Item 5

SAN MATEO LAFCo

LOCAL AGENCY FORMATION COMMISSION

455 COUNTY CENTER, 2ND FLOOR • REDWOOD CITY, CA 94063-1663 • PHONE (650) 363-4224 • FAX (650) 363-4849

September 9, 2015

To: LAFCo Commissioners

From: Martha Poyatos, Executive Officer

Subject: LAFCo File No. 15-05—Minor Sphere of Influence Amendment and Proposed Extension of Sewer Service to Cooley Landing Park by the East Palo Alto Sanitary District

Summary

Pursuant to Government Code Section 56133, Commission approval is required for provision of new service by cities or districts to territory outside of the agency's boundaries. The code requires that the public agency apply to LAFCo by resolution on behalf of the landowner. In this case, the East Palo Alto Sanitary District (EPASD) has applied for approval to provide sewer service to a portion of Cooley Landing Park in the City of East Palo Alto. The subject property is not within the boundaries or sphere of influence of EPASD and it is therefore necessary to amend the boundaries of the District to include the territory in order to authorize extension of service. Commission approval is recommended.

Staff Report

The project site is a portion of the proposed Cooley Landing Park situated on a small peninsula at the terminus of Bay Road within the Cities of East Palo Alto and Menlo Park. The park includes 11.5 acres and is bordered by the 373-acre Midpeninsula Regional Open Space District's (MROSD) Ravenswood Open Space Preserve, the City of East Palo's business district, the City of Palo Alto's Baylands nature preserve, and San Francisco Bay. The park will provide for low-impact recreational uses, including walking, bicycling, picnicking, bird watching, water access, nature study, and other uses that could include fishing, kayaking and canoeing. The park will also provide an airboat launch location for the Menlo Park Fire Protection District.

The parcel that is located in the center of the park is owned by the City of East Palo Alto as a result of a land transfer from the Peninsula Open Space Trust (POST). The land transfer included a deed restriction that the parcel be used for only passive environmental education and/or passive recreation. No commercial, industrial, or residential uses will be permitted, with the exception of potential caretaker living on the premises and small-scale visitor serving snack service, educational bookstore or guided tours.

Cooley Landing Park is the outcome of the City of East Palo Alto Cooley Landing Vision Plan that began in 2003 and included a series of public input meetings, study sessions, and collaboration with MROSD and the City of Menlo Park. On July 14, 2010, the MROSD Board of Directors voted

to support the Cooley Landing Vision Plan and on July 20, 2010, the East Palo Alto city council approved the Plan as a project description for further environmental study as required by the California Environmental Quality Act (CEQA). The City subsequently prepared the Cooley Landing Park Initial Study in December of 2010. Construction of the park is near completion and full operation is contingent upon a sewer connection for the educational center and restroom building.

Wastewater conveyance for the eastern portion of East Palo Alto is provided by EPASD. Wastewater is treated at the Palo Alto Regional Water Quality Control Plant (Treatment Plant), which is located at the east end of Embarcadero Road approximately 2.75 miles south of the project site. The Treatment Plant provides primary, secondary, and tertiary treatment of wastewater. The total treatment capacity of the Treatment Plant is 38 million gallons per day (MGD) dry weather capacity and 80 MGD wet weather capacity. EPASD has a 2.9 MGD capacity within the Treatment Plant, of which approximately 1.4 MGD is being used. There is approximately 1.5 MGD capacity available within the Treatment Plant for future connectors. The project would generate approximately 450 gallons per day (GPD) of wastewater, a very small portion of the remaining capacity available.

Government Code Section 56133

Government Code Section 56133 requires LAFCo approval before a public agency can extend service outside jurisdictional boundaries. There is a City of East Palo Alto sewer main in Bay Road near the project site. The City of East Palo Alto will construct a private lateral to connect to the EPASD main line and the City will maintain the private lateral.

As described above, the educational center and restroom buildings are located in the portion of the Park within the City of East Palo Alto but outside the EPASD boundaries. The sewer extension proposes construction of a sewer lateral from the main in Bay Road adjacent to the park. The lateral will only serve the educational center and restroom and will be maintained by the City of East Palo Alto.

The sphere of influence of EPASD indicates the District should be established as a subsidiary district of the City of East Palo Alto. Amendment of the District's sphere to include Cooley Landing Park would not impede future implementation of the sphere of influence.

California Environmental Quality Act (CEQA)

The City of East Palo Alto is the lead agency under CEQA for Cooley Landing Park and EPASD and LAFCo are the responsible agencies in considering extension of sewer service to the park. The City of East Palo Alto adopted an Initial Study and Mitigated Negative Declaration (IS/MND) for Cooley Landing Park that contemplated sewer provision but did not recognize that the park is located outside the boundaries of EPASD. The document was not circulated to LAFCo for review and comment.

As the responsible agency under CEQA, the Commission must rely on the IS/MND prepared by the City of East Palo Alto in considering the application pursuant to Government Code Section 56133. While the City's IS/MND did not include discussion of the minor sphere amendment and

sewer extension, staff recommends adopting the IS/MND without preparing an addendum because none of the situations requiring an addendum described in CEQA Guidelines 15162 and 15164 below exist in the case of sewer provision to Cooley Landing Park.

CEQA Guidelines Section 15162: Subsequent EIRs and Negative Declarations

(a) When an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in the light of the whole record, one or more of the following:

(1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

(2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or

(3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

(A) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;

(B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;

(C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible, and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or

(D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Section 15164: Addendum to an EIR or Negative Declaration

(a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.

(b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.

(c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.

(d) The decision making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.

(e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.

Conclusion

Cooley Landing Park is completed and awaiting authorization to connect the bathroom and education center to EPASD sewer. The Initial Study for the project contemplated sewer provision by EPASD, the sewer provider for the majority of the City, but the preparers did not identify that proposed construction at Cooley Landing Park would be located outside the EPASD boundaries or that extension would require LAFCo approval pursuant to Government Code Section 56133.

Staff concludes that none of the situations exist where a subsequent negative declaration needs to be prepared as required in CEQA Guidelines Section 15162. Therefore, LAFCO may approve the minor sphere amendment for EPASD and approve the sewer extension to Cooley Landing Park without further environmental review.

Executive Officer's Recommendation

It is recommended that the Commission certify that it has considered the MND and the findings adopted by the City of East Palo Alto in considering the application for extension of services. It is further recommended that the Commission find that the Mitigation and Monitoring Program adopted by the City of East Palo Alto and the changes or alterations contained therein are within the responsibility and jurisdiction of the City of East Palo Alto and EPASD and not LAFCo and that such changes have been or should be adopted by the City and the District. [CEQA Guidelines Section 15091(a)(2)].

The proposal to amend the sphere of influence and authorize sewer extension outside District boundaries is consistent with Government Code Section 56133(c), which permits an agency to extend service outside its boundary and within its sphere of influence because it would not preclude implementation of the LAFCo adopted sphere. The proposed service extension facilitates sewer service for Cooley Landing Park, an important park and recreation facility that will provide much-needed recreational opportunities and bay access. It is therefore respectfully recommended that the Commission approve the proposed minor sphere amendment and request for extension of service.

Recommended Commission Action, by Motion

1. Certify that the Commission has considered the Cooley Landing Park Initial Study and Mitigated Negative Declaration and find that the Mitigation and Monitoring Program adopted by the City of East Palo Alto and the changes or alterations contained therein are within the responsibility and jurisdiction of the City of East Palo Alto and EPASD and not LAFCo and that such changes have been or should be adopted by the City and the District. [CEQA Guidelines Section 15091(a)(2)].
2. Approve LAFCo File No. 15-5—Minor Sphere of Influence Amendment and Extension of Sewer Service by East Palo Alto Sanitary District to Cooley Landing Park Pursuant to Government Code Section 56133, and direct staff to transmit a letter of approval to the East Palo Alto Sanitary District and the City of East Palo Alto.

Respectfully submitted,

Martha M. Poyatos
Executive Officer

Enclosures: Application
Mitigated Negative Declaration

Documents available at: www.sanmateolafco.org

APPLICATION FOR A CHANGE OF ORGANIZATION OR REORGANIZATION TO THE SAN MATEO LOCAL AGENCY FORMATION COMMISSION

RECEIVED
JUL 15 2015
LAFCO

A. GENERAL INFORMATION

1. Briefly describe the nature of the proposed change of organization or reorganization.

   Extension of sewer service outside District boundaries to Cooley Landing, East Palo Alto, pursuant to GCS 56133 and minor sphere amendment

2. An application for a change of organization or reorganization may be submitted by individuals in the form of a petition or by an affected public agency in the form of a certified resolution. This application is submitted by (check one):

   _____ Landowners or registered voters, by petition
   ___x___ An affected public agency, by resolution

   (If this application is submitted by petition of landowners or registered voters in the affected territory, complete the petition form.)

3. What are the reasons for the proposal?

   To provide municipal sewer service outside District boundaries to Cooley Landing.

4. Does this application have 100% consent of landowners in the affected area?

   ___x___ Yes _____ No

5. Estimated acreage: 10.24

B. SERVICES

1. List the name or names of all existing cities and special districts whose service area or service responsibility would be altered by the proposed change of organization or reorganization.

   East Palo Alto Sanitary District Sphere of Influence to include Cooley Landing. Sewer service to be extended per GCS 56133.

2. List all changes to the pattern of delivery of local services to the affected area. For each service affected by the proposed change(s) of organization, list the present source of service (state "none" if service is not now provided), the proposed source of service and the source of funding for construction of necessary facilities (if any) and operation. Example is given on the first two lines of the space provided for your response.

6. What is the existing zoning designation of the subject territory?

Open Space

7. What additional approvals will be required to proceed?

None

8. Does any portion of the subject territory contain any of the following --agricultural preserves, sewer or other service moratorium or wetlands subject to the State Lands Commission jurisdiction?

No.

9. If no specific development projects are associated with this proposal, will the proposal increase the potential for development of the property? If so, how?

No.

* * * * * * * * * * *

LAFCo will consider the person signing this application as the proponent of the proposed action(s). Notice and other communications regarding this application (including fee payment) will be directed to the proponent at:

NAME: EPASD

ADDRESS: 901 Weeks Street, EPA TELEPHONE: (650) 325-9021

ATTN: [signature]

[signature]
Signature of Proponent

LEGAL DESCRIPTION

MINOR SPHERE AMENDMENT – EAST PALO ALTO SANITARY DISTRICT TO INCLUDE THE LANDS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AND LANDS OF CITY OF EAST PALO ALTO, (LANDS KNOWN AS COOLEY LANDING) SAN MATEO COUNTY, CALIFORNIA

All that real property situated in the City of East Palo Alto, County of San Mateo, State of California, being the 6.62 acre parcel shown on that certain map entitled "Record of Survey - ..... of 6.62 Acre Parcel in Sections 19 and 30 T.5S., R.2W., M.D.B.&M., City of Menlo Park San Mateo County, California" recorded on December 29, 1960 in Book 4 of L.L.S. Maps at Page 100 in the Office of the Recorder of the County of San Mateo and the adjacent parcel shown on said map and being more particularly described as follows:

BEGINNING at the intersection of Las Pulgas Rancho Line and city limits of Menlo Park as shown on said map; thence, proceeding counterclockwise the following courses and distances:

(1) North 66°26'00" East 889.30 feet to the centerline of Section 30; thence along said centerline,
(2) NORTH 0.12 feet to the southwesterly corner of said 6.62 acre parcel; thence,
(3) North 66°26'00" East 1677.60 feet along the southeasterly line of said parcel to the northeasterly line of said parcel; thence,
(4) North 12°55'00" West, 177.20 feet along said northeasterly line to the northwesterly line of said parcel; thence,
(5) South 66°26'00" West, 1634.40 feet along said northwesterly line to the northwesterly corner of said parcel, also being a point in said centerline of Section 30; thence,
(6) South 66°26'00" West , 971.14 feet along the southwesterly prolongation of said northwesterly line to said Las Pulgas Rancho line; thence,
(7) South 44°30'50" East, 141.66 feet along said rancho line; thence,
(8) South 23°23'00"East, 61.13 feet along said rancho line to the POINT OF BEGINNNING.

Containing 446,271 square feet (10.24 acres) more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

December 12, 2014

FREYER & LAURETA, INC.

EAST PALO ALTO SANITARY DISTRICT

RESOLUTION NO. 1165

A Resolution of Application by the East Palo Alto Sanitary District Requesting a Minor Sphere of Influence Amendment and Local Agency Formation Commission approval for extension of sewer service outside jurisdictional boundaries pursuant to Government Code Section 56133

The District Board of the East Palo Alto Sanitary District, San Mateo County, California, does herby resolve:

WHEREAS, the East Palo Alto Sanitary District has been requested to provide sewer service to Cooley Landing; and

WHEREAS, Cooley Landing sewer service is an essential component of the Cooley Landing project provided by City of East Palo Alto; and

WHEREAS, the proposal is not consistent with the sphere of influence of the District and it is therefore necessary to amend the District's sphere of influence to include the territory; and

WHEREAS, the East Palo Alto Sanitary District is a responsible agency for purposes of the California Environmental Quality Act and has considered the Cooley Landing Mitigated Negative Declaration, which includes the extension of sewer service and finds there is no new circumstances or information showing any new significant impacts.

NOW, THEREFORE, this Resolution of Application for a sphere amendment and to provide sewer services to Cooley Landing is hereby adopted and approved by the East Palo Alto Sanitary District, and the Local Agency Formation Commission of San Mateo County is hereby requested to take proceedings in the manner provided by the Section 56133 of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

Passed and adopted by the Board of Directors of the East Palo Alto Sanitary District at a regular meeting thereof held on the 2nd day of July, 2015, by the following vote:

Ayes: and in favor thereof, Members: D. Scherzer, G. Mitchell, G. Savage, J. Sykes-Miessi, B. Yanez

Noes: Members:

Abstain: Members:

Absent: Members:

President of the District Board of the East Palo Alto Sanitary District of San Mateo County, State of California

Attest:

Secretary of the District Board of the East Palo Alto Sanitary District of San Mateo County, State of California

LEGAL DESCRIPTION

MINOR SPHERE AMENDMENT – EAST PALO ALTO SANITARY DISTRICT TO INCLUDE THE LANDS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT AND LANDS OF CITY OF EAST PALO ALTO, (LANDS KNOWN AS COOLEY LANDING) SAN MATEO COUNTY, CALIFORNIA

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(1) North 66°26'00" East 889.30 feet to the centerline of Section 30; thence along said centerline,
(2) NORTH 0.12 feet to the southwesterly corner of said 6.62 acre parcel; thence,
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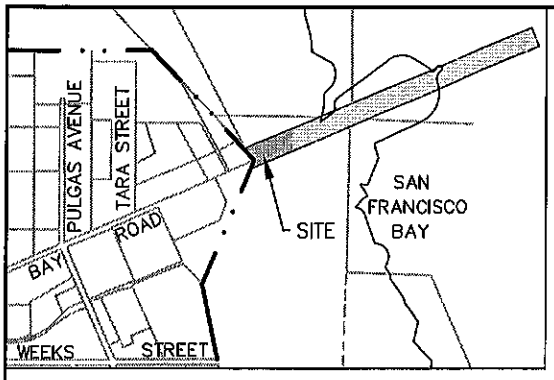
(5) South 66°26'00" West, 1634.40 feet along said northwesterly line to the northwesterly corner of said parcel, also being a point in said centerline of Section 30; thence,
(6) South 66°26'00" West , 971.14 feet along the southwesterly prolongation of said northwesterly line to said Las Pulgas Rancho line; thence,
(7) South 44°30'50" East, 141.66 feet along said rancho line; thence,
(8) South 23°23'00"East, 61.13 feet along said rancho line to the POINT OF BEGINNNING.

Containing 446,271 square feet (10.24 acres) more or less.

For assessment purposes only. This description of land is not a legal property description as defined in the Subdivision Map Act and may not be used as the basis for an offer for sale of the land described.

December 12, 2014

FREYER & LAURETA, INC.



LOCATION MAP
(NOT TO SCALE)

LEGEND

PROPOSED MINOR SPHERE OF INFLUENCE ADJUSTMENT

EXISTING PROPERTY LINE

EXISTING EAST PALO ALTO SANITARY DISTRICT BOUNDARY LINE

DISCLAIMER: "FOR ASSESSMENT PURPOSES ONLY. THIS DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

NORTH

SCALE
1" = 500'

PARCEL E-2
8 LLS MAPS 76-88

APN: 096-230-150

APN: 063-590-006

APN: 096-230-140
POR. PARCEL E-1
8 LLS MAPS 76-88

PARCEL E-3
8 LLS MAPS 76-88

APN: 063-590-003
LANDS OF CITY OF EAST PALO ALTO
4 LLS MAPS 100

APN: 063-590-004
LANDS OF MIDPENINSULA REGIONAL OPEN SPACE DISTRICT

S66°26'00"W 1634.40' (5)

N12°55'00"W 177.20' (4)

N66°26'00"E 1677.60' (3)

SAN FRANCISCO BAY

S66°26'00"W 971.14' (6)

S44°30'00"E 141.66' (7)

S23°23'00"W 61.13' (8)

APN: 096-230-130
PARCEL E-4
8 LLS MAPS 76-88

APN: 063-121-400

NORTH 0.12' (2)

SEE DETAIL

N66°26'00"E 889.30' (1)

BAY ROAD

CITY LIMITS OF MENLO PARK

CENTERLINE OF SECTION 30

POINT OF BEGINNING

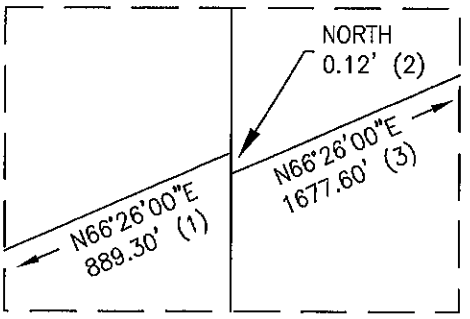
45'

LAS PULGAS RANCHO LINE

APN: 063-122-030

EXISTING EAST PALO ALTO SANITARY DISTRICT BOUNDARY LINE

APN: 063-580-090



DETAIL
(NOT TO SCALE)

CITY OF EAST PALO ALTO, 12/12/2014

FREYER & LAURETA, INC.
CIVIL ENGINEERS • SURVEYORS • CONSTRUCTION MANAGERS
144 North San Mateo Drive • San Mateo, CA 94401
(650)344-9901 • Fax (650)344-9920 • www.freyerlaureta.com

MINOR SPHERE AMENDMENT
EAST PALO ALTO SANITARY DISTRICT
TO INCLUDE COOLEY LANDING

Initial Study

Cooley Landing Park

Prepared by the

City of East Palo Alto

December 2010

TABLE OF CONTENTS

TABLE OF CONTENTS

Page

FIGURES

TABLES

APPENDICES

SECTION 1.0 INTRODUCTION AND PURPOSE

This Initial Study of environmental impacts is being prepared to conform to the requirements of 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 (City). This Initial Study evaluates the potential environmental impacts which might reasonably be anticipated to result from implementation of the *Cooley Landing Vision Plan* and the development of the Cooley Landing Park Project.

The City of East Palo Alto is the Lead Agency under CEQA and has prepared this Initial Study to address the impacts of implementing the proposed project. The purpose of the project is to provide additional parkland for City of East Palo Alto residents. This document may also be used by responsible and trustee agencies for various discretionary actions associated with implementation of Cooley Landing; refer to Section 3.3.6.

SECTION 2.0 PROJECT INFORMATION

2.1 PROJECT TITLE

Cooley Landing Park

2.2 PROJECT LOCATION

The approximately 11.5-acre project site is located at the eastern terminus of Bay Road in the cities of East Palo Alto and Menlo Park and borders tidal marshlands and mud flats at the edge of the San Francisco Bay; refer to Figures 2.2-1 – 2.2-3.

2.3 LEAD AGENCY CONTACT

Brad Tarr, AICP Senior Planner
City of East Palo Alto; (650) 853-3137
btarr@cityofepa.org

2.4 PROPERTY OWNERS

City of East Palo Alto – approximately 2.8 acres
Midpeninsula Regional Open Space District – approximately 8.7 acres
City of Palo Alto – less than 0.1 acre

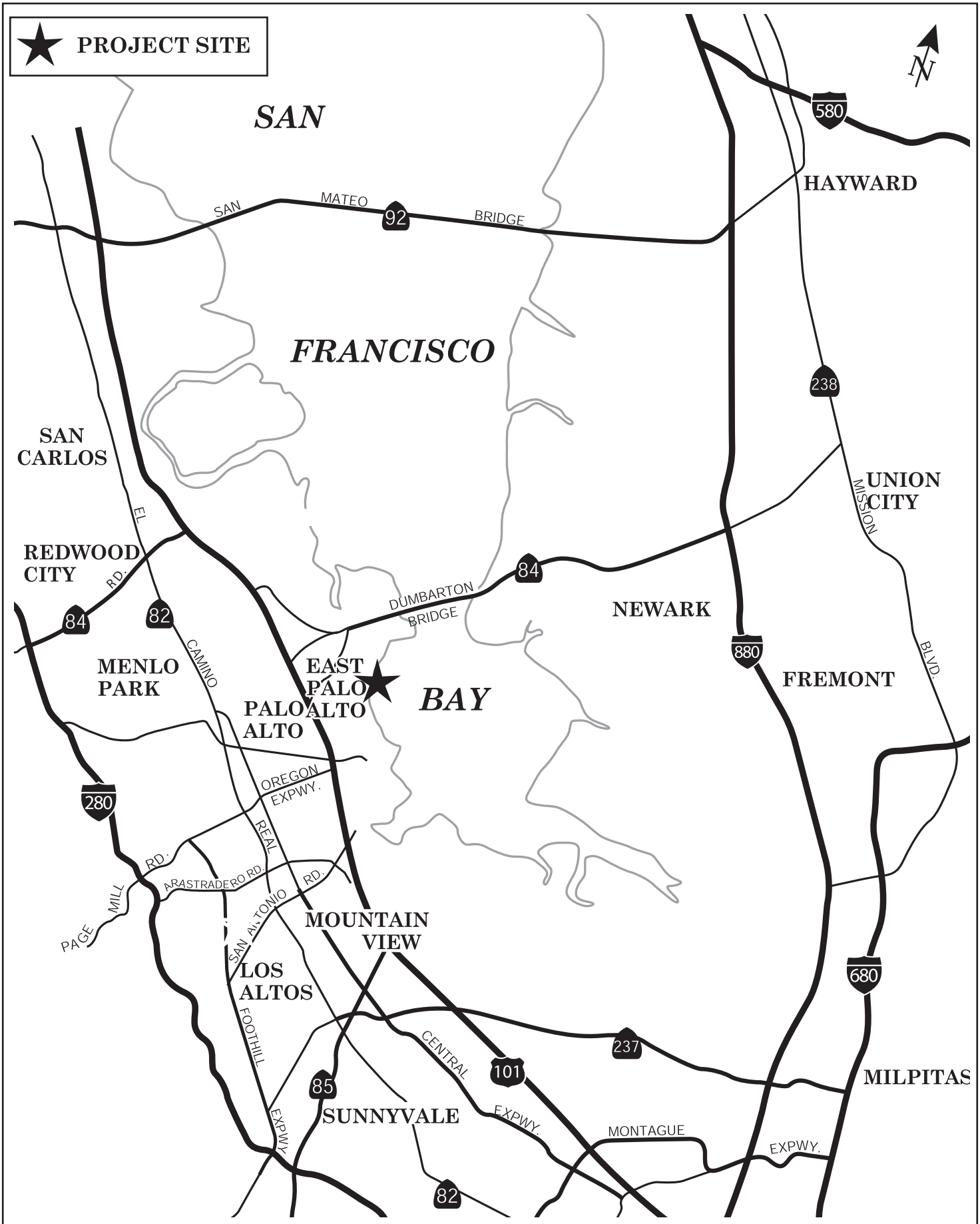
2.5 ASSESSOR'S PARCEL NUMBERS

063-580-090, 063-590-030, 063-590-040, 063-590-060, 096-230-130, 096-230-150

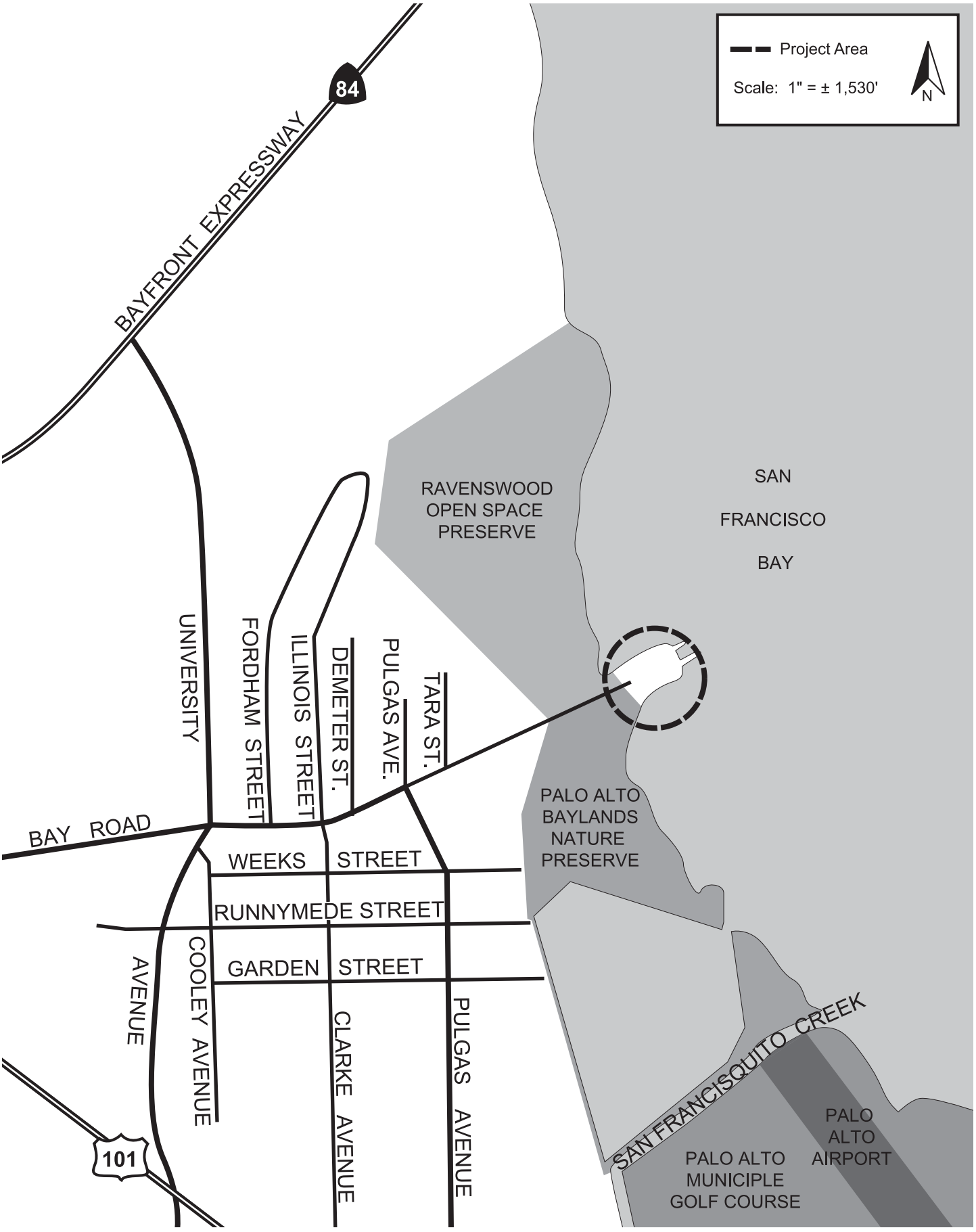
2.6 ZONING DISTRICT AND GENERAL PLAN DESIGNATIONS

Zoning District: RM (Resource Management) - City of East Palo Alto
FP (Flood Plain District) - City of Menlo Park

General Plan Designation: Resource Management - City of East Palo Alto
Non Urban: Marshes – City of Menlo Park



REGIONAL MAP FIGURE 2.2-1



VICINITY MAP

FIGURE 2.2-2

AERIAL PHOTOGRAPH AND SURROUNDING LAND USES FIGURE 2.2-3

SECTION 3.0 PROJECT DESCRIPTION

3.1 INTRODUCTION

The proposed project is the implementation of the *Cooley Landing Vision Plan* for land located in eastern East Palo Alto and Menlo Park. The proposed park project will provide low-impact recreational uses such as walking, bicycling, picnicking, bird watching, water access, nature study, and other low-intensity recreational uses that could include fishing, kayaking and canoeing. The project will also provide an airboat launch location for the Menlo Park Fire Protection District.

The project site is surrounded by the Ravenswood Open Space Preserve owned by Midpeninsula Regional Open Space District (MROSD), the Ravenswood Business District within the City of East Palo Alto, the Palo Alto Baylands Nature Preserve owned by the City of Palo Alto, and the San Francisco Bay.

3.2 HISTORIC OVERVIEW AND BACKGROUND

The City of East Palo Alto currently has 16 acres of parkland equating to approximately one half-acre of parkland per 1,000 residents. Cooley Landing would add nine acres[1] of parkland to the City total raising the current rate of 0.54 acres per 1,000 residents to 0.85 acres per 1,000 residents. In August 2010, the City of East Palo Alto completed a *Cooley Landing Vision Plan* to guide future development of a bayfront park for the local residents.

The project site is situated on a small peninsula located at the end of Bay Road within portions of the City of East Palo Alto and the City of Menlo Park along the San Francisco Bay shoreline. The parcel that occupies the center of the project site is owned by the City of East Palo Alto as the result of a land transfer from Peninsula Open Space Trust (POST) in 2006. As part of the land transfer, a deed restriction was approved by the East Palo Alto City Council on February 19, 2006. The deed restriction requires that the center parcel property be limited to activities involving environmental education and/or passive recreational activities, nature study, enjoyment of views, natural habitat and environmental protection and related uses. No industrial or residential use of or activity on the parcel will be permitted, except for a caretaker living on the premises. Limited commercial activity directly related to the permitted use of the parcel (e.g., small-scale visitor snack service, educational bookstore, guided tours) will be permitted. Any and all use of the parcel will be consistent with the preservation of the parcel's scenic and natural character. No activity or use that degrades or is likely to degrade the scenic and natural character of the parcel will be permitted.

The adjacent property surrounding the project site almost entirely is the 373-acre Ravenswood Open Space Preserve (Preserve), owned by MROSD and within the City of Menlo Park. MROSD designated the Cooley Landing park project a priority in its annual Action Plan and is a contributing partner to the development of the park. The Palo Alto Baylands Nature Preserve is adjacent to the southwest of Cooley Landing. Nearby land uses include commercial, industrial, and residential areas including the Ravenswood Business District within the Ravenswood Redevelopment Area.

[1] This number is different than the total project site acreage because the access drive is not included in the new parkland acreage.

The project area has historically supported dairy and poultry operations, a shipping port, a county garbage dump, and a boat repair facility. None of these past operations are active on the site and the project site is currently closed to public access.

Throughout the development of the *Cooley Landing Vision Plan*, the City held a series of public meetings to obtain community input.[2] In 2003 and 2004, a series of meetings were held to generate ideas and initial input from residents, including four site tours attended by 100 residents representing 40 organizations. A November 2004 City Council study session took input from 40 residents. From the outcomes and conclusions of these discussions, three conceptual plans were developed in 2004 to illustrate varying levels of intensity and potential site features. These conceptual alternatives, contingent upon further site analysis, environmental review, and community support, were presented for feedback to the community in 2005. In May 2005 the City hosted a community workshop attended by 30 residents who provided input on features, location, and other ideas for the park.

