



**To:** State Agencies  
Responsible Agencies  
Local and Public Agencies  
Trustee Agencies  
Interested Parties

**From:** Eric Anderson, AICP, Planner  
City of Mountain View  
Community Development Department  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540

**NOTICE OF PREPARATION  
OF AN ENVIRONMENTAL IMPACT REPORT FOR THE  
EAST WHISMAN PRECISE PLAN**

As the Lead Agency, the City of Mountain View will prepare an Environmental Impact Report (EIR) for the above referenced project and would like your input regarding the scope and content of the environmental information to be addressed in the EIR. The project description, location, and a brief summary of potential environmental effects are attached.

A Public Scoping Meeting will be held on **Thursday, September 7 at 6:30 p.m.** to take comments regarding the scope and content of the Draft EIR. The Scoping Meeting will be held at Mountain View City Hall, 500 Castro Street, Mountain View.

According to State law, the deadline for your response is 30 days after receipt of this notice; however, we would appreciate an earlier response, if possible. Written comments will be accepted until **Friday, September 15 at 5:00 p.m.**

Please identify a contact person, and send your response to:

City of Mountain View  
Community Development Department  
Attention: Eric Anderson, AICP, Planner  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540  
(650) 903-6306  
[Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)

Eric Anderson, AICP, Planner  
Community Development Department

Date: August 9, 2017

**NOTICE OF PREPARATION  
OF AN ENVIRONMENTAL IMPACT REPORT FOR THE  
EAST WHISMAN PRECISE PLAN**

**A. INTRODUCTION**

The purpose of an Environmental Impact Report (EIR) is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; to examine methods of reducing adverse environmental impacts; and to consider alternatives to the project. Upon finding the EIR complete and compliant with the California Environmental Quality Act (CEQA) of 1970, as amended, the City Council will consider certification of the EIR at a public hearing and may take action on the proposed East Whisman Precise Plan (Precise Plan) Project. Certification of an EIR does not constitute project approval.

Precise Plans are defined in Section 36.70 of the City's Municipal Zoning Ordinance, and are a tool for coordinating future public and private improvements on specific properties where special conditions of size, shape, land ownership or existing or desired development require particular attention. The East Whisman Precise Plan will provide zoning and design standards for future development within the East Whisman Change Area and the Village Center on Middlefield Road, as identified in the Mountain View 2030 General Plan.<sup>1</sup>

The City of Mountain View determined that analysis of the environmental effects of the Precise Plan buildout is best provided through use of an Environmental Impact Report (EIR). The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

- A summary of the project,
- A project description,
- A description of the existing environmental setting, potential environmental impacts, and mitigation measures,
- Alternatives to the project as proposed, and
- Environmental consequences, including:
  - (a) any significant environmental effects which cannot be avoided if the project is implemented;
  - (b) the growth-inducing impacts of the proposed project, and
  - (c) cumulative impacts.

---

<sup>1</sup> The 17.5-acre area south of Evelyn Avenue/Central Expressway known as the *111 Ferry-Morse Way Precise Plan (P29)*, which was included in the East Whisman Change Area identified in the 2030 General Plan, is not included in the currently proposed East Whisman Precise Plan.

## B. PROJECT LOCATION

The 403-acre East Whisman Precise Plan area is located on the eastern border of the City of Mountain View, in northern Santa Clara County. The Santa Clara Valley Transit Authority (VTA) Light Rail Transit (LRT) line travels across the Precise Plan area in the north/south direction.

The project site is generally bordered by U.S. 101 and Moffett Federal Airfield/NASA Ames Research Center to the north, North Whisman Road to the west, Central Expressway to the south, and the City of Sunnyvale to the east, where a municipal golf course, office, and residential uses currently exist. Regional, vicinity, and aerial maps of the project site are attached to this NOP as Figures 1, 2, and 3, respectively.

## C. DESCRIPTION OF THE PROJECT

The Precise Plan area is currently characterized by primarily high-technology office, research and development, and light industrial uses with scattered commercial and retail uses, totaling approximately 6.054 million square feet. No residential or hotel uses currently exist in the plan area.

The proposed East Whisman Precise Plan would include up to 2.3 million net new square feet of office uses, 100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 new multi-family residential units. The Plan could also include new parks and trails, new public streets, and recreational facilities.

The Project would include the following City actions, which will be analyzed in the EIR:

- **2030 General Plan Text and Map Amendment.** The proposed Precise Plan will require General Plan map and text amendments to allow the addition of residential uses, increased office floor area ratio (FAR), and increased commercial intensity in the East Whisman Change Area and Village Center area. The existing 2030 General Plan land use designations in the area are *High Intensity Office* in the existing East Whisman Change Area and *Neighborhood Mixed-Use* for the Village Center area.
- **Precise Plan Zoning and Zoning Map Amendment.** The new East Whisman Precise Plan will rezone the existing zoning districts in the East Whisman Change Area and Village Center area into a new East Whisman Precise Plan zoning district. The existing zoning districts in the proposed East Whisman Precise Plan area include *Limited Industrial (ML)*, *Limited Industrial with a Transit Overlay Zone (ML-T)*, *Planned Community (P)*, *Commercial-Office (CO)*, *Commercial/Residential-Arterial (CRA)*, and *Commercial-Neighborhood (CN)*.

## **D. ENVIRONMENTAL EFFECTS OF THE PROJECT**

### *Aesthetics*

Visual issues resulting from implementation of the Precise Plan would include any significant adverse impacts resulting from building mass, height, lighting, and possible glare to adjacent land uses. The EIR will also evaluate the project's visual compatibility with adjacent properties, including existing and approved development, and effects on views from designated scenic routes.

### *Air Quality*

The EIR will describe the existing air quality conditions in the Bay Area and will evaluate the operational and construction air quality impacts of the proposed Precise Plan implementation, in accordance with current Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines. Mitigation and/or avoidance measures will be identified for significant air quality impacts, as appropriate.

### *Biological Resources*

The EIR will describe the impacts of the project on biological resources, including the potential for implementation of the plan to result in increased bird strikes and impacts to Heritage trees and the urban forest. The EIR will describe any measures in the Precise Plan or mitigation measures that may be required to reduce impacts to biological resources.

### *Cultural Resources*

The EIR will include a discussion of potential cultural resource impacts resulting from the implementation of the Precise Plan. The potential for Precise Plan buildout to impact archaeological resources and tribal cultural resources will be identified, in accordance with AB 52. The EIR will also describe any potential impacts to historic resources that may be present in the plan area, and will describe mitigation measures, as necessary.

### *Energy*

The EIR will examine the potential for the project to result in energy impacts including any substantial increase in energy demand or wasteful energy use, and will discuss energy conservation standards and guidelines included in the Precise Plan.

### *Geology and Soils*

The existing geologic and soil conditions in the Precise Plan area will be described in the EIR, based on available information. The EIR will describe the existing geologic (including seismic) conditions in the area, and the impacts to persons or property likely to result from implementation of the proposed Precise Plan.

### *Greenhouse Gas Emissions*

The EIR will describe the existing greenhouse gas emissions (GHG) of the project area and will evaluate the GHG impacts of the proposed project, in accordance with the City of Mountain View's adopted Greenhouse Gas Reduction Program (GGRP) and current BAAQMD CEQA Guidelines. Mitigation measures will be identified for significant GHG impacts, consistent with the GGRP.

### *Hazards and Hazardous Materials*

The Precise Plan area includes a number of properties containing soil and groundwater contamination resulting from historic industrial and manufacturing activities. The Middlefield-Ellis-Whisman (MEW) Superfund Site, under the oversight of the US Environmental Protection Agency, is the largest groundwater plume in the vicinity, affecting much of the western portion of the Plan area. Other sites in the Precise Plan area are undergoing remediation activities under the oversight of the San Francisco Regional Water Quality Control Board or the California Department of Toxic Substances Control.

The EIR will describe the existing conditions on and adjacent to the site, including the potential for future development projects in the Precise Plan area to disturb existing soil and/or groundwater contamination in the plan area and increase impacts to existing and future occupants. Mitigation measures will be identified to reduce significant hazardous materials impacts, as appropriate.

The EIR will also describe the project's conformance with the Comprehensive Land Use Plan (CLUP) for the environs of Moffett Federal Airfield. The EIR will discuss the project's consistency with the CLUP policies regarding noise compatibility, safety compatibility, and airspace protection.

### *Hydrology and Water Quality*

The EIR will discuss the potential impacts from stormwater runoff and drainage from the proposed Precise Plan, and any mitigation measures or best management practices necessary to reduce these impacts. Mitigation measures will be identified for any significant hydrology and water quality impacts, as appropriate.

### *Land Use*

The EIR will describe the existing land uses within, and in the vicinity of, the proposed Precise Plan area, and will discuss the project's conformance with relevant land use plans, policies, and regulations, including the 2030 General Plan and GGRP. The EIR will describe the anticipated future Precise Plan compatibility with surrounding development, and will evaluate whether the project would divide an established community.

### *Noise*

The EIR will evaluate the Precise Plan to identify noise conflicts with existing or proposed uses in the vicinity. The EIR will also evaluate the potential noise impacts resulting from buildout the Precise Plan on a temporary and permanent basis. The potential for any offsite noise impacts associated with the project (e.g., construction noise impacts on existing residences or the potential for increased traffic noise levels along the common streets serving the Precise Plan area) would be assessed. Groundborne vibration produced by future construction activities and adjacent rail sources would be evaluated. Mitigation measures would be developed to reduce significant noise or vibration impacts that may result from future development in the project area.

### *Population and Housing*

The proposed East Whisman Precise Plan would include 5,000 new multi-family residential units in the City of Mountain View, which were not assumed in the 2030 General Plan analysis. Impacts to population and housing resulting from this change in land use will be addressed in the EIR.

### *Public Services and Recreation*

The EIR will discuss the public services and recreation impacts from buildout of the Precise Plan, including the potential need to construct new facilities such as schools and parks. The physical impacts from the potential construction of these new public facilities will be discussed.

### *Transportation and Circulation*

A transportation impact analysis (TIA) will be prepared for the EIR to describe the existing transportation network and to evaluate the project's traffic impacts, including an analysis of vehicle miles traveled (VMT). Traffic impacts will be evaluated following the guidelines of the City of Mountain View and the Santa Clara County Congestion Management Program (CMP). Transit, pedestrian, and bicycle access and circulation will also be evaluated. Mitigation and/or avoidance measures will be identified for any significant traffic impacts.

### *Utilities and Service Systems*

The EIR will describe the existing utilities in the site area and will address the ability of existing and planned public facilities and service systems to meet demands generated by the proposed project. Physical impacts to public utilities, including sanitary sewers, storm drains, and solid waste, will be identified, such as the need to construct new facilities and infrastructure.

The EIR will describe the existing water supply that serves the project site and will evaluate the impacts of the proposed project on this water supply through a water supply assessment prepared per the requirements of SB 610. Mitigation and water conservation measures will be identified to avoid or reduce significant water supply impacts, as appropriate.

### *Cumulative Impacts*

In conformance with CEQA, this section will address the impacts of implementing this proposed project in combination with other past, present and reasonably foreseeable future projects in Mountain View and neighboring jurisdictions, including in the City of Sunnyvale and Moffett Federal Airfield. Mitigation and avoidance measures will be identified for significant cumulative impacts, as appropriate.

### *Alternatives to the Project*

Alternatives to the proposed project will be evaluated, including a "No Project" alternative. Other alternatives analyzed will be selected based on their ability to reduce or avoid environmental impacts and will likely include a reduced residential density and a reduced office intensity alternative.

### *Growth Inducing Impacts*

The EIR will discuss the ways in which the project could foster growth in the surrounding environment.

### *Other CEQA Sections*

The EIR will include other sections required by CEQA, including Significant Unavoidable Impacts, Significant Irreversible Environmental Changes, Lead Agency and Consultants, References, and Technical Appendices.

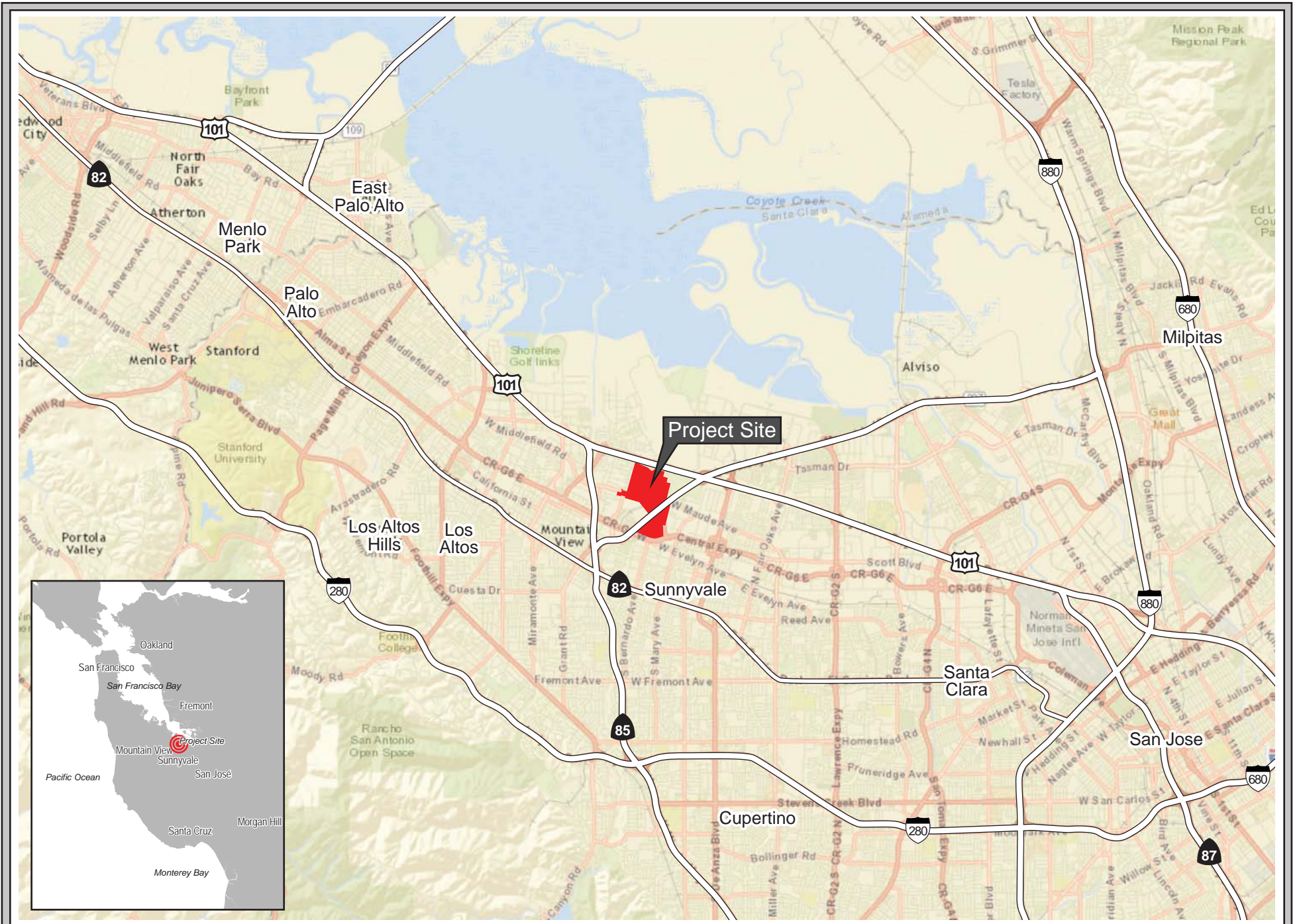
## E. SCOPING COMMENTS

We are soliciting requests on the scope and content of the environmental information appropriate to your agency's statutory responsibilities or of interest to your organization; specifically, we are requesting the following:

1. Identify significant environmental effects and mitigation measures you believe need to be explored in the EIR with supporting discussion of why you believe these effects may be significant.
2. Describe special studies and other information you believe are necessary for the City to analyze the significant environmental effects, alternatives, and mitigation measures you have identified.
3. For public agencies that provide infrastructure and public services, identify any facilities that will be required to provide services to the Precise Plan development.
4. Indicate whether staff from your agency would like to meet with City staff to discuss the scope and content of the EIR's environmental information;
5. Provide the name, title, telephone number, postal, and email addresses of the contact person from your agency or organization that we can contact regarding your comments; and
6. Identify alternatives you believe need to be explored in further detail in the EIR.

Comments may be sent to:

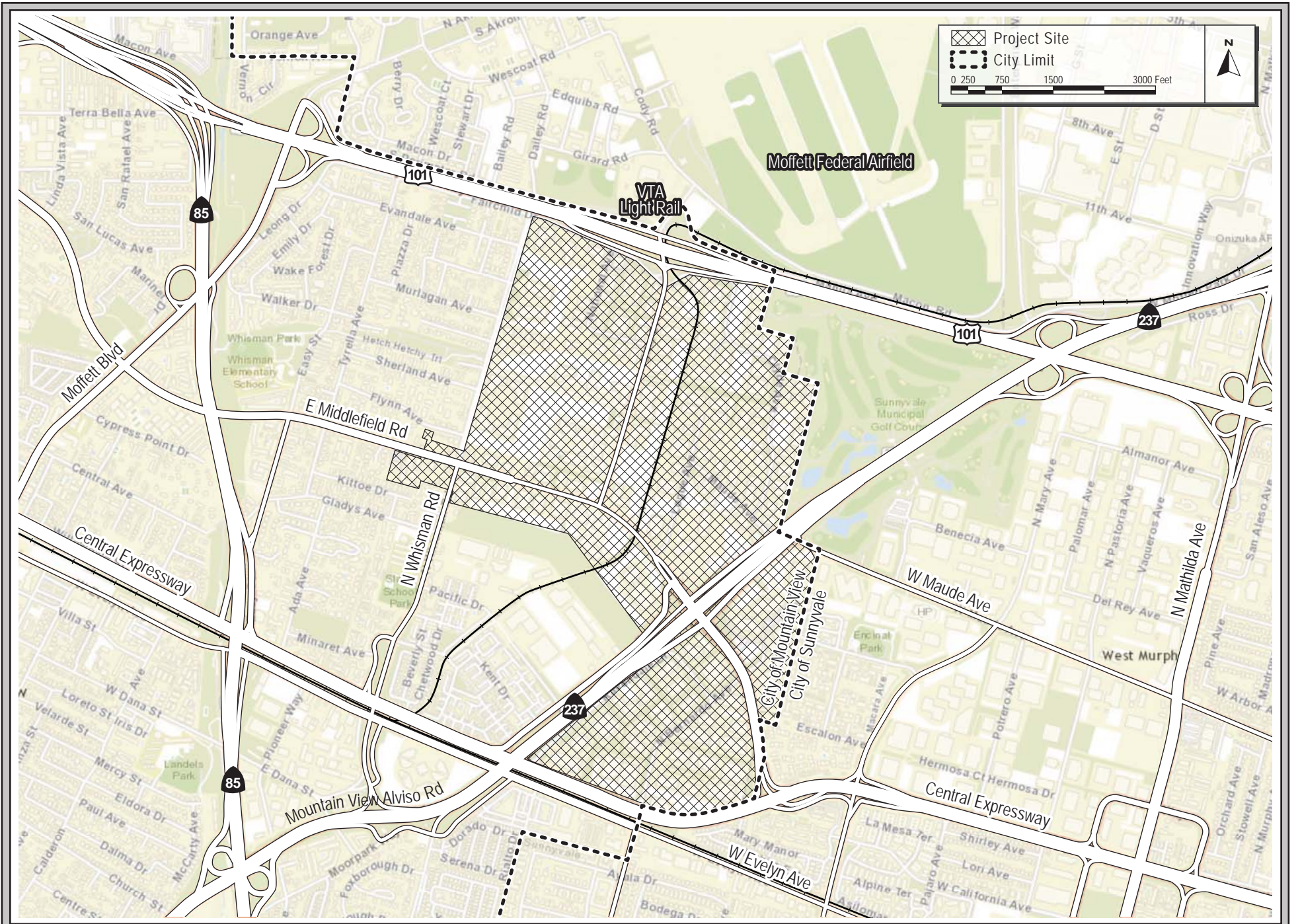
City of Mountain View  
Community Development Department  
Attention: Eric Anderson, AICP, Planner  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540  
(650) 903-6306  
[Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)



REGIONAL MAP

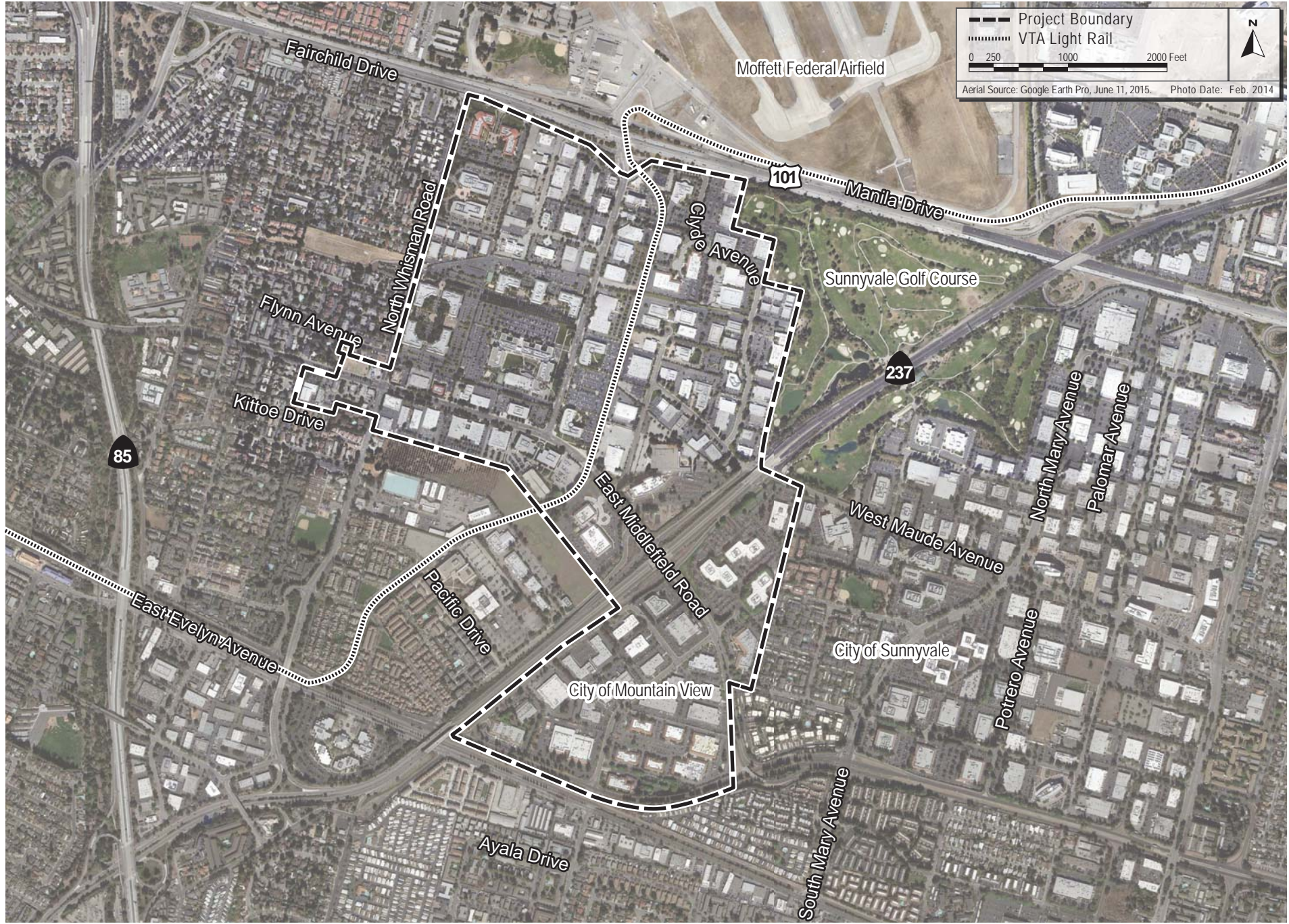
FIGURE 1





VICINITY MAP

FIGURE 2



AERIAL PHOTOGRAPH

FIGURE 3

## Notice of Preparation Comments Received

September 15, 2017

City of Mountain View  
Community Development Department  
Attention: Eric Anderson, AICP, Planner  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94041

**RE: Notice of Preparation for East Whisman Precise Plan**

Dear Mr. Anderson:

We are the owners of 400 Logue Avenue (the "Property") in Mountain View, CA (the "City"), which is located within the East Whisman Precise Plan (the "Plan") area. The Property is approximately 2.5 acres and is improved with a 42,000 sf R&D office building and is occupied by Quotient Technology, Inc. We understand that the City is embarking upon the environmental review of the Plan and is seeking comments on the scope of the Environmental Impact Report (EIR).

As you know, this past summer, the City advanced a Conceptual Vehicle Circulation Network for the Plan that shows a new street, Street C, extending West Maude Avenue across Logue Avenue, directly across the Property, across the VTA Light Rail Line, and ultimately connecting through to Ellis Street (see below).



Because of the Property's close proximity to the VTA station, the relatively short term remaining on the current commercial lease, and the absence of hazardous material impacts, this Property is ideally suited for development to high-density residential in the near future as shown on the preferred land-use designations and in furtherance of the goals espoused in the Plan. We believe that the City's pursuit of such a circulation configuration, which would bisect our Property diagonally, would not only prevent any viable opportunity to redevelop the Property to high density residential in accordance with the vision of the Plan, but preclude the use of the Property for any other viable commercial use or development in the future.

As we have declared to Planning staff, we are committed to working with the City as the Plan evolves, but would appreciate the EIR's evaluation of less impactful vehicular traffic routes in the Plan area than those that cut across private property. We also request that the EIR evaluate alternative routes/connections that encourage walking/biking and public transit use—alternatives that not only discourage vehicular traffic, but are more cost-effective and less impactful on private property rights, such as the existing pedestrian and bicycle VTA line crossing less than one block away from our Property.

Thank you for your consideration.

MG 400 Logue, LLC  
a Delaware limited liability company

By: 

Perry Hariri  
Its: Managing Member

Date: 9/15/17

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

September 15, 2017

04-SCL-2017-00247  
SCL/101 & 237/PM VAR  
SCH#: 2017082051  
GTS ID: 7639Mr. Eric Anderson  
Community Development Department  
City of Mountain View  
500 Castro Street  
Mountain View, CA 994039

Dear Mr. Anderson:

**East Whisman Precise Plan – Notice of Preparation**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced Plan. In tandem with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans Strategic Management Plan aims to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Notice of Preparation (NOP).

***Plan Understanding***

The East Whisman Precise Plan (Plan) area abuts the south side of US 101, extending to the south and east across SR 237 at E. Middlefield Road, and south to E. Evelyn Avenue. The 403-acre Plan area is located on the eastern border of the City of Mountain View (City). The Santa Clara Valley Transportation Authority (VTA) Light Rail Transit (LRT) line travels across the Plan area. The Plan area is generally bordered by US 101 and Moffett Federal Airfield/NASA Ames Research Center to the north, North Whisman Road to the west, Central Expressway to the south, and the City of Sunnyvale to the east, where a municipal golf course, office, and residential uses currently exist.

The Plan area is currently characterized by primarily high-technology office, research and development, and light industrial uses with scattered commercial and retail uses, totaling approximately 6.054 million square feet. No residential or hotel uses currently exist in the Plan area. The proposed Plan would include up to 2.3 million net new square feet of office uses,

100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 new multi-family residential units. The Plan could also include new parks and trails, new public streets, and recreational facilities. It will require General Plan map and text amendments to allow the addition of residential uses, increased office floor area ratio (FAR), and increased commercial intensity in the East Whisman Change Area and Village Center area. The existing 2030 General Plan land use designations in the area are High Intensity Office in the existing East Whisman Change Area and Neighborhood Mixed-Use for the Village Center area.

The new Plan will rezone the existing zoning districts in the East Whisman Change Area and Village Center area into a new East Whisman Precise Plan zoning district. The existing zoning districts in the proposed Plan area include Limited Industrial (ML), Limited Industrial with a Transit Overlay Zone (ML-T), Planned Community (P), Commercial-Office (CO), Commercial/Residential-Arterial (CRA), and Commercial-Neighborhood (CN).

### ***Lead Agency***

As the lead agency, the City is responsible for all plan mitigation, including any needed improvements to the STN. The fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The California Environmental Quality Act (CEQA) Guidelines Section 15206(b) requires the environmental documents for this Plan be circulated to the Metropolitan Planning Organization (MPO) because of the Plan's regional and areawide significance.

### ***Travel Demand Analysis***

Caltrans commends the City on its proposed preparation of a Transportation Impact Analysis (TIA) for this Plan, including an analysis of the resulting VMT. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. For plans reviewed under CEQA, Caltrans uses VMT as the metric for evaluating transportation impacts and mitigation. Please ensure that the travel demand analysis includes:

1. A vicinity map, regional location map, and site plan clearly showing Plan access in relation to nearby State roadways. Ingress and egress for all Plan components should be clearly identified. Clearly identify the State right-of-way (ROW). Plan driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
2. A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Plans that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact.
3. Mitigation for increasing VMT, which should be identified and mitigated in a manner that does not further raise VMT. Mitigation may include contributions to the VTA's latest Valley Transportation Plan (VTP) and should support the use of transit and active transportation

modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

4. Schematic illustrations of walking, biking and auto traffic conditions at the Plan and study area roadways, trip distribution percentages and volumes as well as intersection geometrics (i.e., lane configurations for AM and PM peak periods). Operational concerns for all road users that may increase the potential for future collisions should be identified and fully mitigated in a manner that does not further raise VMT.
5. The proposed development is likely to have impacts on the operations of the following metered freeway ramps:
  - US 101/Ellis Street Intersection: Southbound (SB) diagonal on-ramp (metered 3:00 pm to 7:00 pm) and northbound diagonal on-ramp (to be metered in the future);
  - SR 237/W. Maude Avenue Intersection: Eastbound diagonal on-ramp (to be metered in the future); and
  - SR 237/E. Middlefield Road Intersection: Westbound diagonal on-ramp (to be metered in the future).

During the ramp metering hours, the on-ramp queues will likely be lengthened with the additional traffic demand by this development, and they may impede onto the local streets affecting their operations. A spillover of vehicles has the potential to create significant speed differentials and increase the number of conflicts. Another concern is the potential for queuing vehicles to encroach up onto the upstream intersection, again creating the potential for significant conflict. Also, the Santa Clara Valley Transportation Authority's (VTA) light rail operation at the Bayshore/NASA Station may be affected if the on-ramp queues spill back beyond the entrances of the SB US 101 on-ramp. CEQA does not exempt these types of operational concerns from evaluation and such an assessment must be included in the Plan's EIR.

### ***Vehicle Trip Reduction***

Caltrans recommends this Plan propose decreased parking supply, similar to the 580-620 Clyde Avenue Office Project (a project located within the Plan area), as reduced parking can discourage vehicle trips and thereby reduce impacts to the STN. Caltrans also recommends the Plan propose a Transportation Demand Management (TDM) program similar to the Clyde Avenue Office Project, including provisions and goals to reduce single-occupancy vehicle trips by 20 percent, and the provision of twice the number of required bicycle parking spaces which will reduce vehicle trips and STN impacts.

Also, as with the Clyde Avenue Office Project, traveling by foot or bicycle within the Plan area to access transportation facilities may require a circuitous route which will lengthen and thereby discourage trips because of the existing road geometry. Caltrans recommends that the Plan developer work with the City and the City with developers of currently proposed and future projects within the Plan area, possibly through membership in a transportation management



association, to improve pedestrian and bicycle access to transportation facilities from within the Plan area.

To reduce VMT the Plan and current and future proposed projects under the Plan should include:

- Membership in a transportation management association (TMA).
- Transit subsidies and/or EcoPasses on a permanent basis to all employees and residents.
- Ten percent vehicle parking reduction.
- Unbundling of residential parking.
- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Carpool and clean-fuel parking spaces.
- Secured bicycle storage facilities.
- Bicycles for employees to access nearby destinations.
- Showers, changing rooms and clothing lockers.
- Bicycle repair station(s).
- Transportation and commute information kiosk(s).
- Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
- Nearby walkable amenities.
- Kick-off commuter event at full occupancy.
- Employee transportation coordinator.
- Emergency Ride Home program.
- Bicycle route mapping resources and bicycle parking incentives.
- Decreased headway times and improved way-finding on bus lines by working with the VTA and Caltrain to provide a better connection to transportation facilities within the Plan area, and between the Plan area and regional destinations.

