

RESOLUTION NO. 04-37

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LOS ALTOS ADOPTING A STATEMENT OF OVERRIDING CONSIDERATION FOR THE LOS ALTOS COMMUNITY SWIM CENTER

WHEREAS, The City of Los Altos is proposing to develop a Community Swim Center on former Covington Elementary School property at Rosita Park. The facility would occupy approximately eight-tenths of an acre, and would include one competitive pool, one recreational pool, and a main office/locker room/mechanical building. The project may also include a wading pool/water play area.

WHEREAS, the Environmental Impact Report prepared for the project identified several areas of significant project impact that could be reduced to less than significant levels through adoption of mitigation measures. One area of project impact that could not be mitigated to a less than significant level was noise. It was determined by the acoustical engineering consultant that there were no feasible means to mitigate or avoid the noise impacts resulting from project generated traffic along Rosita Avenue west of Campbell Avenue.

WHEREAS, the California Environmental Quality Act requires the City Council to balance the social benefits of a proposed project against its unavoidable environmental risks when determining whether to approve a project. If the social benefits of a proposed project outweigh the unavoidable adverse environmental effects, the adverse environmental effects may be considered acceptable by adopting a Statement of Overriding Consideration.

WHEREAS, in adopting a Statement of Overriding Consideration, the City Council acknowledges the community support for the project, the great amount of various Commission, Committee and volunteer time invested in the project to date, and the City Council's motion on April 11, 2000 to record their support of a Community Swim Center, and specifically a two pool configuration that supports both recreational and competitive swim programs. Council further adopted a resolution supporting the project on August 12, 2003 citing the following social benefits of a Community Swim Center:

- The City of Los Altos enjoys a strong sense of community, which is evident through the dynamic efforts of hundreds of residents who unselfishly volunteer thousands of hours; and
- A Community Swim Center will present an additional opportunity for Los Altos citizens to socialize to the well being of all; and
- The Los Altos City Council holds that its residents represent the community's most precious asset and their safety is the City Council's highest priority; and
- A Community Swim Center will provide opportunities to offer valuable water safety programs to help residents acquire the skills and knowledge necessary to maintain their own safety and the safety of those around them for a safer community in general; and
- A Community Swim Center will also generate recreational possibilities for youth swim teams, and citizens of all ages, interests, and abilities.

WHEREAS, in adopting a Statement of Overriding Consideration, the City Council further adopts the attached Findings of Fact and Statement of Overriding Consideration prepared for the Final Environmental Impact Report.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Los Altos has certified the Environmental Impact Report prepared for the Community Swim Center and adopts a Statement of Overriding Consideration regarding the noise impacts resulting from the project.

I HEREBY CERTIFY that the forgoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Los Altos at a special public meeting thereof held on the 14th day of December, 2004 by the following roll call vote:

AYES: COLE, MOSS, LEAR, CASAS

NOES: PACKARD

ABSENT: NONE



David Casas, MAYOR

ATTEST



Susan Kitchens, CITY CLERK

FINDINGS OF FACT and STATEMENT OF OVERRIDING CONSIDERATIONS
for the
FINAL ENVIRONMENTAL IMPACT REPORT
for the
LOS ALTOS COMMUNITY SWIM CENTER

In certifying the Final Environmental Impact Report for the Los Altos Community Swim Center (the “Final EIR”) and approving the proposed project for which it was prepared, the City Council of the City of Los Altos makes the following findings and adopts the following Statement of Overriding Considerations:

1. INTRODUCTION

The Final EIR was prepared pursuant to the California Environmental Quality Act to address the potential environmental effects of the proposed City of Los Altos Community Swim Center (the “Project”). The Project proposes construction of an outdoor community swim center for public use in the City of Los Altos (the “City” or “Los Altos”). The outdoor community swim center will be located within the boundary of Rosita Park and on land leased to the City of Los Altos from the Los Altos Elementary School District. The community swim center would include one competitive pool, one recreational pool, a water feature, and a building that is intended to contain ancillary uses, such as offices, locker rooms, and a mechanical room.

1.1 PURPOSE AND LEGAL AUTHORITIES

The California Environmental Quality Act (“CEQA”) was adopted in 1970 and is codified in California Public Resources Code §§ 21000 *et seq.* CEQA is an important environmental law applicable to most public agency decisions to carry out, authorize or approve projects that could have adverse effects on the environment. CEQA does not directly regulate project implementation or approvals through substantive standards or prohibitions, but rather CEQA generally requires only that agencies inform themselves about the potential environmental effects of a proposed project, carefully consider all pertinent environmental information before they act, provide the public an opportunity to review and comment on any environmental issues, and include conditions or other requirements to avoid or reduce potential significant adverse effects of the project or action when feasible.

The City has adopted environmental protection procedures implementing CEQA and the state administrative guidelines issued pursuant to CEQA. The procedures for the City provide for the protection and enhancement of the environment by establishing principles, objectives, criteria, definitions and procedures for evaluation of both public and private projects, implementing CEQA and the state guidelines and providing for the preparation and evaluation of environmental documents in accordance therewith. The City's consideration of Findings of Fact and a Statement of Overriding Considerations are key steps in the process of considering the approval of the Project while concurrently protecting and enhancing the environment. The applicable standards and scope of the City's responsibilities are detailed in the following excerpts from the State CEQA Guidelines [California Code of Regulations, Title 14, Chapter 3, §§ 15000 *et seq.* (“Guidelines”)].

Guidelines § 15040. Authority Provided by CEQA.

- (a) CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws.
- (b) CEQA does not grant an agency new powers independent of the powers granted to the agency by other laws.
- (c) Where another law grants an agency discretionary powers, CEQA supplements those discretionary powers by authorizing the agency to use the discretionary powers to mitigate or avoid significant effects on the environment when it is feasible to do so with respect to projects subject to the powers of the agency. Prior to January 1, 1983, CEQA provided implied authority for an agency to use its discretionary powers to mitigate or avoid significant effects on the environment. Effective January 1, 1983, CEQA provides express authority to do so.
- (d) The exercise of the discretionary powers may take forms that had not been expected before the enactment of CEQA, but the exercise must be within the scope of the power.
- (e) The exercise of discretionary powers for environmental protection shall be consistent with express or implied limitations provided by other laws.

Guidelines § 15041. Authority to Mitigate.

Within the limitations described in Section 15040,

- (a) A lead agency for a project has authority to require feasible changes in any or all activities involved in the project in order to substantially lessen or avoid significant effects on the environment, consistent with applicable constitutional requirements such as the "nexus" and "rough proportionality" standards established by case law (*Nollan v. California Coastal Commission* (1987) 483 U.S. 825; *Dolan v. City of Tigard* (1994) 512 U.S. 374; *Ehrlich v. City of Culver City* (1996) 12 Cal. 4th 854).
- (b) When a public agency acts as a responsible agency for a project, the agency shall have more limited authority than a lead agency. The responsible agency may require changes in a project to lessen or avoid only the effects, either direct or indirect, of that part of the project which the agency will be called on to carry out or approve.
- (c) With respect to a project which includes housing development, a lead or responsible agency shall not reduce the proposed number of housing units as a mitigation measure or alternative to lessen a particular significant effect on the environment if that agency determines that there is another feasible, specific mitigation measure or alternative that would provide a comparable lessening of the significant effect.

Guidelines § 15042. Authority to Disapprove Projects.

A public agency may disapprove a project if necessary in order to avoid one or more significant effects on the environment that would occur if the project were approved as proposed. A lead agency has broader authority to disapprove a project than does a responsible agency. A responsible agency may refuse to approve a project in order to avoid direct or indirect environmental effects of that part of the project that the responsible agency would be called on to carry out or approve. For example, an air quality management district acting as a responsible agency would not have authority to disapprove a project for water pollution effects that were unrelated to the air quality aspects of the project regulated by the district.

Guidelines § 15043. Authority to Approve Projects Despite Significant Effects.

A public agency may approve a project even though the project would cause a significant effect on the environment if the agency makes a fully informed and publicly disclosed decision that:

- (a) There is no feasible way to lessen or avoid the significant effect (*See* Section 15091); and
- (b) Specifically identified expected benefits from the project outweigh the policy of reducing or avoiding significant environmental impacts of the project. (*See* Section 15093.)

Guidelines § 15090. Certification of the Final EIR.

- (a) Prior to approving a project the lead agency shall certify that:
 - (1) The final EIR has been completed in compliance with CEQA;
 - (2) The final EIR was presented to the decision-making body of the lead agency and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
 - (3) The final EIR reflects the lead agency's independent judgment and analysis.
- (b) When an EIR is certified by a non-elected decision-making body within a local lead agency, that certification may be appealed to the local lead agency's elected decision-making body, if one exists. For example, certification of an EIR for a tentative subdivision map by a city's planning commission may be appealed to the city council. Each local lead agency shall provide for such appeals.

Guidelines § 15091. Findings.

(a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects, accompanied by a brief explanation of the rationale for each finding. The possible findings are:

(1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.

(2) Such changes or alternations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.

(3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(b) The findings required by subsection (a) shall be supported by substantial evidence in the record.

(c) The finding in subsection (a)(2) shall not be made if the agency making the finding has concurrent jurisdiction with another agency to deal with the identified feasible mitigation measures or alternatives. The finding in subsection (1)(3) shall describe the specific reasons for rejecting identified mitigation measures and project alternatives.

(d) When making the findings required in subsection (a)(1), the agency shall also adopt a program for reporting on or monitoring the changes, which it has either required in the project or made a condition or approval to avoid or substantially lessen significant environmental effects. These measures must be fully enforceable through permit conditions, agreements, or other measures.

(e) The public agency shall specify the location and custodian of the documents or other materials which constitute the record of the proceedings upon which its decision is based.

(f) A statement made pursuant to Section 15093 does not substitute for the findings required by this section.

Guidelines § 15092. Approval.

- (a) After considering the final EIR and in conjunction with making findings under Section 15091, the lead agency made decide whether or how to approve or carry out the project.
- (b) A public agency shall not decide to approve or carry out a project for which an EIR was prepared unless either:
 - (1) The project as approved will not have a significant effect on the environment, or
 - (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects on the environment where feasible as shown in findings under Section 15091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.
 - (C) With respect to a project which includes housing development, the public agency shall not reduce the proposed number of housing units as a mitigation measure if it determines that there is another feasible specific mitigation measure available that will provide a comparable level of mitigation.

1.2 ENVIRONMENTAL IMPACT PROCESS

In accordance with CEQA, a Draft version of the Final EIR (the “Draft EIR”) was made available and distributed to various public agencies, citizen groups and interested individuals on Monday, April 19, 2004, and comments were accepted until June 8, 2004 (longer than the required 45-day review period required by CEQA).¹ City officials received a total of 125 written comments from responsible agencies and special interest groups. *See* Final EIR § V.

