



## Item No. 12 Town of Atherton

### **CITY COUNCIL STAFF REPORT – CONSENT AGENDA**

**TO: HONORABLE MAYOR AND CITY COUNCIL  
GEORGE RODERICKS, CITY MANAGER**

**FROM: LISA COSTA SANDERS, TOWN PLANNER**

**DATE: FEBRUARY 19, 2020**

**SUBJECT: AUTHORIZE THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH LAMPHIER GREGORY FOR THE PREPARATION OF AN ENVIRONMENTAL DOCUMENTATION FOR A PROPOSED MENLO COLLEGE RESIDENCE HALL PROJECT AT 1000 EL CAMINO REAL**

#### **RECOMMENDATION**

Authorize the City Manager to execute a professional services agreement with Lamphier Gregory for the preparation of an environmental document pursuant to the provisions of the California Environmental Quality Act for the proposed Menlo College residence hall project at 1000 El Camino Real.

#### **BACKGROUND**

On December 10, 2019 the Planning Department received an application from Menlo College for a Conditional Use Permit to construct a new three-story, 288 bed residence hall within the campus of Menlo College to serve its existing student population. Staff reviewed the application materials and determined that additional analysis under the California Environmental Quality Act (CEQA) is required.

#### **ANALYSIS**

Planning Department staff sent out RFP's to qualified environmental consulting firms and received two responsive proposals from the firms listed below.

- Lamphier-Gregory
- Place Works

Estimated costs ranged from \$24,605 to \$36,680. The time to complete the draft CEQA analysis is 5-7 weeks, with up to 12 weeks for consideration at a public hearing. Both firms propose to complete the appropriate analysis to support a Notice of Exemption (NOE) filing.

The firm of Lamphier Gregory includes additional analysis by subconsultants including traffic analysis and air quality. Lamphier Gregory is also familiar with the site and with the Town procedures, having prepared the draft CEQA analysis for the Cartan Field project. Staff found the Lamphier Gregory proposal to be more robust and appropriate for this project.

It is further recommended that the City Council authorize the inclusion of a contingency amount of \$7,336 (approximately 20% of the cost estimate), to be used to cover unforeseen work, and only when authorized in writing by the City Manager.

It is recommended that the City Council authorize the City Manager execute the Professional Services Agreement with the Lamphier Gregory in an amount not to exceed \$44,016 for the preparation of the CEQA analysis for the Menlo College residence hall project.

### **POLICY ISSUES**

The California Environmental Quality Act, California Public Resources Code §21000 et seq requires the preparation and adoption of an environmental document (i.e. EIR, Initial Study and Negative Declaration or Mitigated Negative Declaration, or Exemption) prior to a local agency or State agency approving or carrying out a project subject to its jurisdiction. Menlo College Residence Hall is considered a project under the CEQA definition and it is under the jurisdiction of the Town. The Planning Commission retains the authority to approve, modify or reject the project subsequent to adoption of the CEQA document.

### **FISCAL IMPACT**

All costs associated with this project are paid for by the applicant, Menlo College.

### **PUBLIC NOTICE**

Public notification was achieved by posting the City Council agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power and sewer), and regional elected officials.

### **COMMISSION/COMMITTEE FEEDBACK/REFERRAL**

This item \_\_\_\_\_ has or  X  has not been before a Town Committee or Commission.

- \_\_\_\_\_ Audit/Finance Committee (meets every other month)
- \_\_\_\_\_ Bicycle/Pedestrian Committee (meets as needed)
- \_\_\_\_\_ PMC - Civic Center Advisory Committee (meets as needed)
- \_\_\_\_\_ Environmental Programs Committee (meets every other month)
- \_\_\_\_\_ Park and Recreation Committee (meets each month)
- \_\_\_\_\_ Planning Commission (meets each month)
- \_\_\_\_\_ Rail Committee (meets every other month)

**ATTACHMENT**

Proposal from Lamphier Gregory

## PROJECT UNDERSTANDING

---

Menlo College is seeking approval from the Town of Atherton for a Conditional Use Permit (CUP) that would authorize the College to construct and operate a new 3-story residence hall. The objective of the project is to provide additional on-campus housing for existing students who currently live off campus. The proposed residence hall is included in Menlo College's most recent Master Plan and is intended to address existing demand for on-campus housing and is not linked to increases in student enrollment.