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the Plan does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on US 101, SR 237, SR 85 and other nearby State facilities. These smart growth approaches are consistent with the MTC's RTP/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

### ***Traffic Impact Fees***

Given the Plan's contribution to area traffic and its proximity to SR 237 and US 101, the Plan should contribute fair share traffic impact fees to the US 101 Express Lanes Project and the SR 237 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the Plan's vicinity.

### ***Cultural Resources***

The Plan area is sensitive for both historic-era and prehistoric cultural resources, and there are multiple resources recorded within close proximity to the boundaries of the East Whisman Precise Plan. As part of the environmental review, Caltrans recommends that the City conduct a cultural resource technical study that at a minimum includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS), as well as a field survey of the Plan area by a qualified archaeologist and qualified architectural historian. Additionally, pursuant to CEQA and Assembly Bill (AB) 52, Caltrans recommends that the City conduct Native American consultation with tribes, groups, and individuals who are interested in the Plan area and may have knowledge of Tribal Cultural Resources or other sacred sites.

If an encroachment permit is needed for work within Caltrans ROW, we may require that cultural resource technical studies be prepared in compliance with CEQA, Public Resources Code (PRC) 5024, and the Caltrans Standard Environmental Reference (SER) Chapter 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>). Should ground-disturbing activities take place within Caltrans ROW and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and the SER, all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies (OCRS) shall be immediately contacted at (510) 622-1673.

### ***Encroachment Permit***

Please be advised that any ingress-egress, work (e.g., construction, vegetation management, drainage improvement, etc.), staging, storage, or traffic control that is conducted within or adjacent to or encroaches upon the State ROW requires an encroachment permit that is issued by Caltrans. Where construction related traffic restrictions and detours affect the STN, a TMP or construction TIA may be required. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW as well as any applicable specifications, calculations, maps, etc. must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. It is important to note that, in order to uphold the Caltrans statutory responsibility to protect the safety of the traveling public, if this information is not adequately provided, then a permit will not be issued for said encroachments. See the following website for more information:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).

Mr. Eric Anderson/City of Mountain View  
September 15, 2017  
Page 6

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,

*Patricia Maurice for*

PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse  
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy

September 15, 2017

City of Mountain View  
Community Development Department  
Attention: Eric Anderson, AICP, Planner  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94041

**RE: Notice of Preparation for East Whisman Precise Plan**

Dear Mr. Anderson:

We are the owners of 400 Logue Avenue (the "Property") in Mountain View, CA (the "City"), which is located within the East Whisman Precise Plan (the "Plan") area. The Property is approximately 2.5 acres and is improved with a 42,000 sf R&D office building and is occupied by Quotient Technology, Inc. We understand that the City is embarking upon the environmental review of the Plan and is seeking comments on the scope of the Environmental Impact Report (EIR).

As you know, this past summer, the City advanced a Conceptual Vehicle Circulation Network for the Plan that shows a new street, Street C, extending West Maude Avenue across Logue Avenue, directly across the Property, across the VTA Light Rail Line, and ultimately connecting through to Ellis Street (see below).



Because of the Property's close proximity to the VTA station, the relatively short term remaining on the current commercial lease, and the absence of hazardous material impacts, this Property is ideally suited for development to high-density residential in the near future as shown on the preferred land-use designations and in furtherance of the goals espoused in the Plan. We believe that the City's pursuit of such a circulation configuration, which would bisect our Property diagonally, would not only prevent any viable opportunity to redevelop the Property to high density residential in accordance with the vision of the Plan, but preclude the use of the Property for any other viable commercial use or development in the future.

As we have declared to Planning staff, we are committed to working with the City as the Plan evolves, but would appreciate the EIR's evaluation of less impactful vehicular traffic routes in the Plan area than those that cut across private property. We also request that the EIR evaluate alternative routes/connections that encourage walking/biking and public transit use—alternatives that not only discourage vehicular traffic, but are more cost-effective and less impactful on private property rights, such as the existing pedestrian and bicycle VTA line crossing less than one block away from our Property.

Thank you for your consideration.

MG 400 Logue, LLC  
a Delaware limited liability company

By: 

Perry Hariri  
Its: Managing Member

Date: 9/15/17

**DEPARTMENT OF TRANSPORTATION**

DISTRICT 4

OFFICE OF TRANSIT AND COMMUNITY PLANNING

P.O. BOX 23660, MS-10D

OAKLAND, CA 94623-0660

PHONE (510) 286-5528

FAX (510) 286-5559

TTY 711

www.dot.ca.gov

*Making Conservation  
a California Way of Life.*

September 15, 2017

04-SCL-2017-00247  
SCL/101 & 237/PM VAR  
SCH#: 2017082051  
GTS ID: 7639Mr. Eric Anderson  
Community Development Department  
City of Mountain View  
500 Castro Street  
Mountain View, CA 994039

Dear Mr. Anderson:

**East Whisman Precise Plan – Notice of Preparation**

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above-referenced Plan. In tandem with the Metropolitan Transportation Commission's (MTC) Regional Transportation Plan/Sustainable Communities Strategy (RTP/SCS), Caltrans new mission signals a modernization of our approach to evaluating and mitigating impacts to the State Transportation Network (STN). Caltrans Strategic Management Plan aims to reduce vehicle miles traveled (VMT) by tripling bicycle and doubling both pedestrian and transit travel by 2020. Our comments are based on the Notice of Preparation (NOP).

***Plan Understanding***

The East Whisman Precise Plan (Plan) area abuts the south side of US 101, extending to the south and east across SR 237 at E. Middlefield Road, and south to E. Evelyn Avenue. The 403-acre Plan area is located on the eastern border of the City of Mountain View (City). The Santa Clara Valley Transportation Authority (VTA) Light Rail Transit (LRT) line travels across the Plan area. The Plan area is generally bordered by US 101 and Moffett Federal Airfield/NASA Ames Research Center to the north, North Whisman Road to the west, Central Expressway to the south, and the City of Sunnyvale to the east, where a municipal golf course, office, and residential uses currently exist.

The Plan area is currently characterized by primarily high-technology office, research and development, and light industrial uses with scattered commercial and retail uses, totaling approximately 6.054 million square feet. No residential or hotel uses currently exist in the Plan area. The proposed Plan would include up to 2.3 million net new square feet of office uses,

100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 new multi-family residential units. The Plan could also include new parks and trails, new public streets, and recreational facilities. It will require General Plan map and text amendments to allow the addition of residential uses, increased office floor area ratio (FAR), and increased commercial intensity in the East Whisman Change Area and Village Center area. The existing 2030 General Plan land use designations in the area are High Intensity Office in the existing East Whisman Change Area and Neighborhood Mixed-Use for the Village Center area.

The new Plan will rezone the existing zoning districts in the East Whisman Change Area and Village Center area into a new East Whisman Precise Plan zoning district. The existing zoning districts in the proposed Plan area include Limited Industrial (ML), Limited Industrial with a Transit Overlay Zone (ML-T), Planned Community (P), Commercial-Office (CO), Commercial/Residential-Arterial (CRA), and Commercial-Neighborhood (CN).

### ***Lead Agency***

As the lead agency, the City is responsible for all plan mitigation, including any needed improvements to the STN. The fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. The California Environmental Quality Act (CEQA) Guidelines Section 15206(b) requires the environmental documents for this Plan be circulated to the Metropolitan Planning Organization (MPO) because of the Plan's regional and areawide significance.

### ***Travel Demand Analysis***

Caltrans commends the City on its proposed preparation of a Transportation Impact Analysis (TIA) for this Plan, including an analysis of the resulting VMT. With the enactment of Senate Bill (SB) 743, Caltrans is focusing on transportation infrastructure that supports smart growth and efficient development to ensure alignment with State policies through the use of efficient development patterns, innovative travel demand reduction strategies, multimodal improvements, and VMT as the primary transportation impact metric. For plans reviewed under CEQA, Caltrans uses VMT as the metric for evaluating transportation impacts and mitigation. Please ensure that the travel demand analysis includes:

1. A vicinity map, regional location map, and site plan clearly showing Plan access in relation to nearby State roadways. Ingress and egress for all Plan components should be clearly identified. Clearly identify the State right-of-way (ROW). Plan driveways, local roads and intersections, car/bike parking, and transit facilities should be mapped.
2. A VMT analysis pursuant to the City's guidelines or, if the City has no guidelines, the Office of Planning and Research's Draft Guidelines. Plans that result in automobile VMT per capita greater than 15% below existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact.
3. Mitigation for increasing VMT, which should be identified and mitigated in a manner that does not further raise VMT. Mitigation may include contributions to the VTA's latest Valley Transportation Plan (VTP) and should support the use of transit and active transportation

modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

4. Schematic illustrations of walking, biking and auto traffic conditions at the Plan and study area roadways, trip distribution percentages and volumes as well as intersection geometrics (i.e., lane configurations for AM and PM peak periods). Operational concerns for all road users that may increase the potential for future collisions should be identified and fully mitigated in a manner that does not further raise VMT.
5. The proposed development is likely to have impacts on the operations of the following metered freeway ramps:
  - US 101/Ellis Street Intersection: Southbound (SB) diagonal on-ramp (metered 3:00 pm to 7:00 pm) and northbound diagonal on-ramp (to be metered in the future);
  - SR 237/W. Maude Avenue Intersection: Eastbound diagonal on-ramp (to be metered in the future); and
  - SR 237/E. Middlefield Road Intersection: Westbound diagonal on-ramp (to be metered in the future).

During the ramp metering hours, the on-ramp queues will likely be lengthened with the additional traffic demand by this development, and they may impede onto the local streets affecting their operations. A spillover of vehicles has the potential to create significant speed differentials and increase the number of conflicts. Another concern is the potential for queuing vehicles to encroach up onto the upstream intersection, again creating the potential for significant conflict. Also, the Santa Clara Valley Transportation Authority's (VTA) light rail operation at the Bayshore/NASA Station may be affected if the on-ramp queues spill back beyond the entrances of the SB US 101 on-ramp. CEQA does not exempt these types of operational concerns from evaluation and such an assessment must be included in the Plan's EIR.

### ***Vehicle Trip Reduction***

Caltrans recommends this Plan propose decreased parking supply, similar to the 580-620 Clyde Avenue Office Project (a project located within the Plan area), as reduced parking can discourage vehicle trips and thereby reduce impacts to the STN. Caltrans also recommends the Plan propose a Transportation Demand Management (TDM) program similar to the Clyde Avenue Office Project, including provisions and goals to reduce single-occupancy vehicle trips by 20 percent, and the provision of twice the number of required bicycle parking spaces which will reduce vehicle trips and STN impacts.

Also, as with the Clyde Avenue Office Project, traveling by foot or bicycle within the Plan area to access transportation facilities may require a circuitous route which will lengthen and thereby discourage trips because of the existing road geometry. Caltrans recommends that the Plan developer work with the City and the City with developers of currently proposed and future projects within the Plan area, possibly through membership in a transportation management



association, to improve pedestrian and bicycle access to transportation facilities from within the Plan area.

To reduce VMT the Plan and current and future proposed projects under the Plan should include:

- Membership in a transportation management association (TMA).
- Transit subsidies and/or EcoPasses on a permanent basis to all employees and residents.
- Ten percent vehicle parking reduction.
- Unbundling of residential parking.
- Transit and trip planning resources.
- Carpool and vanpool ride-matching support.
- Carpool and clean-fuel parking spaces.
- Secured bicycle storage facilities.
- Bicycles for employees to access nearby destinations.
- Showers, changing rooms and clothing lockers.
- Bicycle repair station(s).
- Transportation and commute information kiosk(s).
- Outdoor patios, outdoor areas, furniture, pedestrian pathways, picnic and recreational areas.
- Nearby walkable amenities.
- Kick-off commuter event at full occupancy.
- Employee transportation coordinator.
- Emergency Ride Home program.
- Bicycle route mapping resources and bicycle parking incentives.
- Decreased headway times and improved way-finding on bus lines by working with the VTA and Caltrain to provide a better connection to transportation facilities within the Plan area, and between the Plan area and regional destinations.

Transportation Demand Management (TDM) programs should be documented with annual monitoring reports by an onsite TDM coordinator to demonstrate effectiveness. If the Plan does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets. Also, reducing parking supply can encourage active forms of transportation, reduce regional VMT, and lessen future transportation impacts on US 101, SR 237, SR 85 and other nearby State facilities. These smart growth approaches are consistent with the MTC's RTP/SCS goals and would meet Caltrans Strategic Management Plan sustainability goals.

### ***Traffic Impact Fees***

Given the Plan's contribution to area traffic and its proximity to SR 237 and US 101, the Plan should contribute fair share traffic impact fees to the US 101 Express Lanes Project and the SR 237 Express Lanes Project. These contributions would be used to lessen future traffic congestion and improve transit in the Plan's vicinity.

### ***Cultural Resources***

The Plan area is sensitive for both historic-era and prehistoric cultural resources, and there are multiple resources recorded within close proximity to the boundaries of the East Whisman Precise Plan. As part of the environmental review, Caltrans recommends that the City conduct a cultural resource technical study that at a minimum includes a records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS), as well as a field survey of the Plan area by a qualified archaeologist and qualified architectural historian. Additionally, pursuant to CEQA and Assembly Bill (AB) 52, Caltrans recommends that the City conduct Native American consultation with tribes, groups, and individuals who are interested in the Plan area and may have knowledge of Tribal Cultural Resources or other sacred sites.

If an encroachment permit is needed for work within Caltrans ROW, we may require that cultural resource technical studies be prepared in compliance with CEQA, Public Resources Code (PRC) 5024, and the Caltrans Standard Environmental Reference (SER) Chapter 2 (<http://www.dot.ca.gov/ser/vol2/vol2.htm>). Should ground-disturbing activities take place within Caltrans ROW and there is an inadvertent archaeological or burial discovery, in compliance with CEQA, PRC 5024.5, and the SER, all construction within 60 feet of the find shall cease and the Caltrans District 4 Office of Cultural Resource Studies (OCRS) shall be immediately contacted at (510) 622-1673.

### ***Encroachment Permit***

Please be advised that any ingress-egress, work (e.g., construction, vegetation management, drainage improvement, etc.), staging, storage, or traffic control that is conducted within or adjacent to or encroaches upon the State ROW requires an encroachment permit that is issued by Caltrans. Where construction related traffic restrictions and detours affect the STN, a TMP or construction TIA may be required. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process.

To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW as well as any applicable specifications, calculations, maps, etc. must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. It is important to note that, in order to uphold the Caltrans statutory responsibility to protect the safety of the traveling public, if this information is not adequately provided, then a permit will not be issued for said encroachments. See the following website for more information:  
[www.dot.ca.gov/hq/traffops/developserv/permits](http://www.dot.ca.gov/hq/traffops/developserv/permits).

Mr. Eric Anderson/City of Mountain View  
September 15, 2017  
Page 6

Should you have any questions regarding this letter, please contact Brian Ashurst at (510) 286-5505 or brian.ashurst@dot.ca.gov.

Sincerely,

*Patricia Maurice for*

PATRICIA MAURICE  
District Branch Chief  
Local Development - Intergovernmental Review

c: Scott Morgan, State Clearinghouse  
Robert Swierk, Santa Clara Valley Transportation Authority (VTA) – electronic copy

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



August 30, 2017

Mr. Eric Anderson, AICP  
Planner, Community Development Department  
City of Mountain View  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540

**SUBJECT:** City of Santa Clara Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the East Whisman Precise Plan

The County of Santa Clara Parks and Recreation Department (County Parks Department) submits these comments in response to the City of Mountain View Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the East Whisman Precise Plan (Plan). The 403-acre project site is located on the eastern border of the City of Mountain View. General project site boundaries include U.S. 101 and Moffett Federal Airfield/NASA Ames Research Center to the north, North Whisman Road to the west, Central Expressway to the south, and the City of Sunnyvale to the east.

The proposed East Whisman Precise Plan would introduce residential and related commercial uses, such as a hotel, to an area currently characterized primarily by high-technology office, research and development, light industrial uses, and commercial facilities. The Plan would include up to 2.3 million net new square feet of office uses, 100,000 net square feet of retail uses, 200 new hotel rooms, and 5,000 new multi-family residential units. Additional new parks, trails, public streets, and recreational facilities are proposed for the area as well. The additional land uses would require City of Mountain View amendments to the 2030 General Plan Text and Map and to the Precise Plan Zoning and Zoning Map.

The County Parks Department is charged with providing, protecting, and preserving regional parklands for the enjoyment, education and inspiration of this and future generations. The Department is also charged with the planning and implementation of *The Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan)*, an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995.

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith



In accordance with the California Environmental Quality Act (CEQA), once analysis of the project begins, the City of Mountain View must fully evaluate the proposed project for significant impacts on the environment. A CEQA document should include a full analysis, including but not limited to aesthetics, land use, and recreation. The project itself should also seek to avoid significant impacts. Of particular importance to County Parks are the following:

***Hetch Hetchy Connector Trail (City of Mountain View Spur)***

Designated as a hiking and on- and off-road cycling route, the completed paved trail is immediately adjacent to the eastern boundary of the project site. The trail begins at the Middlefield VTA Light Rail Station, and passes through the Ellis-Middlefield business area and the East Whisman neighborhood into Whisman Park. From Whisman Park, the trail connects to the Stevens Creek Sub-Regional Trail (S2). The Hetch Hetchy Connector Trail also provides connections to open-space facilities such as Creekside Park, Landels School and Park, Shoreline at Mountain View, and the Stevens Creek riparian area.

The Mountain View Spur of the Hetch Hetchy Trail provides a non-motorized transportation connection to the cities of Mountain View, Sunnyvale, Los Altos and Cupertino. The trail also links with the San Francisco Bay Trail (R4), a network of on- and off-street trail connections linking all nine Bay Area counties and forty-two shoreline cities.

***On-Street Bicycle Trails along Whisman and Middlefield Roads, Logue and Maude Avenues and Ellis Street (Local – City of Mountain View Trails)***

Throughout the East Whisman Precise Plan project area, there are various separated on-street bicycle routes. Such routes provide users with a non-motorized connection to commercial, public transportation, and other facilities. With the addition of other land uses, we recommend the City of Mountain View consider having physically separated bike lanes in core areas, such as the intersection of Ellis Street and Middlefield Road, to reduce traffic weaving and provide additional safety barriers for users.

The County Parks Department also recommends:

- The DEIR address both temporary and long-term aesthetic and visual impacts, including light and glare impacts on the Hetch Hetchy Connector Trail and on-street bicycle trails within the project site. Mitigation measures should offer solutions to any adverse impacts, such as low profile lighting or treating reflective surfaces with non-reflective coatings.
- Notify trail users of construction hazards and temporary re-routes through sign notices. The existing trails should remain open for recreational use.
- Additional trails should be constructed in accordance with current and existing design guidelines and recommendations for multi-use (hiking and bicycling) trail construction.
- A Traffic Impact Analysis should include direct as well as indirect impacts to the Hetch Hetchy Connector Trail, the Stevens Creek Sub-Regional Trail and local on-street bicycle trails due to the proposed developments. If possible, the City of Mountain View could create a non-motorized traffic circulation plan for the East Whisman Precise Plan.
- Maps within the DEIR should identify both existing and proposed *Countywide Trails Plan* trails and City of Mountain View trails that are located within the project vicinity.
- In support of non-motorized transportation, the construction of new bicycle facilities should be considered within the project site and in relation to the Middlefield VTA Light Rail Station.

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith

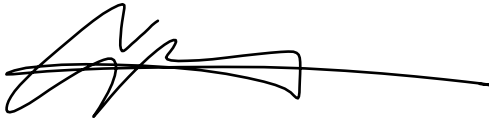


- The proposed project will construct approximately 5,000 dwelling units. The NOP does not list recreation as a potential environmental impact of the project. The increase in population within the area may require additional recreational facilities to offset the increase. The County Parks Department recommends that recreation be reviewed as part of CEQA.

As the Bay Area increases in population within the coming decades, it is important to plan for increased use by supporting non-motorized transportation connections to local and regional open space destinations. As federal, state, and local policies and natural environmental changes encourage and support active living and non-motorized transportation modes, safe access to parks, open space, community and employment centers, it is essential to consider the quality of life for residents. The County Parks Department values the City of Mountain View's consideration of open space into the Precise Plan.

The County Parks Department Planning Team is available as a resource regarding the Trail Element of the Parks and Recreation Chapter of the 1995 County of Santa Clara General Plan. We appreciate the opportunity to comment on the NOP of a DEIR for the East Whisman Precise Plan. Please provide notice to County Parks of any future information regarding this project, including notification related CEQA. If you have any questions related to these comments, please call me at (408) 355-2228 or e-mail me at [Cherise.Orange@prk.sccgov.org](mailto:Cherise.Orange@prk.sccgov.org).

Sincerely,



Cherise Orange  
Associate Planner





September 15, 2017

Via Email ([Eric.Anderson2@MountainView.gov](mailto:Eric.Anderson2@MountainView.gov)) and Mail

Eric Anderson, AICP, Planner  
City of Mountain View  
Community Development Department  
500 Castro Street  
PO Box 7540  
Mountain View, CA 94039-7540

Re: **Program EIR for East Whisman Precise Plan**

Dear Mr. Anderson:

On behalf of Raytheon Company (Raytheon) and Schlumberger Technology Corporation (Schlumberger),<sup>1</sup> this letter is submitted to the City of Mountain View as the Lead Agency for preparation of the Program Environmental Impact Report (EIR) for the East Whisman Precise Plan, and in response to the City's request for public comments regarding the scope and content of the Program EIR.

For purposes of the City's preparation of the Program EIR, we are providing the following information to ensure the administrative record contains the regulatory orders that direct the ongoing remediation, mitigation and monitoring activities for the Middlefield-Ellis-Whisman Superfund Study Area (MEW Site). Raytheon and Schlumberger are among the "MEW Parties" currently implementing the selected remedial and mitigation actions for the MEW Site.

The selected remedial actions are set forth in, and dictated by, the June 9, 1989 Record of Decision (1989 ROD) issued by the U.S. Environmental Protection Agency (EPA), as modified by two Explanations of Significant Differences (ESDs) in September 1990 and April 1996. For chemicals of concern in the subsurface which pose a risk of migration into indoor air, the selected remedial and mitigation actions are set forth in, and dictated by, the August 16, 2010 Amendment to the 1989 ROD (2010 ROD Amendment) issued by EPA.<sup>2</sup> Implementation of the

---

<sup>1</sup> I am outside counsel for Raytheon in this matter. Tom Boer of Hunton & Williams is outside counsel for Schlumberger in this matter.

<sup>2</sup> The 1989 ROD and 2010 ROD Amendment are available at:



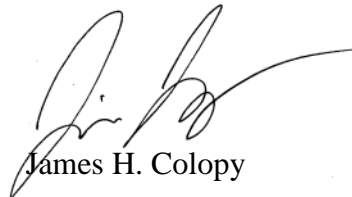
1989 ROD and 2010 ROD Amendment is successfully proceeding at the MEW Site and has proven to be protective of human health and the environment.

The 1989 ROD and 2010 ROD Amendment were the products of two exhaustive multi-year processes of data collection, technical analysis, public discourse, and policy development overseen by EPA, as required by the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) statute. Upon completion of those processes, as stated in the 1989 ROD and 2010 ROD Amendment, the EPA concluded that these selected remedies and mitigation measures are protective of human health and the environment, including occupants of existing and future residential and commercial buildings within the MEW Site, and that they satisfy applicable federal and state requirements. A material change to these selected remedies and mitigation measures would require a further Amendment of the ROD, which has not occurred.

Accordingly Raytheon and Schlumberger request that the City account for the presence of the MEW Site and the selected remedial and mitigation actions, as set forth in the 1989 ROD and 2010 ROD Amendment, during its preparation of the Program EIR for the East Whisman Precise Plan.

In addition, on behalf of Tom Boer and myself, we ask for the opportunity to meet with you to discuss the East Whisman Precise Plan. I would appreciate if you would advise when you could be available for such a meeting.

Very truly yours,



James H. Colopy

cc: J. Tom Boer, Hunton & Williams LLP

---

[https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/214a2ad20b145550882575f5006bb765/\\$FILE/Record%20of%20Decision,%20MEW%20Study%20Area%20-%206-9-89.pdf](https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/214a2ad20b145550882575f5006bb765/$FILE/Record%20of%20Decision,%20MEW%20Study%20Area%20-%206-9-89.pdf)

[https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/6c373a69325cd99f882577820077b04b/\\$FILE/MEW%20VI%20ROD%20Amendment%20and%20ORS%20-%20Aug%2016%202010.pdf](https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/6c373a69325cd99f882577820077b04b/$FILE/MEW%20VI%20ROD%20Amendment%20and%20ORS%20-%20Aug%2016%202010.pdf)

Eric Anderson

City of Mountain View

500 Castro St.

Mountain View, CA 94041

Dear Mr. Anderson:

Please accept our comments regarding the scope and content of the proposed Environmental Impact Report (EIR) for the East Whisman Precise Plan (EWPP). This correspondence is intended to request that specific environmental impacts related to the preparation of the EIR to be prepared for the EWPP be included in the EIR. The environmental impacts outlined in this request as related to Mountain View Whisman School District (MVWSD) are necessary to meet the requirements of the California Environmental Quality Act (CEQA).

**Students Generated and School Facility Costs**

The EWPP will generate 5,000 residential dwelling units of which 20% will be affordable. These dwelling units are projected to produce 1,197 K-8 students and create a \$84,074,667 impact on the Mountain View Whisman School District (MVWSD).

**Table 1**

<b>Market Rate</b>									
	<b>Units</b>		<b>Student Yield</b>		<b>Students</b>		<b>Cost/Student</b>		<b>Total</b>
K-5	4,000	x	0.1	=	400	x	\$69,667	=	\$27,866,800
6-8	4,000	x	0.04	=	160	x	\$71,428	=	\$11,428,480
					<b>560</b>				<b>\$39,295,280</b>
<b>Affordable</b>									

	Units		Student Yield	=	Students	x	Cost/Student	=	Total
K-5	1,000	x	0.409	=	409	x	\$69,667	=	\$28,493,803
6-8	1,000	x	0.228	=	228	x	\$71,428	=	\$16,285,584
					<b>637</b>				<b>\$44,779,387</b>
<b>Total:</b>					<b>1,197</b>	<b>Total:</b>			<b>\$84,074,667</b>

While the District collects \$2.32 in developer fees and may be eligible for funds available at the State level through the School Facility Program (SFP), the considerable shortfall should be addressed in the EIR. The District is currently preparing applications to the State to determine the eligibility for State funding but given the best case scenario, the combination of State and local funds generate only 26% of the financial impact of the East Whisman Project.

#### Land Issues

The 1,197 students generated by the EWPP will require two additional 600 student elementary schools and the land necessary to site those schools. Any land currently owned by the District may not be logistically situated or available to meet the school facility needs of the School District.

The State of California Department of Education (CDE) Guidelines indicate that an elementary school of 600 students needs 10 acres of usable land to accommodate the educational program. Therefore, 20 acres of land within the EWPP is necessary to reduce the impact to “less than significant.”

#### Indirect Impacts

##### **Chawanakee Unified School District V. County of Madera**

In this appellate court case, the court concluded that the phrase in SB50 “impacts on school facilities” does not cover all possible environmental impacts. We suggest the EWPP consider noise, emissions, traffic, and other indirect impacts and specifically identify those indirect impacts in the operation of a school district. For example, impacts created by transportation and traffic may have an indirect impact on transporting students to school if the school is not in the proximity of the EWPP project. In addition, the buildout of 5,000 units is in a plan that covers a period



through 2030. The approximate 10-year buildout of the EWPP project would mean an absorption rate of 980 units per year. This construction period would require the MVWSD to provide interim housing over a period of time and is considered an “indirect impact.” This issue should be addressed in the EIR.

#### **Affordable Housing**

The affordable housing component of the EWPP is intended to provide housing to those serving the community who cannot afford market rate housing. School teachers, staff and support personnel are included as possible recipients of affordable home products. Tradesmen, public safety workers, government employees and maintenance personnel all have a need to be housed locally. It is an environmental issue when those serving the community cannot afford to live there. That issue should be considered in the scope of the EWPP EIR

#### **Cumulative Effects**

The CEQA regulations require that the EIR must consider the cumulative effects of any proposed or approved projects. The EWPP consisting of 5,000 dwelling units is in addition to over 1900 units that have already been approved by the City of Mountain View and another 9850 units currently being considered for approval. The EIR must consider the cumulative effect of the 5000 EWPP units in context with other development in the community

#### **Closing Comments**

Our comments regarding the EIR should not be construed to indicate our opposition to the EWPP. It is critical that all interested parties understand that 5,000 new dwelling units are of such magnitude that current State and local school mitigation measures available for the project exceed the District’s ability to absorb the 1,197 students projected from this project. In addition, in order to reduce impacts to “less than significant,” a negotiated mutual benefit agreement between the MVWSD, the Developer and the City should be required as a mitigation measure to reduce impacts of the EWPP from “significant” to “less than significant.”

Sincerely,

Ayindé Rudolph, Ed.D. (electronic)

Superintendent



September 14, 2017

Eric Anderson  
City of Mountain View  
500 Castro St.  
Mountain View, CA 94041

Dear Mr. Anderson:

Please accept our comments regarding the scope and content of the proposed Environmental Impact Report (EIR) for the East Whisman Precise Plan (EWPP). This correspondence is intended to request that specific environmental impacts related to the preparation of the EIR to be prepared for the EWPP be included in the EIR. The environmental impacts outlined in this request as related to Mountain View-Los Altos High School District (MVLA) are necessary to meet the requirements of the California Environmental Quality Act (CEQA).

**Students Generated and School Facility Costs**

The EWPP will generate 5,000 residential dwelling units of which 20% will be affordable. These dwelling units are projected to produce 562 9-12 students and create a \$46,646,000 impact on the Mountain View-Los Altos High School District (MVLA).

**Table 1**

Market Rate									
	Units		Student Yield	=	Students	x	Cost/Student	=	Total
9-12	4,000	x	0.046	=	184	x	\$83,000	=	\$15,272,000
Affordable									
	Units		Student Yield	=	Students	x	Cost/Student	=	Total
9-12	1,000	x	0.378	=	378	x	\$83,000	=	\$31,374,000
<b>Total:</b>					<b>562</b>	<b>Total:</b>			<b>\$46,646,000</b>

While the District collects \$1.16 in developer fees and may be eligible for funds available at the State level through the School Facility Program (SFP), the considerable shortfall should be addressed in the EIR. The District has prepared applications to the State to determine the eligibility for State funding but given the best case scenario, the combination of State and local funds generate only 27% of the financial impact of the East Whisman Project.

**Land Issues**

The 562 students generated by the EWPP will require approximately 20 acres of land, according to the California Department of Education (CDE) guidelines. MVLA currently has two high schools. Mountain View High School is on 33.25 acres and Los Altos High School is on 29.5 acres. In 2017, Los Altos High School had an enrollment of 2,090 students; the CDE guidelines specify a 50.1 acre site for 2,090 students. In 2017, Mountain View High School has an enrollment of 1,912 students; the CDE guidelines specify 47.1 acres for 1,912 students. Both school



sites are over capacity and cannot accommodate additional students according to CDE guidelines. More land is needed to mitigate the impact of EWPP.

#### Indirect Impacts

##### **Chawanakee Unified School District V. County of Madera**

In this appellate court case, the court concluded that the phrase in SB50 "impacts on school facilities" does not cover all possible environmental impacts. We suggest the EWPP consider noise, emissions, traffic, and other indirect impacts and specifically identify those indirect impacts in the operation of a school district. For example, impacts created by transportation and traffic may have an indirect impact on transporting students. The current location of the high schools is not in the proximity of EWPP. In addition, the buildout of 5,000 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the EWPP project would mean an absorption rate of 980 units per year. This construction period would require the MVLA to provide interim housing over a period of time and is considered an "indirect impact." This issue should be addressed in the EIR.

#### Affordable Housing

The affordable housing component of the EWPP is intended to provide housing to those serving the community who cannot afford market rate housing. School teachers, staff and support personnel are included as possible recipients of affordable home products. Tradesmen, public safety workers, government employees and maintenance personnel all have a need to be housed locally. It is an environmental issue when those serving the community cannot afford to live there. That issue should be considered in the scope of the EWPP EIR.