1.3 DESCRIPTION OF THE PROJECT

Currently, the City does not have a community swim center. The project proposes to construct an outdoor community swim center for public use. The outdoor community swim center will be located within the boundary of Rosita Park and on land leased to the City of Los

¹See Final EIR at pp. 3-6 for a distribution list.

Altos in a 99-year land lease swap with the Los Altos Elementary School District. Rosita Park is owned by the City of Los Altos. Prior to construction of the Project, the existing tennis courts and parking lots on the site will be demolished. The gymnasium building (previously known as St. Williams Parish Hall) on the adjacent property will also be demolished.² The community swim center would include one competitive pool; one recreational pool; a water feature and a building that is intended to contain ancillary uses, such as offices, locker rooms, and/or mechanical room. Approximately 110 parking spaces will also be provided on-site.

The City will own the community swim center. In accordance with an agreement between the City and Swimmers Promoting Los Altos Aquatics, Safety, and Health (SPLASH), the funding for the design and construction of the community swim center will be the responsibility of SPLASH. Maintenance and operation of the community swim center will be the responsibility of the City.

General uses of the swim center will include adult lap swim, recreational/lap swim, swimming lessons, community youth programs (e.g., Junior Lifeguarding), and water exercise. Organized swim teams will use the pools, including the Covington Youth and Los Altos Masters teams. The pools will also be available for activities such as kayaking, SCUBA diving, synchronized swimming, Special Olympics, and private use.

Based on the proposed schedule, the swim center will be open for use year-round, seven days a week, and will be available for restricted private uses and up to six competition events per year. Maximum usage of the pools will occur during the summer months, with up to 1,000 people using the swim center each day from June to September. The currently proposed schedule (which should be considered a draft at this early stage) is included as Appendix A of the Draft EIR.

1.4 DISCRETIONARY ACTIONS

The proposed project would require design approval by the Los Altos City Council, who must also approve an agreement with SPLASH, and confirm the City's Capital Improvement Program.

1.5 ENVIRONMENTAL SETTING

The proposed project site is located at the west end of Rosita Avenue in the City of Los Altos. Regional and vicinity maps of the project site are Draft EIR Figures 1 and 2, respectively. The outdoor community swim center will be located within the boundary of Rosita Park and on land leased to the City from the Los Altos Elementary School District. The eastern side of the project site extends into the adjoining Rosita Park parking lots. The project site is approximately

²The demolition of St. Williams Parish Hall is included in the City's 5-year Capital Improvement Program (CIP), and is not proposed as part of this Project.

0.80 of an acre in size and is currently developed with two paved tennis courts and paved parking lots.

1.6 PURPOSE OF CEQA FINDINGS

The City is considering approval of the project. This document has been prepared to explain the rationale that the City has used in making particular findings of the effects created by the project. CEQA Findings play an important role in the consideration of projects for which an EIR is prepared. Under Public Resources Code § 21081 and CEQA Guidelines § 15091 above, where a final EIR identifies one or more significant environmental effects, a project may not be approved until the public agency makes written findings supported by substantial evidence in the administrative record as each of the significant effects. In turn, the three possible findings specified in Guidelines § 15091 (a) are:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alteration are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measure or project alternatives identified in the final EIR.

In turn, Guidelines § 15092 (b) provides that no agency shall approve a project for which an EIR was prepared unless either:

- (1) The project as approved will not have a significant effect on the environment,
or
- (2) The agency has:
 - (A) Eliminated or substantially lessened all significant effects where feasible as shown in the finding under Section 158091, and
 - (B) Determined that any remaining significant effects on the environment found to be unavoidable under Section 15091 are acceptable due to overriding concerns as described in Section 15093.

Based on the foregoing, the Guidelines do not provide a bright distinction between the meaning of "avoid" or "substantially lessen." The applicable Guidelines are based on Public Resources Code § 21081, which uses the phrase "mitigate or avoid", and hence it is generally considered that to "avoid" is to include changes or alterations that result in the significant effect being reduced to below a level of significance. In contrast, the phrase, "substantially lessen" is used to describe changes or alterations that materially reduce the significant effect, but not below a level of significance, thus, while mitigated, the effect remains significant. These Findings will distinguish, for the purposes of clarity, between the effects that have been "avoided" (thereby reduced below a level of significance) and those that have been "substantially lessened" (and thus remain significant).

In combination with the mitigation and monitoring program discussed immediately below, the following Findings of Fact and Statement of Overriding Considerations are binding obligations of the project to implement all required mitigation measures.

1.7 MITIGATION MONITORING PROGRAM

Pursuant to Public Resources Code section 21081.6, the City has also adopted a detailed mitigation monitoring program. The program is designed to assure that the mitigation measure as hereafter required is in fact implemented on a timely basis as the Project progresses through its development and construction phases. Compliance with the Mitigation and Monitoring Program listed below is a condition of any City approvals and incorporated herein by this reference:

- All healthy, mature trees will be incorporated into the proposed project to the greatest extent feasible.
- Each tree removed by the proposed project on or adjacent to the project site will be replaced by one 24-inch box specimen, incorporated into the site landscaping.

1.8 RECORD OF PROCEEDINGS

For all purposes of CEQA compliance, including these Findings of Fact and Statement of Overriding Considerations, the administrative record of all City proceedings and decisions regarding the environmental analysis of the Proposed Project shall include the following:

- The Draft and Final EIR for the Project, together with all appendices and technical reports referred to therein, whether separately bound or not;
- All reports, letters, applications, memoranda, maps or other planning and engineering documents prepared by the City, planning consultant,

environmental consultant, project applicant or others presented to or before the decision-makers as determined by the City Clerk;

- All letters, reports or other documents submitted to the City by members of the public or public agencies in connection with the City's environmental analysis on the Project;
- All minutes of any public workshops, meetings or hearings, including the scoping sessions, and any recorded or verbatim transcripts/videotapes thereof;
- Any letters, reports or other documents or other evidence submitted into the record at any public workshops, meetings or hearings; and
- Matters of common general knowledge to the City which they may consider, including applicable state or local laws, ordinances and policies, the City's General Plan and all applicable planning programs and policies of the City.

The custodian of the full administrative record shall be the City's Planning & Community Development Department.

2.0 FINDINGS REGARDING PROJECT IMPACTS, REQUIRED MITIGATION MEASURES AND SUPPORTING FACTS

The City Council has reviewed the proposed Final EIR prepared to evaluate the Project and has considered the public record on the project as earlier described in these findings.

These findings summarize the data and conclusions contained in the Draft EIR, the various responses to comments and administrative record, The Draft EIR, the various responses to comments and administrative record are incorporated into these findings as set forth in full.

Consistent with the requirements of CEQA Guidelines, the Draft EIR for the Project discusses environmental effects in proportion to their severity and probability of occurrence. To that end, the Draft EIR recognizes that certain areas of impact from the project are unlikely to occur, or if potentially occurring can be mitigated to a level of insignificance by imposition of standard conditions for permits associated with the project.

The Draft EIR identified a number of potentially significant adverse effects on the physical environment as a result of the project. The Draft EIR also identified mitigation measures that would reduce or eliminate potential adverse effects to a level of insignificance. These effects and the mitigation measures are summarized below.

All mitigation measures have been written as monitoring program pursuant to Public Resources Code § 21081.6. The drafting of these measures have been designed to ensure compliance during project implementation as explained further in the EIR, and the required

mitigating measures listed in these Findings of Fact are conditions precedent for approval of the Project.

These findings merely summarize data in the EIR administrative record for purposes of identifying the significant impacts and mitigation measures for the project. The Final EIR, with all the referenced contents, is incorporated by reference into these findings as substantial evidence therefore, as set forth fully in the findings.

2.1 ENVIRONMENTAL IMPACTS

2.1.1 AESTHETICS

Existing Setting

The project site is located in a developed public use area within the boundaries of Rosita Park and land leased to the City by the Los Altos Elementary School District. Land uses adjacent to the project site include Covington elementary school and single-family residences. Rosita Park is five acres in size and contains a baseball diamond with bleachers, a soccer field, a gymnasium building (previously St. Williams Parish Hall), and a large surface parking lot. Demolition of the gymnasium building is included in the City's 5-year Capital Improvement Program (CIP), and will occur prior to or concurrent with construction of the community swim center.

The project site contains two unlit tennis courts and paved parking lots. Minimal landscaping exists on the project site. The area adjacent to the eastern side of the project site is developed with a gymnasium building. As stated previously, the demolition of the gymnasium building is included the City's CIP and will be demolished prior to or concurrent with construction of the proposed swim center. The area adjacent to the northern side of the project site is a baseball diamond and playing fields. The area adjacent to the western side of the project site is developed with single-story elementary school buildings and associated parking lots; adjacent to the southeast of the project site is a public street; south of the street are one- and two-story single-family residences.

Nighttime lighting in the project area includes street lights along Rosita Avenue in front of Rosita Park, and security and parking lot lights at the adjacent elementary school. Due to the flat topography of the project area, the site is only visible from the immediate area. The site is not located within a scenic viewshed or along a scenic highway.

Impacts

Less than significant.

Findings

Daytime Views

The project proposes the demolition of the existing tennis courts and a paved parking lots and the construction of an outdoor community swim center. Prior to or concurrent with construction of the proposed project, the previously planned demolition of the existing gymnasium will also occur. The community swim center will include two pools and a water feature, a terraced spectator seating area, and a building (refer to Figure 3). The swim center will be surrounded by a fence or wall. The single story building will have a maximum height of 15 feet and would be approximately 4,000 square feet in size. The building would be of similar scale and size as the adjacent elementary school buildings and residences and its design will be subject to the City of Los Altos Residential Design Guidelines.

Landscaping will be planted along the perimeter of the site. As described, replacement of the existing outdoor recreation facilities and paved parking lots with the proposed community swim center would not degrade the existing visual character of the site or the area, and would not result in a significant visual impact to the surrounding land uses.

Nighttime Views

The proposed project includes outdoor lighting that would be located throughout the swim center for the purpose of security and safety of the community swim center users. The lighting for the proposed project would be similar to the lighting installed at the adjacent elementary school. The lights on the project site are not expected to exceed 20 feet in height and will probably be 15 feet in height.

The low-pressure sodium lighting will be fully shielded. Outdoor lighting would generally increase the level of illumination in the area, but would not cause significant glare or light spillover onto adjacent properties. The lights will be turned off by 9:30 PM each night. As described, the project lighting will be similar to the found on the adjacent school, and at other public facilities in Los Altos. Therefore, the project will not significantly impact nighttime views in the project area.

