

Final Subsequent Environmental Impact Report

North Bayshore Master Plan

SCH No.: 2022020712



Prepared by

City of
Mountain View



In Consultation with
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April 2023

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SECTION 1.0 INTRODUCTION

This document, together with the December 2022 Draft Subsequent Environmental Impact Report (Draft SEIR) (SCH# 2022020712), constitutes the Final Subsequent Environmental Impact Report (Final SEIR) for the North Bayshore Master Plan project.

1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final SEIR provides objective information regarding the environmental consequences of the proposed project. The Final SEIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final SEIR is intended to be used by the City and any responsible agencies in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final SEIR has been completed in compliance with CEQA;
- (2) The Final SEIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- (3) The Final SEIR reflects the lead agency's independent judgment and analysis.

1.2 CONTENTS OF THE FINAL SEIR

CEQA Guidelines Section 15132 specify that the Final SEIR shall consist of:

- (a) The Draft SEIR or a revision of the Draft;
- (b) Comments and recommendations received on the Draft SEIR either verbatim or in summary;
- (c) A list of persons, organizations, and public agencies commenting on the Draft SEIR;
- (d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- (e) Any other information added by the Lead Agency.

1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the SEIR. The Final SEIR and all documents referenced in the Final SEIR are available for public review at the Community Development Department, City Hall offices at 500 Castro Street, 1st Floor, on weekdays during normal business hours and the Mountain View Public Library at 585 Franklin Street during normal business hours. The Final SEIR is also available for review online at the City's website www.mountainview.gov/CEQA and on the State Clearinghouse website www.ceqanet.opr.ca.gov.

SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft SEIR for the North Bayshore Master Plan project, dated December 2022, was circulated to affected public agencies and interested parties for a 45-day review period from December 21, 2022 through February 6, 2023. The City undertook the following actions to inform the public of the availability of the Draft SEIR:

- A Notice of Availability (NOA) of the Draft SEIR was published at www.mountainview.gov/CEQA and in the Daily Post newspaper on December 21, 2022;
- Notification of the availability of the Draft SEIR was mailed to property owners and tenants within a 750 foot radius of the project boundary and other members of the public who had indicated interest in the project;
- Email notification of the availability of the Draft SEIR was sent on December 21, 2022, to all subscribed recipients on the City's project website at <https://www.mountainview.gov/depts/comdev/planning/activeprojects/google/googlenorthbayshore.asp>.
- Notification of the availability of the Draft SEIR was sent on December 21, 2022 to all subscribed recipients on the City Hall Connection e-newsletter.
- The Draft SEIR was delivered to the State Clearinghouse and posted on December 21, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft SEIR were made available on the City's website at www.mountainview.gov/CEQA.

SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft SEIR was sent to owners and occupants within 750 foot of the project site and to adjacent jurisdictions. The following agencies and organizations received a copy of the NOA or Draft SEIR from the City or via the State Clearinghouse:

- Bay Area Air Quality Management District
- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife
- California Department of Forestry and Fire Protection
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Resources Recycling and Recovery
- California Department of Toxic Substances Control
- California Department of Transportation, District 4
- California Department of Transportation, Division of Aeronautics
- California Department of Transportation, Division of Transportation Planning
- California Department of Water Resources
- California Energy Commission
- California Governor's Office of Emergency Services
- California Highway Patrol
- California Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California Regional Water Quality Control Board, San Francisco Bay Region
- California State Lands Commission
- California State Parks Office of Historic Preservation
- City of Palo Alto
- City of Sunnyvale
- Mountain View Whisman School District
- Mountain View-Los Altos Union High School District
- NASA Ames Research Center
- PG&E
- San Francisco Bay Conservation and Development Commission
- San Francisco Public Utilities Commission
- San Francisco Regional Water Quality Control Board
- Santa Clara County Department of Environmental Health
- Santa Clara County Roads and Airports
- Santa Clara Valley Water District

- Sierra Club, Loma Prieta Chapter
- State Water Resources Control Board, Division of Drinking Water
- State Water Resources Control Board, Division of Financial Assistance
- State Water Resources Control Board, Division of Water Quality
- State Water Resources Control Board, Division of Water Rights
- United States Environmental Protection Agency
- Valley Transportation Authority

SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments on environmental issues received by the City of Mountain View on the Draft SEIR. Responses are not provided in this Final SEIR to comments pertaining to the merits of the project.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of Mountain View are included in their entirety in Appendix A of this document. All comments received on the Draft SEIR are listed below and will be considered by the City Council prior to making a decision on the project.

A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the Draft SEIR for public review, but before certification. Information can include changes in the project or environmental setting as well as additional data. However, new information added to an EIR is not “significant” unless the EIR is changed in a way that deprives the public of a meaningful opportunity to comment upon a substantial adverse environmental effect of the project or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement.

None of the comments raised on the Draft SEIR represent new significant information that would warrant recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5(a).

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MASTER RESPONSES

Several comments received during the public circulation of the Draft SEIR raised similar concerns and questions; therefore, a master response has been prepared to respond to those common concerns/questions. The master response addresses the following topics:

- Master Response 1: School Impacts

The purpose of the master response is to provide comprehensive answers in one location and to avoid redundancy throughout the individual responses. Cross references to topic responses are made, when appropriate, in individual responses.