The project would provide 147 student living units (288 beds) and amenities in approximately 36,700 square feet. Amenities will include study spaces, lounges, game rooms, kitchens, and laundry rooms. The proposed height of the structure is 43 feet. The T-shaped layout is traditional dormitory-style, with rooms accessed off central hallways. Upper division students will serve as live-in resident assistants to provide on-site supervision and support for the student-residents. Twenty units are proposed to be reserved for lower income students and the State Density Bonus Law would be utilized to allow the proposed height.

The proposed site for the new building is interior to the campus and immediately adjacent to the existing residence halls. Due to its interior location, the building will have limited, if any, visibility from outside of the campus grounds due to the distance of the building site from nearby roads and residential neighborhoods.

Construction is estimated to be completed within 12 months.

## CEQA APPROACH

---

Lamphier-Gregory has been asked to prepare a Scope of Work and budget document that, if approved, would serve as the basis for a professional services contract under which Lamphier-Gregory would prepare the appropriate level of environmental review and documentation for compliance with the California Environmental Quality Act (CEQA).

Our proposed approach is to demonstrate with substantial evidence that the project qualifies for limited environmental review pursuant to the provisions in Section 15332 (a "Class 32 Exemption") of the CEQA Guidelines as an Infill Development Project. Our approach will utilize this section of the CEQA Guidelines to achieve a fully defensible legal document and so that further environmental review would not be necessary.

### **CATEGORICAL EXEMPTION: IN-FILL DEVELOPMENT PROJECTS (§ 15332)**

A Class 32 exemption applies to projects characterized as infill development meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies and with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

We anticipate being able to demonstrate and document that the project meets the criteria for a Class 32 CEQA Exemption, as summarized here.

With regard to General Plan and zoning conformity (criterion (a)), our understanding is that the project is consistent with applicable land use and regulations, with additional height allowances to be allowed through the State Density Bonus Law with the provision of affordable units. Our understanding is that standard practice and case law support determinations of consistency with applicable plans and regulations in situations where the State Density Bonus Law is utilized.

Relative to criteria (b) and (e), the project is located within the municipal boundary of the Town of Atherton, on a project development site less than five acres. Urban land uses entirely surround the Project site and all necessary utilities would be available to the site.

In regard to criterion (c), the Project site currently is an open courtyard area surrounded by other existing residence halls. The site is improved with grass lawn areas and paved walkways. Given the active use of the project site by existing students and regular maintenance of the space, the site is unlikely to provide habitat for endangered, rare, or threatened species as this will be qualitatively discussed in the document.

Relative to the traffic issue included within criterion (d), we intend to engage Hexagon Transportation Consultants to address potential effects on local roadways in light of what is likely to be a reduction in peak period trips coming to or leaving from the campus. Since a college residence hall is not a land use type for which ITE trip rates are available, Hexagon will undertake an actual count of trips into and out of the access points to the Menlo College campus on a “typical” weekday when classes are in full session. Hexagon expects to be able to use the trip count data to demonstrate that the increased residence capacity of the campus will reduce peak period trips by some percentage, resulting in a net reduction in daily trips and a net benefit to local traffic conditions. Hexagon will also qualitatively discuss how the anticipated reduction in peak period trips will positively affect (i.e., reduce) VMT. (Note that this will not include a quantified LOS or VMT analysis, but is expected to be appropriate to make CEQA conclusions given the likely conclusion that there is no potential for a negative LOS or VMT impact.) Hexagon’s proposed scope of work is also included at the end of this proposal.

Further with regard to criterion (d) we intend to engage Illingworth & Rodkin to provide technical input in regards to potential impacts involving air quality. The primary focus of the analysis would be on construction-period health risks, though modeling completed as part of the analysis will be provided to Lamphier-Gregory to be used as quantification for other emissions topics. Illingworth & Rodkin’s proposed scope of work is also included at the end of this proposal.

The site is not peculiar with respect to potential for noise or water quality impacts, which are component of criterion (d). Noise will be discussed qualitatively with respect to relevant Town ordinances. With respect to water quality, we will reference the applicant’s stormwater plan and hydrological calculations if available and applicable regulatory requirements.