2.1.2 LAND USE

Existing Setting

The approximately 0.80-acre project site is located at the west end of Rosita Avenue in the City of Los Altos. The project site contains two paved tennis courts and paved parking. Land uses adjacent to the project site include Rosita Park to the north and east, single-family residences to the south, and an elementary school to the west. There are no agricultural uses in the project area.

Rosita Park includes a gymnasium building, a baseball diamond with bleachers, and a soccer field. A sports field is also located on the adjacent elementary school. The recreation facilities in Rosita Park and the adjacent elementary school are used by local athletic leagues and

the residents of Los Altos. Direct vehicular access to the existing tennis courts and Rosita Park is provided by Rosita Avenue. Rosita Avenue is a local street with an asphalt pathway on the north side of the street that ends at the project site. Parking for Rosita Park is provided on-site.

Impact

Less than significant.

Findings

Recreational uses are typically found within residential neighborhoods, as shown and supported by the City of Los Altos General Plan, which shows recreational facilities scattered throughout residential neighborhoods within the City. The proposed community swim center is compatible with the adjacent school and parks because it is also a recreational use similar to the use of much of the park and school properties. Because the swim center is intended to primarily serve the residents of Los Altos, it is proposed proximate to residential neighborhoods.

The community swim center is proposed on a site designated for Public School Land and Parks land uses by the General Plan. The proposed building would be the same scale and size of the adjacent elementary school buildings and residences. The proposed project would not conflict with any agricultural uses, nor would it 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, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect, other than the noise from project related traffic.

Although the project site is situated within and adjacent to Public School Land and Parks land uses to the north, east, west, and partially to the south, single-family residences are located adjacent to the project site across Rosita Avenue to the south and to the east beyond Rosita Park. Direct access to the project site is provided by Rosita Avenue. Rosita Avenue terminates at the project site and, therefore, currently experiences low traffic volumes. As such, the proposed Project will likely increase volumes on Rosita Avenue during both the non-summer months (September to June) and during the summer (June to September). The increase in traffic would not significantly impact any of the intersections in the project area, but it would incrementally change the character of the roadways in the project area, especially Rosita Avenue. More cars driving on these streets would be different than the existing condition, but would not exceed the volumes (1,500 to 2,500 VPD) identified in the General Plan as characterizing residential streets. The increase in traffic would also increase noise levels along Rosita Avenue. Draft EIR Section II. J. Noise. As discussed in the Draft EIR, the project proposes to provide 110 to 126 parking spaces. The proposed parking will accommodate typical weekday demand and most of the peak parking demand.

Both the Draft EIR and the Final EIR state that overflow parking may cause annoyance, but will not interfere with the operation or use of public streets.

Cumulative Impacts

Surrounding land uses are compatible with the proposed community swim center and no impacts upon the proposed project are anticipated. As stated previously, the proposed Project is located on and is bounded by Public/Quasi-Public and Open Space land uses to the south, west, north, and east, and a public street to the south (Rosita Avenue). Single-family residences are located south of Rosita Avenue and to the east beyond Rosita Park. There are no known conditions adjacent or near the Project site that would have adverse impacts on persons or activities introduced onto the site by the Project.

2.1.3 BIOLOGICAL RESOURCES

Existing Setting

The project site is located in the City of Los Altos and is developed with two tennis courts and paved parking lots. A small amount of landscaping occurs on the site that consists of shrubs and several trees.³

There are no sensitive habitats on or adjacent to the project site, including streams or waterways. Endangered, threatened, and special status animal and plant species are not expected to occur on the project site because none of the habitats that support these species exist.

³The City of Los Altos Municipal Code contains a Tree Ordinance (section 11.08.120) which protects the following trees:

- A. Any tree designated by City Council resolution (Oak, Redwood, London Plane, Sycamore, or Bay Laurel with a circumference over 48 inches measure and 48 inches above the ground);
- B. Any tree designated by the Historical Commission as a heritage tree or any tree under official consideration by the Historical Commission for heritage tree designation;
- C. Any tree located on property zoned other than R1;
- D. Any tree which was required by the City to be either saved or planted in conjunction with a development review application filed on or after April 23, 1993;
- E. Any tree located on undeveloped property or on developed property where additional development or redevelopment is anticipated.

The project site is zoned PCF. Therefore, all of the trees on the project site are protected by the City of Los Altos Tree Ordinance. A tree survey completed for the Project site identified a total of fourteen mature trees on the project site and is attached to the Draft EIR as Appendix B.

Impact

Less than significant after incorporation of mitigation measures.

Findings

The proposed Project would result in the removal of the existing tennis courts, pavement, and landscaping on the Project site, and the development of two pools, a water feature, a terraced spectator area, and a building. Landscaping would be planted around the perimeter of the site. The proposed project would not directly or indirectly affect any special status species or sensitive habitat, or conflict with any conservation plan. As proposed, the Project would result in the removal of up to 14 trees on the project site. In addition, reconfiguration of the existing Rosita Park parking lot adjacent to the site and demolition of the existing gymnasium building may also result in the removal of up to 10 trees. All of the trees on the Project site and adjacent to the project site in the Rosita Park parking lot are protected by the City of Los Altos Tree Ordinance. The proposed project will conform to the Ordinance. In accordance with the Ordinance, a tree removal permit will be obtained for each tree removed as a result of the proposed project.

Accordingly, the proposed Project may result in the removal of up to 24 trees on and adjacent to the Project site, a significant impact.

Mitigation and Avoidance Measures

In order to mitigate any potential impacts, the following measures would be implemented by the project during development:

- All healthy, mature trees will be incorporated into the proposed project to the greatest extent feasible.
- Each tree removed by the proposed project on or adjacent to the project site will be replaced by one 24-inch box specimen, incorporated into the site landscaping.

Accordingly, upon implementation of the appropriate mitigation measures, the impacts to biological resources because of the proposed Project will be less than significant.

2.1.4 CULTURAL RESOURCES

Existing Setting

The project area is within the territory of the Tamyen (Tamien) tribelet of the Costanoan Indians (alternatively the Ohlone). The closest Tamien village has been identified as San José Cupertino. The village was located in the mountains and valleys of upper Pescadero Creek, Stevens Creek and Saratoga Creek watersheds. Nevertheless, no known or inferred prehistoric trails have been identified in or near the project site. No known prehistoric, ethnographic or

contemporary Native American resources, including sacred places and traditional use areas, have been identified in or near the project site. Moreover, no known Hispanic Period (1769-1848) dwellings, roads or other features were located in or adjacent to the project area. The project site has no known association with historic events or persons.

Impact

Less than significant after incorporation of mitigation measures.

Findings

Due to the absence of recorded prehistoric resources on or near the site, the general area is believed to have a low potential for containing buried or obscured prehistoric archaeological resources. Development of this property is not anticipated to impact prehistoric archaeological resources. Similarly, due to the absence of known historic sites or associations on or near the project site, the general area is believed to have a low potential for containing buried or obscured historic archaeological resources. Development of this property is not anticipated to impact historic resources of any type. However, archaeological resources may be discovered during construction of the Project, and possibly significantly impact historic resources in the area.

Mitigation and Avoidance Measures

In order to mitigate any potential impacts, the following measure would be implemented by the project during development:

- In the event of the discovery of unanticipated buried prehistoric or historic era cultural materials, operations would stop within 25 feet of the find and the Director of Public Works would be notified. The find would be evaluated by a professional archaeologist, and if the find is significant, treatment recommendations would be developed and implemented.

Accordingly, upon implementation of the appropriate mitigation measures, the impacts to biological resources because of the proposed Project will be less than significant.

2.1.5 GEOLOGY AND SOILS

Existing Setting

The project site is located in the Santa Clara Valley, an alluvial basin, bounded by the Santa Cruz Mountains to the west, the Mt. Hamilton Diablo Mountain Range to the east, and the San Francisco Bay to the north. The Santa Clara Valley was formed when sediments derived from the Santa Cruz Mountains and the Mt. Hamilton-Diablo Range were exposed by continued tectonic uplift and regression of the inland sea that had previously inundated this area. Bedrock

in this area is made up of the Franciscan Complex, a diverse group of igneous, sedimentary and metamorphic rocks of Upper Jurassic to Cretaceous age (70 to 140 million years old). Overlaying the bedrock at substantial depths are marine and terrestrial sedimentary rocks of Tertiary and Quaternary age. The project site area is primarily flat. There are no significant topographical features on the site.

The project site is located within the seismically active San Francisco Bay region. The Uniform Building Code designates the entire South Bay as Seismic Activity Zone 4, the most seismically active zone in the United States. The faults in the region are capable of generating earthquakes of at least 7.0 in magnitude, therefore, it can be expected that earthquakes could produce very strong ground shaking at the subject site during the life of the proposed project. The major earthquake faults in the project area are the San Andreas Fault, located approximately five miles southwest site, the Hayward Fault, located approximately 13 miles east of the sites, and the Calaveras Fault, located approximately 17 miles east of the site. A moderate to major earthquake on the San Andreas Fault is most likely to generate the strongest ground shaking at the site.

The Association of Bay Area Governments (ABAG) has reported that the Working Group on California Earthquake Probabilities (1990) has estimated that there is a 67% probability that one more major earthquake would occur in the San Francisco Bay Area within the next 30 years.

Seismically-induced liquefaction results in the transformation of loose water-saturated soils from a solid state to a liquid state during ground shaking. Many elements influence the potential for liquefaction including the soil type, soil cohesion, and groundwater level. Due to the presence of unsaturated soils on the project site and a groundwater depth of at least 25 feet, the potential for liquefaction on the site is considered low.

The soils in the Project area consist of predominately unsaturated silty, clayey, and gravelly sand, which has a medium dense to very dense relative density at depths greater than seven feet. These soils are moderately expansive. Expansive soils shrink and swell as a result of moisture changes. These changes can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The site topography is generally flat and there are no water features on or adjacent to the project site, therefore, the potential for erosion and sedimentation on the site is low.

Impact

Less than significant.

Findings

Because the Project site is located in a seismically active region, strong ground shaking would be expected during the lifetime of the proposed project. While no active faults are known to cross the project site, ground shaking on the site could damage buildings and other proposed

structures and threaten residents and occupants of the proposed development. All portions of the project would be designed and constructed in accordance with the State of California Uniform Building Code guidelines for Seismic Zone 4, to avoid or minimize potential damage from seismic shaking. Moreover, due to the type of soils and depth of groundwater at the project site (at least 25 feet), the potential for soil liquefaction is low.

The project site is underlain by moderately expansive soils which may expand and contract as a result of seasonal or man-made soil moisture content changes. The expansive soil conditions could damage the proposed structures on the site. A design-level geotechnical report will be prepared for the project and all of the design measures identified in the report will be included in the project. Damage to structures and improvements would be avoided or minimized through proper design and standard engineering techniques. Moreover, due to the flat topography of the site, development is not expected to be exposed to slope instability, erosion, or landslide related hazards.