Master Response 1: School Impacts

School impacts are discussed in Section 4.12 Public Services on pages 317 through 328 of the Draft SEIR. Responses to comments regarding the existing conditions, proposed project, project impacts, school impact fees, indirect impacts on schools, and the Shoreline Community Redevelopment Area Tax Increment are provided below. None of the comments raised represent new significant information that would warrant recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5(a).

Existing Conditions

Per CEQA Guidelines Section 15125, the Draft SEIR discusses existing school conditions, including location of local schools and their current enrollment and capacity, on pages 320 through 321 and in Table 4.12-1. The text of the Draft SEIR has been revised to clarify the distance of the local schools in relation to the projects site and a figure has been added to illustrate the location of the local schools to the project site (refer to Section 5.0 Draft EIR Text Revisions).

Proposed Project

The project proposed is a master plan development that would implement a large portion of the already approved and adopted North Bayshore Precise Plan (Precise Plan). The Precise Plan allows for up to 10.4 million square feet of office and R&D development uses, 198,538 square feet of retail/restaurant uses, 26,138 square feet of service uses, and 9,854 residential units in North Bayshore. The City prepared and certified a Final Environmental Impact Report (2017 EIR) that evaluated the addition of the 9,854 residential units to North Bayshore in 2017.¹ This certified 2017 Final EIR was reviewed by the public and agencies, including the Mountain View Los Altos High School District (MVLASD) and Mountain View Whisman School District (MVWSD). Background information on the approved Precise Plan and its associated environmental review is provided in Section 2.1 Background Information on page 5 of the Draft SEIR. The proposed North Bayshore Master Plan development would implement the already approved North Bayshore Precise Plan and includes the development of a large proportion of the already approved residential capacity allowed by the Precise Plan. A detailed description of the proposed master plan is provided in Section 2.3 Project Description on pages 12

¹ City of Mountain View. *North Bayshore Precise Plan Draft Subsequent Environmental Impact Report*. State Clearinghouse #2013082088. March 2017.

through 37 of the Draft SEIR. No site within the proposed Master Plan area is explicitly dedicated for a school.

Project Impacts

The project’s school impacts are discussed in Section 4.12.2.1 Project Impacts under Impact PS-3 of the Draft SEIR (pages 323-324), as well as Section 4.12.2.2 Cumulative Impacts under Impact PS-C on page 326 of the Draft SEIR. In both impact discussions, it is acknowledged that the existing, available school capacity could be insufficient and provision for additional school facilities may be required.² Text has been added to the Draft SEIR to clarify this (refer to Section 5.0 Draft EIR Text Revisions). The impacts related to vehicle trips from proposed residences to schools are accounted for in the transportation analysis completed for the project included in Appendix D of the Draft SEIR and summarized in Section 3.4 Transportation under Impact TRN-2 on page 144 of the Draft SEIR. The residential trip generation used in the transportation analysis includes vehicle trips for the work commute and other travel purposes (such as travel to school, retail, entertainment, etc.).

The cumulative impacts on schools are specifically discussed in Section 4.12.2.2 Cumulative Impacts under Impact PS-C of the Draft SEIR (page 326). The scope of the cumulative analysis is explained on pages 47 and 48 of the Draft SEIR and includes a discussion of “impacts that might result from approval of past, present, and reasonably foreseeable future projects, in conjunction with the proposed project...” As explained in Section 1.1 Purpose of the Environmental Impact Report, the Draft SEIR tiers from the certified 2017 EIR, which analyzed cumulative impacts on schools from buildout of the Precise Plan and the Mountain View 2030 General Plan (General Plan). That is, the cumulative analysis accounts for residential development consistent with the adopted Precise Plan and General Plan, including the recently approved residential developments noted in comment letters that would generate students who would attend the same schools as the proposed project (e.g., 901-987 N. Rengstorff Avenue, 1255 Pear Avenue, 828/836 Sierra Vista Avenue, 1100 La Avenida Street, 2005 Rock Street, 2310 Rock Street, and 851-853 Sierra Vista Avenue).

School Impact Fees

As discussed on page 324 and 326 of the Draft SEIR, pursuant to state law (Government Code Section 65995 through 65998 summarized on page 317 of the Draft SEIR), the project (as well as other cumulative projects) would pay state-mandated school impact fees to MVWSD and MVLASD. The legislation states that the payment of school impact fees “are hereby deemed to provide full and complete school facilities mitigation” under CEQA (Section 65996[b]). The purpose of the school impact fees is to fund the construction or reconstruction of school facilities.

² The 2017 EIR used student generation rates provided by MVWSD and MVLASD at the time the 2017 EIR was prepared. Based on these rates, the project would have generated approximately 980 elementary and middle school students and 671 high school students. The Draft SEIR used updated student generation rates provided by MVWSD and MVLASD and estimated the project would generate 1,321 elementary and middle school students and 607 high school students. Overall, the current student generation rates estimate an additional 341 elementary and middle school students and a reduction of 64 high school students compared to the 2017 EIR student generation rates. The update in student generation rates does not change the significance conclusions of the 2017 EIR, nor do they substantially change the analysis.