#### Cumulative Effects

The CEQA regulations require that the EIR must consider the cumulative effects of any proposed or approved projects. The EWPP consisting of 5,000 dwelling units is in addition to over 1,900 units that have already been approved by the City of Mountain View and another 9,850 units currently being considered for approval. The EIR must consider the cumulative effect of the 5000 EWPP units in context with other development in the community.

#### Closing Comments

Our comments regarding the EIR should not be construed to indicate our opposition to the EWPP. It is critical that all interested parties understand that 5,000 new dwelling units are of such magnitude that current State and local school mitigation measures available for the project exceed the District's ability to absorb the 562 students projected from this project. In addition, in order to reduce impacts to "less than significant," a negotiated mutual benefit agreement between the MVLA, the Developer and the City should be required as a mitigation measure to reduce impacts of the EWPP from "significant" to "less than significant."

Sincerely,



Jeff Harding, Ed.D.

Superintendent

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



August 24, 2017

Eric Anderson  
City of Mountain View  
500 Castro Street  
Mountain View, CA 94039

RE: SCH#2017082051 East Whisman Precise Plan, Santa Clara County

Dear Mr. Anderson:

The Native American Heritage Commission has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**



AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
- a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [frank.lienert@nahc.ca.gov](mailto:frank.lienert@nahc.ca.gov)

Sincerely,



Frank Lienert  
Associate Governmental Program Analyst

cc: State Clearinghouse



# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



September 8, 2017

Eric Anderson, AICP  
Planner, Community Development Department  
500 Castro Street,  
Mountain View, CA 94039

**SUBJECT: Notice of Preparation of an Environmental Impact Report  
East Whisman Precise Plan**

Dear Mr. Anderson:

The County of Santa Clara Roads and Airports Department is submitting the following comments regarding the preparation of an environmental impact report for the project cited above.

A Transportation Impact Analysis (TIA) should be prepared for the proposed project following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts for the EIR. County requests, at a minimum, to include all signalized intersections listed below for analysis.

- Central Expressway between De La Cruz Boulevard and Mayfield Avenue
- Lawrence Expressway between Tasman Drive and El Camino Real
- Montague Expressway between First Street and US 101
- San Tomas Expressway between US 101 and El Camino Real
- Foothill Expressway between I-280 and San Antonio Road

The analysis should be conducted using the most recent counts and County signal timing for County study intersections. Please contact Ananth Prasad at (408) 494-1342 or [Ananth.Prasad@rda.sccgov.org](mailto:Ananth.Prasad@rda.sccgov.org) for the correct signal timing.

The *Comprehensive County Expressway Planning Study – Expressway Plan 2040* project list should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the *Expressway Plan 2040* project list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

Thank you for the opportunity to comment on the Notice of Preparation of the EIR. If you have any questions about these comments, please contact me at 408-573-2462 or at [aruna.bodduna@rda.sccgov.org](mailto:aruna.bodduna@rda.sccgov.org).

Sincerely,

A handwritten signature in black ink, appearing to read "Aruna", is written over a horizontal line.

Aruna Bodduna  
Associate Transportation Planner

cc: MA, AP

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith



## Anderson, Eric - Planning

---

**From:** Mendoza, Jonathan S <JSMendoza@sfwater.org>  
**Sent:** Friday, September 15, 2017 3:22 PM  
**To:** Anderson, Eric - Planning  
**Cc:** Ramirez, Tim; Russell, Rosanna S; Chow, Jonathan; Torrey, Irina; Kehoe, Paula; Naras, Joe; Natesan, Ellen; Read, Emily; Wilson, Joanne; Herman, Jane  
**Subject:** SFPUC Notice of Preparation (NOP) Comments for City of Mountain View's East Whisman Precise Plan  
**Attachments:** FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf; FINAL Interim Water Pipeline Right of Way Policy.pdf; ProjRev\_Summary\_JUN\_09\_17.pdf

Dear Mr. Anderson:

Thank you for the opportunity to provide comments during the Notice of Preparation (NOP) period for the City of Mountain View's East Whisman Precise Plan (Project) Environmental Impact Report (EIR). I understand that the proposed East Whisman Precise Plan would include up to 2.3 million net new square feet of office uses; 100,000 net new square feet of retail uses; 200 new hotel rooms; and 5,000 new multi-family residential units. In addition, I understand that the Project could also include new parks and trails, new public streets, and recreational facilities across the SFPUC right-of-way (ROW).

The SFPUC predominantly owns various 80-foot wide ROW parcels in fee, throughout the Project area, which are improved by two subterranean water transmission lines: Bay Division Pipelines (BDPLs) Nos. 3 and 4. The SFPUC ROW area is approximately 7 acres (or almost 2%) of the 403-acre Project area. The SFPUC must underscore the importance of avoiding impacts to the SFPUC property and infrastructure, as it is part of the Hetch Hetchy Regional Water System which serves 2.6 million customers in the San Francisco Bay Area. In addition, the Project must continue to provide regular access to the SFPUC ROW to operate and maintain the Hetch Hetchy Regional Water System, which also serves the City of Mountain View.

Since the Project may spur new proposals on SFPUC property that could require a discretionary action by the SFPUC, it is important to list the SFPUC as a Responsible Agency and to disclose and analyze any potential impacts to the SFPUC's property and infrastructure. In the future, the SFPUC may use this EIR, pursuant to CEQA, to base its discretionary action which could include authorizing projects and proposal on the SFPUC ROW. Therefore, I provide you with a list of requests about the scope and content below that should be included in the draft and final EIR.

- **Existing Environmental Setting:** The SFPUC ROW (including all SFPUC fee owned property and pipeline improvements) should be described in the existing setting section of the EIR. The SFPUC ROW bifurcates the Project area.
- **Responsible Agency:** The SFPUC should be listed as a responsible agency since its foreseeable that improvements could be proposed on the SFPUC ROW and such improvements would require a discretionary action by the SFPUC. **For example, the Project proposals could be authorized through a Revocable License from the SFPUC – executing a Revocable License is a discretionary action so the SFPUC would have to draft Responsible Agency findings.**
- **Zoning:** The preferred zoning designation of the SFPUC ROW is “Public Facility” (PF).
- **Potential Environmental Impacts:**
  - **Cultural Resources:** There is a potential to inadvertently find cultural resources in the Project area; therefore, the SFPUC requests that any discoveries of human remains or artifacts on SFPUC property be reported to the SFPUC and the San Francisco Planning Department.
  - **Hazards and Hazardous Materials:** The EIR should disclose and analyze any remediation activities related to the Middlefield-Ellis-Whisman (MEW) Superfund Site that could affect the SFPUC ROW. Any monitoring wells or other remediation activities on SFPUC property should be required to contact the SFPUC for prior review and authorization.



- **Land Use:** The EIR should disclose and analyze the Project's conflict with the SFPUC's adopted ROW Policies, including the **Interim Water Pipeline ROW Use Policy** and the **Integrated Vegetation Management Policy** (see attached for copies). These policies have been adopted to protect the SFPUC's ROW which serve 2.6 million people in the San Francisco Bay Area. Any impacts to these pipelines could cause significant impacts to the existing environment and water customers throughout the region. Therefore, the EIR should discuss the Project's potential for conflict (or conformance) with these adopted SFPUC policies regarding proposed uses within the SFPUC ROW. In addition, to avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing use of or other improvements **on SFPUC property** should be required to contact the SFPUC for prior review and authorization.
- **Recreation:** The EIR should disclose foreseeable park and recreation sites and analyze the potentially significant impacts to SFPUC property and infrastructure. To avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing parks or other recreational uses or improvement **on SFPUC property** should be required to contact the SFPUC for prior review and authorization.
- **Transportation and Circulation:** The EIR should disclose proposed streets, multi-use paths and/or transit corridor crossings across the SFPUC property; and analyze the potentially significant impacts to SFPUC property and infrastructure, including impacts to emergency access of the pipelines. To avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing streets, multi-use path and/or transit corridor crossings or other improvements **on SFPUC property** should be required to contact the SFPUC for prior review and authorization. **SFPUC staff must have access to the SFPUC ROW at all times and no streets, multi-use paths or transit corridors are allowed along the SFPUC ROW.**
- **Utilities and Service Systems:** The EIR should disclose and analyze whether the City of Mountain View has sufficient water supplies available to serve the project from existing entitlements and resources, or if new or expanded entitlements are needed.
- **Figures/Maps:** Clearly delineate SFPUC property boundaries and label the SFPUC property as "SFPUC Right-of-Way". Note: this property is **fee owned and not an easement.**

As a reminder, the City of Mountain View presented the East Whisman Precise Plan to the Project Review Committee on Friday, June 9, 2017 (see attached for meeting summary). The SFPUC requests that the City of Mountain View, and any subsequent projects under the East Whisman Precise Plan, continue to coordinate review and authorization with the SFPUC by first participating in the SFPUC's Project Review process. For more information about the Project Review process, please visit: <http://www.sfwater.org/ProjectReview>.

Please let me know if you have any question or need additional information.

Best,

**Jonathan S. Mendoza**

Associate Land and Resources Planner  
 Natural Resources and Lands Management Division  
 San Francisco Public Utilities Commission  
 1657 Rollins Road, Burlingame, CA 94010  
 O: 650.652.3215  
 C: 415.770.1997  
 F: 650.652.3219  
 E: [jsmendoza@sfwater.org](mailto:jsmendoza@sfwater.org)  
 W: <http://www.sfwater.org/ProjectReview>

**\*NOTE: I am out of the office on Mondays\***



# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## **SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties**

**Approved January 13, 2015**

**by**

**SFPUC Resolution No. 15-0014**

**as an amendment to the SFPUC Real Estate Guidelines**

## **SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties**

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.<sup>1</sup> No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.<sup>2</sup>

*Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."*

---

<sup>1</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

<sup>2</sup> SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

## I. ***Land Use, Structures, and Compliance with Law***

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASP) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
  - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
  - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
  - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

- G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).
- H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.
- I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.<sup>3</sup> Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

## II. ***Types of Recreational Use***

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

- A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.<sup>4</sup> In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.
- B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

## III. ***Utilities***

- A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

---

<sup>3</sup> SFPUC Right of Way Requirements.

<sup>4</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

- B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.<sup>5</sup> With SFPUC approval, utilities may run perpendicular to the pipelines.
- C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.
- Any lighting shall have shielding to prevent spill over onto adjacent properties.
- D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

#### **IV. *Vegetation***

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

*(Community garden applicants should refer to Section VII.C for separate instructions.)*

- i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.
- ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

#### **V. *Measures to Promote Water Efficiency***<sup>6</sup>

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

---

<sup>5</sup> SFPUC Land Engineering Requirements.

<sup>6</sup> SFPUC Rules and Regulations Governing Water Service to Customers, Section F.

- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

## VI. ***Other Requirements***

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
  - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and sightly condition at its sole cost.<sup>7</sup> Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements I at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

---

<sup>7</sup> SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.
- F. Community Outreach.
- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
    1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
    2. A description of the Applicant's outreach strategy, tactics, and materials
    3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
    4. A description of how the Applicant will incorporate feedback into its proposal.
  - ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
  - iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.
- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.



## **VII. Community Gardens**

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.



# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## **AMENDMENT TO THE RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY**

**Approved January 13, 2015**

**by**

**SFPUC Resolution No. 15-0014**

## **12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY**

### **12.001 General**

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way (“ROW”) so that it does not pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation<sup>1</sup>, hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

### **12.002 Woody Vegetation Management**

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

#### **1.1 Emergency Removal**

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

#### **1.2 Priority Removal**

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

---

<sup>1</sup> Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands<sup>2</sup>, or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal<sup>3</sup> will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation<sup>4</sup> within 15 to 25 feet from pipelines will then be removed.

### 1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

### 1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

---

<sup>2</sup> A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.

<sup>3</sup> Initial removal is defined as the vegetation removed during the base year or first year of cutting.

<sup>4</sup> Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

### **12.003 Annual Grass and Weed Management**

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

### **12.004 Segments of ROW that are covered by Agricultural deed rights**

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

### **12.005 Segments of ROW that are managed and maintained under a Lease or License**

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

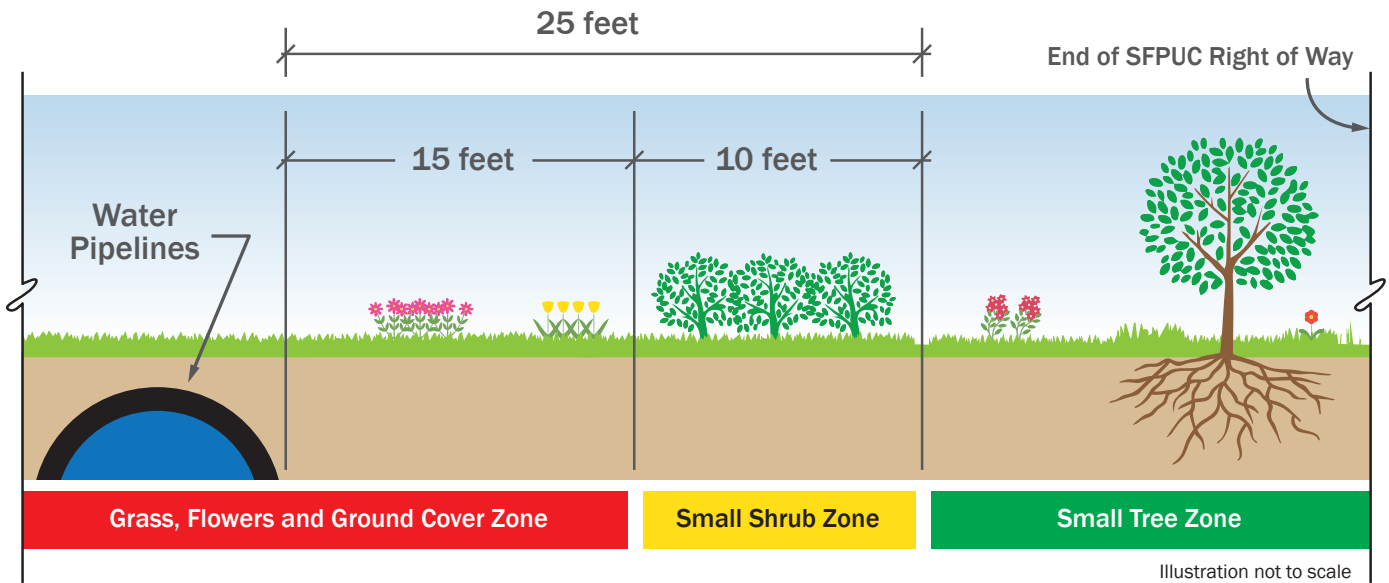
Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

**The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.**

# Right Of Way (ROW) Landscape Vegetation Guidelines



The following vegetation types are permitted on the ROW within the appropriate zones.

## Plantings that may be permitted directly above existing and future pipelines:

Ground cover, grasses, flowers, and very low growing plants that reach no more than one foot in height at maturity.



## Plantings that may be permitted 15–25 feet from the edge of existing and future pipelines:

Shrubs and plants that grow no more than five feet tall in height at maturity.



## Plantings that may be permitted 25 feet or more from the edge of existing and future pipelines:

Small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width or less.





# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## Natural Resources and Lands Management Division

Date: **June 22, 2017**

To: **Project Review Committee:**

Natural Resources and Lands Management Division (NRLMD): Dave Baker, Jason Bielski, Damon Spigelman, Rick Duffey, John Fournet, Jane Herman, Krysten Laine, Jeremy Lukins, Jonathan S. Mendoza, Joe Naras, Ellen Natesan, Neal Fujita, Casey Sondgeroth, Kathleen Swanson, Joanne Wilson and Daniel Stewart

Water Supply and Treatment Division (WSTD): Jonathan Chow, Colm Conefrey, Stacie Feng, Jim Heppert, Tracy Leung and Tony Mazzola

Real Estate Services (RES): Rosanna Russell, Tony Bardo, Tony Durkee, Chester Huie, Brian Morelli, Janice Levy, Dina Brasil, Christopher Wong, Alejandro Pineda and Heather Rodgers

Water Quality Bureau (WQB): Jackie Cho

Bureau of Environmental Management (BEM): Sally Morgan, Matthew Weinand, Yin Lan Zhang, Lindsay Revelli and Brett Becker

City Attorney's Office: Josh Milstein and Richard Handel

Cc: **SFPUC**: Robin Breuer, David Briggs, Chris Nelson, Debbie Craven-Green, Kimberly Stern Liddell, Andrew DeGraca, Ed Forner, Karen Frye, Susan Hou, Annie Li, Greg Lyman, Alan Johanson, Scott MacPherson, Tim Ramirez, Kevin Bolter, Brian Sak, Carla Schultheis, Bles Simon, Irina Torrey, Rizal Villareal, Jessica Appel, Mia Ingolia, Scott Simono, Surinderjeet Bajwa, Mae Frantz, Jowin Jung, Robin Dakin, Tina Wuslich, Jim Avant, Jim Barkenhus, Erick Digre, James Forsell, Kevin Kasenchak, Sarah Lenz, John Lynch, Peter Panofsky, Emily Read, Colby Lum, Samuel Larano and Kelley Capone

**San Francisco City Planning (Environmental Planning)**: Chris Kern

From: **Jonathan S. Mendoza, Land and Resources Planner**  
[jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) | (415) 770-1997 or (650) 652-3215

Subject: **June 9, 2017 Project Review Committee Meeting**  
10:00 a.m. – 12:00 p.m.  
**1000 El Camino Real, Millbrae, CA 94030 – Large Conference Room\***

**\*Due to renovations at the SFPUC Burlingame office, the Project Review Committee meetings will be relocated to the SFPUC Millbrae Yard until further notice (anticipated through mid-2017).**

**Participants:** Jonathan Mendoza, Joanne Wilson, Jane Herman and Scott Simono (SFPUC-NRLMD); Dina Brasil and Alejandro Pineda (SFPUC-RES); Jonathan Chow and Tracy Leung (SFPUC-WSTD); Natalie Asai and Daniel Gonzales (Town of Hillsborough); Jacqueline Solomon and Lindsay Hagan (City of Mountain View); Cory Green and Steve Ramsden (West Coast Contractors); Lisa Carrera (AES Group) and Kathleen McCall (Golden Gate National Cemetery)

### Project Review Meeting Schedule for 2017

Meetings are usually held on the 2<sup>nd</sup> Friday and 4<sup>th</sup>/last Wednesday of each month and begin at 10:00 a.m.

<b>June 28, 2017*</b>	July 14, 2017	September 8, 2017	November 3, 2017
	July 26, 2017	September 27, 2017	November 15, 2017
	August 11, 2017	October 13, 2017	December 1, 2017
	August 30, 2017	October 25, 2017	December 20, 2017



**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

**NOTE TO APPLICANTS SEEKING A REVOCABLE LICENSE, LEASE, OR OTHER SERVICE FROM SFPUC REAL ESTATE SERVICES: The SFPUC provides three essential 24/7 service utilities: water, wastewater and power to customers throughout the Bay Area. Our mission is to provide customers with the highest quality and effective service in a sustainable, professional and financially sound manner. Our service extends beyond the City and County of San Francisco and includes seven other counties.**

**Due to staffing issues in the Real Estate Services Division (RES), RES has constrained resources and is focusing on projects critical to our core infrastructure mission at the present time. Therefore, we appreciate your patience in our response to your company’s project application.**

1) Case No.	Project	Applicant/Project Manager
17.06-RW40.00	Hillsborough Cherry Creek Pump Station Replacement - 940 Hayne Road, Hillsborough	Natalie Asai (Town of Hillsborough)

The proposal is to: increase the license area for the Cherry Creek Pump Station; replace the existing water line and meter at the SFPUC turnout; install two new pumps within a new enclosed pump station structure; replace the existing electrical system; add a permanent fuel generator; restore the on-site SCADA system; replace the pumping line from the pump station (part of the Town’s Water Main Replacement Project) and install a hydrant. This project is located on SFPUC right-of-way (ROW) parcel 37 behind 940 Hayne Road, Hillsborough. This ROW parcel is owned in fee by the SFPUC and contains the SFPUC’s Hillsborough Tunnel. The existing Town of Hillsborough pump station and appurtenances were authorized through a 1961 revocable permit issued by the SFPUC. The permit authorized the following: construction and maintenance of a pump station within a 20-foot by 20-foot area, installation of appurtenant pipeline, underground power line within a 10-foot wide strip of land, and access along the SFPUC ROW. The original permit did not authorize a generator; however, the project sponsor explained that a temporary, emergency generator can be setup if needed. The Town of Hillsborough permit area is estimated, by the project sponsor, to be located approximately 40-feet west of the Hillsborough tunnel.

The Cherry Creek pump station connects from the nearby SFPUC turnout and pumps public water southeast of the existing pump station to the Vista Water Tank. The existing pump station is more than 50 years old and the pipes, valves, walls, and roof of the pump station are currently deteriorating; and the foundation, control functions, and electrical panel need to be replaced. The existing electrical service is undersized and allows only one pump to run at a time, which limits the ability to take advantage of off-peak pumping rates, and reduces the capability of the system to provide fire suppression water. Improvements to this pump station will increase access to fire suppression water, improve continued water service during power outages, increase water availability to the public, and reduce operation and maintenance demand on Town staff.

The project is in the beginning stages of design. The existing pump station structure will be completely removed and replaced. The proposal includes revising the revocable license to increase the existing 20-foot by 20-foot permit area to approximately 27-foot by 38-foot fenced area with a 20-foot by 22-foot building within the fenced area. An excavation of approximately 22-feet long by 20-feet wide by 2-feet deep would be required to construct the building footprint. The structure is assumed to consist of concrete masonry unit (CMU) block walls, with concrete footings and a metal or shingle roof. The pipe will be PVC between the SFPUC turnout and the pump station, and HDPE between the pump station and the point of connection to the pumping line which runs towards Hayne Rd. The pipes will be installed by open trench using an excavator and by hand digging. A boom truck/articulated crane will be used to install the new pumps. The new pump station would include a permanent generator. No fuel would be stored on-site. The fuel would be brought from a Town of Hillsborough corporation yard. The access route to the new building would be the same as the access route to the existing building.

Other anticipated equipment includes concrete trucks, flatbed trucks, trucks for minor on-haul/off-haul, and personal vehicles. The project would include some clearing and grubbing of vegetation and trees. The project sponsor explained that the tree report will be completed in the future and a copy will be sent to the SFPUC. Also, staging would occur on SFPUC fee owned property at SFPUC parcels 40A and 40B.

The project sponsor indicated that the existing meter at the SFPUC turnout is approximately 6-inches. The project sponsor notified the Project Review Committee that the 6-inch meter could be upgraded to a 10-inch turbo meter.

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

The project sponsor also explained that a hydrant may be included in the proposal. The project sponsor will provide additional details about the meter and hydrant to the SFPUC-WSTD Land Engineering section.

The project is expected to commence in spring 2018 and would take up to 4 months to complete. This project does require a discretionary action by the SFPUC. Per the project sponsor, this project has been analyzed pursuant to the California Environmental Quality Act (CEQA) in an Initial Study/ Mitigated Negative Declaration (IS/MND). The Committee notified the project sponsor that the pump station design may need to be reviewed and approved by the San Francisco Arts Commission through the Civic Design Review process (in accordance with the City and County of San Francisco City Charter – Section 5.103).

Follow-up:

*Real Estate Services*

- 1) The project sponsor will work with SFPUC-Real Estate Services to obtain a revocable license authorizing the proposed work on SFPUC property (contact Chris Wong, Principal Administrative Analyst, at [CJWong@sfgwater.org](mailto:CJWong@sfgwater.org) or (415) 487-5211).

*Bureau of Environmental Management*

- 2) The project sponsor will provide a copy of the final, adopted CEQA environmental review document for the proposed project to SFPUC Bureau of Environmental Management and the Project Review coordinator (contact Lindsay Revelli, Environmental Planner, at [LRevelli@sfgwater.org](mailto:LRevelli@sfgwater.org) or (415) 554-1823; and copy Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 352-3215). The project sponsor will implement any avoidance and minimization measures (AMMs) and mitigation measures identified in the final, adopted CEQA environmental review document and project permits.

*Land Engineering Review*

- 3) The project sponsor will submit revised engineering plans, at the 65% milestone, to SFPUC-WSTD Land Engineering for review and approval. The revised plan formats must be a PDF file and the relevant 11-inch by 17-inch paper engineering plan pages showing SFPUC infrastructure. The revised plans must include the following: vicinity map, property boundaries of the SFPUC ROW, all SFPUC water transmission pipelines and appurtenances, staging and access routes, proposed hydrant and standard construction notes provided by SFPUC-WSTD Land Engineering (for more information, contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031). Include a written description of the proposed hydrant.
- 4) The project sponsor will provide details of the potential water meter upgrade to the SFPUC-WSTD Land Engineering for review by SFPUC-WSTD Operations (contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).

*Natural Resources and Lands Management Division*

- 5) The SFPUC does not allow its fee-owned property to be encumbered by easements that benefit third parties and are unrelated to the SFPUC's utility operations and activities.
- 6) The project sponsor will provide the following generator specification details to the Project Review coordinator: fuel tank capacity, secondary containment, vent locations, noise level during generator operation (decibels); and the planned refueling frequency (number of trips to refill the generator fuel tank per a specified period) (contact Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 652-3215).
- 7) The project sponsor will provide electronic copies of any biological survey reports for the project to the biologist and Project Review coordinator (contact Scott Simono, Biologist, at [ssimono@sfgwater.org](mailto:ssimono@sfgwater.org) or (415) 934-5778; and Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 652-3215).
- 8) The project sponsor will provide an electronic copy of the tree report for the project to the ROW Manager and Project Review coordinator (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204; and Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 652-3215).

**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

- 9) The project sponsor will submit a site restoration plan for review and approval by an SFPUC Biologist and the ROW Manager (contact Scott Simono, Biologist, at [ssimono@sfgwater.org](mailto:ssimono@sfgwater.org) or (415) 934-5778; and Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 10) No imported soil or nursery plants are allowed on SFPUC property without SFPUC-NRLMD review and approval (for more information, contact Mia Ingolia, Biologist, at [mingolia@sfgwater.org](mailto:mingolia@sfgwater.org) or (415) 554-1872).
- 11) The project sponsor’s contractors will each obtain an approved SFPUC-NRLMD Access Permit before entering the SFPUC property to perform work (contact Gloria Ng, NRLMD Secretary, at [gng@sfgwater.org](mailto:gng@sfgwater.org) or (650) 652-3209).
- 12) The project sponsor will arrange for further Project Review when the project is at the 65% design milestone (contact Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 652-3215).

*San Francisco Arts Commission*

- 13) The project sponsor will contact the San Francisco Arts Commission to determine if compliance with the Civic Design Review process is required. For more information, visit <http://www.sfartscommission.org/our-role-impact/programs/civic-design-review>. The San Francisco Arts Commission conducts a multi-phase review of all civic buildings, viaducts, elevated ways, gates, fences, street furniture, lamps **or other structures** on City and County of San Francisco lands.

*Pre-Construction Notifications*

- 14) The project sponsor and/or its contractor will request an Underground Service Alert (USA) prior to commencing construction.
- 15) The project sponsor and/or its contractor will notify the ROW Manager at least one week prior to commencing construction work on SFPUC property and/or pipelines (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 16) The project sponsor and/or its contractor will contact the SFPUC-WSTD Land Engineering Construction Inspector at least 48 hours prior to commencing construction work (contact Albert Hao, Construction Inspector, at [ahao@sfgwater.org](mailto:ahao@sfgwater.org) or (650) 871-3015).
- 17) The project sponsor and/or its contractor will notify SFPUC Millbrae Dispatch, at (650) 872-5900, when commencing construction on SFPUC property.

*Post-Construction Notifications*

- 18) The project sponsor and/or its contractors will ensure that all construction debris is removed from SFPUC property and disposed of properly and legally. In addition, the project sponsor will restore the project site to pre-construction conditions upon completing its work on SFPUC property and arrange for a post-construction/restoration site inspection by SFPUC staff (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).

<b>2) Case No.</b>	<b>Project</b>	<b>Applicant/Project Manager</b>
17.06-RW54.00	Mountain View East Whisman Precise Plan	Martin Alkire and Lindsay Hagan (City of Mountain View)

The proposal is to: rezone a 368-acre area of the City of Mountain View as part of the East Whisman Precise Plan (plan); adopt a general plan amendment; and establish two new public streets (known as “Streets A” and “Street E” in the plan) and one new bicycle/pedestrian (multi-use) trail perpendicular to the SFPUC’s right-of-way (ROW). The SFPUC right-of-way (ROW) runs east-west through the northern portion of the plan area, generally between North Whisman Road and Clyde Avenue. The SFPUC predominantly owns the various 80-foot wide ROW parcels in fee which contains two water supply lines: Bay Division Pipelines (BDPLs) Nos. 3 and 4. The committee explained that certain properties within the plan area hold non-exclusive easement interests along the SFPUC ROW for certain specified uses. The SFPUC parcels in the plan area are currently used for parking and landscaping.

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

The plan would promote new mixed-use (residential, office, retail/services) development near existing VTA light rail transit stations. The rezoning would allow six to eight story multi-use buildings to be constructed in the plan area. As part of this plan, the project sponsor is seeking to create new streets and bicycle/pedestrian connections to break-down large blocks, provide secondary access to properties via new streets, and more opportunities for building frontages. The new proposed streets would provide secondary access to the existing blocks and would not be the sole/primary emergency vehicle access (EVA) ingress/egress to existing or new buildings. The plan area has existing perpendicular street crossings across the SFPUC ROW. The two new streets would be designed as “complete streets” with one vehicle traffic lane in each direction, bicycle lanes and sidewalks. No parks or trails are proposed within or parallel to the SFPUC ROW.

To construct the proposed circulation network within the SFPUC ROW, the project sponsor anticipates the following work would be required:

- Construction of new roadways, sidewalks or walkways, bike lanes, parking/loading areas, street curbs, and associated infrastructure, such as storm drains, undergrounding utilities, street light installations, and landscaping and irrigation;
- Trenching to install an irrigation system for landscaping along the sidewalk, adjacent to the new public street (includes removal of existing paving/asphalt or concrete to prepare the site for a new street);
- Removing landscaping, vegetation, and trees to accommodate the new street crossings.
- Backfilling with fill or gravel to prepare the site for a new public street and sidewalk;
- Maintaining, to the extent feasible, existing fencing that separates public streets/sidewalks and the SFPUC ROW (replacement fencing would be installed if needed);

Per the project sponsor, the new public streets (including Streets A and E) may accommodate new public utility connections (including the following: water, sewer, electric, gas, or telecommunication conduits). These utilities would serve new development along the new public streets and would be constructed as part of new development. Additionally, new street/sidewalk lighting and water irrigation systems may be located along the new public streets and new multi-use paths for safety and landscaping. New drainage facilities, in particular storm drain facilities, may be needed to collect water run-off from the new public streets. Drainage may also be needed for new pathways associated with the new multi-use paths. Installation of these facilities would require cut and fill, as well as grading. Per the project sponsor, Mountain View’s Public Works Department would maintain any new public streets, sidewalks, utilities, lighting, or other infrastructure placed within the boundaries of the new public streets, including the portions within the SFPUC property; and Mountain View’s Community Services Department would maintain any landscaping within the public street, as well as any landscaping associated with the multi-use paths.

The Project Review Committee notified the project sponsors that SFPUC staff must have access to the SFPUC ROW at all times. The project sponsor explained that the access points to the SFPUC ROW would be setback for SFPUC vehicles and equipment to turn and access the SFPUC ROW. The committee also explained that any access points must be a minimum of 12-feet wide so SFPUC vehicles can enter the fenced areas of the SFPUC ROW. In addition, any proposed fenced area must maintain SFPUC locks. The committee indicated that perpendicular crossings that comply with SFPUC policies and are consistent with SFPUC operational needs may be authorized after review and approval. However, no improvements (including, but not limited, to the following: streets, sidewalks, street light, storm water or other utilities) may be located parallel/within the SFPUC ROW.

The project is still in the planning phase and a refined street and multi-use trail plan will be developed. The zoning and general plan amendments will be drafted soon. This project does require a discretionary action by the City of Mountain View for the general plan amendment and rezoning; and for any revocable license issued by the SFPUC. Per the project sponsor, this project has not yet been analyzed pursuant to the California Environmental Quality Act (CEQA). However, the project sponsor explained that the CEQA document will be an Environmental Impact Report (EIR) prepared by the City of Mountain View. The project sponsor expects to issue the EIR Notice of Preparation (NOP) in the summer of 2017. The EIR is anticipated to be finalized in approximately one year and would be adopted by the City of Mountain View in late 2018.