Accordingly, construction of the project with the use of standard engineering and seismic design techniques would avoid all potential soils, geologic and seismic hazards impacts or reduce them to a less than significant level.

2.1.6 HAZARDS AND HAZARDOUS MATERIALS

Existing Setting

Previous development on the project site included Covington Junior High School and St. Nicholas School. Existing development on the project site includes two tennis courts and paved parking lots. According to the Initial Study prepared for the adjacent elementary school in March 2000, the project site is not included on the Hazardous Waste and Substance Sites List, nor is it located within one-quarter mile of any facilities that might emit hazardous or acutely hazardous air emissions.

Impact

Less than significant.

Findings

The development and operation of the proposed project would require the use and transportation of chemicals to maintain water balance and chemical control of each of the proposed pools. Chlorine would be used to maintain water sanitation levels and muriatic acid would be used to maintain the pH of the pools. These materials would be stored at the site and would be brought to the site about one to two times per month. Both materials would be kept in double containment tanks inside the new building. Generally, there would be enough of these materials at the site at one time to be used for a two-week period. The use, storage, and transportation of these materials would be managed in accordance with federal, state, and local

laws and regulations. The project plans would be reviewed and approved by the Fire Department prior to issuance of a building permit.

Accordingly, the implementation of the proposed project in accordance with federal, state, and local laws and regulations would ensure that the on-site use of chemicals results in a less than significant hazardous materials impact.

2.1.7 HYDROLOGY AND WATER QUALITY

Existing Setting

There are no waterways present on or adjacent to the project site. The nearest waterway to the site is Hale Creek, which is located approximately 0.5 miles east of the proposed site. Hale Creek flows into Permanente Creek, which flows in a northerly direction and eventually empties into the San Francisco Bay. Nearby storm drains flow into Hale Creek.

Except for the small amount of landscaping, the existing project site consists of impermeable paved surfaces. Runoff from the site is conveyed to the storm drain system within Rosita Park and on Rosita Avenue. According to the Los Altos General Plan Development Constraints Diagram (1987), the project site is not located within the 100-year floodplain.

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. 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 to which they drain.

In October 2001, the Regional Water Quality Control Board (RWQCB) approved an amendment to the NPDES Municipal Separate Storm Sewer System (MS4) Permit Number CAS 029718, Provision C.3, issued to the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP). The amendment to Provision C.3 calls for more stringent standards for the management of stormwater runoff, and includes new stormwater discharge requirements for projects greater than one acre that occurs within the boundaries of the 15 jurisdictions/co-permittees that constitute SCVURPPP, including the City of Los Altos. The project site is approximately 0.8 acres in size and therefore, is not subject to this requirement. However, the project is required by the City to comply with Best Management Practices (BMPs) and the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP) during construction.

Impact

Less than significant after incorporation of mitigation measures.

Findings

Drainage and Flooding

The existing project site is almost completely covered with paved, impermeable surfaces (tennis courts and parking lots). The proposed project would slightly decrease the amount of impervious surfaces on the site. The proposed pools would contain some runoff during a storm, further reducing the volume of runoff from the site. The proposed project would not, therefore, adversely impact the capacity of the area drainage system. The site is not located in the 100-year flood plain and, therefore, the potential for flooding on the site is very low.

Water Quality

Construction activities on the site may increase the amount of sedimentation in the storm water system. Construction activities have the potential to generate dust, sediment, litter, oil, paint, and other pollutants that can contaminate runoff from the site. This is a significant impact. Groundwater would not be affected by the construction of the proposed project. The project would not use groundwater on the site, but would utilize existing City water sources provided by the California Water Service Company. The groundwater on the site is found at a depth of 25 feet. The proposed project would require excavation to a depth of approximately 13 to 15 feet.

Accordingly, construction activities on the Project site could contaminate runoff from the project site, significantly impacting the water quality in and around the Project area.

Mitigation and Avoidance Measures

In order to mitigate any potential impacts, the following measure would be implemented by the project during development:

- In accordance with the Santa Clara Valley Urban Runoff Pollution Prevention Program (SCVURPPP), as well as the City of Los Altos' ordinances, policies, processes, and other local, state, and federal requirements, the project would implement Best Management Practices (BMPs) for reducing the volume of runoff and pollution in runoff to the maximum extent practicable, both during and after construction. These BMPs may include source control measures, site design elements, and post-construction treatment measures such as the following:
- Restrict grading to the dry season or meet City requirements for grading during the rainy season.
- Provide temporary cover of all disturbed surfaces to help control erosion during construction
- Cover soil, equipment, and supplies that could contribute non-visible pollution prior to rainfall events or perform monitoring of runoff.

- Use effective, site-specific erosion and sediment control methods during the construction and post-construction periods.
- Provide permanent cover as soon as is practical to stabilize the disturbed surfaces after construction has been completed.
- Implement regular maintenance activities such as sweeping driveways between the construction area and public streets.
- Stencil on-site catch basins to discourage illegal dumping.
- Preclude non-storm water discharges to the storm water system.

Accordingly, upon implementation of the appropriate mitigation measures, including but not limited to the incorporation of BMPs and compliance with the SCVURPPP, hydrology impacts caused by the proposed Project will be less than significant.

2.1.8 AIR QUALITY

Existing 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.

The Bay Area typically has moderate ventilation, frequent inversions that restrict vertical dilution, and terrain that restricts horizontal dilution. During the summer, inversions are generally elevated above ground level, but are present for over 90 percent of both the morning and afternoon hours. In winter, surface-based inversions dominate in the morning hours, but frequently dissipate by afternoon. These factors give the Bay Area a relatively high atmospheric potential for pollution.

The 1982 Bay Area Air Quality Plan and 2000 Clean Air Plan (2000 CAP) establish regional policies and guidelines to meet the requirements of the Clean Air Act, as amended through 1990. The Bay Area is a non-attainment area for ozone and PM10, since federal standards are exceeded for these pollutants.

The California Clean Air Act requires the local air pollution control districts of non-attainment areas to prepare air quality attainment plans. These plans must provide for district-wide emission reductions of five percent per year averaged over consecutive three-year periods or, if not, provide for adoption of "all feasible measures on an expeditious schedule."

Sensitive Receptors The Bay Area Air Quality Management District defines sensitive receptors as facilities where sensitive receptor population groups (children, elderly, acutely ill and chronically ill) are likely to be located. These land uses include residences, schools, playgrounds, childcare centers, retirement homes, convalescent homes, hospitals, and medical clinics. Sensitive receptors in the project area include nearby residences, an elementary school, and the surrounding playfields.

Impact

Less than significant after incorporation of mitigation measures.

Findings

The Bay Area Air Quality Management District has established thresholds for what would be considered a significant addition to existing air pollution. A project that generates more than 80 pounds per day of reactive organic gases (ROG) should prepare a detailed analysis of its impacts, according to BAAQMD guidelines. BAAQMD generally does not recommend preparing a detailed air quality analysis for projects generating less than 2,000 vehicle trips per day.

In accordance with the Bay Area Air Quality Management District CEQA Guidelines, City determines that a detailed air quality analysis for the project does not need to be prepared. In the summer months (June to September), the project is expected to generate 1,935 vehicle trips per day and 1,419 daily trips during the non-summer months, both of which fall below the BAAQMD threshold (2,000 vehicle trips per day). A detailed air quality analysis is not required, because the proposed project is not of sufficient size to result in significant air pollution emissions.

The dry, windy climate of the area during the summer months creates a high potential for dust generation if and when underlying soils are exposed to the atmosphere. Construction vehicle traffic and wind blowing over exposed earth 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-waterbase paints, thinners, and some insulating and caulking materials evaporate into the atmosphere and 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 primary effects of construction activities would be increased dust-fall and locally elevated levels of particulate matter downwind of construction activity. Construction dust has the potential for creating a nuisance at nearby properties.

Accordingly, air quality impacts resulting from construction, particularly generation of construction dust, could affect nearby sensitive receptors, thereby significantly impacting air quality in and around the Project area.

Mitigation and Avoidance Measures

Development of the proposed project includes the BAAQMD construction dust control measures that will reduce construction related impacts to a less than significant level. The following provisions to control dust and exhaust emissions shall be followed during site excavation, grading and construction:

- Water all active construction areas at least twice daily.
- Cover all trucks hauling soil, sand, and other loose materials or require all trucks to maintain at least two feet of freeboard.
- Pave, apply water three times daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas at construction sites.
- Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas at the construction site.
- Install wheel washers for all exiting trucks, or wash off the tires or tracks of all trucks and equipment leaving the site.
- Suspend excavation and grading activity when winds (instantaneous gusts) exceed 25 mph.
- Limit the area subject to excavation, grading and other construction activity at any one time.

Accordingly, upon implementation of the appropriate dust control mitigation measures, the impacts to air quality resources caused by the proposed Project will be less than significant.

2.1.9 UTILITIES AND SERVICE SYSTEMS

Existing Setting

The project site is located in a developed area within the City of Los Altos and is currently served by or has adjacent existing phone, electrical, water, stormwater, wastewater, and solid waste service systems. Phone service is provided to the project site by SBC, electrical service is provided by PG&E, water service is provided by the California Water Service Company, wastewater treatment is provided by the Palo Alto Regional Water Quality Control Plant, and solid waste from Los Altos is collected by the Los Altos Garbage Company and transferred to the Newby Island Landfill in San Jose.

Impact

Less than significant.

Findings

The project site is served by all necessary existing utilities and service systems. The proposed project includes two pools, a water feature, and a 4,000 square foot building. In accordance with the General Plan, the project will be designed to conserve energy and water to the greatest extent feasible.

The proposed Project would reduce the volume of runoff to the stormwater system compared to existing conditions. While there may be small amounts of trash brought onto the site by visitors to the community swim center, the proposed uses will not generate substantial quantities of waste.

The demand from the Project on existing utilities would not require the expansion or extension of any major infrastructure, such as pipelines, water storage facilities, or treatment plants. The site would continue to be served by the Los Altos Garbage Company on a weekly basis and would not require additional landfills or waste facilities.

Periodic pool maintenance such as cleaning the filters requires pumping pool water into the sanitary sewer system. Pool repairs may also require the complete draining of the pools. The City's Public Works Director has concluded that the occasional addition of the additional water will not exceed the capacity of the existing sanitary sewer system.

Accordingly, the demand from the proposed project on existing utilities and service systems would not require the expansion of existing facilities or construction of new facilities, and no other significant impacts to utilities and service systems would be attributable to the Project.