The City acknowledges that land and construction costs have risen, making the construction of schools more expensive. However, the City cannot (per Government Code 65995) levy or impose an additional fee, charge, dedication, or other requirement for school facilities (other than the payment of state-mandated school impact fees) in connection with, or made a condition of, project approval. The City will work with MVWSD and MVLASD to administer programs and develop school site properties. The development of the school sites would be funded, in part, from the project's payment of state-mandated school impact fees. Methods that also can be used by schools to increase or balance capacity within a District include placement of portable classrooms, and/or adjustments to attendance boundaries. But these methods are under MVWSD's or MVLASD's sole authority and discretion to choose and implement, and the City has no jurisdiction to dictate any particular method.

In light of the state law limits on school impact fees and the challenges to financing school construction, the adopted Precise Plan recognizes other voluntary avenues through shared agreements where the City can support local schools. These voluntary avenues are outlined in Section 3.4.5 of the Precise Plan and include the following:

1. City and School District Collaboration. The City will continue to assist local school districts to address local school needs to serve the North Bayshore area.
2. Transfer of Development Rights (TDR). The City has previously authorized a Transfer of Development Rights (TDR) program that allows the sale of development rights from a school site to property owners/developers for use at another property in the City. The TDR program seeks to allow new school sites in the City to transfer unused development rights to parcels within certain areas, and to allow the receiving sites to use TDR to apply for development projects that would otherwise exceed the maximum FAR. Repeating this process may provide additional resources by which a school district can acquire land.
3. Shared Facilities. The City may continue to provide Park Land Dedication In-Lieu Fee funding support for acquisition of school land and other partnerships with local school districts on sharing of open space at school sites.
4. Funding for Schools. The Shoreline Community shall work with the Mountain View Whisman School District and the Mountain View Los Altos Union High School District to allocate revenue related to the growth in assessed value due to new residential development within the Community pursuant to/in accordance with the annual tax allocation for each school district, through mutually agreed to and legally binding agreements.

The City continues to collaborate with the school districts on many voluntary projects including:

- Exploration of a potential 4-acre site in the North Bayshore area for MVWSD
- The Educational Enhancement Reserve Joint Powers Agreement (EERJPA) which has been in place for 15 years and provides the MVWSD and MVLA with an annual payment from the Shoreline Community
- Enabling the construction of a 144-unit affordable teacher housing project at 777 Middlefield Road for the MVWSD
- Joint Use Agreement for City and District joint use of open space
- School Resource Officer Program
- Safe Routes to School Program
- School Crossing Guards

- Beyond the Bell and the Beat After School Program
- Exploration of potential sites for a high school for the MVLA

Indirect Impacts on Schools

Comments were received claiming the Draft SEIR did not analyze the indirect impacts of 18 significant, unavoidable transportation and traffic impacts on transporting students to schools. The Draft SEIR does not identify any new significant, unavoidable transportation impacts resulting from the project. It is assumed the 18 significant and unavoidable transportation impacts mentioned in the comment letters were the Level of Service impacts (LOS) previously identified in the 2017 EIR. A Statement of Overriding Considerations for these LOS impacts was adopted by the City Council in 2017. After the certification of the 2017 EIR, Senate Bill (SB) 743 was passed which formally changed the criteria for determining a significant CEQA transportation impact from LOS to vehicle miles traveled (VMT). Thus, the previous 18 significant and unavoidable LOS impacts identified in the 2017 EIR are no longer environmental impacts under CEQA. As explained above, the transportation impacts related to school trips was accounted for in the transportation analysis for the project.

Comments were also received about the indirect impact of school districts needing to provide interim housing during buildout of the proposed project. It is assumed that the “interim housing” referred to in the comments refers to classroom space for new students as opposed to temporary housing, since students would not be physically coming to the school facilities until their housing units are constructed and they live in the Master Plan area. Interim classroom space would be considered a direct impact on school facilities, not an indirect impact. As discussed above, the project would pay state-mandated school impact fees which constitute full mitigation under state law. If and when new or expanded school facilities are proposed, the proposal would be subject to separate environmental review. In addition, the 2017 EIR, which the Draft SEIR tiers from, states “It is assumed that the addition of portable classrooms/buildings would occur on existing school sites and that environmental impacts associated with the construction, while requiring separate environmental review, could be mitigated to a less than significant level”.³ This clarification has been added to the Draft SEIR (refer to Section 5.0 Draft EIR Text Revisions). Indirect impacts on school facilities, such as construction air quality, hazardous materials, noise, and transportation, are discussed throughout the Draft SEIR.

Shoreline Community Redevelopment Area Tax Increment

Several comment letters suggest a tax funding agreement between the City and MVWSD/MVLASD in relation to development within the Precise Plan area. Such financial and funding agreements are explicitly outside of the CEQA analysis and process. Thus, no further response is required.

³ City of Mountain View. *North Bayshore Precise Plan Draft Subsequent Environmental Impact Report*. State Clearinghouse #2013082088. March 2017. Page 398.

FEDERAL AND STATE AGENCIES

A. Department of Toxic Substances Control (dated January 31, 2023)

Comment A.1: The Department of Toxic Substances Control (DTSC) received a Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

Response A.1: The comments pertaining to the topics mentioned in the above comment are responded to below.