### **Exceptions**

In addition to investigating the applicability of the CEQA exemption provided in §15332, we must also assess whether any of the exceptions to the exemption are present. The topics to be addressed include cumulative impacts, unusual circumstances, scenic resources, hazardous wastes, and historical

resources. We do not anticipate that any of the exceptions to the use of the exemption are present and will be addressed through reference to the General Plan and other publically accessible information.

### COMPLIANCE WITH TOWN GUIDELINES

Having prepared other environmental documents for the Town of Atherton, we are familiar with the Town's policies and procedures and requirements in regards to the CEQA process, including the following:

- Seeking Town review, comment and approval on our proposed approach and scope of work
- Providing contract language that provides for defense, indemnity and hold harmless of the Town, and naming the Town as additional insured
- Using the Town's latest templates and guidance documents for environmental review
- Providing adequate time for Town staff to review all administrative draft documents
- Preparing any necessary public notices and companion documents

In accordance with CEQA Section 21082.1(c)(3), environmental documents prepared pursuant to CEQA (such as the documents necessary for this project) must reflect the independent judgment of the Town of Atherton as the lead agency. The final responsibility for the content and adequacy of the environmental document will lie in the sole discretion of the Town of Atherton and its designated representatives. Therefore, Lamphier-Gregory will work under the sole direction and control of the Town of Atherton for this assignment.

Our proposed Scope of Work, set forth below, is subject to the Town's prior review and approval. Should Town staff require changes to our approach and scope of work, or ask for technical studies not included in this scope of work, we will need to discuss how such additional work would be done and by whom, and to work out appropriate adjustments to our contract and budget.

### SCOPE OF WORK

---

#### 1. Project Start-up

Lamphier-Gregory will work with Town staff to finalize expectations as far as scope and schedule for deliverables. Available project information, plans, and any technical documents will be reviewed by Lamphier-Gregory once provided and any requests for additional information made. As this is a straightforward project on a site we are familiar with, we did not include an in-person start-up meeting.

#### 2. Project Description

We will prepare a draft Project Description based on information from the College and the Town. We will provide the draft to Town staff and the College for review as to accuracy and completeness. We will revise the draft to correct any mistakes or inconsistencies. Once the College and Town staff have signed off on a final Project Description it will serve as the basis for the environmental assessment. Subsequent changes to the project may result in having to redo already completed work which would be considered out of scope, triggering the use of the contingency budget.

#### 3. Technical Studies

The technical studies proposed by Illingworth & Rodkin (air quality) and Hexagon (traffic) will be initiated. We will incorporate the results of their work into our CEQA document which, as described

above, will consist of providing substantial evidence demonstrating consistency with the criteria for the Class 32 Exemption and inapplicability of any exceptions.

**4. CEQA Exemption Document**

We will complete the CEQA document in accordance with CEQA requirements and submit our first Administrative draft to Town staff for internal review.

**5. Review, Revisions, Final Exemption Document**

We assume Town staff review of administrative drafts will require two rounds of revisions before the document is considered ready for action by the decision-making body or release for public review. Each submittal and subsequent re-submittal is done electronically in MS Word, showing changes from the prior version in Track Changes mode. For this project we are assuming an initial submittal round and two additional rounds of review/revisions prior to acceptance by staff as final documents, ready for adoption.

- Deliverables:*    *One electronic copy of draft CEQA Exemption document*  
                           *Two rounds of electronic revisions plus one Screencheck draft*  
                           *One electronic copy of the final CEQA Exemption document*

**6. Coordination and Hearings**

We assume that coordination with Town staff can be handled remotely via telephone and email and that in-person meetings will not be necessary. However, we are including attendance by the Lamphier-Gregory Project Manager at two public hearings at which the CEQA document is discussed. If attendance at additional hearings is required it would be considered an Additional Service with compensation to be made from the contingency line item in our proposed budget. Lamphier-Gregory will complete a Notice of Exemption (NOE) form for the Town’s use in filing if the project is approved.

**SCHEDULE**

Lamphier-Gregory is available to begin work immediately upon receipt of a signed contract and Notice to Proceed. We estimate being able to produce the first administrative draft CEQA Exemption document in approximately 5 weeks from receipt of a signed contract and Notice to Proceed. Completion of the final draft will depend on Town staff availability, depth of comments, and potential need for additional technical analysis at the Town’s direction. Unless unforeseen complications arise, hearings can likely occur within 12 weeks (3 months) from initiation.