2.1.10 TRANSPORTATION

Existing Setting

Roadways

The project site is located at the west end of Rosita Avenue in the City of Los Altos. Regional access to the site is provided to area by Interstate 280 (I-280), Foothill Expressway, and El Camino Real. El Monte Avenue, Cuesta Drive, Springer Road, Campbell Avenue, Covington Road, and Rosita Avenue provide local access to the project site. Figure 5 illustrates the local roadway system in the project area.

The Santa Clara Valley Transportation Authority (VTA) operates bus, light rail transit, and paratransit service throughout Santa Clara County. Bus transit service within the City of Los

Altos includes six fixed routes and paratransit service (dial-a-ride service for qualified individuals). Bus routes 23 and 52 operate in the vicinity of the project site.

Transit Service

Bus route 23 operates between Downtown San Jose and the San Antonio Shopping Center via Foothill Expressway and San Antonio Road in the City of Los Altos. The weekday hours of operation are from 5:00 am to 12:30 am with 15- to 60-minute headways. Weekend operations are provided between the hours of 6:00 am and midnight with 15- to 60-minute headways. Bus route 52 operates between Foothill College and Downtown Mountain View via El Camino Real and El Monte Avenue in the City of Los Altos. The weekday hours of operation are from 6:30AM to 10:00PM with 30- to 60-minute headways. Bus route 52 does not provide weekend service. Route 52 is the closest transit route to the site with bus stops just north of the Covington Road/El Monte Road intersection (approximately 850 feet from the site).

Paratransit service is operated under contract with OUTREACH, a private, non-profit paratransit broker. This door-to-door service is provided within the County to riders who meet the eligibility requirements established by the Americans with Disabilities Act (ADA).

CALTRAIN provides heavy rail passenger service between Gilroy and San Francisco. Service is maintained and operated by the Joint Powers Board. The two closest Caltrain stations to the project site are located along Central Expressway; one is near San Antonio Road and the other is located near Castro Street at the Downtown Mountain View Transit Center. Bus routes 23 and 52 provide transit between the project site and these stations, respectively.

Bicycle and Pedestrian Routes

Bicycle facilities comprise bike paths (Class I), bike lanes (Class II), and bike routes (Class III). Bike paths are paved pathways that are completely separated from roadways. Bike lanes are lanes on roadways designated for bicycle use. Bike routes are designated with signs only and require bicyclists to share the road with motorists. In the vicinity of the site, bike lanes are delineated on El Monte Avenue and Springer Road, while bike routes are designated on Cuesta Drive, Covington Road and Fremont Avenue. Foothill Expressway has wide shoulder strips that connect to regional bicycle facilities.

Pedestrian facilities, such as sidewalks, paths, trails, pedestrian bridges, crosswalks, and pedestrian signals with crosswalks at signalized intersections, accommodate pedestrian circulation. Near the site, sidewalks are located along El Monte Avenue, Covington Road between El Monte Avenue and the school adjacent to the site, Campbell Avenue north of Rosita Avenue, and along Cuesta Drive east of El Monte Avenue. There is an asphalt pathway along the north side of Rosita Avenue, between the project site and Springer Road. Crosswalks are provided at the intersections of El Monte Avenue and Covington Road, El Monte Avenue and Cuesta Drive, Springer Road and Cuesta Drive, Springer Road and Rosita Avenue, and Campbell Avenue and Rosita Avenue.

Traffic Conditions

Impacts on traffic and transportation are measured in level-of-service (“LOS”) designations at intersections and streets around a site.⁴ Table 1 shows the existing LOS at the six intersections closest to, and most likely to be impacted by, the proposed Project:

Table 1: Background Intersection Levels of Service (Non-Summer Months)

Intersection	Peak Hour	Delay (sec)	LOS
El Monte Avenue and Covington Road (s)	AM	12.4	B
	PM	9.6	A
Campbell Avenue and Cuesta Drive (us)	AM	12.5	B
	PM	11.0	B
Springer Road and Cuesta Drive (us)	AM	30.8	D
	PM	29.4	D
Campbell Avenue and Rosita Avenue (us)	AM	10.4	B
	PM	10.1	B
Springer Road and Rosita Avenue (us)	AM	22.7	C
	PM	17.9	C
Campbell Avenue and Covington Road (us)	AM	8.5	A
	PM	7.6	A

Impact

Noticeable but less than significant.

Findings

Throughout the majority of the year (*i.e.*, non-summer months), the proposed swim center is estimated to generate 1,419 daily trips with 124 AM peak-hour trips (59 inbound/65 outbound) and 116 PM peak-hour trips (74 inbound/42 outbound).

Intersection LOS

A study of the intersections surrounding the proposed Project indicates that each of the intersections adjacent to or leading to the Project site would continue to operate at LOS D or better under Project Conditions (*i.e.*, with the addition of traffic from the proposed project), during both morning and afternoon peak hours. Table 2 shows the anticipated effects of the proposed Project:

⁴LOS designations range from A to F, with A being optimal conditions.

Table 2: Background and Project Signalized Intersection Levels of Service

	Background			Project			
	Peak Hour	Delay (sec)	LOS	Delay (sec)	LOS	▲ in Crit. Delay	▲ in Crit. V/C
El Monte Avenue and Covington Road(s)	AM	12.4	B	12.5	B	0.1	0.003
	PM	9.6	A	9.6	A	0.0	0.003
Campbell Avenue and Cuesta Drive (us)	AM	12.5	B	13.3	B	NA	NA
	PM	11.0	B	11.5	B	NA	NA
Springer Road and Cuesta Drive (us)	AM	30.8	D	33.1	D	NA	NA
	PM	29.4	D	31.3	D	NA	NA
Campbell Avenue and Rosita Avenue (us)	AM	10.4	B	11.3	B	NA	NA
	PM	10.1	B	10.9	B	NA	NA
Springer Road and Rosita Avenue (us)	AM	22.7	C	26.0	D	NA	NA
	PM	17.9	C	19.2	C	NA	NA
Campbell Avenue and Covington Road (us)	AM	8.5	A	8.6	A	NA	NA
	PM	7.6	A	7.7	A	NA	NA

Accordingly, the increase in traffic from the proposed project would not significantly impact any of the nearby intersections.

Roadway Volumes

It is a generally accepted that if intersections are operating efficiently, then roadways are also operating acceptably and volumes are within their capacity. The constraints of the roadway system are represented by the intersections. Because the controlled approach on Rosita Avenue is LOS B under all scenarios with an average delay of less than 12 seconds per vehicle, no significant congestion is expected and no additional analysis was warranted. In addition, the roadway volumes on local streets will not exceed 1,500 to 2,500 VPD under project conditions. These are the roadway volumes the background transportation analysis completed for the City of Los Altos General Plan identifies as acceptable volumes on residential streets.

Rosita Park Activities

The proposed project is located within and adjacent to Rosita Park. Traffic and parking resulting from special events at Rosita Park and the adjacent school have the potential to be compounded by the additional use of the proposed community swim center. The organized use of the community swim center including special events will be scheduled in coordination with the adjacent park and school uses (e.g., baseball and soccer) to ensure that special events at the community swim center do not conflict or coincide with special events for the adjacent uses.

Covington School Activities

Most of the project-generated traffic will not coincide with the traffic generated by Covington School. In the morning, there will be a gap of at least one-half hour

during non-summer months, and there will be minimal school commute traffic during summer months. Covington School children who are pool users will be able to walk from Covington School to the community swim center after school, eliminating both a school-generated trip and project-generated trip from the traffic estimates.

Pedestrian Facilities

Pedestrian facilities improve safety for pedestrians and can also encourage the use of alternative modes of transportation. These facilities include sidewalks, paths, trails, pedestrian bridges, crosswalks, and pedestrian signals with crosswalks at signalized intersections to accommodate pedestrian circulation. Most of the residential streets in Los Altos do not provide typical sidewalk, curb, and gutter facilities that help pedestrians avoid conflicts with vehicles. Near the site, sidewalks are located along El Monte Avenue, Covington Road between El Monte Avenue and the school adjacent to the project site, Campbell Avenue north of Rosita Avenue, and along Cuesta Drive east of El Monte Avenue. Crosswalks are provided at the intersections of El Monte Avenue and Covington Road, El Monte Avenue and Cuesta Drive, Springer Road and Cuesta Drive, Springer Road and Rosita Avenue, and Campbell Avenue and Rosita Avenue. The City believes that the pedestrian facilities in the project area are adequate to provide safe pedestrian access to the project area. A pedestrian path is also provided on the north side of Rosita Avenue between Springer Road and the project site. This path provides safe pedestrian access to the project site and the school under existing conditions, and will continue to do so if the project is approved.

Bicycle travel is also not expected to be substantially affected by the increased traffic volume. The existing width of the street allows for two-way travel, and small children on bicycles could use the path along Rosita Avenue. Because the projected traffic volume is still within the range for a local street, the proposed project would not significantly impact existing or planned bicycle facilities.

Site Access

The project proposes to provide one driveway on Rosita Avenue directly across from La Prenda Road, adding a fourth leg to this intersection. Based on the projected volume of traffic on Rosita Avenue and the project-generated traffic, the consulting traffic engineer concluded that one driveway is sufficient to accommodate the proposed Project.

Parking

There are no standard parking rates for community pools. The site plan shows 110 to 126 on-site parking spaces.

The parking demand for the proposed project was estimated by observing parking demand at an existing swim center. The Summer Sanders Aquatic Center (SSAC) in Roseville, California has 100 designated parking spaces, plus 80 overflow spaces in an adjacent dirt lot, plus access to another 75 parking spaces at the adjacent high school, for a total of 250 spaces for its three pools. The SSAC includes three pools, a

water slide, a shade area, and concession stands. Observations by the traffic engineer at the SSAC found that, during typical weekdays, the peak parking demand was approximately 125 parked vehicles for the entire site facility including the three swimming pools. This results in a rate of 41.7 parking spaces per pool. Using this rate would require the proposed project to provide 84 parking spaces. Parking demand during weekends and major events (up to six per year) would be greater.

The parking lot is also expected to serve the existing uses at Rosita Park. Current users include visitors and organized sports teams that practice on and play games on weekday evenings and play games on the weekends. Since the existing gymnasium will be removed prior to concurrent with construction of the proposed project, no parking demand for the gymnasium was assumed under project conditions. According to data provided by the City Recreation Department, the number of parking spaces required by evening practices is estimated to be 24 (four coaches and 20 parents). It is conservatively estimated that another five parking spaces could be required by other visitors to the park during weekday evenings.

The sum of the estimated project demand (84 spaces) plus the existing parking demand generated by Rosita Park (29 spaces) yields an estimated total weekday evening parking demand of 113 spaces.

