

Summary Form for Electronic Document Submittal

Form F

Lead agencies may include 15 hardcopies of this document when submitting electronic copies of Environmental Impact Reports, Negative Declarations, Mitigated Negative Declarations, or Notices of Preparation to the State Clearinghouse (SCH). The SCH also accepts other summaries, such as EIR Executive Summaries prepared pursuant to CEQA Guidelines Section 15123. Please include one copy of the Notice of Completion Form (NOC) with your submission and attach the summary to each electronic copy of the document.

SCH #: _____

Project Title: 4350 El Camino Real

Lead Agency: City of Los Altos

Contact Name: Radha Hayagreev

Email: rhayagreev@losaltosca.gov

Phone Number: 408-796-4370

Project Location: 4350 El Camino Real, Los Altos, CA 94536
City

Santa Clara
County

Project Description (Proposed actions, location, and/or consequences).

The project proposes to demolish the existing gasoline service station buildings, pump islands, asphalt paving and landscaping, remove the underground fuel and oil storage tanks, and construct a new five-story residential building with two below-ground parking levels. The new building would contain 47 residential units, including 10 one-bedroom, 32 two-bedroom, and five three-bedroom units. Seven units would be below market rate (affordable) units. The proposed height of the building is 56 feet, with an additional six feet, four inches to the tops of the mechanical equipment screens and stair tower. The project includes a courtyard area with seating areas and raised planters on the ground floor of the building, which would provide approximately 12,359 square feet of common open space for project residents. Vehicle access to and from the proposed parking garage is provided via a single driveway on El Camino Real.

Identify the project's significant or potentially significant effects and briefly describe any proposed mitigation measures that would reduce or avoid that effect.

The project's significant and potentially significant effects and proposed mitigation measures is described in detail with the attached MND declaration.

If applicable, describe any of the project's areas of controversy known to the Lead Agency, including issues raised by agencies and the public.

The project site does NOT appear on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that section.

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to by, the project proponent. A MITIGATED NEGATIVE DECLARATION will be adopted.

DOCUMENT AVAILABILITY:

Copies of the Mitigated Negative Declaration and Initial Study would normally be available for review at the Community Development Department located at City Hall and at the Main Library at the Civic Center during normal business hours. However, due to the COVID-19 pandemic, these locations are closed to the public. Therefore, if requested, a hard copy will be mailed to you. The document is also available online at www.LosAltosCA.gov/communitydevelopment/page/new-development.

Provide a list of the responsible or trustee agencies for the project.

City of Los Altos

Contact: Radha Hayagreev
Title: Consulting Senior Planner
Telephone: (408) 796-4370

Community Development Department
One North San Antonio Road
Los Altos, California 94022
Email: rhayagreev@losaltosca.gov



Community Development Department
One North San Antonio Road
Los Altos, California 94022

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

PROJECT TITLE:

4350 El Camino Real Residential Development

PROJECT LOCATION:

The project site is located at 4350 El Camino Real, Los Altos, California 94022, within the County of Santa Clara (APN: 015-10-500).

PROJECT DESCRIPTION:

The project proposes to demolish the existing gasoline service station buildings, pump islands, asphalt paving and landscaping, remove the underground fuel and oil storage tanks, and construct a new five-story residential building with two below-ground parking levels. The new building would contain 47 residential units, including 10 one-bedroom, 32 two-bedroom, and five three-bedroom units. Seven units would be below market rate (affordable) units. The proposed height of the building is 56 feet, with an additional six feet, four inches to the tops of the mechanical equipment screens and stair tower. The project includes a courtyard area with seating areas and raised planters on the ground floor of the building, which would provide approximately 12,359 square feet of common open space for project residents. Vehicle access to and from the proposed parking garage is provided via a single driveway on El Camino Real.

PUBLIC COMMENT PERIOD:

From **Wednesday, January 12, 2022 at 8:00 am** to **Saturday, February 12, 2022 at 5:00 pm** the public and all affected agencies are hereby invited to review the Mitigated Negative Declaration and Initial Study and submit written comments. Comments on the City's adoption of the Mitigated Negative Declaration and Initial Study must be submitted in writing to the Planning Division at the address below prior to the close of the public comment period or via email to: planning@losaltosca.gov at 4:00 PM. A copy is also available at the Los Altos Library at 13 S. San Antonio Road, Los Altos, CA 94022.

PUBLIC HEARING DATES:

The Los Altos Planning Commission will consider the Initial Study and Mitigated Negative Declaration as part of their review of the project's development application at a virtual public hearing on **Thursday, March 17, 2022 at 7:00 pm**. The link to access the virtual hearing will be posted on the City's website. The Commission will then forward their recommendation and comments to the City Council for consideration at their next available meeting.

