

**ADDENDUM TO THE SACRED HEART SCHOOLS
MASTER PLAN ENVIRONMENTAL IMPACT REPORT (EIR)
150 Valparaiso Avenue (APN 070-390-010)**

State Clearinghouse #2009112052

Atherton, California

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INTRODUCTION

The Town of Atherton has prepared this Addendum to the Sacred Heart Schools Master Plan Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (“CEQA”) and the State CEQA Guidelines in order to address the elimination of certain traffic-related mitigation measures since the Town’s approval of the Master Plan and its associated EIR (the “Master Plan EIR”) in July 2010. Following the 2010 approval, Sacred Heart Schools has been implementing a campus-wide Transportation Demand Management (TDM) Program which has substantially reduced vehicular traffic affiliated with the campus. After reviewing and confirming the success of Sacred Heart Schools’ TDM Program, the Town has determined that implementation of the Master Plan will not result in significant traffic impacts at the specified intersections further discussed below. Accordingly, the Town has concluded that the “Alternative A Intersection Improvements” identified in the Master Plan EIR are no longer necessary to mitigate significant traffic impacts.

Due to the elimination of the mitigation measures identified in the Master Plan EIR, in an abundance of caution, the Town has prepared this Addendum in accordance with Section 15164 of the CEQA Guidelines. No other changes to the Sacred Heart Schools Master Plan or associated conditional use permits are proposed. With the implementation of the TDM Program and the elimination of the intersection improvements further described below, none of the changes to the Master Plan or EIR will result in any new significant environmental effects or in a substantial increase in the severity of the prior impacts disclosed in the Master Plan EIR. Further, there are no changes in circumstances or new information that would otherwise warrant any subsequent environmental review under Public Resources Code section 21166 or CEQA Guidelines section 15162. The Town has therefore determined that the EIR and its Mitigation & Monitoring Plan adequately address the potential environmental impacts of the Sacred Heart Schools Master Plan, and no further environmental review is necessary.

BACKGROUND

The 2009 Environmental Impact Report for the Sacred Heart Schools Master Plan Update (Master Plan EIR) was certified by the City Council on July 21, 2010. On October 27, 2010, the Planning Commission approved a Conditional Use Permit to allow the construction of new Lower/Middle School buildings, associated playing fields, new entrance and exit drive and new drop off/pick up area. The Conditional Use Permit was conditioned upon implementation of

traffic mitigation measures consisting of the construction of certain intersection improvements which were identified among several options in the 2009 Sacred Heart Schools Master Plan EIR. The Addendum refers to these mitigation measures as the “Alternative A Intersection Improvements” or “Intersection Improvements.” The Use Permit required construction by August 31, 2013 and Sacred Heart Schools posted a bond to guarantee the construction. The improvements include:

1. Add a second lane on the Emilie Avenue at Valparaiso stop sign controlled intersection approach. Stripe the approach for one left and one right turn lane.
2. Add a second lane on the Elena Avenue at Valparaiso stop sign controlled intersection approach. Stripe the approach for one left and one right turn lane.
3. Add a second lane to the southbound Elena Avenue approach to the Park Lane all-way stop intersection.

The Conditional Use Permit for the Practice Gym Project approved by the Planning Commission on February 27, 2013 also included a condition requiring completion of the Alternative A Intersection Improvements.

PROJECT DESCRIPTION

Sacred Heart Schools currently implements - on an informal basis - transportation demand management (TDM) measures to encourage alternative modes of transportation and reduce faculty, student, parent, and visitor vehicular traffic to the campus. The proposed project consists of changing the Conditional Use Permit requirement to reconstruct intersections adjacent to Sacred Heart Schools to a requirement to implement and expand Sacred Heart Schools TDM program (the “Project”). No other changes to the Sacred Heart Schools Master Plan or the Lower/Middle School and Practice Gym Conditional Use Permits are proposed.