**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

Follow-up:

*Real Estate Services*

- 1) The project sponsor will provide electronic copies of Mountain View deeds describing any land rights across SFPUC property to SFPUC-Real Estate Services (contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914).
- 2) SFPUC-RES staff will contact the Real Estate Director to determine if there is a preferred Mountain View zoning designation for the SFPUC ROW located within the Mountain View East Whisman Precise Plan area (for more information, contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914). **[UPDATE: Per SFPUC Real Estate Services, the preferred Mountain View zoning designation is “Public Facility” (PF).]**
- 3) The project sponsor will work with SFPUC-Real Estate Services to obtain a **consent letter** to authorize the proposed perpendicular street crossings across the SFPUC ROW; and a **revocable license** for the proposed perpendicular trail crossing across the SFPUC ROW (contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914).

*Bureau of Environmental Management*

- 4) If a **revocable license** is required (a discretionary action), then the project sponsor will provide a copy of the final, adopted CEQA environmental review document for the proposed project to SFPUC Bureau of Environmental Management and the Project Review coordinator (contact Lindsay Revelli, Environmental Planner, at [LRevelli@sfgwater.org](mailto:LRevelli@sfgwater.org) or (415) 554-1823; and copy Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 352-3215). The project sponsor will implement any avoidance and minimization measures (AMMs) and mitigation measures identified in the final, adopted CEQA environmental review document and project permits.

*Land Engineering Review*

- 5) The project sponsor will contact SFPUC-WSTD Land Engineering to obtain as-built drawings of SFPUC water transmission pipelines at the project site (contact Jonathan Chow, Principal Engineer, at [jchow@sfgwater.org](mailto:jchow@sfgwater.org) or (650) 871-2016).

*Natural Resources and Lands Management Division*

- 6) The ROW Manager and Land Engineering staff will conduct a site visit of the Mountain View East Whisman Precise Plan area to determine if there are any unauthorized encroachments. If unauthorized encroachments are found, the project sponsor will work with land owners to remove all unauthorized encroachments (including any trees) from the SFPUC ROW (for more information, contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204; copy Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031). If stump grinding is proposed for tree removal, then the project sponsor will include a stump grinding plan for review and approval.
- 7) No poles, posts, light fixtures or structures are allowed in the SFPUC ROW.
- 8) The SFPUC does not allow its fee-owned property to be encumbered by easements that benefit third parties and are unrelated to the SFPUC’s utility operations and activities.
- 9) The project sponsor will arrange for further Project Review when the street and trail proposal is at the 35% design milestone (contact Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 652-3215).

3) Case No.	Project	Applicant/Project Manager
17.06-RW44.00	Golden Gate National Cemetery Road Repair and Signage Project - 1300 Sneath Lane, San Bruno	Steve Ramsden (West Coast Contractors of Nevada - Contractor for Cemetery)

The proposal is to repair/reconstruct roads and gutters; and to replace the existing storm drain system across the SFPUC rights-of-way (ROWS) at the Golden Gate National Cemetery. No sidewalks would be installed. The SFPUC

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

has two ROWs at this location: a 60-foot wide ROW easement parcel which contains two water supply lines: San Andreas Pipelines (SAPLs) Nos. 2 and 3; and a 40-foot wide ROW easement parcel which contains two water supply lines: Sunset Supply Line and the Crystal Springs Pipeline (CSPL) No. 2. All four pipelines are mortar-lined.

The project sponsor explained that they are changing the intersection and/or gutter orientation at Plaza and 1<sup>st</sup> Drive within the cemetery. They also propose restoring the 4-foot wide strip with sod to match the existing sod. No trees would be planted within the SFPUC ROW. The project sponsor received potholing consent from SFPUC-WSTD Land Engineering section already (the potholing sites are shown within the consent letter). The project sponsor indicated that potholing may be phased; however, the committee recommended that the project sponsor receive one additional letter of consent for all remaining known potholing work; and one letter of consent for all of the proposed work to streamline the authorization process.

The project is expected to commence in summer 2017. This project does not require a discretionary action by the SFPUC.

Follow-up:

*Land Engineering Review*

- 1) The project sponsor will submit revised engineering plans to SFPUC-WSTD Land Engineering for review and approval. The revised plan formats must be a PDF file and the relevant 11-inch by 17-inch paper engineering plan pages showing SFPUC infrastructure. The revised plans must include the following: vicinity map, property boundaries of the SFPUC ROW, all SFPUC water transmission pipelines and appurtenances, pipeline depth (from potholing data), proposed updated improvements, and standard construction notes provided by SFPUC-WSTD Land Engineering (for more information, contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).
- 2) The project sponsor will work with SFPUC-WSTD Land Engineering to obtain a consent letter authorizing the proposed work on SFPUC property (contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).

*Pre-Construction Notifications*

- 3) The project sponsor and/or its contractor will request an Underground Service Alert (USA) prior to commencing construction.
- 4) The project sponsor and/or its contractor will notify the ROW Manager at least one week prior to commencing construction work on SFPUC property and/or pipelines (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 5) The project sponsor and/or its contractor will contact the SFPUC-WSTD Land Engineering Construction Inspector at least 48 hours prior to commencing construction work (contact Albert Hao, Construction Inspector, at [ahao@sfgwater.org](mailto:ahao@sfgwater.org) or (650) 871-3015).
- 6) The project sponsor and/or its contractor will notify SFPUC Millbrae Dispatch, at (650) 872-5900, when commencing construction on SFPUC property.

*Post-Construction Notifications*

- 7) The project sponsor and/or its contractors will ensure that all construction debris is removed from SFPUC property and disposed of properly and legally. In addition, the project sponsor will restore the project site to pre-construction conditions upon completing its work on SFPUC property and arrange for a post-construction/restoration site inspection by SFPUC staff (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).





September 15, 2017

Eric Anderson, AICP, Senior Planner  
City of Mountain View  
Community Development Department  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94041-7540  
E-Mail: [Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)

Re: Comments on the Notice of Preparation for the East Whisman Precise Plan

Dear Mr. Anderson:

Thank you for the opportunity to comment on the Notice of Preparation for the proposed East Whisman Precise Plan (project or Precise Plan) in Mountain View. This letter includes all City of Sunnyvale comments.

**General Questions and Comments:**

1. The East Whisman Precise Plan area south of SR 237 immediately abuts a medium-density residential neighborhood within the City of Sunnyvale. We request that the City of Mountain View provide outreach to Sunnyvale residents, and that the notice area be expanded if the traffic impacts show potential significant impacts to the nearby Sunnyvale neighborhoods.
2. The East Whisman Precise Plan is in proximity of the City of Sunnyvale's recently adopted Peery Park Specific Plan Area. The Peery Park Plan Area is undergoing significant changes with several projects under construction, multiple development entitlements issued just within the past year, and additional pending development applications in the pipeline. Please contact the City of Sunnyvale to obtain a list of development projects and their status to be included in the East Whisman Precise Plan's cumulative impacts analysis.

**Public Services and Recreation**

1. Encinal Park is near the East Whisman Precise Plan area, and is heavily used by nearby residents and businesses. We are concerned that additional density proposed in the Precise Plan area may have significant impacts to existing City of Sunnyvale services and facilities, especially



related to Encinal Park. We request that the City of Mountain View take this into consideration when discussing public services and recreation.

**Traffic and Transportation Input for the Notice of Preparation:**

If you have questions on the following traffic related items, please contact Ralph Garcia, Senior Transportation Planner, Dept. of Public Works, [rgarcia@sunnyvale.ca.gov](mailto:rgarcia@sunnyvale.ca.gov) or (408) 730-7551.

1. The City of Sunnyvale uses criteria found within the VTA Transportation Impact Analysis (TIA) Guidelines as a basis for determining study intersections. Accordingly, municipal and CMP intersections with ten or more project trips per lane added to any intersection movement should be analyzed. The East Whisman Precise Plan would add up to 2.3 million net new square feet of office uses, 100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 multi-family residential units. In light of the project size and location, it is expected that project trips would travel to and from the east through intersections located within the City of Sunnyvale which is likely to trigger the need for intersections analysis. Intersections along Mary Avenue, Evelyn Avenue, North Mathilda Avenue, Maude Avenue, and Evelyn Avenue should be considered within the traffic analysis. Traffic conditions at the study intersections are typically conducted for the AM and PM peak hours under existing and future analysis scenarios. At a minimum the following intersections should be considered for analysis:
  - US 101/SR 237 and Mathilda Avenue interchange intersections
  - Mary Avenue and Evelyn Avenue
  - Mary Avenue and Central Expressway
  - Mary Avenue and Maude Avenue
  - Maude Avenue and SR 237 Ramps
  - Pastoria Avenue and Maude Avenue
  - Mathilda Avenue and Maude Avenue
2. Corridor analysis should be considered for Mathilda Avenue, Evelyn Avenue, Mary Avenue and Maude Avenue.
3. The project site is located near the City of Sunnyvale's western border. Relevant approved projects within Sunnyvale and other neighboring jurisdictions need to be included in the study estimates of the Background traffic volumes. This is consistent with the VTA TIA Guidelines. Please contact the City of Sunnyvale to get a list of approved projects to include in the study.
4. Truck routes and construction-related activity impacts on the City of Sunnyvale and regional corridors need to be investigated and mitigated if necessary.

5. Similarly, pending projects within Sunnyvale and other neighboring municipalities and/or the application of an annual growth rate need to be incorporated in the Cumulative traffic volume estimates in order to reflect the growth in both the local and regional traffic. Please contact the City of Sunnyvale to get a list of pending projects to include in the study.
6. Evaluation of the alternative modes of transportation should be included in this project's traffic analysis. The VTA CMP Guidelines indicate that traffic analysis must include transit facilities in terms of transit service availability, transit capacity relative to the increased demand, impact of increased traffic delays on the service, and the need for transit access improvements. According to the CMP Guidelines, the traffic analysis must also evaluate bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Sunnyvale can be supplied upon request.
7. The proposed project is significant in size and is expected to affect the Sunnyvale roadway network. The City of Sunnyvale is requesting to review the draft TIA report. The project's traffic analysis and potential impacts could save time in the review and approval process of the EIR.

The City of Sunnyvale appreciates your consideration of the requested study scope elements described above. Please contact Kelly Cha, Associate Planner, at (408) 730-7408 or [kcha@sunnyvale.ca.gov](mailto:kcha@sunnyvale.ca.gov) if you have any questions or concerns about items discussed in this letter.

Sincerely,



Rosemarie Zulueta  
Acting Principal Planner, Community Development Department

cc: Trudi Ryan, Director, Community Development Department  
Manuel Pineda, Director, Department of Public Works  
Andrew Miner, Planning Officer  
Shahid Abbas, Transportation/Traffic Manager  
Ralph Garcia, Senior Transportation Engineer





September 15, 2017

City of Mountain View  
Community Development Department  
500 Castro Street  
Mountain View, CA 94039

Attention: Eric Anderson

Subject: East Whisman Precise Plan

Dear Mr. Anderson:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a precise plan to allow up to 2.3 million square feet of net new office uses, 100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 multi-family new multi-family residential uses for the East Whisman Precise Plan area. We have the following comments.

Project Location and Land Use/Transportation Integration

VTA supports the proposed land use intensification in the plan area, located adjacent to VTA's light rail (LRT) network. The plan area surrounds VTA's Middlefield LRT Station and is close to the NASA/Bayshore LRT Station.

VTA commends the City for proposing up to 5,000 multi-family residential units, 100,000 sq. ft. of new retail uses, and 200 hotel rooms, in addition to new office space in the plan area. The addition of these new uses will significantly support transit ridership and the high-density residential land use will complement the area's current office land uses. VTA recommends that the Precise Plan and Draft Environmental Impact Report (DEIR) study additional retail locations spread through the proposed plan area or study one or more reserve areas for future retail. VTA supports a mix of land uses that encourage a live-work-play activity center for Mountain View that offers additional opportunities for residents and employees to incrementally reduce vehicle trips, and greenhouse gas emissions. VTA recommends reviewing the proposed park near Middlefield LRT Station to determine if this is the best location for such a park in terms of transit ridership potential and other factors. VTA recommends integrating open space into the adjacent developments wherever possible.

VTA supports policies and plans that target growth around the established cores, transportation corridors, and station areas in the County, as described in VTA's *Community Design & Transportation* (CDT) Program and CDT Manual. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County.

#### Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. Based on the information provided on the size of this project, a TIA may be required. The updated 2014 VTA *TIA Guidelines*, which can be found at <http://www.vta.org/cmp/tia-guidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. Within the Transportation and Circulation element of the NOP it states that "mitigation and/or avoidance measures will be identified for any significant traffic impacts" (p. 6); VTA recommends including transit, bicycle and pedestrian measures in range of potential mitigation measures. For any questions about the updated *TIA Guidelines*, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org).

VTA commends the City for planning to conduct a thorough analysis of Vehicle-Miles-Traveled (VMT) effects of the proposed Whisman Precise Plan Area, in anticipation of the transportation analysis guidelines that will soon be issued by the Governor's Office of Planning and Research to implement Senate Bill 743. VTA encourages the City to specifically identify measures in the DEIR to reduce VMT generated by future residents, employees and visitors.

#### Pedestrian and Bicycle Accommodations

VTA recommends that the DEIR/TIA include an analysis of Pedestrian and Bicycle accommodations, including access and connectivity within and near the plan area. Such analysis should consider the completeness and quality of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. See sections 6.4 and 9.3 of the VTA *TIA Guidelines* for further details. Given the increased pedestrian and bicycle volumes associated with the plan, VTA recommends that the DEIR evaluate the safety of pedestrians and bicyclists traveling along or crossing VTA's Light Rail corridor right-of-way.

VTA also recommends that the plan provide exceptional pedestrian and bicycle accommodations, both internally and along arterial roadways to accommodate the volumes of trips expected to, from and within the plan area. VTA supports the City's overall draft concepts for bicycle and pedestrian networks presented in the Study Session Memo<sup>1</sup> dated June 13, 2017, which include a finer-grained pedestrian and bicycle network of bike lanes, wide sidewalks, and greenways within the plan boundaries. VTA commends the City for including bicycle and pedestrian access in the study under US 101, along Manila Drive, to the VTA NASA/Bayshore LRT Station even though it is outside of the designated plan area. VTA encourages the City to build on its past work in the NASA/Bayshore LRT Station Access Study, and VTA looks forward to building on previous coordination efforts with the City, as well as Google, on this topic.

---

<sup>1</sup> City Council Study Session Memo: East Whisman Precise Plan – Neighborhoods and Circulation: June 13, 2017

VTA notes that the City's draft concepts include separated sidewalks between pedestrians and automobiles with consistent street trees as a buffer. Resources on quality of service, such as the Highway Capacity Manual 2010 Pedestrian methodologies, indicate that such accommodations improve perceptions of comfort and safety on a roadway.

VTA recommends that the plan area provide abundant conveniently located bicycle parking. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from <http://www.vta.org/bikeprogram>.

#### Circulation Network and Potential Crossings of VTA Light Rail Corridor

VTA commends the City for proposing enhanced mobility options including new connections and access for pedestrians, bicycles and vehicles in the plan area. VTA supports the concept of transitioning the plan area from an auto-oriented office environment to a community-friendly place with safe and accessible connections for other modes. However, the June 13, 2017 Study Session Memo notes the possibility of introducing a new roadway connection (the "Maude Extension") as well as two new bicycle/pedestrian connections ("Greenways") that would cross VTA's light rail tracks. VTA and City staff met to discuss these potential crossings in Spring 2017 and VTA expressed concerns at the time; VTA also stated our concern about a potential crossing in this area in a letter dated April 25, 2016 in relation to a proposed development at 580-620 Clyde Avenue. VTA has experienced pedestrian/train incidents at at-grade crossings that have resulted in significant, and sometimes fatal, injuries. Safety is our top priority and for this reason VTA is opposed to the introduction of any new at-grade crossings of the VTA Light Rail corridor.

While VTA supports the City's efforts to improve connectivity, this objective must be balanced with the need to maintain and improve light rail safety, travel time and reliability. The section of VTA's Light Rail right-of-way north of E. Middlefield Road and south of US 101 is currently fully fenced and operates as a high-speed zone with trains reaching operating speeds of up to 45 mph. Allowing new at-grade crossings of the Light Rail corridor, even with trains being given full signal preemption through this corridor and with crossing gates and other warning devices (similar to what is already in place at Middlefield Road), could increase travel times and make transit a less attractive option for travelers in the corridor. Even with a well-designed at-grade crossing, there are many safety and reliability concerns that VTA would prefer to avoid.

VTA requests that the DEIR/TIA study grade separation alternatives over or under VTA's right-of-way between US 101 and E. Middlefield Road, including the possibility of consolidating crossings or limiting them to pedestrian/bicycle access only. VTA recommends that the City explore ways to leverage future development to fund one or more grade-separated crossings, through impact fees, community benefit contributions, or other options. VTA requests further

coordination with the City “through a more formal project review process” on these crossing concepts as noted on page 23 of the Study Session Memo.

#### California Public Utilities Commission (CPUC) Permits

Should this project include modifications to existing crossings or new at-grade crossings of light rail tracks, the project will require review by the CPUC of the project’s effects, specifically the filing of the GO 88-B application and others per CPUC General Order 88-B and 75-D (see attached Exhibit A). CPUC requires the concurrence of the rail operator (in this case, VTA) related to modifications to these crossings. For more information about the CPUC Crossing GO88-B application process, please contact Felix Ko, VTA’s CPUC Crossing representative at (415) 703-3722, or [felix.ko@cpuc.ca.gov](mailto:felix.ko@cpuc.ca.gov).

#### Potential Congestion Impacts on Transit Travel Times

The DEIR/TIA should include an analysis of potential impacts that increased motor vehicle traffic, pedestrian/bicycle activity and congestion associated with the Precise Plan build-out may have on transit travel times for light rail and buses. VTA emphasizes that the plan should serve to enhance, and not diminish, the speed and efficiency of nearby transit services. While VTA is supportive of increasing development densities along this corridor, increased congestion, pedestrian/bicycle crossings or new roadways (as noted above) could degrade the schedule reliability of transit and increase travel times, making transit a less attractive option for travelers in the corridor. If increased transit delay is found, appropriate off-setting measures should be identified. Once the transit delay analysis results are available, VTA requests that the City consult with VTA regarding alternatives to avoid these impacts, or appropriate offsetting measures.

#### Noise

VTA recommends that the DEIR identify any noise effects of VTA’s Light Rail operations within the plan area, and that the Precise Plan and DEIR identify design features and/or mitigation measures to shield new development from the pre-existing Light Rail related noise. The DEIR analysis should take into consideration noise created by VTA Light Rail vehicles, crossing bells, horns and whistles. The CPUC has specific requirements regarding the use of bells, horns and whistles. For additional details please coordinate with VTA.

#### CMP Facilities and Freeway Analysis

Based on the size and location of the project area, there may be impacts to one or more Congestion Management Program (CMP) facilities, including freeway segments and CMP intersections. If the transportation analysis in the DEIR indicates that there will be significant impacts according to CMP standards, VTA suggests early coordination with the appropriate agencies to identify potential mitigation measures and opportunities for voluntary contributions to regional transportation improvements in or near the impacted facility in the latest Valley Transportation Plan (e.g. SR 237 Express Lanes, and US 101 Express Lanes). Other potential

improvements may include grade-separated pedestrian/bicycle facilities across VTA's Light Rail corridor and other pedestrian and bicycle improvements to enhance connectivity within the plan area. The DEIR/TIA should also discuss how any incremental growth in East Whisman beyond the current General Plan growth envelope relate to the citywide Multimodal Improvement Plan (MIP) that the City is currently preparing to address CMP requirements.

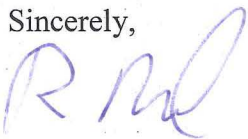
Transportation Demand Management/Trip Reduction

Given the size of the plan area and limited roadway access to and from the project area, the Precise Plan should include a robust Transportation Demand Management (TDM) Program to reduce auto trips, VMT and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. VTA recommends that the City consider the following TDM/Trip Reduction strategies:

- Project design to encourage walking, bicycling, and convenient transit access
- Parking cash out, parking pricing, and/or parking unbundling
- Adoption of an aggressive trip reduction target with a Lead Agency monitoring and enforcement program
- Transit fare incentives such as such as free or discounted transit passes on a continuing basis
- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area
- Bicycle lockers and bicycle racks
- Showers and clothes lockers for bicycle commuters
- Parking for car-sharing vehicles

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Patricia Maurice, Brian Ashurst, Caltrans  
Randy Tsuda, Mike Fuller, City of Mountain View  
Chris Augenstein, Jim Unites, VTA MV1710



**GENERAL ORDER NO. 88-B**  
**(Supersedes General Order No. 88-A)**

# **PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**RULES FOR ALTERING PUBLIC HIGHWAY-RAIL CROSSINGS**  
**ADOPTED January 8, 2004. EFFECTIVE February 16, 2004.**

**Original GO 88 Adopted February 23, 1932, Effective March 15, 1932**  
**(Case No. 3145, Decision No. 24505)**

**GO 88-A Replaced GO 88, Effective February 14, 1973 (Resolution No. ET-1180)**  
**GO 88-A Modified February 2, 1983 (Resolution No. ET-1313)**  
**GO 88-A Modified January 20, 2000 (Resolution SX-27)**  
**GO 88-A Modified April 6, 2000 (Resolution SX-31)**

## **1. PURPOSE**

The purpose of these regulations is to establish criteria for alteration of existing public highway-rail crossings.

## **2. SCOPE**

The following highway-rail crossing alteration projects shall be governed by these rules:

- 2.1 Grade crossing widening within the existing street right-of-way.
- 2.2 Approach grade changes.
- 2.3 Track elevation changes.
- 2.4 Roadway realignment that is functionality related to the existing crossing and can be achieved within the existing or a contiguous right-of-way.
- 2.5 Addition of one track within the existing railroad right-of-way.
- 2.6 Change in the type or addition of an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduction of hours during which any such protection is maintained, or other minor alterations.
- 2.7 Alterations or reconstruction of an existing grade-separated crossing, where exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources (PR) Code Section 21080.13.
- 2.8 Construction of a grade-separation that eliminates an existing at-grade highway-rail crossing, where exempt from CEQA pursuant to PR Code Section 21080.13

## **3. CRITERIA**

- 3.1 The public agencies having jurisdiction over the roadway involved and the railroad corporation shall be in agreement as to the public necessity for altering the existing highway-rail crossing.
- 3.2 The proposed alteration(s) shall comply with all applicable Commission General Orders.

## **4. NOTICE AND AUTHORIZATION**

Notice of the proposed alteration and a request for authority shall be served on the Commission staff at least 45 days before the date the alteration is planned to start. The

staff shall review the request covering the alteration and within 45 days from the date of receipt indicate to the party desiring the change its position.

## **5. FORMS AND CONTENTS OF REQUEST**

Requests shall be made by letter and include the following information:

- 5.1 The Commission's assigned crossing number and the U. S. Department of Transportation number for the crossing proposed to be altered.
- 5.2 A statement describing the proposed alteration(s).
- 5.3 A statement showing the public benefit to be achieved by the proposed alteration(s).
- 5.4 A statement showing why a separation of grades is not practicable under the circumstances.
- 5.5 A statement indicating the existing and proposed railroad warning devices at the crossing.
- 5.6 A map of the immediate vicinity of the crossing proposed to be altered on a scale of 50 to 200 feet per inch showing the location of streets and roads, property lines, tracks, buildings, other obstructions to the view of the crossing, and the present width of the approaches and the roadway at the crossing.
- 5.7 A profile showing the present and proposed grade lines of both the railroad and the highway.
- 5.8 Evidence of agreement between the parties relative to the proposed alteration(s).
- 5.9 A general statement indicating the temporary traffic controls and type(s) of warning devices to be provided, if any, during the period of construction of the proposed alteration. The temporary traffic controls shall be in compliance with Section 8A.05, Temporary Traffic Control Zones, of the Manual on Uniform Traffic Control Devices, U.S. Department of Transportation, as amended.
- 5.10 Where the alteration of the crossing is of a minor nature, such as a change in elevation of eight inches or less, or a total widening of six feet or less and no additional warning devices or changes in existing warning devices are proposed, Items 5.3, 5.4, 5.5, 5.6 and 5.7 may be omitted from the request.
- 5.11 Where the alteration, reconstruction, or construction is related to a grade-separated highway-rail crossing, Items 5.4 and 5.5 may be omitted. However, the plans submitted must also show the vertical and horizontal clearances of bridge structures over tracks where applicable.
- 5.12 For projects involving the alteration or reconstruction of an existing grade-separated crossing or the construction of a grade-separation that eliminates an existing at-grade crossing, the party desiring the change must provide either (a) a copy of a Notice of Exemption from CEQA requirements filed with the appropriate governmental agency, or (b) other factual evidence that the crossing is exempt pursuant to PR § 21080.13.

## **6. APPLICATION REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT**

Where the parties, including the Commission staff, are not in agreement as to the necessity for or extent of the alteration or apportionment of cost of a proposed change in an existing highway-rail crossing, or the proposed alteration is beyond the scope of this General Order, the party desiring the change shall apply to the Commission for authority to make the alteration. The application shall comply with the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20).

**7. RESPONSIBILITY FOR CONSTRUCTION**

For projects altering existing at-grade highway-rail crossings, all work between the rails of a railroad and within two feet outside of the rails shall be performed under the supervision of the railroad. The railroad shall be responsible for the physical construction of additional warning devices or any changes in the existing warning devices at the crossing. This section shall not be construed as an apportionment of the cost of such work.

**8. APPLICATION MUST BE MADE FOR NEW CROSSING**

Nothing contained herein shall be construed as authorizing the construction of a new crossing of a railroad across a public street or highway at-grade, the construction of a public street or highway at-grade across the tracks of a railroad corporation, the construction of a new grade-separated crossing of a railroad across a public street or highway that does not eliminate an existing at-grade crossing, or the construction of a new grade-separated crossing of a public street or highway across the tracks of a railroad corporation that does not eliminate an existing at-grade crossing.

Dated January 8, 2004, at San Francisco, California.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

By WILLIAM AHERN  
*Executive Director*

**GENERAL ORDER NO. 75-D**  
**(Supersedes G.O. No. 75-C)**

## **PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

### **REGULATIONS GOVERNING STANDARDS FOR WARNING DEVICES FOR AT-GRADE HIGHWAY- RAIL CROSSINGS IN THE STATE OF CALIFORNIA**

**Adopted August 24, 2006. Effective September 23, 2006.**  
**(Resolution No. SX-73)**

**IT IS HEREBY ORDERED** by the Public Utilities Commission of the State of California, that the following regulations governing the standards for warning devices for at-grade highway-rail crossings for motor vehicles, pedestrians, and/or bicycles, hereinafter referred to as at-grade crossings, be observed in this State unless otherwise authorized or directed by the Commission. These rules, issued in accordance with Sections 768, 778, 1202, 7537, 7538, and 99152 of California Public Utilities Code, apply to the extent they are not inconsistent with federal laws or regulations.

#### **1. PURPOSE OF RULES**

The purpose of these rules is to reduce hazards associated with at-grade crossings by establishing uniform standards for warning devices for at-grade crossings in the State of California, the application of which may afford safety for all persons traversing at-grade crossings.

#### **2. POLICY ON REDUCING NUMBER OF AT-GRADE CROSSINGS**

As part of its mission to reduce hazards associated with at-grade crossings, and in support of the national goal of the Federal Railroad Administration (FRA), the Commission's policy is to reduce the number of at-grade crossings on freight or passenger railroad mainlines in California.

#### **3. SCOPE OF RULES**

These rules are not intended as complete design or construction specifications. Design or construction specifications shall be in accord with accepted industry standards for the given existing local conditions unless otherwise specified in these rules. Unless otherwise provided, this order shall not be retroactive with respect to at-grade crossings lawfully existing on its effective date, except that the Commission may require alterations or improvements at any such at-grade crossings.

#### **4. CA MUTCD**

All warning devices shall be in substantial conformance with the applicable Standards, Guidance and Options set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD) in the form adopted by the California Department of Transportation (Caltrans), which prescribes uniform standards and specifications for all official traffic control devices in

California (see California Vehicle Code Section 21400 et seq.), and is referenced in this General Order as CA MUTCD.

## **5. IDENTIFICATION OF PUBLIC AT-GRADE CROSSINGS**

5.1 Each public at-grade crossing, or publicly used private at-grade crossing (as determined by the Commission or a court of competent jurisdiction), except those listed in Section 5.2, shall have the following information posted conspicuously and legibly at the crossing by the entity responsible for its maintenance:

- a) The Commission and/or U.S. Department of Transportation assigned number that uniquely identifies the at-grade crossing; and
- b) Emergency notification telephone number.

5.2 *Exceptions to posting requirements.* Compliance with Section 5.1 is not required at at-grade crossings of light rail transit systems not equipped with Standard automatic warning devices as defined in Section 6.

## **6. STANDARD WARNING DEVICES**

6.1 *Standard 1-R.* A Crossbuck sign (defined as R15-1 in the CA MUTCD) installed on a retroreflectorized wood or metal post. See Figure 1 for additional specifications.

6.2 *Standard 8.* An automatic flashing light signal assembly which, by alternately flashing red lights facing each approach, provides a warning of an approaching train. A Crossbuck sign shall be installed on the mast. See Figure 2 for additional specifications.

6.3 *Standard 8-A.* A Standard 8 with additional flashing light signals over the roadway on a cantilever arm. See Figure 3 for additional specifications.

6.4 *Standard 9.* An automatic gate arm used in combination with a Standard 8. The gate mechanism may be mounted on the Standard 8 mast or separately on an adjacent pedestal. The automatic gate shall be designed to fail in the down position. A Crossbuck sign shall be installed on the mast. See Figure 4 for additional specifications.

6.5 *Standard 9-A.* A Standard 9 with additional flashing light signals over the roadway on a cantilever arm. See Figure 5 for additional specifications.

6.6 *Standard 9-E.* A Standard 9 installed on the departure side of the at-grade crossing (also known as an exit gate) in addition to the typical approach side of the at-grade crossing (also known as an entrance gate).

- a) Exit gates shall be designed to fail in the up position.
- b) Entrance gates shall begin their descent before exit gates and shall be horizontal before the exit gates are horizontal. See CA MUTCD for additional specifications.
- c) A vehicle presence detection system shall be installed whenever exit gates are used. The system shall be designed such that if a vehicle is detected between the entrance and exit gates, the exit gate shall remain upright until the vehicle clears the exit gate.

## **7. PRIVATE AT-GRADE CROSSINGS**

- 7.1 Pursuant to Public Utilities Code Section 7537, the Commission has the authority to determine the necessity for any private at-grade crossing and the place, manner, and conditions under which the at-grade crossing shall be constructed and maintained, and to fix and assess the cost and expense thereof. The Commission exercises such jurisdiction when it is either petitioned by one of the parties or Commission staff.
- 7.2 The establishment of a private at-grade crossing, other than a private at-grade crossing of the railroad tracks by the owning railroad, must be authorized through a written agreement between the railroad and the party requiring the crossing.
- 7.3 *Standard 1-X.* "PRIVATE CROSSING" sign shall be installed at all private at-grade crossings. See Figure 6 for additional specifications.
- 7.4 At all approaches to private at-grade crossings there shall be installed either a STOP sign (defined as a Standard R1-1 in the CA MUTCD) or an automatic warning device described in Sections 6.2 through 6.6.
- a) If a STOP sign is used, the Standard 1-X sign shall be mounted on the post below it.
- b) If a Standard 8, 8-A, 9, 9-A, or 9-E device is used, the Standard 1-X sign shall be attached to the mast of the warning device below the flashing light signals.
- 7.5 The language contained in the lower portion of the "PRIVATE CROSSING" sign shown in Figure 6, commencing with and including the words "No Trespassing", shall be permitted at the option of the railroad.

## **8. PEDESTRIAN AT-GRADE CROSSING WARNING SIGN**

- 8.1 *Standard 1-D.* "PEDESTRIANS AND BICYCLES ONLY" sign shall be posted at at-grade crossings exclusively used by pedestrians and/or bicyclists. See Figure 7 for additional specifications.
- 8.2 If a Standard 1-R sign is used, the Standard 1-D sign shall be mounted on the post below the Crossbuck sign. If a Number of Tracks sign (defined as R15-2 in the CA MUTCD) is used in combination with the Standard 1-R, the Standard 1-D sign shall be placed below the R15-2 sign.
- 8.3 If a Standard 8, 8-A, 9, 9-A, or 9-E device is used, the Standard 1-D sign shall be attached to the mast of the warning device below the flashing light signals.