**BUDGET & COSTS**

The line item breakdown shown below reflects our estimate of the cost to prepare this CEQA document. If additional environmental analysis or documentation is required, the budget would need to be amended relative to the cost of the additional work effort.

Menlo College Residence Hall Project - CEQA Exemption Budget								
Tasks	Lamphier-Gregory				Hexagon	Illingworth & Rodkin	Expenses	Total
	Principal		Senior Planner					
	Hrs	\$250	Hrs	\$210				
1 Project Start Up	1	\$ 250	4	\$ 840			\$ 55	\$ 1,145
2 Project Description		\$ -	4	\$ 840				\$ 840
3 Technical Studies		\$ -	26	\$ 5,460	\$ 8,250	\$ 4,730	\$ 120	\$ 18,560
4 Draft CEQA Exemption Document	1	\$ 250	30	\$ 6,300				\$ 6,550
5 Review, Revisions, Final Exemption Document	1	\$ 250	12	\$ 2,520			\$ 120	\$ 2,890
6 Coordination and Hearings (2)	1	\$ 250	14	\$ 2,940			\$ 205	\$ 3,395
Total Estimated Costs	4	\$ 1,000	90	\$ 18,900	\$ 8,250	\$ 4,730	\$ 500	\$ 33,380
Contingency (~10%)								\$ 3,300
<b>Proposed Not to Exceed Budget</b>								<b>\$ 36,680</b>

Because environmental analysis is inherently a discovery process and the need for adjustments to scope can occur, we recommend including a 10 percent contingency line item, which would be accessed during the work subject to administrative approval by Town staff for out of scope work, should the need arise. We would treat the overall budget as a “Not to Exceed” amount. Any changes to the final budget would require prior approval by the client.

Lamphier-Gregory charges only for the time and expense incurred in carrying out the Scope of Work, based on our current hourly rates and reimbursement of out of pocket expenses. In the event that the work can be completed with less effort than anticipated, any remaining budget amounts would not be invoiced. Payment is due within 30 days of receipt of invoices. Reimbursable and subconsultant expenses are invoiced at cost plus 10%.

---

Subconsultant Scopes of Work

---



# HEXAGON TRANSPORTATION CONSULTANTS, INC.

---

January 14, 2020

Mr. Nathaniel Taylor  
Lamphier-Gregory  
1944 Embarcadero  
Oakland, CA 94606

**Re: *Proposal to Conduct Traffic Analysis for the Proposed New Residence Hall at the Menlo College Campus in Atherton, CA***

Dear Mr. Taylor:

Hexagon Transportation Consultants, Inc. is pleased to submit this proposal to prepare a traffic study that will be incorporated into the CEQA document for a proposed 3-story new residence hall (147 rooms, 288 beds) at the Menlo College campus in Atherton, California. The project will provide additional housing for Menlo College's existing student population (894 students as of Fall 2019), approximately 325 of whom currently live off campus because there is no available on-campus housing for them. The new residence hall has been included in Menlo College's most recent Master Plan in compliance with section 17.36.050 of the Atherton Zoning Code. Amenities will include study spaces, lounges, game rooms, kitchens, and laundry rooms.

The tasks to be included in the traffic study are:

**Project Trip Generation Analysis** - A college residence hall is not a land use for which there are standard trip generation rates. Therefore, we propose to count the three college driveways to develop the existing trip generation for the college and to develop a trip rate per student. We will use the counts to determine a trip estimate for the college with the proposed new residential hall. Since the development of an on-site residence hall would indicate fewer trips because students would be living on the campus, we expect the total trip generation for the college campus to be lower than existing conditions. Hexagon will qualitatively discuss the impacts of the proposed project on major roadways and study intersections in close vicinity of the project. The trip generation analysis will focus on the weekday AM (7-9 AM) and PM (4-6 PM) peak commute hours. We propose to count the college campus driveways for one typical weekday during the AM and PM peak hours when the college is in session.

**Vehicles Miles Traveled (VMT) Analysis** – In accordance with implementing Senate Bill (SB) 743, Hexagon will include a qualitative discussion of VMT in the traffic study as it relates to the project.



Mr. Nathaniel Taylor  
January 14, 2020  
Page 2 of 2

The cost for the study will be \$7,500. The study will take two weeks to complete. Our product will be a letter report.