From March, 2009, to October, 2010, the City has hosted or participated in over thirty community meetings to solicit community involvement about Cooley landing plans. On February 6, 2010, the City hosted a community open house at higher education preparatory center College Track on Bay Road to share conceptual designs for the land and building, present background information about Cooley Landing and nearby environmental centers, answer questions, and collect feedback and ideas. On April 8, 2010, the City held a second community meeting in the Community Room at City Hall to share project progress, review goals and background, recap outcomes of the February community open house, and collect feedback and ideas on a draft conceptual plan. On July 14, 2010, the MROSD Board of Directors voted to support the *Cooley Landing Vision Plan*. On July 20, 2010, the City Council received a presentation about the *Cooley Landing Vision Plan* and approved the *Cooley Landing Vision Plan* as a project description for further environmental study as required by the California Environmental Quality Act (CEQA).

3.3 PROJECT DESCRIPTION

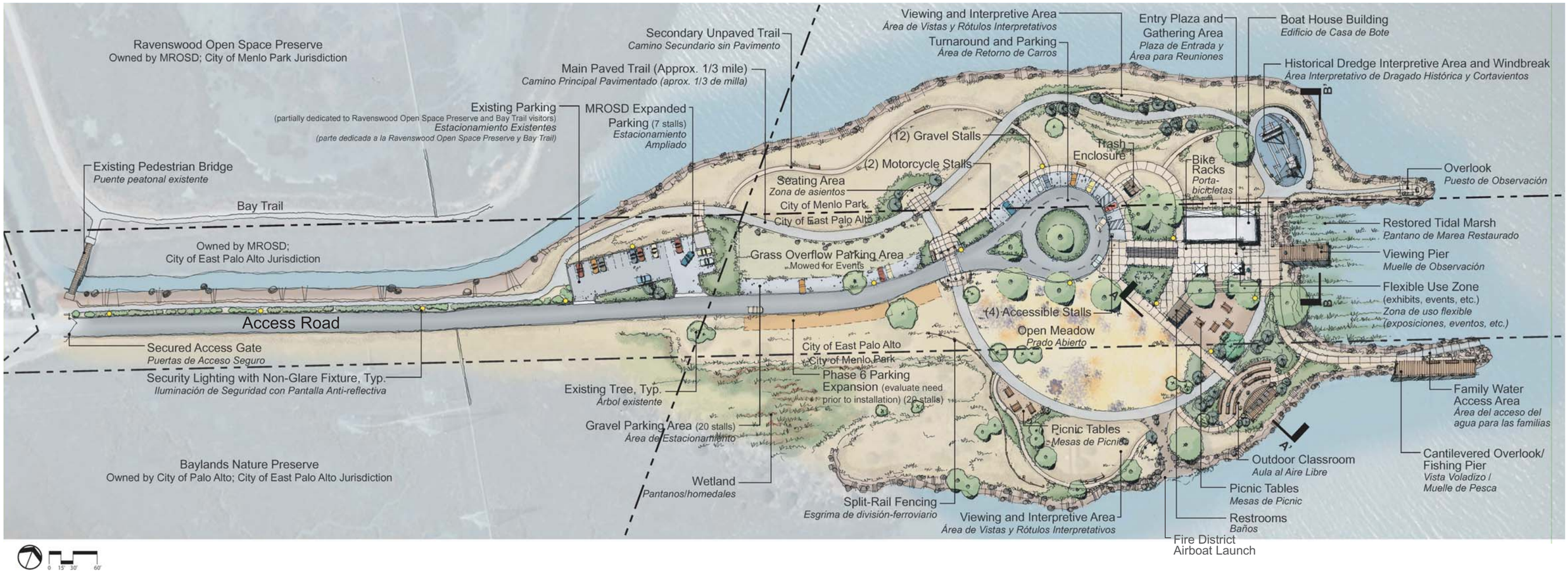
The proposed park will provide low-impact recreational uses such as walking, bicycling, picnicking, bird watching, water access, nature study, and other low-intensity recreational uses that could include fishing, kayaking and canoeing. Public access for pedestrians and bicyclists would be allowed on Cooley Landing from sunrise to sunset seven days a week. No domestic pets, with the exception of service animals, would be allowed on Cooley Landing. Residents will be able to apply to the City for permits to reserve portions for the site for special events.

3.3.1 General Plan Amendment and Rezoning

Both the existing City of East Palo Alto General Plan land use map and current zoning designation show Cooley Landing designated as *Resource Management (RM)*. Resource Management uses provide for preservation of environmentally sensitive open space lands in natural conditions. For the portions of Cooley Landing that are within the City of Menlo Park jurisdiction, the General Plan land use designation is *Non Urban-Marshes* and the zoning district is *FP (Flood Plain District)*.

The *Cooley Landing Vision Plan* proposes to allow development of a bayland park as shown on the Concept Plan, Figure 3.3-1. At the time of the approval of the project, the existing East Palo Alto General Plan and zoning designation would be amended and rezoned to *Community Open Space Conservation* (*COSC)*. The new designation is consistent with Menlo Park's General Plan

[2] In addition to the meetings described above, a full list of community presentations and public meetings is provided in the *Cooley Landing Vision Plan* available at www.cooleylanding.org or at the City of East Palo Alto.



Source: Callander Associates

CONCEPTUAL PLAN

FIGURE 3.3-1

designation, which is not changing. An additional amendment would also be made to the Circulation Element to document that a bike path will be extended onto Cooley Landing. A conditional use permit from the City of Menlo Park would be necessary at the time the project is subject to approval to allow the proposed uses.

3.3.2 Project Components

Based upon the conceptual site plan in the *Cooley Landing Vision Plan*, the proposed park will include numerous recreational features and amenities that are described in detail below. Refer to Figure 3.3-1.

3.3.2.1 *Educational Center Building (former Boathouse Building)*

The existing boathouse building located at the east end of the project site will be retrofitted and restored for use as a multi-purpose education facility. The 3,200 square foot building will provide space for community meetings, events, staff offices, storage, and exhibit displays, as shown on Figure 3.3-2. Building improvements include removal of the second story floor to create an atrium-like exhibit space, the addition of an entry canopy along the southern and eastern facades, and expansion space for storage on the northern side of the building. The educational center building will be able to accommodate a maximum of approximately 150 people (125 seats for a lecture event and an additional 25 people in the exhibit space). The City of East Palo Alto's existing Municipal Code section 12.04 "Park Regulations" and section 12.08 "Special Events" already requires permits for special events in any City park, so Cooley Landing would be covered by at least the same restrictions. Section 12.04.020 states, for example, "No group of more than fifty (50) persons may conduct a picnic, celebration, or parade, service or exercise in a park without prior permission." In addition, City staff have tentatively proposed to allow no more than 12 evening events per year and 12 events over 25 people per year. This will be finalized during the City's public process for developing regulations.

3.3.2.2 *Entry Plaza*

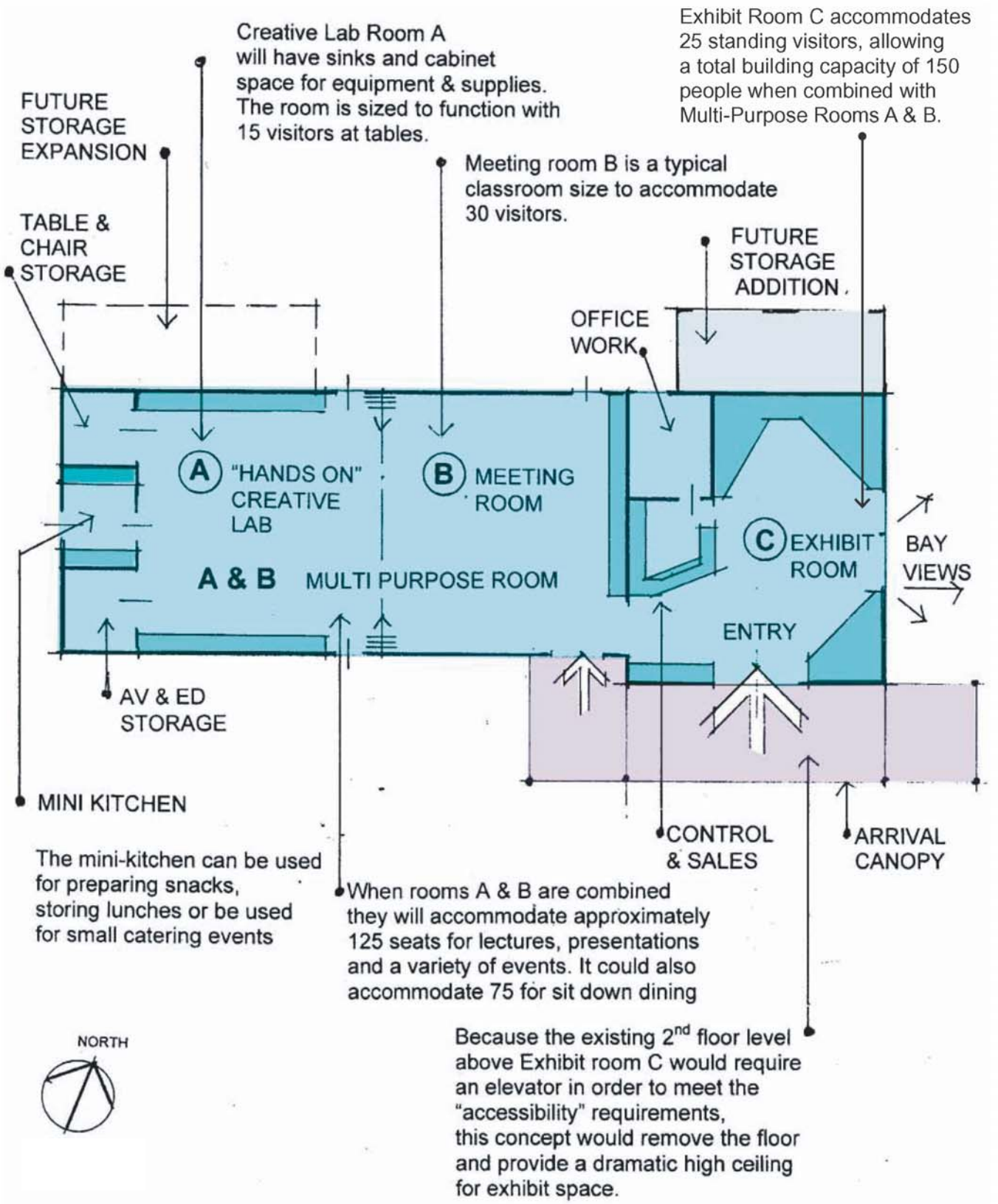
A centrally-located plaza with a paved surface will be constructed along the front (south and east sides) of the educational building. The plaza will connect visitors to the shoreline, the vehicle drop-off area, educational building entrance, and picnic area. The plaza will be used for outdoor gatherings and activities for park visitors.

3.3.2.3 *Restroom Building*

A separate building for restrooms (approximately 500 square feet) will be constructed south of the educational building near planned picnic tables. The building will include separate men's and women's facilities and will also contain a small storage space for maintenance tools and supplies. The separate structure will allow for restroom access outside of the educational building's normal operating hours.

3.3.2.4 *Trail Network*

Two types of trails are planned for construction throughout the park. A main paved trail will loop around the entire project site. This trail will connect to the existing Ravenswood Open Space Preserve trail system north of the site, the Palo Alto Baylands Nature Preserve south of the site, and the San Francisco Bay Trail. The on-site main paved trail will also become a San Francisco Bay



Source: Cooley Landing Vision Plan 2010

EDUCATIONAL BUILDING FLOOR PLAN FIGURE 3.3-2

Trail spur trail.

The main trail will be eight feet wide with two-foot gravel shoulders on each side for a total width of 12 feet. The trail will accommodate bicyclists, joggers, walkers, and occasional maintenance or emergency vehicles. Additional narrower and unpaved trails will be aligned closer to the shoreline and spur off of the main paved trail. These secondary trails will be about five feet wide and constructed of decomposed granite or gravel.

3.3.2.5 *Picnic Areas*

Picnic tables will be grouped in two areas with several tables at each location. One location is planned near the bathroom building and the other near the southwest side of the park. There will also be benches and other seating areas throughout the park along the planned trails and pathways. Trash cans will also be provided near all picnic areas.

3.3.2.6 *Outdoor Classroom*

Located near the southeast shoreline just south of the southern jetty, a series of long curving benches sloped down toward a stage will be constructed. This space will accommodate about 60 people and will be used for outdoor classroom activities, small unamplified musical performances, readings, ceremonies, or other group activities.

3.3.2.7 *Viewing and Interpretive Areas*

Three nodes located along the northern, eastern, and southern edges of the site will provide seating, interpretive features, and earthen berms or windbreaks. Each area will be adjacent to the main paved trail and will offer a different topic of interpretation specific to that portion of the site. The eastern interpretative area will focus on a reconstructed dredge that previously occupied that location and fishery and boating industries that operated in the San Francisco Bay. Possible concepts for the focus for the other two interpretive areas range from the history of Cooley Landing, to habitat and wildlife in and around the Bay.

3.3.2.8 *Open Meadow*

A meadow is planned near the center of the project site. The meadow will consist of native and drought-tolerant plant species that can withstand some foot traffic, informal picnics, and free play.

3.3.2.9 *Viewing and Fishing Piers and Overlooks*

Construction of a cantilevered pier is proposed on the south side of the southern jetty. Fishing may be allowed from the pier based on determination of the Lead and Responsible agencies. A paved ramp on the north side of the southern jetty is proposed for water access uses such as science education investigations, water play, and possibly kayak and canoe launches. A second pier will be constructed where the former boat launch structure is located, to provide a new viewing pier for park visitors. This pier will utilize the existing steel piers from the former boat launch structure. At the western tip of the northern jetty, an overlook seating area will be constructed. A paved trail will provide access to the seating area on the jetty.

3.3.2.10 *Menlo Park Fire Protection District Airboat Launch*

The Menlo Park Fire Protection District (Fire District) has proposed an Emergency Airboat launch ramp to be incorporated with the improvements for Cooley Landing. The existing mudflat access area on the south shore of the project site (refer to Figure 3.3-1) will be cleared of debris and leveled out to provide a 16-foot wide launch area clear of boat damaging materials. Emergency personnel will tow the airboat along the main paved trail to the beach access point and then the airboat will be placed onto a compacted gravel launch ramp which will accommodates the 18.7 foot long, 8.3 foot wide, and nine foot high painted aluminum airboat, as shown in Figure 3.3-3. The bottom is covered by three one-quarter inch replaceable polymer sheets. The sheets allow the boat to easily slide over mud, grass, tules, wood, and rocks with minimal damage.

The Fire District will launch the airboat only for emergencies that dictate rescues in the nearby response area and for any required training to maintain familiarity with the site and area. The Fire District will complete several training activities per year. Cooley Landing will be closed to the public during training activities. In a Memorandum of Understanding among the Cities of East Palo Alto and Menlo Park, MROSD, and the Fire District, training activities will take place during times and conditions to avoid harming wildlife species. Typically training activities involve teams of 3 to 15 one week of training activities per year. Training activities include completing a launch and then gaining familiarity with the area and practice of dummy rescue, accessing different types of water, mud, towers, etc. The Fire District currently responds to approximately 12 to 15 emergency calls per year from the Redwood City boat launch ramp or accessible mud flats around the Cooley landing area for stranded boaters, kayakers, hunters, hikers, and medical calls related to these activities, and also suicide or mental stress calls related with the Dumbarton Bridge. The emergency calls range from South San Francisco to Palo Alto, as the Fire District is the only responding agency with the capability to access the mud and low tide areas with their airboat. Cooley Landing is estimated to receive 8 to 12 emergency airboat launch calls per year.[3]

3.3.2.11 *Restored Tidal Marsh and Wetlands and Plantings*

The existing tidal marshland between the two jetties will be restored to reestablish high quality wildlife habitat through the removal of any debris and replacing areas where rip rap is missing.

A second degraded wetland area in the southwestern portion of the site will be cleared of large debris[4] and naturally restored to extend wetland habitat to the Palo Alto Baylands Nature Preserve to the south. Contaminated surface soils will be removed down to 8 inches in depth and replaced with clean soil to the same or two inch lower elevation and allowed to revegetate and restore naturally through rafting of seeds. Concrete debris in the adjacent Faber-Laumeister Tract, owned by the City of Palo Alto and operated and managed by the Don Edwards San Francisco Bay Wildlife Refuge, will also be removed. A low split-rail fence at the nearest trail will be installed to separate human visitors from this sensitive wetland area. Interpretive signage will designate this marsh as a habitat restoration area. Planting will be based on coordination with and recommendations from the U.S. Fish and Wildlife Service (USFWS) and restoration approaches for similar projects within the San Francisco Bay Don Edwards National Wildlife Refuge. The USFWS also recommended plant

[3] Johnston, Jon. Fire Inspector/Investigator, Menlo Park Fire Protection District, Personal Communication. October 20, 2010.

[4] The concrete debris will be broken up and covered with clean soil or cleared and crushed for reuse elsewhere (e.g. rip rap, base rock for asphalt, or fill).

MENLO PARK FIRE PROTECTION DISTRICT AIRBOAT FIGURE 3.3-3

communities and a plant palette[5] for Cooley Landing that was utilized during development of the conceptual plan and the planting plan. Plant species could include western ragweed, Fiddleneck, Mugwort, Pacific aster, Spearscale, salt-marsh baccharis, common spikeweed, western goldenrod, alkali heath, Pacific gumplant, and salt grass. Some of these will be planted by hydro-seeding species that establish quickly for efficiency during Phase 1 and some will be planted by hand by volunteers during later phases to increase the diversity of species.

Trees will be removed within and near the southwestern restored wetland habitat to prevent exposure by the public to contaminated soil around tree roots and to reduce perches for predators of nearby endangered species. . Any new trees planted on the project site will be located on the east side of the peninsula away from the adjacent marsh areas containing endangered species. All plantings, including trees, will be native/or drought-tolerant, non-invasive species that minimize avian predator perching potential, per recommendations from the USFWS. Land adjacent to marshes will be open grassland and shrubs will be a maximum three to five feet in height.

3.3.2.12 *Park Access and Parking Areas*

The existing access gate at the end of Bay Road near the existing pedestrian bridge to the Bay Trail will restrict vehicular access to Cooley Landing outside of hours that it is open to the public. The paved access road (east of the gate) and the adjacent paved trail will provide vehicular and pedestrian access to the project site. An existing gravel parking lot on the north side of the access road currently provides 13 parking spaces for the Midpeninsula Regional Open Space District's (MROSD) Ravenswood Open Space Preserve (Preserve) and San Francisco Bay Trail visitors. This lot will be reconfigured and expanded by seven parking spaces, offering flexible shared use for Preserve and Cooley Landing Park visitors, possibly allowing the entire lot to be available to either Preserve or Cooley Landing visitors for special events. Some parking spaces will be designated for Ravenswood Open Space Preserve and some for Cooley Landing Park during the day.

There will also be additional parking opportunities within park boundaries. Approximately twenty (20) gravel parking spaces would be provided on the north side of the access road, east of the existing Preserve parking lot. Additional overflow parking (20-30 spaces) would be provided in the grassy area on the north side of the gravel spaces, mowed for special events. Eighteen (18) additional parking spaces will also be provided at the roadway turnaround near the entry plaza, including four paved accessible spaces and two motorcycle spaces. A future gravel parking area that will accommodate about 20 spaces may be constructed on the south side of the access road only if, and only if, after at least two years of implementation of the first phases of the project, parking demand requires such an expansion (refer to Figure 3.0-1; Phase 6 parking expansion).

To facilitate walking and bicycle access, a new multi-purpose trail will connect to the existing portion of the San Francisco Bay Trail along the access road leading to Cooley Landing. The project will include bicycle racks.

3.3.2.13 *Utility Infrastructure and Lighting*

Sanitary sewer and water connections will be installed out to the proposed restroom building and educational building. An existing on-site water well will provide irrigation for small pockets of irrigated landscaping throughout the site. Electricity will also be connected to both the educational building, restroom building, and throughout the site for security lighting. A minimal level of lighting

[5] Thompson, David, USFWS San Francisco Bay Don Edwards National Wildlife Refuge, *Cooley Landing Recommended Plant Communities and Plant Palette*. Available in Appendix A of this document.

for security purposes will be installed along the access road, drop-off circle, buildings, and entry plaza. Road and landscape lighting will be low level "dark sky" fixtures and building mounted lighting will be motion-sensing. A detailed lighting plan will be prepared for this project that will include details that demonstrate how light and glare will be controlled. Solar photovoltaic power is planned for the building rooftop.

3.3.2.14 *On-Site Caretaker Option*

At this time the project does not include plans for an on-site resident caretaker. However, depending on future security needs, an on-site caretaker is one option to address security and hiring a private security company to monitor the site is another option.

If in the future, a resident caretaker is determined necessary to discourage unauthorized site entry when the park is closed, the caretaker could live in a trailer parked on a concrete pad that could be added later to the north side of the boathouse building, away from typical foot traffic. A secured electrical plug outside the boathouse building could be added to facilitate minimal electricity needs of the trailer. The restroom building will be constructed in such a way to facilitate adding a future optional shower that could be secured for private use.

If an on-site caretaker is determined necessary, both the East Palo Alto City Council and MROSD's Board of Directors would have to approve a caretaker at Cooley Landing.

3.3.3 Site Remediation

Prior to the implementation of park development, project site remediation will occur. A Remedial Action Plan (RAP) was prepared for this project to provide a detailed approach to address environmental contamination located on the site. The hazardous contamination on the site is from the cover fill soils that were previously placed on the site and the burned wastes from the former landfill. The RAP takes into account the proposed future site uses, previous site uses, type and nature of contamination, and recommendations from regulatory agency personnel. The RAP is considered to be part of the proposed project. An overview of the RAP is provided below; for a more detailed discussion refer to *Section 4.8 Hazardous Materials* and Appendix D of this document.

A low-permeability engineered soil cap made from imported fill is the proposed remedial approach for the site because of the varied nature and unknown source(s) of the contamination on the site. Cooley Landing park construction will require approximately 30,000 cubic yards of fill. The fill for Cooley Landing is assumed to come from soil excavated from local major construction projects. One possible source may be the nearby San Francisco Public Utilities Commission (SFPUC) Bay Tunnel project.

This remedial action is intended to prevent direct human contact with the hazardous cover fill soils and exposure to windblown dusts that may contain hazardous materials. Capping the soil will also help prevent rainwater runoff from transporting contaminates into surrounding surface water. After it is grubbed and cleared, pre-designated areas of the site will be overlain by a geosynthetic liner, which will serve as a marker bed as well as a protective barrier. The geosynthetic liner will also be placed at underground utility trench locations or any other areas that might require future disturbance. This preventative measure will protect workers from contaminated soils in the event that grading or future utility repairs are necessary. The boathouse building will be elevated, the existing foundation will be removed, and two feet of clean fill will be placed under the new foundation. The former dredge pond will be filled in.

The placement of an engineered cap will require long-term inspection and maintenance to evaluate erosion and naturally occurring invasion by deep-rooted vegetation and animals. Measures will be included in the project to ensure that the integrity of the cover is not compromised by future land-use activities. A soil and groundwater management plan (risk management plan RMP) and an operations and maintenance plan (OMP) are being prepared for agency and public review. Since the burned wastes and overlying contaminated cover fill soils will remain at the site, institutional control, possibly in the form of a deed restriction, will be required by regulatory agencies.

Alternate engineered cap designs will be used at certain locations. For example, at parking lots and an outdoor plaza, a hard cap material including asphalt and/or concrete pavement and underlying base material may be included as part of the two-foot thick engineered cap or may be in addition to the minimum two-foot thickness at specific locations. In other places, an additional soil layer will need to be installed because placement of a low permeability cap layer is not conducive to plant growth.

As a precaution in the event that methane gas occurs in buried dump wastes underlying the building, the existing on-site building will be retrofitted with a venting and alarm system for potential vapor intrusion before it is renovated into an education center.

Most of the existing trees are growing in the soil layer associated with the former burn dump waste, which is also contaminated. In some cases, presumably to avoid damage to trees, fill imported by the former property owner was not spread within the tree drip lines and now the trees are located in depressions. To protect the public from exposure to contaminated soil, forty of the forty-seven existing on-site trees are proposed for removal so that the new engineered cap can be properly installed. New drought-tolerant, non-invasive, and native (if possible) species of trees will be planted. One exception is a small number of ecologically valuable and native existing coast live oak trees on high ground in the center of the site. The project proposes that these oaks and a few other large Eucalyptus or well-placed California pepper trees that are near the building will be surrounded at the drip lines by perforated pipe to capture runoff. The runoff water will then be routed through pipes that will daylight at lower elevations where the water will pass through a bioswale before discharging to the Bay. In the longer term, as new trees grow, some of the non-native existing trees may be removed.

3.3.4 Measures Incorporated to Reduce Greenhouse Gas Emissions

Green building measures, including energy and water conservation measures, would reduce the project's greenhouse gas emissions. The project proposes to implement measures, possibly including the following, to achieve an energy efficient park facility:

- Design for walking and biking to the site;
- Provide convenient recyclable container disposal;
- Recycle all possible onsite building materials;
- Install high performance windows with dual glazing and low "e" coatings;
- Using zero-volatile organic compound(s) (VOC) paints and sealants;
- Use engineered lumber;
- Use formaldehyde-free insulation;
- Use Forest Stewardship Council (FSC) certified wood products grown using sustainable forestry techniques;
- Use light colored paving materials and cool roof designs to reduce urban heat;
- Install zoned, high-efficiency HVAC system;

- Use florescent lighting throughout, dimmer switches & LED exit signing;
- Install "Energy Star" appliances;
- Install water-efficient faucets, showers, and toilets;
- Pre-wire for solar panels on roofs; and
- Use regionally manufactured building materials and products.

3.3.5 Project Phasing

Implementation of the proposed project has been separated into six phases that, when constructed in sequence, will each create stand-alone components of the park. During construction phases that require heavy equipment and/or access road closures, the MROSD Ravenswood Open Space Preserve (which includes a segment of the Bay Trail) and Cooley Landing will be closed to the public. Phases as described below are estimated and final phasing will be implemented based on allocated funding and personnel resource commitment. Refer to Figure 3.3-4 for the estimated phasing plan.

3.3.5.1 *Phase 1*

Most vegetation and various debris will be removed, and site remediation will occur, including placement of approximately two feet of clean engineered fill over most of the site, as previously described. Most of the concrete debris will be broken up and covered, or cleared and crushed for reuse elsewhere (e.g. rip/rap, base rock for asphalt, or fill). The former dredge pond will be filled in and the wetland restoration and landscaping planting will begin. The protection fencing around the wetland areas will also be installed. A utility infrastructure trench will be extended from Bay Road to the east of the existing Ravenswood Open Space Preserve parking lot and security lighting will be installed in the parking lot.

After the above tasks are completed, the paved loop trail and limited seating (e.g. at least one bench) will be constructed. The improvements necessary for the Emergency Airboat launch ramp will also be provided in Phase I. The site would be opened to the public following Phase I construction.

3.3.5.2 *Phase 2*

In Phase 2, utilities will be installed (within the trench completed in Phase I) under Bay Road and the Bay Trail. The existing access road from the end of Bay Road will be regraded and paved to the east end of the parking lot and an upgraded security gate will be installed to replace the existing gate. The existing Preserve parking will have a gravel surface and be expanded to accommodate additional parking for Cooley Landing. The main paved trail that will connect to the Bay Trail will also be improved adjacent to the access road.

3.3.5.3 *Phase 3*

Phase 3 includes the construction of the vehicle drive from the Ravenswood Open Space Preserve parking lot, turnaround and minimal on-site parking near the boathouse building. The boathouse building will be rehabilitated into the educational building and the entry plaza and restroom building will be constructed. Utility infrastructure will be extended to the new buildings and rest of the site.

Phase Two: Access Road Improvements

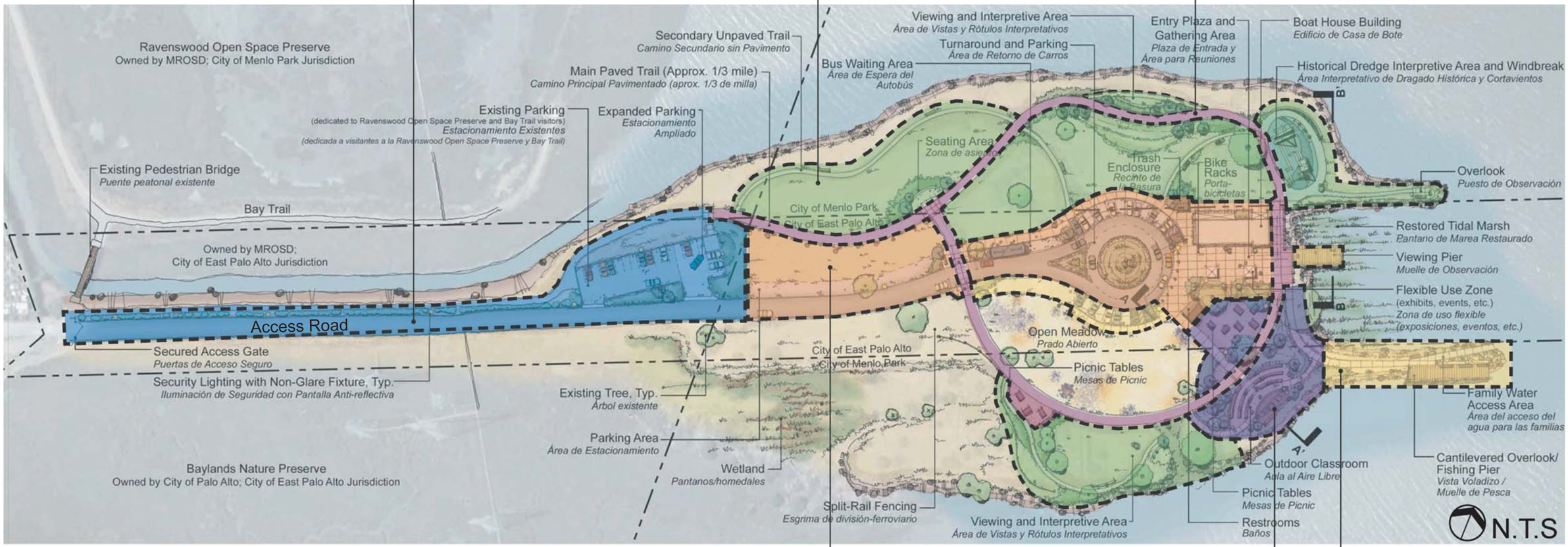
- Regrade and pave Access Road to east end of parking lot
- Pave and expand parking lot
- Improved multi-use trail alongside Bay Road
- Utilities infrastructure to east end of parking lot (water, sewer, electrical)
- Security lighting to east end of parking lot

Phase Five: Trails and Interpretive Areas

- Secondary unpaved trails
- Seating areas
- Viewing and interpretive areas (including historical dredge exhibit)

Phase One: Clean up, Trail Access, Permitting

- Multi use trail loop through site
- Demolition and site clean up for entire site
- Rough grading, import f ll, f ll in dredge pit for entire site
- Restore wetland and tidal marsh
- Reseed grasslands and meadow area for entire site



Phase Three: Vehicle Access & Building Reuse

- Parking, dropoff, turnaround, overf ow parking, bus waiting area
- Extension of Access Road
- Extension of utilities infrastructure (water, sewer, electrical)
- Building reuse
- Interpretive master plan and design
- Indoor exhibits
- Entry plaza
- Restroom and trash enclosure

Phase Four: Outdoor Classroom & Picnic Area

- Outdoor classroom area
- Picnic area
- Extension of pathways

Phase Six: Viewing Piers and Additional Parking

- Viewing piers
- Parking along south side of drop-off circle

Source: Callander Associates

PHASING PLAN

FIGURE 3.3-4

3.3.5.4 *Phase 4*

In Phase 4, the outdoor classroom area and main picnic area will be constructed. A pathway connection between the plaza and outdoor classroom will also be constructed.

3.3.5.5 *Phase 5*

Phase 5 will include construction of the secondary unpaved trails throughout the project site. Seating areas will be installed along the trails and viewing and outdoor interpretive exhibits, including the historic dredge exhibit, will be completed.

3.3.5.6 *Phase 6*

Phase 6 includes the construction of the viewing pier between the two jetties (Figure 3.3-1), and the cantilevered pier and water play access area at the southern jetty.