## **9. AUTOMATIC WARNING DEVICES - GENERAL REQUIREMENTS**

- 9.1 *Warning Devices to Conform to Commission Standards.* All automatic warning devices hereinafter installed shall, unless otherwise authorized by the Commission, conform substantially to the specifications shown in Figures 2 through 5. This rule is not to be construed as prohibiting automatic warning devices of a different type installed in accordance with previous orders of this Commission (former Commission Standards 3 through 7, and 10) nor shall it be construed as prohibiting the replacement in kind or the relocation of such devices at a particular at-grade crossing.

9.2 *Warning Device Activation Time.*

- a) As required by 49 CFR Part 234.225, under normal operation of through trains, automatic crossing warning device activation times in no event shall be less than 20 seconds before the at-grade crossing is occupied by rail traffic.
- b) Automatic warning devices described in Section 6 shall remain active until the rear of the train clears the at-grade crossing. When the train clears the at-grade crossing, and if no other train is detected, the gate arms (if provided) shall ascend to their upright positions.

9.3 *Color of Masts.* Masts, assemblies, and cantilevered structures of flashing light signals shall be silver or gray, except those parts functioning as a background for the light signal indications (see Section 9.4).

9.4 *Flashing Light Signals.* Lenses and roundels shall be 12 inches in diameter and shall be properly hooded. Light emitting diode (LED) arrays shall be used for all flashing light signals. Hoods and backgrounds shall be painted non-reflecting black. Backgrounds shall be 24 inches in diameter. See American Railway Engineering and Maintenance of Way Association's *Communications and Signals Manual of Recommended Practices* for reference.

9.5 *Audible Warning Devices.* Bells or other audible warning devices shall be included in all automatic warning device assemblies (except as provided in Section 10) and shall be operated in conjunction with the flashing light signals. See American Railway Engineering and Maintenance of Way Association's *Communications and Signals Manual of Recommended Practices* for reference.

9.6 *Gate Arms.* When the gates are fully lowered, the gap between the ends of two complementary gates must be less than two feet. If there is a median, centerline striping, or other form of channelization installed, the gap between the gate end and the channelization device must be within one foot.

9.7 *Traffic Signal Interconnection.* At an at-grade crossing with automatic warning devices where a diagnostic team determines that preemption is necessary, for example where vehicular traffic queues from traffic signal-controlled intersections exceed the Clear Storage Distance (as defined in the CA MUTCD), the traffic signals shall be interconnected with the automatic warning devices.

**10. WARNING DEVICES ON MEDIANS**

Warning devices may be installed on raised island medians. At at-grade crossings where warning devices are installed on the right-hand side of traffic flow, backlights or audible warning devices are not required on median-mounted warning devices.

## **11. MODIFICATIONS**

The removal, reduction, addition, or change in type of warning devices at each public at-grade crossing, or publicly used private at-grade crossing (as determined by the Commission or a court of competent jurisdiction), shall not be permitted unless authorized by the Commission. This includes any changes that may affect interconnections with adjacent traffic signals, or any other modification that may impact the safety of the at-grade crossing. See General Order 88, as amended, titled *Rules for Altering Public Highway-Rail At-Grade Crossings*.

## **12. FORM G**

12.1 Commission Standard Form G, titled *Report of Changes at Highway Grade At-Grade Crossings and Separations* shall be used when notifying the Commission of changes to crossings, including completion of construction of new crossings, alteration of existing crossings, elimination of crossings, or any other changes.

12.2 Upon completion of any approved changes, notice of such change shall be submitted to the Commission within 30 days following the end of the month in which the change is effective.

12.3 All warning devices shall be removed within 90 days after the railroad exercises abandonment authority or permanently discontinues service over the line. The entity responsible for the maintenance of warning devices shall be responsible for the removal of warning devices. See CA MUTCD for additional rules.

## **13. EXEMPTIONS**

13.1 If, in a particular case, an exemption from any of the requirements herein is desired, the Commission will consider the exemption when accompanied by a full statement of the existing conditions and a justification for the exemption. Any exemption so granted shall be limited to the particular case.

13.2 Nothing herein shall be construed as limiting the trial installation of experimental warning devices, provided the Commission has approved such plan in advance of the time the device is installed.

13.3 The Commission reserves the right to modify any of the provisions of these rules in specific cases, when, in the Commission's opinion, public interest would be served by so doing.

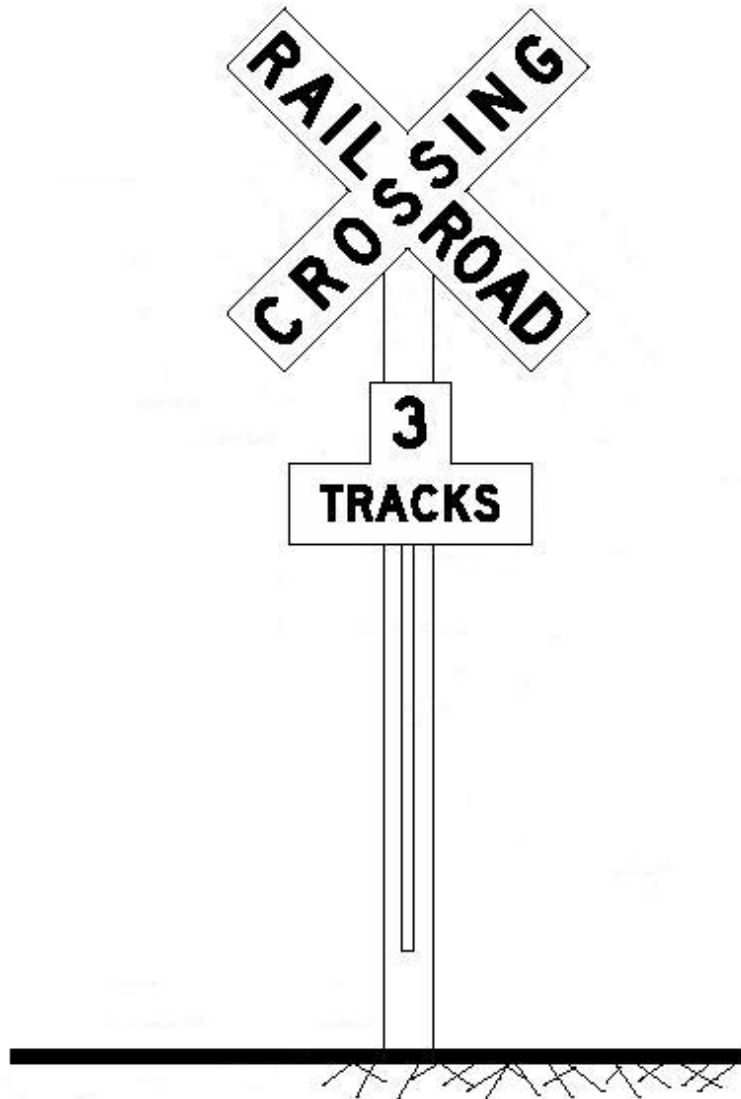
This order shall be effective on and after the 23rd day of September 2006. Approved and dated at San Francisco, California, this 24th day of August 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

By STEVE LARSON  
*Executive Director*



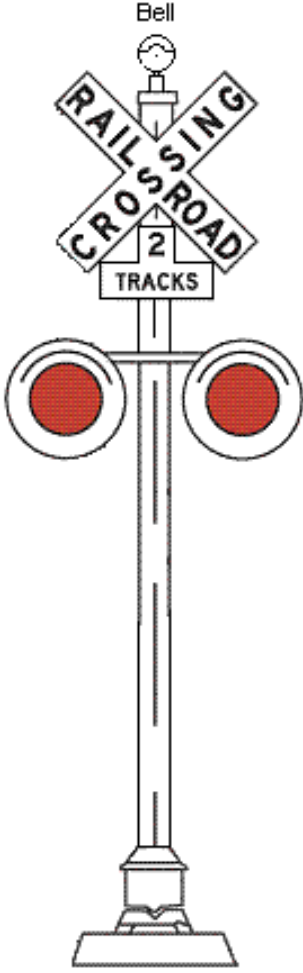
**Figure 1**  
**STANDARD 1-R**



**Crossbuck Sign on a Post**

Crossbuck sign installed on a retroreflectorized wood or metal post  
(See CA MUTCD for additional specifications.)

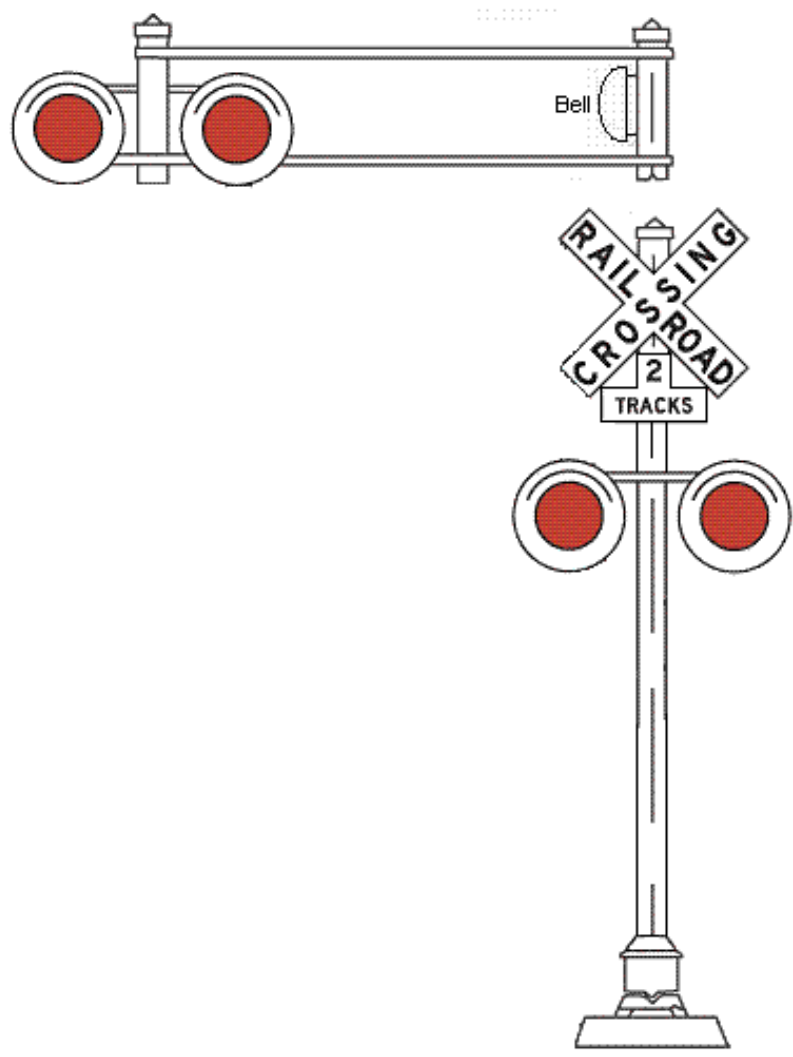
**Figure 2**  
**STANDARD 8**



**Flashing Light Signal Assembly**

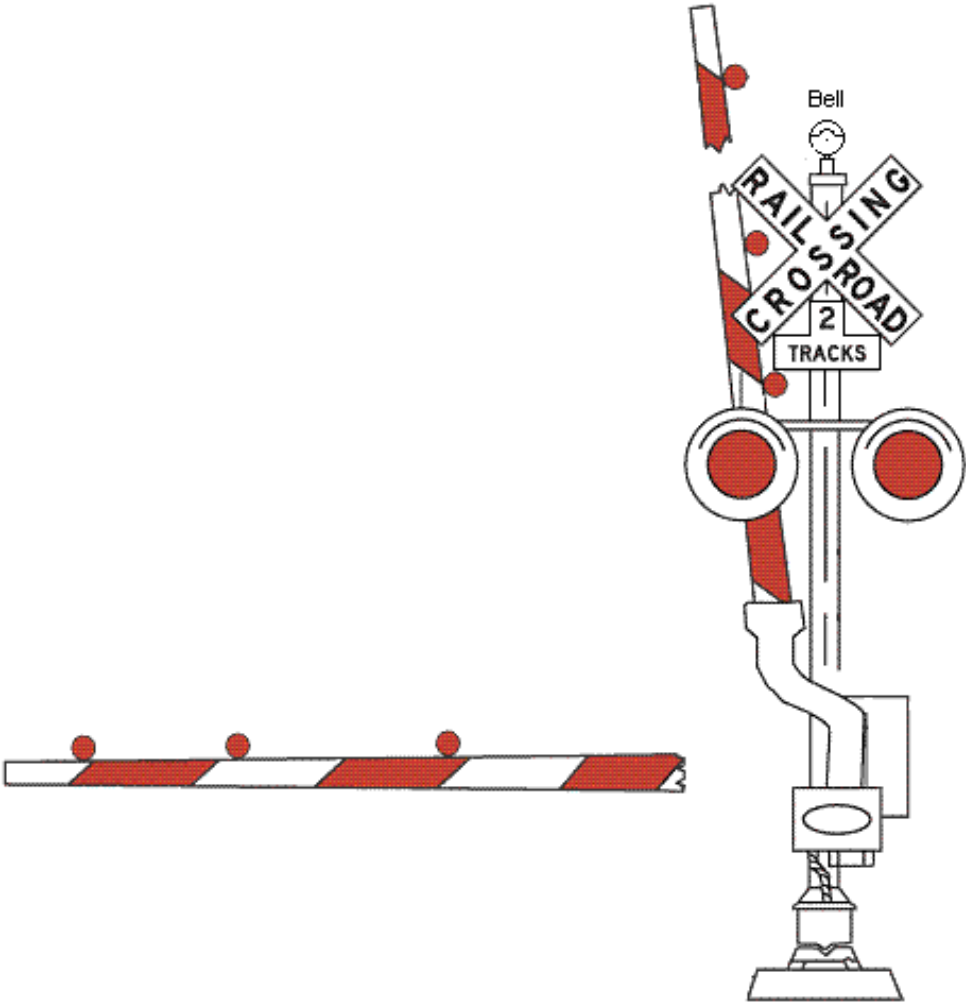
Mast mounted flashing light signals  
(See CA MUTCD for additional specifications.)

**Figure 3  
STANDARD 8-A**



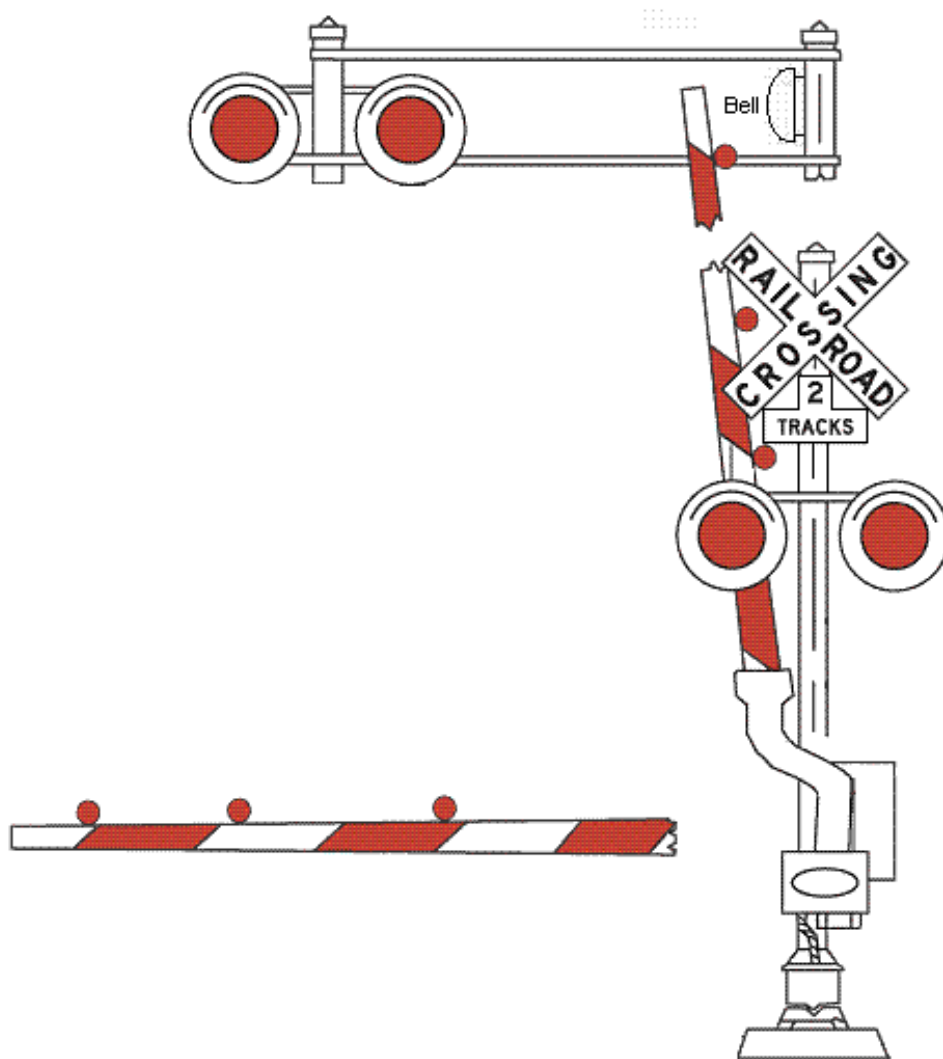
**Flashing Light Signal Assembly with  
Additional Flashing Light Signals over the Roadway on a Cantilevered Arm**

**Figure 4  
STANDARD 9**



**Flashing Light Signal Assembly with Automatic Gate Arm**

**Figure 5  
STANDARD 9-A**



**Flashing Light Signal Assembly with Automatic Gate Arm and  
Additional Flashing Light Signals over the Roadway on a Cantilevered Arm**

**Figure 6**  
**STANDARD 1-X**



**PRIVATE CROSSING SIGN**

The PRIVATE CROSSING sign shall be retroreflectorized white with the words and graphics shown in the figure above in black lettering.

**Figure 7**  
**STANDARD 1-D**



**PEDESTRIAN CROSSING SIGN**

The PEDESTRIAN CROSSING sign shall be retroreflectorized white with the words and graphics shown in the figure above in black lettering.

## VTA Development Review Program Contact List

*Last Updated: 8/17/2017*

Please route development referrals to:

### **Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals**

Roy Molseed – [Roy.Molseed@vta.org](mailto:Roy.Molseed@vta.org) – 408.321.5784

### **Transportation Impact Analysis (TIA) Reports and Notification Forms:**

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

Eugene Maeda – [Eugene.Maeda@vta.org](mailto:Eugene.Maeda@vta.org) – 408.952.4298

Electronic/email referrals are preferred, but please mail any hardcopy documents to:

[Name of recipient(s) as detailed above, depending on type of document]

Planning & Program Development Division

3331 North First Street, Building B-2

San Jose, CA 95134-1906

---

Contacts for specific questions related to VTA comments on a referral are below by topic area:

### **Transportation Impact Analysis (TIA) Guidelines (General Questions)**

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

### **Auto LOS Methodology**

#### **VTA Highway Projects & Freeway Ramp Metering**

Shanthi Chatradhi – [Shanthi.Chatradhi@vta.org](mailto:Shanthi.Chatradhi@vta.org) – 408.952.4224

### **VTA Transit Service, Ridership & Bus Stops**

Chad Steck – [Chad.Steck@vta.org](mailto:Chad.Steck@vta.org) - 408.321.5898

Paul Nguyen - [Paul.Nguyen@vta.org](mailto:Paul.Nguyen@vta.org) - 408.321.5973

### **TDM Programs**

#### **Congestion Management Program (CMP)**

#### **VTA Eco Pass Program Questions Before Project Approval** (e.g. when writing Conditions of Approval)

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

#### **VTA Eco Pass Program Questions After Project Approval** (e.g. Program Implementation)

Dino Guevarra – [Dino.Guevarra@vta.org](mailto:Dino.Guevarra@vta.org) – 408.321.5572

### **BART Silicon Valley Extension**

Kevin Kurimoto – [Kevin.Kurimoto@vta.org](mailto:Kevin.Kurimoto@vta.org) – 408.942.6126

### **VTA Bicycle & Pedestrian Projects**

Lauren Ledbetter – [Lauren.Ledbetter@vta.org](mailto:Lauren.Ledbetter@vta.org) – 408.321.5716



**VTA Real Estate**

Kathy Bradley – [Kathy.Bradley2@vta.org](mailto:Kathy.Bradley2@vta.org) – 408.321.5815

Jessie O'Malley Solis – [Jessie.Thielen@vta.org](mailto:Jessie.Thielen@vta.org) – 408.321.5950

**VTA System Safety**

Denise Patrick – [Denise.Patrick@vta.org](mailto:Denise.Patrick@vta.org) – 408.321.5714

Michael Brill – [MichaelBrill@vta.org](mailto:MichaelBrill@vta.org) – 408.321.5729

**VTA Permits** (Construction Access Permit, Restricted Access Permit)

Victoria King-Dethlefs – [Victoria.King-Dethlefs@vta.org](mailto:Victoria.King-Dethlefs@vta.org) – 408.321.5824

Cheryl D. Gonzales – [Cheryl.gonzales@vta.org](mailto:Cheryl.gonzales@vta.org) – 408.546.7608

**Other Topics and General Questions about VTA Comments**

Roy Molseed – [Roy.Molseed@vta.org](mailto:Roy.Molseed@vta.org) – 408.321.5784

# County of Santa Clara

## Parks and Recreation Department

298 Garden Hill Drive  
Los Gatos, California 95032-7669  
(408) 355-2200 FAX 355-2290  
Reservations (408) 355-2201

[www.parkhere.org](http://www.parkhere.org)



August 30, 2017

Mr. Eric Anderson, AICP  
Planner, Community Development Department  
City of Mountain View  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540

**SUBJECT:** City of Santa Clara Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the East Whisman Precise Plan

The County of Santa Clara Parks and Recreation Department (County Parks Department) submits these comments in response to the City of Mountain View Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the East Whisman Precise Plan (Plan). The 403-acre project site is located on the eastern border of the City of Mountain View. General project site boundaries include U.S. 101 and Moffett Federal Airfield/NASA Ames Research Center to the north, North Whisman Road to the west, Central Expressway to the south, and the City of Sunnyvale to the east.

The proposed East Whisman Precise Plan would introduce residential and related commercial uses, such as a hotel, to an area currently characterized primarily by high-technology office, research and development, light industrial uses, and commercial facilities. The Plan would include up to 2.3 million net new square feet of office uses, 100,000 net square feet of retail uses, 200 new hotel rooms, and 5,000 new multi-family residential units. Additional new parks, trails, public streets, and recreational facilities are proposed for the area as well. The additional land uses would require City of Mountain View amendments to the 2030 General Plan Text and Map and to the Precise Plan Zoning and Zoning Map.

The County Parks Department is charged with providing, protecting, and preserving regional parklands for the enjoyment, education and inspiration of this and future generations. The Department is also charged with the planning and implementation of *The Santa Clara County Countywide Trails Master Plan Update (Countywide Trails Plan)*, an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995.

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith



In accordance with the California Environmental Quality Act (CEQA), once analysis of the project begins, the City of Mountain View must fully evaluate the proposed project for significant impacts on the environment. A CEQA document should include a full analysis, including but not limited to aesthetics, land use, and recreation. The project itself should also seek to avoid significant impacts. Of particular importance to County Parks are the following:

***Hetch Hetchy Connector Trail (City of Mountain View Spur)***

Designated as a hiking and on- and off-road cycling route, the completed paved trail is immediately adjacent to the eastern boundary of the project site. The trail begins at the Middlefield VTA Light Rail Station, and passes through the Ellis-Middlefield business area and the East Whisman neighborhood into Whisman Park. From Whisman Park, the trail connects to the Stevens Creek Sub-Regional Trail (S2). The Hetch Hetchy Connector Trail also provides connections to open-space facilities such as Creekside Park, Landels School and Park, Shoreline at Mountain View, and the Stevens Creek riparian area.

The Mountain View Spur of the Hetch Hetchy Trail provides a non-motorized transportation connection to the cities of Mountain View, Sunnyvale, Los Altos and Cupertino. The trail also links with the San Francisco Bay Trail (R4), a network of on- and off-street trail connections linking all nine Bay Area counties and forty-two shoreline cities.

***On-Street Bicycle Trails along Whisman and Middlefield Roads, Logue and Maude Avenues and Ellis Street (Local – City of Mountain View Trails)***

Throughout the East Whisman Precise Plan project area, there are various separated on-street bicycle routes. Such routes provide users with a non-motorized connection to commercial, public transportation, and other facilities. With the addition of other land uses, we recommend the City of Mountain View consider having physically separated bike lanes in core areas, such as the intersection of Ellis Street and Middlefield Road, to reduce traffic weaving and provide additional safety barriers for users.

The County Parks Department also recommends:

- The DEIR address both temporary and long-term aesthetic and visual impacts, including light and glare impacts on the Hetch Hetchy Connector Trail and on-street bicycle trails within the project site. Mitigation measures should offer solutions to any adverse impacts, such as low profile lighting or treating reflective surfaces with non-reflective coatings.
- Notify trail users of construction hazards and temporary re-routes through sign notices. The existing trails should remain open for recreational use.
- Additional trails should be constructed in accordance with current and existing design guidelines and recommendations for multi-use (hiking and bicycling) trail construction.
- A Traffic Impact Analysis should include direct as well as indirect impacts to the Hetch Hetchy Connector Trail, the Stevens Creek Sub-Regional Trail and local on-street bicycle trails due to the proposed developments. If possible, the City of Mountain View could create a non-motorized traffic circulation plan for the East Whisman Precise Plan.
- Maps within the DEIR should identify both existing and proposed *Countywide Trails Plan* trails and City of Mountain View trails that are located within the project vicinity.
- In support of non-motorized transportation, the construction of new bicycle facilities should be considered within the project site and in relation to the Middlefield VTA Light Rail Station.

**Board of Supervisors:** Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian

**County Executive:** Jeffrey V. Smith

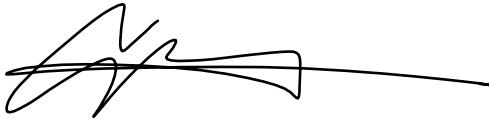


- The proposed project will construct approximately 5,000 dwelling units. The NOP does not list recreation as a potential environmental impact of the project. The increase in population within the area may require additional recreational facilities to offset the increase. The County Parks Department recommends that recreation be reviewed as part of CEQA.

As the Bay Area increases in population within the coming decades, it is important to plan for increased use by supporting non-motorized transportation connections to local and regional open space destinations. As federal, state, and local policies and natural environmental changes encourage and support active living and non-motorized transportation modes, safe access to parks, open space, community and employment centers, it is essential to consider the quality of life for residents. The County Parks Department values the City of Mountain View's consideration of open space into the Precise Plan.

The County Parks Department Planning Team is available as a resource regarding the Trail Element of the Parks and Recreation Chapter of the 1995 County of Santa Clara General Plan. We appreciate the opportunity to comment on the NOP of a DEIR for the East Whisman Precise Plan. Please provide notice to County Parks of any future information regarding this project, including notification related CEQA. If you have any questions related to these comments, please call me at (408) 355-2228 or e-mail me at [Cherise.Orange@prk.sccgov.org](mailto:Cherise.Orange@prk.sccgov.org).

Sincerely,



Cherise Orange  
Associate Planner



September 15, 2017

Via Email ([Eric.Anderson2@MountainView.gov](mailto:Eric.Anderson2@MountainView.gov)) and Mail

Eric Anderson, AICP, Planner  
City of Mountain View  
Community Development Department  
500 Castro Street  
PO Box 7540  
Mountain View, CA 94039-7540

Re: **Program EIR for East Whisman Precise Plan**

Dear Mr. Anderson:

On behalf of Raytheon Company (Raytheon) and Schlumberger Technology Corporation (Schlumberger),<sup>1</sup> this letter is submitted to the City of Mountain View as the Lead Agency for preparation of the Program Environmental Impact Report (EIR) for the East Whisman Precise Plan, and in response to the City's request for public comments regarding the scope and content of the Program EIR.

For purposes of the City's preparation of the Program EIR, we are providing the following information to ensure the administrative record contains the regulatory orders that direct the ongoing remediation, mitigation and monitoring activities for the Middlefield-Ellis-Whisman Superfund Study Area (MEW Site). Raytheon and Schlumberger are among the "MEW Parties" currently implementing the selected remedial and mitigation actions for the MEW Site.

The selected remedial actions are set forth in, and dictated by, the June 9, 1989 Record of Decision (1989 ROD) issued by the U.S. Environmental Protection Agency (EPA), as modified by two Explanations of Significant Differences (ESDs) in September 1990 and April 1996. For chemicals of concern in the subsurface which pose a risk of migration into indoor air, the selected remedial and mitigation actions are set forth in, and dictated by, the August 16, 2010 Amendment to the 1989 ROD (2010 ROD Amendment) issued by EPA.<sup>2</sup> Implementation of the

---

<sup>1</sup> I am outside counsel for Raytheon in this matter. Tom Boer of Hunton & Williams is outside counsel for Schlumberger in this matter.

<sup>2</sup> The 1989 ROD and 2010 ROD Amendment are available at:

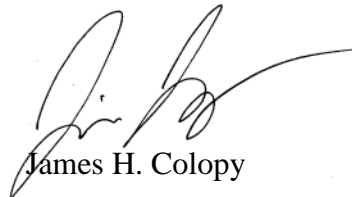
1989 ROD and 2010 ROD Amendment is successfully proceeding at the MEW Site and has proven to be protective of human health and the environment.

The 1989 ROD and 2010 ROD Amendment were the products of two exhaustive multi-year processes of data collection, technical analysis, public discourse, and policy development overseen by EPA, as required by the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) statute. Upon completion of those processes, as stated in the 1989 ROD and 2010 ROD Amendment, the EPA concluded that these selected remedies and mitigation measures are protective of human health and the environment, including occupants of existing and future residential and commercial buildings within the MEW Site, and that they satisfy applicable federal and state requirements. A material change to these selected remedies and mitigation measures would require a further Amendment of the ROD, which has not occurred.

Accordingly Raytheon and Schlumberger request that the City account for the presence of the MEW Site and the selected remedial and mitigation actions, as set forth in the 1989 ROD and 2010 ROD Amendment, during its preparation of the Program EIR for the East Whisman Precise Plan.

In addition, on behalf of Tom Boer and myself, we ask for the opportunity to meet with you to discuss the East Whisman Precise Plan. I would appreciate if you would advise when you could be available for such a meeting.

Very truly yours,



James H. Colopy

cc: J. Tom Boer, Hunton & Williams LLP

---

[https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/214a2ad20b145550882575f5006bb765/\\$FILE/Record%20of%20Decision,%20MEW%20Study%20Area%20-%206-9-89.pdf](https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/214a2ad20b145550882575f5006bb765/$FILE/Record%20of%20Decision,%20MEW%20Study%20Area%20-%206-9-89.pdf)

[https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/6c373a69325cd99f882577820077b04b/\\$FILE/MEW%20VI%20ROD%20Amendment%20and%20ORS%20-%20Aug%2016%202010.pdf](https://yosemite.epa.gov/r9/sfund/r9sfdocw.nsf/3dc283e6c5d6056f88257426007417a2/6c373a69325cd99f882577820077b04b/$FILE/MEW%20VI%20ROD%20Amendment%20and%20ORS%20-%20Aug%2016%202010.pdf)

Eric Anderson

City of Mountain View

500 Castro St.

Mountain View, CA 94041

Dear Mr. Anderson:

Please accept our comments regarding the scope and content of the proposed Environmental Impact Report (EIR) for the East Whisman Precise Plan (EWPP). This correspondence is intended to request that specific environmental impacts related to the preparation of the EIR to be prepared for the EWPP be included in the EIR. The environmental impacts outlined in this request as related to Mountain View Whisman School District (MVWSD) are necessary to meet the requirements of the California Environmental Quality Act (CEQA).

**Students Generated and School Facility Costs**

The EWPP will generate 5,000 residential dwelling units of which 20% will be affordable. These dwelling units are projected to produce 1,197 K-8 students and create a \$84,074,667 impact on the Mountain View Whisman School District (MVWSD).