The Sacred Heart Schools Master Plan EIR included a mitigation measure requiring reconstruction of the three intersections specified above that are located adjacent to the campus. That mitigation measure was incorporated as a condition into the Conditional Use Permit approved by the Planning Commission for the Lower/Middle School reconstruction. The same condition was applied to approval of the Practice Gym Project in 2013

Based on the effectiveness of Sacred Heart Schools TDM program in reducing campus-generated traffic, Sacred Heart Schools requested that the Town modify the Conditional Use Permits to eliminate the prior Alternative A Intersection Improvements as mitigation measures. In order to modify the Conditional Use Permits, the Town must:

1. Make a finding based on substantial evidence that the Alternative A Intersection Improvements are no longer necessary to mitigate the prior identified significant traffic impacts because of the Sacred Heart Schools TDM Program; and
2. Amend the Use Permit condition to delete the existing Intersection Improvements condition and add a new condition substituting the TDM Program for the prior Intersection Improvements.

The new TDM Program condition requires that Sacred Heart Schools expand its existing, voluntary TDM Program and that the Town adopt the TDM Program as a formal requirement of the Conditional Use Permits. The existing program includes shuttles to Caltrain and Samtrans buses at the Menlo Park Caltrain station, staggered school start and dismissal times, reconfigured drop-off and pick-up areas, carpool, bike and walk-to-school encouragement and other similar measures.

The new Sacred Heart Schools TDM program would build on the existing program and include the following components:

1. *Off-Site Parking* – lease of the Latter Day Saints Church parking lot on the south side of Valparaiso Avenue in order to help reduce trips onto and off the campus and the need for turning movements at the intersections of Emile/Valparaiso, Elena/Valparaiso, Elena/Park and Emile/Park.
2. *Carpool Matching* – encourage carpooling for staff and students with recommendations for park-and-ride locations. Also, SHS will work with Menlo School on a joint carpool/vanpool program for faculty and staff members.
3. *Increased Education Campaign* – increase publicity about parking and commute alternatives, including bicycling, walking, transit and carpooling.
4. *Parking Enforcement* – increase on-campus parking enforcement and, to the extent possible, monitor and discourage parking on surrounding streets.

The goal of the new TDM Program, as stated on page 7 of the program description is to “Maintain the same number of peak hour and daily vehicle trips arriving on the campus as measured in March 2013.” March 2013 is considered an appropriate and conservative baseline as there was less traffic than the traffic measured in 2009 which was the baseline year for the analysis contained in the Master Plan EIR. Further, traffic operating conditions are better in 2013 than in 2009, even after multiple buildings have been completed.

In 2013, a total of 6,000 vehicles were counted entering and exiting the Sacred Heart Schools campus over a 24-hour period on a typical school day. Sacred Heart Schools recommends that the 6,000 vehicle figure be used as the TDM baseline for purposes of future annual monitoring to demonstrate the ongoing effectiveness of the TDM Program. This figure is based on a total school enrollment of 1,160 students. Sacred Heart Schools may grow to a maximum of 1,196 students under the Master Plan. Therefore, in order to maintain the maximum of 6,000 vehicles per day the TDM program would need to eliminate at least 186 trips each day from accessing the campus.¹ Sacred Heart Schools proposes to achieve this reduction by implementing the additional measures incorporated into the Project as described above.

LEGAL STANDARDS

An initial study is generally prepared by a lead agency to determine whether a project may have a significant effect on the environment. An environmental impact report (“EIR”) must be prepared if there is substantial evidence that a project may have a significant effect on the

¹ 36 new students x 5.17 trips per student = 186 trips

environment. Once an EIR for a particular project has been certified, that EIR is conclusively presumed valid unless a lawsuit to challenge the EIR is timely filed. (Pub. Res. Code, § 21167.2.) This presumption precludes reopening the prior CEQA process even if the EIR is later discovered to have been inaccurate or misleading in the description of a significant effect or the severity of its consequences. (*Laurel Heights Improvement Ass'n v. Regents of Univ. of California* ("Laurel Heights II") (1993) 6 Cal.4th 1112, 1130.)

Once an EIR has been certified for a project, no subsequent EIR is required unless, "on the basis of substantial evidence in the light of the whole record," the agency determines one or more of the following:

- (1) Substantial changes are proposed in the project which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- (2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR . . . due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
- (3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete . . . shows any of the following:
 - (A) The project will have one or more significant effects not discussed in the previous EIR . . .;
 - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

(*CEQA Guidelines*, §§ 15162(a)(1)-(3); *see also* Pub. Res. Code, § 21166.)