3.3.6 Project-Related Approvals, Agreements, and Permits

The information contained in this Initial Study will be used by the City of East Palo Alto (the CEQA Lead Agency) as it considers whether or not to approve the proposed Cooley Landing Park project. If the project is approved, the Initial Study would be used by the City and responsible and trustee agencies in conjunction with various approvals and permits. These actions include, but may not be limited to, the following approvals by the agencies indicated:

City of East Palo Alto
- Building Permit
- Clearing and Grading Permit
- Demolition Permit
- Tree Removal and Replacement Permits
- General Plan: Land Use Designation and Map Amendment
  Circulation Element: bikeway access
- Zone change
- Institutional controls as required by Remedial Action Plan

Bay Area Air Quality Management District (BAAQMD)
- Notification of Contaminated Soil Excavation and Removal

California Department of Fish and Game
- Take and/or Recovery Permits under California Endangered Species Act

Federal Emergency Management Agency (FEMA)
- Flood Elevation Certificate

City of Menlo Park
- Grading Permit
- Conditional Use Permit
- Heritage Tree Removal Permit

Midpeninsula Regional Open Space District
- Partnership Agreement Amendment
- Stormwater Runoff Agreement
- Comprehensive Use and Management Plan
- Institutional controls as required by Remedial Action Plan

City of Palo Alto
- Encroachment Permit

San Francisco Bay Conservation and Development Commission (BCDC)
- Jurisdiction Permit

San Francisco Bay Regional Water Quality Control Board (RWQCB)
- National Pollutant Discharge Elimination System (NPDES) Permit
- Approval Letter for Remedial Action Plan (RAP), Risk Management Plan (RMP), and Operations and Maintenance Plan (OMP)
- Section 401 Water Quality Certification

San Mateo County Environmental Health Department

- Approval Letter for Remedial Action Plan (RAP), Risk Management Plan (RMP), and Operations and Maintenance Plan (OMP)

United States Army Corps of Engineers (USACE)

- Section 404 Permit – Clean Water Act
- Section 10 Permit – Rivers and Harbors Act
- Section 7 Permit – Endangered Species Act (ESA) consultation with National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS)
- Nationwide Permit 36 – Boat ramp
- Nationwide Permit 38 – Cleanup of Hazardous and Toxic Waste

United States Fish and Wildlife Service & National Marine Fisheries Service

- Section 7 of the Endangered Species Act consultation
- Special Use Permit from Don Edwards San Francisco Bay Wildlife Refuge

SECTION 4.0 ENVIRONMENTAL CHECKLIST AND DISCUSSION OF IMPACTS

This section describes the existing environmental conditions on and near the project area, as well as environmental impacts associated with the proposed project. The environmental checklist, as recommended in the California Environmental Quality Act (CEQA) Guidelines, identifies environmental impacts that could occur if the proposed project is implemented.

The right-hand column in the checklist lists the source(s) for the answer to each question. The sources cited are identified at the end of this section. Mitigation measures are identified for all significant project impacts. "Mitigation Measures" are measures that will minimize, avoid, or eliminate a significant impact (CEQA Guideline 15370). Measures that are required by state law or are East Palo Alto standard conditions of approval are categorized as "Standard Measures."

Each impact is numbered using an alpha-numerical system that identifies the environmental issue. For example, **Impact HAZ–1** denotes the first impact discussed in the hazards and hazardous materials section. Mitigation measures (MM) are also numbered to correspond to the impacts they address. For example, **MM NOI–2.3** refers to the third mitigation measure for the second impact in the noise section. The letter codes used to identify environmental issues are as follows:

Letter Code	Environmental Issue
AES	Aesthetics
AG	Agricultural and Forest Resources
AQ	Air Quality
BIO	Biological Resources
CUL	Cultural Resources
EN	Energy
GEO	Geology and Soils
GHG	Greenhouse Gas
HAZ	Hazards and Hazardous Materials
HYD	Hydrology and Water Quality
LU	Land Use
MIN	Mineral Resources
NOI	Noise
POP	Population and Housing
PS	Public Services
REC	Recreation
TRAN	Transportation
UTIL	Utilities and Service Systems

4.1 AESTHETICS

4.1.1 Setting

4.1.1.1 *Existing Conditions*

The project site is a small peninsula, 11.5 acres in size, which is located at the east end of Bay Road in the cities of East Palo Alto and Menlo Park and extends into tidal marshlands and mud flats at the edge of San Francisco Bay. The project site is not located within a scenic viewshed or along a scenic highway.

The site is relatively flat but raised above the surrounding mudflats and tidal marshlands, the result of its use as a county dump for over 20 years. Most of the site is currently vegetated with non-native grasslands and several eucalyptus, coast live oak, California pepper trees, and other species of trees are growing on the site. Two jetties were constructed to support the former boat repair operations; they are about 20 feet wide and extend up to 250 feet into the Bay from the Cooley Landing peninsula. The edges of the jetties and much of the perimeter of the site are armored with rip rap or concrete debris to protect the banks from erosion. Notable exceptions to the site's relative flatness are a lower area in the southwest portion of the site that contains concrete debris and supports wetland plants and a water-filled pit in the northeastern corner of the site. This pit is the location of a former dredge vessel that burned, after which its remains were removed.

A wood-frame boathouse building surrounded by cracked asphalt paving is located on the eastern portion of the site. The boathouse is composed of two sections: a one-story building that was relocated to the site in 1963 and a two-story addition that was constructed at the site in 1965. The total footprint of the building is approximately 3,200 square feet and has a height of 24 feet.

The site also contains a gravel parking lot, currently used for public access to the Ravenswood Open Space Preserve (Preserve) and San Francisco Bay Trail to the north, a narrow, gravel access road to the boathouse building, cracked asphalt paving around the building, an above-ground steel water tank, a water well and pump, a wooden pedestrian bridge that is stored on-site, and the remains of a steel boat launch structure comprised of several steel piles and a horizontal steel platform. Concrete and metal debris is located throughout the site.

Bay Road terminates at the existing gate at the site's western boundary. Overhead electrical power lines and poles are located along the south side of the access road that continues from the terminus of Bay Road. Overhead high-voltage transmission lines and towers also cross over the access road, west of the existing gravel parking lot.

Surrounding land uses include open space preserves to the north (Ravenswood Open Space Preserve) and south (Palo Alto Baylands Nature Preserve). An industrial and commercial area is located to the west and the San Francisco Bay is to the east.

Views of the project site are generally limited to the surrounding trails from the adjacent open space preserves, from vehicles and pedestrians traveling on the access road from Bay Road, and from the San Francisco Bay in the vicinity of the project site.

4.1.2 Environmental Checklist and Discussion of Impacts

AESTHETICS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Have a substantial adverse effect on a scenic vista?	☐	☐	☒	☐	☐	1,3
2) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☒	☐	☐	1
3) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☒	☐	☐	1
4) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☒	☐	☐	1,3,4

4.1.2.1 *Change in Visual Character*

The project proposes to create a public park within an area that is currently closed to the public.

The project site is not within a scenic view corridor or scenic vista. The proposed project, therefore, will not result in a significant aesthetic impact to scenic views. **(Less Than Significant Impact)**

Implementation of the proposed project will result in improvements to the existing boathouse building, construction of a restroom building, surface parking, trails, seating and gathering areas, picnic areas, and viewing piers. In addition, fill soil will be placed throughout the site prior to construction which will raise the elevation by an average of approximately two feet. Many non-native and invasive plant species will be replaced with native and/or drought-tolerant landscaping on the site. There are 47 trees on the project site. There are 10 heritage-size (according to the City of Menlo Park's regulations) trees on portions of the site that lie in Menlo Park and there are 10 ordinance-size trees (according to the City of East Palo Alto's regulations) on portions of the site that lie in East Palo Alto. Due to the project design 40 of these trees including 9 heritage-sized and 5 ordinance-sized trees will need to be removed. However, the trees will be replaced in accordance with Cities of East Palo Alto and Menlo Park replacement standards (refer to *Section 4.4 Biological Resources*). Alternatively, if the City of East Palo Alto reaches an agreement with the City of Menlo Park to address tree issues on the portions of the site in Menlo Park, then the project would need to comply with the City of East Palo Alto's tree removal requirements.

The project site is not located in the vicinity of a state scenic highway[6] and there are no historic buildings or structures on the project site (refer to *Section 4.5 Cultural Resources)*; therefore, no

[6] The State Scenic Highway System includes a list of highways that are either eligible for designation as scenic highways or have been officially designated. These highways are identified in Section 263 of the Streets and Highways Code and at: http://www.dot.ca.gov/hq/LandArch/scenic_highways/index.htm and http://www.dot.ca.gov/hq/LandArch/scenic/cahisys.htmhttp://www.dot.ca.gov/hq/LandArch/scenic/schwy.htm

impacts to historic structures within a state scenic highway will occur. **(Less Than Significant Impact)**

The boathouse building height will not increase compared to existing conditions and the small (575 sf) addition to this building will not be considered a substantial change because it will be off the backside of the building and compared to the total square footage it will be a very small addition. The project site contains a dilapidated building, cracked pavement and broken concrete, metal, and other associated debris. The new park components will not physically degrade the existing visual character of the project site or the surroundings.

A trailer for an on-site caretaker could be a possible option for security needs in the future. If needed, the trailer could be located on concrete pad to the north side of the boathouse building, away from typical foot traffic. The trailer will be a very minimal addition to the visual surroundings on the site and will not substantially impact the visual setting or physically degrade the project site.

The design and materials used for the proposed development will be subject to review and approval to ensure that the proposed development meets local design and aesthetic standards. The project will undergo architectural and site design review by City of East Palo Alto Planning Staff and the Architectural Supervision in accordance with the City of East Palo Alto's Zoning Ordinance to ensure compatibility with the surrounding land uses. For these reasons, the project would not substantially degrade the existing visual character or quality of the site or its surroundings. **(Less Than Significant Impact)**

4.1.2.2 *Light and Glare Impacts*

Outdoor security lighting from the proposed project would incrementally increase the level of illumination in the area. However, as part of the City of East Palo Alto's Architectural Supervision review process, any proposed exterior lighting and other possible glare-producing features will be reviewed and, if necessary, modified to ensure compliance with the City of East Palo Alto's Bay Access Master Plan, BCDC's *Shoreline Spaces, Public Access Design Guidelines for the San Francisco Bay*, and BCDC's *Public Access and Wildlife Compatibility*. These reports include recommendations for providing enough lighting to create a sense of safety, while controlling intensity, glare, and spillover, and locating night lighting away from sensitive habitat areas. In addition, a detailed lighting plan will be prepared for review and approval by the City's Planning Manager and the U.S. Fish and Wildlife Service prior to issuance of building permits. This lighting plan will be required to demonstrate how light and glare will be controlled and how the proposed lighting will not be a source of substantial, new glare. Through the implementation of these established performance standards, which will be required as a result of the multiple review processes, any lighting on the site will be designed that to prevent lighting from being directed onto adjacent properties and shield the light source from direct off-site viewing. For these reasons, the project will not result in significant light and glare impacts. **(Less Than Significant Impact)**

4.1.3 Conclusion

The proposed project, in conformance with applicable City standards and guidelines, will not result in significant aesthetic impacts. **(Less Than Significant Impact)**

4.2 AGRICULTURAL AND FOREST RESOURCES

4.2.1 Setting

According to the *San Mateo County Important Farmlands Map* (2008), the project site is designated as *Other Land. Other Land* is land not included in any other mapping category. Common examples include low density rural developments, brush, timber, wetland, and riparian areas not suitable for livestock grazing, confined livestock, poultry, or aquaculture facilities, strip mines, borrow pits, and water bodies smaller than 40 acres. Vacant and nonagricultural land surrounded on all sides by urban development and greater than 40 acres, is mapped as *Other Land*.

The project site is designated in the City East Palo Alto's General Plan and Zoning District as *Resource Management*. Resource Management uses provide for preservation of environmentally sensitive open space lands in natural conditions. For the portions of Cooley Landing that are within the City of Menlo Park's jurisdiction, the General Plan land use designation is *Non Urban-Marshes* which provides for preservation and protection of wildlife habitat and ecological values associated with the marshlands bordering San Francisco Bay, and the zoning district is *FP (Flood Plain District)*. Agricultural uses are a permitted use under the FP zoning district, but agricultural uses have not occurred on the site in the past. The project site is not used for agricultural or forest land/timberland purposes. A portion of the project area (Assessor's Parcel Number: 063-590-060), which was formerly used as a salt evaporation pond, is subject to a Williamson Act contract between the City of Menlo Park and Leslie Salt Company (the former property owner). In 2000, the levees surrounding the former salt pond at Ravenswood Open Space Preserve were breached and tidal flow restored so that it could be naturally converted to tidal marsh habitat. No further salt production occurs in the area, although the property is still subject to the Williamson Act contract. The project site is not considered forest land or timberland.[7]

4.2.2 Environmental Checklist and Discussion of Impacts

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 1) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	☐	5

[7] According to California Public Resources Code Section 12220(g), "Forest land" is land that can support 10-percent native tree cover of any species, including hardwoods, under natural conditions, and that allows for management of one or more forest resources, including timber, aesthetics, fish and wildlife, biodiversity, water quality, recreation, and other public benefits. According to California Public Resources Code Section 4526, "Timberland" means land, other than land owned by the federal government and land designated by the board as experimental forest land, which is available for, and capable of, growing a crop of trees of any commercial species used to produce lumber and other forest products, including Christmas trees.

AGRICULTURAL AND FOREST RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
2) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☒	☐	☐	4
3) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	☐	☐	☐	☒	☐	4
4) Result in a loss of forest land or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,3,4
5) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	☐	☐	☐	☒	☐	1,3,4

4.2.3.1 *Discussion of Impacts*

As described above, the project site is not planned or used for agricultural or salt pond purposes or forest land/timberland. Therefore, the development of the project site will not result in the loss of agricultural land or forest land/timberland. In addition, the project site is located in an urban area and there are no adjacent properties used for agricultural, salt pond or forest land/timberland purposes. For this reason, the proposed project will not result in conversion of off-site farmland or forest land/timberland to urban uses or conflict with the Williamson Act contract. **(Less Than Significant Impact)**

4.2.3 Conclusion

The proposed project will not result in significant impacts to agricultural or forest resources. **(Less Than Significant Impact)**

4.3 AIR QUALITY

4.3.1 Setting

Air quality and the amount of a given pollutant in the atmosphere are determined by the amount of pollutant released and the atmosphere's ability to transport and dilute the pollutant. The major determinants of transport and dilution are wind, atmospheric stability, terrain, and for photochemical pollutants, sunshine.

Northwest winds and northerly winds are most common in East Palo Alto, reflecting the orientation of the Bay and the San Francisco peninsula. Winds from these directions carry pollutants released by autos and factories from upwind areas of the peninsula towards East Palo Alto, particularly in the summer months. Winds are lightest on the average in fall and winter. Every year in fall and winter, there are periods of several days when winds are very light and local pollutants can build up.

4.3.1.1 *Regional and Local Criteria Pollutants*

Major criteria pollutants, listed in "criteria" documents by the U.S. Environmental Protection Agency (USEPA) and the California Air Resources Board (CARB) include ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, and suspended particulate matter (PM). These pollutants have health effects such as respiratory impairment and heart/lung disease symptoms.

Areas that do not violate ambient air quality standards are considered to have attained the standard. Violations of ambient air quality standards are based on air pollutant monitoring data and are judged for each air pollutant. The Bay Area as a whole does not meet state or federal ambient air quality standards for ground level ozone and state standards for particulate matter (PM_{10} and $PM_{2.5}$). The area is considered attainment for all other pollutants.

4.3.1.2 *Sensitive Receptors*

Sensitive receptors are facilities or land uses that include members of the population that are particularly sensitive to the effects of air pollutants, such as children, the elderly, and people with illnesses. Examples of sensitive receptors include schools, hospitals, and residential areas. There are no sensitive receptors adjacent to the project site. The closest sensitive receptor, a residence, is located over 2,400 feet to the west.

4.3.1.4 *Regulatory Overview*

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. Air quality standards are set by the federal government (the 1970 Clean Air Act and its subsequent amendments) and the state (California Clean Air Act of 1988 and its subsequent amendments). Regional air quality management districts such as BAAQMD must prepare air quality plans specifying how state standards would be met. BAAQMD's most recently adopted Clean Air Plan (CAP) is the *2010 Clean Air Plan* (2010 CAP).

The Bay Area 2010 CAP provides an updated comprehensive plan to improve Bay Area air quality and protect public health, taking into account future growth projections to 2035. The 2010 CAP was adopted by BAAQMD's Board of Directors in September 2010. The population projections used in

the 2010 CAP were based on the Association of Bay Area Government (ABAG) *2007 Projections*. ABAG's *Projections 2007* forecasts East Palo Alto's population to be 47,300 residents in 2035.

BAAQMD Significance Thresholds

According to the adopted BAAQMD thresholds of significance, a project that generates 54 pounds per day of reactive organic gases (ROG), nitrogen oxide (NO_x), or fine particulate matter ($PM_{2.5}$); or 82 pounds per day of particulate matter (PM_{10}) would result in significant operational and/or construction-related air quality impacts.

The draft BAAQMD *CEQA Air Quality Guidelines* (June 2010) identifies a screening threshold of 2,613 city park acres for a potentially significant operational air quality impact and a screening threshold of 67 city park acres for a potentially significant construction-related air quality impact.

The BAAQMD-adopted thresholds of significance for local community risk and hazard impacts apply to both the siting of a new source and to the siting of a new receptor. Local community risk and hazard impacts are associated with toxic air contaminants (TACs) and $PM_{2.5}$ because emissions of these pollutants can have significant health impacts at the local level.

If emissions of TACs or $PM_{2.5}$ exceed any of the thresholds of significance listed below, the proposed project would result in a significant impact.

- Non-compliance with a qualified risk reduction plan;
- An excess cancer risk level of more than 10 in one million, or a non-cancer (i.e., chronic or acute) hazard index greater than 1.0 would be a cumulatively considerable contribution; or
- An incremental increase of greater than 0.3 micrograms per cubic meter (µg/m3) annual average $PM_{2.5}$ would be a cumulatively considerable contribution.

4.3.2 Environmental Checklist and Discussion of Impacts

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☒	☐	☐	1,6,7
2) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☒	☐	☐	7,8

AIR QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors?	☐	☐	☒	☐	☐	7
4) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☒	☐	☐	1,7,9
5) Create objectionable odors affecting a substantial number of people?	☐	☐	☒	☐	☐	1,8

4.3.2.1 *Consistency with the Clean Air Plan*

Determining consistency with the CAP involves assessing whether Air Quality Planning control measures contained in the 2010 CAP are consistent with the proposed project. The control measures were designed to improve air quality by reducing emissions. CAP control measures may also reduce vehicle use, vehicle idling, or traffic congestion. Applicable control measures are listed in Table 4.3-1 below. Individual projects cannot individually implement the listed measures. Most control measures, however; are implemented through the General Plan policies, which are the basis of mitigation for land use impacts in East Palo Alto and Menlo Park.

The proposed project will intensify the use on the project site and increase vehicle trips compared to existing conditions. However, the proposed project is considered efficient growth because it is consistent with the applicable control measures listed below and is a re-use of a vacant site for passive recreational uses within an urban setting. The project will improve and provide new bicycle and pedestrian facilities and will be designed and constructed using renewable and energy efficient practices and techniques. This is not the type of project that will lead to regional population growth beyond what is planned. Therefore, the project can be considered to be efficient growth which is consistent with the 2010 CAP's Air Quality Planning control measures. Consequently, project implementation will not conflict with or obstruct implementation of BAAQMD's air quality planning efforts. **(Less Than Significant Impact)**

Table 4.3-1:
Bay Area 2010 Clean Air Plan Control Measures to be Implemented by Cities

Control Measures	Description
Bicycle Access and Facilities Improvements	This measure will expand bicycle facilities serving employment sites, educational and cultural facilities, residential areas, shopping districts, and other activity centers. Typical improvements include bike lanes, routes, paths, and bicycle parking facilities. This control measure also includes improving bicycle access to transit.

Table 4.3-1:
Bay Area 2010 Clean Air Plan Control Measures to be Implemented by Cities

Control Measures	Description
Pedestrian Access and Facilities Improvements	This measure will improve pedestrian facilities and encourage walking by funding projects that improve pedestrian access to transit, employment and major activity centers. Improvements may include sidewalks/paths, benches, reduced street width, reduced intersection turning radii, crosswalks with activated signals, curb extensions/bulbs, buffers between sidewalks and traffic lanes, and street trees.
Renewable Energy	This measure will promote distributed renewable energy generation (solar, micro wind turbines, cogeneration, etc.) on commercial and residential buildings, and at industrial facilities.
Energy Efficiency	This measure will provide: 1) education to increase energy efficiency; 2) technical assistance to local governments to adopt and enforce energy efficient building codes; and 3) incentives for improving energy efficiency at schools.
Urban Heat Island Mitigation	This measure will mitigate the "urban heat island" effect by promoting the implementation of cool roofing, cool paving, and other strategies.
Tree-Planting	This measure will promote planting of low VOC-emitting shade trees to reduce urban heat island effects, save energy, and absorb CO2 and other air pollutants.

Source: Bay Area Air Quality Management District, *2010 Clean Air Plan –Volume II.* September 2010.

4.3.2.2 *Short- and Long-term Air Quality Impacts*

Short-Term Construction-Related Air Quality Impacts

Construction activities will temporarily affect local air quality. Construction activities such as earthmoving, construction vehicle traffic, and wind blowing over exposed earth can generate exhaust emissions and fugitive particulate matter emissions that affect local and regional air quality. Construction activities are also a source of organic gas emissions. Solvents in adhesives, non-water based paints, thinners, some insulating materials, and caulking materials will evaporate into the atmosphere and will participate in the photochemical reaction that creates urban ozone. Asphalt used in paving is also a source of organic gases for a short time after its application.

Construction dust could affect local air quality at various times during construction of the project. The dry, windy climate of the area during the summer months creates a high potential for dust generation when and if underlying soils are exposed to the atmosphere. Construction activities will increase dustfall and locally elevated levels of PM_{10} downwind.

As discussed previously, the draft BAAQMD *CEQA Air Quality Guidelines* has a screening threshold of 67 acres of city parks for a potentially significant construction-related air quality impact. The project proposes an 11.5-acre city park. Given the BAAQMD screening thresholds and the amount of development proposed, it is not anticipated that the project will result in significant construction-related impacts. **(Less Than Significant Impact)**

Standard Measures: During all phases of project construction and soil stockpiling, BAAQMD's Basic Control Measures for construction sites shall be implemented (BAAQMD, 2010) to avoid and minimize short-term construction air quality impacts. The measures shall consist of the following:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) will be watered two times per day.
- All haul trucks transporting soil, sand, or other loose material off-site will be covered.
- All visible mud or dirt track-out onto adjacent public roads will be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.
- All vehicle speeds on unpaved roads will be limited to 15 mph.
- All roadways, driveways, and sidewalks to be paved will be completed as soon as possible.
- Idling times will be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes. Clear signage will be provided for construction workers at all access points.
- All construction equipment will be maintained and properly tuned in accordance with manufacturer's specifications. All equipment will be checked by a certified mechanic and determined to be running in proper condition prior to operation.
- The telephone number and person to contact at the City of East Palo Alto Planning Division regarding dust complaints will be posted in an area visible to the public. The contact person will respond and commence corrective action within 48 hours. The BAAQMD's phone number will also be visible to ensure compliance with applicable regulations.

Sensitive Receptors

As mentioned above, the closest sensitive receptor, a residence, is located over 2,400 feet from the project site. On-site equipment during construction would result in temporary diesel exhaust emissions.

According to BAAQMD's Screening Table for Air Toxics Evaluation during Construction[8], the screening table indicates that construction projects approximately 11.5 acres in size would not subject sensitive receptors to substantial increases in health risks if they are located more than 200 meters from the project site. Because the distance from the site to the nearest sensitive receptor is more than 2,400 feet (732 meters), the screening table confirms that the project-generated emissions would not expose sensitive receptors to substantial levels of toxic air contaminants. **(Less Than Significant Impact)**

Odors

During construction, the various diesel powered vehicles and equipment in use on the site would create localized odors. These odors would be temporary and would likely not be noticeable for extended periods of time beyond the project's site boundaries; therefore, diesel odor impacts are less than significant. **(Less Than Significant Impact)**

[8] Bay Area Air Quality Management District. *Screening Tables for Air Toxics Evaluation During Construction*. May 2010. p. 9.

Long-Term Operational Air Quality Impacts

As discussed previously, the draft BAAQMD *CEQA Air Quality Guidelines* identifies a screening threshold of 2,613 acres of city parks for a potentially significant operational air quality impact. The proposed project would result in an increase of nine acres[9] of city parkland. Given the BAAQMD screening thresholds and the amount of development proposed, it is not anticipated that the project would result in significant long-term operational air quality impacts. **(Less Than Significant Impact)**

Odors

Trash and recycling receptacles will be located throughout the park in picnic areas, by the restrooms, and other areas likely to attract the greatest use and a dumpster will be surrounded by a trash enclosure located northwest of the boathouse building. All waste would be collected and removed from the site on a weekly basis, and would not likely be noticeable for extended periods of time on the site and beyond the project's site boundaries. It is not anticipated that the proposed park uses on the project site would produce any other offensive odors. **(Less Than Significant Impact)**

4.3.3 Conclusion

The proposed project, with the implementation of the above standard measures, would not result in significant air quality impacts. **(Less Than Significant Impact)**

[9] This number is different than the total project site acreage because the access drive is not included in the new parkland acreage.

4.4 BIOLOGICAL RESOURCES

The following discussion is based on a Biological Assessment prepared by Huffman-Broadway Group, Inc. in December 2010. A copy of this report is located in Appendix A of this document.

4.4.1 Setting

Biological resources include plants and animals and the habitats that support them. Individual plant and animal species that are listed as rare, threatened, or endangered under the State and/or Federal Endangered Species Act(s), and the natural communities or habitats that support them, are of particular concern. Sensitive natural communities (e.g., wetlands, riparian woodlands, and oak woodland) that are critical to wildlife or ecosystem function are also important biological resources.

The avoidance and mitigation of significant impacts to biological resources under CEQA is consistent with and complementary to various Federal, State, and local laws and regulations that are designed to protect these resources. Many of these regulations mandate that project sponsors obtain permits that include measures to avoid and/or mitigate impacts, prior to the commencement of development activities.

4.4.1.1 *Regulatory Framework*

Regulated Habitats

United States Army Corps of Engineers Jurisdiction

Areas meeting the regulatory definition of "Waters of the United States" (jurisdictional waters) are subject to the jurisdiction of the U.S. Army Corps of Engineers (USACE). The USACE, under provisions of Section 404 of the Clean Water Act (1972) and Section 10 of the Rivers and Harbors Act (1899), has jurisdiction over "Waters of the U.S." These waters may include all waters used, or potentially used, for interstate commerce, including all waters subject to the ebb and flow of the tide, all interstate waters, all other waters (intrastate lakes, rivers, streams, mudflats, sandflats, playa lakes, natural ponds, etc.), all impoundments of waters otherwise defined as Waters of the U.S., tributaries of waters otherwise defined as Waters of the U.S., the territorial seas, and wetlands adjacent to Waters of the U.S.

Areas not considered to be jurisdictional waters include non-tidal drainage and irrigation ditches excavated on dry land, artificially-irrigated areas, artificial lakes or ponds used for irrigation or stock watering, small artificial water bodies such as swimming pools, and water-filled depressions.

Construction activities within jurisdictional waters are regulated by the USACE. The placement of fill into such waters must be in compliance with permit requirements of the USACE. No USACE permit will be approved in the absence of state water quality certification pursuant to Section 401 of the Clean Water Act. State Water Resources Control Board is the state agency charged with implementing water quality certification in California.

San Francisco Bay Conservation and Development Commission

State legislation, the *McAteer-Petris Act*, was passed in 1965 to establish and govern the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC is dedicated to the protection and enhancement of San Francisco Bay. The *San Francisco Bay Plan (Bay Plan)*,

completed by the BCDC in 1969, regulates development in and around the Bay, and includes a range of policies on public access, water quality, fill, and project design. The Bay Plan also designates shoreline areas that should be reserved for water-related purposes like ports, industry, public recreation, airports, and wildlife refuges. As the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone, the BCDC can use the authority of the federal Coastal Zone Management Act to ensure that federal projects and activities are consistent with the policies of the Bay Plan and state law.

Section 66605 of the McAteer-Petris Act states that fill in San Francisco Bay should only be authorized when: (1) the public benefits from the fill clearly exceed the public detriment from the loss of water area; (2) no upland alternative location is available for the project purpose; (3) the fill is the minimum amount necessary to achieve the purpose of the fill; (4) the fill will minimize harmful effects to the Bay; and (5) that the fill should be constructed in accordance with sound safety standards. If the proposed project would involve fill in the Bay, the City will need to show that fill associated with the project meets all of the above listed criteria.

BCDC's jurisdiction generally extends to all areas of San Francisco Bay that are subject to tidal action, including sloughs and marshlands, to a 100-foot shoreline band surrounding the Bay, to salt ponds and managed wetlands as defined in the Act, and to certain designated waterways.

Special-Status Plant and Wildlife Species

Federal Endangered Species Act

The federal Endangered Species Act (FESA) protects listed wildlife species from harm or "take" which is broadly defined as to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to engage in any such conduct. A take can also include habitat modification or degradation that directly results in death or injury to members of a listed wildlife species. An activity can be defined as "take" even if it is unintentional or accidental. Listed plant species are provided less protection than listed wildlife species. Listed plant species are legally protected from take under FESA if they occur on federal lands or if the project requires a federal action, such as a Section 404 fill permit.

California Endangered Species Act

The California Endangered Species Act (CESA) prohibits the take of any plant or animal listed or proposed for listing as rare (plants only), threatened, endangered or fully protected. In accordance with the CESA, the California Department of Fish and Game (CDFG) has jurisdiction over state-listed species (California Department of Fish and Game Code 2070). Additionally, the CDFG maintains lists of "species of special concern" that are defined as species that appear to be vulnerable to extinction because of declining populations, limited ranges, and/or continuing threats.

Federal Migratory Bird Treaty Act

The Federal Migratory Bird Treaty Act (16 U.S.C. Sec. 703) prohibits killing, possessing, or trading in migratory birds except in accordance with regulations prescribed by the Secretary of the Interior. This act encompasses whole birds, parts of birds, and bird nests and eggs.

California Department of Fish and Game Code Section 3503.5

Birds of prey are protected under Fish and Game Code section 3503.5, which states that it is "unlawful to take, possess, or destroy any birds in the order Falconiformes or Strigiformes (birds of prey) or to take, possess, or destroy the nest or eggs of any such bird except as otherwise provided by this code or any regulation adopted pursuant thereto."

California Native Plant Society (CNPS), a non-governmental conservation organization, has developed lists of plant species of concern in California. Although the CNPS is not a regulatory agency and plants on these lists have no formal regulatory protection, plants appearing on List 1B or List 2 are, in general, considered to meet CEQA's Section 15380 criteria and adverse effects to these species may be considered significant.

4.4.1.2 *Existing Conditions*

Biological Habitats

Cooley Landing currently provides limited habitat for wildlife due to its previously-disturbed and ruderal (weedy) character. The project area is a former county dump site in former wetlands of the San Francisco Bay. Nearly all the native vegetation at the site has been removed or disturbed by historic land use practices including landfill activities, road and commercial development, and jetty construction. Artificial upland fill, colonized by weedy, non-native plants and introduced tree species, currently dominate the site. A wetland depression occurs in the northeast portion of the site, separately hydrologically from the bay by a fill berm and concrete debris, scrap metal, and contaminated soil.

Biological habitats occurring at the site include non-native grassland, ruderal vegetation, disturbed coastal scrub, aquatic habitats including brackish water marsh, alkali flats, and seasonal wetlands. A map and table of biological habitats at the project site is shown on Figure 4.4-1 and Table 4.4-1.