**Table 1**

<b>Market Rate</b>									
	<b>Units</b>		<b>Student Yield</b>		<b>Students</b>		<b>Cost/Student</b>		<b>Total</b>
K-5	4,000	x	0.1	=	400	x	\$69,667	=	\$27,866,800
6-8	4,000	x	0.04	=	160	x	\$71,428	=	\$11,428,480
					<b>560</b>				<b>\$39,295,280</b>
<b>Affordable</b>									

	Units		Student Yield	=	Students	x	Cost/Student	=	Total
K-5	1,000	x	0.409	=	409	x	\$69,667	=	\$28,493,803
6-8	1,000	x	0.228	=	228	x	\$71,428	=	\$16,285,584
					<b>637</b>				<b>\$44,779,387</b>
<b>Total:</b>					<b>1,197</b>	<b>Total:</b>			<b>\$84,074,667</b>

While the District collects \$2.32 in developer fees and may be eligible for funds available at the State level through the School Facility Program (SFP), the considerable shortfall should be addressed in the EIR. The District is currently preparing applications to the State to determine the eligibility for State funding but given the best case scenario, the combination of State and local funds generate only 26% of the financial impact of the East Whisman Project.

#### Land Issues

The 1,197 students generated by the EWPP will require two additional 600 student elementary schools and the land necessary to site those schools. Any land currently owned by the District may not be logistically situated or available to meet the school facility needs of the School District.

The State of California Department of Education (CDE) Guidelines indicate that an elementary school of 600 students needs 10 acres of usable land to accommodate the educational program. Therefore, 20 acres of land within the EWPP is necessary to reduce the impact to “less than significant.”

#### Indirect Impacts

##### **Chawanakee Unified School District V. County of Madera**

In this appellate court case, the court concluded that the phrase in SB50 “impacts on school facilities” does not cover all possible environmental impacts. We suggest the EWPP consider noise, emissions, traffic, and other indirect impacts and specifically identify those indirect impacts in the operation of a school district. For example, impacts created by transportation and traffic may have an indirect impact on transporting students to school if the school is not in the proximity of the EWPP project. In addition, the buildout of 5,000 units is in a plan that covers a period





through 2030. The approximate 10-year buildout of the EWPP project would mean an absorption rate of 980 units per year. This construction period would require the MVWSD to provide interim housing over a period of time and is considered an “indirect impact.” This issue should be addressed in the EIR.

#### **Affordable Housing**

The affordable housing component of the EWPP is intended to provide housing to those serving the community who cannot afford market rate housing. School teachers, staff and support personnel are included as possible recipients of affordable home products. Tradesmen, public safety workers, government employees and maintenance personnel all have a need to be housed locally. It is an environmental issue when those serving the community cannot afford to live there. That issue should be considered in the scope of the EWPP EIR

#### **Cumulative Effects**

The CEQA regulations require that the EIR must consider the cumulative effects of any proposed or approved projects. The EWPP consisting of 5,000 dwelling units is in addition to over 1900 units that have already been approved by the City of Mountain View and another 9850 units currently being considered for approval. The EIR must consider the cumulative effect of the 5000 EWPP units in context with other development in the community

#### **Closing Comments**

Our comments regarding the EIR should not be construed to indicate our opposition to the EWPP. It is critical that all interested parties understand that 5,000 new dwelling units are of such magnitude that current State and local school mitigation measures available for the project exceed the District’s ability to absorb the 1,197 students projected from this project. In addition, in order to reduce impacts to “less than significant,” a negotiated mutual benefit agreement between the MVWSD, the Developer and the City should be required as a mitigation measure to reduce impacts of the EWPP from “significant” to “less than significant.”

Sincerely,

Ayindé Rudolph, Ed.D. (electronic)

Superintendent

September 14, 2017

Eric Anderson  
City of Mountain View  
500 Castro St.  
Mountain View, CA 94041

Dear Mr. Anderson:

Please accept our comments regarding the scope and content of the proposed Environmental Impact Report (EIR) for the East Whisman Precise Plan (EWPP). This correspondence is intended to request that specific environmental impacts related to the preparation of the EIR to be prepared for the EWPP be included in the EIR. The environmental impacts outlined in this request as related to Mountain View-Los Altos High School District (MVLA) are necessary to meet the requirements of the California Environmental Quality Act (CEQA).

**Students Generated and School Facility Costs**

The EWPP will generate 5,000 residential dwelling units of which 20% will be affordable. These dwelling units are projected to produce 562 9-12 students and create a \$46,646,000 impact on the Mountain View-Los Altos High School District (MVLA).

**Table 1**

Market Rate									
	Units		Student Yield	=	Students	x	Cost/Student	=	Total
9-12	4,000	x	0.046	=	184	x	\$83,000	=	\$15,272,000
Affordable									
	Units		Student Yield	=	Students	x	Cost/Student	=	Total
9-12	1,000	x	0.378	=	378	x	\$83,000	=	\$31,374,000
<b>Total:</b>					<b>562</b>	<b>Total:</b>		<b>\$46,646,000</b>	

While the District collects \$1.16 in developer fees and may be eligible for funds available at the State level through the School Facility Program (SFP), the considerable shortfall should be addressed in the EIR. The District has prepared applications to the State to determine the eligibility for State funding but given the best case scenario, the combination of State and local funds generate only 27% of the financial impact of the East Whisman Project.

**Land Issues**

The 562 students generated by the EWPP will require approximately 20 acres of land, according to the California Department of Education (CDE) guidelines. MVLA currently has two high schools. Mountain View High School is on 33.25 acres and Los Altos High School is on 29.5 acres. In 2017, Los Altos High School had an enrollment of 2,090 students; the CDE guidelines specify a 50.1 acre site for 2,090 students. In 2017, Mountain View High School has an enrollment of 1,912 students; the CDE guidelines specify 47.1 acres for 1,912 students. Both school



sites are over capacity and cannot accommodate additional students according to CDE guidelines. More land is needed to mitigate the impact of EWPP.

#### Indirect Impacts

##### **Chawanakee Unified School District V. County of Madera**

In this appellate court case, the court concluded that the phrase in SB50 "impacts on school facilities" does not cover all possible environmental impacts. We suggest the EWPP consider noise, emissions, traffic, and other indirect impacts and specifically identify those indirect impacts in the operation of a school district. For example, impacts created by transportation and traffic may have an indirect impact on transporting students. The current location of the high schools is not in the proximity of EWPP. In addition, the buildout of 5,000 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the EWPP project would mean an absorption rate of 980 units per year. This construction period would require the MVLA to provide interim housing over a period of time and is considered an "indirect impact." This issue should be addressed in the EIR.

#### Affordable Housing

The affordable housing component of the EWPP is intended to provide housing to those serving the community who cannot afford market rate housing. School teachers, staff and support personnel are included as possible recipients of affordable home products. Tradesmen, public safety workers, government employees and maintenance personnel all have a need to be housed locally. It is an environmental issue when those serving the community cannot afford to live there. That issue should be considered in the scope of the EWPP EIR.

#### Cumulative Effects

The CEQA regulations require that the EIR must consider the cumulative effects of any proposed or approved projects. The EWPP consisting of 5,000 dwelling units is in addition to over 1,900 units that have already been approved by the City of Mountain View and another 9,850 units currently being considered for approval. The EIR must consider the cumulative effect of the 5000 EWPP units in context with other development in the community.

#### Closing Comments

Our comments regarding the EIR should not be construed to indicate our opposition to the EWPP. It is critical that all interested parties understand that 5,000 new dwelling units are of such magnitude that current State and local school mitigation measures available for the project exceed the District's ability to absorb the 562 students projected from this project. In addition, in order to reduce impacts to "less than significant," a negotiated mutual benefit agreement between the MVLA, the Developer and the City should be required as a mitigation measure to reduce impacts of the EWPP from "significant" to "less than significant."

Sincerely,



Jeff Harding, Ed.D.

Superintendent

## NATIVE AMERICAN HERITAGE COMMISSION

Environmental and Cultural Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
Phone (916) 373-3710  
Fax (916) 373-5471  
Email: [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
Website: <http://www.nahc.ca.gov>  
Twitter: @CA\_NAHC



August 24, 2017

Eric Anderson  
City of Mountain View  
500 Castro Street  
Mountain View, CA 94039

RE: SCH#2017082051 East Whisman Precise Plan, Santa Clara County

Dear Mr. Anderson:

The Native American Heritage Commission has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:
  - a. A brief description of the project.
  - b. The lead agency contact information.
  - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
  - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
  - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
  - a. Alternatives to the project.
  - b. Recommended mitigation measures.
  - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
  - a. Type of environmental review necessary.
  - b. Significance of the tribal cultural resources.
  - c. Significance of the project's impacts on tribal cultural resources.
  - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
  - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
  - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).

7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).
  
8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
  
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
  
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
  - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
  
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
  - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf)

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

### NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
- a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: [frank.lienert@nahc.ca.gov](mailto:frank.lienert@nahc.ca.gov)

Sincerely,



Frank Lienert  
Associate Governmental Program Analyst

cc: State Clearinghouse



# County of Santa Clara

Roads and Airports Department

101 Skyport Drive  
San Jose, California 95110-1302  
1-408-573-2400



September 8, 2017

Eric Anderson, AICP  
Planner, Community Development Department  
500 Castro Street,  
Mountain View, CA 94039

**SUBJECT: Notice of Preparation of an Environmental Impact Report  
East Whisman Precise Plan**

Dear Mr. Anderson:

The County of Santa Clara Roads and Airports Department is submitting the following comments regarding the preparation of an environmental impact report for the project cited above.

A Transportation Impact Analysis (TIA) should be prepared for the proposed project following the latest adopted Congestion Management Program (CMP) TIA Guidelines to identify significant impacts for the EIR. County requests, at a minimum, to include all signalized intersections listed below for analysis.

- Central Expressway between De La Cruz Boulevard and Mayfield Avenue
- Lawrence Expressway between Tasman Drive and El Camino Real
- Montague Expressway between First Street and US 101
- San Tomas Expressway between US 101 and El Camino Real
- Foothill Expressway between I-280 and San Antonio Road

The analysis should be conducted using the most recent counts and County signal timing for County study intersections. Please contact Ananth Prasad at (408) 494-1342 or [Ananth.Prasad@rda.sccgov.org](mailto:Ananth.Prasad@rda.sccgov.org) for the correct signal timing.

The *Comprehensive County Expressway Planning Study – Expressway Plan 2040* project list should be consulted for a list of mitigation measures for significant impacts to the expressways. Should the *Expressway Plan 2040* project list not include an improvement that would mitigate a significant impact, the TIA should identify mitigation measures that would address the significant impact. Mitigation measures listed in the TIA should be incorporated into the EIR document.

Thank you for the opportunity to comment on the Notice of Preparation of the EIR. If you have any questions about these comments, please contact me at 408-573-2462 or at [aruna.bodduna@rda.sccgov.org](mailto:aruna.bodduna@rda.sccgov.org).

Sincerely,

Aruna Bodduna  
Associate Transportation Planner

cc: MA, AP

Board of Supervisors: Mike Wasserman, Cindy Chavez, Dave Cortese, Ken Yeager, S. Joseph Simitian  
County Executive: Jeffrey V. Smith

## Anderson, Eric - Planning

---

**From:** Mendoza, Jonathan S <JSMendoza@sfgwater.org>  
**Sent:** Friday, September 15, 2017 3:22 PM  
**To:** Anderson, Eric - Planning  
**Cc:** Ramirez, Tim; Russell, Rosanna S; Chow, Jonathan; Torrey, Irina; Kehoe, Paula; Naras, Joe; Natesan, Ellen; Read, Emily; Wilson, Joanne; Herman, Jane  
**Subject:** SFPUC Notice of Preparation (NOP) Comments for City of Mountain View's East Whisman Precise Plan  
**Attachments:** FINAL-Amended Right of Way Integrated Vegetation Management Policy.pdf; FINAL Interim Water Pipeline Right of Way Policy.pdf; ProjRev\_Summary\_JUN\_09\_17.pdf

Dear Mr. Anderson:

Thank you for the opportunity to provide comments during the Notice of Preparation (NOP) period for the City of Mountain View's East Whisman Precise Plan (Project) Environmental Impact Report (EIR). I understand that the proposed East Whisman Precise Plan would include up to 2.3 million net new square feet of office uses; 100,000 net new square feet of retail uses; 200 new hotel rooms; and 5,000 new multi-family residential units. In addition, I understand that the Project could also include new parks and trails, new public streets, and recreational facilities across the SFPUC right-of-way (ROW).

The SFPUC predominantly owns various 80-foot wide ROW parcels in fee, throughout the Project area, which are improved by two subterranean water transmission lines: Bay Division Pipelines (BDPLs) Nos. 3 and 4. The SFPUC ROW area is approximately 7 acres (or almost 2%) of the 403-acre Project area. The SFPUC must underscore the importance of avoiding impacts to the SFPUC property and infrastructure, as it is part of the Hetch Hetchy Regional Water System which serves 2.6 million customers in the San Francisco Bay Area. In addition, the Project must continue to provide regular access to the SFPUC ROW to operate and maintain the Hetch Hetchy Regional Water System, which also serves the City of Mountain View.

Since the Project may spur new proposals on SFPUC property that could require a discretionary action by the SFPUC, it is important to list the SFPUC as a Responsible Agency and to disclose and analyze any potential impacts to the SFPUC's property and infrastructure. In the future, the SFPUC may use this EIR, pursuant to CEQA, to base its discretionary action which could include authorizing projects and proposal on the SFPUC ROW. Therefore, I provide you with a list of requests about the scope and content below that should be included in the draft and final EIR.

- **Existing Environmental Setting:** The SFPUC ROW (including all SFPUC fee owned property and pipeline improvements) should be described in the existing setting section of the EIR. The SFPUC ROW bifurcates the Project area.
- **Responsible Agency:** The SFPUC should be listed as a responsible agency since its foreseeable that improvements could be proposed on the SFPUC ROW and such improvements would require a discretionary action by the SFPUC. **For example, the Project proposals could be authorized through a Revocable License from the SFPUC – executing a Revocable License is a discretionary action so the SFPUC would have to draft Responsible Agency findings.**
- **Zoning:** The preferred zoning designation of the SFPUC ROW is “Public Facility” (PF).
- **Potential Environmental Impacts:**
  - **Cultural Resources:** There is a potential to inadvertently find cultural resources in the Project area; therefore, the SFPUC requests that any discoveries of human remains or artifacts on SFPUC property be reported to the SFPUC and the San Francisco Planning Department.
  - **Hazards and Hazardous Materials:** The EIR should disclose and analyze any remediation activities related to the Middlefield-Ellis-Whisman (MEW) Superfund Site that could affect the SFPUC ROW. Any monitoring wells or other remediation activities on SFPUC property should be required to contact the SFPUC for prior review and authorization.

- **Land Use:** The EIR should disclose and analyze the Project's conflict with the SFPUC's adopted ROW Policies, including the **Interim Water Pipeline ROW Use Policy** and the **Integrated Vegetation Management Policy** (see attached for copies). These policies have been adopted to protect the SFPUC's ROW which serve 2.6 million people in the San Francisco Bay Area. Any impacts to these pipelines could cause significant impacts to the existing environment and water customers throughout the region. Therefore, the EIR should discuss the Project's potential for conflict (or conformance) with these adopted SFPUC policies regarding proposed uses within the SFPUC ROW. In addition, to avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing use of or other improvements **on SFPUC property** should be required to contact the SFPUC for prior review and authorization.
- **Recreation:** The EIR should disclose foreseeable park and recreation sites and analyze the potentially significant impacts to SFPUC property and infrastructure. To avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing parks or other recreational uses or improvement **on SFPUC property** should be required to contact the SFPUC for prior review and authorization.
- **Transportation and Circulation:** The EIR should disclose proposed streets, multi-use paths and/or transit corridor crossings across the SFPUC property; and analyze the potentially significant impacts to SFPUC property and infrastructure, including impacts to emergency access of the pipelines. To avoid impacts to SFPUC property and infrastructure, individual project sponsors proposing streets, multi-use path and/or transit corridor crossings or other improvements **on SFPUC property** should be required to contact the SFPUC for prior review and authorization. **SFPUC staff must have access to the SFPUC ROW at all times and no streets, multi-use paths or transit corridors are allowed along the SFPUC ROW.**
- **Utilities and Service Systems:** The EIR should disclose and analyze whether the City of Mountain View has sufficient water supplies available to serve the project from existing entitlements and resources, or if new or expanded entitlements are needed.
- **Figures/Maps:** Clearly delineate SFPUC property boundaries and label the SFPUC property as "SFPUC Right-of-Way". Note: this property is **fee owned and not an easement.**

As a reminder, the City of Mountain View presented the East Whisman Precise Plan to the Project Review Committee on Friday, June 9, 2017 (see attached for meeting summary). The SFPUC requests that the City of Mountain View, and any subsequent projects under the East Whisman Precise Plan, continue to coordinate review and authorization with the SFPUC by first participating in the SFPUC's Project Review process. For more information about the Project Review process, please visit: <http://www.sfwater.org/ProjectReview>.

Please let me know if you have any question or need additional information.

Best,

**Jonathan S. Mendoza**

Associate Land and Resources Planner  
 Natural Resources and Lands Management Division  
 San Francisco Public Utilities Commission  
 1657 Rollins Road, Burlingame, CA 94010  
 O: 650.652.3215  
 C: 415.770.1997  
 F: 650.652.3219  
 E: [jsmendoza@sfwater.org](mailto:jsmendoza@sfwater.org)  
 W: <http://www.sfwater.org/ProjectReview>

**\*NOTE: I am out of the office on Mondays\***



# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## **SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties**

**Approved January 13, 2015**

**by**

**SFPUC Resolution No. 15-0014**

**as an amendment to the SFPUC Real Estate Guidelines**

## **SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties**

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.<sup>1</sup> No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.<sup>2</sup>

*Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."*

---

<sup>1</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

<sup>2</sup> SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

## I. ***Land Use, Structures, and Compliance with Law***

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASP) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
  - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
  - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
  - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

- G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).
- H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.
- I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.<sup>3</sup> Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

## II. ***Types of Recreational Use***

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

- A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.<sup>4</sup> In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.
- B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

## III. ***Utilities***

- A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

---

<sup>3</sup> SFPUC Right of Way Requirements.

<sup>4</sup> SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

- B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.<sup>5</sup> With SFPUC approval, utilities may run perpendicular to the pipelines.
- C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.
- Any lighting shall have shielding to prevent spill over onto adjacent properties.
- D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

#### **IV. *Vegetation***

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

*(Community garden applicants should refer to Section VII.C for separate instructions.)*

- i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.
- ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

#### **V. *Measures to Promote Water Efficiency***<sup>6</sup>

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

---

<sup>5</sup> SFPUC Land Engineering Requirements.

<sup>6</sup> SFPUC Rules and Regulations Governing Water Service to Customers, Section F.



- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

## VI. **Other Requirements**

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
  - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and sightly condition at its sole cost.<sup>7</sup> Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements I at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

---

<sup>7</sup> SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.
- F. Community Outreach.
- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
    1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
    2. A description of the Applicant's outreach strategy, tactics, and materials
    3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
    4. A description of how the Applicant will incorporate feedback into its proposal.
  - ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
  - iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.
- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

## **VII. Community Gardens**

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.



# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## **AMENDMENT TO THE RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY**

**Approved January 13, 2015**

**by**

**SFPUC Resolution No. 15-0014**

## **12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY**

### **12.001 General**

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way (“ROW”) so that it does not pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation<sup>1</sup>, hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

### **12.002 Woody Vegetation Management**

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

#### **1.1 Emergency Removal**

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

#### **1.2 Priority Removal**

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

---

<sup>1</sup> Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands<sup>2</sup>, or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal<sup>3</sup> will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation<sup>4</sup> within 15 to 25 feet from pipelines will then be removed.

### 1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

### 1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

---

<sup>2</sup> A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.

<sup>3</sup> Initial removal is defined as the vegetation removed during the base year or first year of cutting.

<sup>4</sup> Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

### **12.003 Annual Grass and Weed Management**

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

### **12.004 Segments of ROW that are covered by Agricultural deed rights**

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

### **12.005 Segments of ROW that are managed and maintained under a Lease or License**

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

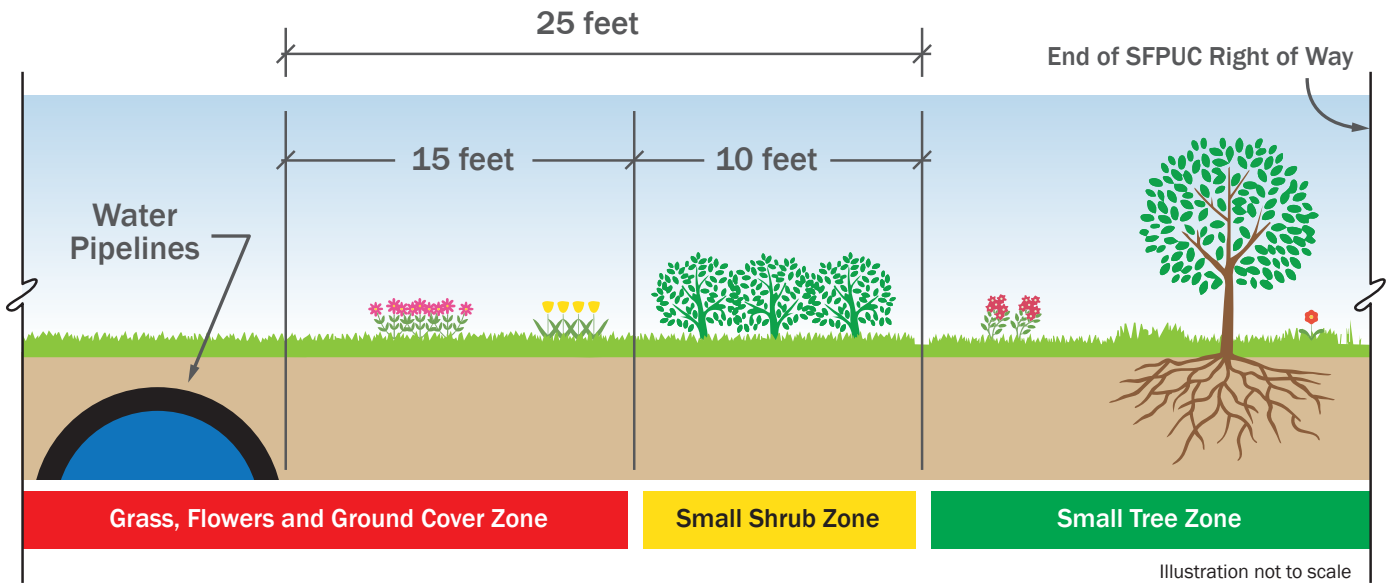
Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

**The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.**



# Right Of Way (ROW) Landscape Vegetation Guidelines



The following vegetation types are permitted on the ROW within the appropriate zones.

## Plantings that may be permitted directly above existing and future pipelines:

Ground cover, grasses, flowers, and very low growing plants that reach no more than one foot in height at maturity.



## Plantings that may be permitted 15–25 feet from the edge of existing and future pipelines:

Shrubs and plants that grow no more than five feet tall in height at maturity.



## Plantings that may be permitted 25 feet or more from the edge of existing and future pipelines:

Small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width or less.





# Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

## Natural Resources and Lands Management Division

Date: **June 22, 2017**

To: **Project Review Committee:**

Natural Resources and Lands Management Division (NRLMD): Dave Baker, Jason Bielski, Damon Spigelman, Rick Duffey, John Fournet, Jane Herman, Krysten Laine, Jeremy Lukins, Jonathan S. Mendoza, Joe Naras, Ellen Natesan, Neal Fujita, Casey Sondgeroth, Kathleen Swanson, Joanne Wilson and Daniel Stewart

Water Supply and Treatment Division (WSTD): Jonathan Chow, Colm Conefrey, Stacie Feng, Jim Heppert, Tracy Leung and Tony Mazzola

Real Estate Services (RES): Rosanna Russell, Tony Bardo, Tony Durkee, Chester Huie, Brian Morelli, Janice Levy, Dina Brasil, Christopher Wong, Alejandro Pineda and Heather Rodgers

Water Quality Bureau (WQB): Jackie Cho

Bureau of Environmental Management (BEM): Sally Morgan, Matthew Weinand, Yin Lan Zhang, Lindsay Revelli and Brett Becker

City Attorney's Office: Josh Milstein and Richard Handel

Cc: **SFPUC**: Robin Breuer, David Briggs, Chris Nelson, Debbie Craven-Green, Kimberly Stern Liddell, Andrew DeGraca, Ed Forner, Karen Frye, Susan Hou, Annie Li, Greg Lyman, Alan Johanson, Scott MacPherson, Tim Ramirez, Kevin Bolter, Brian Sak, Carla Schultheis, Bles Simon, Irina Torrey, Rizal Villareal, Jessica Appel, Mia Ingolia, Scott Simono, Surinderjeet Bajwa, Mae Frantz, Jowin Jung, Robin Dakin, Tina Wuslich, Jim Avant, Jim Barkenhus, Erick Digre, James Forsell, Kevin Kasenchak, Sarah Lenz, John Lynch, Peter Panofsky, Emily Read, Colby Lum, Samuel Larano and Kelley Capone

**San Francisco City Planning (Environmental Planning)**: Chris Kern

From: **Jonathan S. Mendoza, Land and Resources Planner**  
[jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) | (415) 770-1997 or (650) 652-3215

Subject: **June 9, 2017 Project Review Committee Meeting**

10:00 a.m. – 12:00 p.m.

**1000 El Camino Real, Millbrae, CA 94030 – Large Conference Room\***

**\*Due to renovations at the SFPUC Burlingame office, the Project Review Committee meetings will be relocated to the SFPUC Millbrae Yard until further notice (anticipated through mid-2017).**

**Participants:** Jonathan Mendoza, Joanne Wilson, Jane Herman and Scott Simono (SFPUC-NRLMD); Dina Brasil and Alejandro Pineda (SFPUC-RES); Jonathan Chow and Tracy Leung (SFPUC-WSTD); Natalie Asai and Daniel Gonzales (Town of Hillsborough); Jacqueline Solomon and Lindsay Hagan (City of Mountain View); Cory Green and Steve Ramsden (West Coast Contractors); Lisa Carrera (AES Group) and Kathleen McCall (Golden Gate National Cemetery)

### Project Review Meeting Schedule for 2017

Meetings are usually held on the 2<sup>nd</sup> Friday and 4<sup>th</sup>/last Wednesday of each month and begin at 10:00 a.m.

**June 28, 2017\***

July 14, 2017	September 8, 2017	November 3, 2017
July 26, 2017	September 27, 2017	November 15, 2017
August 11, 2017	October 13, 2017	December 1, 2017
August 30, 2017	October 25, 2017	December 20, 2017

**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

**NOTE TO APPLICANTS SEEKING A REVOCABLE LICENSE, LEASE, OR OTHER SERVICE FROM SFPUC REAL ESTATE SERVICES: The SFPUC provides three essential 24/7 service utilities: water, wastewater and power to customers throughout the Bay Area. Our mission is to provide customers with the highest quality and effective service in a sustainable, professional and financially sound manner. Our service extends beyond the City and County of San Francisco and includes seven other counties.**

**Due to staffing issues in the Real Estate Services Division (RES), RES has constrained resources and is focusing on projects critical to our core infrastructure mission at the present time. Therefore, we appreciate your patience in our response to your company’s project application.**

1) Case No.	Project	Applicant/Project Manager
17.06-RW40.00	Hillsborough Cherry Creek Pump Station Replacement - 940 Hayne Road, Hillsborough	Natalie Asai (Town of Hillsborough)

The proposal is to: increase the license area for the Cherry Creek Pump Station; replace the existing water line and meter at the SFPUC turnout; install two new pumps within a new enclosed pump station structure; replace the existing electrical system; add a permanent fuel generator; restore the on-site SCADA system; replace the pumping line from the pump station (part of the Town’s Water Main Replacement Project) and install a hydrant. This project is located on SFPUC right-of-way (ROW) parcel 37 behind 940 Hayne Road, Hillsborough. This ROW parcel is owned in fee by the SFPUC and contains the SFPUC’s Hillsborough Tunnel. The existing Town of Hillsborough pump station and appurtenances were authorized through a 1961 revocable permit issued by the SFPUC. The permit authorized the following: construction and maintenance of a pump station within a 20-foot by 20-foot area, installation of appurtenant pipeline, underground power line within a 10-foot wide strip of land, and access along the SFPUC ROW. The original permit did not authorize a generator; however, the project sponsor explained that a temporary, emergency generator can be setup if needed. The Town of Hillsborough permit area is estimated, by the project sponsor, to be located approximately 40-feet west of the Hillsborough tunnel.

The Cherry Creek pump station connects from the nearby SFPUC turnout and pumps public water southeast of the existing pump station to the Vista Water Tank. The existing pump station is more than 50 years old and the pipes, valves, walls, and roof of the pump station are currently deteriorating; and the foundation, control functions, and electrical panel need to be replaced. The existing electrical service is undersized and allows only one pump to run at a time, which limits the ability to take advantage of off-peak pumping rates, and reduces the capability of the system to provide fire suppression water. Improvements to this pump station will increase access to fire suppression water, improve continued water service during power outages, increase water availability to the public, and reduce operation and maintenance demand on Town staff.

The project is in the beginning stages of design. The existing pump station structure will be completely removed and replaced. The proposal includes revising the revocable license to increase the existing 20-foot by 20-foot permit area to approximately 27-foot by 38-foot fenced area with a 20-foot by 22-foot building within the fenced area. An excavation of approximately 22-feet long by 20-feet wide by 2-feet deep would be required to construct the building footprint. The structure is assumed to consist of concrete masonry unit (CMU) block walls, with concrete footings and a metal or shingle roof. The pipe will be PVC between the SFPUC turnout and the pump station, and HDPE between the pump station and the point of connection to the pumping line which runs towards Hayne Rd. The pipes will be installed by open trench using an excavator and by hand digging. A boom truck/articulated crane will be used to install the new pumps. The new pump station would include a permanent generator. No fuel would be stored on-site. The fuel would be brought from a Town of Hillsborough corporation yard. The access route to the new building would be the same as the access route to the existing building.

Other anticipated equipment includes concrete trucks, flatbed trucks, trucks for minor on-haul/off-haul, and personal vehicles. The project would include some clearing and grubbing of vegetation and trees. The project sponsor explained that the tree report will be completed in the future and a copy will be sent to the SFPUC. Also, staging would occur on SFPUC fee owned property at SFPUC parcels 40A and 40B.

The project sponsor indicated that the existing meter at the SFPUC turnout is approximately 6-inches. The project sponsor notified the Project Review Committee that the 6-inch meter could be upgraded to a 10-inch turbo meter.

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

The project sponsor also explained that a hydrant may be included in the proposal. The project sponsor will provide additional details about the meter and hydrant to the SFPUC-WSTD Land Engineering section.

The project is expected to commence in spring 2018 and would take up to 4 months to complete. This project does require a discretionary action by the SFPUC. Per the project sponsor, this project has been analyzed pursuant to the California Environmental Quality Act (CEQA) in an Initial Study/ Mitigated Negative Declaration (IS/MND). The Committee notified the project sponsor that the pump station design may need to be reviewed and approved by the San Francisco Arts Commission through the Civic Design Review process (in accordance with the City and County of San Francisco City Charter – Section 5.103).

Follow-up:

*Real Estate Services*

- 1) The project sponsor will work with SFPUC-Real Estate Services to obtain a revocable license authorizing the proposed work on SFPUC property (contact Chris Wong, Principal Administrative Analyst, at [CJWong@sfgwater.org](mailto:CJWong@sfgwater.org) or (415) 487-5211).

*Bureau of Environmental Management*

- 2) The project sponsor will provide a copy of the final, adopted CEQA environmental review document for the proposed project to SFPUC Bureau of Environmental Management and the Project Review coordinator (contact Lindsay Revelli, Environmental Planner, at [LRevelli@sfgwater.org](mailto:LRevelli@sfgwater.org) or (415) 554-1823; and copy Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 352-3215). The project sponsor will implement any avoidance and minimization measures (AMMs) and mitigation measures identified in the final, adopted CEQA environmental review document and project permits.

*Land Engineering Review*

- 3) The project sponsor will submit revised engineering plans, at the 65% milestone, to SFPUC-WSTD Land Engineering for review and approval. The revised plan formats must be a PDF file and the relevant 11-inch by 17-inch paper engineering plan pages showing SFPUC infrastructure. The revised plans must include the following: vicinity map, property boundaries of the SFPUC ROW, all SFPUC water transmission pipelines and appurtenances, staging and access routes, proposed hydrant and standard construction notes provided by SFPUC-WSTD Land Engineering (for more information, contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031). Include a written description of the proposed hydrant.
- 4) The project sponsor will provide details of the potential water meter upgrade to the SFPUC-WSTD Land Engineering for review by SFPUC-WSTD Operations (contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).