Comment A.2: DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR: 1. The EIR references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous substances will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous substances within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities or sites impacted with hazardous substances in order to determine a comprehensive listing of all sites impacted by hazardous waste or substances within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's EnviroStor data management system. The EnviroStor Map feature can be used to locate hazardous waste facilities and sites with known or suspected contamination issues for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites with known or suspected contamination issues are present within the Project's region.

Response A.2: The Draft SEIR tiers from the certified 2017 North Bayshore Precise Plan Final EIR (2017 EIR), which included a discussion of existing hazardous materials sites with the Precise Plan area. Section 4.6.1.2 of the Draft SEIR (pages 240-246) summarizes the site history and hazardous materials contaminations documented in the project area based on hazards and hazardous materials reports completed for the project site. The hazards and hazardous materials reports are included in Appendix I of the Draft SEIR and include multiple Phase I/Phase II Environmental Site Assessments (ESAs) prepared in accordance with American Society for Testing and Materials (ASTM) standard practices. A search of databases that comprise the Cortese List (including DTSC's EnviroStor and the State Water Resources Control Board's GeoTracker) and other federal, state, tribal, and county regulatory databases was completed as part of the on-site investigations and reports. The other federal, state, tribal, and county regulatory databases searched included the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS), RCRAInfo, Leaking Underground Fuel Tank Reports, Aboveground Storage Tanks, Leaking Underground Storage Tanks on Indian Lands, Underground Storage Tanks on Indian Lands, Santa Clara County – CUPA Facilities List, and Santa

Clara County – Local Oversight Program Listing databases. Refer to Appendix I of the Draft SEIR for the names of all databases searched and the results.

The Draft SEIR was submitted to the State Clearinghouse, where it was distributed to state agencies including the DTSC, California Water Resources Control Board, and the San Francisco Regional Water Quality Control Board. The City also provided the Notice of Availability of the Draft SEIR to the agencies listed in Section 3.0 Draft EIR Recipients, and the Santa Clara County Clerk. The City did not receive comments from other hazardous materials regulatory agencies besides DTSC.

Comment A.3: 2. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of Health and Safety Code section 101480 should provide regulatory concurrence that the Project site is safe for construction and the proposed use.

Response A.3: Standard condition of approval COA HAZ-1.1, specifically the requirement for the toxic assessment on page 252-253 of the Draft SEIR, requires the project applicant work with an oversight agency, which could be the DTSC or Regional Water Quality Control Board (as suggested by the above comment), to address site remediation or building design/construction requirements when specific development projects under the Master Plan are proposed. The standard condition requires the design of remediation equipment, equipment placement, or remediation activities be reviewed by the oversight agency and City. In addition, the standard condition requires written proof from the regulatory agency be submitted to the City that the remediation and/or design is adequate. Alternatively, if it is determined no remediation is required on a particular parcel, documentation that no regulatory oversight is needed is required to be submitted to the City.

Comment A.4: 3. The EIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

Response A.4: The existing sources of contamination are described in Section 4.6.1.2 Existing Conditions on pages 240-247 of the Draft SEIR. The potential for the project to result in a release of hazardous wastes/substances due to historic or future activities is discussed in Section 4.6.2.1 Project Impacts on pages 248-266 of the Draft SEIR.

The implementation of standard condition of approval COA HAZ-1.1 and mitigation measures 2017 EIR MM HAZ-3.1, and 2017 EIR MM HAZ-3.3 through 2017 EIR MM HAZ-3.15 of the Draft SEIR (pages 252-258) would ensure the health and safety of future occupants and the environment. These measures require the project to obtain oversight by the appropriate regulatory agency, and conduct any additional studies

required by the oversight agency in order to further delineate and implement site remediation or building design/construction requirements.

Comment A.5: 4. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the EIR.

Response A.5: Text has been added to page 241 of the Draft EIR to clarify that on-site soils closest to US 101 may be contaminated with Aerially Deposited Lead (ADL) (refer to Section 5.0 Draft SEIR Text Revisions). Mitigation measure 2017 EIR MM HAZ-3.8 on page 257 of the Draft SEIR requires soil sampling and analytical testing on sites adjacent to US 101 for aerially deposited lead, and appropriate management of it under regulatory oversight, if found above screening levels.

Comment A.6: 5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.

Response A.6: Standard conditions of approval COA HAZ-1.2 and COA HAZ-1.3 of the Draft SEIR (pages 260-261) require the project to conduct pre-demolition surveys for polychlorinated biphenyl (PCB), asbestos containing materials (ACMs), and lead-based paint. If PCB, ACMs, or lead-based paint are found, the project would remove these materials in accordance with applicable regulations. No school is proposed as part of this project, therefore, sampling in accordance with DTSC's 2006 Interim Guidance Evaluation of School sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers is not applicable.

Comment A.7: 6. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 Information Advisory Clean Imported Fill Material.

Response A.7: The project does not propose to import soils; therefore, the above reference to the 2001 Information Advisory Clean Imported Fill Material is not applicable.

Comment A.8: 7. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC’s 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision).