Table 4.4-1: Biological Habitats

Biological Habitat	Size (acres)
Non-Native Grassland	3.33
Ruderal Vegetation	1.45
Disturbed Coastal Scrub	1.37
Aquatic	0.55
Brackish-water Marsh	*0.36*
Alkali Flats	*0.08*
Seasonal Wetland	*0.11*
Total	**6.7**[1]

[1] The remaining 2.22 acres includes the developed portions of the project site.

Non-Native Grassland

Most of the site is occupied by non-native grassland vegetation. Dominant species occurring on-site include: black mustard, wild radish, wild oat, field bindweed, brome grasses, and rye grass. Scattered throughout this community are several trees of various species, including: blue gum, coast live oak, olive, fig, Peruvian or California pepper tree, apple, Canary Island date palm, and acacia.

HABITAT MAP

FIGURE 4.4-1

Non-native grassland habitats generally occur within areas from which the native vegetation has been removed by grading, agricultural practices, or other surface disturbances. Normally, this habitat type may serve valuable habitat functions by providing foraging opportunities and movement corridors traversed by a variety of wildlife species. Within the study area, however, there is little to no connectivity to other, less disturbed grassland habitats off-site, as the area is entirely surrounded by water, buildings, and roads. Small mammals, such as California ground squirrel, California vole, and Botta's pocket gopher, may use grassland and ruderal habitats on-site as a refuge within the surrounding industrial and residential development. Other common mammals potentially using the area include those adapted to urban environments such as striped skunk, Virginia opossum, and raccoon.

Raptors known to use non-native grasslands include white-tailed kite, burrowing owl, and northern harrier. Common passerine species, such as western meadowlark, white crowned sparrow, and black phoebe may use grassland habitats for foraging and nesting. Reptiles that are associated with non-native grasslands in this area include: western fence lizard, terrestrial garter snake, western rattlesnake, and gopher snake.

Overall, the grasslands within the site are not routinely maintained (regularly mowed, chemically treated, etc), thereby presenting some opportunities for cover which commonly occurring mammal species may utilize. Height of grassland vegetation varies from approximately one to four feet tall. Due to the height of the vegetation, burrowing owl is not expected to use the site, even though some burrows for California ground squirrel are present near the north jetty.

Non-native grassland habitat is the most abundant wildlife habitat found within the project site. However, the annual grassland wildlife habitats located at the site have relatively low wildlife values, due largely to their highly disturbed nature and the site's location within a matrix of industrially developed, commercial, and residential lands.

Ruderal

Ruderal areas are those areas where land management practices and/or ground disturbance activities have resulted in "waste areas" where native or natural vegetation has been replaced by invasive or noxious weed species. Such disturbed areas are not expected to support any significant native vegetation.

Vegetation within the ruderal community on-site consists primarily of nuisance species, including: wild radish, black mustard, bull thistle, Italian thistle, horsetail weed, common vetch, and red-stemmed filaree. Wildlife species found within the ruderal community on-site are similar to those found within the non-native grassland habitats.

Disturbed Coastal Scrub

The northern form of this shrub-dominated community, Franciscan coastal scrub, is typically found along the California coast from Humboldt County, south to the Big Sur coastal region, and is often low growing due to excessive wind forces.

On-site, a Bay-influenced, disturbed example of coastal scrub occurs in the southwestern portion of the site where it intergrades to some degree with non-native grasslands. Disturbed coastal scrub on-site plant species include: coyote brush, coffeeberry, poison oak and various non-native annual

grasses. This area intergrades with the area of concrete debris piles in the southwestern portion of the site.

This multi-layered habitat type can normally serve valuable functions which a variety of wildlife species would be expected to utilize. Coastal scrub habitats at the site are, however, degraded by the presence of refuse and debris, and are surrounded by land developed with industrial and residential uses. Their value to wildlife species is greatly reduced, due in large part to an increased presence and a predominance of vermin and domestic or feral species such as cats and dogs.

Aquatic Habitats

Aquatic habitat occurs where water tables are near the surface or the land is covered by shallow to deep water. This habitat type is one of the most productive areas for wildlife in that it offers water, food, and cover for a variety of species. Numerous shorebirds may be expected to utilize this habitat type within the greater San Francisco Bay area site, including: American avocet, black-necked stilt, willet, brown pelican, and double-crested cormorant, among others.

At the end of the southern jetty, a potential shorebird *loafing* area (area where birds congregate, preen and rest) was observed. Signs of the area's use by shorebirds included prey remains, bird excrement, feathers, and bone fragments. Additionally, groups of shore birds were noted by the project biologists along the shoreline of the Ravenswood Open Space Preserve, north of the site. While no fishery habitat evaluation was completed as a part of this evaluation, several leopard sharks were observed schooling approximately 20 feet offshore of the south-central portion of the site.

Brackish-water Marsh

Brackish-water marsh typically occurs within low-lying sites that are permanently flooded with salt water, receive freshwater inducements, and lack significant flow. This vegetation community is most extensive where surface water is shallow, slow, or stagnant. Typically densely dominated by perennial, grass-like plants such as cordgrass or bulrush, characteristic stands of this community are of low quality on the project site due to the artificial fill topography and lack of a shallow marsh plain.

Areas of shallow water sparsely colonized by cordgrass, pickleweed, and other brackish-marsh associates occur outside rip rap armoring along the southern and eastern margins of the site. However, extensive, high quality areas of brackish-water marsh occur directly north and south of the site.

Alkali Flat

Alkali flats are sparsely vegetated to non-vegetated salt-influenced areas ringed by narrow bands of drought-tolerant plants. On San Francisco Bay, these areas typically form where inundations and tidal fluctuations leave shallow deposits of saltwater. Soils are composed of fine-grained sediments with high levels of alkali salts. A small (approximately 0.08 acre), narrow band of alkali flat is present in the southwestern area of the site. Species observed in this vegetation type on-site include alkali heath, pickleweed, and salt grass.

Seasonal Wetland

Seasonal wetlands consist of areas with seasonally saturated soils supporting few to several perennial and annual herbaceous hydrophytic plant species. In general, this plant association resembles a wetland community only following the wet season; typically it dries up rapidly with the onset of summer and the wetland indicator species go dormant. During the dry season, such sites may not be readily recognizable as wetlands because wetland species go to seed and typical upland grasses and forbs become established.

Seasonal wetlands exist on-site as a transitional zone between the brackish-water marsh and non-native upland areas. The seasonal wetland community on-site is dominated by salt grass, fleshy jaumea, and alkali heath.

Special-Status Plants and Wildlife

Plants

No federally-listed plant species occur along this part of the San Francisco Bay shoreline. The only species with a potential for occurrence at Cooley Landing are the Congdon's tarplant and Point Reyes bird's beak, species not listed by either the federal or state governments but included on List 1B by the California Native Plant Society (CNPS). Point Reyes bird's beak was documented as being present at Cooley Landing through specimens collected between 1895 and 1914, but it is believed that the species has been long extirpated from the project area. In July 2009, a focused rare plant survey was completed by MROSD staff, and no special status species were observed on the property.

Wildlife

A data search of the Californian Natural Diversity Data Base (CNDDB) found two federally-listed species known to occur in the vicinity of the project area. These species, the salt marsh harvest mouse and California clapper rail are described in detail below. Additional species with a potential to occur in the project vicinity include steelhead and green sturgeon.

Salt Marsh Harvest Mouse and California Clapper Rail

The USFWS Recovery Plan for the salt marsh harvest mouse and California clapper rail identifies the tidal marshes of the Menlo Park-Palo Alto Shoreline, including the Palo Alto Baylands Nature Preserve and the Faber-Laumeister Tract (Laumeister Tract) in the immediate vicinity of the proposed project area, as habitat essential to survival and recovery of these species. The Palo Alto Baylands Nature Preserve and other tidal marshes in the vicinity represent one of the most significant blocks of habitat available to these two endangered species in the southwest portion of San Francisco Bay. The Recovery Plan also identifies the need for effective management of marshes supporting rail and mouse populations within San Francisco Bay National Wildlife Refuge as a requirement for reducing the likelihood of extinction.

The salt marsh harvest mouse is designated as an "endangered" species under the FESA and the CESA. The USFWS has not designated critical habitat for the salt marsh harvest mouse. The ESA prohibits the "take" of such species, unless the taking occurs incidental to an otherwise lawful activity and the USFWS has issued an incidental take statement or permit. The salt marsh harvest mouse is also a "fully protected" mammal under California law which prohibits even the incidental

take of such species, unless the "take" has been permitted by the CDFG for purposes of scientific research.

Based on information contained within the CNDDB, the salt marsh harvest mouse is known to occur in habitats located to the south of Cooley Landing within the Palo Alto Baylands Nature Preserve and the Laumeister Tract. Salt marsh harvest mice were captured near the Baylands Interpretive Center during trapping studies completed in 1971 and 1985, and up to as many as 17 adult mice were observed in the area near the runways for the Palo Alto Airport in June of 1990. In January of 1991, up to 12 adult salt marsh harvest mice were observed in the area just south of the Bay Road access to Cooley Landing. A salt marsh harvest mouse was also captured in the Ravenswood area of East Palo Alto north of Cooley Landing near the Hetch Hetchy Aqueduct during studies completed there in 1990.

The limited area of salt marsh habitat is located at the southeastern edge of the site and contains a minor component of pickleweed. It is highly unlikely that salt marsh harvest mouse would be found in this area given the limited extent of this habitat and the disturbed nature of the Cooley Landing peninsula.

The California clapper rail, like the salt marsh harvest mouse, is a fully protected species under California law. The California clapper rail has been listed by the USFWS and CDFG as an endangered species since 1970. The USFWS has not designated critical habitat for the California clapper rail.

The California clapper rail inhabits salt water marshes traversed by tidal sloughs in San Francisco Bay. It requires abundant growths of pickleweed, but it feeds away from cover. These rails feed primarily on mollusks from mud-bottomed sloughs.

California clapper rail are known to occur in suitable habitats located immediately north and south of Cooley Landing. The CNDDB contains results of numerous studies of California clapper rail in the Laumeister Tract south of Cooley Landing and north of San Francisquito Creek, with the highest reported number of individuals being more than 60, counted in an airboat survey in 1993. Though not intended as a formal nesting survey, the U.S. Geological Survey mapped nest locations of radio-tagged birds in 2007 and 2008 in the Laumeister Tract. Most nesting at the Laumeister Tract occurred from April to July, and nesting activities encompassed the period from mid-February to late August.

Vegetation that would be found in California clapper rail habitat is located at the southwestern edge of the site, but since the area is very limited and disturbed, it is highly unlikely that California clapper rail would occur in this area.

Central California Coast Steelhead Trout

The Central California coast steelhead Distinct Population Segment (DPS) were listed as threatened under the ESA in August 1997. Critical habitat for Central California Coast steelhead was designated in February 2000 but later withdrawn and reviewed and critical habitat redesignated in 2005. Critical habitat includes all of San Francisco Bay.

The nearest area where this species is known to spawn is San Francisquito Creek, at the border between East Palo Alto and Palo Alto. According to the National Marine Fisheries Service (NMFS), steelhead trout may use marinas, creeks, and sloughs on the bayshore for resting or foraging during

migration and these areas may include the Bay in the vicinity of Cooley Landing. NMFS indicated that steelhead are most likely to be present within the waters of the Bay in the general project vicinity from the beginning of December through the end of May, and steelhead migrating through San Francisco Bay typically occur in the upper 10-15 feet of the water column.

North American Green Sturgeon

On April 7, 2006, NMFS issued a final rule listing the Southern Distinct Population Segments (DPS) of North American green sturgeon as a threatened species under the FESA. Included in the listing is the green sturgeon population spawning in the Sacramento River and living in the Sacramento River, the Sacramento-San Joaquin Delta, and the San Francisco Bay Estuary. Critical habitat was proposed under the FESA in September 2008 for the Southern DPS of green sturgeon. Because of the lack of study of green sturgeon in the southern San Francisco Bay, it is hard to determine whether they would be present in the project area.

4.4.1.3 *Jurisdictional Waters of the U.S./Waters of the State*

Areas meeting the regulatory definition of "Waters of the U.S." (Jurisdictional Wetlands) are subject to the jurisdiction of the United States Army Corps of Engineers (USACE). The placement of fill into such waters must be in compliance with permit requirements of the USACE.

A jurisdiction determination from the USACE was received in May 2010, and includes approximately 0.44 acres of wetlands. These areas include all aquatic, seasonal wetland, brackish water marsh, and alkali flats on the site. A permit from the USACE will be required for any filling of Waters of the U.S.

The California Regional Water Quality Control Board (RWQCB) is responsible for protecting surface, ground, and coastal waters within its boundaries, pursuant to the Porter-Cologne Water Quality Control Act of the California Water Code. All USACE jurisdictional waters are also Waters of the State.

4.4.1.4 *City of East Palo Alto and City of Menlo Park Tree Ordinance*

The City of East Palo Alto Tree Ordinance requires a permit for the removal or relocation of any protected tree with a main stem or trunk which measures 40 inches (diameter of 12.7 inches) or greater in circumference at a height of 24 inches above natural grade. Application for a tree removal permit will be made to the Planning Manager. The application will contain the number and location of the trees to be removed, the type and approximate size of each tree, the reason for removal, and such additional information as the Planning Manager may require. A tree removal permit is not required if the removal has been authorized as part of any development approval granted by the City.

The City of Menlo Park Tree Ordinance requires a permit for the removal or relocation of any tree 1) having a trunk with a circumference of 47.1 inches (diameter of 15 inches) or more measured at 54 inches above natural grade; 2) any oak tree native to California, with a circumference of 31.4 inches (diameter of 10 inches) or more measured at 54 inches above natural grade; 3) any tree or group of trees specifically designated by the City Council for protection because of its historical significance, special character or community benefit.

There are 47 trees on the site including 10 heritage-sized trees and 21 non-heritage-sized trees in Menlo Park and 10 ordinance-sized trees and 6 non-ordinance-sized trees in East Palo Alto. There are no trees on the site specifically designated as having historic significance.

4.4.1.5 *Local Policies and Plans*

The project site is not subject to an approved Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Various policies in the City of East Palo Alto's General Plan have been adopted for the purpose of avoiding or mitigating biological resource impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the biological resources policies listed in the City's General Plan, including the following:

Land Use Goals and Policies

Policy 3.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.

Open Space and Conservation Goals and Policies

Policy 2.1: Conserve, protect and maintain important natural plant and animal communities, such as the baylands, Cooley Landing, San Francisquito Creek, the shoreline and significant tree stands.

Policy 2.2: Conserve and protect important watershed areas and soils through appropriate site planning and grading techniques, revegetation and soil management practices.

Policy 2.3: Preserve existing and increase the number of trees within the community.

East Palo Alto Bay Access Master Plan

Environmental Protection: The City's *Bay Access Master Plan* (BAMP) will ensure that the public access to the Bay is designed, developed, and maintained to protect the existing natural resources and habitats. Increasing access to the Bay will improve the stewardship of the Bay by exposing people to the importance of the Bay.

The public access improvements must be designed and sited to both provide access and protect the wildlife. Potential considerations include designing the open space to reduce predation of endangered Bay animals, shielding site lighting from the Bay, using animal-proof garbage cans, using elevated platforms to view the Bay, and maintaining the parks. To the extent possible, improvements should adhere to BCDC's *Shoreline Spaces, Public Access Design Guidelines* for the San Francisco Bay; and BCDC's *Public Access and Wildlife Compatibility*.

BCDC's Public Access and Wildlife Compatibility and Shoreline Spaces, Public Access Design Guidelines

As part of the BCDC's work plan for updating its Bay Plan, BCDC staff initiated a study of the complex issue of compatibility of public access with wildlife. Through the Public Access and Wildlife Compatibility Project, BCDC endeavored to further revise its policies to better address this

issue. This report provides the background information and research results, on which the revisions to the Bay Plan's public access findings and polices are based.

The *Shoreline Spaces, Public Access Design Guidelines* provide direction on how to design projects to be consistent with BCDC's laws and policies regarding public access. Projects should meet the Seven Public Access Objectives. Public Access Objective No. 7 and Site Specific Public Access Improvement No. 9 are specific to biological resources.

Public Access Objective No. 7: Ensure that public access is compatible with wildlife through siting, design, and management strategies.

Site Specific Public Access Improvement No. 9. Avoiding Adverse Effects on Wildlife:

- Use design elements such as varying trail widths, paving materials and site amenities to encourage or discourage specific types of human activities.
- Use durable materials to reduce erosion impacts on adjacent habitats and to keep users from creating alternate access routes.
- Provide spur trails to reduce informal access into and through more sensitive areas.
- Locate parking and staging areas away from sensitive habitat areas.
- Locate night lighting away from sensitive habitat areas.
- Use physical design features to buffer wildlife from human use.
- Manage type and location of public use to reduce adverse effects on wildlife.
- Incorporate educational and interpretive elements.

4.4.2 Environmental Checklist and Discussion of Impacts

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
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 Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	☐	1,11,12
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 California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☒	☐	☐	☐	1,11,12

BIOLOGICAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☒	☐	☐	☐	1,11,12
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, impede the use of native wildlife nursery sites?	☐	☒	☐	☐	☐	1,11,12
5) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	☐	4,10,14
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?	☐	☐	☐	☒	☐	1,3,11,12

4.4.2.1 *Habitat Impacts*

Impacts to Disturbed Coastal Scrub, Ruderal, and Non-Native Grassland Habitat

Implementation of the proposed project would result in impacts to disturbed coastal scrub, ruderal and non-native grassland habitats. These habitat types are not considered to be sensitive or regulated. Few native plants are generally found in these non-sensitive habitats, and the lack of contiguity between these habitats diminishes their value to native plants and rare wildlife species. These habitats are regionally abundant and the associated plant and wildlife species represent a very small proportion of regional populations.

Implementation of the Cooley Landing project would result in the loss of disturbed coastal scrub, ruderal and non-native grassland habitats by replacement with native plant species and recreational facilities. These habitats are not considered to be sensitive biological habitats for the reasons described above. Therefore, impacts would be less than significant. **(Less than Significant Impact)**

Impacts to Aquatic Habitat

The project would improve and restore the 0.08-acre alkali flat area through the removal of concrete debris, lead contaminated soil (to eight-inch depth), and non-native weedy species and the

replacement of contaminated soil with new clean soil to the same or up to two-inch lower depth and planting of native vegetation. The capping of the site with clean soils would improve the brackish water marsh and seasonal wetland areas at the margins of the site through reductions in the amount of runoff flowing over contaminated soil and into the marsh. As a result of this project, 0.35 acres of wetlands would be improved and restored and 7.6 acres of invasive weeds would be covered and replaced by native plants. **(Less than Significant Impact)**

4.4.2.2 *Special-Status Species Impacts*

Impacts to Salt Marsh Harvest Mouse

The small component of pickleweed at the southwest edge of Cooley Landing is not likely to harbor salt marsh harvest mice. The extensive and higher quality marsh habitats of the Laumeister Tract immediately to the south of Cooley Landing are known to support a population of this federal- and state- listed endangered species. As described in the project description, any new trees planted on the project site will be located on the east side of the site towards the end of the peninsula away from the marsh areas. Land adjacent to marshes will be open grassland and proposed shrubs in other areas will be a maximum three to five feet in height. All plantings including trees will be native and/or drought-tolerant, non-invasive species that minimize avian predator perching potential, per recommendations from the USFWS. This will minimize any foraging by raptor species in the vicinity of the marsh. Operation of the proposed park would have little to no effect on the population of salt marsh harvest mouse inhabiting the adjacent Laumeister Tract. Public use of the shoreline around Cooley Landing and recreational uses at the site would not cause disturbances that would be detrimental to salt marsh harvest mice in the adjacent marsh.

An increase of water-based activities such as canoeing and kayaking is not expected to result in disturbance to salt marsh harvest mice, as on most tidal regimes canoes, and kayaks will be prevented from approaching anywhere near the marshes of the Laumeister Tract due to the prevalence of mudflats. Access to marsh areas could be possible by users of canoes or kayaks during high tides, resulting in potential disturbance to the species, but measures listed below have been incorporated into the project design that avoid or make it further unlikely that salt marsh harvest mouse will be adversely affected by use of the Cooley Landing Peninsula for recreational purposes.

The proposed Menlo Park Fire Protection District Emergency Airboat launch ramp location is an unvegetated slope leading to the water on the southeast side of the Cooley Landing peninsula. The airboat will reach low tide areas and mudflats for emergency rescues and is fairly loud (decibel readings of 94.5 dB at 50 feet). Other noise sources could include evening events at the park. However, no amplified music would be allowed, and the number of events per year will be limited by the City of East Palo Alto. The biological effects to the salt marsh harvest mouse are anticipated to be minimal due to the infrequency of emergency calls and large events per year. In addition, measures will be included in a Memorandum of Understanding among the Cities of East Palo Alto and Menlo Park, MROSD, and the Fire District to ensure short-term training activities and operating procedures will take place during times[10] and conditions that will not impact sensitive salt marsh mouse habitat. **(Less Than Significant Impact)**

Salt marsh harvest mice require upland refugial sites on levees or other higher ground where individuals can seek cover during extreme high tide events and escape predation from predators such as herons, egrets, and other birds of prey or mammals such as foxes. The upland/marsh transition area at the southwest corner of Cooley Landing is topographically positioned to provide this kind of

[10] Fire District emergency airboat training activities will only occur between September and November.

refugial area for the salt marsh harvest mouse. However, the existing rip rap and other debris previously deposited in the marsh at this location fosters the presence of other predators such as rats, feral cats, raccoons, red foxes and skunks that can prey on salt marsh harvest mice. The project proposes to clear this degraded wetland area of debris, and two feet of clean fill soils will be placed in this area to encapsulate the contaminated cover fill soils, and the area naturally restored to extend wetland habitat from the baylands to the south. In addition, the project will remove lead contamination in the onsite alkali flat wetland area and replace it with clean soil. This effort will improve conditions for the salt marsh harvest mouse by eliminating potential pollutants, removing attractants to salt marsh harvest mouse predators from within this marsh transition area, and providing a buffer zone between the proposed park and the vital marsh habitats of the Laumeister Tract. A split rail fence will separate this area from the rest of the site and signage designating this a sensitive habitat area will discourage public entry. The end result of the implementation of the project will be to improve refugial habitat at the southwest corner of the site and provide a location where salt marsh harvest mice known to occur within the Laumeister Tract can seek refuge during extreme high tides. In addition, the project will remove a small amount of concrete debris located in the northern portion of the adjacent Laumeister Tract, further enhancing this habitat area.

While the planned restoration of the degraded marsh will be beneficial to salt marsh harvest mouse in the long-term, it could affect individual species in the short-term during construction. Mice could be injured or killed if they migrate into the area of disturbance while debris removal or other restoration activities are being completed. Predators such as crows and ravens could be attracted to the site during construction activities and during normal operations as a public park.

Impact BIO-1: Project development could result in significant impacts to federally and state listed endangered salt marsh harvest mouse individuals.

The following mitigation measures have been incorporated into the project to reduce salt marsh harvest mouse impacts to a less than significant level:

MM BIO-1.1: A qualified biological monitor(s) will be present during all construction work taking place adjacent to salt marsh habitats. This monitoring shall be repeated in each construction phase that occurs adjacent to salt marsh habitats. The monitors must have experience in monitoring sensitive resource issues on construction projects. Prior to the initiation of construction, qualifications of the prospective biological monitor(s) will be submitted to the USFWS and CDFG for review and approval. The monitor(s) will have the authority to halt construction, if necessary, when noncompliance actions occur. The biological monitor(s) will be the contact person for any employee or contractor who might inadvertently kill or injure a listed species or anyone who finds a dead, injured, or entrapped listed species.

MM BIO-1.2: Prior to the start of any ground disturbing activities on the site, the biological monitor will provide an endangered species training program to all personnel involved in project construction. This training shall be repeated for new personnel in each of construction phase that involves ground disturbance. At a minimum, the employee education program will consist of a brief presentation by persons knowledgeable about salt marsh harvest mouse biology and legislative protection to explain concerns to contractors, their employees, and agency personnel involved with implementation of the project. The program will include the following: a description of the species

and their habitat needs; any reports of occurrences in the action area; an explanation of the status of the salt marsh harvest mouse and their protection under FESA and CESA; and a list of measures being taken to reduce impacts to these species during the work. Fact sheets containing this information will be distributed to all involved in the training.

MM BIO-1.3: Prior to initiation of ground disturbing activities related to soil remediation or debris removal in the refugial habitat restoration area, the qualified biologist will remove pickleweed and saltgrass by hand. The qualified biologist will then complete a pre-construction survey for salt marsh harvest mouse to ensure that all mice have left the work area. To prevent salt marsh harvest mice from moving through the restoration area during construction activities, temporary exclusion fencing will be placed around a defined work area prior to the start of any ground disturbing activities on the site. The fence will be made of a material that does not allow harvest mice to pass through, and the bottom will be buried to a depth of two inches so that mice cannot crawl under the fence. All support for the exclusion fencing will be placed on the inside of the project area.

MM BIO-1.4: If a salt marsh harvest mouse is observed on-site at any time during construction, work will be stopped immediately by the biological monitor until the mouse leaves the vicinity of the work area on its own volition and the USFWS and CDFG are notified. If the mouse does not leave the work area, work will not be reinitiated until the USFWS and CDFG are contacted and has made a decision on how to proceed with work activities. The biological monitor will direct the contractor on how to proceed accordingly. The biological monitor or any other persons at the site will not pursue, capture, handle, or harass any mouse observed. The City will contract with the United States Department of Agriculture (USDA) Wildlife Services to provide predator control services. During construction, if the biological monitor or other personnel observe ravens, crows, or other predators, they will alert USDA staff to address predators appropriately.

MM BIO-1.5: All personnel and any equipment will be required to stay within the designated work sites and access corridors and will not be allowed to enter adjacent salt marsh wetlands, drainages, or habitat of listed species. Pets will not be allowed in or near the work site during or after construction. Firearms will not be allowed in or near the work sites. No intentional killing or injury of wildlife will be permitted. The work sites will be maintained in a clean condition. All trash (e.g., food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) will be placed in closed containers and properly disposed of offsite on a daily basis. No fires will be permitted at any of the work sites.

MM BIO-1.6: Prior to the start of construction, a Refugial Habitat Design Plan for the marsh restoration work at the southwestern portion of the site will be prepared by a qualified biologist for review and approval by the USFWS and CDFG. No construction associated with restoration and enhancement activities within this area will be allowed to begin until approval from the USFWS and CDFG has been received. All design components incorporated into the final

restoration plan will be considered in light of their benefits to the salt marsh harvest mouse. All long-term habitat restoration and enhancement items will be designed and implemented so that these areas may be utilized by the salt marsh harvest mouse for nearly 100 years given current sea level rise predictions. The restored refugial habitat in the southwestern portion of the site will remain closed to public access in perpetuity.

MM BIO-1.7: Appropriate erosion control materials such as straw rolls will be installed as needed during construction activities within the project area. During construction activities, exclusion fencing (silt type) will be placed on both sides of the access road, between the MROSD gate and the east end of the access road. All vehicle speeds on unpaved roads will be limited to 15 mph.

MM BIO-1.8: Hazardous materials used during the work period (e.g., fuels, lubricants, solvents, etc.) will be controlled, cleaned up, and properly disposed of outside the tidal marsh areas. Refueling areas for any equipment will be located at upland sites outside of wetlands.

MM BIO-1.9: After construction, a final clean-up will include removal of all refuse, materials, and facilities generated by the work. Vegetation will not be removed or disturbed in the clean-up process.

MM BIO-1.10: If requested, before, during, or upon completion of construction, the City of East Palo Alto will allow access by USFWS and CDFG personnel to the work areas to inspect effects, if any, upon the activities on the salt marsh harvest mouse.

MM BIO-1.11: Subsequent to construction, the City of East Palo Alto will submit a compliance report, prepared by the biological monitor, to the USFWS and CDFG within 60 days after completion of the work. This report will detail the dates the work occurred; information concerning the success of the actions in meeting the recommended avoidance and minimization measures; any effects on the salt marsh harvest mouse; documentation of the worker environmental awareness training; and any other pertinent information.

MM BIO-1.12: The following describes various design measures that will further avoid impacts to salt marsh harvest mouse during project operation:

- Interpretative signage will be placed along the length of the proposed shoreline trail to encourage awareness within the public of wetlands ecology, endangered species life histories, species/predator interactions, and how predation of sensitive species can be minimized. Additional signs will be placed at various points throughout the trail system to remind park users that pets are not allowed, and to indicate that trespassing is not allowed within refugial habitat restoration area. Signage in picnic areas will be provided to indicate that feeding of wildlife is prohibited and why it is not allowed. Enforcement of the ban on dogs will be the responsibility of the City of East Palo Alto Police Department.

- Educational materials and signage at the kayak/canoe launch will advise against recreational use of canoes and kayaks within or in the vicinity of the marshes of the Laumeister Tract due to danger of stranding during low tide conditions.

- Trash cans, recycling containers, and the dumpster will be animal proof to reduce the amount of waste available to vermin and other predators. All loose trash (e.g., litter, food scraps, cans, bottles, containers, wrappers, cigarette butts, and other discarded items) will be properly disposed on a daily basis.

- All new lighting poles, interpretative signs, information kiosks, and fencing will be designed and established so as to discourage perching or roosting activities of avian predators (e.g., spikes can be placed on light fixtures and other possible perches).

- Native shrubs will be planted along the shoreline below the pedestrian access trail to provide visual screening between wildlife and public trail users. The shrubs will have growth characteristics that discourage perching or roosting of avian predators. Prior to implementing landscaping designs for this area, the proposed planting palette will be submitted for review and approval by the USFWS, CDFG, and predator control staff.

- Use of the trail system will be limited to pedestrian and/or bicycle use only. Public users will be prohibited from using all terrain vehicles (ATVs) or other motorized equipment on the parkland trail system. Battery operated wheelchairs or other similar mechanisms associated with access for disabled individuals will be allowed.

- Educational pamphlets, brochures, and other materials will be provided to park users to educate the public on minimization measures that can be undertaken to prevent feral and domestic pets and rodents from diminishing habitat quality within the project area.

- The City will contract with USDA Wildlife Services to provide ongoing predator control services as needed, including trapping.
  (Less Than Significant Impact with Mitigation Incorporated)

Impacts to California Clapper Rail

The extensive and higher quality marsh habitats of the Laumeister Tract immediately to the south of Cooley Landing are known to support a healthy population of this federal- and state-listed endangered species. It should also be noted that the Ravenswood Open Space Preserve to the north could also support clapper rails once restoration of the salt marsh habitat is fully established as planned. In contrast, as planned, the habitat characteristics of Cooley Landing are not suitable to support the California clapper rail. If the California clapper rail were present in the vicinity of Cooley Landing, it could be disturbed either by construction crews (within 700 feet) involved in restoration work within the marsh area at the southwestern portion of the site or from general increased public use of Cooley Landing once it becomes a park. Noise and other disturbances could

disrupt normal behaviors such as foraging, reproduction, and other essential activities engaged in by individuals of the species.

The extent to which new public use of Cooley Landing could affect California clapper rail populations within the Laumeister Tract and the project vicinity depends on the degree of use and noise generation at the site after development, the location of nesting clapper rail, and the level of sensitivity of the clapper rail to public disturbance. Typical effects would include the audio and visual disturbances generated by increased public use along the shoreline, including that from pedestrian activity.

An increase of water-based activities such as canoeing and kayaking would not be expected to result in disturbance to nesting by California clapper rail, as on most tidal regimes, canoes and kayaks would be prevented from approaching anywhere near the marshes of the Laumeister Tract due to the prevalence of mudflats. Access to marsh areas could be possible by users of canoes or kayaks during high tides, resulting in potential disturbance to the species, but measures listed below have been incorporated into the project design that avoid or make it further unlikely that California clapper rails will be adversely affected by use of the Cooley Landing Peninsula for recreational purposes.