We appreciate your consideration of Hexagon Transportation Consultants for this assignment. If you have any questions, please do not hesitate to call.

Sincerely,

**HEXAGON TRANSPORTATION CONSULTANTS, INC.**

A handwritten signature in blue ink that reads "Trisha Dudala".

Trisha Dudala, P.E.  
Senior Associate

**ILLINGWORTH & RODKIN, INC.**  
Acoustics • Air Quality

429 E. Cotati Avenue  
Cotati, CA 94931

Tel: 707-794-0400  
www.illingworthrodkin.com

Fax: 707-794-0405  
illro@illingworthrodkin.com

---

**Scope of Work – Air Quality**

The primary air quality issue for the Menlo College New Residence Hall project in Atherton would be exposure of sensitive receptors to toxic air contaminants and fine particulate matter or PM<sub>2.5</sub>. Illingworth & Rodkin, Inc. would complete the following tasks in the air quality assessment:

- 1. Evaluate Construction Activities.** Construction air quality impacts resulting from the project would be addressed by predicting construction period emissions and community risk impacts to nearby sensitive receptors and identifying best management practices to control emissions. The project is near sensitive receptors (e.g., residences), so a community risk assessment is proposed. This would involve dispersion modeling. Emissions obtained from the California Emissions Estimator Model (CalEEMod) would be used to develop construction period emission rates based on project-specific information. Dispersion modeling would be conducted using EPA's AERMOD or ISCST3 model and hourly meteorological data from the most representative monitoring station. The cancer risks associated with modeled construction-period diesel particulate matter concentrations would be computed following the Bay Area Air Quality Management District (BAAQMD) risk management policy guidance. Screening data obtained from BAAQMD would be used to predict cumulative community risk impacts. Mitigation measures that represent "Best Management Practices" to control dust or particulate matter emissions would be identified. In addition, other measures that may be necessary to reduce construction exhaust emissions or cancer risks would be identified.
- 2. Emissions Modeling Results.** The CalEEMod modeling results generated from Task 1 above would be provided to Lamphier-Gregory. These will incorporate project-specific trip information to be provided by the transportation consultant and will include both operational and construction period output.
- 3. Deliverable.** We will prepare a construction-period emissions health risk report in standard CEQA format with setting, impact and mitigation sections. We will respond to your comments on the draft and submit a final report to you.

**Fee Estimate**

Our cost to complete these assessments is \$4,300. Our fee is based on our schedule of hourly rates. Reimbursable travel expenses are billed in addition. Work not included in this cost estimate, such as our attendance at meetings or hearings, or responses to public comments, would be billed in addition at our standard rates plus travel expenses. Attachment A lists our billing rates and insurance coverage.



429 E. Cotati Avenue  
Cotati, CA 94931

Tel: 707-794-0400  
www.Illingworthrodkin.com

Fax: 707-794-0405  
illro@illingworthrodkin.com

**ATTACHMENT A**

**HOURLY BILLING RATES**

Our fees are based on the following schedule of hourly rates:

Principal	\$220/hour
Senior Consultant	\$195/hour
Consultant	\$165/hour
Staff Consultant	\$145/hour
Technical/Admin Support	\$90/hour

Rates are subject to change on an annual basis. Document reproduction and shipping at cost. Mileage at IRS allowable rate; currently \$0.58.

**INSURANCE COVERAGE**

GENERAL LIABILITY in the amount of \$2,000,000 per occurrence/ \$4,000,000 aggregate.

WORKERS COMPENSATION covering our own employees in the amount of \$1,000,000 per occurrence.

AUTO (OWNED & NON-OWNED) covering personal injury or death and property damage in the amount of \$1,000,000 per claim.

PROFESSIONAL LIABILITY in the amount of \$2,000,000 per claim and \$2,000,000 annual aggregate.

Limitation of Liability. To the maximum extent permitted by law, Illingworth & Rodkin, Inc. requests that the Client agrees to limit Illingworth & Rodkin, Inc.'s liability for Client damages to the sum of \$250,000 or our fee, whichever is greater. This limitation shall apply regardless of the cause or legal theory asserted.

UMBRELLA LIABILITY in the amount of \$1,000,000 per occurrence and aggregate.

Certificates of insurance will be issued upon request.