Response A.8: As discussed in Section 4.6.1.2 of the Draft SEIR (pages 240-244), the project site was previously used as agricultural land and on-site soil could be contaminated with agricultural chemicals. Table 4.6-1 of the Draft SEIR (pages 242-244) identifies known or suspected contaminants of each site parcel and shows 40 of the 42 parcels either have residual pesticides exceeding environmental screening levels present in soil or have a history of on-site agricultural uses. Sampling of soils required by standard condition of approval COA HAZ-1.1 and mitigation measures 2017 EIR MM HAZ-3.1, 2017 EIR MM HAZ-3.3, 2017 EIR MM HAZ-3.5, and 2017 EIR MM HAZ-3.9 would be completed in accordance with applicable standards and practices, such as DTSC’s 2008 Interim Guidance for Sampling Agricultural Properties (Third Revision) and any other applicable DTSC guidance documents.

REGIONAL AND LOCAL AGENCIES

B. City of Palo Alto (dated February 17, 2023)

Comment B.1: Thank you for the opportunity to comment on Draft EIR for the North Bayshore Master Plan Project. Below are the City of Palo Alto's comments regarding the CEQA document, the Master Plan Project, TDM measures, and the upcoming Multimodal Transportation Analysis (MTA). Please feel free to contact me, if you have any questions regarding the comments. We look forward to reviewing the MTA when it is published.

1. The transportation analysis has included the TDM measures to achieve the trip cap targets and to encourage the use of alternative transportation modes. The addition of new jobs and residences will generate additional traffic on Palo Alto streets. The current MVGO shuttle provides service between North Bayshore and Caltrain station via San Antonio Rd. However, there is no shuttle stop on San Antonio Rd in Palo Alto. The future development in North Bayshore and San Antonio Rd would generate the demand for the shuttle service. Project's TDM program should have a provision for the shuttle stop on San Antonio Rd to reduce the local traffic impacts in Palo Alto.

Response B.1: The project would implement a large portion of the City's adopted North Bayshore Precise Plan. For this reason, the Draft SEIR tiers from the certified 2017 North Bayshore Precise Plan EIR. The project's impact on transit facilities is discussed under Impact TRN-1 on pages 143-144 of the Draft SEIR and concluded that the project would not disrupt existing transit services or facilities, interfere with the implementation of planned transit facilities, or conflict with adopted transit policies. The analysis in the Draft SEIR concluded that the project would not result in new or substantially more severe impacts to transit facilities than disclosed in the 2017 EIR. No impact was identified, therefore, no mitigation (such as the above suggested shuttle stop on San Antonio Road) can be required under CEQA. In addition, SB 743, which was passed by the State Legislature, formally changed the criteria for determining a significant CEQA transportation impact from LOS to VMT. Thus, the project's potential contribution to traffic congestion on City of Palo Alto streets are no longer considered environmental impacts under CEQA.

Comment B.2: 2. The new residential development is likely to generate outbound vehicle trips. The TDM measures should also identify the neighboring major employment areas to provide local shuttle service.

Response B.2: As outlined in the Draft SEIR, the Master Plan project would implement a large portion of the adopted North Bayshore Precise Plan, which requires an aggressive trip reduction and transportation demand management. In addition, the Master Plan project itself proposes a 35 percent single-occupancy vehicle target and ambitious trip reduction measures in order to comply with the City's adopted NBPP requirements. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment B.3: 3. The project shall be generating new peak hours trips and daily trips which shall have a local traffic impact on bike routes in Palo Alto. The MTA (Multimodal Transportation Analysis) should also discuss the required pedestrian and bicycle improvements at impacted intersections to provide safer intersection crossings.

Response B.3: As discussed under Impact TRN-1 on pages 142-143 of the Draft SEIR, no new or substantially more severe significant impacts to bicycle (or pedestrian) facilities was identified. As a result, no mitigation is required under CEQA. The MTA includes analysis and discussion of pedestrian and bicycle improvements at study intersections. This document is on-file at the City and available for review at the City's website at https://www.mountainview.gov/depts/comdev/planning/activeprojects/google/google_northbayshore.asp.

Comment B.4: 4. All Palo Alto intersections selected in the North Bayshore Precise Plan traffic study should also be evaluated as part of the North Bayshore Master Plan MTA.

5. The MTA report should include recommendations for required off-site improvements in Palo Alto if a significant impact is identified on the Palo Alto streets or intersections.

6. The MTA report should be shared with the City of Palo Alto to review the project-generated traffic impacts.

Response B.4: As discussed under Impact TRN-1 on pages 139-144 of the Draft SEIR, no new or substantially more severe significant impacts to roadways would occur as a result of the project than disclosed in the 2017 EIR. Therefore, no mitigation is required under CEQA.

Page 139 of the Draft SEIR explains that with the passage of SB 743, vehicle congestion and delay are no longer environmental impacts under CEQA. Therefore, separate from CEQA, the City evaluated the project's operational effects on the roadway system in an MTA. The MTA report was shared with the City of Palo Alto on 3/31/2023 and is available for review on the City's website at https://www.mountainview.gov/depts/comdev/planning/activeprojects/google/google_northbayshore.asp.

This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment B.5: 7. The City of Palo Alto identified proposed Housing Opportunity Sites in our draft Housing Element in the vicinity of the North Bayshore Master Plan area, including near West Bayshore Road, San Antonio Road, and Fabian Way. More information on proposed Housing Element Opportunity Sites can be found online: <https://paloaltohousingelement.com/wp-content/uploads/2022/12/Palo-Alto-Housing-Element-2023-2031.pdf>.