The proposed Menlo Park Fire Protection District Emergency Airboat launch ramp location is an unvegetated slope leading to the water on the southeast side of the Cooley Landing peninsula. The airboat will reach low tide areas and mudflats for emergency rescues and is fairly loud (decibel readings of 94.5 dB at 50 feet). Other noise sources could include evening events at the park. However, no amplified music would be allowed, and the number of events per year will be limited by the City of East Palo Alto. The biological effects to the California clapper rail are anticipated to be minimal due to the infrequency of emergency calls and large events per year. In addition, measures will be included in a Memorandum of Understanding among the Cities of East Palo Alto and Menlo Park, MROSD, and the Fire District to ensure short-term training activities and operating procedures will take place during times[11] and conditions that will not impact the California clapper rail breeding season. **(Less Than Significant Impact)**

Pedestrian traffic, park activities, and associated domestic animals could adversely affect California clapper rail should they be present nearby, but in this case such activities are unlikely to result in "take" of California clapper rail due to the lack of suitable habitat in close proximity. Only clapper rail nests located within the marsh edge immediately adjacent to the project area would be disturbed by public use of the shoreline around Cooley Landing and recreational uses at the site. The project includes fencing and planting to restrict public use of this area. Ongoing use of Cooley Landing as a parkland and recreational area should have little to no effect on a population of California clapper rail inhabiting the adjacent Laumeister Tract and other adjacent marshes. **(Less Than Significant Impact)**

While the planned restoration of the degraded marsh at the southwest corner of the site (as discussed further under Salt Marsh Harvest Mouse discussion above) will be beneficial to California clapper rail in the long-term it could affect individuals in the short-term during construction. California clapper rail could be injured or abandon nests if they migrate into the area of disturbance while debris removal or other restoration activities are in progress.

Impact BIO-2: Project construction could result in short-term significant impacts to federally and state listed endangered California clapper rail individuals.

[11] Fire District emergency airboat training activities will only occur between September and November.

The following mitigation measures have been incorporated into the project to reduce short-term California clapper rail impacts to a less than significant level:

MM BIO-2.1: Construction work will be initiated on or after September 1 and completed on or before January 31 to avoid the nesting season of the California clapper rail. If work in this area is proposed after January 31 and prior to September 1, protocol breeding surveys for California clapper rail will be completed prior to any ground disturbing activities to determine the extent and location of nesting clapper rails. Results of protocol breeding surveys will be submitted to the USFWS and CDFG for a determination of whether work proposed within 700 feet of a clapper rail nest (or the activity center of vocalizing clapper rails) discovered during such surveys will be rescheduled to occur during the period from September 1 to January 31.

- In addition to the construction period above, the following specific construction work may also be completed June 1 through September 1:
  - Tree pruning and installation of temporary fencing around trees to remain
  - Tree removal
  - Removal of barbed wire fence, unused pedestrian bridge, utility poles, water tank
  - Removal of asphalt paving (16,000 sf) and gravel access road (6,000 sf)
  - Temporary construction fencing at east end of existing parking lot
  - Stormwater pollution prevention measures (silt fences, truck tire wash-offs, wattles, etc.)
  - Clearing and grubbing understory vegetation east of parcel line (avoiding wetland, shoreline, and tidal marsh areas)
  - Rough grading of upland areas
  - No more than 4 trucks per day importing clean soil and rough grading to distribute soil and placing only on the eastern half of the peninsula, farthest from the marsh area.

- The following construction activities may only take place between September 1 and January 31:
  - Removal/relocation of concrete debris in wetland area
  - Rip rap augmentation along shoreline
  - Disassembly of steel boat launch structure between jetties
  - Revegetation efforts near the wetland or tidal marsh areas
  - Import clean fill onto the site

MM BIO-2.2: Implement MM BIO-1.5 through MM BIO-1.12. The California clapper rail and salt marsh harvest mouse are found in similar locations in the vicinity of the project site and the measures necessary for species protection are similar for both. Thus, implementing Mitigation Measures BIO-1.5 through 1.12 relevant to the salt marsh harvest mouse would also mitigate impacts to the California clapper rail.
(Less Than Significant Impact with Mitigation Incorporated)

Impacts to Central California Coast Steelhead and North American Green Sturgeon

Approximately 1,250 linear feet of rip rap will be placed along the shoreline margin at the east end of the site, abutting the waters of the San Francisco Bay. The new rip rap will be placed both above and below the mean high tide line to reinforce and replace rip rap in areas where the rip rap is currently sparse or absent. Although little to no effects to aquatic vegetation would occur with these improvements, construction of these improvements could result in a minor, short-term impact to fish migration habitat. Bank stabilization work could result in an increase in turbidity and siltation that in the worst case could stress respiratory function in fish. Increase in turbidity would likely affect steelhead more severely than green sturgeon because sturgeon are typically in the bottom of the water column, and steelhead are typically in the upper 10 to 15 feet of the water column where they are more susceptible to effects from turbidity and suspended sediment. Green sturgeon is also a benthic species and is tolerant of high levels of turbidity and suspended sediment.

Long-term changes in water quality that could potentially affect listed fish species are not expected. With project implementation, residual pollutants present in the unengineered cover fill soils will be encapsulated within a soil cap. Stormwater from project would be collected and transferred to an interior treatment swale prior to entering the San Francisco Bay (refer to *Section 4.9 Hydrology and Water Quality* mitigation measures).

The biological effects of establishing and operating the emergency airboat launch at Cooley Landing are anticipated to be minimal. Installation of the ramp at the proposed location may require removal of debris and replacement of existing contaminated fill with new clean fill, but it will not require any net new fill within the tidal area along the Bay, so no direct effects to fish habitat would result. The airboat necessary to reach low tide areas and mudflats for emergency rescues is fairly loud (decibel readings of 94.5 dB at 50 feet), but use of the boat would not be expected to result in measurable effects to populations of listed fish in this part of the San Francisco Bay due to the infrequency of emergency calls per year. In addition, approximately 12 to 15 trips to respond to emergency calls from South San Francisco to Palo Alto using the airboat currently occur each year. Compared to the current launch facility in Redwood City, the proposed launch site at Cooley Landing may reduce fish impacts in two ways: (1) a launch ramp at Cooley Landing will reduce the response time for most emergency calls by 30 to 45 minutes resulting in less time in the Bay for the airboat; and (2) the current Redwood City launch site contains some aquatic vegetation that is subject to impact with each launch (the proposed Cooley Landing site is currently devoid of aquatic vegetation), therefore adverse effects on fish habitats overall would be lessened at the project site. Although the Fire District has no control over when emergency calls may come in, the Fire District does have control over when training exercises involving the airboat take place. Measures will be included a Memorandum of Understanding among the Cities of East Palo Alto and Menlo Park, MROSD, and the Fire District to ensure short-term training activities and operating procedures will take place during times and conditions that will not impact the sensitive natural habitat.

While in-water work and bank stabilization proposed by the project will be minimal, measures to control potential adverse effects to fish and their habitat would be necessary to ensure short-term construction impacts to steelhead and green sturgeon are less than significant.

Impact BIO-3: Project construction could result in significant short-term impacts to federally and state listed threatened Central California coast steelhead and green sturgeon.

The following mitigation measures and those described in *Section 4.9 Hydrology and Water Quality* have been incorporated into the project to reduce Central California coast steelhead impacts to a less than significant level:

MM BIO-3.1: Bank stabilization work along the shoreline will be subject to the following measures:

- disturbance and removal of aquatic vegetation will be avoided;
- limit the duration and extent of in-water work to the minimum necessary to complete the work;
- implement best management practices and use of silt fence or straw wattles to control sedimentation in runoff; and
- complete in-water work only during low tides to minimize the number of fish in the vicinity, and when steelhead are less likely to be in the project vicinity (from June 1 through November 30).

MM BIO-3.2: Hazardous materials used during the construction period (e.g., fuels, lubricants, solvents, etc.) will be controlled, cleaned up, and properly disposed of outside the tidal marsh areas. Refueling areas for any equipment will be located at upland sites outside of wetlands.
(Less Than Significant Impact with Mitigation Incorporated)

Impacts to Nesting Birds

There could be nesting birds, including raptors, present in on-site trees prior to project construction. Trees on-site that could be utilized by breeding birds include two large eucalyptus, several coast live oak trees within the southern portion of the site, a pine near the boathouse building and a canary date palm. Additionally, there are off-site electrical towers that could be utilized as perching sites by falcons and various raptor species. Nesting birds, including raptors, are protected under the provisions of the Migratory Bird Treaty Act and the California Department of Fish and Game Code Sections 3503 and 3503.5. Construction disturbance during the breeding season could result in the incidental loss of fertile eggs or nestlings, or could otherwise lead to nest abandonment. Most of the trees listed above will be required to be removed because the soil around their roots is likely to be contaminated. Nest abandonment and/or loss of reproductive effort caused by disturbance are considered a "take" by the CDFG, and therefore would constitute a significant impact.

Impact BIO-4: The project would result in significant impacts to nesting birds, if present on-site prior to project construction.

The project proposes to implement the following mitigation measure to reduce impacts to nesting birds to a less than significant level:

MM BIO–4.1: If possible, construction should be scheduled between October and December (inclusive) to avoid the raptor nesting season. If this is not possible, pre-construction surveys for nesting raptors will be completed by a qualified ornithologist to identify active raptor nests that may be disturbed during project implementation. Between January and April (inclusive) pre-construction surveys will be completed no more than 14 days prior to the initiation of construction activities or tree relocation or removal. Between May and August (inclusive), pre-construction surveys will be completed no more than thirty (30) days prior to the initiation of these activities. The

surveying ornithologist will inspect all trees in and immediately adjacent to the construction area for raptor nests. If an active raptor nest is found in or close enough to the construction area to be disturbed by these activities, the ornithologist will, in consultation with CDFG, designate a construction-free buffer zone (typically 250 feet) around the nest. The ornithologist will submit a report to the City's Planning Manager indicating the results of the survey and any designated buffer zones to the satisfaction of the City prior to the issuance of any grading or building permit. The City will contract with the USDA Wildlife Services to address any nests found during construction in a manner they determine appropriate.
(Less Than Significant Impact with Mitigation Incorporated)

4.4.2.3 *Impacts from Removal of Trees*

Based on the concept plan, the development of the proposed project could result in the removal of 40 trees. This includes 9 heritage trees and 21 non-heritage trees in Menlo Park and 5 ordinance trees and 5 non-ordinance trees in East Palo Alto. In addition, 7 more existing trees may be removed, if proposals to save them while still protecting the public from contamination exposure are not effective or acceptable to regulatory agencies. These include one (1) heritage tree in Menlo Park and one (1) ordinance sized tree and 5 non-ordinance trees in East Palo Alto. The project proposes to plant new landscaping, including new trees, as part of the project, and to plant replacement trees primarily in the eastern portion of the site, away from the water, to offset the project's impact from removing existing trees. In addition, trees will be replaced in accordance with Cities of East Palo Alto and Menlo Park replacement standards. For these reasons, the project would not result in a significant impact from the removal of existing trees. **(Less Than Significant Impact)**

Standard Measures: The project proposes to implement the following standard measures to reduce impacts from removal of trees and comply with local regulations:

- All trees that are to be removed will be replaced with trees and shrubs in accordance with Cities of East Palo Alto and Menlo Park replacement standards.
- A permit for removal of any Heritage Tree will be applied for from the City of Menlo Park. This permit would ensure new trees are planted to replace those removed.

Implementation of the project will result in construction activity in the vicinity of the 7 existing trees that are proposed to be preserved. Construction activities within their drip lines have the potential to affect tree health and vigor. In addition, the ability for preserved trees to continue to grow and thrive in the long-term could be affected by the development and the placement of a soil cap that would bury the trees' root systems and cut off their access to air. The project proposes to apply the 2-foot soil cap outside the drip lines of these trees and then to fill the resulting pit with gravel and/or mulch to allow air and water flow. Perforated pipes will be installed at the perimeter of all preserved tree drip lines to catch runoff and reroute water to other parts of the site down gradient in order to help with the long-term vitality of the preserved trees. It is possible that the proposed development could adversely affect the long-term survival of the preserved trees despite incorporation of the above mentioned design measures to save the seven trees. Therefore, the project includes the following standard measures to avoid loss of existing trees and to protect preserved tress during construction.

Standard Measures:
The following tree protection measures will be included in the project in order to protect trees to remain during construction activities:

- Pre-construction treatments:
  - Prior to any ground disturbance on the site, all trees to remain shall be temporarily fenced (6-foot chain link or equivalent as approved by certified arborist) along drip line. Fences are to remain until all grading is completed.
  - Prune trees to be preserved to clean the crown and to provide clearance. All pruning shall be completed or supervised by a certified arborist.
- During site clearing, importing soil, and grading:
  - No grading or other work shall occur within the fenced tree drip line. Any modifications must be approved and monitored by the certified arborist.
  - Any root pruning required for construction purposes shall receive the prior approval of, and be supervised by, the certified arborist.
  - If injury should occur to any tree during demolition, it shall be evaluated as soon as possible by the certified arborist so that appropriate treatments can be applied.
  - No excess soil, chemicals, debris, equipment, or other materials shall be dumped or stored within the fenced tree drip line.
  - Any additional tree pruning needed for clearance during grading must be completed or supervised by a certified arborist and not by grading or construction personnel.

For trees that are located within the City of East Palo Alto jurisdiction:

- Prior to the issuance of any approval or development permit, a Tree Preservation Plan will be prepared by a certified arborist to the satisfaction of the City's Planning Manager for all trees. Information in the Tree Preservation Plan will include an inventory of all trees on the site as to size, species, and eligibility for ordinance size status.

For trees that are located within the City of Menlo Park jurisdiction:

- Prior to the issuance of any approval or development permit, a Tree Preservation Plan will be prepared by a certified arborist to the satisfaction of the City of Menlo Park's Community Development Director for all trees. Information in the Tree Preservation Plan will include an inventory of all trees on the site as to size, species, and eligibility for heritage size status. (Please note that the Cities of Menlo Park and East Palo Alto are discussing the possibility of an agreement for the City of East Palo Alto to assume relevant permitting authority within the portions of the site that lie in Menlo Park. If this agreement can be reached, then the project would comply with East Palo Alto requirements across the entire site). **(Less Than Significant Impact)**

4.4.2.5 *Consistency with Habitat Plans*

As mentioned above, the project site is not subject to an approved Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. **(No Impact)**

4.4.3 Conclusion

The project proposes to include all of the above mitigation measures in the project to reduce all impacts to biological resources to a less than significant level with mitigation measures incorporated. **(Less Than Significant Impact with Mitigation)**

4.5 CULTURAL RESOURCES

The discussion in this section is based in part upon a Cultural Resource Inventory and Assessment and a National Register of Historic Places Evaluation completed by Past Forward, Inc. in August 2007 and November 2009, respectively. Copies of these reports are located in Appendix B of this document.

4.5.1 Setting

The project site is a small peninsula, 11.5 acres in size, which is located at the east end of Bay Road in the cities of East Palo Alto and Menlo Park and extends into tidal marshlands and mud flats at the edge of San Francisco Bay. The inland area adjacent to the site was used for ranching and farming prior to 1867, when it was purchased by Lester Phillip Cooley. The property included a landing to the Bay, which became known as Cooley Landing. Between the years of 1867 and 1884, Cooley Landing was heavily used by shipping vessels delivering bricks from an adjacent brick manufacturing plant that was established during the same period.

There does not appear to be any physical remains of the original Cooley Landing in the project area because it was likely covered by a new burn dump. Although the project site is now referred to as Cooley Landing, the majority of the land mass on which the site is located was actually created by the dumping of refuse into the Bay from 1932 through 1957, a period in which the site was utilized as a county dump. Fill was periodically applied to cover the refuse. Prior to this period, the majority of the project area would have been roughly 10 feet under water.

The site was purchased by a series of private owners in the early 1960's, eventually being used for a boat repair operation. A 3,200 square foot structure was completed by 1965 and still exists on the site. A wharf, remnants of which are still visible on the site, was also constructed during this period. At an unknown date, the owner of the boat repair operation acquired a World War II-era dredge, which was placed in the northeast corner of the site. The dredge was later converted to a living area. The site was sold by the owner of the boat repair operation in 1999 and has been vacant ever since. The dredge remained on the site, but ultimately burned down in 2008. Portions of the dredge were salvaged and could be incorporated into the project as part of an interpretive exhibit.

4.5.1.1 *Prehistoric and Historic Resources*

A prehistoric and historic site record and literature search was completed at the California Historical Resources Information System, Northwest Information Center. The records search indicated that there are no previously recorded sites in the project area or studies completed within a half-mile of the project area.

As described above, the project site is an artificial land mass created during the mid-20th century. Prior to this period, the project area would have been underwater. Although water levels in the Bay have fluctuated over time, the project area likely remained inundated during most of the human occupation of North America. There is a low probability of the existence of archaeological materials on the site, which, if present, would be approximately 18 feet below the current grade.

4.5.1.2 *Paleontological Resources*

Paleontological resources are the fossilized remains of organisms from prehistoric environments found in geologic strata. Paleontological sites are those areas that show evidence of prehuman

activity. Often they are simply small outcroppings visible on the surface or sites encountered during grading. While the sites are important indications, it is the geologic formations that are the most important, since they may contain important fossils. 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. These sediments have low potential to yield fossil resources or to contain significant nonrenewable paleontological resources. However, these recent sediments overlie sediments of older Pleistocene sediments with high potential to contain paleontological resources. These older sediments, often found at depths of 10 feet or more below the ground surface, have yielded the fossil remains of plants and extinct terrestrial Pleistocene vertebrates. Ground disturbing activities of 10 feet or more have the potential to impact undiscovered paleontological resources in older Pleistocene sediments.

The project site is underlain by fill to depths of roughly 18 feet consisting of various densities of clay and sand. The fill is underlain young Bay Mud to the depth of about 55 feet.

4.5.2 Environmental Checklist and Discussion of Impacts

CULTURAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Cause a substantial adverse change in the significance of an historical resource as defined in §15064.5?	☐	☐	☒	☐	☐	1,15,16
2) Cause a substantial adverse change in the significance of an archaeological resource as defined in §15064.5?	☐	☒	☐	☐	☐	1,15,16
3) Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature?	☐	☐	☒	☐	☐	1,15,16
4) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐	☐	1,15,16

4.5.2.1 *Historic Resources*

The existing boathouse building located at the east end of the project site will be retrofitted and restored for use as a multi-purpose education facility. The building will provide space for community meetings, events, staff offices, storage, and exhibit displays. Building improvements include removal of the second story floor to create an atrium-like exhibit space, the addition of an entry canopy along the southern and eastern facades, and expansion space for storage on the northern side of the building. The boathouse structure is less than 50 years old and is not associated with events significant to the patterns in history, nor is it associated with the life of a person significant to history of the area. Given its construction style, it does not embody the distinctive characteristics of a type, period, or method of construction. It is also unlikely to yield information important in prehistory or history. In addition, the building has been moved from its original, unknown offsite location, removing any integrity of location. The building has also been greatly modified, and is

lacking in structural integrity. For these reasons, the structure is not considered a historical resource, and its modification as part of the project would not result in a significant impact.

The refuse material deposited below the site was accumulated over a 30-year period, and was deposited by numerous unknown persons. The deposits associated with the dump lack historical association, and are not considered a historic resource. **(Less Than Significant Impact)**

4.5.2.2 *Prehistoric and Paleontological Resources*

As described above, there is a low probability of the existence of archaeological materials on the site, which, if present, would be approximately 18 feet below the current grade. In addition, the likelihood on encountering paleontological materials in the fill soils in the site is very low.

Construction activities on the site would not disturb native soils. Trenching for the extension of utilities to the site, however, could disturb native soils inland of the site.

Impact CUL-1: Implementation of the proposed project could adversely impact buried cultural resources.

The project will implement the following mitigation measures to reduce possible impacts to cultural resources to a less than significant level.

MM CUL-1.1: Should any archaeological or paleontological indicators be exposed or discovered during either site preparation or subsurface construction activities, all construction work within a 50-foot radius of the find will be halted, the City Planning Manager and City Engineer will be notified, and a qualified archaeologist or paleontologist will be retained to examine the find and make recommendations. The City of Menlo Park Community Development Director will also be notified.

MM CUL-1.2: If human remains are discovered, the San Mateo County Coroner will be notified. The Coroner will determine whether or not the remains are Native American. If the Coroner determines that the remains are not subject to his authority, he/she will notify the Native American Heritage Commission, who will attempt to identify descendants of the deceased.

MM CUL-1.3: If an archeologist or paleontologist determines that the find is not a significant resource, work will resume only after the submittal of a preliminary report and after provisions for reburial and ongoing monitoring are accepted. Provisions for identifying descendants of the deceased Native American and for reburial will follow the protocol set forth in the CEQA Guidelines Section 15126.4. If the site is found to be a significant archaeological site, a mitigation program will be prepared and submitted to the City Planning Manager for consideration and approval, in conformance with the protocol set forth in the CEQA Guidelines Section 15126.4.

MM CUL-1.4: A final report will be prepared when a find is determined to be a significant archaeological or paleontological site, and/or when Native American remains are found on the site. The final report will include background information on the completed work, a description and list of identified resources, the

disposition and curation of these resources, testing, other recovered information, and conclusions.
(Less Than Significant Impact with Mitigation)

4.5.3 Conclusion

Potential impacts to cultural resources will be reduced to a less than significant level with the implementation of the mitigation measures included in the project. **(Less Than Significant Impact with Mitigation)**

4.6 GEOLOGY AND SOILS

The discussion in this section is based in part upon a Preliminary Geotechnical Feasibility Study completed by Kleinfelder, Inc. in May 2007 and a Supplemental Geotechnical Investigation for the Proposed Boathouse Renovation completed by GeoForensics Inc. in August 2010. Copies of these reports are included in Appendix C of this Initial Study.

4.6.1 Setting

4.6.1.1 *On-Site Geologic Conditions*

Soils

Fill to depths of roughly 18 feet was encountered in soil borings taken on the site. Fill consisted of about 5 to 10 feet of soft to very stiff lean clay underlain by very loose to medium dense clayey sand to about 18 feet below ground surface. Fragments of glass and shells were encountered throughout the fill. The fill is underlain by soft, compressible Bay Deposits (young Bay Mud) to the depth of about 55 feet. The Bay Deposits generally consist of clays interbedded with silts. A sandy layer was encountered from about 55 feet to about 60 feet, the maximum depth of the boring.

Because the project site topography is relatively flat, erosion hazard is limited and there is no landslide hazard.

Groundwater

Groundwater was encountered at depths of roughly eight feet. Fluctuations in groundwater levels are expected to occur because of factors such as seasonal fluctuation, underground drainage patterns, perched water conditions, and regional fluctuation.

Seismicity

The San Francisco Bay area is one of the most seismically active areas in the country. While seismologists cannot predict earthquake events, the U.S. Geological Survey's Working Group on California Earthquake Probabilities (2003) estimates there is a 62 percent chance of at least one magnitude 6.7 earthquake occurring in the Bay Area region between 2003 and 2032. As seen with damage in San Francisco and Oakland due to the 1989 Loma Prieta earthquake that was centered about 50 miles south, significant damage can occur at considerable distances. Higher levels of shaking and damage would be expected for earthquakes occurring at closer distances. The faults considered capable of generating significant earthquakes in the area are generally associated with the well-defined areas of crustal movement, which trend northwesterly. Faults considered active by the State of California and located closest to the site include: Monte Vista-Shannon (6.6 miles, 10.7 km southwest of the site), San Andreas (8.5 miles, 13.7 km southwest of the site), and Hayward (10.6 miles, 17 km southeast of the site).

The project site is not located within a State-designated Alquist-Priolo Earthquake fault rupture zone.

Liquefaction

Soil liquefaction is a condition where saturated granular soils near the ground surface undergo a substantial loss of strength during seismic events. Loose, water-saturated soils are transformed from

a solid to a liquid state during ground shaking. Liquefaction can result in significant deformations and ground rupture or sand boils. Soils most susceptible to liquefaction are loose, uniformly graded, saturated, fine-grained sands that lie close to the ground surface. Potentially liquefiable material was encountered below the water table on the site.

Based on the current information, the Preliminary Geotechnical Feasibility Study estimated the potential ground settlement as a result of soil liquefaction may be on the order of two inches for buildings supported on shallow footings. The Supplemental Geotechnical Investigation estimated potential ground settlement as a result of soil liquefaction may be on the order of two to five inches.

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 a steep bank of a stream channel. The Supplemental Geotechnical Investigation for the proposed boathouse renovation concluded that significant lateral movements of the ground surface would likely occur in the event of a major earthquake.

4.6.2 Environmental Checklist and Discussion of Impacts

GEOLOGY AND SOILS	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:						1,17,18
a) Rupture of a known earthquake fault, as described 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.)	☐	☐	☒	☐	☐	
b) Strong seismic ground shaking?	☐	☐	☒	☐	☐	1,17,18
c) Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	☐	1,17,18
d) Landslides?	☐	☐	☒	☐	☐	1,17,18
2) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	☐	1,17,18
3) Be located on a geologic unit or soil that is unstable, or that will become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	☐	1,17,18

GEOLOGY AND SOILS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Be located on expansive soil, as defined in Section 1802.3.2 of the California Building Code (2007), creating substantial risks to life or property?	☐	☐	☒	☐	☐	1,17,18
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?	☐	☐	☐	☒	☐	1

4.6.2.1 *Geology and Soils Impacts*

The proposed project is located in a seismically active region. There is a potential for liquefaction-induced settlements on the site. Groundwater levels in the area also are relatively shallow and underground utility installations may require temporary dewatering and subgrade stabilization.

Geologic conditions in the project area will require that the new and renovated structures be designed and constructed in accordance with standard engineering techniques and California Building Code guidelines, to avoid or minimize potential damage from compressible soils, expansive soils, and seismic shaking and liquefaction on the site. **(Less Than Significant Impact)**

The historic landfill materials beneath the existing boathouse structure on the site contribute to the potential for liquefaction and lateral spreading impacts that would affect the structure. Work related to the proposed renovation of the structure will be completed in accordance with the recommendations in the Supplemental Geotechnical Investigation prepared for the structure (refer to Appendix C). These recommendations include measures to prevent liquefaction and lateral spreading impacts to the renovated structure; they are summarized below. The landfill materials beneath the structure will be treated with compaction grouting techniques, which involve drilling down into the soil and injecting a grout mix to stabilize the materials. The treatment should extend a minimum of 20 feet beyond the exterior limits of the building. This slightly larger than normal area of treatment has been recommended in order to help reduce the potential Bay Mud consolidation settlements which are likely to occur due to the introduction of the weight of the grout as the upper soils are treated. These measures are intended to effectively prevent liquefaction and lateral spreading impacts to the renovated structure. **(Less Than Significant Impact)**

Additional proposed structures on the site will be designed and constructed in accordance with design-level geotechnical investigations prepared for the project and reviewed by the City Building Official prior to issuance of building permits. The geotechnical investigations will identify the specific design features that will be required for the project, including site preparation, compaction, trench excavations, foundation and subgrade design, drainage, and pavement design. With implementation of recommendations in the design-level geotechnical reports, the project will not expose people or property to significant impacts associated with geologic or seismic conditions on site. **(Less Than Significant Impact)**

4.6.3 Conclusion

The proposed project would not result in significant, adverse geology, soils, or seismicity impacts that cannot be avoided through standard engineering and construction techniques. **(Less Than Significant Impact)**

4.7 GREENHOUSE GAS EMISSIONS

4.7.1.1 *Background Information*

This section provides a general discussion of global climate change and focuses on emissions from human activities that alter the chemical composition of the atmosphere. The discussion on global climate change and greenhouse gas emissions is based upon the California Global Warming Solutions Act of 2006 [Assembly Bill (AB) 32], the 2006 and 2009 Climate Action Team (CAT) reports to Governor Schwarzenegger and the Legislature, and research, information and analysis completed by the International Panel on Climate Change (IPCC), the United States Environmental Protection Agency (EPA), California Air Resources Board (CARB), and the CAT.

Global climate change refers to changes in weather including temperatures, precipitation, and wind patterns. Global temperatures are modulated by naturally occurring and anthropogenic (generated by mankind) atmospheric gases such as carbon dioxide, methane, and nitrous oxide.[12] These gases allow sunlight into the Earth's atmosphere but prevent heat from radiating back out into outer space and escaping from the Earth's atmosphere, thus altering the Earth's energy balance. This phenomenon is known as the greenhouse effect.

Naturally occurring greenhouse gases include water vapor,[13] carbon dioxide, methane, nitrous oxide, and ozone. Several classes of halogenated substances that contain fluorine, chlorine, or bromine are also greenhouse gases, but are for the most part solely a product of industrial activities.

Agencies at the international, national, state, and local levels are considering strategies to control emissions of gases that contribute to global warming. There is no comprehensive strategy that is being implemented on a global scale that addresses climate change. However, in California a multi-agency "Climate Action Team," has identified a range of strategies and the Air Resources Board, under AB 32, has approved the *Climate Change Scoping Plan***.** AB 32 requires achievement by 2020 of a statewide greenhouse gas emissions limit equivalent to 1990 emissions, and the adoption of rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions. The CARB and other state agencies are currently working on regulations and other initiatives to implement the *Scoping Plan*. By 2050, the state plans to reduce emissions to 80 percent below 1990 levels.

[12] IPCC, 2007: Summary for Policymakers. In: *Climate Change 2007: The Physical Science Bases*. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change [Solomon, S., D. Qin, M. Manning, Z. Chen, M. Marquis, K.B. Averyt, M. Tignor, and H.L. Miller (eds.)]. Cambridge University Press, Cambridge, United Kingdom and New York, NY, USA. Available at: http://ipcc.ch/.

[13] Concentrations of water are highly variable in the atmosphere over time, with water occurring as vapor, cloud droplets and ice crystals. Changes in its concentration are also considered to be a result of climate feedbacks rather than a direct result of industrialization or other human activities. For this reason, water vapor is not discussed further as a greenhouse gas.

4.7.1.2 *BAAQMD Air Quality CEQA Thresholds of Significance*

According to the adopted BAAQMD *Air Quality CEQA Thresholds of Significance* (June 2010), if a project would result in operation-related greenhouse gas emissions of 1,100 metric tons of carbon dioxide equivalents a year or more or 4.6 metric tons of carbon dioxide equivalents per service population per year, it would make a cumulatively considerable contribution to greenhouse gas emissions and result in a cumulatively significant impact to global climate change.

BAAQMD recommends using the URBEMIS model to estimate direct carbon dioxide emissions from area and mobile sources. To estimate a project's carbon dioxide equivalent emissions from direct and indirect emission sources, BAAQMD recommends using the BAAQMD Greenhouse Gas Model (BGM). The BAAQMD developed the BGM model to calculate greenhouse gas (GHG) emissions not included in URBEMIS such as indirect emissions from electricity use and waste and direct fugitive emissions from refrigerants.

4.7.2 Environmental Checklist and Discussion of Impacts

GREENHOUSE GAS EMISSIONS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☐	☐	☒	☐	☐	1,6-9
2) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	☐	☐	☒	☐	☐	1,6-9

4.7.2.1 *Greenhouse Gas Emissions from the Project*

Given the overwhelming scope of global climate change, it is not anticipated that a single development project would have an individually discernable effect on global climate change. It is more appropriate to conclude that the greenhouse gas emissions generated by the proposed project would combine with emissions across the state, nation, and globe to cumulatively contribute to global climate change.

Greenhouse gas emissions from the proposed project would include emissions from constructing and operating the project. The greenhouse gas emissions from the project include:

- construction emissions from equipment and vehicles used for demolition, grading, and construction;
- mobile emissions (e.g., emissions from combustion of fossil fuels for vehicle trips to and from the project site);
- emissions from the generation of electricity to operate the education and restroom buildings;

- emissions from the decomposition of organic materials in solid waste generated by the project;
- emissions from the manufacture and transport of building materials;
- emissions produced from conveying water to the project site; and
- emissions released from removing existing trees.