If a subsequent EIR is not required, the lead agency may document its decision and supporting evidence in an addendum to the EIR. (*CEQA Guidelines*, §§ 15164(a), (e); *see also Santa Teresa Citizens Action Group v. City of San Jose* (2003) 114 Cal.App.4th 689, 702-803.) The

addendum and lead agency's findings should include a "brief explanation of the decision not to prepare a subsequent EIR," and the explanation "must be supported by substantial evidence." (*CEQA Guidelines*, § 15164(e).) "An addendum need not be circulated for public review," but must be considered by the lead agency prior to making a decision on the project. (*Id.*, § 15164(c)-(d).)

ANALYSIS

The Town has determined that no subsequent EIR or negative declaration is required for this project based on the following analysis.

The Sacred Heart Schools Master Plan EIR (SCH #2009112052) was prepared under the direction of the Town in accordance with the requirements of CEQA and the CEQA Guidelines. The EIR examined the potential environmental effects of the demolition, construction, renovation, and site improvements on the campus site to accommodate an additional 114 students on the campus. The approved development results in a maximum enrollment of approximately 1,196 students. The Master Plan included relocation of the St. Joseph's Campus and construction of new instructional, administrative, and library buildings as well as an assembly hall and performing arts classrooms on the St. Joseph's Campus, construction of a new parking lot to serve St. Joseph's, and overall improvements to the Sacred Heart Schools campus, including campus entry and drop off/pick up improvements, pedestrian and vehicular improvements, sports field realignments and relocation, minor sewer repair and tree maintenance. The Project does not include any changes to the adopted Master Plan and student enrollment, nor does it involve any changes to the approved programs and facilities.

The Master Plan EIR identified environmental impacts and recommended mitigation measures to address the environmental impacts associated with the Master Plan. The Master Plan EIR evaluated aesthetic, air quality, biological resources, land use and planning, noise, and transportation/traffic impacts. Additionally, the Master Plan EIR summarized the impacts found not to be significant based on the initial study prepared prior the EIR. The Town adopted mitigation measures for Master Plan-related impacts, and incorporated these measures into the conditional use permits in 2010. All of the identified potentially significant environmental impacts will be mitigated to a less than significant level.

The Project would modify the conditions of approval in the conditional use permits to delete the existing Intersection Improvements condition and add a new condition substituting the TDM Program for the prior Intersection Improvements. With this change in the transportation/traffic mitigation measures and associated conditions of approval, only one impact addressed in the Master Plan EIR warrants further discussion: transportation/traffic. The Project would have no new significant impacts or a substantial increase in the severity of the prior-disclosed impacts with respect to all other environmental topics evaluated in the Master Plan EIR because the Project does not involve any physical changes to the environment. The Project involves the formalization of Sacred Heart Schools' existing TDM Program. Because the Town has determined that the TDM Program would be equally as effective, or more effective, than the Intersection Improvements set forth in the Master Plan EIR, this Addendum evaluates whether

the elimination of the existing mitigation measures and the adoption of the new TDM Program would result in new significant or substantially more severe traffic impacts.

Transportation/Traffic

1. Existing TDM Program

Sacred Heart Schools submitted a TDM Program report to the Town for review.² This TDM Program report demonstrates that with the existing TDM measures, the campus has experienced a significant reduction in delay times at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave. intersections from 2009 to 2013 (see Table 1, page 10). For example, in 2009 at the Valparaiso Ave./Emilie Ave. intersection delay during the AM Peak was 536 seconds and the Level of Service (LOS) was F. In 2013 at the same intersection during the AM Peak the delay was 37.4 seconds and the LOS improved to E. Similar improvements to delay times, but not levels of service, also occurred at the Valparaiso Ave./Elena Ave. intersection. The Park Lane/Emilie Ave. and Park Lane./Elena Ave intersections also experienced improvements in delay times. The improved conditions reflect the effectiveness of the TDM measures and on-campus physical improvements implemented by Sacred Heart.