8. The forthcoming new housing location - Homekey Palo Alto at 1237 San Antonio Road - is near to the North Bayshore Master Plan area. Please consider the Homekey Palo Alto site relative to potential

temporary construction air quality, noise, and vibration. For example, use of temporary construction noise barriers, sound curtains, and other noise reduction strategies may be necessary during proposed garage construction near San Antonio Road.

Response B.5: 1237 San Antonio Road is adjacent to the MW1 subarea (Subarea MW1 has been renamed to MW-BP-1, see Section 5.0 Draft SEIR Text Revisions) of the proposed project. As discussed in Sections 3.1 Air Quality and Section 4.10 Noise of the Draft SEIR, the project would implement mitigation measures and standard conditions of approval to reduce impacts to related to construction air quality and noise. Specific to noise, the project would comply with standard condition of approval COA NOI-1.1, which requires the use of temporary sound barriers and other noise reduction strategies.

Comment B.6: 9. If or when development occurs in North Bayshore Master Plan area, there is a standing request from our Fire Department to coordinate on local intersection flow in the San Antonio area to facilitate multi-jurisdiction emergency response access.

10. If or when development occurs in the North Bayshore Master Plan area, there is a standing request from our Emergency Operations team for coordination of public safety operations (including our ongoing shared Computer Aided Dispatch (CAD) system).

Response B.6: The City will coordinate with the City of Palo Alto Fire Department and Emergency Operations team during implementation of the project to facilitate multi-jurisdictional emergency response access, as requested in the above comment. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

C. Mountain View Los Altos High School District (dated February 6, 2023)

Comment C.1: This document serves as the Mountain View Los Altos High School District (MVLA) response to the Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan. We have reviewed the report and provide the following information in regard to the adequacy of the findings as related to direct and indirect impacts on the Mountain View Los Altos High School District. We understand that the passage of SB50 limits the levying of developer fees for direct impacts on school districts. However, nothing precludes the City, Developer and School District from working collaboratively to develop a mitigation strategy to address the direct and indirect city growth impacts on the school district.

Student Growth

The City of Mountain View's Draft Subsequent EIR indicates the impact of 700 high school students would be adequately mitigated by developer fees. This is not accurate. In reality, developer fees are woefully inadequate, covering less than ten percent of actual school construction and land costs in the city of Mountain View.

Response C.1: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees section of the response.

Comment C.2: Moreover, the updated Draft Subsequent EIR states: “As of the end of the 2021 to 2022 school year, Mountain View High School is over capacity by 770 students. The school currently utilizes portable classrooms in addition to permanent education facilities to accommodate the additional students. The construction of permanent classroom facilities is underway through Measure E bond program funding and has undergone a separate environmental review. After completion of construction, Mountain View High School would have a capacity of 2,379 students. Despite this increase in capacity, there would not be sufficient capacity to accommodate the estimated 700 high school students anticipated from the project. Based on current enrollment, Mountain View High School would be 637 students over capacity

The Draft Subsequent EIR acknowledges that there would not be sufficient capacity for the additional high school students that would result from this project. Therefore, an additional high school campus is necessary to accommodate the estimated 700 high school students.

Response C.2: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees section of the response.

Comment C.3: Indeed, the Draft Subsequent EIR does not take into account projects that were already approved in the northern half of the city, some of which are outside of the North Bayshore precise plan area. These projected students will precede the impact of students generated by the North Bayshore Master Plan and further exacerbate Mountain View Los Altos High School District's lack of capacity to accommodate them.

Response C.3: Please refer to Master Response 1: School Impacts, specifically the Project Impact section of the response.

Comment C.4: Cost to House Students Generated From the North Bayshore Master Plan

Construction costs in the Bay Area have escalated dramatically in the last ten years. The State per pupil grant does not reflect this escalation, and therefore, the gap between what the State allows and provides for school construction is significantly less than the actual cost of school construction.

Land-City May Reserve or Designate Real Property for a School Site

In addition to the dramatic escalation in construction costs in the Bay Area, land costs have increased as well. The State of California will provide fifty percent of the cost of land for eligible school construction. However, the remaining fifty percent of the land cost is the responsibility of the local school district. These substantial increases in land costs make it difficult to build schools in accordance with the Department of Education school site guidelines. The land cost escalation issues were anticipated when S850 was drafted and Government Code section 65998 allows cities to "reserve or designate" real property for a school site.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (Heading of Division 1 added by Stats. 1974, Ch. 1536)

CHAPTER 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995 - 65998] (Chapter 4.9 added by Stats. 1986, Ch. 887, Sec. 11.)

65998. (a) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the authority of a local agency to reserve or designate real property for a schoolsite.

(b) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of a land use approval involving, but not limited to, the planning, use, or development of real property other than on the need for school facilities.