According to the BAAQMD screening criteria, a city park of 2,613 acres or less would not generate greenhouse gas emissions above the threshold of significance (1,100 metric tons, or 4.6 metric tons of carbon dioxide equivalents per service population, per year). The project would result in an increase of approximately nine acres of parkland. Therefore, the project is considered to emit a less than significant amount of greenhouse gases. **(Less Than Significant Impact)**

In addition, specific measures the project is incorporating that will reduce greenhouse gas emissions are listed in *Section 3.3.4.*

4.7.3 Conclusion

The proposed project would not have a significant greenhouse gas emissions impact. **(Less Than Significant Impact)**

4.8 HAZARDS AND HAZARDOUS MATERIALS

The following discussion is based in part upon a Phase I Environmental Site Assessment and a Human Health Risk Assessment prepared by Kleinfelder, Inc. in 2006 and 2007, respectively, as well as a Remedial Action Plan prepared for the site by Ninyo & Moore in 2010. Copies of these reports are provided in Appendix D of this Initial Study.

4.8.1 Setting

4.8.1.1 *Background Information*

Hazardous materials encompass a wide range of substances, some of which are naturally-occurring and some of which are manufactured. Examples of hazardous materials include pesticides, herbicides, petroleum products, metals (e.g., lead, mercury, arsenic), asbestos, and chemical compounds used in manufacturing. Determining if such substances are present on or near project sites is important because exposure to hazardous materials above certain thresholds can result in adverse health effects on humans, as well as harm to plants and wildlife.

Due to the fact that these substances have properties that, above certain thresholds, are toxic to humans and/or plants and wildlife in the environment, there are multiple regulatory programs in place that are designed to minimize the chance for unintended releases and/or exposures to occur. Other programs establish remediation requirements for sites where contamination has occurred.

4.8.1.1 *Site Conditions*

From 1932 to 1957, the site was used as a San Mateo County landfill. The landmass on which the site is located was formed by the refuse deposited in the landfill. Waste was regularly burned as part of landfill operations. The site was purchased by a series of private owners in the early 1960's, eventually being used for a boat repair operation. A 3,200 square foot structure was completed by 1965, and still exists on the site. A layer of construction debris and fill material ranging from 2 to 15 feet below the current ground surface level was placed over the site by the late Carl Schoof, the owner of the former boat repair operation.

4.8.1.2 *Potential On-Site Sources of Contamination*

As described above, a layer of fill material ranging from 2 to 15 feet covers the project site. At the areas explored during a June 2010 site assessment and previous site assessments, the burned wastes associated with earlier landfill operations on the site are covered by a minimum of two feet and typically by six to eight feet of imported, undocumented cover fill soils. These soils do not appear to contain sufficient organic debris to create organic vapors. Based on subsurface conditions, the burned wastes are essentially "capped" and therefore not considered a health or ecological risk to potential receptors.

Due to their unknown origin, the cover fill soils have the potential to contain hazardous substances, pollutants, and contaminants, referred to collectively as constituents of potential concern (COPCs). A review of soil samples and site investigations indicates that COPCs, including metals, polychlorinated biphenyls (PCBs), polynuclear aromatic hydrocarbons (PAHs), organochlorine pesticides (OCPs), and total petroleum hydrocarbons (TPH) compounds in excess of commercial and

residential environmental screening levels (ESLs) are present in several areas of the site, including areas to be used recreationally as part of the proposed project.[14]

4.8.1.3 *Potential Off-Site Sources of Contamination*

The project site is located directly east/northeast of an existing industrial area. A review of regulatory databases indicates that two properties in the project vicinity have the potential to impact the project site.

The property located at 1990 Bay Road, approximately 2,500 feet southwest of the site, was the subject of remedial activities related to arsenic contamination in soil and groundwater starting in 1981. A groundwater containment system was developed at the property. To date, active remedial measures at this property are essentially complete, but monitoring activities will continue until remediation has been completed as determined by the RWQCB. Arsenic is present at concentrations of potential concern within the marsh area east of the 1990 Bay Road property. Portions of this marsh area are also adjacent to the project site. As a result, arsenic releases related to this property have the potential to impact the project site.

The property located at 2081 Bay Road, approximately 1,000 feet southwest of the project site, has been the location of a chemical plant and chemical recycling facility since the 1950's. A VOC plume exists beneath the facility, and groundwater flow is in the direction of the project site. As a result, releases from this facility may have impacted groundwater beneath the project site. A groundwater extraction and treatment system (GETS) was implemented at the facility until 1991. An in-site reactive zone (IRZ) remediation program is currently active at the facility. In 1996, USEPA sampled groundwater at several locations at Cooley Landing and did not find levels of VOC's that exceeded thresholds of concern. In 1998 and 2010, US EPA staff sampled the onsite well and did not find VOC's in the water that would show infiltration into the well. The groundwater plume is approximately 70 feet deep, a different depth from the groundwater that supplies the well (200 feet).

4.8.1.4 *Other Hazards*

Asbestos-Containing Materials and Lead-Based Paint

Kleinfelder performed a hazardous materials assessment that showed both asbestos and lead present on site.[15] Since construction of the existing structure on the site occurred prior to 1980, building materials containing asbestos (ACMs) are present. Additionally, the structure was constructed prior to 1978, the year lead was banned as an additive in paint; therefore, lead-based paint is present on building materials. The water tank adjacent to structure also is coated with paint containing a high concentration of lead.

Landfill Gas

ICES Consulting and Ninyo and Moore dug 16 test pits throughout the site in 2009 and 2010 and confirmed that most organic material in the dump was burned. Therefore, little organic matter that could generate methane or volatile organic compounds remains. In 1996, the San Mateo County Public Health Environmental Protection Division (SMCPHEPD) and the California Integrated Waste Management Board (CIWMB) completed a landfill gas survey using borehole punches at the project

[14] A detailed discussion of the full list of the COPCs found on the site, including their concentrations, is available in the Human Health Risk Assessment in Appendix D.
[15] Kleinfelder, Hazardous Materials Building Survey: Cooley Landing, October 9, 2006.

site. The highest measurement of 240 parts per million (ppm) is approximately 0.5 percent of the lower explosive limit (LEL). In addition, in 2010, Ninyo and Moore bored through the foundation inside the building in two locations and did not find levels of either methane or volatile organic compounds that exceed threshold levels of concern. Based on this survey, methane and other potentially explosive gases do not appear to be present at levels of concern for existing buildings.

Airport Safety

The City/County Association of Governments of San Mateo County (C/CAG) Board of Directors serves as the designated Airport Land Use Commission (ALUC) in the County. According to the *Airport Influence Area Boundary for San Carlos Airport*[16], the project site is within Area A, which does not require formal C/CAG ALUC review. The project site is located north of the Palo Alto Airport, which is regulated by the Santa Clara County ALUC. According to the *Palo Alto Airport Comprehensive Land Use Plan Santa Clara County*, the project site is outside the Airport Influence Area (AIA) and is therefore, not subject to ALUC evaluation.[17] Per this plan, the project site is neither located within the airport's Runway Protection nor the Safety Zones, but is located within the Traffic Pattern Zone within San Mateo County. Exposure to potential aircraft accidents diminishes with distance from the airport runways. The Traffic Pattern Zone (TPZ) is that 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 is minimal. Two land use policies apply to the Traffic Pattern Zone and shall be used to determine if a specific land use is consistent with the Airport Land Use Plan:

- S-2 Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled should be discouraged in the Traffic Pattern Zones (TPZs).

- S-3 Amphitheaters, sports stadiums and other very high concentrations of people shall be prohibited within the Traffic Pattern Zones (TPZs) in accordance with the following Safety Zone Compatibility Guidelines:
  - Maximum Population Density ➢ No Limit
  - Open Area Requirements ➢ 10 percent of gross area every one-half mile
  - Land Use ➢ No Limit on Residential
    ➢ No sports stadiums or similar uses with very high concentration of people

Wildland Fires

According to the Association of Bay Area Governments (ABAG) Wildland Urban Interface (WUI) Fire Threat map, the project site is not located in an area subject to wildland fires.[18]

[16] C/CAG Land Use Committee approved Revised Airport Influence Area Boundary for San Carlos Airport Map. October 2004. Available at: http://www.ccag.ca.gov/plans_reports.html
[17] Santa Clara County ALUC. *Palo Alto Airport Comprehensive Land Use Plan Santa Clara County.* November 2008.
[18] ABAG. *ABAG Geographical Information Systems - Wildland Urban Interface (WUI) Fire Threat.* Accessed October 20, 2010. Available at: http://quake.abag.ca.gov/wildfires/

4.8.2 Environmental Checklist and Discussion of Impacts

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☒	☐	☐	1,19-21
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?	☐	☐	☒	☐	☐	1,19-21
3) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	☐	1,19-21
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?	☐	☐	☒	☐	☐	1,19-21
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, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☒	☐	☐	1,24,25
6) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	☐	1,24,25
7) Impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan?	☐	☐	☒	☐	☐	1,3

HAZARDS AND HAZARDOUS MATERIALS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 8) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒	☐	1,3

4.8.2.1 *Potential On-Site Sources of Contamination*

Human Health Risk Assessment

To evaluate the potential impact of contaminants in the soil on the project site, a human health risk assessment (HRA) was completed for the proposed project in 2007. The purpose of the HRA is to evaluate the toxicity of the chemicals of concern and the exposure pathways through which humans may come into contact with them, and to estimate the health hazard that may be associated with potential exposures to these chemicals under pertinent exposure scenarios. The primary chemicals of concern include metals, organic compounds, and PCBs. Exposure to these chemical groups was evaluated for the following pathways: soil ingestion, dermal (i.e., skin) contact with soil, and inhalation of fugitive dust. The conditions and land uses under which exposure to the chemicals of concern is most likely to occur were evaluated. Consistent with state and federal risk assessment guidelines and methods, the cancer risk and non-cancer hazards that may be associated with exposure to the chemicals of concern were estimated. The state and federal target cancer risk level of one in one million (1×10^{-6}) and target non-cancer hazard index of 1.0 were used to evaluate the cancer risk and non-cancer hazard index.

The HRA concluded that the cancer risk is estimated to exceed one in one million under average and reasonable maximum exposure assumptions. The magnitude of the cancer risk estimates is largely attributable to the presence of high concentrations of arsenic, PAHs, and the PCB Aroclor 1260 in four soil samples. Thus, the cancer risk that may be associated with future uses on the site is localized and not due to widespread contamination.

The non-cancer hazard index exceeded 1.0 only under the reasonable maximum exposure conditions for constant users of the site, such as a possible on-site caretaker. This is based on the presence of a high concentration of the PCB Aroclor 1260 in one soil sample. Thus, similar to the estimate of cancer risk, the non-cancer hazard risk associated with future uses on the site is localized and not due to widespread contamination.

The likelihood of adverse health effects associated with exposure to lead in soil was evaluated as part of the HRA. The HRA concluded that both the central tendency and maximum exposure concentrations of lead on the site exceed acceptable soil lead concentrations.

Remedial Action Plan

To avoid potential health risks to future users of the site, remediation of the project site will occur as part of the implementation of Phase 1 of the park development. A Remedial Action Plan (RAP) was prepared for the project to provide a detailed approach to address environmental contamination on the site. The RAP takes into account the proposed future site uses, previous site uses, type and nature of contamination, and recommendations from regulatory agency personnel. The RAP is considered to be part of the proposed project. An overview of the RAP is provided below; for a more detailed discussion refer to Appendix D of this document.

An engineered (clean) cap is the proposed remedial approach for the site because of the varied nature and unknown source(s) of the contamination on the site. This remedial action will effectively prevent direct human contact with the hazardous cover fill soils and exposure to windblown dusts that may contain hazardous materials. Capping the soil will also help inhibit rainwater runoff from transporting contaminates into surrounding surface water. The engineered cap is recommended to be a minimum of two feet thick throughout the site. The boathouse building will be elevated, the existing foundation will be removed, and two feet of clean fill will be placed under the new building foundation. The fill soils should be placed in six to 12-inch lifts, compacted, and engineer tested.

The cap would consist of an estimated 30,000 cubic yards of fill, with a minimum one-foot thick layer of low permeability soils overlain by a minimum one-foot thick layer of soils and/or soils containing clean, suitable materials including topsoil and soil amendments. The upper one foot of soil and/or soil/materials often is referred to as an erosional or vegetative layer, and the upper six inches typically is only compacted to approximately 85 percent relative compaction to be more conducive to vegetative growth. Pre-designated areas of the site will be overlain by a geosynthetic liner which will serve as a marker bed as well as a protective barrier. The geosynthetic liner will also be placed at underground utility trench locations or any other areas that might require future disturbance. This preventative measure will protect workers from contaminated soils in the event that grading or future utility repairs are necessary.

Alternate engineered cap designs will be used at certain locations. For example, at the outdoor plaza, a hard cap material including asphalt and/or concrete pavement and underlying base material may be included as part of the two-foot thick engineered cap or may be in addition to the minimum two-foot thickness at specific locations. In other places, an additional soil layer will need to be installed because the low permeability cap layer is not conducive to plant growth.

Sections of the southwestern area of the site contain surficial construction debris. The proposed site development plan indicates that this will be a restricted area inaccessible to the public. However, because cover fill soils in this area are impacted with COPCs, and there is potential for windblown particulates to impact park users and maintenance crews, it is recommended that the engineered cap also be placed in this area. Prior to placement of the cap in this area, the concrete and other debris will be either removed from the site or, if it is documented as "clean" uncontaminated material, it can be crushed on site and used as part of the upper one foot of the engineered cap. Materials that are impacted or suspected to be impacted with COPCs will be used as fill in the nearly 0.1 acre pit left behind in by the former burned dredge in the northeast portion of the site. Contaminated fill will only be placed in this area at a depth shallower that groundwater up to current grade. Some materials may also be moved to other lower lying areas of the site to provide fill to allow the final grade desired for appropriate drainage. These areas will still be covered with either two feet of clean fill or the equivalent protection from an asphalt or other protective cap. Any remaining materials that exceed the capacity of the pit or other low-lying areas will be transported and disposed of off-site in

accordance with applicable regulations. A portion of this area of the site is also the location of a jurisdictional wetlands area. This wetland area consists of an approximately 0.8 acre alkali flat area in the southwest portion of the site. Lead contamination has been found in surface soils that exceed thresholds of concern. Even though this portion of the site will not allow public entry, to ensure protection of public health the project will still excavate the surface layer of contaminated soil and replace it with clean fill to the same or slightly lower elevation and revegetate the area with native wetland and transitional plants. Excavated soil will be moved to one of the onsite disposal areas listed above.

The Menlo Park Fire Protection District is proposing to construct an emergency airboat ramp at a location at the southeastern portion of the site (see *Section 3.3.2.10*). This area may have been used as a boat ramp in the past and may have only received minimal cover soils. Contaminated surface soil in this area will be excavated and moved to one of the onsite disposal areas listed above. New clean fill will bring the area back to its current elevation and it will be graded to ensure a smooth transition to the new elevation of the surrounding portions of the site.

The construction of an engineered cap will require long-term inspection, maintenance, and periodic inspections to evaluate erosion and naturally occurring invasion by deep-rooted vegetation and animals. Measures will be included in the project to ensure the integrity of the cover is not compromised by future land-use activities, as described in the RAP.

Construction of an engineered cap will involve some disturbance of the contaminated cover fill soils causing some temporary short-term risks to on-site workers, public health, and the environment associated with dust or particulates that may be generated during these activities. Consequently, the project includes temporary construction provisions for personal protective equipment (PPE) for on-site workers and engineering controls, such as dust monitoring and suppression. After remediation work is complete, the site will be monitored for integrity of the engineered cap. Therefore, a Risk Management Plan (RMP) and Operations and Maintenance Plan (OMP) will be prepared for the project. The RMP will discuss the potential exposure issues when encountering the existing contaminated cover fill soils and underlying burned wastes, and how to mitigate these potential exposures from several potential sources and pathways. The OMP will assist maintenance workers in mitigating hazards associated with potentially contaminated materials that they may encounter during any future site construction activities.

The remediation contractor will be required to submit several site plans, including a Site Health & Safety Plan (SHSP), Dust Control Plan, Decontamination Plan, and Traffic Control Plan prior to commencing remediation activities. The plans will be reviewed and approved by the City. The SHSP will be prepared to ensure the safety and protection of site workers and off-property populations. The Dust Control Plan will be prepared to provide information on the construction documents to mitigate on site dust. The Decontamination Plan will provide information indicating where decontamination of COPC impacted soil will occur and the Traffic Control Plan will discuss a traffic plan to ensure the utilization of an appropriate route for site and transport vehicles. All necessary permits and notifications will be obtained or submitted prior to the start of remedial activities. Required permits and notifications may include but are not limited to a Grading Permit from the City of East Palo Alto, a Notification of Contaminated Soil Excavation and Removal submitted to the Bay Area Air Quality Management District (BAAQMD), and a RWQCB General Permit, which would include an approved Storm Water Pollution Prevention Plan (SWPPP) for the site. **(Less than Significant Impact)**

4.8.2.2 *Potential Off-Site Sources of Contamination*

The 2006 Phase I completed for the site indicated that two properties in the project vicinity are associated with historic releases of hazardous materials that have potential to impact the project site. Based on data reviewed in available agency files, data provided by the applicant, interviews with regulators, and the distance between these properties and the subject site, the 2007 HRA concluded it is unlikely that releases from nearby properties have impacted the project site. The remedial activities contained in the RAP described above would prevent exposure to hazardous materials on the site, including those related to releases from nearby properties. **(Less Than Significant Impact)**

4.8.2.3 *Other Hazards*

Asbestos-Containing Materials and Lead-Based Paint

The existing structure on the site was built in the 1960's and may contain lead-based paint and asbestos-containing materials. The project proposes to retrofit and restore this structure to be incorporated into the project. The existing water tank coated with paint containing a high concentration of lead will be removed in Phase 1. Before Phase 3 is implemented, access to the building, where most of the hazards exists, will be restricted to protect the public from exposure. If suspected asbestos-containing materials and/or lead based paint are encountered during building rehabilitation, testing will occur and all applicable local, state, and federal laws and regulations pertaining to the handling and disposing of these materials will be implemented (e.g., the City of East Palo Alto Municipal Code Chapter 15.32 Uniform Code for the Abatement of Dangerous Buildings). **(Less Than Significant Impact)**

Landfill Gas

As described in Section 4.8.1.4 above, methane and other potentially explosive gases do not appear to be present at levels of concern for existing buildings. Landfill gas may potentially exist at deeper levels beneath the site, however. The project will install a passive venting structure under the new foundation of the building, seal the foundation to protect from vapor intrusion, and install an indoor air monitor and alarm for 24-hour protection of building occupants. Development plans including new structures or intrusive activities would require review and approval from the CIWMB, now known as CalRecycle. Remedial actions required for methane gas will be implemented, as appropriate, per all local, state, and federal regulations. **(Less Than Significant Impact)**

Airport Safety

As mentioned above, the project is located within the Palo Alto Airport Traffic Pattern Zone for San Mateo County. The project proposes a low intensity recreational use and would have no more than 150 people gathered on the site at one time. The project does not propose uses with a very high concentration of people (similar to sport stadiums) and most of the site will remain open space. The proposed uses are, therefore, consistent with the Palo Alto Comprehensive Land Use Plan policies and the Safety Zone Compatibility Guidelines and would not create a safety hazard for future visitors to the park. **(Less Than Significant Impact)**

4.8.3 Conclusion

The proposed project would not result in significant hazards and hazardous materials impacts. (**Less Than Significant Impact)**

4.9 HYDROLOGY AND WATER QUALITY

4.9.1 Setting

4.9.1.1 *Hydrology and Flooding*

According to the California Regional Water Quality Control Board's (RWQCB's) Water Quality Control Plan for the San Francisco Basin, the site is located in the Santa Clara Basin. The San Francisco Bay is the closest natural surface water body, surrounding the site to the north, south and east. Two shallow aquifers have been identified beneath the site vicinity. Regional groundwater flow in the vicinity of the site is reportedly towards the San Francisco Bay to the north-northeast. The nearest creek to the project site is San Francisquito Creek located approximately 0.8 miles to the south of the project site.

The project site is covered with mostly pervious surfaces and there is no stormwater infrastructure on site. Stormwater currently percolates into the soil or flows into the adjacent bay and marshland. Elevations on the site range from 6 to 12.5 feet above mean sea level.

Groundwater was encountered at depths of approximately 6 to 9.5 feet below ground surface. Because of the proximity of the site to the San Francisco Bay, it is likely that groundwater elevation and flow direction at the site is tidally influenced.

According to the Federal Emergency Management Agency (FEMA) Federal Insurance Rate Maps (FIRM), the project site is located in flood zone VE. Zone VE is defined as an area within the 100-year flood zone subject to velocity hazards (wave action). The City of East Palo Alto has submitted an application to FEMA to request an elevation change on the FIRM. The elevation where the boathouse building is located is higher than documented on the FIRM, thus portions of the project site are actually within flood zone AE. Flood zone AE is also within the 100-year flood zone but not subject to velocity hazards (wave action).

In May 2009, BCDC submitted preliminary recommendations for amendments to the Bay Plan to incorporate climate change. This proposal adopts sea level rise estimates of 16 inches (1.3 feet) by 2050 and 55 inches (4.6 feet) by 2100. Based on the projected sea level rise and coastal flooding maps for the South Bay, the project site would be affected by the predicted sea level rise.[19]

The project site is located within a designated 100-year floodplain[20] and is located within a mapped Tsunami Inundation Area.[21] The project site is not subject to seiches[22] and the project site is not located within a mapped Dam Failure Inundation Area.[23]

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[19] Sources: 1) San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay*. Map. 2008. Available at: http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml. 2) California Climate Change Center. *Impacts of Sea-Level Rise on the California Coast*. March 2009.

[20] Federal Emergency Management Agency. *Flood Insurance Rate Map*. Community-Panel Number 060708 0001 B. August 29, 1999.

[21] Association of Bay Area Governments. *ABAG Geographic Information Systems, Hazard Maps, Tsunami Evacuation Planning Map for San Francisco & San Mateo Counties.* 2005. Available at: http://quake.abag.ca.gov/tsunamis/

[22] A seiche is an oscillation of the surface of a lake or landlocked sea varying in period from a few minutes to several hours. Seiches are often generated by small oscillations from earthquakes.

[23] Association of Bay Area Governments. *Dam Failure Inundation Area*. Map. March 2007. Available at: http://www.abag.ca.gov/bayarea/eqmaps/damfailure/damfail.html

4.9.1.2 *Water Quality*

The water quality of streams, creeks, ponds, and other surface water bodies can be greatly affected by pollution carried in contaminated surface runoff. Pollutants from unidentified sources, known as "non-point" source pollutants, are washed from streets, construction sites, parking lots, and other exposed surfaces into storm drains and the San Francisco Bay. The runoff often contains contaminants such as oil and grease, plant and animal debris (e.g., leaves, dust, animal feces, etc.), pesticides, litter, and heavy metals. In sufficient concentration, these pollutants have been found to adversely affect the aquatic habitats into which they drain. There is no stormwater infrastructure on the site; therefore, stormwater percolates into the soils or flows into the bay and marshlands.

Water Quality Regulations

The discharge of stormwater from the City's municipal storm sewer system is regulated primarily under the federal Clean Water Act and California's Porter-Cologne Water Quality Control Act. The San Francisco Bay Regional Water Quality Control Board (RWQCB) implements these regulations at the regional level. The RWQCB issued the City/County Association of Governments (C/CAG), as program manager for the San Mateo Countywide Water Pollution Prevention Program (SMCWPPP), a municipal National Pollutant Discharge Elimination System (NPDES) permit. The SMCWPPP maintains compliance with the NPDES Storm Water Discharge Permit and promotes stormwater pollution prevention within that context. Compliance with the NPDES Permit is mandated by State and federal statutes and regulations.[24] Participating agencies (including the City of East Palo Alto) must comply with the provisions of the NPDES permit by ensuring that new development and redevelopment mitigate, to the maximum extent practicable, water quality impacts to stormwater runoff during both construction and operation periods of projects. Additional water quality control measures were approved when the RWQCB adopted an amendment to the NPDES permit for San Mateo County. This amendment, which is commonly referred to as "C.3", requires all new and redevelopment projects that result in the addition or replacement of impervious surfaces totaling one acres or more to 1) include stormwater treatment measures; 2) ensure that the treatment measures be designed to treat an optimal volume or flow of stormwater runoff from the project site; and 3) ensure that stormwater treatment measures are properly installed, operated, and maintained. All development must be implemented with run-off pollution control measures known as Best Management Practices (BMPs).

To meet the C.3 requirements, projects must include appropriate site design measures, pollutant source controls, and treatment control measures. In addition, co-permittees are required to implement a verification program to ensure the proper operation and maintenance of treatment control measures. Projects that produce increases in runoff that may cause erosion in downstream receiving water must also include hydromodification[25] control measures in conformance with the Hydromodification Management Plan (HMP) of the SMCWPPP program. The HMP requires that runoff controls be designed so that post-project runoff not exceed estimated pre-project rates,

[24] City/County Association of Governments, 2006. San Mateo County Stormwater Pollution Prevention Program. Available: www.flowstobay.org.

[25] Hydromodification occurs when the total area of impervious surfaces increases resulting in the decrease of rainfall infiltration, which causes more water to run off the surface as overland flow at a faster rate. Storms that previously did not produce runoff from a property under previous conditions can produce erosive flows in creeks. The increase in the volume of runoff and the length of time that erosive flows occur intensifies sediment transport, increasing creek scouring and erosion as well as causing changes in stream shape and conditions, which can, in turn, impair the beneficial uses of the stream channels.

durations, and volumes from the development site (Provision C.3F.i). The project site is located within a low gradient area[26], and is therefore exempt from the HMP requirements.

4.9.1.3 *General Plan Policies*

In addition, to the regulations above, various policies in the City of East Palo Alto'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 of East Palo Alto. All development addressed by this Initial Study will be subject to the hydrologic policies listed in the City's General Plan, including the following:

Safety Element Goals and Policies

Goal 1.0: Reduce the risk to the community from hazards associated with geologic conditions, seismic activity and flooding.

Policy 1.2: Protect the community from flooding hazards by providing and maintaining flood control facilities.

4.9.2 Environmental Checklist and Discussion of Impacts

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Violate any water quality standards or waste discharge requirements?	☐	☒	☐	☐	☐	1,3,4
2) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	☐	1,3,4

[26] San Mateo County Stormwater Pollution Prevention Program. Hydromodification Management Control Area Map. October 14, 2009. Available: http://www.flowstobay.org/documents/business/new-development/

HYDROLOGY AND WATER QUALITY						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
3) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on-or off-site?	☐	☐	☒	☐	☐	1,3,4
4) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on-or off-site?	☐	☐	☒	☐	☐	1,3,4
5) 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?	☐	☐	☒	☐	☐	1,3,4
6) Otherwise substantially degrade water quality?	☐	☒	☐	☐	☐	1,3,4
7) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	☐	1,3,4, 22,23
8) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	☐	1,3,4, 23
9) Expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	☐	1,3,4,23
10) Be subject to inundation by seiche, tsunami, or mudflow?	☐	☐	☒	☐	☐	1,3,4

4.9.2.1 *Drainage*

The impervious surfaces consisting of the proposed buildings, access road, paved trail, and plaza will increase on the site by approximately 70,400 square feet. The drainage approach for the project will direct water flows through multiple bioswales throughout the site before they discharge into the San Francisco Bay. Perforated pipes will also be installed at the perimeter of all preserved trees to catch runoff and reroute flows to another part of the site down gradient. The water flows will then daylight so the water passes through a bioswale before discharging into the San Francisco Bay.

4.9.2.2 *Flooding*

The project site ranges in elevation from approximately 6 to 12.5 feet above mean sea level. As discussed previously, the project site is within a 100-year flood zone. According to the FEMA Flood Insurance Study, tidal flooding from San Francisco Bay could inundate the project site up to an elevation of eight feet National Geodetic Vertical Datum.

The proposed buildings will be located primarily within the City of East Palo Alto and will be subject to Title 15.52.070(A)(3)(a) of the City of East Palo Alto Municipal Ordinance, which requires new construction and substantial improvement of any structure to have the lowest floor, including basement, elevated one foot above the base flood elevation. Upon the completion of the structure's rehabilitation work, the elevation of the lowest floor including the basement, will be certified by a registered professional engineer or surveyor, and verified by the Building Official to be properly elevated. Such certification and verification will be recorded and filed with the Planning Manager and City Engineer. All paving, drainage, and foundation plans will be reviewed by the Engineering, Building, and Planning Divisions to ensure compliance.

No permanent housing[27] is proposed on the project site; therefore, no housing is proposed within a 100-year floodplain as part of the project. The proposed boathouse building's lowest floor is at 12.5 feet above mean sea level and it is 4.5 feet above the base flood elevation. Therefore, it would be above the flood zone and meet City Municipal Code standards. As mentioned in the project description, a minimum two-foot soil engineered cap is required for the entire site. This will further raise all other improvements including the restroom building and project driveway above the 100-year base flood elevation. Although the proposed project would place structures within a 100-year flood hazard area as mapped on the Flood Insurance Rate Map, implementation of the project's design measures and compliance with City and FEMA requirements would avoid significant flooding impacts. **(Less than Significant Impact)**

Based on the projected sea level rise and coastal flooding maps for the South Bay[28], the project site is located within the zone affected by the predicted sea level rise due to global climate change. However, the existing and proposed buildings and most of the project improvement areas are above the 55-inch projected sea level rise area. Due to its lower elevation relative to the rest of the site, the access road from Bay Road may be the most affected by the predicted sea level rise, but the project is proposing to raise the access road slightly to protect it from the 100-year flood zone, thus having the added effect of raising it above the predicted 55-inch rise. The project is anticipated to provide

[27] The possible option of a trailer on the site for a caretaker would not be considered permanent housing because the caretaker and/or trailer could be moved off the project site at any time.

[28] Sources: 1) San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay*. Map. 2008. Available at: http://www.bcdc.ca.gov/planning/climate_change/index_map.shtml. 2) California Climate Change Center. *Impacts of Sea-Level Rise on the California Coast*. March 2009.

between 1 and 6 ½ feet of freeboard above the current flood zone elevation of eight feet. Because the proposed project would abide by the City's Municipal Code Flood Ordinance whose requirements have the added effect of mitigating for sea level rise, and since most of the project would be above the sea level rise areas, the proposed project would not be adversely impacted by predicted global climate change sea level rise. **(Less than Significant Impact)**

Tsunami Inundation

As noted previously, the project site is within a tsunami inundation area, which is common to the entire shoreline of the San Francisco Bay. The tsunami hazard maps do not represent inundation from a single scenario event. They were created by combining inundation results for a collection of realistic local and distant earthquakes and hypothetical extreme undersea, near-shore landslides, representing the worst-case scenario at any given location. The actual depth or extent of inundation cannot be predicted; thus, land use planning is the best protection measure against significant risk from a tsunami. The proposed project is a low intensity recreational use with minimal building and structure development. The project's features and its location within the southern portion of the Bay keep the risk to the public low. The project proposes to raise the elevation of the site out of the flood zone which will provide protection for some projected tsunami events. In addition, the project will maintain the existing protection buffer of open space between the Bay and the urban development of East Palo Alto. While the site may be subject to a tsunami, the proposed design measures and proposed recreational use will reduce the significant risk of a tsunami. **(Less than Significant Impact)**

4.9.2.3 *Groundwater*

The project proposes to use the existing on-site well for some temporary irrigation of landscaping during the initial plant establishment period. The project site is in a high-water-table lowlands area adjacent to San Francisco Bay. The temporary use of groundwater would not substantially deplete groundwater supplies or interfere with groundwater recharge. **(Less than Significant Impact)**

4.9.2.4 *Water Quality*

Construction Impacts

Construction activities, including importing fill, demolition, and grading, would disturb soils and could result in off-site deposition of sediments that could adversely affect the San Francisco Bay. In addition, hazardous materials such as fuel, oil, paint, and solvents are routinely used during construction, and the accidental spill or release of these substances could adversely affect water quality. While construction activities would be temporary in nature, the potential impacts to water quality could last beyond the duration of construction, depending on the extent of degradation.

Development of the project site could increase contaminants in stormwater runoff during construction, which could adversely affect the water quality of the San Francisco Bay and adjacent marshland.