On summer weekends, the swim center is conservatively estimated to require a maximum of 115 spaces, depending largely on the number of recreational swimmers. This is the number of spaces needed during the transition between classes when some patrons are arriving before the previous patrons depart. After classes begin, the parking demand will lessen. With this estimated peak demand, the remaining supply for park users including sports teams and other visitors may temporarily be as few as ten spaces. Thus, it is possible that the combined community pool and Rosita Park parking demand may exceed the proposed parking supply on summer weekend days, depending on pool and park usage. During the spring and fall, pool usage will be lower and the estimated community pool parking demand will be substantially less.

In any event, the project proposes to provide 110 to 126 (depending on design) off-street parking spaces to accommodate as many visitors to the project site as possible. Parking is likely, however, to overflow into the surrounding neighborhood during periods of heavy use and events at the community swim center. Unsafe conditions such as blocked driveways and parking in crosswalks can occur when overflow parking cannot be accommodated by on-street parking. Due to the limited space available for spectators at the proposed swim center, events at the swim center are not expected to result in substantial overflow parking into the surrounding neighborhood.

Maximum use of the community swim center is likely to occur during the summer on weekends. As stated previously, combined parking demand during heavy use on a summer weekend is conservatively estimated not to exceed 144 and may result in some 18 to 34 vehicles parking on neighborhood streets. Parking is available in the surrounding neighborhood along both sides of Rosita Avenue, La Prenda Road, and Campbell Avenue and is sufficient to meet the overflow demand. Overflow parking on the residential streets in the project area will not result in

unsafe conditions or the inability of emergency vehicles to access the project area. For these reasons, overflow parking into the surrounding neighborhood is not a significant impact.

Accordingly, Project-generated traffic would not substantially impact any of the intersections or roadways in the project area. Access to and from the project site is adequate and would not result in any safety hazards. The proposed project would not impede the development or function of a pedestrian or bicycle facility or impede the operation of a transit system as a result of congestion. While the project generated traffic would not result in significant transportation impacts, the increase in traffic in the project area would be noticeable. As discussed below, Project-generated traffic would substantially increase noise levels along Rosita Avenue, and as discussed above, the increase in traffic would change the character of the surrounding neighborhood.

2.1.11 NOISE

Airborne sound is a rapid fluctuation of air pressure above and below atmospheric pressure. Sound levels are usually measured and expressed in decibels (dB) with zero dB corresponding roughly to the threshold of hearing. Each ten decibel increase corresponds approximately to doubling the perceived loudness of the sound. On this scale, noise at zero decibels is barely audible, while noise at 120-140 dB is painful and may cause hearing damage. These extremes are not encountered in commonplace environments.

Most of the sounds in normal environments do not consist of a single frequency, but rather a broad range of frequencies. Most environmental noise includes a mixture of noise from distant sources which create a relatively steady background noise in which no particular source is identifiable. To describe the time-varying character of environmental noise, the statistical noise descriptors, L10, L50, and L90 are commonly used. They are the A-weighted noise levels exceeded during 10 percent, 50, percent and 90 percent of a stated time period, respectively. The continuous equivalent energy level (Leq) is that level of steady state noise which has the same sound energy as a time varying noise. It is often considered the "average" noise level.

To account for human sensitivity to nighttime noise levels, and because excessive noise interferes with the ability to sleep, 24-hour average noise level descriptors have been developed. These descriptors add noise penalties to nighttime noise levels. The Day- Night Level (DNL) (average sound level) is a measure of cumulative noise exposure.

Existing Setting

The City of Los Altos updated its General Plan in November 2002. The Noise Element contains a land use compatibility chart that correlates acceptable noise levels for land uses. For residential areas, 50 to 60 DNL is considered acceptable, and 61 to 70 DNL is considered conditionally acceptable. Conditionally acceptable means that, "New construction or development shall be undertaken only after a detailed noise analysis is made and noise reduction measures are identified and included in the project design."

The City Noise Ordinance further limits acceptable sound levels for various land uses. The City of Los Altos Noise Ordinance establishes maximum permissible sound levels, based on the receiving land use. The allowable limits are based on the sound levels not to be exceeded more than 30 minutes in any hour. This is equivalent to the L50 noise metric. The Noise Ordinance states that the acceptable noise limit at adjacent single-family residences is an L50 of 55 dBA between the hours of 7AM and 10PM and an L50 of 45 dBA between the hours of 10PM and 7AM. If the noise contains a steady, audible tone, such as a whine, screech, or hum, or contains music or speech conveying informational content, the limits stated above shall be reduced by five Dba.

The project site is located in a public recreation area, within the City of Los Altos. Existing noise sources in the project area include sports fields with a baseball diamond and bleachers, an indoor recreation building, surface parking, tennis courts, and an elementary school on and adjacent to the project site. Neighborhood motor vehicle traffic also creates some noise. All nearby streets are posted at 25 miles per hour.

Two noise studies were prepared for the Project. One noise study was prepared in February 2001 and another in September 2003. The 2001 noise study found that the ambient sound level at La Prenda Road, south of Rosita Avenue, was 53 dBA CNEL. A sound level measurement was taken at the project site at 3:00 p.m. on Thursday, September 11, 2003. Ambient sounds during this sound level measurement were from children's voices, air conditioning units on portable buildings, and distant aircraft. No athletic competition or practice was occurring on nearby fields when the measurement was taken. This short-term measurement was 48 dBA Leq, which is consistent with the ambient noise level (53 dBA CNEL) reported in the noise study prepared in 2001.

Impact

Significant unavoidable impact.

Findings

The swim center would include one competitive pool, one recreational pool, a water feature, and a building. A terraced spectator area would be located along the west side of the project site. Vehicles would access the community swim center from Rosita Avenue. The swim center would be open for use year-round. Maximum usage of the swim center would occur during the summer months, with up to 1,000 people using the swim center each day from June to September.

Up to six competition events per year would be held at the swim center. Four of the competitions would be held during the summer, one would be held during the fall, and the other would most likely be held during the spring. Due to the small spectator capacity of the proposed swim center and the limited frequency of the events, the noise from competition events is not expected to be substantially greater than noise from peak use and is, therefore, not considered

significant. In August 2003, long-term sound level measurements were performed at the Petaluma community pool, a community swim center similar to the proposed project. Measurements at the Petaluma facility were taken at a location about 75 feet from the pool. Table 13 shows the Petaluma pool activities and their corresponding measured sound levels. The two types of activities which generated noise above background ambient levels were water fitness and recreation swim. Lap swimming and lessons were not found to be noisy activities.

Noise Generated By Project Use

As discussed previously, the City of Los Altos Noise Ordinance establishes maximum permissible sound levels, based on the use of the receiving land use. The nearest sensitive receivers are residences located along Rosita Avenue. The noise ordinance provides correction for the character of sound. Because the sounds from the swimming pool area would contain speech, the allowable limits are reduced by five dBA. The daytime noise limit would, therefore, be an L50 of 50 dBA and the nighttime limit would be an L50 of 40 dBA as measured at any residential property boundary.

After Project build-out, there will be five (5) alternative schedules for the swim center depending on the time of the year and the day of the week:

Sunday

The pool would open at 8AM, with lap swimming programmed until 12:00 noon. Most of the lanes in the competition pool would be available for Masters (competitive age graded) training. Usually, a coach would guide this group. This activity is not expected to significantly increase noise levels in the area. Recreational swim would occur from 12:00 noon to 5:00 p.m. in both pools. When the pools are full, as in summer, recreational swimming can produce sounds of about 63-64 dBA L50 at a distance of 150 feet. As such, these noise levels would substantially exceed both existing ambient levels and the 50 dBA limit during the recreational swim hours.

Monday-Friday (Summer)

Masters and adult swimming would take place early in the morning, from 6:00 a.m. to about 7:30 a.m. Youth swim team starts at 7:30 a.m. and goes until 10:00 a.m. The noise engineer concluded that youth swim team practice would produce noise levels equivalent to the water fitness classes that were measured at the Petaluma community swim center. Thus, sound levels would be about 58 dBA L50 at the nearest residence. Lessons and Masters swim would occur from about 10:00 a.m. to 1:30 p.m. Sound levels would not be substantial during this three-hour block. Youth programs and recreational swim begin at about 1:15 p.m., and continue until about 6:00 p.m. Noise would substantially exceed existing ambient levels and the 50 dBA limit during summertime recreational swim hours. Masters swimming and lessons would occur from about 6:00 p.m. to 7:30 p.m. Kayak and/or scuba instruction could occur from about 7:30 p.m. to 8:30 p.m.. This is generally a quiet activity and would not exceed background sound levels at nearby residences.

Monday-Friday (Non-Summer)

The youth swim team would practice from about 6:00 a.m. to 7:30 a.m. During swim practice, sound levels may reach an L50 of about 58 dBA at the nearest residence. Noise would substantially exceed existing ambient levels and the 40 dBA limit during swim practice. Recreational swim would occur between the hours of 8:00 a.m. and 3:30 p.m. Although on busy days noise levels could be as high as described above for recreational swim during the summer, sound levels during non-summer recreational swim hours are expected to be much less. Youth swim team practice would resume about 4:00 p.m., and end about 7:30 p.m. Noise levels for afternoon swim team practice would be the same as the morning period. Kayak and/or scuba instruction could occur from about 7:30 p.m. to 9:00 p.m.

Saturday (Summer)

Youth swim team practice would be held from about 6:00 a.m. to 9:00 a.m. During swim practice, sound levels may reach an L50 of about 58 dBA at the nearest residence. Noise would substantially exceed existing ambient levels and the 40 dBA limit during the morning swim practice. In the afternoon, recreational swimming would be held from noon to 6:00PM. Noise would substantially exceed existing ambient levels and the 50 dBA limit during summertime recreational swim hours.

Saturday (Non-Summer)

Youth swim team practice would be held from about 6:00 a.m. to 9:00 a.m. During swim practice, sound levels may reach an L50 of about 58 dBA at the nearest residence. Noise would substantially exceed existing ambient levels and the 40 dBA limit during the morning swim practice. Masters, lessons, and adult lap swimming would occur from about 8AM, to noon. Recreational swim would occur from noon to 6:00 p.m. On busy days, noise levels could be as high as described above for recreational swim during the summer. In reality, for much of the non-summer period, sound levels during recreational swim hours would be much less than sound levels in the summertime. Swim team practice in the morning (6:00 a.m. to 7:00 a.m.) will substantially exceed the 40 dBA nighttime limit at the nearest residences intermittently each morning of the year. Recreation swimming in the afternoon will substantially exceed the 50 dBA daytime limits at the nearest residences intermittently each day during the summer, and potentially during the non-summer.

Accordingly, the proposed use of the community swim center would result in sound levels that substantially exceed the 40 dBA nighttime and 50 dBA daytime limits at the nearest residences intermittently each day, thus significantly impacting the noise levels in and around the Project area.