(Added by Stats. 1998, Ch. 407, Sec. 25, Effective August 27, 1998. Operative November 4, 1998 (Prop. 1A was adopted Nov. 3) by Sec. 31 of Ch. 407. Note: Pursuant to Education Code Section 101122 (subd. (d)), which was added Nov. 8, 2016, by Prop. 51, Chapter 4.9 (Sections 65995 to 65998) as it read on Jan. 1, 2015, continues in effect until Dec. 31, 2020, or earlier date prescribed. Thereafter, Chapter 4.9 may be amended.)

Response C.4: Please refer to Master Response 1: School Impacts. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment C.5: California Department of Education’s general guidance for a school site recommends approximately 33.5 acres of land for a high school that would serve approximately 1,100 students, which is the number of high school students MVLA estimates will come from this and other approved housing projects in the city of Mountain View. As a condition of approval of the North Bayshore Master Plan, and prior to the certification of the Draft Subsequent EIR, we request that the City and Developer designate and reserve a school site for MVLA. The availability of land for school construction in Mountain View is extremely limited. The District is amenable to creative efforts to utilize all real property options and is willing to discuss these options with the Developer.

Response C.5: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees section in the response.

Comment C.6: 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. While the North Bayshore Master plan does consider noise, emissions, traffic, and other indirect impacts, it does not specifically identify those indirect impacts in the operation of a school district. For example, the eighteen “significant unavoidable 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 North Bayshore Master Plan project.

In addition, the buildout of 9,850 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the project would mean an absorption rate of 980 units per year. This construction period would require the MVLA District to provide interim housing over a period of time and is considered an “indirect impact.” This issue is not addressed in the Draft Subsequent EIR.

Response C.6: Please refer to Master Response 1: School Impacts, specifically the Indirect Impacts on Schools section of the response.

Comment C.7: Shoreline Community Redevelopment Area Tax Increment

As noted in the draft EIR:

The Shoreline Community shall work with the Mountain View Whisman School District and the Mountain View Los Altos Union High School District to allocate revenue related to the growth in assessed value due to new residential development within the Community pursuant to/in accordance with the annual tax allocation for each school district, through mutually agreed to and legally binding agreements.

The North Bayshore Master Plan indicates the desire to transform a once blighted area into a thriving mixed development area. The businesses and residences that are being planned are currently planned in a de facto redevelopment district. The Shoreline Community, which is managed by the city of Mountain View staff and City Council, currently diverts tax revenue from the schools to the City. MVLA, MVWSD, and the city of Mountain View have formed a Joint Powers Authority (JPA), also known as Shoreline Educational Enhancement Reserve (EER), that began releasing part of the tax increment to schools. The agreement guarantees a minimum of approximately \$1.84 million annually to MVLA. That agreement not only ends on July 1, 2023, but also ceases to provide any share of the tax increment thereafter.

Through a formula that was developed by the JPA, MVLA received \$3,423,095 this year. Per the county assessor's office, MVLA's normal tax increment would have been \$8,920,000 this year, a deficit of \$5,496,905. Assessed Value Tax revenue from commercial and residential properties is what community funded districts use to address day-to-day operating costs and is not intended for building schools. As indicated in the Draft Subsequent EIR, North Bayshore should generate 700 high school students. At the MVLA current per student expenditure rate of \$30,000, this would mean that tax revenue would, at minimum, need to equal \$21,000,000 in the near future.

Response C.7: Please refer to Master Response 1: School Impacts, specifically the Shoreline Community Redevelopment Area Tax Increment section of the response.

Comment C.8: Closing Comments

Our comments regarding the Draft Subsequent EIR should not be construed to indicate our opposition to the North Bayshore Master Plan. It is critical that all interested parties understand that the new dwelling units are of such magnitude that school mitigation measures for the project exceed the District's ability to absorb the 700 students estimated from this project. We look forward to the cooperation of the City and proponents of the project to meet with MVLA and resolve the apparent challenges in this proposed project. We suggest that the District, City, and proponents of the project delay the approval of the North Bayshore Master Plan and the Draft Subsequent EIR and meet soon to provide creative, viable measures that meet the needs of MVLA and all stakeholders.

Response C.8: The City understands MVLA’s position and appreciates this comment. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

D. Mountain View Whisman School District (dated February 3, 2023)

Comment D.1: This document serves as the Mountain View Whisman School District (MVWSD) response to the Amended North Bayshore Precise Plan (NBPP), Draft Environmental Impact Report. We have reviewed the report and provide the following information in regard to the adequacy of the findings as related to direct and indirect impacts on the Mountain View Whisman School District. We understand that the passage of SB50 limits the levying of developer fees for direct impacts on school districts. However, nothing precludes the City, Developer and School District from working collaboratively to develop a mitigation strategy to address the direct and indirect city growth impacts on the school district.

Response D.1: This is an introductory paragraph and the letter’s specific comments are responded to below.

Comment D.2: Student Growth: The City of Mountain View’s Draft EIR indicates the impact of 1,471 elementary and middle school students would be adequately mitigated by developer fees. Moreover, the updated Draft EIR indicates:

As discussed in Section 4.12.1.2, both Monta Loma Elementary School and Crittenden Middle School have existing capacity based on current enrollment numbers and would be able to accommodate the project’s estimated 1,471 elementary and middle school students. Therefore, the addition of new students as the project is gradually built-out would not require the expansion of those schools.