Table A illustrates the change in traffic congestion at the four intersections surrounding the Sacred Heart campus based on the 2009 EIR and the 2013 TDM Program report. The EIR contains an evaluation of traffic conditions at three points in time:

- Existing (2009) Without Project (i.e. without increased enrollment)
- Base Case (2014) + Project (i.e. enrollment increased to 1,196)
- Future (2030) (i.e. cumulative condition)

Table A shows the level of service and average delay for the Base Case (2014) + Project and the Future (2030) points in time at the four intersections. The Base Case (2014) + Project scenario represents the campus traffic conditions as they exist today. The reference to “EIR Alternative A Mitigation Implemented” means the reconstruction of the Valparaiso/Emilie, Valparaiso/Elena and Elena/Park intersections described in the “Background” section above. The calculated LOS and delay data as compared to the 2013 counts show significant reductions in average delay. These improvements in average delay at all of the project area intersections result from the TDM Program as further discussed in the TDM report. In fact, the TDM program has resulted in improvements in delay far beyond those predicted for both the Base Case (2014) + Project and the Future (2030) scenarios.

The report also provides data about the 24 hour bi-directional (inbound and outbound) traffic volumes accessing the campus in 2013. The report cites 6,000 vehicles accessing the campus on a typical weekday in 2013. Bi-directional driveway counts were previously taken in February 2008 by DKS Associates. A total of 7,563 vehicles were accessing the Sacred Heart campus at that time. The current counts reflect a 21% reduction in vehicles accessing the Sacred Heart campus over the past 5 years. In the same time frame the student enrollment increased from

² This report is on file with the Town of Atherton Planning Department.

1,055 to 1,160; an increase of 10%. Similarly, improvements in roadway segment conditions have been experienced.

Table A

Level of Service and Average Delay Comparisons

Intersection	2009		2014		2014		2030		2030		2013	
	Existing		EIR Base Case + Project		EIR Alt. A Mit. Implemented		Future		EIR Alt. A Mit. Implemented		Existing 2013	
	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak	AM Peak	PM Peak
Valparaiso/Emilie	F/536	F/300	F/817	F/475	F/684	F/292	F/1034	F/584	F/836	F/364	E/37.4	F/50.5
Valparaiso/Elena	F/915	F/366	F/1623	F/622	F/886	F/189	F/2086	F/785	F/1138	F/245	F/116.9	F/101.4
Park/Elena	C/20.6	B/11.7	C/34.2	B/13.9	D/27.3	No impact	E/43.3	B/14.5	D/33.7	No impact	B/12.9	B/10.9
Park/Emilie	C/16.2	B/11.7	C/20.0	C/18.2	No impact	No impact	C/21.7	C/19.2	No impact	No impact	B/13.2	B/12.7

2. Future TDM Program

The traffic conditions described above occur with an enrollment level of 1,160 students. The maximum enrollment allowed under the approved Use Permit is 1,196 or an additional 36 students. With the additional TDM measures described above (e.g., additional off-site parking, carpooling, scheduling, etc), the enhanced TDM program would eliminate at least 186 trips per day from arriving at the campus. This trip reduction would be consistent with Sacred Heart Schools’ objective to maintain a daily maximum of 6,000 vehicles accessing the campus with a maximum enrollment of 1,196 students.

3. TDM Program Monitoring

Sacred Heart is proposing an annual monitoring program to verify the daily number of vehicles accessing the campus, with a comparison to current student enrollment at the time of the survey. If the survey shows that the number of vehicles does not exceed 6,000 per day, no further action is necessary. If the survey shows that the number of daily trips exceeds 6,000 trips, SHS will employ additional TDM measures to further reduce the number of vehicles accessing the campus. In this latter case, follow-up monitoring within 6 months of the initial monitoring will be completed to verify the efficacy of the additional TDM measures. If compliance with the objective is achieved, Sacred Heart Schools will return to the annual monitoring program.

4. Determination that EIR Mitigation Measure is No Longer Necessary

Mitigation measures adopted when a project is approved may be changed or deleted if the agency states a legitimate reason for making the changes (see e.g., *Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 359). The reason for the changes must be supported by substantial evidence (*Mani Brothers Real Estate Group v. City*

of Los Angeles (2007) 153 Cal. App. 4th 1385). Here, the evidence contained in this Addendum and the TDM Report supports the finding that the intersection improvements mitigation is no longer necessary for the reasons summarized below (see Table A for data). The reductions in trip generation which result from implementation of the SHS TDM Program reduce Master Plan-generated traffic impacts to a less-than-significant level.

