

2. Introduction

This Environmental Impact Report (EIR) has been prepared to provide an assessment of the potential environmental consequences of adopting and implementing the proposed City of Palo Alto Comprehensive Plan Update (proposed Plan) and associated zoning amendments. The California Environmental Quality Act (CEQA) requires that State and local public agencies analyze projects to determine potential impacts on the environment and disclose any such impacts.¹ The proposed Plan and associated rezoning is considered a "project" subject to environmental review because it is "an action [undertaken by a public agency] which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment."² Typically, for larger projects, this analysis takes the form of an EIR. CEQA stipulates that an EIR must not only analyze a project's potential environmental effects, but also attempt to address those effects either through feasible mitigation measures or alternatives to the project.

A Draft EIR was published on February 5, 2016 for a 90-day comment period that was subsequently extended to 124 days (ending June 8, 2016). The Draft EIR, herein referred to as the "February 2016 Draft EIR," assesses four alternatives or "scenarios" at an equal level of detail. The scenarios were developed to capture the range of possible outcomes to the Comprehensive Plan Update process, including a "Business as Usual" scenario in which the proposed Plan would not be adopted. This process of preparing the EIR concurrent with the preparation and consideration of the proposed Plan is intended to allow the Comprehensive Plan that is adopted to take into account any potential environmental impacts identified in the EIR, and include policies to address those impacts.

In early 2016, the City Council directed City staff to analyze additional scenarios to broaden the range of potential outcomes and provide additional information to inform the planning process. This Supplement to the Draft EIR has been prepared to assess the two additional scenarios, called Scenarios 5 and 6.

2.1 SUPPLEMENT TO THE DRAFT EIR

This Supplement to the Draft EIR is a recirculated EIR prepared in accordance with CEQA Guidelines Section 15088.5, which contains provisions regarding recirculation of an EIR. According to Section 15088.5(a), a lead agency is required to recirculate an EIR when "significant new information" is added to the EIR after notice of availability of the Draft EIR has been issued but before certification of the EIR. According to CEQA Guideline Section 15088.5(a), "information" can include changes in the project, changes in the environmental setting, additional data, or other information. In this case, the new

¹ California Environmental Quality Act Guidelines, Section 15002(a). The CEQA Guidelines are found at California Code of Regulations, Title 14, Division 6, Chapter 3, Sections 15000-15387.

² CEQA, Section 21080(d), and CEQA Guidelines, Section 15378[a].

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information that has been added to the February 2016 Draft EIR is the addition of Scenarios 5 and 6 to the Project Description.

According to Section 15088.5(c), the recirculated EIR need only contain the portions of the Draft EIR that have been modified. Therefore, this Supplement to the Draft EIR focuses on new analysis pertaining to Scenarios 5 and 6 and does not reproduce information from the February 2016 Draft EIR unless it is critical to understanding this analysis. This Supplement to the Draft EIR also presents information from the February 2016 Draft EIR where the information has been revised. In most cases, revisions to the February 2016 Draft EIR have been made in response to comments received on the February 2016 Draft EIR, and in some cases revisions are made to correct errors in the February 2016 Draft EIR.

As a program EIR, this Supplement to the Draft EIR is not project-specific, and does not evaluate the impacts of individual projects that may be proposed under the proposed Plan. As described in Section 15168 of the CEQA Guidelines, program EIRs are appropriate when a project consists of a series of actions related to the issuance of rules, regulations, and other planning criteria. Subsequent projects may require separate environmental review, when applicable as required by CEQA, which could be in the form of a Negative Declaration, Mitigated Negative Declaration, or a Subsequent EIR, to secure the necessary development permits. Therefore, while subsequent environmental review may be tiered from this EIR, this Supplement to the Draft EIR is not intended to address project-specific impacts of individual projects.

2.2 ENVIRONMENTAL REVIEW PROCESS

2.2.1 BACKGROUND

Pursuant to CEQA Section 21080(d) and CEQA Guidelines Section 15063, the City of Palo Alto determined that the proposed Plan could result in potentially significant environmental impacts and that an EIR would be required. In compliance with Section 21080.4 of the California Public Resources Code, the City circulated a Notice of Preparation (NOP) of an EIR for the proposed Plan to the Office of Planning and Research (OPR) State Clearinghouse and interested agencies and persons on May 30, 2014. The NOP and scoping process solicited comments from responsible and trustee agencies, as well as interested parties regarding the scope of the Draft EIR. Appendix A, NOP and Comment Letters on the NOP, of this Draft EIR contains the NOP as well as the comments received by the City in response to the NOP.