DOCUMENT AVAILABILITY:

Copies of the Mitigated Negative Declaration and Initial Study are available for review at the Community Development Department located at City Hall and at the Main Library at the Civic Center during normal business hours. If requested, a hard copy will be mailed to you. The digital document of the Mitigated Negative Declaration and Initial Study and the appendices are available for review at the following web page:

**NOTICE OF INTENT TO ADOPT
A MITIGATED NEGATIVE DECLARATION**

4350 El Camino Real Residential Development
January 12, 2022

<https://tinyurl.com/2p8kxarc> or
<https://www.losaltosca.gov/communitydevelopment/page/4350-el-camino-real-19-d-01-19-01-and-19-sd-01>

DECLARATION:

Based on the Initial Study dated December 2021, the staff has determined that:

- ✓ The project site does NOT appear on any of the lists enumerated under Section 65962.5 of the Government Code including, but not limited to lists of hazardous waste facilities, land designated as hazardous waste property, and hazardous waste disposal sites, and the information in the Hazardous Waste and Substances Statement required under subdivision (f) of that section.
- ✓ Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by, or agreed to by, the project proponent. A MITIGATED NEGATIVE DECLARATION will be adopted.

LEAD AGENCY:

City of Los Altos
Community Development Department
One North San Antonio Road
Los Altos, California 94022

Contact:	Radha Hayagreev
Title:	Senior Consulting Planner
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City of Los Altos

MITIGATED NEGATIVE DECLARATION

4350 El Camino Real Residential Development

The City Council of the City of Los Altos has considered the project identified below and has adopted the following Mitigated Negative Declaration pursuant to the California Environmental Quality Act:

Proposed Project: New 47-unit Multiple-Family Residential Development

Location: 4350 El Camino Real, Los Altos, County of Santa Clara.

Finding: The proposed project will not have a significant effect on the environment.

Reasons Supporting the Finding:

- An Initial Study of Environmental Effects has been prepared that identified no potentially significant impacts.
- The proposed project conforms to the City's General Plan and Zoning Ordinance.
- Because of its in-fill location, new public services and utilities are not required.
- The project will not adversely impact fish and wildlife resources or their habitats.

Mitigation Measures Included in the Project: The following mitigation measures are included in the project to avoid potentially significant effects.

▪ **Air Quality**

MM AIR-3.1: The following standard measures, in accordance with BAAQMD best management practices, would reduce the fugitive dust emissions during construction to a less than significant level:

- All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day;
- All haul trucks transporting soil, sand, or other loose material off-site shall be covered;

- All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited;
- All vehicle speeds on unpaved roads shall be limited to 15 mph;
- All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible;
- Vegetation in disturbed areas shall be planted as quickly as possible;
- Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used;
- Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to five minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points;
- All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation;
- Post a publicly visible sign with the telephone number and person to contact at the City of Los Altos regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.

MM AIR-3.2: The project shall develop a plan demonstrating that the off-road equipment used on-site to construct the project would achieve a fleet-wide average 93-percent reduction in DPM exhaust emissions or greater. One feasible plan to achieve this reduction would include the following:

- For equipment used during the site preparation and grading phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet EPA particulate matter emissions standards for Tier 4 engines. Equipment that is electrically powered or uses non-diesel fuels would meet this requirement.

- For the remaining phases, diesel-powered off-road equipment, larger than 25 horsepower, operating on the site for more than two days continuously shall, at a minimum, meet U.S. EPA particulate matter emissions standards for Tier 3 engines with CARB-certified Level 3 Diesel Particulate Filters (DPF) or equivalent. The use of equipment meeting U.S. EPA Tier 4 standards for particulate matter would also meet this requirement. Alternatively, the use of equipment that includes electric or alternatively-fueled equipment (i.e., non-diesel) would meet this requirement.
- Portable equipment (i.e., air compressors, cement and mortar mixers, and concrete/industrial saws) shall be electrically powered.

■ **Biological Resources**

MM BIO-1.1: Construction activities shall be scheduled to avoid the nesting season. The nesting season for most birds in Santa Clara County extends from February 1st through August 30th). If construction activities are scheduled to take place outside of the nesting season, impacts on nesting birds protected by the MBTA and/or CDFW will be avoided.

MM BIO-1.2: If it is not possible to schedule construction activities between September 1 and January 31, then preconstruction surveys for nesting birds shall be conducted to identify active nests that may be disturbed during project implementation. Projects that commence construction between February 1st and April 30th (inclusive) shall conduct pre-construction surveys for nesting birds within 14 days of construction onset. Projects that commence construction between May 1st and August 31st (inclusive) shall conduct pre-construction surveys within 30 days of construction onset. Pre-construction surveys shall be conducted by a qualified biologist or ornithologist for nesting birds within the on-site trees as well as all mature trees within 250 feet of the site. If the survey does not identify any nesting birds that would be affected by construction activities, no further mitigation is required.