- a. The average delay time at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave intersections have been reduced from 72% to 93% from 2009 to 2013.
- b. The level of service at the Valparaiso Ave./Emilie Ave. intersection has improved from F to E from 2009 to 2013.
- c. The average delay time at the Park Lane/Elena Ave. and Park Lane./Emilie Ave. intersections have been reduced in three of the four cases from 2009 to 2013. The average delay time during the PM peak hours increased by 1 second.
- d. The level of service at the Park Lane/Elena Ave. and Park Lane/Emilie Ave. intersections has improved from C to B in the AM peak hours from 2009 to 2013.
- e. The average delay time at the Valparaiso Ave./Emilie Ave. and Valparaiso Ave./Elena Ave intersections have been reduced from 47% to 95% from the projected 2014 EIR Base Case + Project with EIR Alternative A Intersection Improvements Implemented compared to Existing 2013 conditions.
- f. The level of service at the Valparaiso Ave./Emilie Ave. intersection has improved from F to E from the projected 2014 EIR Base Case + Project with EIR Alternative A Intersection Improvements Implemented compared to Existing 2013 conditions.
- g. The average delay time at the Park Lane/Elena Ave. intersection has been reduced by 53% in the AM peak hour from the projected 2014 EIR Base Case + Project with EIR Alternative A Intersection Improvements Implemented compared to Existing 2013 conditions.
- h. The level of service at the Park Lane/Elena Ave. intersection has improved from D to B in the AM peak hour from the projected 2014 EIR Base Case + Project with EIR Alternative A Intersection Improvements Implemented compared to Existing 2013.
- i. Similar but greater improvements in average delay times are projected at the Valparaiso Ave./Emilie Ave., Valparaiso Ave./Elena Ave. and Park Lane/Elena Ave. intersections for the Future (2030) case with EIR Alternative A Intersection Improvements Implemented as compared to Existing 2013 conditions.
- j. The 2013 counts reflect a 21% reduction in vehicles accessing the Sacred Heart campus over the past 5 years. In the same time frame the student enrollment increased by 10% from 1,055 to 1,160.

5. Determination that the TDM Program Does not Result in New Significant Impacts

CEQA also provides that once an EIR has been completed for a project, the Town may not require preparation of another EIR unless there are substantial changes in the project or there are substantial changes in the circumstances in which the project is undertaken which trigger major revisions to the prior EIR within certain limitations (Pub. Resources Code § 21166; 14 Cal. Code

Regs. § 15162). Further, under CEQA Guidelines section 15162(a)(3), a subsequent EIR is required when new information shows that mitigation measures considerably different from those described in the prior EIR would substantially reduce one or more significant environmental effects but the project proponents decline to adopt the mitigation measures.

Although the TDM Program is a mitigation measure that is substantially different than the roadway improvements described in the Final EIR for the Valparaiso Avenue/Emilie Avenue and Valparaiso/Elena and SB Elena/Park intersections, Sacred Heart Schools has agreed to adopt the replacement mitigation measure in accordance with CEQA Guidelines section 15162(a)(3). Thus, the Town proposes to include this revised mitigation measure as a condition of approval of the modified conditional use permits. Further, as described above, the revised mitigation measure would not result in any new significant environmental impacts that would result in the need for major revisions to the prior EIR. For these reasons, the replacement Valparaiso/Emilie, Valparaiso/Elena and SB Elena/Park Lane intersection improvements set forth in the EIR transportation mitigation measures would not trigger the need for further environmental review.

CONCLUSION

The Town has determined that an addendum is the appropriate CEQA clearance document for its approval of the modifications to the Sacred Heart Schools Conditional Use Permits. Prior to making this determination, the Town reviewed the Master Plan Environmental Impact Report and Mitigation, Monitoring and Reporting Program (“MMRP”) to determine if any further environmental review was required for the proposed improvements and anticipated operations for the Project. Through this Addendum, the Town has determined that no subsequent EIR or negative declaration is required for this project.