Public Address System

Sounds from a public address system can be an annoying and intrusive noise in quiet residential neighborhoods. The project proposes to professionally install a distributed speaker public address system, which is much quieter and more controllable than the portable loudspeaker public address systems that are typically used at local sporting and graduation events.

Private Rentals

A large private party could generate noise levels similar to recreational swimming. Other activities such as amplified music (live or recorded) could be expected unless prohibited or controlled. Unmitigated noise levels could, therefore, substantially exceed ambient levels and the City's noise ordinance limits.

Noise Generated By Project Traffic

The traffic to and from the community swim center would increase traffic volumes on Rosita Avenue from about 720 Average Daily Trips (ADT) to 2,260 ADT in the summer, and from about 830 ADT to 1,960 ADT during non-summer months. This traffic increase would raise traffic noise levels on Rosita Avenue by about 5 dBA DNL above the current level during the summer and by about 4 dBA DNL during the nonsummer.

As a result, the daily average noise level would remain within the Acceptable Range of 50-60 dB DNL, but the project-generated traffic would substantially increase noise levels along Rosita Avenue west of Campbell Avenue, based on the thresholds of significance identified in the Draft EIR. Noise levels would not increase substantially along other streets in the area.

Noise Generated By Project Construction Activities

Operation of construction equipment would temporarily increase noise levels in the project area. The amount of noise would depend on the type of construction equipment, timing of construction, duration of each noise-generating activity, and the distance between construction noise sources and noise-sensitive receptors. The maximum noise levels generated by project construction would be between 90-98 dBA at a distance of 50 feet from the noise source. At 100 to 150 feet (nearest residence from the center of construction activity), noise levels drop about 6 dBA lower than at 50 feet. Most of the time, the noise levels would be between 70 and 78 dBA, or lower. The noisiest construction phases are expected to last for less than one year.

Accordingly, construction activities at the Project site would temporarily substantially increase noise levels in the project area, thus temporarily significantly impacting the noise levels in and around the Project area.

Mitigation and Avoidance Measures

In order to mitigate potential impacts, the following measures will be incorporated into the final Project design and implemented in the Project operations, and will reduce noise impacts to a less than significant level:

Noise Generated By Use of the Project

- The project design will include a noise barrier along the south property line of the community swim center. At a minimum, the noise barrier will be a 10-foot sound wall; a 15-foot sound wall will be considered.

Alternatively, the site plan may be revised to locate the building along the south and east property lines in the southeast corner of the site to form a noise barrier.

- Activities at the swim center will also be restricted during sensitive hours. Youth swim practice will not occur before 7:00 a.m. unless noise levels can be controlled so as not to exceed an L50 of 40 dBA or the ambient noise level, whichever is greater. If complaints are received and noise levels are determined to exceed the 40 dBA limit or the ambient noise level, whichever is greater, changes necessary to control noise to within the allowable limits will be made. Such changes may include, but are not limited to, prohibiting the use of whistles and/or loud speech.
- A distributed speaker public address system will be professionally designed and installed under the direction of a qualified acoustical engineer to insure its use will not exceed the thresholds in the City of Los Altos Noise Ordinance.
- An analysis of the public address system will be completed 90 days after its installation to verify that it is operating within the parameters of the City's noise ordinance.
- Typical daily use of the PA system (i.e., aquatic fitness classes) will only occur between the hours of 9:00 a.m. and 4:00 p.m. (excluding emergency purposes).
- During competition events and other special events (a maximum of 10 total events per year), the public address system will only be used for announcements (i.e., there will be no amplified music).
- There will be no amplified or live music during pool rental activities.
- No alcohol will be allowed.
- Pool rentals will be limited to once per week.

Noise Generated By Project Traffic

- As explained above, Project-generated traffic would increase traffic noise levels on Rosita Avenue by about five dBA DNL above the current level during the summer and by about four dBA DNL during the non-summer use periods. A five dBA increase in noise is substantial. Increased traffic would cause a significant noise impact along Rosita Avenue west of Campbell Avenue during the summer, and there are no reasonable or feasible measures to mitigate or avoid the noise impact to adjacent

residential land uses resulting from project-generated traffic along Rosita Avenue west of Campbell Avenue.

- Rosita Avenue is a low-speed residential street with unlimited access. Construction of noise barriers is not practical along front property lines. There are no other available noise attenuation measures. This impact is significant and unavoidable. Noise levels would not increase substantially along other streets in the area. There are no available noise attenuation measures that will reduce this impact to a less than significant level.

Noise Generated By Project Construction Activities

The following noise control program will be included in the construction contract awarded for the project:

- Noise-generating activities at the construction site or in areas adjacent to the construction site associated with the project in any way will be restricted to the hours of 7:00 a.m. to 5:00 p.m. Monday through Friday.
- All internal combustion engine-driven equipment will be equipped with intake and exhaust mufflers that are in good condition and appropriate for the equipment.
- Unnecessary idling of internal combustion engines will be strictly prohibited.
- “Quiet” air compressors and other stationary noise sources will be utilized where technology exists.
- Noise from construction workers’ radios will be kept at a level where they are not audible at existing residences bordering the project site.
- Residents near the project site will be notified of the construction schedule.
- The contractor will designate a “noise disturbance coordinator” who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., starting too early, bad muffler, etc.) and would require that reasonable measures to correct the problem be implemented. A telephone number for the disturbance coordinator will be posted at the construction site and will be included in the notice sent to neighbors regarding the construction schedule. (The City will be responsible for designating a noise disturbance coordinator and the

individual project sponsor will be responsible for posting the phone number and providing construction schedule notices).

Accordingly, the increase in traffic caused by the Project would cause a significant noise impact along Rosita Avenue west of Campbell Avenue during the summer, and there are no reasonable or feasible measures to mitigate or avoid the noise impact to adjacent residential land uses resulting from project-generated traffic along Rosita Avenue west of Campbell Avenue.

2.1.12 POPULATION AND HOUSING

Existing Setting

According to Association of Bay Area Governments (ABAG), the population for the City of Los Altos in 2000 was 27,693 with 10,462 households. The average number of persons per household was 2.65.

Impact

Less than significant.

Findings

The project would allow the continued use of the site as a recreational facility. It proposes the demolition of the existing tennis courts and the development of an outdoor recreational swim center. Los Altos residents currently use pool facilities in neighboring cities, and have done so since Covington Pool was demolished in March 2001.

The proposed community swim center would accommodate the City's need for pool facilities and is designed to serve the existing population. The Project does not propose any housing development and would not result in the loss of any housing. It would not induce population or job growth or displace either housing or persons.

Accordingly, the Project would not have a significant impact on the population or housing situation in either the City or the Project area.

2.1.13 RECREATION

Existing Setting

The project site is located at the west end of Rosita Avenue in the City of Los Altos. The site is within Rosita Park and land leased to the City of Los Altos from the Los Altos Elementary School District. The project site presently contains two tennis courts and parking lots.

Impact

Less than significant.

Findings

The proposed project is a recreational project that would serve the Los Altos residents. The proposed swim center would include one competitive pool, one recreational pool, a water feature, and a building that is intended to contain ancillary uses, such as offices, locker rooms, and/or a mechanical room. The project would not increase the use or require the construction or expansion of existing neighborhood and regional parks or other recreational facilities.

Although the project would result in the demolition of the existing tennis courts, the project would serve to meet the existing demand for a public swim center in the City of Los Altos. No public swim center currently exists in the City of Los Altos and Los Altos residents use pool facilities of neighboring cities. Therefore, the project would be incrementally reduce the use of aquatic facilities in neighboring cities. Public tennis courts exist at other parks in Los Altos, including Marymeade Park and Montclair Park. The swim center is designed to serve a wide range of ages, and to be used for a variety of water-related recreational activities.

The site is within a developed urban neighborhood, in an area having minimal habitat values. The demolition of the existing tennis courts and construction of the community swim center would not have a substantial adverse recreational impact.

Accordingly, the Project would not significantly impact recreational facilities in the City.

3.0 FINDINGS CONCERNING THE FEASIBILITY OF PROJECT ALTERNATIVES

3.1 INTRODUCTION

The identification and analysis of alternatives is a fundamental concept under CEQA. This is evident in that the role of alternatives in an EIR is set forth clearly within the CEQA Statutes. Specifically, CEQA Statute Section 21002.1(a) states:

The purpose of an environmental impact report is to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided.

The CEQA Guidelines require an EIR to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.” CEQA Guidelines Section

15126.6(a). The CEQA Guidelines direct that selection of alternatives focus on those alternatives capable of eliminating any significant environmental effects of the project or of reducing them to a less-than significant level, even if these alternatives would impede to some degree the attainment of project objectives, or would be more costly. In cases where a project is not expected to result in significant impacts after implementation of recommended mitigation, review of project alternatives is still appropriate.

The range of alternatives required within an EIR is governed by the "rule of reason" which requires an EIR to include only those alternatives necessary to permit a reasoned choice. The discussion of alternatives need not be exhaustive. Furthermore, an EIR need not consider an alternative whose implementation is remote and speculative or whose effects cannot be reasonably ascertained.

Alternatives that were considered but were rejected as infeasible during the scoping process should be identified along with a reasonably detailed discussion of the reasons and facts supporting the conclusion that such alternatives were infeasible.

Based on the alternatives analysis, an environmentally superior alternative is designated among the alternatives. If the environmentally superior alternative is the No Project Alternative, then the EIR shall identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6(e)(2)).

Applicable Standards

Under CEQA, whenever a public agency considers approving a project for which the EIR concludes that notwithstanding the incorporated mitigation measures, there will nonetheless remain significant impacts that are not avoided or lessened below a level of significance, the public agency must consider and make findings regarding the feasibility of alternatives discussed in the EIR. As stated in CEQA:

[It] is the policy of the state that public agencies should not approve projects as proposed if there are feasible alternatives or mitigation measures available which would substantially lessen the significant environmental effects of such projects....The legislature further finds and declares that in the event specific economic, social, or other conditions make infeasible such projects alternatives or mitigation measures, individual projects may be approved in spite of one or more significant effects thereof.

Pub. Resources Code § 21002

The determination of the infeasibility of alternatives is necessarily an evaluation of the many elements of specific economic, social or other considerations. CEQA Guidelines §15091. Elsewhere, "feasible" is defined as:

...capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors.

CEQA Guidelines §15364.

At the same time, infeasibility is not equated with impossibility and case law recognizes that an alternative or mitigation measure may also be infeasible if it is undesirable or impractical from a policy standpoint. As an example, a conflict between project alternatives and a city's growth management policies and programs supported a finding of infeasibility in *City of Del Mar v. City of San Diego* (1982) 133 CA3d 401. The Court went on to describe the alternatives analysis under CEQA necessarily involves the balancing of economic, environmental, social and technological factors within the province of the decision makers.