*Natural Resources and Lands Management Division*

- 5) The SFPUC does not allow its fee-owned property to be encumbered by easements that benefit third parties and are unrelated to the SFPUC's utility operations and activities.
- 6) The project sponsor will provide the following generator specification details to the Project Review coordinator: fuel tank capacity, secondary containment, vent locations, noise level during generator operation (decibels); and the planned refueling frequency (number of trips to refill the generator fuel tank per a specified period) (contact Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 652-3215).
- 7) The project sponsor will provide electronic copies of any biological survey reports for the project to the biologist and Project Review coordinator (contact Scott Simono, Biologist, at [ssimono@sfgwater.org](mailto:ssimono@sfgwater.org) or (415) 934-5778; and Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 652-3215).
- 8) The project sponsor will provide an electronic copy of the tree report for the project to the ROW Manager and Project Review coordinator (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204; and Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 652-3215).

**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

- 9) The project sponsor will submit a site restoration plan for review and approval by an SFPUC Biologist and the ROW Manager (contact Scott Simono, Biologist, at [ssimono@sfgwater.org](mailto:ssimono@sfgwater.org) or (415) 934-5778; and Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 10) No imported soil or nursery plants are allowed on SFPUC property without SFPUC-NRLMD review and approval (for more information, contact Mia Ingolia, Biologist, at [mingolia@sfgwater.org](mailto:mingolia@sfgwater.org) or (415) 554-1872).
- 11) The project sponsor’s contractors will each obtain an approved SFPUC-NRLMD Access Permit before entering the SFPUC property to perform work (contact Gloria Ng, NRLMD Secretary, at [gng@sfgwater.org](mailto:gng@sfgwater.org) or (650) 652-3209).
- 12) The project sponsor will arrange for further Project Review when the project is at the 65% design milestone (contact Jonathan Mendoza, Land and Resources Planner, at [jsmendoza@sfgwater.org](mailto:jsmendoza@sfgwater.org) or (650) 652-3215).

*San Francisco Arts Commission*

- 13) The project sponsor will contact the San Francisco Arts Commission to determine if compliance with the Civic Design Review process is required. For more information, visit <http://www.sfartscommission.org/our-role-impact/programs/civic-design-review>. The San Francisco Arts Commission conducts a multi-phase review of all civic buildings, viaducts, elevated ways, gates, fences, street furniture, lamps **or other structures** on City and County of San Francisco lands.

*Pre-Construction Notifications*

- 14) The project sponsor and/or its contractor will request an Underground Service Alert (USA) prior to commencing construction.
- 15) The project sponsor and/or its contractor will notify the ROW Manager at least one week prior to commencing construction work on SFPUC property and/or pipelines (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 16) The project sponsor and/or its contractor will contact the SFPUC-WSTD Land Engineering Construction Inspector at least 48 hours prior to commencing construction work (contact Albert Hao, Construction Inspector, at [ahao@sfgwater.org](mailto:ahao@sfgwater.org) or (650) 871-3015).
- 17) The project sponsor and/or its contractor will notify SFPUC Millbrae Dispatch, at (650) 872-5900, when commencing construction on SFPUC property.

*Post-Construction Notifications*

- 18) The project sponsor and/or its contractors will ensure that all construction debris is removed from SFPUC property and disposed of properly and legally. In addition, the project sponsor will restore the project site to pre-construction conditions upon completing its work on SFPUC property and arrange for a post-construction/restoration site inspection by SFPUC staff (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).

<b>2) Case No.</b>	<b>Project</b>	<b>Applicant/Project Manager</b>
17.06-RW54.00	Mountain View East Whisman Precise Plan	Martin Alkire and Lindsay Hagan (City of Mountain View)

The proposal is to: rezone a 368-acre area of the City of Mountain View as part of the East Whisman Precise Plan (plan); adopt a general plan amendment; and establish two new public streets (known as “Streets A” and “Street E” in the plan) and one new bicycle/pedestrian (multi-use) trail perpendicular to the SFPUC’s right-of-way (ROW). The SFPUC right-of-way (ROW) runs east-west through the northern portion of the plan area, generally between North Whisman Road and Clyde Avenue. The SFPUC predominantly owns the various 80-foot wide ROW parcels in fee which contains two water supply lines: Bay Division Pipelines (BDPLs) Nos. 3 and 4. The committee explained that certain properties within the plan area hold non-exclusive easement interests along the SFPUC ROW for certain specified uses. The SFPUC parcels in the plan area are currently used for parking and landscaping.

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

The plan would promote new mixed-use (residential, office, retail/services) development near existing VTA light rail transit stations. The rezoning would allow six to eight story multi-use buildings to be constructed in the plan area. As part of this plan, the project sponsor is seeking to create new streets and bicycle/pedestrian connections to break-down large blocks, provide secondary access to properties via new streets, and more opportunities for building frontages. The new proposed streets would provide secondary access to the existing blocks and would not be the sole/primary emergency vehicle access (EVA) ingress/egress to existing or new buildings. The plan area has existing perpendicular street crossings across the SFPUC ROW. The two new streets would be designed as “complete streets” with one vehicle traffic lane in each direction, bicycle lanes and sidewalks. No parks or trails are proposed within or parallel to the SFPUC ROW.

To construct the proposed circulation network within the SFPUC ROW, the project sponsor anticipates the following work would be required:

- Construction of new roadways, sidewalks or walkways, bike lanes, parking/loading areas, street curbs, and associated infrastructure, such as storm drains, undergrounding utilities, street light installations, and landscaping and irrigation;
- Trenching to install an irrigation system for landscaping along the sidewalk, adjacent to the new public street (includes removal of existing paving/asphalt or concrete to prepare the site for a new street);
- Removing landscaping, vegetation, and trees to accommodate the new street crossings.
- Backfilling with fill or gravel to prepare the site for a new public street and sidewalk;
- Maintaining, to the extent feasible, existing fencing that separates public streets/sidewalks and the SFPUC ROW (replacement fencing would be installed if needed);

Per the project sponsor, the new public streets (including Streets A and E) may accommodate new public utility connections (including the following: water, sewer, electric, gas, or telecommunication conduits). These utilities would serve new development along the new public streets and would be constructed as part of new development. Additionally, new street/sidewalk lighting and water irrigation systems may be located along the new public streets and new multi-use paths for safety and landscaping. New drainage facilities, in particular storm drain facilities, may be needed to collect water run-off from the new public streets. Drainage may also be needed for new pathways associated with the new multi-use paths. Installation of these facilities would require cut and fill, as well as grading. Per the project sponsor, Mountain View’s Public Works Department would maintain any new public streets, sidewalks, utilities, lighting, or other infrastructure placed within the boundaries of the new public streets, including the portions within the SFPUC property; and Mountain View’s Community Services Department would maintain any landscaping within the public street, as well as any landscaping associated with the multi-use paths.

The Project Review Committee notified the project sponsors that SFPUC staff must have access to the SFPUC ROW at all times. The project sponsor explained that the access points to the SFPUC ROW would be setback for SFPUC vehicles and equipment to turn and access the SFPUC ROW. The committee also explained that any access points must be a minimum of 12-feet wide so SFPUC vehicles can enter the fenced areas of the SFPUC ROW. In addition, any proposed fenced area must maintain SFPUC locks. The committee indicated that perpendicular crossings that comply with SFPUC policies and are consistent with SFPUC operational needs may be authorized after review and approval. However, no improvements (including, but not limited, to the following: streets, sidewalks, street light, storm water or other utilities) may be located parallel/within the SFPUC ROW.

The project is still in the planning phase and a refined street and multi-use trail plan will be developed. The zoning and general plan amendments will be drafted soon. This project does require a discretionary action by the City of Mountain View for the general plan amendment and rezoning; and for any revocable license issued by the SFPUC. Per the project sponsor, this project has not yet been analyzed pursuant to the California Environmental Quality Act (CEQA). However, the project sponsor explained that the CEQA document will be an Environmental Impact Report (EIR) prepared by the City of Mountain View. The project sponsor expects to issue the EIR Notice of Preparation (NOP) in the summer of 2017. The EIR is anticipated to be finalized in approximately one year and would be adopted by the City of Mountain View in late 2018.

**June 9, 2017 Project Review Committee Meeting Summary**  
 San Francisco Public Utilities Commission – Water Enterprise  
 Natural Resources and Lands Management Division

Follow-up:

*Real Estate Services*

- 1) The project sponsor will provide electronic copies of Mountain View deeds describing any land rights across SFPUC property to SFPUC-Real Estate Services (contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914).
- 2) SFPUC-RES staff will contact the Real Estate Director to determine if there is a preferred Mountain View zoning designation for the SFPUC ROW located within the Mountain View East Whisman Precise Plan area (for more information, contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914). **[UPDATE: Per SFPUC Real Estate Services, the preferred Mountain View zoning designation is “Public Facility” (PF).]**
- 3) The project sponsor will work with SFPUC-Real Estate Services to obtain a **consent letter** to authorize the proposed perpendicular street crossings across the SFPUC ROW; and a **revocable license** for the proposed perpendicular trail crossing across the SFPUC ROW (contact Dina Brasil, Principal Administrative Analyst, at [DBrasil@sfgwater.org](mailto:DBrasil@sfgwater.org) or (415) 934-3914).

*Bureau of Environmental Management*

- 4) If a **revocable license** is required (a discretionary action), then the project sponsor will provide a copy of the final, adopted CEQA environmental review document for the proposed project to SFPUC Bureau of Environmental Management and the Project Review coordinator (contact Lindsay Revelli, Environmental Planner, at [LRevelli@sfgwater.org](mailto:LRevelli@sfgwater.org) or (415) 554-1823; and copy Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 352-3215). The project sponsor will implement any avoidance and minimization measures (AMMs) and mitigation measures identified in the final, adopted CEQA environmental review document and project permits.

*Land Engineering Review*

- 5) The project sponsor will contact SFPUC-WSTD Land Engineering to obtain as-built drawings of SFPUC water transmission pipelines at the project site (contact Jonathan Chow, Principal Engineer, at [jchow@sfgwater.org](mailto:jchow@sfgwater.org) or (650) 871-2016).

*Natural Resources and Lands Management Division*

- 6) The ROW Manager and Land Engineering staff will conduct a site visit of the Mountain View East Whisman Precise Plan area to determine if there are any unauthorized encroachments. If unauthorized encroachments are found, the project sponsor will work with land owners to remove all unauthorized encroachments (including any trees) from the SFPUC ROW (for more information, contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204; copy Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031). If stump grinding is proposed for tree removal, then the project sponsor will include a stump grinding plan for review and approval.
- 7) No poles, posts, light fixtures or structures are allowed in the SFPUC ROW.
- 8) The SFPUC does not allow its fee-owned property to be encumbered by easements that benefit third parties and are unrelated to the SFPUC’s utility operations and activities.
- 9) The project sponsor will arrange for further Project Review when the street and trail proposal is at the 35% design milestone (contact Jonathan Mendoza, Land and Resources Planner, at [jmendoza@sfgwater.org](mailto:jmendoza@sfgwater.org) or (650) 652-3215).

3) Case No.	Project	Applicant/Project Manager
17.06-RW44.00	Golden Gate National Cemetery Road Repair and Signage Project - 1300 Sneath Lane, San Bruno	Steve Ramsden (West Coast Contractors of Nevada - Contractor for Cemetery)

The proposal is to repair/reconstruct roads and gutters; and to replace the existing storm drain system across the SFPUC rights-of-way (ROWS) at the Golden Gate National Cemetery. No sidewalks would be installed. The SFPUC

**June 9, 2017 Project Review Committee Meeting Summary**  
San Francisco Public Utilities Commission – Water Enterprise  
Natural Resources and Lands Management Division

has two ROWs at this location: a 60-foot wide ROW easement parcel which contains two water supply lines: San Andreas Pipelines (SAPLs) Nos. 2 and 3; and a 40-foot wide ROW easement parcel which contains two water supply lines: Sunset Supply Line and the Crystal Springs Pipeline (CSPL) No. 2. All four pipelines are mortar-lined.

The project sponsor explained that they are changing the intersection and/or gutter orientation at Plaza and 1<sup>st</sup> Drive within the cemetery. They also propose restoring the 4-foot wide strip with sod to match the existing sod. No trees would be planted within the SFPUC ROW. The project sponsor received potholing consent from SFPUC-WSTD Land Engineering section already (the potholing sites are shown within the consent letter). The project sponsor indicated that potholing may be phased; however, the committee recommended that the project sponsor receive one additional letter of consent for all remaining known potholing work; and one letter of consent for all of the proposed work to streamline the authorization process.

The project is expected to commence in summer 2017. This project does not require a discretionary action by the SFPUC.

Follow-up:

*Land Engineering Review*

- 1) The project sponsor will submit revised engineering plans to SFPUC-WSTD Land Engineering for review and approval. The revised plan formats must be a PDF file and the relevant 11-inch by 17-inch paper engineering plan pages showing SFPUC infrastructure. The revised plans must include the following: vicinity map, property boundaries of the SFPUC ROW, all SFPUC water transmission pipelines and appurtenances, pipeline depth (from potholing data), proposed updated improvements, and standard construction notes provided by SFPUC-WSTD Land Engineering (for more information, contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).
- 2) The project sponsor will work with SFPUC-WSTD Land Engineering to obtain a consent letter authorizing the proposed work on SFPUC property (contact Tracy Leung, Associate Engineer, at [tleung@sfgwater.org](mailto:tleung@sfgwater.org) or (650) 871-3031).

*Pre-Construction Notifications*

- 3) The project sponsor and/or its contractor will request an Underground Service Alert (USA) prior to commencing construction.
- 4) The project sponsor and/or its contractor will notify the ROW Manager at least one week prior to commencing construction work on SFPUC property and/or pipelines (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).
- 5) The project sponsor and/or its contractor will contact the SFPUC-WSTD Land Engineering Construction Inspector at least 48 hours prior to commencing construction work (contact Albert Hao, Construction Inspector, at [ahao@sfgwater.org](mailto:ahao@sfgwater.org) or (650) 871-3015).
- 6) The project sponsor and/or its contractor will notify SFPUC Millbrae Dispatch, at (650) 872-5900, when commencing construction on SFPUC property.

*Post-Construction Notifications*

- 7) The project sponsor and/or its contractors will ensure that all construction debris is removed from SFPUC property and disposed of properly and legally. In addition, the project sponsor will restore the project site to pre-construction conditions upon completing its work on SFPUC property and arrange for a post-construction/restoration site inspection by SFPUC staff (contact Jane Herman, ROW Manager, at [jherman@sfgwater.org](mailto:jherman@sfgwater.org) or (650) 652-3204).





September 15, 2017

Eric Anderson, AICP, Senior Planner  
City of Mountain View  
Community Development Department  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94041-7540  
E-Mail: [Eric.Anderson2@mountainview.gov](mailto:Eric.Anderson2@mountainview.gov)

Re: Comments on the Notice of Preparation for the East Whisman Precise Plan

Dear Mr. Anderson:

Thank you for the opportunity to comment on the Notice of Preparation for the proposed East Whisman Precise Plan (project or Precise Plan) in Mountain View. This letter includes all City of Sunnyvale comments.

**General Questions and Comments:**

1. The East Whisman Precise Plan area south of SR 237 immediately abuts a medium-density residential neighborhood within the City of Sunnyvale. We request that the City of Mountain View provide outreach to Sunnyvale residents, and that the notice area be expanded if the traffic impacts show potential significant impacts to the nearby Sunnyvale neighborhoods.
2. The East Whisman Precise Plan is in proximity of the City of Sunnyvale's recently adopted Peery Park Specific Plan Area. The Peery Park Plan Area is undergoing significant changes with several projects under construction, multiple development entitlements issued just within the past year, and additional pending development applications in the pipeline. Please contact the City of Sunnyvale to obtain a list of development projects and their status to be included in the East Whisman Precise Plan's cumulative impacts analysis.

**Public Services and Recreation**

1. Encinal Park is near the East Whisman Precise Plan area, and is heavily used by nearby residents and businesses. We are concerned that additional density proposed in the Precise Plan area may have significant impacts to existing City of Sunnyvale services and facilities, especially

related to Encinal Park. We request that the City of Mountain View take this into consideration when discussing public services and recreation.

**Traffic and Transportation Input for the Notice of Preparation:**

If you have questions on the following traffic related items, please contact Ralph Garcia, Senior Transportation Planner, Dept. of Public Works, [rgarcia@sunnyvale.ca.gov](mailto:rgarcia@sunnyvale.ca.gov) or (408) 730-7551.

1. The City of Sunnyvale uses criteria found within the VTA Transportation Impact Analysis (TIA) Guidelines as a basis for determining study intersections. Accordingly, municipal and CMP intersections with ten or more project trips per lane added to any intersection movement should be analyzed. The East Whisman Precise Plan would add up to 2.3 million net new square feet of office uses, 100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 multi-family residential units. In light of the project size and location, it is expected that project trips would travel to and from the east through intersections located within the City of Sunnyvale which is likely to trigger the need for intersections analysis. Intersections along Mary Avenue, Evelyn Avenue, North Mathilda Avenue, Maude Avenue, and Evelyn Avenue should be considered within the traffic analysis. Traffic conditions at the study intersections are typically conducted for the AM and PM peak hours under existing and future analysis scenarios. At a minimum the following intersections should be considered for analysis:
  - US 101/SR 237 and Mathilda Avenue interchange intersections
  - Mary Avenue and Evelyn Avenue
  - Mary Avenue and Central Expressway
  - Mary Avenue and Maude Avenue
  - Maude Avenue and SR 237 Ramps
  - Pastoria Avenue and Maude Avenue
  - Mathilda Avenue and Maude Avenue
2. Corridor analysis should be considered for Mathilda Avenue, Evelyn Avenue, Mary Avenue and Maude Avenue.
3. The project site is located near the City of Sunnyvale's western border. Relevant approved projects within Sunnyvale and other neighboring jurisdictions need to be included in the study estimates of the Background traffic volumes. This is consistent with the VTA TIA Guidelines. Please contact the City of Sunnyvale to get a list of approved projects to include in the study.
4. Truck routes and construction-related activity impacts on the City of Sunnyvale and regional corridors need to be investigated and mitigated if necessary.

5. Similarly, pending projects within Sunnyvale and other neighboring municipalities and/or the application of an annual growth rate need to be incorporated in the Cumulative traffic volume estimates in order to reflect the growth in both the local and regional traffic. Please contact the City of Sunnyvale to get a list of pending projects to include in the study.
6. Evaluation of the alternative modes of transportation should be included in this project's traffic analysis. The VTA CMP Guidelines indicate that traffic analysis must include transit facilities in terms of transit service availability, transit capacity relative to the increased demand, impact of increased traffic delays on the service, and the need for transit access improvements. According to the CMP Guidelines, the traffic analysis must also evaluate bicycle and pedestrian facilities in terms of their availability, project effects on future bike/pedestrian plans, and improvements proposed by the project. Maps and information on existing and planned bicycle facilities within Sunnyvale can be supplied upon request.
7. The proposed project is significant in size and is expected to affect the Sunnyvale roadway network. The City of Sunnyvale is requesting to review the draft TIA report. The project's traffic analysis and potential impacts could save time in the review and approval process of the EIR.

The City of Sunnyvale appreciates your consideration of the requested study scope elements described above. Please contact Kelly Cha, Associate Planner, at (408) 730-7408 or [kcha@sunnyvale.ca.gov](mailto:kcha@sunnyvale.ca.gov) if you have any questions or concerns about items discussed in this letter.

Sincerely,



Rosemarie Zulueta  
Acting Principal Planner, Community Development Department

cc: Trudi Ryan, Director, Community Development Department  
Manuel Pineda, Director, Department of Public Works  
Andrew Miner, Planning Officer  
Shahid Abbas, Transportation/Traffic Manager  
Ralph Garcia, Senior Transportation Engineer



September 15, 2017

City of Mountain View  
Community Development Department  
500 Castro Street  
Mountain View, CA 94039

Attention: Eric Anderson

Subject: East Whisman Precise Plan

Dear Mr. Anderson:

Santa Clara Valley Transportation Authority (VTA) staff have reviewed the NOP for a precise plan to allow up to 2.3 million square feet of net new office uses, 100,000 net new square feet of retail uses, 200 new hotel rooms, and 5,000 multi-family new multi-family residential uses for the East Whisman Precise Plan area. We have the following comments.

Project Location and Land Use/Transportation Integration

VTA supports the proposed land use intensification in the plan area, located adjacent to VTA's light rail (LRT) network. The plan area surrounds VTA's Middlefield LRT Station and is close to the NASA/Bayshore LRT Station.

VTA commends the City for proposing up to 5,000 multi-family residential units, 100,000 sq. ft. of new retail uses, and 200 hotel rooms, in addition to new office space in the plan area. The addition of these new uses will significantly support transit ridership and the high-density residential land use will complement the area's current office land uses. VTA recommends that the Precise Plan and Draft Environmental Impact Report (DEIR) study additional retail locations spread through the proposed plan area or study one or more reserve areas for future retail. VTA supports a mix of land uses that encourage a live-work-play activity center for Mountain View that offers additional opportunities for residents and employees to incrementally reduce vehicle trips, and greenhouse gas emissions. VTA recommends reviewing the proposed park near Middlefield LRT Station to determine if this is the best location for such a park in terms of transit ridership potential and other factors. VTA recommends integrating open space into the adjacent developments wherever possible.

VTA supports policies and plans that target growth around the established cores, transportation corridors, and station areas in the County, as described in VTA's *Community Design & Transportation* (CDT) Program and CDT Manual. The CDT Program was developed through an extensive community outreach strategy in partnership with VTA Member Agencies, and has been endorsed by all 15 Santa Clara County cities and the County.

#### Transportation Impact Analysis (TIA) Report

VTA's Congestion Management Program (CMP) requires a Transportation Impact Analysis (TIA) for any project that is expected to generate 100 or more net new peak-hour trips. Based on the information provided on the size of this project, a TIA may be required. The updated 2014 VTA *TIA Guidelines*, which can be found at <http://www.vta.org/cmp/tia-guidelines>, include updated procedures for documenting auto trip reductions, analyzing non-auto modes, and evaluating mitigation measures and improvements to address project impacts and effects on the transportation system. Within the Transportation and Circulation element of the NOP it states that "mitigation and/or avoidance measures will be identified for any significant traffic impacts" (p. 6); VTA recommends including transit, bicycle and pedestrian measures in range of potential mitigation measures. For any questions about the updated *TIA Guidelines*, please contact Robert Swierk of the VTA Planning and Program Development Division at 408-321-5949 or [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org).

VTA commends the City for planning to conduct a thorough analysis of Vehicle-Miles-Traveled (VMT) effects of the proposed Whisman Precise Plan Area, in anticipation of the transportation analysis guidelines that will soon be issued by the Governor's Office of Planning and Research to implement Senate Bill 743. VTA encourages the City to specifically identify measures in the DEIR to reduce VMT generated by future residents, employees and visitors.

#### Pedestrian and Bicycle Accommodations

VTA recommends that the DEIR/TIA include an analysis of Pedestrian and Bicycle accommodations, including access and connectivity within and near the plan area. Such analysis should consider the completeness and quality of the pedestrian and bicycle network on roadways and intersections adjacent to and nearby the project site. See sections 6.4 and 9.3 of the VTA *TIA Guidelines* for further details. Given the increased pedestrian and bicycle volumes associated with the plan, VTA recommends that the DEIR evaluate the safety of pedestrians and bicyclists traveling along or crossing VTA's Light Rail corridor right-of-way.

VTA also recommends that the plan provide exceptional pedestrian and bicycle accommodations, both internally and along arterial roadways to accommodate the volumes of trips expected to, from and within the plan area. VTA supports the City's overall draft concepts for bicycle and pedestrian networks presented in the Study Session Memo<sup>1</sup> dated June 13, 2017, which include a finer-grained pedestrian and bicycle network of bike lanes, wide sidewalks, and greenways within the plan boundaries. VTA commends the City for including bicycle and pedestrian access in the study under US 101, along Manila Drive, to the VTA NASA/Bayshore LRT Station even though it is outside of the designated plan area. VTA encourages the City to build on its past work in the NASA/Bayshore LRT Station Access Study, and VTA looks forward to building on previous coordination efforts with the City, as well as Google, on this topic.

---

<sup>1</sup> City Council Study Session Memo: East Whisman Precise Plan – Neighborhoods and Circulation: June 13, 2017

VTA notes that the City's draft concepts include separated sidewalks between pedestrians and automobiles with consistent street trees as a buffer. Resources on quality of service, such as the Highway Capacity Manual 2010 Pedestrian methodologies, indicate that such accommodations improve perceptions of comfort and safety on a roadway.

VTA recommends that the plan area provide abundant conveniently located bicycle parking. Bicycle parking facilities can include bicycle lockers or secure indoor parking for all-day storage and bicycle racks for short-term parking. VTA's Bicycle Technical Guidelines provide guidance for estimating supply, siting and design for bicycle parking facilities. This document may be downloaded from <http://www.vta.org/bikeprogram>.

#### Circulation Network and Potential Crossings of VTA Light Rail Corridor

VTA commends the City for proposing enhanced mobility options including new connections and access for pedestrians, bicycles and vehicles in the plan area. VTA supports the concept of transitioning the plan area from an auto-oriented office environment to a community-friendly place with safe and accessible connections for other modes. However, the June 13, 2017 Study Session Memo notes the possibility of introducing a new roadway connection (the "Maude Extension") as well as two new bicycle/pedestrian connections ("Greenways") that would cross VTA's light rail tracks. VTA and City staff met to discuss these potential crossings in Spring 2017 and VTA expressed concerns at the time; VTA also stated our concern about a potential crossing in this area in a letter dated April 25, 2016 in relation to a proposed development at 580-620 Clyde Avenue. VTA has experienced pedestrian/train incidents at at-grade crossings that have resulted in significant, and sometimes fatal, injuries. Safety is our top priority and for this reason VTA is opposed to the introduction of any new at-grade crossings of the VTA Light Rail corridor.

While VTA supports the City's efforts to improve connectivity, this objective must be balanced with the need to maintain and improve light rail safety, travel time and reliability. The section of VTA's Light Rail right-of-way north of E. Middlefield Road and south of US 101 is currently fully fenced and operates as a high-speed zone with trains reaching operating speeds of up to 45 mph. Allowing new at-grade crossings of the Light Rail corridor, even with trains being given full signal preemption through this corridor and with crossing gates and other warning devices (similar to what is already in place at Middlefield Road), could increase travel times and make transit a less attractive option for travelers in the corridor. Even with a well-designed at-grade crossing, there are many safety and reliability concerns that VTA would prefer to avoid.

VTA requests that the DEIR/TIA study grade separation alternatives over or under VTA's right-of-way between US 101 and E. Middlefield Road, including the possibility of consolidating crossings or limiting them to pedestrian/bicycle access only. VTA recommends that the City explore ways to leverage future development to fund one or more grade-separated crossings, through impact fees, community benefit contributions, or other options. VTA requests further

coordination with the City “through a more formal project review process” on these crossing concepts as noted on page 23 of the Study Session Memo.

#### California Public Utilities Commission (CPUC) Permits

Should this project include modifications to existing crossings or new at-grade crossings of light rail tracks, the project will require review by the CPUC of the project’s effects, specifically the filing of the GO 88-B application and others per CPUC General Order 88-B and 75-D (see attached Exhibit A). CPUC requires the concurrence of the rail operator (in this case, VTA) related to modifications to these crossings. For more information about the CPUC Crossing GO88-B application process, please contact Felix Ko, VTA’s CPUC Crossing representative at (415) 703-3722, or [felix.ko@cpuc.ca.gov](mailto:felix.ko@cpuc.ca.gov).

#### Potential Congestion Impacts on Transit Travel Times

The DEIR/TIA should include an analysis of potential impacts that increased motor vehicle traffic, pedestrian/bicycle activity and congestion associated with the Precise Plan build-out may have on transit travel times for light rail and buses. VTA emphasizes that the plan should serve to enhance, and not diminish, the speed and efficiency of nearby transit services. While VTA is supportive of increasing development densities along this corridor, increased congestion, pedestrian/bicycle crossings or new roadways (as noted above) could degrade the schedule reliability of transit and increase travel times, making transit a less attractive option for travelers in the corridor. If increased transit delay is found, appropriate off-setting measures should be identified. Once the transit delay analysis results are available, VTA requests that the City consult with VTA regarding alternatives to avoid these impacts, or appropriate offsetting measures.

#### Noise

VTA recommends that the DEIR identify any noise effects of VTA’s Light Rail operations within the plan area, and that the Precise Plan and DEIR identify design features and/or mitigation measures to shield new development from the pre-existing Light Rail related noise. The DEIR analysis should take into consideration noise created by VTA Light Rail vehicles, crossing bells, horns and whistles. The CPUC has specific requirements regarding the use of bells, horns and whistles. For additional details please coordinate with VTA.

#### CMP Facilities and Freeway Analysis

Based on the size and location of the project area, there may be impacts to one or more Congestion Management Program (CMP) facilities, including freeway segments and CMP intersections. If the transportation analysis in the DEIR indicates that there will be significant impacts according to CMP standards, VTA suggests early coordination with the appropriate agencies to identify potential mitigation measures and opportunities for voluntary contributions to regional transportation improvements in or near the impacted facility in the latest Valley Transportation Plan (e.g. SR 237 Express Lanes, and US 101 Express Lanes). Other potential

improvements may include grade-separated pedestrian/bicycle facilities across VTA's Light Rail corridor and other pedestrian and bicycle improvements to enhance connectivity within the plan area. The DEIR/TIA should also discuss how any incremental growth in East Whisman beyond the current General Plan growth envelope relate to the citywide Multimodal Improvement Plan (MIP) that the City is currently preparing to address CMP requirements.

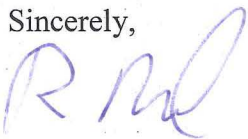
Transportation Demand Management/Trip Reduction

Given the size of the plan area and limited roadway access to and from the project area, the Precise Plan should include a robust Transportation Demand Management (TDM) Program to reduce auto trips, VMT and greenhouse gas emissions. Such measures will be critical in order to facilitate efficient transportation access to and from the site and reduce transportation impacts associated with the project. VTA recommends that the City consider the following TDM/Trip Reduction strategies:

- Project design to encourage walking, bicycling, and convenient transit access
- Parking cash out, parking pricing, and/or parking unbundling
- Adoption of an aggressive trip reduction target with a Lead Agency monitoring and enforcement program
- Transit fare incentives such as such as free or discounted transit passes on a continuing basis
- Public-private partnerships or employer contributions to provide improved transit or shuttle service in the project area
- Bicycle lockers and bicycle racks
- Showers and clothes lockers for bicycle commuters
- Parking for car-sharing vehicles

Thank you for the opportunity to review this project. If you have any questions, please call me at (408) 321-5784.

Sincerely,



Roy Molseed  
Senior Environmental Planner

cc: Patricia Maurice, Brian Ashurst, Caltrans  
Randy Tsuda, Mike Fuller, City of Mountain View  
Chris Augenstein, Jim Unites, VTA MV1710



**GENERAL ORDER NO. 88-B**  
**(Supersedes General Order No. 88-A)**

# **PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**RULES FOR ALTERING PUBLIC HIGHWAY-RAIL CROSSINGS**  
**ADOPTED January 8, 2004. EFFECTIVE February 16, 2004.**

**Original GO 88 Adopted February 23, 1932, Effective March 15, 1932**  
**(Case No. 3145, Decision No. 24505)**

**GO 88-A Replaced GO 88, Effective February 14, 1973 (Resolution No. ET-1180)**  
**GO 88-A Modified February 2, 1983 (Resolution No. ET-1313)**  
**GO 88-A Modified January 20, 2000 (Resolution SX-27)**  
**GO 88-A Modified April 6, 2000 (Resolution SX-31)**

## **1. PURPOSE**

The purpose of these regulations is to establish criteria for alteration of existing public highway-rail crossings.