Impact HYD-1: Implementation of the proposed project could result in significant water quality impacts during construction.

The project proposes to implement the following mitigation measures to reduce or avoid water quality impacts during construction to a less than significant level:

MM HYD-1.1: Prior to the commencement of any clearing, grading or importing soil, the project will comply with the State Water Resources Control Board's National Pollutant Discharge Elimination System (NPDES) General Construction Activities Permit, to the satisfaction of the East Palo Alto Director of Public Works, as follows:

- The City will develop, implement, and maintain a Storm Water Pollution Prevention Plan (SWPPP) to control the discharge of stormwater pollutants including sediments associated with construction activities; and
- The City will file a Notice of Intent (NOI) with the State Water Resources Control Board (SWRCB).

MM HYD-1.2: The project will include Best Management Practices (BMPs) to control the discharge of stormwater pollutants including sediments associated with construction activities. Prior to the issuance of a grading permit by the City of East Palo Alto, the project may be required to submit an Erosion Control Plan to the City Project Engineer. The Erosion Control Plan will include applicable BMPs as specified in ABAG's Manual of Standards Erosion & Sediment Control Measures for reducing impacts on the City of East Palo Alto's storm drainage system from construction activities.

MM HYD-1.3: The project will comply with the City of East Palo Alto's Grading Ordinance, including erosion and dust control measures during site preparation and with the City of East Palo Alto's Zoning Ordinance requirements for keeping adjacent streets free of dirt and mud during construction. The following specific BMPs will be implemented to prevent stormwater pollution and minimize potential sedimentation during construction:

- Restrict grading to the dry season (April 15 through October 15) or meet City of East Palo Alto requirements for grading during the rainy season;
- Utilize on-site sediment control BMPs to retain sediment on the project site;
- Utilize stabilized construction entrances and/or wash racks;
- Implement damp street sweeping;
- Provide temporary cover of disturbed surfaces to help control erosion during construction;
- Provide permanent cover to stabilize the disturbed surfaces after construction has been completed;
- No equipment will be operated in tidal water areas of the shorelines on or adjacent to the site;
- All in-water work will only be completed during low tide to minimize the number of fish in the vicinity;
- No debris, soil, silt, sand, bark, slash, sawdust, cement, concrete, washings, petroleum products, or other organic or earthen material will be

allowed to enter into or be placed where it may be washed by rainfall or runoff into aquatic or wetland habitat;

- Standard erosion control and slope stabilization measures will be required for work completed in any area where erosion could lead to sedimentation of a water body. For example, silt-fencing will be installed just outside the limits of grading and construction in any areas where such activities will occur upslope from, and within 50 feet of, any wetland, aquatic, or marsh habitat. This fencing will be inspected and maintained regularly throughout the duration of construction;

- Machinery will be refueled at least 60 feet from any aquatic habitat, and a spill prevention and response plan will be developed and approved by the City of East Palo Alto. All workers will be informed of the importance of preventing spills and of the appropriate measures to take should a spill occur.

- Soil stockpiling, equipment staging, construction access, and other intensive soil-disturbing activities will not occur immediately adjacent to any wetlands. The limits of the construction area will be clearly demarcated with Environmentally Sensitive Area fencing by a qualified biologist to avoid inadvertent disturbance outside the fence during construction activities.

- Dust suppression (e.g., using watering trucks) will be implemented during all grading, construction, and soil stockpiling activities that have the potential to mobilize dust to keep dust from being transported to vegetated wetlands nearby. If soil stockpiles are to remain on the site for long periods of time prior to the start of grading, they will be hydro-seeded so that vegetation will suppress dust and inhibit erosion.
  (Less Than Significant Impact with Mitigation Incorporated)

Post-Construction Impacts

Under provisions of the NPDES Municipal Permit, projects that disturb more than 10,000 square feet are required to incorporate BMPs for non-point pollution control in new development areas. Stormwater from urban uses (including building rooftops) contain metals, pesticides, herbicides, and other contaminants such as oil, grease, lead, and animal waste. Runoff from the proposed project may contain increased oil and grease from parked vehicles, as well as sediment and chemicals (i.e., fertilizers and pesticides) from the landscaped areas. In order to minimize runoff and avoid water quality impacts, the project proposes to capture overland flows with swales located in landscaping at low points.

The project would increase vehicle traffic and human activity on and around the site, generating more pollutants and increasing dust, litter, and other contaminants that could be washed into the Bay. The project could therefore generate increases in water contaminants which could be carried downstream in stormwater runoff from paved surfaces on the site.

The project proposes to utilize a combination of open space landscaping treatment alternatives (bioswale, filtration trench, roof drain release into adjoining planting areas, etc.), and possibly mechanical device treatment (hydrodynamic separation) and/or mechanical filtration systems.

The City of East Palo Alto Public Works Building Department and/or Community Development Division will ensure that the SWPPP and drainage plan are prepared prior to approval of the grading plan and that the standard measures below are included in the plan to reduce stormwater runoff impacts from the new development. By implementing these measures and utilizing the design features described above, the project would not result in significant water quality impacts post-construction.

Standard Measures: The project includes the following standard measures to further reduce or avoid water quality impacts post-construction:

- Prior to the issuance of a grading permit, the City of East Palo Alto will provide details of specific BMPs, including, but not limited to, bioswales, disconnected downspouts, and landscaping to reduce impervious surface area to the satisfaction of the Planning Manager.
- The project will comply with Provision C.3 of NPDES permit, which provides enhanced performance standards for the management of stormwater of new development.

4.9.3 Conclusion

The proposed project, in conformance with applicable General Plan policies and with the implementation of the mitigation and standard measures above, would not result in significant hydrology and water quality impacts. **(Less Than Significant Impact with Mitigation)**

4.10 LAND USE

4.10.1 Setting

The project site is a small peninsula, 11.5 acres in size, which is located at the east end of Bay Road within the cities of East Palo Alto and Menlo Park and extends into tidal marshlands and mud flats at the edge of San Francisco Bay. Surrounding land uses include open space preserves to the north, south, and west. The adjacent property surrounding the project site almost entirely is the Ravenswood Open Space Preserve (Preserve), owned by the MROSD, and the property further to the south is the Palo Alto Baylands Nature Preserve, owned by the City of Palo Alto.

The project site consists of portions of six parcels within the jurisdictions of the Cities of East Palo Alto and Menlo Park. The approximately 6.62 acre parcel that occupies the eastern-center portion of the site is owned by the City of East Palo Alto Redevelopment Agency as the result of a land transfer from the Peninsula Open Space Trust (POST) in 2006. Approximately half of this parcel is under water. This parcel includes the boathouse building, boat launch structure, and paved areas between the boathouse building and the Preserve gravel parking lot.

Three parcels flanking the City-owned parcel to the north, south, and west are owned by MROSD. The westernmost parcel includes the Preserve parking lot, the access road from Bay Road, and an existing trail from the parking lot to the Preserve. The eastern parcels of the Preserve have a land use restriction that the Ravenswood Marsh be maintained, in perpetuity, as open space and habitat for the California clapper rail. This restriction was issued under a memorandum of consent decree dated December 2005 by the MROSD.

The City of East Palo Alto holds a thirty-year lease with the MROSD for site control over the upland portions of Cooley Landing that MROSD owns. The MROSD designated this project a priority in its annual Action Plan.

At the southwest corner of the site, south of the existing parking and access road, a very small portion of the site is owned by the City of Palo Alto.[29] This is a wetland area that is covered with concrete rubble.

The northern parcel mostly consists of trees and grasses, a 20-foot wide by 100-foot long jetty, and a water-filled pit in the northeastern corner of the site. The pit was the former mooring location of a dredge vessel that was destroyed by fire and subsequently removed. The southern parcel also consists mostly grasses and trees, along with a wetland area in the southwest portion. This parcel also includes a 20-foot wide by 250-foot long jetty. The edges of both jetties and much of the perimeter of the site are armored with rip rap or concrete debris to protect the banks from erosion. The southwest parcel is pristine wetland habitat.

The center parcel and the southwest parcel of the project site within the City of East Palo Alto are currently designated as *Resource Management* in the City's General Plan and zoned *RM (Resource Management).* The *Resource Management* land use designation provides for preservation of environmentally sensitive open space lands in natural conditions. The effective intensity of development is a floor area ratio of 0.01:1 and the maximum intensity of development is a floor area ratio of 0.4:1.

[29] The portion of this parcel that is considered part of the project site is less than 0.1 acre.

The land uses on the central parcel are also regulated by a deed restriction that was approved by the East Palo Alto City Council on February 19, 2006. The deed restriction requires that the property be limited to activities involving environmental education and/or passive recreational activities, nature study, enjoyment of views, natural habitat and environmental protection and related uses. No industrial or residential use of or activity on the parcel will be permitted, except for a caretaker living on the premises. Limited commercial activity directly related to the permitted use of the parcel (e.g., small-scale visitor snack service, educational bookstore, guided tours) will be permitted. Any and all use of the parcel will be consistent with the preservation of the parcel's scenic and natural character. No activity or use that degrades or is likely to degrade the scenic and natural character of the parcel will be permitted.

For the northern and southern portions of Cooley Landing that are within the City of Menlo Park jurisdiction, the General Plan land use designation is *Non Urban-Marshes* and the zoning district is *FP (Flood Plain District). Non-Urban-Marshes* designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands bordering San Francisco Bay and similar and compatible uses. The *FP* zoning designation allows for agricultural uses, accessory buildings, extraction of chemicals from sea water, and dredging. Conditional uses allowed in the FP district, subject to obtaining a use permit, include public or private recreation facilities, sanitary landfills, and kennels.

The project site is primarily located in an industrial area, but it is also located between two open space preserves. These open space preserves provide a buffer between the project site and industrial uses. The proposed project would not result in a significant land use compatibility impact that would impact future recreational uses on the site. **(Less Than Significant Impact)**

Regulations for Use of Midpeninsula Regional Open Space District Lands

MROSD has adopted regulations [30] to provide responsible stewardship for MROSD lands, to establish orderly use, and to maintain a natural and quiet environment for persons on the lands. These regulations apply to the project site because portions of the project site and waters surrounding it are owned by the MROSD. According to MROSD Regulation 402.1, boating is only permitted in expressly allowed areas. According to District Regulation 700.2, fishing is not allowed on MROSD lands except by written permit in any MROSD Water Area except in areas declared by the MROSD to be permitted fishing areas, where state laws regulate the taking of game fish. The MROSD Board of Directors has not expressly designated Cooley Landing as a boating or fishing area.

Airport Land Use Committee

The City/County Association of Governments of San Mateo County (C/CAG) Board of Directors serves as the designated Airport Land Use Commission (ALUC) in the County. According to the *Airport Influence Area Boundary for San Carlos Airport*[31], the project site is within Area A, which does not require formal C/CAG ALUC review. The project site is located north of the Palo Alto Airport, which is regulated by the Santa Clara County ALUC. According to the *Palo Alto Airport Comprehensive Land Use Plan Santa Clara County*, the project site is outside the Airport Influence

[30] MROSD Ordinance 04-01, www.openspace.org/preserves/downloads/ord04-01_8sept2004.pdf
[31] C/CAG Land Use Committee approved Revised Airport Influence Area Boundary for San Carlos Airport Map. October 2004. Available at: http://www.ccag.ca.gov/plans_reports.html

Area (AIA) and is therefore, not subject to ALUC evaluation.[32] Per this plan, the project site is neither located within the airport's Runway Protection nor the Safety Zones, but is located within the Traffic Pattern Zone within San Mateo County. Exposure to potential aircraft accidents diminishes with distance from the airport runways. The Traffic Pattern Zone (TPZ) is that 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 is minimal. Two land use policies apply to the Traffic Pattern Zone and shall be used to determine if a specific land use is consistent with the Airport Land Use Plan:

- S-2 Schools, hospitals, nursing homes, and other uses in which the majority of occupants are children, elderly, and/or disabled should be discouraged in the Traffic Pattern Zones (TPZs).

- S-3 Amphitheaters, sports stadiums and other very high concentrations of people shall be prohibited within the Traffic Pattern Zones (TPZs) in accordance with the following Safety Zone Compatibility Guidelines:
  - Maximum Population Density ➢ No Limit
  - Open Area Requirements ➢ 10 percent of gross area every one-half mile
  - Land Use ➢ No Limit on Residential
    ➢ No sports stadiums or similar uses with very high concentration of people

San Francisco Bay Conservation and Development Commission

State legislation, the *McAteer-Petris Act*, was passed in 1965 to establish and govern the San Francisco Bay Conservation and Development Commission (BCDC). The BCDC is dedicated to the protection and enhancement of San Francisco Bay. The *San Francisco Bay Plan (Bay Plan)*, completed by the BCDC in 1969, regulates development in and around the Bay, and includes a range of policies on public access, water quality, fill, and project design. The Bay Plan also designates shoreline areas that should be reserved for water-related purposes like ports, industry, public recreation, airports, and wildlife refuges. As the federally-designated state coastal management agency for the San Francisco Bay segment of the California coastal zone, the BCDC can use the authority of the federal Coastal Zone Management Act to ensure that federal projects and activities are consistent with the policies of the Bay Plan and state law.

BCDC's jurisdiction generally extends to all areas of San Francisco Bay that are subject to tidal action, including sloughs and marshlands, to a 100-foot shoreline band surrounding the Bay, to salt ponds and managed wetlands as defined in the Act, and to certain designated waterways.

4.10.1.1 *Local Policies and Plans*

The project site is not subject to an approved Habitat Conservation Plan (HCP), Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan.

Various policies in the City of East Palo Alto's General Plan have been adopted for the purpose of avoiding or mitigating land use impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the land use policies listed in the East Palo Alto's General Plan, including the following:

[32] Santa Clara County ALUC. *Palo Alto Airport Comprehensive Land Use Plan Santa Clara County.* November 2008.

Land Use Policies

Policy 2.2: Promote high quality in the design of all public and private development projects.

Policy 3.2: Ensure that new development is compatible with the physical characteristics of its site, surrounding land uses, and available public infrastructure.

Conservation and Open Space Element Policies

Policy 8.2: Provide physical improvements, such as parking lots, sidewalks, trails, access points, or other facilities that promote greater use of recreation and open space lands and the Bay.

East Palo Alto Bay Access Master Plan

The Bay Access Management Plan (BAMP) is designed to improve the amenities and quality of life of existing and future East Palo Alto residents, employers, and employees working in East Palo Alto. The guiding concept for the BAMP is to create a comprehensive system of pocket parks connected by a network of trails. This includes establishing Cooley Landing as the future centerpiece. The BAMP will ensure that all East Palo Alto residents can use pedestrian trails to connect to the Bay and to existing and future parks such as Cooley Landing, Palo Alto Baylands Nature Preserve, Menlo Park Baylands, the Dumbarton Bridge, Ravenswood Open Space Preserve, Coyote Hills, and the Mountain View Baylands. To the extent possible, improvements should adhere to BCDC's *Shoreline Spaces, Public Access Design Guidelines* for the San Francisco Bay.

BCDC's Shoreline Spaces, Public Access Design Guidelines

The *Shoreline Spaces, Public Access Design Guidelines* provide direction on how to design projects consistent with BCDC's laws and policies regarding public access. Project should meet the BCDC's Seven Public Access Objectives.[33]

4.10.2 Environmental Checklist and Discussion of Impacts

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Physically divide an established community?	☐	☐	☒	☐	☐	1
2) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☒	☐	☐	☐	1,3,4

[33] San Francisco Bay Conservation and Development Commission, *Shoreline Spaces - Public Access Design Guidelines for the San Francisco Bay*. April 2005

LAND USE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project: 3) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	☐	1

4.10.2.1 *Land Use Impacts*

The project would not divide or disrupt an existing community. The project does not conflict with any applicable adopted habitat, or other conservation plan. **(Less Than Significant Impact)**

The project site is primarily located adjacent to an industrial area, but it is also located between two open space preserves. These open space preserves provide a buffer between the project site and industrial uses. The proposed project would not result in significant land use compatibility issues that would impact future recreational uses on the site. **(Less Than Significant Impact)**

4.10.2.2 *General Plan and Zoning Ordinance Conformance*

Under the existing General Plans, the center parcel of the site is designated *Resource Management* in the City of East Palo Alto General Plan and the northern and southern parcels are designated as *Non Urban-Marshes* in the City of Menlo Park General Plan. The City proposes a General Plan Amendment to change the land use designation on the center parcel in the City of East Palo Alto from *Resource Management* to *Community Open Space Conservation (COSC)* and to rezone this portion of the site to *COSC (Community Open Space Conservation).* A conditional use permit would be required from the City of Menlo Park for development on the northern and southern parcels.

The project also proposes a text amendment to the East Palo Alto General Plan Circulation Element to document that a bike path will be extended into Cooley Landing.

With the proposed City of East Palo Alto's General Plan Amendment (GPA) and Zone Change, the project would be consistent with the General Plan or Zoning Ordinance. Future development resulting from the proposed GPA is required to conform to applicable General Plan policies including those listed previously. In addition, future development resulting from the proposed GPA is required to conform to the City's *Bay Access Master Plan (2007)* and BCDC's *Shoreline Spaces, Public Access Design Guidelines for the San Francisco Bay*, which include guidelines for setbacks, parking, landscaping, and building design. The project's conformance with applicable General Plan policies and the above guidelines would reduce or avoid land use impacts. **(Less Than Significant Impact)**

4.10.2.3 *Conformance with Other Agency Regulations*

Midpeninsula Regional Open Space District

The project may include fishing or general public kayak and canoe boat launching from MROSD lands into San Francisco Bay. Although the California Department of Fish and Game regulates

fishing in these waters[34], since they are owned in fee by MROSD, they are also subject to MROSD ordinances. The MROSD Board of Directors would need to designate the project area as an approved fishing and boating area in order for the project to be in compliance with the MROSD ordinances.

Impact LU-1: Implementation of the fishing and boating provision of the project could result in a conflict with MROSD land use ordinances.

The project proposes to implement the following mitigation measure to reduce or avoid land use impacts associated with certain park uses to a less than significant level:

MM LU 1.1: Prior to opening the Cooley Landing area to fishing and boating, project proponents shall obtain MROSD designation of the area as a permitted fishing and boating area. In the event that such designation is not obtained, facilities will be designed to discourage such uses and signs prohibiting fishing and boating will be posted. **(Less than Significant with Mitigation)**

Comprehensive Land Use Plan
Palo Alto Airport

As mentioned above, the project is located within the Palo Alto Airport Traffic Pattern Zone for San Mateo County. The project proposes a low intensity recreational use and would have no more than 150 people gathered on the site at one time. The project does not propose uses with a very high concentration of people (similar to sports stadiums) and most of the site will remain open space. The proposed uses are, therefore, consistent with the Palo Alto Comprehensive Land Use Plan policies and the Safety Zone Compatibility Guidelines. **(Less Than Significant Impact)**

San Francisco Bay Conservation and Development Commission

As mentioned above, BCDC's jurisdiction generally extends to all areas of San Francisco Bay that are subject to tidal action, including sloughs and marshlands, to a 100-foot shoreline band surrounding the Bay, to salt ponds and managed wetlands as defined in the Act, and to certain designated waterways. Based on this criteria, the project site is within BCDC's jurisdiction. The project proposes to submit an application for a BCDC permit and the project will be subject to BCDC's Design Review Board approval. The project proposes to increase and improve public access opportunities along the Bay, which is consistent with BCDC's main goals and the project will be designed to meet BCDC's *Shoreline Spaces, Public Access Design Guidelines*. **(Less Than Significant Impact)**

4.10.3 Conclusion

The proposed project is in conformance with applicable agency plans, policies and regulations, and mitigation measures would not result in significant land use impacts. **(Less Than Significant Impact with Mitigation)**

[34] http://www.dfg.ca.gov/marine/mapregs6.asp

4.11 MINERAL RESOURCES

4.11.1 Setting

Extractive resources known to exist in and near the San Francisco Bay Area include cement, sand, gravel, crushed rock, clay, limestone, and mercury. The project site is not located within a Mineral Resource Zone area containing known mineral resources nor is the project site within an area where they are likely to occur.

4.11.2 Environmental Checklist and Discussion of Impacts

MINERAL RESOURCES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	☐	1,3
2) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	☐	1,3

4.11.2.1 *Mineral Resources Impacts*

The proposed project site is within a developed urban area and it does not contain any known or designated mineral resources. **(No Impact)**

4.11.3 Conclusion

The project would not result in a significant impact from the loss of availability of a known mineral resource. **(No Impact)**

4.12 NOISE

4.12.1 Setting

4.12.1.1 *Background Information*

Several factors influence sound as it is perceived by the human ear, including the actual level of sound, the period of exposure to the sound, the frequencies involved, and fluctuation in the noise level during exposure. Noise is measured on a "decibel" scale which serves as an index 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. Further, sound is averaged over time and penalties are added to the average for noise that is generated during times, such as early morning, or late evening, that may be more disturbing to sensitive land uses.

Since excessive noise levels can adversely affect human activities (such as conversation and sleeping) and human health, federal, state, and local governmental agencies have set forth criteria or planning goals to minimize or avoid these effects. The noise guidelines are almost always expressed using one of several noise averaging methods, such as L_{eq}, DNL, or CNEL.[35] Using one of these descriptors is a way for a location's overall noise exposure to be measured, realizing that there are specific moments when noise levels are higher (e.g., when a plane is taking off or when a leaf blower is operating) and specific moments when noise levels are lower (e.g., during lulls in airport traffic or in the middle of the night). For this discussion, the CNEL method will be used as it is consistent with the guidelines for the City of East Palo Alto.

4.12.1.2 *Existing Noise Conditions*

Noise from nearby roadways, industrial activities, and aircraft operations at the Palo Alto Airport are the primary source of noise on the project site. According to the Palo Alto Airport 2022 Aircraft Noise Contours, the project site will be subject to noise levels between 60 and 65 dB CNEL. This is consistent with noise levels measured in November 2009[36] along Bay Road at Tara Road and Bay Road at Pulgas Avenue where the calculated CNEL was 60 dBA and 65 dBA, respectively.

4.12.1.3 *Local Policies*

City of East Palo Alto General Plan

The Noise Element of the City of East Palo Alto's General Plan identifies noise and land use compatibility standards for various land uses. The City of East Palo Alto General Plan Noise/Land Use Compatibility Matrix identifies neighborhood parks with 65 dB CNEL or less as a "Clearly Compatible" use. This is based on the assumption that any buildings involved are of normal conventional construction without any special noise insulation requirements.

[35] L_{eq} stands for the Noise Equivalent Level and is a measurement of the average energy level intensity of noise over a given period of time such as the noisiest hour. DNL stands for Day-Night Level and 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. CNEL stands for Community Noise Equivalent Level; it is similar to the DNL except that there is an additional five dB penalty applied to noise which occurs between 7:00 PM and 10:00 PM. As a general rule of thumb where traffic noise predominates, the CNEL and DNL are typically within two dBA of the peak-hour L_{eq}.

[36] City of East Palo Alto Redevelopment Agency. *Ravenswood/4 Corners Transit Oriented Development Specific Plan Existing Conditions Report.* December 2009.

Various policies in the City's General Plan have been adopted for the purpose of avoiding or mitigating noise impacts resulting from planned development within the City. All future development addressed by this Initial Study will be subject to the noise policies listed in the City's General Plan, including the following:

Noise Element Policies

Policy 1.1: Utilize noise/land use compatibility standards as a guide for future planning and development decisions.

Policy 1.2: Provide noise control measures, such as berms, walls, and sound attenuating construction in areas of new construction or rehabilitation.

Policy 2.1: Reduce transportation-related noise impacts to sensitive land uses.

Policy 2.2: Reduce the impacts of noise-producing land uses and activities on noise-sensitive land uses.

In addition to the above General Plan policies, future development allowed by the proposed land use designation would be subject to the following code:

East Palo Alto Municipal Code Section 15.04.125: Limits construction activity to 7:30 AM – 6:00 PM weekdays, Saturdays from 9:00 AM – 5:00 PM, with no construction on Sundays or national holidays.

Airport Land Use Committee

The City/County Association of Governments of San Mateo County (C/CAG) Board of Directors serves as the designated Airport Land Use Commission (ALUC) in the San Mateo County. According to the *Airport Influence Area Boundary for San Carlos Airport*[37], the project site is within Area A, which does not require formal C/CAG ALUC review. The project site is located north of the Palo Alto Airport, which is regulated by the Santa Clara County ALUC. The Noise Compatibility Guidelines of *Palo Alto Airport Comprehensive Land Use Plan* identifies noise compatibility standards for various land uses. Table 4-1, Noise Compatibility Guidelines identifies neighborhood parks with 60 to 65 dB CNEL as a "Generally Acceptable" use. Neighborhood parks are considered a satisfactory land use, based on the assumptions that any buildings involved are of normal conventional construction, without any special noise insulation requirements and that outdoor activities are not likely to be adversely affected.

[37] CCAG Land Use Committee approved Revised Airport Influence Area Boundary for San Carlos Airport Map. October 2004. Available at: http://www.ccag.ca.gov/plans_reports.html

4.12.2 Environmental Checklist and Discussion of Impacts

NOISE						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project result in:						
1) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐	☐	1,3,4
2) Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐	☐	1,3,4
3) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1,3,24,28
4) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐	☐	1
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, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☒	☐	☐	1,3,24,25
6) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	☐	1,3

4.12.2.1 *Noise Exposure Impacts to the Project*

Based on the noise levels from the Palo Alto Airport contour map and November 2009 noise measurements on Bay Road, the proposed park use would be considered a "Clearly Compatible" and "Generally Acceptable" use. The proposed project site would not be exposed to noise levels exceeding the City's noise goal of 65 CNEL or the Palo Alto Airport's Noise Compatibility Guidelines of 65 CNEL; therefore, the project would not be significantly impacted by noise. **(Less Than Significant Impact)**

The project site is not within the vicinity of a private airstrip and, therefore, would not expose people residing or working in the project area to excessive noise levels. **(No Impact)**

Intermittent noise through emergency deployment of a Menlo Park Fire Protection District airboat in the event of rescue will produce a temporary increase in noise levels on the site. As mentioned in the project description, there could be between 8 and 12 rescue launches per year and a few additional training exercises. Emergency events are exempted from the City's noise ordinance and the planning guidelines. Instantaneous maximum noise levels from the airboat are calculated to reach 99 dB at 10 feet and 81 dB at 300 feet. The emergency airboat launches could occasionally disturb recreational users on the site. Biological habitat and special-status species impacts related to noise from the airboat are discussed in *Section 4.4 Biological Resources*. Due to the distance the airboat operation would not disrupt the closest residence (2,400 feet away). These events are not anticipated to substantially disturb recreational users or residents. **(Less Than Significant Impact)**

4.12.2.2 *Noise Impacts from the Project*

Short-Term Construction Noise

Construction on the project site would generate noise and would temporarily increase noise levels at adjacent land uses. Noise impacts resulting from construction depend on the noise generated by various pieces of construction equipment, the timing and duration of noise generating activities, and the distance between construction noise sources and noise sensitive receptors. Construction noise impacts primarily occur when construction activities take place during noise-sensitive times of the day (early morning, evening, or nighttime hours), when the construction occurs in areas immediately adjoining noise sensitive land uses, or when construction durations last over extended periods of time.

Construction-related noise levels are normally highest during the demolition and grading phase. These phases of construction require heavy equipment that normally generates the highest noise levels over extended periods of time. Substantial noise generating construction activities, including demolition, grading, and busy construction periods, would be completed in separate phases over many years. During busy construction periods, the parking lot for the Ravenswood Open Space Preserve would require closure to reduce exposure to recreational visitors on adjacent open space trails.

The closest noise sensitive land use includes a residence located over 2,400 feet from the project site. Typical hourly average construction generated noise levels are about 81 dBA to 88 dBA measured at a distance of 50 feet from the center of the site during busy construction periods (e.g., earth moving equipment, impact tools, etc.). Construction-generated noise levels drop off at a rate of about six dBA per doubling of distance between the source and receptor. Therefore, at 100 feet from the noise source, exterior hourly average noise levels would be approximately 75 to 82 dBA L_{eq} during busy construction periods. At 500 feet from the noise source, exterior hourly average noise levels would be approximately 61 to 68 dBA L_{eq}. Based on the distance of the closest sensitive receptor, construction would not result in significant short-term construction-related noise impacts.

Standard Measures: The project includes the following standard measures during all phases of construction to avoid construction-related noise impacts:

- Construction activities will be limited to the hours of 7:30 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.
- The contractor will use "new technology" power construction equipment with state-of-the-art noise shielding and muffling devices. All internal combustion engines used on the project

site will be equipped with adequate mufflers and will be in good mechanical condition to minimize noise created by faulty or poorly maintained engines or other components.
- Stationary noise generating equipment will be located as far as possible from sensitive receptors. Staging areas will be located a minimum of 200 feet from noise sensitive receptors, such as residential uses.
- Stationary equipment located near existing residential receivers will be acoustically shielded.
- The contractor will prepare a construction plan identifying the schedule for major noise-generating construction activities. The construction plan will identify a procedure for coordination with adjacent land uses so that construction activities can be scheduled to minimize noise disturbance.
- Designate a "disturbance coordinator" who would be responsible for responding to any complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., bad muffler, etc.) and will require that reasonable measures be implemented to correct the problem.

Project-Generated Traffic

Cooley Landing is estimated to generate minimal traffic on a daily basis. Even with a few larger events during the year, the project would not generate more than 100 to 200 average trips per day. Based on the estimated use for Cooley Landing, project-generated traffic would not increase noise levels along adjacent roadways (refer to *Section 4.16 Transportation*). Project traffic, therefore, would not result in a long-term noise impact. **(Less Than Significant Impact)**

4.12.3 Conclusion

The proposed project, in conformance with applicable General Plan policies and above standard measures, would not result in significant noise impacts. **(Less Than Significant Impact)**

4.13 POPULATION AND HOUSING

4.13.1 Setting

The City of East Palo Alto has a population of approximately 32,700 residents, with 7,780 households. By 2035, the population is projected to be 43,300 residents with 10,260 households.[38]

The jobs/housing ratio quantifies the relationship between the number of housing units required as a result of local jobs and the number of residential units available in the City. When the ratio reaches 1.0, a balance is struck between the supply of local housing and local jobs. The jobs/housing ratio is determined by dividing the number of local jobs by the number of employed residents that can be housed in local housing.

The City of East Palo Alto currently has more employed residents than jobs with a ratio of approximately one local job within the City per five employed residents.[39] Accordingly, most residents within the City (approximately 80 percent) commute to other cities for work. The Association of Bay Area Governments (ABAG) is projecting that jobs in East Palo Alto will increase to 7,080 by 2035.

4.13.2 Environmental Checklist and Discussion of Impacts

POPULATION AND HOUSING	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Induce substantial 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)?	☐	☐	☐	☒	☐	1
2) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1
3) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	☐	1

4.13.2.1 *Population and Housing Impacts*

The proposed project would serve as a public facility for residents of East Palo Alto. The project does not include facilities which would create job growth or population growth within the City. The project will not displace housing or people and will not cause a change in the City's jobs/housing ratio. **(No Impact)**

[38] ABAG Projections. 2009.
[39] Based on a projected 2,300 jobs in 2010 in East Palo Alto (ABAG Projections 2009) and 11,960 employed residents in East Palo Alto in 2010 (ABAG Projections 2007).

4.13.3 Conclusion

The project will not impact population or housing in the City. **(No Impact)**

4.14 PUBLIC SERVICES

4.14.1 Setting

4.14.1.1 *Fire and Police Protection Services*

Fire protection services to the project site are provided by the Menlo Park Fire Protection District (Fire District). The Fire District serves approximately 30 square miles including the communities of Atherton, Menlo Park, East Palo Alto, and portions of unincorporated San Mateo County. The department consists of seven stations distributed throughout the Fire District service area.[40] The closest fire station to the project site is Station #2 located at 2290 University Avenue in East Palo Alto, approximately 1.12 miles southwest of the project site.