MM BIO-1.3: If an active nest is found in or close enough to the construction area to be disturbed by these activities, the qualified biologist or ornithologist, in consultation with CDFW, shall determine the extent of a construction-free buffer zone around the nest, typically 250 feet for raptors and 100 feet for non-raptors around the nest, to ensure that raptor or migratory bird nests shall not be disturbed during project construction. The buffer shall remain in place until the breeding season has ended or a qualified biologist or ornithologist has determined that the nest is no longer active. The ornithologist/biologist shall submit a report indicating the results of the survey and any designated buffer zones to the satisfaction of the Director of Community Development prior to the issuance of grading permits.

MM BIO-1.4: If construction activities will not be initiated until after the start of the nesting season, all potential nesting substrates (e.g., bushes, trees, grasses, and other vegetation) that are scheduled to be removed by the project may be removed prior to the start of the nesting season (i.e., prior to February 1st).

- **Cultural Resources**

MM CUL-2.1: The project applicant shall ensure all construction personnel receive cultural resource awareness training that includes information on the possibility of encountering archaeological and/or historical materials during construction.

In the event that prehistoric or historic resources are encountered during excavation and/or grading of the site, all activity within a 50-foot radius of the find shall stop, the Director of Community Development shall be notified, and an archaeologist designated by the City shall assess the find and make appropriate recommendations, if warranted. Recommendations could include avoidance, if feasible, preservation in place, or collection, recordation, and analysis of any significant cultural materials. Construction within a radius specified by the archaeologist shall not recommence until the assessment is complete. A report of findings documenting any data recovery would be submitted to the Director of Community Development.

MM CUL-2.2: Pursuant to Health and Safety Code § 7050.5 and Public Resources Code § 5097.94 of the State of California, in the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The Santa Clara County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to state law, then the landowner shall re-inter the human remains and items associated with Native American burials on the property in a location not subject to further subsurface disturbance.

- **Hazards and Hazardous Materials**

MM HAZ-2.1: Prior to conducting earthwork activities at the site, soil sampling shall be performed to evaluate if agricultural chemicals (i.e. organochlorine pesticides and associated metals including lead and arsenic) are present.

MM HAZ-2.2: Prior to redevelopment of the site, the USTs and associate piping and dispensers shall be removed. The removal activities shall be coordinated with the Santa Clara County Department of Environmental Health (DEH) and Fire Department. In accordance with the requirements of these agencies, soil quality below the USTs, piping and dispensers shall be evaluated via the collection of soil samples and laboratory analyses.

MM HAZ-2.3: Prior to redevelopment of the site, each of the below-ground lift casings and any associated hydraulic fluid piping and reservoirs shall be removed and properly disposed. An environmental professional shall be retained to observe the removal activities and, if evidence of leakage is identified, soil sampling and laboratory analyses shall be conducted.

MM HAZ-2.4: Facility closure shall be coordinated with the DEH and Fire Department to ensure that required closure activities are completed prior to redevelopment of the site.

MM HAZ-2.5: The DEH shall be contacted to evaluate if any further mitigation measure will be required to facilitate residential development of the site. Any required mitigation measures shall be described in the Site Management Plan (refer to MM HAZ-2.6) or appropriate corrective action/risk management plan (i.e. remedial action plan [RAP], removal action workplan [RAW], etc.).

MM HAZ-2.6: A Site Management Plan (SMP) and Health and Safety Plan (HSP) for the proposed demolition and redevelopment activities shall be prepared by an Environmental Professional. The purpose of these documents will be to establish appropriate management practices for handling impacted soil, soil vapor and groundwater or other materials (such as the reported former oil-water separator) that may potentially be encountered during construction activities. The SMP also shall provide the protocols for accepting imported fill materials and protocols for sampling of in-place soil to facilitate profiling of the soil for appropriate off-site disposal or reuse.

If the sampling recommended in the above measures identifies contaminants at concentrations exceeding applicable published residential screening levels, appropriate mitigation measures shall be implemented under oversight from an appropriate regulatory agency (i.e. DEH, Water Board or California Department of Toxic Substances Control [DTSC]). All sampling shall be performed by an Environmental Professional following commonly accepted sampling protocols.

MM HAZ-2.7: Prior to issuance of a demolition permit, an asbestos survey shall be conducted and identified ACBM shall be managed and/or removed in accordance with BAAQMD and NESHAP guidelines. Pursuant to BAAQMD regulations, a BAAQMD job number "J#" shall be applied for and obtained prior to demolition.