## **2. SCOPE**

The following highway-rail crossing alteration projects shall be governed by these rules:

- 2.1 Grade crossing widening within the existing street right-of-way.
- 2.2 Approach grade changes.
- 2.3 Track elevation changes.
- 2.4 Roadway realignment that is functionality related to the existing crossing and can be achieved within the existing or a contiguous right-of-way.
- 2.5 Addition of one track within the existing railroad right-of-way.
- 2.6 Change in the type or addition of an automatic signaling device, crossing gate, crossing flagman or other forms of crossing protection or reduction of hours during which any such protection is maintained, or other minor alterations.
- 2.7 Alterations or reconstruction of an existing grade-separated crossing, where exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resources (PR) Code Section 21080.13.
- 2.8 Construction of a grade-separation that eliminates an existing at-grade highway-rail crossing, where exempt from CEQA pursuant to PR Code Section 21080.13

## **3. CRITERIA**

- 3.1 The public agencies having jurisdiction over the roadway involved and the railroad corporation shall be in agreement as to the public necessity for altering the existing highway-rail crossing.
- 3.2 The proposed alteration(s) shall comply with all applicable Commission General Orders.

## **4. NOTICE AND AUTHORIZATION**

Notice of the proposed alteration and a request for authority shall be served on the Commission staff at least 45 days before the date the alteration is planned to start. The

staff shall review the request covering the alteration and within 45 days from the date of receipt indicate to the party desiring the change its position.

## **5. FORMS AND CONTENTS OF REQUEST**

Requests shall be made by letter and include the following information:

- 5.1 The Commission's assigned crossing number and the U. S. Department of Transportation number for the crossing proposed to be altered.
- 5.2 A statement describing the proposed alteration(s).
- 5.3 A statement showing the public benefit to be achieved by the proposed alteration(s).
- 5.4 A statement showing why a separation of grades is not practicable under the circumstances.
- 5.5 A statement indicating the existing and proposed railroad warning devices at the crossing.
- 5.6 A map of the immediate vicinity of the crossing proposed to be altered on a scale of 50 to 200 feet per inch showing the location of streets and roads, property lines, tracks, buildings, other obstructions to the view of the crossing, and the present width of the approaches and the roadway at the crossing.
- 5.7 A profile showing the present and proposed grade lines of both the railroad and the highway.
- 5.8 Evidence of agreement between the parties relative to the proposed alteration(s).
- 5.9 A general statement indicating the temporary traffic controls and type(s) of warning devices to be provided, if any, during the period of construction of the proposed alteration. The temporary traffic controls shall be in compliance with Section 8A.05, Temporary Traffic Control Zones, of the Manual on Uniform Traffic Control Devices, U.S. Department of Transportation, as amended.
- 5.10 Where the alteration of the crossing is of a minor nature, such as a change in elevation of eight inches or less, or a total widening of six feet or less and no additional warning devices or changes in existing warning devices are proposed, Items 5.3, 5.4, 5.5, 5.6 and 5.7 may be omitted from the request.
- 5.11 Where the alteration, reconstruction, or construction is related to a grade-separated highway-rail crossing, Items 5.4 and 5.5 may be omitted. However, the plans submitted must also show the vertical and horizontal clearances of bridge structures over tracks where applicable.
- 5.12 For projects involving the alteration or reconstruction of an existing grade-separated crossing or the construction of a grade-separation that eliminates an existing at-grade crossing, the party desiring the change must provide either (a) a copy of a Notice of Exemption from CEQA requirements filed with the appropriate governmental agency, or (b) other factual evidence that the crossing is exempt pursuant to PR § 21080.13.

## **6. APPLICATION REQUIRED WHERE THE PARTIES ARE NOT IN AGREEMENT**

Where the parties, including the Commission staff, are not in agreement as to the necessity for or extent of the alteration or apportionment of cost of a proposed change in an existing highway-rail crossing, or the proposed alteration is beyond the scope of this General Order, the party desiring the change shall apply to the Commission for authority to make the alteration. The application shall comply with the Commission's Rules of Practice and Procedure (California Code of Regulations, Title 20).

**7. RESPONSIBILITY FOR CONSTRUCTION**

For projects altering existing at-grade highway-rail crossings, all work between the rails of a railroad and within two feet outside of the rails shall be performed under the supervision of the railroad. The railroad shall be responsible for the physical construction of additional warning devices or any changes in the existing warning devices at the crossing. This section shall not be construed as an apportionment of the cost of such work.

**8. APPLICATION MUST BE MADE FOR NEW CROSSING**

Nothing contained herein shall be construed as authorizing the construction of a new crossing of a railroad across a public street or highway at-grade, the construction of a public street or highway at-grade across the tracks of a railroad corporation, the construction of a new grade-separated crossing of a railroad across a public street or highway that does not eliminate an existing at-grade crossing, or the construction of a new grade-separated crossing of a public street or highway across the tracks of a railroad corporation that does not eliminate an existing at-grade crossing.

Dated January 8, 2004, at San Francisco, California.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

By WILLIAM AHERN  
*Executive Director*

**GENERAL ORDER NO. 75-D**  
**(Supersedes G.O. No. 75-C)**

## **PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

### **REGULATIONS GOVERNING STANDARDS FOR WARNING DEVICES FOR AT-GRADE HIGHWAY- RAIL CROSSINGS IN THE STATE OF CALIFORNIA**

**Adopted August 24, 2006. Effective September 23, 2006.**  
**(Resolution No. SX-73)**

**IT IS HEREBY ORDERED** by the Public Utilities Commission of the State of California, that the following regulations governing the standards for warning devices for at-grade highway-rail crossings for motor vehicles, pedestrians, and/or bicycles, hereinafter referred to as at-grade crossings, be observed in this State unless otherwise authorized or directed by the Commission. These rules, issued in accordance with Sections 768, 778, 1202, 7537, 7538, and 99152 of California Public Utilities Code, apply to the extent they are not inconsistent with federal laws or regulations.

#### **1. PURPOSE OF RULES**

The purpose of these rules is to reduce hazards associated with at-grade crossings by establishing uniform standards for warning devices for at-grade crossings in the State of California, the application of which may afford safety for all persons traversing at-grade crossings.

#### **2. POLICY ON REDUCING NUMBER OF AT-GRADE CROSSINGS**

As part of its mission to reduce hazards associated with at-grade crossings, and in support of the national goal of the Federal Railroad Administration (FRA), the Commission's policy is to reduce the number of at-grade crossings on freight or passenger railroad mainlines in California.

#### **3. SCOPE OF RULES**

These rules are not intended as complete design or construction specifications. Design or construction specifications shall be in accord with accepted industry standards for the given existing local conditions unless otherwise specified in these rules. Unless otherwise provided, this order shall not be retroactive with respect to at-grade crossings lawfully existing on its effective date, except that the Commission may require alterations or improvements at any such at-grade crossings.

#### **4. CA MUTCD**

All warning devices shall be in substantial conformance with the applicable Standards, Guidance and Options set forth in the *Manual on Uniform Traffic Control Devices* (MUTCD) in the form adopted by the California Department of Transportation (Caltrans), which prescribes uniform standards and specifications for all official traffic control devices in

California (see California Vehicle Code Section 21400 et seq.), and is referenced in this General Order as CA MUTCD.

## **5. IDENTIFICATION OF PUBLIC AT-GRADE CROSSINGS**

5.1 Each public at-grade crossing, or publicly used private at-grade crossing (as determined by the Commission or a court of competent jurisdiction), except those listed in Section 5.2, shall have the following information posted conspicuously and legibly at the crossing by the entity responsible for its maintenance:

- a) The Commission and/or U.S. Department of Transportation assigned number that uniquely identifies the at-grade crossing; and
- b) Emergency notification telephone number.

5.2 *Exceptions to posting requirements.* Compliance with Section 5.1 is not required at at-grade crossings of light rail transit systems not equipped with Standard automatic warning devices as defined in Section 6.

## **6. STANDARD WARNING DEVICES**

6.1 *Standard 1-R.* A Crossbuck sign (defined as R15-1 in the CA MUTCD) installed on a retroreflectorized wood or metal post. See Figure 1 for additional specifications.

6.2 *Standard 8.* An automatic flashing light signal assembly which, by alternately flashing red lights facing each approach, provides a warning of an approaching train. A Crossbuck sign shall be installed on the mast. See Figure 2 for additional specifications.

6.3 *Standard 8-A.* A Standard 8 with additional flashing light signals over the roadway on a cantilever arm. See Figure 3 for additional specifications.

6.4 *Standard 9.* An automatic gate arm used in combination with a Standard 8. The gate mechanism may be mounted on the Standard 8 mast or separately on an adjacent pedestal. The automatic gate shall be designed to fail in the down position. A Crossbuck sign shall be installed on the mast. See Figure 4 for additional specifications.

6.5 *Standard 9-A.* A Standard 9 with additional flashing light signals over the roadway on a cantilever arm. See Figure 5 for additional specifications.

6.6 *Standard 9-E.* A Standard 9 installed on the departure side of the at-grade crossing (also known as an exit gate) in addition to the typical approach side of the at-grade crossing (also known as an entrance gate).

- a) Exit gates shall be designed to fail in the up position.
- b) Entrance gates shall begin their descent before exit gates and shall be horizontal before the exit gates are horizontal. See CA MUTCD for additional specifications.
- c) A vehicle presence detection system shall be installed whenever exit gates are used. The system shall be designed such that if a vehicle is detected between the entrance and exit gates, the exit gate shall remain upright until the vehicle clears the exit gate.

## **7. PRIVATE AT-GRADE CROSSINGS**

- 7.1 Pursuant to Public Utilities Code Section 7537, the Commission has the authority to determine the necessity for any private at-grade crossing and the place, manner, and conditions under which the at-grade crossing shall be constructed and maintained, and to fix and assess the cost and expense thereof. The Commission exercises such jurisdiction when it is either petitioned by one of the parties or Commission staff.
- 7.2 The establishment of a private at-grade crossing, other than a private at-grade crossing of the railroad tracks by the owning railroad, must be authorized through a written agreement between the railroad and the party requiring the crossing.
- 7.3 *Standard 1-X.* "PRIVATE CROSSING" sign shall be installed at all private at-grade crossings. See Figure 6 for additional specifications.
- 7.4 At all approaches to private at-grade crossings there shall be installed either a STOP sign (defined as a Standard R1-1 in the CA MUTCD) or an automatic warning device described in Sections 6.2 through 6.6.
- a) If a STOP sign is used, the Standard 1-X sign shall be mounted on the post below it.
- b) If a Standard 8, 8-A, 9, 9-A, or 9-E device is used, the Standard 1-X sign shall be attached to the mast of the warning device below the flashing light signals.
- 7.5 The language contained in the lower portion of the "PRIVATE CROSSING" sign shown in Figure 6, commencing with and including the words "No Trespassing", shall be permitted at the option of the railroad.

## **8. PEDESTRIAN AT-GRADE CROSSING WARNING SIGN**

- 8.1 *Standard 1-D.* "PEDESTRIANS AND BICYCLES ONLY" sign shall be posted at at-grade crossings exclusively used by pedestrians and/or bicyclists. See Figure 7 for additional specifications.
- 8.2 If a Standard 1-R sign is used, the Standard 1-D sign shall be mounted on the post below the Crossbuck sign. If a Number of Tracks sign (defined as R15-2 in the CA MUTCD) is used in combination with the Standard 1-R, the Standard 1-D sign shall be placed below the R15-2 sign.
- 8.3 If a Standard 8, 8-A, 9, 9-A, or 9-E device is used, the Standard 1-D sign shall be attached to the mast of the warning device below the flashing light signals.

## **9. AUTOMATIC WARNING DEVICES - GENERAL REQUIREMENTS**

- 9.1 *Warning Devices to Conform to Commission Standards.* All automatic warning devices hereinafter installed shall, unless otherwise authorized by the Commission, conform substantially to the specifications shown in Figures 2 through 5. This rule is not to be construed as prohibiting automatic warning devices of a different type installed in accordance with previous orders of this Commission (former Commission Standards 3 through 7, and 10) nor shall it be construed as prohibiting the replacement in kind or the relocation of such devices at a particular at-grade crossing.

9.2 *Warning Device Activation Time.*

- a) As required by 49 CFR Part 234.225, under normal operation of through trains, automatic crossing warning device activation times in no event shall be less than 20 seconds before the at-grade crossing is occupied by rail traffic.
- b) Automatic warning devices described in Section 6 shall remain active until the rear of the train clears the at-grade crossing. When the train clears the at-grade crossing, and if no other train is detected, the gate arms (if provided) shall ascend to their upright positions.

9.3 *Color of Masts.* Masts, assemblies, and cantilevered structures of flashing light signals shall be silver or gray, except those parts functioning as a background for the light signal indications (see Section 9.4).

9.4 *Flashing Light Signals.* Lenses and roundels shall be 12 inches in diameter and shall be properly hooded. Light emitting diode (LED) arrays shall be used for all flashing light signals. Hoods and backgrounds shall be painted non-reflecting black. Backgrounds shall be 24 inches in diameter. See American Railway Engineering and Maintenance of Way Association's *Communications and Signals Manual of Recommended Practices* for reference.

9.5 *Audible Warning Devices.* Bells or other audible warning devices shall be included in all automatic warning device assemblies (except as provided in Section 10) and shall be operated in conjunction with the flashing light signals. See American Railway Engineering and Maintenance of Way Association's *Communications and Signals Manual of Recommended Practices* for reference.

9.6 *Gate Arms.* When the gates are fully lowered, the gap between the ends of two complementary gates must be less than two feet. If there is a median, centerline striping, or other form of channelization installed, the gap between the gate end and the channelization device must be within one foot.

9.7 *Traffic Signal Interconnection.* At an at-grade crossing with automatic warning devices where a diagnostic team determines that preemption is necessary, for example where vehicular traffic queues from traffic signal-controlled intersections exceed the Clear Storage Distance (as defined in the CA MUTCD), the traffic signals shall be interconnected with the automatic warning devices.

**10. WARNING DEVICES ON MEDIANS**

Warning devices may be installed on raised island medians. At at-grade crossings where warning devices are installed on the right-hand side of traffic flow, backlights or audible warning devices are not required on median-mounted warning devices.

## **11. MODIFICATIONS**

The removal, reduction, addition, or change in type of warning devices at each public at-grade crossing, or publicly used private at-grade crossing (as determined by the Commission or a court of competent jurisdiction), shall not be permitted unless authorized by the Commission. This includes any changes that may affect interconnections with adjacent traffic signals, or any other modification that may impact the safety of the at-grade crossing. See General Order 88, as amended, titled *Rules for Altering Public Highway-Rail At-Grade Crossings*.

## **12. FORM G**

12.1 Commission Standard Form G, titled *Report of Changes at Highway Grade At-Grade Crossings and Separations* shall be used when notifying the Commission of changes to crossings, including completion of construction of new crossings, alteration of existing crossings, elimination of crossings, or any other changes.

12.2 Upon completion of any approved changes, notice of such change shall be submitted to the Commission within 30 days following the end of the month in which the change is effective.

12.3 All warning devices shall be removed within 90 days after the railroad exercises abandonment authority or permanently discontinues service over the line. The entity responsible for the maintenance of warning devices shall be responsible for the removal of warning devices. See CA MUTCD for additional rules.

## **13. EXEMPTIONS**

13.1 If, in a particular case, an exemption from any of the requirements herein is desired, the Commission will consider the exemption when accompanied by a full statement of the existing conditions and a justification for the exemption. Any exemption so granted shall be limited to the particular case.

13.2 Nothing herein shall be construed as limiting the trial installation of experimental warning devices, provided the Commission has approved such plan in advance of the time the device is installed.

13.3 The Commission reserves the right to modify any of the provisions of these rules in specific cases, when, in the Commission's opinion, public interest would be served by so doing.

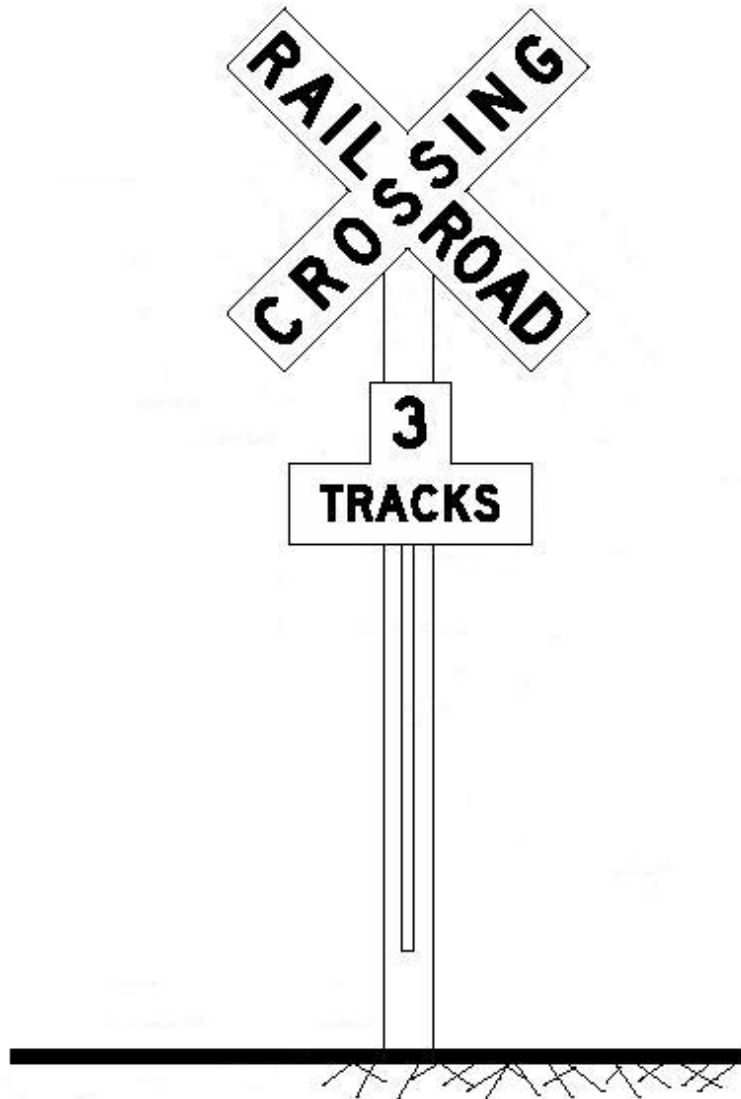
This order shall be effective on and after the 23rd day of September 2006. Approved and dated at San Francisco, California, this 24th day of August 2006.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF CALIFORNIA

By STEVE LARSON  
*Executive Director*



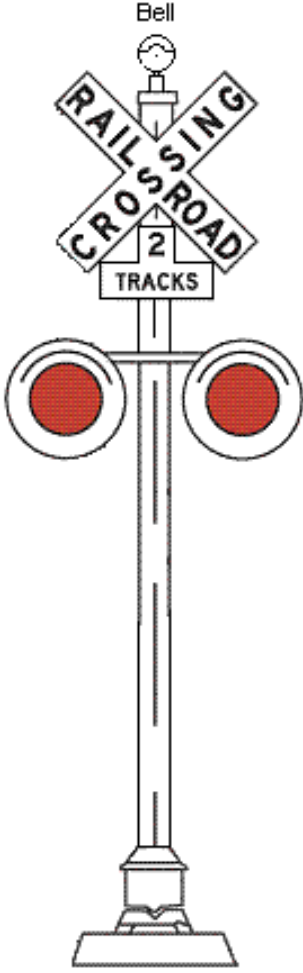
**Figure 1**  
**STANDARD 1-R**



**Crossbuck Sign on a Post**

Crossbuck sign installed on a retroreflectorized wood or metal post  
(See CA MUTCD for additional specifications.)

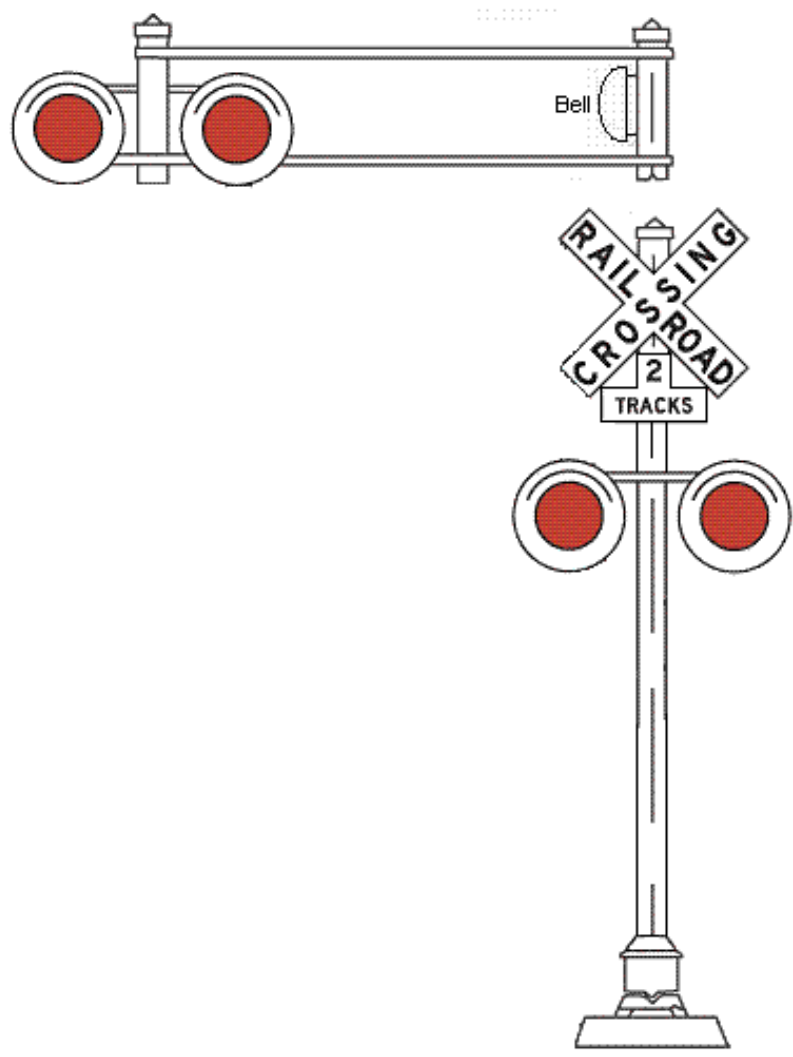
**Figure 2**  
**STANDARD 8**



**Flashing Light Signal Assembly**

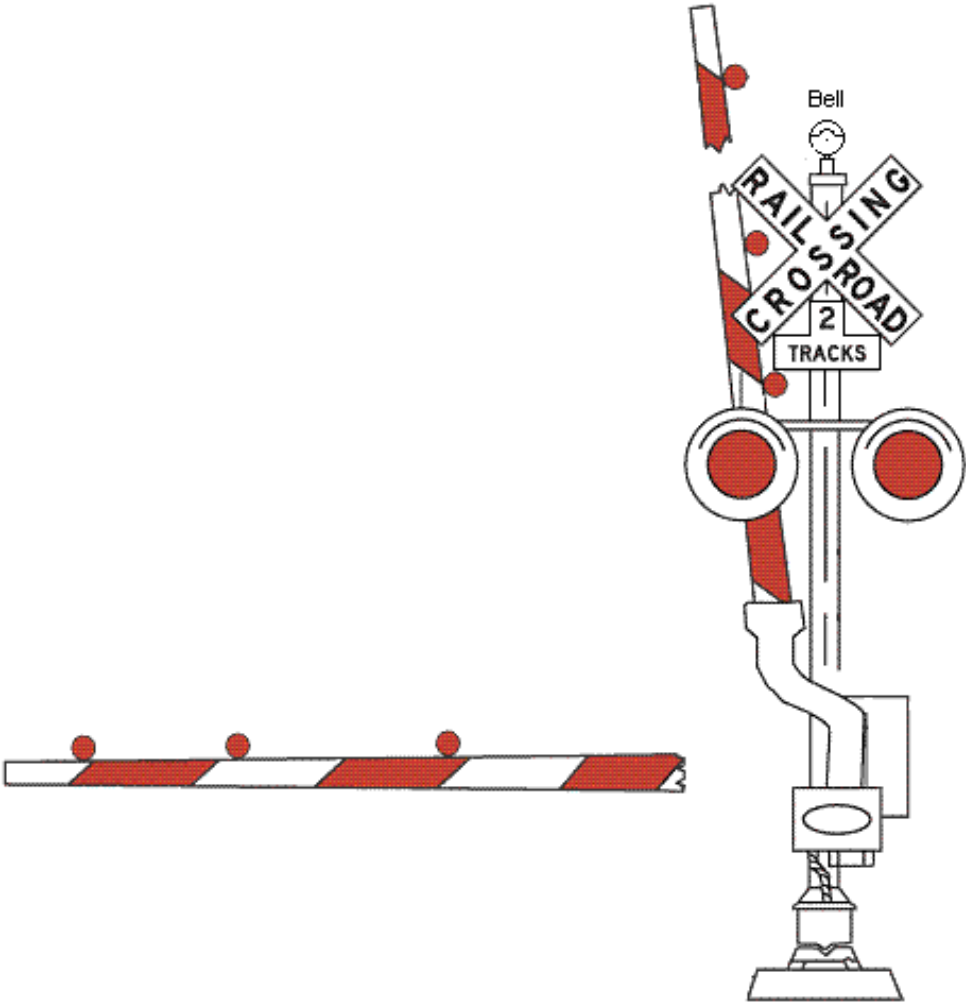
Mast mounted flashing light signals  
(See CA MUTCD for additional specifications.)

**Figure 3  
STANDARD 8-A**



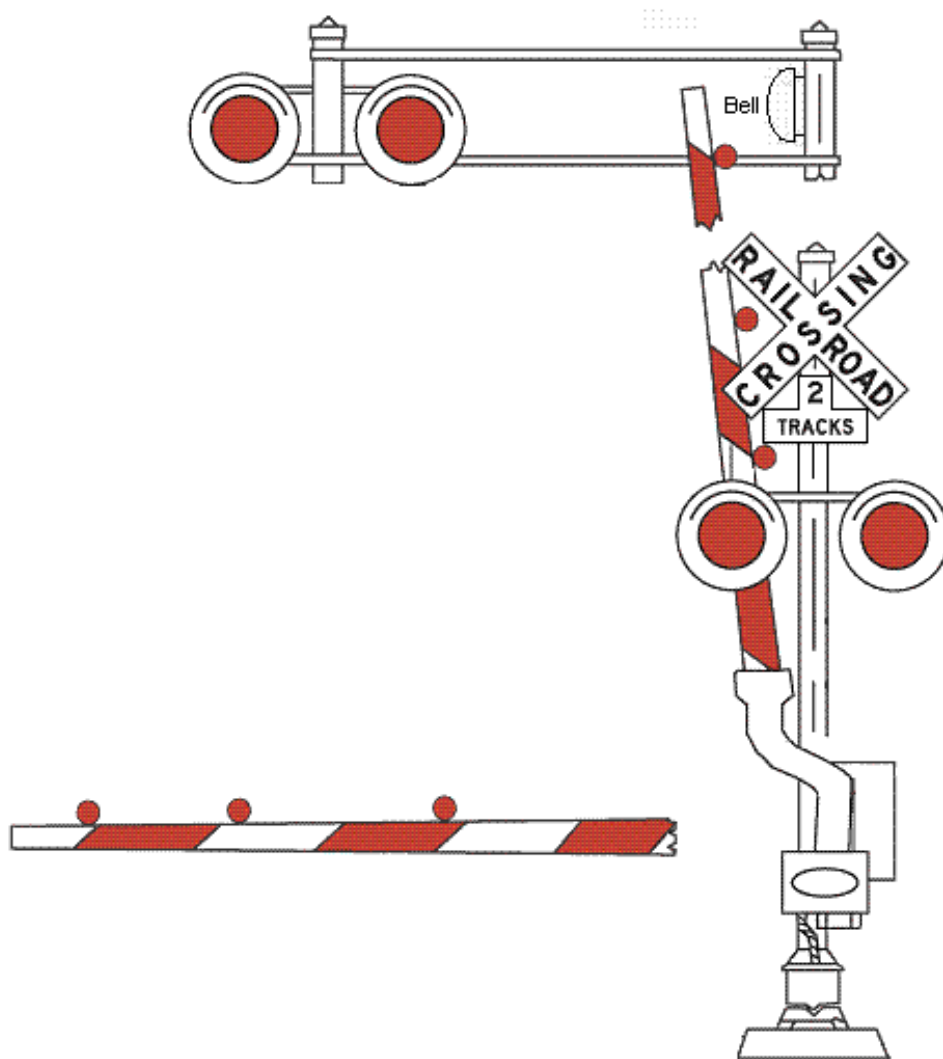
**Flashing Light Signal Assembly with  
Additional Flashing Light Signals over the Roadway on a Cantilevered Arm**

**Figure 4  
STANDARD 9**



**Flashing Light Signal Assembly with Automatic Gate Arm**

**Figure 5  
STANDARD 9-A**



**Flashing Light Signal Assembly with Automatic Gate Arm and Additional Flashing Light Signals over the Roadway on a Cantilevered Arm**

**Figure 6**  
**STANDARD 1-X**



**PRIVATE CROSSING SIGN**

The PRIVATE CROSSING sign shall be retroreflectorized white with the words and graphics shown in the figure above in black lettering.

**Figure 7**  
**STANDARD 1-D**



**PEDESTRIAN CROSSING SIGN**

The PEDESTRIAN CROSSING sign shall be retroreflectorized white with the words and graphics shown in the figure above in black lettering.

## VTA Development Review Program Contact List

*Last Updated: 8/17/2017*

Please route development referrals to:

### **Environmental (CEQA) Documents, Site Plans, other miscellaneous referrals**

Roy Molseed – [Roy.Molseed@vta.org](mailto:Roy.Molseed@vta.org) – 408.321.5784

### **Transportation Impact Analysis (TIA) Reports and Notification Forms:**

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

Eugene Maeda – [Eugene.Maeda@vta.org](mailto:Eugene.Maeda@vta.org) – 408.952.4298

Electronic/email referrals are preferred, but please mail any hardcopy documents to:

[Name of recipient(s) as detailed above, depending on type of document]

Planning & Program Development Division

3331 North First Street, Building B-2

San Jose, CA 95134-1906

---

Contacts for specific questions related to VTA comments on a referral are below by topic area:

### **Transportation Impact Analysis (TIA) Guidelines (General Questions)**

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

### **Auto LOS Methodology**

#### **VTA Highway Projects & Freeway Ramp Metering**

Shanthi Chatradhi – [Shanthi.Chatradhi@vta.org](mailto:Shanthi.Chatradhi@vta.org) – 408.952.4224

### **VTA Transit Service, Ridership & Bus Stops**

Chad Steck – [Chad.Steck@vta.org](mailto:Chad.Steck@vta.org) - 408.321.5898

Paul Nguyen - [Paul.Nguyen@vta.org](mailto:Paul.Nguyen@vta.org) - 408.321.5973

### **TDM Programs**

#### **Congestion Management Program (CMP)**

#### **VTA Eco Pass Program Questions Before Project Approval** (e.g. when writing Conditions of Approval)

Robert Swierk – [Robert.Swierk@vta.org](mailto:Robert.Swierk@vta.org) – 408.321.5949

#### **VTA Eco Pass Program Questions After Project Approval** (e.g. Program Implementation)

Dino Guevarra – [Dino.Guevarra@vta.org](mailto:Dino.Guevarra@vta.org) – 408.321.5572

### **BART Silicon Valley Extension**

Kevin Kurimoto – [Kevin.Kurimoto@vta.org](mailto:Kevin.Kurimoto@vta.org) – 408.942.6126

### **VTA Bicycle & Pedestrian Projects**

Lauren Ledbetter – [Lauren.Ledbetter@vta.org](mailto:Lauren.Ledbetter@vta.org) – 408.321.5716



**VTA Real Estate**

Kathy Bradley – [Kathy.Bradley2@vta.org](mailto:Kathy.Bradley2@vta.org) – 408.321.5815

Jessie O'Malley Solis – [Jessie.Thielen@vta.org](mailto:Jessie.Thielen@vta.org) – 408.321.5950

**VTA System Safety**

Denise Patrick – [Denise.Patrick@vta.org](mailto:Denise.Patrick@vta.org) – 408.321.5714

Michael Brill – [MichaelBrill@vta.org](mailto:MichaelBrill@vta.org) – 408.321.5729

**VTA Permits** (Construction Access Permit, Restricted Access Permit)

Victoria King-Dethlefs – [Victoria.King-Dethlefs@vta.org](mailto:Victoria.King-Dethlefs@vta.org) – 408.321.5824

Cheryl D. Gonzales – [Cheryl.gonzales@vta.org](mailto:Cheryl.gonzales@vta.org) – 408.546.7608

**Other Topics and General Questions about VTA Comments**

Roy Molseed – [Roy.Molseed@vta.org](mailto:Roy.Molseed@vta.org) – 408.321.5784