Police services to the project site are provided by the City of East Palo Alto Police Department (EPAPD) which operates from its headquarters at 141 Demeter Avenue. The EPAPD has 48 sworn officers. The City, which covers a 2.5 square mile area, is divided into four police beats with one police officer patrolling each beat. In 2009, the EPAPD dealt with 1,203 reported crimes including 326 burglaries, 322 assaults, and 253 larcenies.[41]

MROSD currently provides ranger patrol of the Ravenswood Open Space Preserve and rangers coordinate with the City on the opening and closure of the access gate. The City of East Palo Alto participates in a mutual aid program with all of the neighboring cities including Palo Alto, Menlo Park, and the San Mateo County Sheriff's Department. Through this program, should the East Palo Alto Police Department need additional assistance, one or more of the mutual aid cities would provide assistance in whatever capacity was needed.

4.14.1.2 *Parks*

Cooley Landing is located adjacent to the San Francisco Bay Trail and is flanked by Ravenswood Open Space Preserve to the north, south, and west, owned by the Midpeninsula Regional Open Space District, and Palo Alto Baylands Nature Preserve to the south, owned by the City of Palo Alto. East Palo Alto has six public City parks including Jack Farrell Park (3.8 acres), Martin Luther King Park (5.4 acres), Joel Davis Park (2.0 acres), Bell Street Park (4.8 acres), East Bayshore Road Park (0.06 acres), and Matthai Grove Park (0.11 acres). Jack Farrell Park is closest to the project site located approximately 0.75 miles to the west.

East Palo Alto currently has 16 acres of parkland equating to approximately one half-acre of parkland per 1,000 residents. The Quimby Act (California Government Code 66477 (a)(4)) standard is three acres of parkland per 1,000 residents. Using this standard, East Palo Alto needs 88 acres of parkland. The City of East Palo Alto has approximately 18 percent of the total parkland needed.

4.14.1.3 *Schools*

The closest public elementary school to the project site is Costano Elementary School which serves kindergarten through eighth grade, located approximately 0.80 miles to the northwest. The nearest public high school is East Palo Alto High School which serves grades 9 through 12, located

[40] East Palo Alto. "Menlo Park Fire Protection District Information." 2008. Available at <www.menlofire.org/districtinfo.html> Accessed October 2010.
[41] East Palo Alto Police Department. "Crime Statistical Report: 2010 Year to Date." September 2010. Available at www.ci.east-palo-alto.ca.us/police/pdf/Crime_Stat_YTD_2010.pdf > Accessed October 2010.

approximately two miles southwest of the project site. The closest charter school is East Palo Alto Charter School, which serves kindergarten through 8th grade, located approximately 0.5 miles to the southwest.

4.14.1.4 *Libraries*

The East Palo Alto Library has books, computer services, a copy center, and a homework center. The City of East Palo Alto library is located approximately one mile west of the project site.

4.14.2 Environmental Checklist and Discussion of Impacts

PUBLIC SERVICES						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the 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:						
Fire Protection?	☐	☐	☐	☐	☒	1,3
Police Protection?	☐	☐	☒	☐	☐	1,3
Schools?	☐	☐	☐	☒	☐	1,3
Parks?	☐	☐	☐	☐	☒	1,3
Other Public Facilities?	☐	☐	☐	☒	☐	1,3

4.14.2.1 *Impacts to Fire and Police Services*

Structures on the project site will be constructed or rehabilitated in conformance with current fire codes, including adequate emergency vehicle access and features to reduce potential fire hazards, and with appropriate safety features to minimize criminal activity.

The Fire District anticipates development of an Emergency Airboat launch ramp for rescue purposes located in the middle-south region of the project site. Such an improvement would lessen the response time of the Fire District to calls for service from people stranded adjacent to the baylands. **(Beneficial Impact)**

The East Palo Alto Police Department currently patrols the Cooley Landing and will continue patrols as part of its routine patrol responsibilities. No significant additional resources are anticipated to be required by the Department in undertaking this task.

While additional activity at the project site could incrementally increase demand for police and/or fire protection services, no new police or fire facilities would be required from implementation of the project. **(Less Than Significant Impact)**

4.14.2.2 *Parks*

Cooley Landing would add nine acres [42] of land to the City parkland total, raising the current rate of approximately one half-acre per 1,000 residents to 0.85 acres per 1,000 residents. The project would, therefore, result in a beneficial impact to the City by increasing parkland. **(Beneficial Impact)**

4.14.2.3 *Schools*

The proposed project would not increase the population of the City and will have no impact on the use of schools. **(No Impact)**

4.14.2.4 *Libraries*

The proposed project would not increase the population of the City and will have no impact on the use of libraries. **(No Impact)**

4.14.3 Conclusion

The proposed project would not result in significant impacts to public services. **(Less Than Significant Impact)**

[42] This number is different than the total project site acreage because the access drive is not included in the new parkland acreage.

4.15 RECREATION

4.15.1 Setting

Cooley Landing is located adjacent to the San Francisco Bay Trail and is flanked by Ravenswood Open Space Preserve to the north, south, and west, owned by the Midpeninsula Regional Open Space District, and Palo Alto Baylands Nature Preserve to the south, owned by the City of Palo Alto. East Palo Alto has six public City parks including Jack Farrell Park (3.8 acres), Martin Luther King Park (5.4 acres), Joel Davis Park (2.0 acres), Bell Street Park (4.8 acres), East Bayshore Road Park (0.06 acres), and Matthai Grove Park (0.11 acres). Jack Farrell Park is closest to the project site located approximately 0.75 miles to the west.

The City of East Palo Alto has a severe shortage of park and recreation land. The Quimby Act (California Government Code 66477 (a)(4)) standard is three acres of parkland per 1,000 residents. Using this standard, the City needs 88 acres of parkland. The City currently has 16 acres total, or approximately 18 percent of the total needed.

The City has a parkland shortfall and needs to add approximately 72.5 acres of parkland to meet the goal of three acres per 1,000 residents. The parkland shortfall indicates a need for more parks, open space, and recreational opportunities.

Ravenswood Open Space Preserve, adjacent to the project site within the municipal boundary of the City of Menlo Park, provides low-intensity open space and park services to the community of East Palo Alto.

4.15.2 Environmental Checklist and Discussion of Impacts

RECREATION						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) 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?	☐	☐	☒	☐	☐	1,2,3
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?	☐	☐	☒	☐	☐	1,2,3

4.15.2.1 *Impacts to Recreational Resources*

The proposed project will provide low-impact recreational uses such as walking, bicycling, picnicking, bird watching, water access, nature study, and other low-intensity recreational uses that could include fishing, kayaking and canoeing.

The increase in recreational facilities at Cooley Landing may have the effect of reducing demand at existing facilities that could decelerate equipment deterioration. Alternatively, use of the San Francisco Bay Trail, which extends southward from the western end of Cooley Landing, could increase as the proposed new trail layout expands the trail network. Such potential increase in use is not expected to create a significant increased maintenance and repair demand. **(Less Than Significant Impact)**

Temporary Closures

The existing parking lot on the access road will be closed to the public during certain periods of construction. The Ravenswood Open Space Preserve trail is anticipated to remain open throughout most of the construction periods but there will be limited access to the parking lot during construction Phases 1 and 2. There may be short periods during construction when trail access will be closed during heavy truck traffic. The Palo Alto Baylands Nature Preserve trail access point from Bay Road may also be closed during heavy construction traffic, but there are many other trailheads to the south where visitors can access the Baylands Nature Preserve. Phases 3 through 6 should not involve closure of the parking lot. The actual length of the parking lot closure has not been quantified at this time. As mentioned in the project description, the Fire District will complete several training activities per year. During training activities, Cooley Landing will be closed to the public. The training activities will be scheduled in advance to provide the public with notice of the park closure. The temporary closure during construction and park operation will not result in a significant recreational impact. **(Less Than Significant Impact)**

4.15.3 Conclusion

The project would not result in a significant impact to existing recreational opportunities in the City of East Palo Alto. **(Less than Significant Impact)**

4.16 TRANSPORTATION

4.16.1 Setting

The discussion in this section is based on a Cooley Landing Access and Circulation Review prepared for the project by *Fehr & Peers* in August, 2010. This document is attached to the Initial Study as Appendix E.

4.16.1 Setting

4.16.1.1 *Existing Roadway Network*

Bay Road is a paved arterial road with two to four lanes that runs generally east to west through the City of East Palo Alto. Bicycle lanes are striped on Bay Road between Newbridge Street and Pulgas Avenue, although the striping is worn in several locations. Continuous sidewalks are provided along Bay Road between University Avenue and Pulgas Avenue. East of Pulgas Avenue, one property on the south side of Bay Road located just east of Tara Road has a sidewalk along its frontage. At Pulgas Avenue, Bay Road narrows into a partially paved, undivided, two-way road that continues through an industrial zone and then terminates near the pedestrian bridge for the Ravenswood Open Space Preserve (Preserve). A gravel, two-way, unlined access road continues east of the gate through the Preserve and extends onto Cooley Landing.

The City of East Palo Alto *2007/08 – 2011/12 Capital Improvement Program* includes roadway and streetscape improvements on Bay Road between University Avenue and the Preserve gate. Phase I improvements, between University Avenue and Clarke Avenue/Illinois Street, were completed on Bay Road in mid-2008. Planning and design efforts to complete Phases II and III (Clarke Avenue to Tara Road, and Tara Road to the Preserve gate) of the Bay Road improvements are underway. Plans for Phases II and III will include similar improvements to the Phase I section, including pedestrian, safety, and environmental enhancements. Conceptual plans for Phase IV of Bay Road, from the Bay Trail to Cooley Landing (current access road), are also in the process of being prepared by the City of East Palo Alto.

Highway 101 provides regional access to the project site. *University Avenue, Clarke Avenue,* and *Pulgas Avenue* run south to north from Highway 101, through the eastern portion of the City, and connect with Bay Road. These streets provide local access to the project site.

4.16.1.2 *Existing Pedestrian and Bicycle Facilities*

Pedestrian and bicycle facilities in the project area consist primarily of hiking and biking opportunities on levee trails in the Preserve and in the Palo Alto Baylands Nature Preserve which flank Cooley Landing to the north, south, and west. Additionally, the San Francisco Bay Trail (Bay Trail) runs along the western boundary of the Preserve. The Bay Trail is a planned recreational corridor that, when complete, will encircle the San Francisco and San Pablo Bays with a continuous 500-mile network of bicycling and hiking trails. To date, approximately 290 miles of the alignment have been completed.[43]

Local bicycle access to the project area is provided by bicycle lanes on Bay Road and University Avenue. Regional bicycle access to the project area is provided by the Dumbarton Bridge bicycle

[43] Association of Bay Area Governments. "San Francisco Bay Trail." 1999. <http://www.baytrail.org/overview.html> Accessed October 19, 2010.

path and connecting paths through Ravenswood Open Space Preserve and the Palo Alto Baylands Nature Preserve.

4.16.1.3 *Existing Transit Service*

Bus service in East Palo Alto is operated by SamTrans. Commuter rail service (Caltrain) is provided from San Francisco to Gilroy by the Joint Powers Board. SamTrans also provides a shuttle service that serves East Palo Alto and terminates at the Palo Alto Caltrain station.

Bus routes in the vicinity of the project site include the *280 Line* which provides service between the Stanford Shopping Center in Palo Alto and Purdue/Fordham in East Palo Alto via University Avenue, Donohoe Street, and Pulgas Avenue and the *296 Line* which provides service between East Palo Alto and the Redwood City Caltrain station via Middlefield Road, Willow Road, Bay Road, and Clarke Avenue. The *297 Line* can be utilized via transfer to access the Palo Alto Caltrain Station and the Redwood City Caltrain Station via University Avenue, Newbridge Street, and Willow Road. The *East Palo Alto Community Shuttle* provides service throughout East Palo Alto and operates on Pulgas Avenue, Bay Road, East Bayshore Road, Illinois Avenue, and Notre Dame Avenue.

The Dumbarton Express Shuttle provides service between Palo Alto and the Union City BART Station via three different routes: DB1, DB2, and DB3. Route DB3 operates on Highway 101, University Avenue, and Bayfront Expressway, and is the only Dumbarton Express Shuttle that has a stop within the vicinity of the project site.[44]

4.16.1.4 *Parking*

An existing gravel parking lot on the north side of the Preserve access road (at the end of Bay Road) that leads to Cooley Landing currently provides 13 parking spaces for the Ravenswood Open Space Preserve and for Bay Trail visitors.

[44] City of East Palo Alto. *Ravenswood/4 Corners TOD Specific Plan Existing Conditions Report*. December 4, 2009.

4.16.2 Environmental Checklist and Discussion of Impacts

TRANSPORTATION/TRAFFIC						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?	☐	☐	☒	☐	☐	1,3
2) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐	☐	1,2,3,30
3) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	☐	1,3
4) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible land uses (e.g., farm equipment)?	☐	☐	☐	☒	☐	1,2,29
5) Result in inadequate emergency access?	☐	☐	☐	☒	☐	1,29
6) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?	☐	☐	☐	☐	☒	1,3,4

4.16.2.1 *Project Traffic Impacts*

The proposed access road will be paved and improved to meet City standards. The project will not expose roadway users to hazardous conditions. **(No Impact)**

Cooley Landing is envisioned to be a passive park serving the open space needs of the community of East Palo Alto. The proposed park project will provide low-impact recreational uses such as walking, bicycling, picnicking, bird watching, water access, nature study, and other low-intensity recreational uses that could include fishing, kayaking and canoeing. Based on the usage projections for the site, it is anticipated that the boathouse building can accommodate a maximum of approximately 150 people (125 seats for a lecture type event and an additional 25 people in the exhibit room). School field trips represent the largest groups visiting the site with a maximum of two classrooms visiting the site at any one time. These groups would access the site via school bus. The remaining groups include community classes, group picnic use, and individual and small group visitation. Based upon the group size and projected usage of the site it is anticipated that the site would not generate more than 100 to 200 average trips per day. This additional traffic would not cause any impacts to the surrounding neighborhoods or reductions in the level of service (LOS) in any of the intersections leading to Cooley Landing.[45] In addition, most traffic for Cooley Landing would occur during non peak commute hours and improvements planned along Bay Road will increase capacity anticipating redevelopment in the area. **(Less Than Significant Impact)**

The project will renovate the existing boathouse building, construct a restroom, and provide new recreational facilities. The project does not involve the construction of additional new buildings or tall structures and will not change air traffic patterns. **(No Impact)**

4.16.2.2 *Site Access and Circulation*

A new gate at the end of Bay Road (at the beginning of the access road) will restrict vehicular access to the Preserve and Cooley Landing outside of public access hours. The undivided two-way access road (east of the gate) and the adjacent paved trail will provide vehicular and pedestrian/bicyclist access to the project site. A turnaround in the eastern portion of Cooley Landing near the proposed entry plaza and gathering area will provide an efficient way for vehicles to return to the parking lot or exit the park, after dropping off passengers. The City has determined that the width of the access road is adequate to meet the demand of anticipated vehicular traffic (as described above) to the park.

Two types of trails are planned for construction throughout the park. A main paved trail will loop around the entire project site. This trail will connect to the northern area of the existing Ravenswood Open Space Preserve, the Palo Alto Baylands Nature Preserve south of the site, and the San Francisco Bay Trail. This trail will also become a San Francisco Bay Trail spur trail.[46] The trail will accommodate bicyclists, joggers, walkers, and occasional maintenance or emergency vehicles including a vehicle pulling the Fire District airboat. Additional narrower and unpaved trails will be aligned closer to the shoreline and spur off of the main paved trail. These secondary trails will be about five feet wide and constructed of decomposed granite or gravel. The proposed trail system circling the site will provide access from the parking area to the key uses on-site including the picnic areas, outdoor classroom, family water access area and viewing piers, and historical dredge interpretive area.

[45] Fallaha, Kamal, Transportation Engineer, City of East Palo Alto, email correspondence, November 10, 2010
[46] Where the main spine of the Bay Trail does not follow the shoreline, spur trails provide access from the spine to points of natural, historic, and cultural interest along the waterfront.

Fire, police, and other emergency service personnel will be able to gain entry to the project site through the gate expected to be installed at the current eastern Bay Road terminus. The City will study all traffic calming improvements which may be recommended as part of a future park phase development to ascertain that adverse impacts to emergency vehicle access does not occur. The project will not result in inadequate emergency access. **(No Impact)**

4.16.2.3 *Parking*

Approximately 60 parking spaces will be required as part of the project based on usage projections.[47]

The existing 13-space Ravenswood Open Space Preserve parking lot will be reconfigured and expanded by 7 gravel parking spaces as part of the project, offering flexible shared use for Ravenswood and Cooley Landing Park visitors, and allowing the entire lot to be available to either facility for special events. Approximately 20 parking spaces will be provided on the north side of the access road, east of the existing parking lot. Additional overflow parking (20 to 30 spaces) will be provided in the grassy area on the north side of these 20 spaces, which will be mowed for special events. Eighteen (18) parking spaces will be provided at the roadway turnaround near the entry plaza, including four handicapped accessible spaces and two motorcycle spaces. A future gravel parking area that will accommodate about 20 spaces may be constructed on the south side of the access road if, and only if, after at least two years of implementation of the first phases of the project, parking demand requires such an expansion.

The project will provide over 60 parking spaces and will meet the community need for parking. Adequate parking capacity will be provided as a part of project implementation. **(Less Than Significant Impact)**

4.16.2.4 *Transit, Pedestrian, and Bicyclist Access*

The project site is located on a peninsula. While public transit via routes *280*, *296*, *297*, the *community shuttle*, and *DB3* will bring people close to the project site, there will be no direct access to Cooley Landing from public transit. People seeking to access Cooley Landing via public transit can walk or bicycle down Bay Road to access the project site from the existing bus stops. It is anticipated that a limited number of visitors will access the site via bus transit service.

The City General Plan seeks to "provide a system of local roadways that meets community needs" (Circulation Goal 2.0) and to "improve access to open space and recreation resources" (Conservation/Open Space Goal 8.0). With the anticipated construction of roadway improvements along Bay Road per the *2007/08 – 2011/12 Capital Improvement Program*, pedestrians and bicyclists accessing the project area regionally via public transit, or locally via public sidewalks and bike lanes, would have adequate access to Cooley Landing in compliance with the goals of the General Plan. The City will also install bicycle racks to improve access to Cooley Landing per the 2007 Valley Transportation Authority Bicycle Technical Guidelines model.

An amendment would be made to the Circulation Element to document that a bike path will be extended onto Cooley Landing.

[47] Based upon assembly space including 150 person capacity in boathouse, and 60 person capacity in outdoor amphitheatre

The project will not result in inadequate access to a recreational facility or conflict with any plan, ordinance, or policy establishing measures of effectiveness for the performance of the circulation system via mass transit and non-motorized travel. **(Less Than Significant Impact)**

The main paved trail at Cooley Landing will become a spur trail off of the San Francisco Bay Trail recreational corridor which was adopted by ABAG through the Bay Trail Plan in 1989. (**Beneficial Impact)**

4.16.3 Conclusion

Implementation of the proposed project would have a less than significant transportation impact. **(Less Than Significant Impact)**

4.17 UTILITIES AND SERVICE SYSTEMS

4.17.1 Setting

4.17.1.1 *Water Services*

The City purchases water from the San Francisco Public Utilities Commission (SFPUC) Hetch Hetchy Aqueduct, which passes through the northwest portion of the City of East Palo Alto. Currently, Cooley Landing is not connected to the City's water system.[48] An onsite well, adjacent to the boathouse, provides water that is not potable but is appropriate for irrigation. The well water is currently not used.

4.17.1.2 *Sanitary Sewer Services/Wastewater Treatment*

Wastewater treatment for the eastern portion of East Palo Alto is provided by the East Palo Alto Sanitary District. The wastewater is treated at the Palo Alto Treatment Plant (Treatment Plant), which is located at the east end of Embarcadero Road, approximately 2.75 miles south of the project site. The Treatment Plant provides primary, secondary, and tertiary treatment of wastewater. The total treatment capacity of the Treatment Plant is 38 million gallons per day (mgd) dry weather capacity and 80 mgd wet weather capacity.[49] In 2009, the Treatment Plant processed approximately 23 mgd average dry weather flow.[50]

The City of East Palo Alto has a 2.9 mgd capacity within the Palo Alto Treatment Plant, of which the City uses approximately 1.6 mgd. The City of East Palo Alto has approximately 1.30 mgd of unused daily capacity available within the Treatment Plant.[51] Currently, Cooley Landing is not connected to the City's sanitary sewer system.

4.17.1.3 *Storm Drainage*

The City of East Palo Alto owns and maintains the municipal storm drainage system in the City. Currently, there are no stormwater control features on the project site.

4.17.4.4 *Electric and Gas Service*

Electric and natural gas services are provided to the City of East Palo Alto by the Pacific Gas & Electric Company (PG&E).

4.17.1.5 *Solid Waste*

Solid waste collection in the City of East Palo Alto is provided by Allied Waste/Republic Services under contract with the City. The service is supported by user fees. Starting in January 2011, the

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[48] City of East Palo Alto. 2005 Urban Water Management Plan. January 3, 2006. <http://www.ci.east-palo-alto.ca.us/publicworks/EastPaloAlto2005UWMPFinalComplete.pdf > Accessed on October 13, 2010.
[49] Local Agency Formation Commission of Santa Clara County. October 2007. <http://www.santaclara.lafco.ca.gov/service_reviews/northwest_2007/10.0%20NW_Palo%20Alto.pdf> . Accessed on October 13, 2010.
[50] City of Palo Alto. "Partner Allocations and Flow Rates." 2009. <http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=22153> Accessed on October 13, 2010.
[51] City of Palo Alto. "Partner Allocations and Flow Rates." 2009. <http://www.cityofpaloalto.org/civica/filebank/blobdload.asp?BlobID=22153> Accessed on October 13, 2010.

City will enter into a new ten-year contract for collection of recyclable materials, organic waste, and solid waste with Recology San Mateo County (Recology).[52]

Solid waste and recyclable materials from the City of East Palo Alto are initially transported to a transfer station[53] in San Carlos. The transfer station receives approximately 772 tons per day (tpd) and has a 3,000 tpd capacity. The City of East Palo Alto contributes approximately 40 tpd to the transfer station, of which approximately 13 tpd are diverted from the landfill. In 2008, East Palo Alto sent 1,327 tons of recyclable material and 2,087 tons of yard trimming/compostable materials to the transfer station.[54]

Solid waste that is not diverted from the landfill is compacted at the transfer station and transported to Ox Mountain Landfill near Half Moon Bay. Ox Mountain Landfill is expected to reach capacity in 2028. In 2008, the landfill received 643,870 tons of solid waste,[55] of which 2.4 percent was from East Palo Alto. The City generated approximately 15,738 tons of landfill solid waste in 2008.[56]

4.17.2 Environmental Checklist and Discussion of Impacts

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
1) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☒	☐	☐	1
2) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒	☐	1
3) Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☒	☐	☐	1

[52] City of East Palo Alto Office of the City Manager. *Notice to Increase Solid Waste Collection Service Rates for Residential and Commercial Customers pursuant to Proposition 218.* April 20, 2010. < http://www.ci.east-palo-alto.ca.us/pdf/Solid_Waste_Rates.pdf> Accessed October 18, 2010.
[53] A transfer station is where recyclables and refuse are collected and sorted in preparation for processing or landfill.
[54] City of East Palo Alto. *Ravenswood/4 Corners TOD Specific Plan Existing Conditions Report*. December 4, 2009.
[55] City of East Palo Alto. *Ravenswood/4 Corners TOD Specific Plan Existing Conditions Report*. December 4, 2009.
[56] California Department of Resources Recycling and Recovery (CalRecycle). 2010. <http://www.calrecycle.ca.gov/Profiles/Juris/JurProfile2.asp?RG=C&JURID=137&JUR=East+Palo+Alto> Accessed October 13, 2010.

UTILITIES AND SERVICE SYSTEMS						
	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
Would the project:						
4) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☒	☐	☐	1,3
5) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☒	☐	☐	1
6) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☒	☐	☐	1
7) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒	☐	1

The proposed project includes installation of amenities at Cooley Landing including seating and picnic areas, an outdoor classroom, expanded parking areas, security lighting, irrigated and non-irrigated landscaping, and restrooms. In order to operate, these amenities will require utility and service system installations at Cooley Landing.

4.17.2.1 *Water Services Impacts*

The project proposes to install irrigated landscaping to provide wind buffers, visual screens, shade, spatial definition, and fire buffers. The project also proposes to install restrooms, and to restore the existing boathouse building for use as a multi-purpose educational facility. The possible on-site caretaker would require negligible water supply. The caretaker would have access to the restroom building and basic kitchen facility in the boathouse building for water needs.

The proposed project would use approximately 530 gallons of water per day.[57] The *2005 East Palo Alto Urban Water Management Plan* determined that water supply from the SFPUC would be capable of meeting water demand in the City until the year 2030. This determination was based upon anticipated growth including the development of Cooley Landing.

The *City of East Palo Alto Water System Master Plan* identifies infrastructure improvements to deliver water to Cooley Landing from a 12-inch water main ending at the present eastern terminus of

[57] Based upon an assumed 15 percent increase to the 450 gpd estimate for wastewater generation. Wastewater generation rate was provided by the City of East Palo Alto.

Bay Road.[58] The City will install additional infrastructure in the form of an eight-inch water line to serve the features proposed for Cooley Landing, as described above.

With installation of the eight-inch water line, there will be adequate water supply and infrastructure to connect the features of the proposed project to the City's water system. The project would have a less than significant impact on water supply services. **(Less Than Significant Impact)**

4.17.2.2 *Sanitary Sewer Services/Wastewater Treatment Impacts*

The proposed project would include installation of a restroom building and basic kitchen facilities through the restoration of the boathouse building. The caretaker would have access to the restroom building as needed and the restroom facility would be constructed in such a way to facilitate adding a future optional shower that could be secured for private use. The possible on-site caretaker would have an insignificant demand on sewer facilities.

The project would generate approximately 450 gallons per day (gpd) of wastewater. The project would not exceed the existing 1.30 mgd of unused daily capacity available for use by the City at the Palo Alto Treatment Plant. As part of the project, the City will install a six-inch sewer pipeline to serve the features proposed for Cooley Landing, as described above.

With installation of the six-inch sewer pipeline, there will be adequate capacity and infrastructure to connect the features of the proposed project to the City's sanitary sewer system. The project would not result in the need for new wastewater treatment facilities or expansion of existing facilities. The project would have a less than significant impact on the City's sanitary sewer system. **(Less Than Significant Impact)**

4.17.2.3 *Storm Drainage Impacts*

The proposed project will increase impervious surfaces at the project site through the construction of a paved loop trail, driveways, entry plaza, pathways, and restroom building.

The site drainage will be designed so that runoff from these impervious surfaces will enter vegetated swales to allow for filtration to decrease and treat the amount of stormwater entering the San Francisco Bay. Most of the project site will remain pervious and the new storm drainage facilities will be minimal. Construction of storm drainage facilities at the project site will not result in significant impacts to the surrounding environment. **(Less Than Significant Impact)**

4.17.2.4 *Electric and Gas Service*

The project will connect electricity to the proposed multi-use educational building, the proposed restroom building, and throughout the site for security lighting. A minimal level of lighting for security purposes will be installed along the proposed access road, drop-off circle, buildings, and entry plaza.

PG&E currently provides gas and electric service to the project site. The proposed project would increase electricity and natural gas use at the site, but by only an incremental amount and would not result in the need for new or expanded infrastructure. Development of the project would not adversely affect the electrical or gas system. **(Less Than Significant Impact)**

[58] City of East Palo Alto. Water System Master Plan. October 2010. <http://www.ci.east-palo-alto.ca.us/publicworks/pdf/Water_System_Master_Plan.pdf> Accessed October 14, 2010.

4.17.2.5 *Solid Waste Impacts*

The Ox Mountain Landfill has an agreement with San Mateo County to provide disposal capacity through the year 2028. Increased recycling throughout the City will extend the useful life of the landfill.

The proposed project will include installation of animal proof recycling receptacles onsite. The project will increase solid waste generation on the project site over the existing use, but not at a substantial level that would impact the existing landfill capacity. New landfill facilities will not need to be constructed to service the proposed project. **(Less Than Significant Impact)**

4.17.3 Conclusion

Implementation of the proposed project will result in an incremental increase in the use of water, and need for wastewater treatment, storm drainage, electrical and natural gas services, and solid waste disposal. The project will not, however, result in any utility or service facility exceeding current capacity or require the construction of new infrastructure or service facilities. **(Less Than Significant Impact)**

4.18 MANDATORY FINDINGS OF SIGNIFICANCE

	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact	Beneficial Impact	Information Source(s)
1) Does the project have the potential to 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, 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?	☐	☒	☐	☐	☐	1,2,11, 15,16
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)?	☐	☐	☒	☐	☐	1
3) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☒	☐	☐	1

The proposed project would not result in significant environmental impacts with the implementation of the mitigation measures included in the project and described in this Initial Study (refer to *Section 4.0 Environmental Setting, Checklist, and Discussion of Impacts*). Project impacts are specific to the project site and would not contribute to cumulative impacts elsewhere. The project would not result in significant cumulative impacts.

Checklist Sources

1. CEQA Guidelines - Environmental Thresholds (Professional judgment and expertise of the environmental specialist preparing this assessment, based upon a review of the site and surrounding conditions, as well as a review of the project plans.
2. City of East Palo Alto. *Cooley Landing Vision Plan*. September 2010.
3. City of East Palo Alto. *General Plan*. Last updated December 1999
4. City of East Palo Alto. *Zoning Ordinance*. Amended October 2003
5. California Department of Conservation, *Division of Land Resource Protection. San Mateo County Important Farmland 2008*. Map. May 2009
6. Bay Area Air Quality Management District, *2010 Clean Air Plan – Volume I and Volume II,* September 2010.
7. Bay Area Air Quality Management District. *Air Quality CEQA Thresholds of Significance*, June 2010.
8. Bay Area Air Quality Management District. *Draft California Environmental Quality Act Air Quality Guidelines*, June 2010.
9. Bay Area Air Quality Management District. *Screening Tables for Air Toxics Evaluation during Construction*. May 2010
10. City of East Palo Alto Redevelopment Agency. *East Palo Alto Bay Access Master Plan*. May 2007
11. Huffman-Broadway Group, Inc. *Cooley Landing Project Biological Assessment*. December 2010
12. Kleinfelder, Inc. *Preliminary Biological Site Evaluation Cooley Landing*. December 2006
13. San Francisco Bay Conservation and Development Commission, *Public Access and Wildlife Compatibility.* March 2001
14. San Francisco Bay Conservation and Development Commission. *Shoreline Spaces - Public Access Design Guidelines for the San Francisco Bay*. April 2005
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18. GeoForensics, Inc. *Supplemental Geotechnical Investigation for Proposed Boathouse Renovation.* August 2010.
19. Ninyo & Moore. *Remedial Action Plan Cooley Landing*. December 2010.
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21. Kleinfelder, Inc. *Phase I Environmental Site Assessment Cooley Landing Project*. October 2006.
22. San Francisco Bay Conservation and Development Commission. *Shoreline Areas Vulnerable to Sea Level Rise: South Bay Cooley Landing*. Map. February 2010.
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25. C/CAG Land Use Committee approved Revised Airport Influence Area Boundary for San Carlos Airport Map. October 2004.
26. Midpeninsula Regional Open Space District. *Regulations for Use of Midpeninsula Regional Open Space District Lands, Revised and Adopted by Ordinance No. 04-01*, August 2004

27. Menlo Park Fire Protection District. *Menlo Park Fire Response Cooley Landing Proposal.* August 2010
28. City of East Palo Alto Redevelopment Agency. *Ravenswood/4 Corners Transit Oriented Development Specific Plan Existing Conditions Report.* December 2009.
29. Fehr & Peers, Inc. *Cooley Landing Access and Circulation Review Final Memorandum*. August 2010
30. Fallaha, Kamal. Transportation Engineer, City of East Palo Alto, email correspondence, November 10, 2010.

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Persons and Organizations Contacted

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SECTION 6.0 LEAD AGENCY AND CONSULTANTS

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