In undertaking the comparative analysis called for under CEQA in considering the feasibility of project alternatives, it is also necessary to keep in mind the project objectives as expressed in the Draft EIR. The overall project objectives are set forth at page 6 of the Draft EIR as follows:

- Provide the City of Los Altos with a state of the art facility that replaces Covington Pool that meets or exceeds its citizens' health, fitness, safety, educational, and recreational needs.
- Expand the variety of aquatics programs publicly available to the City's recreation customers and introduce new programs that are not widely offered in the area.
- Develop a swim center and aquatics programs that are self-funding and would require no additional City or private financing.

Findings on Project Alternatives

Pursuant to Section 15126(d) of the CEQA Guidelines, Chapter IV of the Draft EIR describes and evaluates the relative environmental impacts of numerous project alternatives. In accordance with CEQA, alternatives are to be defined which are capable of either eliminating or reducing significant adverse impacts associated with the proposed project; and have the potential to feasibly attain the basic objectives of the proposed project.

Based on these criteria, the Draft EIR evaluated a range of potential project alternatives, including:

- Alternative 1 - No Project;
- Alternative 2 - Reduced Scale/Smaller Project;

- Alternative 3 - Alternative Location.

CEQA requires consideration of the No Project and No Project/No Development alternatives and the City selected the others on the basis they represent a reasonable range of alternative project proposals that appear to be potentially compatible with most of the overall Project Objectives. Applying the criteria discussed above for considering the feasibility of project alternatives and considering the totality of the information in the Final EIR, testimony and information received during the public hearings and the evidence in the administrative record as a whole, the City has determined that the identified project alternatives are feasible in light of the Project Objectives, the City's programs and policies and general legal principles, standards and land use regulations uniformly applied. The factual support, reasoning and analysis supporting this conclusion will be set forth below with respect to each of the Project alternatives evaluated in the Draft EIR.

3.2 CRITERIA FOR ALTERNATIVE ANALYSIS

As stated above, pursuant to CEQA, one of the criteria for defining project alternatives is the potential to attain most of the project objectives. Established objectives of the project applicant for the proposed project are detailed at page 6 of the Draft EIR. As also discussed above, a primary consideration in defining project alternatives is their potential to reduce or eliminate significant impacts in comparison to the proposed project. The Final EIR demonstrates that the Project as proposed will only significantly impact the noise levels in and around the Project area, and all other impacts will be insignificant or reduced to insignificance.

3.3 EVALUATION OF ALTERNATIVES

3.3.1 ALTERNATIVE 1 – NO PROJECT

Under the No Project alternative, the project would remain in its current state, with two tennis courts and parking lots.

Ability to Reduce Environmental Impacts

The No Project alternative would avoid the significant unavoidable noise impact anticipated to occur as a result of the proposed Project. The No Project alternative would avoid the increase of traffic in the project area traveling to and from the proposed project and would, therefore, avoid the substantial noise increase along Rosita Avenue resulting from the project-generated traffic. The No Project alternative would also avoid the temporary construction-related air quality and noise impacts that are identified in this EIR and the possibility of uncovering cultural resources during construction. It is noted, however, that the Project includes

mitigation measures to reduce construction-related impacts and potential impacts to cultural resources to a less than significant level.

Ability to Attain Project Objectives

The No Project alternative does not meet any of the project objectives, and the City of Los Altos would remain without a community swim center. Residents of Los Altos would continue to travel to other cities for swimming and other aquatic activities.

Accordingly, although the No Project alternative avoids the impacts of the proposed project, the No Project alternative would not meet any of the project objectives.

3.3.2 ALTERNATIVE 2 – REDUCED SCALE/SMALLER PROJECT

The Reduced Scale alternative would reduce the size of the proposed project from two swimming pools to one.

Ability to Reduce Environmental Impacts

The Reduced Scale alternative could reduce the traffic traveling to and from the Project site by up to half, assuming the hours of operation, variety of programs offered, and the schedule of the programs remain the same as the proposed project. This would not be likely, because the demand on one pool would be greater, triggering the need for flexible scheduling and hours of operation. As a result, one pool may only reduce traffic to and from the proposed project by 25 percent. This would, however, reduce the projected noise increase along Rosita Avenue from five dBA DNL to four dBA DNL. This one decibel change, while not perceptible to the human ear, would cause the noise impact to fall below the threshold of significance (which is five decibels). Noise from activities at a one-pool swim center would be approximately the same as from a two-pool swim center, although the single pool could be located farther north on the site, and farther from the nearest residences.

The Reduced Scale alternative would result in the same temporary construction-related air quality and noise impacts (although for a shorter time period) and the same likelihood of uncovering cultural resources as the proposed project. As stated previously, however, the Project as proposed includes mitigation measures to reduce construction-related impacts and cultural resource impacts to a less than significant level.

Ability to Attain Project Objectives

In any event, the Reduced Scale alternative fails to fully meet the Project’s main objective, providing the residents of the City of Los Altos with a community swim center that meets their present and future needs. One pool would not provide the amount and variety of programs necessary for the swim center to fully serve the City of Los Altos.

Accordingly, the Reduced Scale alternative would reduce project-generated traffic – and the associated significant unavoidable noise impact – to a less than significant level, from five dBA DNL to four dBA DNL. Accordingly, the Reduced Scale alternative is environmentally superior to the Project as proposed. Nevertheless, the Reduced Scale alternative would not fully meet the project’s main objective, providing the residents of the City of Los Altos with a community swim center that meets their present and future needs.

3.3.3 ALTERNATIVE 3 – ALTERNATIVE LOCATION

There are several areas within the City of Los Altos that might accommodate the proposed project. The proposed site was chosen through a site selection process conducted by the City of Los Altos Parks, Art, and Recreation Commission, using the following criteria:

- The site would be located on City of Los Altos owned land.
- The site would provide reasonable access to main streets.
- The site would have the least net impact on residential neighborhoods.
- The site would provide adequate parking facilities.
- The site would have least net impact on the selected park or developed area.
- The site would accommodate a pool that meets the present and anticipated future aquatic needs of the community.

The alternative locations evaluated included the following: Grant Park, Heritage Oaks Park, Hillview Community Center, Lincoln Park, Marymeade Park, McKenzie Park, Montclair Park, Redwood Gove Nature Preserve, Shoup Park, Village Park, and the Civic Center. These locations were not chosen because they did not meet the criteria as well as the proposed project site does. Because the criteria also relate to environmental conditions, these same issues indicate that these alternative sites have a greater likelihood for significant environmental impacts.

Ability to Reduce Environmental Impacts and Ability to Attain Project Objectives

Because of the large number of alternative sites analyzed in the Draft EIR, there are broad categories of deficiencies common to them. Among the main reasons for elimination of the alternative locations for the Project was the fact that development of a community swim center on most of the above listed sites would still require that traffic to the swim center must travel on residential streets, resulting in the same significant unavoidable noise impact as the proposed Project.

In addition, sites with close-in residences (such as Shoup Park, Redwood Grove and Grant Park) would have similar or worse noise impacts from the pool use. Sites without sufficient area for parking would result in more parking overflow, which could adversely impact neighborhood access (McKenzie, Grant, Redwood Grove, and Shoup Parks). Sites near creeks, or containing substantial natural habitat areas (such as Redwood Grove, Shoup and Heritage Oaks Parks) would experience significant impacts to vegetation and wildlife. Placing the proposed swim center at the Civic Center would result in a significant unavoidable cultural resource impact.

Other specific reasons for elimination of the alternative sites were specifically set forth in the Draft EIR.

Accordingly, based on the criteria utilized by the City to evaluate alternatives, the currently proposed swim center site ranked first for, among other things, the following reasons:

- The site does not reduce the City's limited number of playing fields.
- The site is available to the City at no cost.
- A swimming pool was previously located in the immediate vicinity for many years.
- The site is located near the geographic center of the City.
- The site is one of only a limited number of sites that are large enough for a swim center that could meet the needs and desires of the various user groups.
- Most of the abutting land uses are designated public/quasi-public or open space.

4. STATEMENT OF OVERRIDING CONSIDERATIONS

As discussed previously, the FEIR concludes that the proposed Project, even with incorporation of all feasible mitigation measures and consideration of alternatives, will nonetheless have significant impacts noise in and immediately around the Project area. The impacts arise from the additional traffic resulting from users traveling into and out of the new swim center, when combined with pre-existing conditions. The City will adopt all feasible mitigation measures with respect to this impact, which may substantially lessen it, but which will not be successful in reducing them below a level of significance.

The City Council hereby declares that, pursuant to CEQA Guidelines sections 15062 and 15093, the City Council has balanced the benefits of the proposed Project against any unavoidable environmental impacts in determining whether to approve the Project. If the

benefits of the Project outweigh the unavoidable adverse environmental impacts it causes, those impacts may be considered acceptable. Additionally, the City Council hereby declares that the Draft EIR and Final EIR have identified and discussed other significant environmental effects which may occur as a result of the Project. With implementation of the mitigation measures discussed in the Draft EIR and Final EIR, these effects can be mitigated to a level of less than significant except for the unavoidable significant noise impact, as discussed in Findings of Fact. The City Council hereby declares that it has made a reasonable and good faith effort to eliminate or substantially mitigate the potential impacts resulting from the Project.

Accordingly, the City Council hereby declares that, having reduced the adverse significant environmental effects of the proposed Project to the extent feasible by adopting the proposed mitigation measures, having considered the entire administrative record on the proposed Project, and having weighed the benefits of the proposed Project against its unavoidable adverse noise impact despite mitigation, the City Council has determined that the following social, economic, and environmental benefits of the proposed project outweigh the potential unavoidable adverse noise impact and render that potential adverse impact acceptable based upon the following overriding considerations:

Attainment of Project Objectives: The design and features of the proposed Project meet the objectives set forth by the City for the creation of a swim center adequate to meet public demand. Although located in a residential neighborhood, a swimming pool was previously located in the immediate vicinity for many years, and unlike other locations in the City, most of the abutting land uses are designated public/quasi-public or open space. Accordingly, the development of a two-pool facility best meets the City's goals for development of a satisfactory swim center, and the selection of the Rosita Park site best reduces potential impacts to the majority of the City's residents. Even at the proposed site, the only significant impact would be that of increased noise resulting from City residents' vehicles approaching and leaving the facility.

The City Council hereby declares that the foregoing benefits provided to the public through approval and implementation of the proposed Project outweigh the identified significant adverse environmental impact of the proposed Project which cannot be mitigated. The City Council finds that each of the benefits of the proposed Project outweighs the unavoidable adverse environmental effect identified in the Draft EIR and the Final EIR and therefore finds that impact to be acceptable.