MM HAZ-2.8: Universal wastes, lubrication fluids, refrigerants and other potentially hazardous building materials shall be removed before structural

demolition begins. Before disposing of any demolition waste, the demolition contractor shall determine if the waste is hazardous and ensure proper disposal of waste materials.

MM HAZ-2.9: The removal of lead-based paint is not required prior to building demolition if the paint is bonded to the building materials. However, if the lead-based paint is flaking, peeling, or blistering, it shall be removed prior to demolition. In either case, applicable OSHA regulations shall be followed; these include requirements for worker training, air monitoring and dust control, among others. Any debris containing lead shall be disposed appropriately.

■ Noise

MM NOI-1.1: Prior to the issuance of building permits, mechanical equipment shall be selected and designed to reduce impacts on surrounding uses to meet the City's requirements. A qualified acoustical consultant shall be retained by the project applicant to review mechanical noise as the equipment systems are selected in order to determine whether the proposed noise reduction measures sufficiently reduce noise to comply with the City's 50 dBA Leq residential noise limit at the shared property lines. Noise reduction measures that would accomplish this reduction include, but are not limited to, selection of equipment that emits low noise levels and/or installation of noise barriers such as enclosures and parapet walls to block the line of sight between the noise source and the nearest receptors.

MM NOI-1.2: Modification, placement, and operation of construction equipment are possible means for minimizing the impact of construction noise on existing sensitive receptors. Construction equipment shall be well-maintained and used judiciously to be as quiet as possible. Additionally, construction activities for the proposed project shall include the following best management practices to reduce noise from construction activities near sensitive land uses:

- Noise generating construction activities shall be limited to the hours between 7:00 a.m. and 7:00 p.m., Monday through Friday, and on Saturdays between 9:00 a.m. and 6:00 p.m., in accordance with the City's Municipal Code. Construction is prohibited on Sundays and holidays, unless permission is granted with a development permit or other planning approval.
- Use of the concrete saw within 50 feet of any shared property line shall be limited.
- Equip all internal combustion engine-driven equipment with intake and exhaust mufflers that are in good condition and appropriate for the equipment.

- Unnecessary idling of internal combustion engines in construction equipment with a horsepower rating of 50 or more shall be strictly prohibited, and limited to five minutes or less, consistent with BAAQMD best management practices.
- Locate stationary noise-generating equipment, such as air compressors or portable power generators, as far as possible from sensitive receptors (residences). If they must be located near sensitive receptors, adequate muffling (with enclosures where feasible and appropriate) shall be used to reduce noise levels at the adjacent sensitive receptors. Any enclosure openings or venting shall face away from sensitive receptors.
- Utilize “quiet” air compressors and other stationary noise sources where technology exists.
- A temporary noise control blanket barrier could be erected, if necessary, at the property line or along building facades facing construction sites. This measure would only be necessary if conflicts occurred that were irresolvable by proper scheduling. Noise control blanket barriers can be rented and quickly erected.
- Control noise from construction workers’ radios to a point where they are not audible at existing residences bordering the project site.
- The contractor shall prepare a detailed construction plan identifying the schedule for major noise-generating construction activities and shall send a notice to neighbors with the construction schedule.
- 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. Conspicuously post the telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction schedule.

MM NOI-2.1: A construction vibration-monitoring plan shall be implemented to document conditions at the structure located within 20 feet of proposed construction prior to, during, and after vibration generating construction activities. All plan tasks shall be completed under the direction of a State of California licensed Professional Structural Engineer and be in accordance with industry accepted standard methods. The construction vibration monitoring plan shall include the following tasks:

- Identification of sensitivity to groundborne vibration of the structure located within 20 feet of construction.
- Performance of a photo survey, elevation survey, and crack monitoring survey for the structure located within 20 feet of construction. Surveys shall be performed prior to, in regular intervals during, and after completion of vibration generating activities and shall include internal and external crack monitoring in the structure, settlement, and distress and shall document the condition of the foundation, walls and other structural elements in the interior and exterior of said structure. Interior inspections would be subject to property owners' permission.
- Conduct a post-survey on the structure where monitoring has indicated damage. Make appropriate repairs or provide compensation where damage has occurred as a result of construction activities
- Designate a person responsible for registering and investigating claims of excessive vibration. The contact information of such person shall be clearly posted on the construction site.

Initial Study Prepared by: City of Los Altos

I, Laura Simpson, hereby certify that this Mitigated Negative Declaration was prepared in accordance with the provisions of the California Environmental Quality Act of 1970, as amended, and all applicable State and City Guidelines.

By: _____
 Laura Simpson
 Interim Community and Economic
 Development Director

Date: _____