The February 2016 Draft EIR was available for review by the public and interested parties, agencies, and organizations for a 124-day comment period starting February 5, 2016 and ending June 8, 2016. The following public comment hearings were for members of the public to offer comments on the February 2016 Draft EIR:

- Planning and Transportation Commission (April 13, 2016)
- Architectural Review Board and Historic Resources Board (April 21, 2016)
- Library Advisory Commission (April 28, 2016)
- City Council (June 6, 2016)

Substantive comments received at these hearings and in writing will be responded to in a Final EIR, as described further below.

2.2.2 PUBLIC COMMENT

This Supplement to the Draft EIR is a recirculated Draft EIR prepared in accordance with Section 15088.5 of the CEQA Guidelines. As provided in Section 15088.5(c), this Supplement to the Draft EIR contains only the information needed to analyze the modified project description. This Supplement to the Draft EIR will be available for review by the public and interested parties, agencies, and organizations for a 49-day comment period starting February 10, 2017 and ending March 31, 2017. During the public review period, both the Planning & Transportation Commission and the City Council will hold public meetings for members of the public to offer comments on the Draft EIR. The public meetings are tentatively scheduled for March 29, 2017 at 6:00 p.m. (Planning & Transportation Commission) and March 20, 2017 at 7:00 p.m. (City Council). Both meetings will occur in the Council Chambers, 1st Floor City Hall, 250 Hamilton Avenue and all persons may appear and be heard at these meetings.

During the comment period, the public is invited to submit written comments via mail or e-mail on the Supplement to the Draft EIR to the City of Palo Alto Planning and Community Environment Department. Members of the public are also invited to submit additional comments on the February 2016 Draft EIR, which is available online at <http://www.paloaltocomplan.org/eir/>.

Written comments should be submitted to:

Elena Lee, Interim Long Range Planning Manager
City of Palo Alto
250 Hamilton Avenue, Fifth Floor
Palo Alto, CA 94301
Elena.Lee@CityofPaloAlto.org

2.2.3 FINAL EIR

Upon completion of the 45-day review period for the Supplement to the Draft EIR, the City of Palo Alto will review all comments received on both the February 2016 Draft EIR and Supplement to the Draft EIR and prepare written responses to each comment on the adequacy of the EIR. The City will then proceed to prepare a Final EIR containing all of the comments received, responses to comments raising environmental issues, and any changes and additions to the description and analysis in the February 2016 Draft EIR and Supplement to the Draft EIR. The Final EIR will then be presented to the City of Palo Alto City Council for certification as the environmental document for the proposed Plan. All persons who commented on the February 2016 Draft EIR and Supplement to the Draft EIR will be notified of the availability of the Final EIR and the date of the public hearing before the City.

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All responses to comments submitted on the February 2016 Draft EIR and Supplement to the Draft EIR by agencies will be provided to those agencies at least 10 days prior to certification of the EIR. The City Council will make findings regarding the extent and nature of the impacts as presented in the Final EIR. The Final EIR will need to be certified as having been prepared in compliance with CEQA by the City prior to making a decision to approve or deny the proposed Plan. Public input is encouraged at all public hearings before the City.

After the City Council certifies the Final EIR, it may then consider the proposed Plan and associated rezoning. The City Council will also be asked to adopt and incorporate into the project all feasible mitigation measures identified in the EIR and it may also require other feasible mitigation measures.

In some cases, the City Council may find that certain mitigation measures are outside the jurisdiction of the City to implement, or that no feasible mitigation measures have been identified for a given significant impact. In that case, the City Council may determine that economic, legal, social, technological, or other benefits of the proposed Plan outweigh the unavoidable, significant effects on the environment.

2.2.4 MITIGATION MONITORING

Public Resources Code Section 21081.6 requires that the lead agency adopt a monitoring or reporting program for any project for which it has made findings pursuant to Public Resources Code 21081 or adopted a Negative Declaration pursuant to Public Resources Code Section 21080(c). Such a program is intended to ensure the implementation of all mitigation measures adopted through the preparation of an EIR or Negative Declaration. The Mitigation Monitoring and Reporting Program for the proposed Plan will be completed after preparation of the Final EIR, and will be considered as part of the City Council's decision to adopt the proposed Update.