment of human beings generally, and not to effects on particular individuals. While changes to the environment that could indirectly affect human beings would be represented by all of the designated CEQA issue areas, those that could directly affect human beings include construction TACs, hazardous materials, and noise. However, implementation of mitigation measures, standard conditions of approval, and City policies would reduce these impacts to a less than significant level. No other direct or indirect adverse effects on human beings have been identified. **(Less than Significant Impact with Mitigation Incorporated)**

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

6.1 LEAD AGENCY

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SECTION 7.0 ACRONYMS AND ABBREVIATIONS

AB	Assembly bill
ACM	Asbestos containing material
AGL	Above ground level
ADT	Average daily traffic
BAAQMD	Bay Area Air Quality Management District
BCDC	Bay Conservation and Development Commission
Btu	British thermal unit
C/CAG	City/ County Association of Governments of San Mateo County
CalARP	California Accidental Release Prevention
Cal/OSHA	California Department of Industrial Relations, Division of Occupational Safety and Health
CalEEMod	California Emissions Estimator Model
CARE	Community Air Risk Evaluation
CDFW	California Department of Fish and Wildlife
CEQA	California Environmental Quality Act
CFCs	Chlorofluorocarbons
CGS	California Geological Survey
CH_4	Methane
CNEL	Community Noise Equivalent Level
CMP	Congestion Management Program
CLUP	Palo Alto Airport Comprehensive Land Use Plan
CO_2	Carbon dioxide
CO_{2e}	CO_2 equivalents
Construction General Permit	NPDES General Construction Permit for the State of California
CUPA	Certified Unified Program Agency
CRHR	California Register of Historical Resources
DNL	Day-Night Level
DTSC	Department of Toxic Substances Control
DRC	Development Review Committee
EIR	Environmental Impact Report
EPA	Environmental Protection Agency

EPAPD	East Palo Alto Police Department
EO	Executive Order
EOP	Emergency Operations Plan
FAA	Federal Aviation Administration
FEMA	Federal Emergency Management Agency
FIRMS	Flood Insurance Rate Maps
FTA	Federal Transit Administration
GHG	Greenhouse gases
GMP	Groundwater Management Plan
GWP	Global warming potential
HFCs	Hydrofluorocarbons
ITE	Institute of Transportation Engineers
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MEI	maximally exposed individual
MLD	Most likely Descendant
MMI	Modified Mercalli Intensity
MND	Mitigated Negative Declaration
MTC	Metropolitan Transportation Commission
MRP	Municipal Regional Stormwater NPDES Permit
MPFPD	Menlo Park Fire Protection District
Mpg	Miles per gallon
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act of 1966
NDPES	National Pollutant Discharge Elimination System
N_2O	Nitrous oxide
NOD	Notice of Determination
NOI	Notice of Intent
NO_x	Nitrogen oxides
OITC	Outdoor-Indoor Transmission Class
PFCs	Perfluorocarbons
PR	Public Recreation
ROG	Reactive Organic Gases

RHNA	Regional Housing Need Allocation
RM	Resource Management
RWQCB	Regional Water Quality Control Board
SAFER Bay Project	San Francisquito Creek Joint Powers Authority Strategy to Advance Flood Protection, Ecosystems and Recreation Along San Francisco Bay Project
SCS	Sustainable Communities Strategy
SF_6	Sulfur hexafluoride
SFHAs	Special Flood Hazard Areas
SHMA	Seismic Hazards Mapping Act
STC	Sound Transmission Class
SWRCB	State Water Resources Control Board
SWPPP	Storm Water Pollution Prevention Plan
TCR	Tribal Cultural Resources
TDM	Transportation Demand Management
TMDLs	Total Maximum Daily Loads
TSM	Transportation System Management
TOD	Transportation-oriented development
USFWS	United States Fish and Wildlife Service
UWMP	Urban Water Management Plan
VMT	Vehicle miles traveled
V/C	Volume-to-capacity ratio
WSA	Water Supply Assessment