Furthermore, the Draft EIR asserts:

The project site is located within the Mountain View Whisman School District (MVWSD) and Mountain View-Los Altos Union High School District (MVLASD). The MVWSD serves grades kindergarten through eighth grade and the MVLAS services high-school age students. Students generated by the project would attend Monta Loma Elementary School located at 460 Thompson Avenue (approximately one mile southwest of the core project site), Crittenden Middle School located at 1701 Rock Street (approximately 0.2-mile southwest of the core project site), and Mountain View High School located at 3535 Truman Avenue (approximately four miles south of the core project site).

Table 4.12 1 shows the existing school capacities at Monta Loma Elementary School, Crittenden Middle School, and Mountain View High School. As shown in the table, Monta Loma Elementary School and Crittenden Middle School both have capacity for additional students.

Table 4.12-1: 2021 to 2022 School Enrollment and Capacity

| School | Current Enrollment | Existing Capacity |
|---|--------------------|-------------------|
| Monta Loma Elementary School ¹ | 271 | 460 |
| Crittenden Middle School ¹ | 532 | 1,008 |
| Mountain View High School ² | 2,316 | 1,546 |

¹ MVWSD. *Level I Developer Fee Study*. Appendix E. May 5, 2022. Accessed August 3, 2022.

² Aguilar, Irene. Assistant to the Associate Superintendent-Business Services, Mountain View Los Altos High School District. Personal Communication. July 7, 2022.

Unfortunately, as highlighted below, the City of Mountain View EIR report does not take into account projects that were already approved in the northern half of the city, some of which are outside of the North Bayshore precise plan area. These projected students will precede the impact of students generated by the North Bayshore Precise Plan (NBPP). While both Monta Loma Elementary School and Crittenden Middle School are in the proximity of the NBPP, there will be no capacity available when the NBPP project is developed. Based on our student generation rates, which the City used in its own EIR report, Monta Loma will have 117 new students assigned to the school prior to the completion of these additional units.

| REF # | PROJECT TITLE | RESIDENTIAL UNITS (D.U.) | | | | | | | | | | Elementary School | Middle School |
|-------------------|---|--------------------------|-----------------|-------------|------------|-------------------------|-----------------|-------------------------|----------------|-----------------|-----------------|-------------------|---------------|
| | | New | Existing (Demo) | Total | Net | SF/Condos/Ro whouses | Multi Family | Below Market Rate | Total Units | K-5 Students | 6-8 Students | | |
| Bubb | | | | | | | | | | | | | |
| 20 | 1051 Boranda Ave. | 3 | 3 | 3 | 0 | 0 | | | 0 | 0 | 0 | Bubb | Graham |
| 26 | 1332 Park Dr. | 3 | 1 | 3 | 2 | 2 | | | 2 | 0.076 | 0.022 | Bubb | Graham |
| 30 | 918 Rich Ave. | 29 | 0 | 29 | 29 | 29 | | | 29 | 1.102 | 0.319 | Bubb | Graham |
| 41 | 1411-1495 W. El Camino Real (Lux Largo) | 53 | 0 | 53 | 53 | 53 | | | 53 | 2.014 | 0.583 | Bubb | Graham |
| 52 | 1313/1347 W. El Camino Real | 24 | 0 | 24 | 24 | | 24 | | 24 | 2.04 | 0.936 | Bubb | Graham |
| 56 | 773 Cuesta Dr. | 4 | 1 | 4 | 3 | 3 | | | 3 | 0.114 | 0.033 | Bubb | Graham |
| 74 | 982 Bonita Ave. | 8 | 0 | 8 | 8 | 8 | | | 8 | 0.304 | 0.088 | Bubb | Graham |
| | Subtotal | | | 124 | 119 | 95 | 24 | 0 | 119 | 5.65 | 1.98 | | |
| Castro | | | | | | | | | | | | | |
| 43 | 1958 Latham St. | 6 | 0 | 6 | 6 | 6 | | | 6 | 0.228 | 0.066 | Castro | Graham |
| 59 | 570 S. Rengstorff Ave. | 85 | 70 | 85 | 15 | 15 | | | 15 | 0.57 | 0.165 | Castro | Graham |
| 60 | 1919-1933 Gamel Way/574 Escuela Ave. | 121 | 29 | 121 | 92 | | 92 | 0 | 92 | 7.82 | 3.588 | Castro | Graham |
| 71 | 1720 Villa St. | 226 | 19 | 226 | 207 | | 192 | 15 | 207 | 20.94 | 11.193 | Castro | Graham |
| 12 | 601 Escuela Ave/1873 Latham St. | 25 | 1 | 25 | 24 | | 24 | | 24 | 2.04 | 0.936 | Castro | Graham |
| | Subtotal | | | 463 | 344 | 21 | 308 | 15 | 344 | 31.598 | 15.948 | | |
| Landels | | | | | | | | | | | | | |
| 13 | 870 E. El Camino Real | 371 | 42 | 371 | 329 | | 329 | | 329 | 27.965 | 12.831 | Landels | Graham |
| 22 | City Lot 12 | 120 | 0 | 120 | 120 | | | 120 | 120 | 36.96 | 29.64 | Landels | Graham |
| 35 | 325-339 Franklin St. | 15 | 13 | 15 | 2 | 2 | | | 2 | 0.076 | 0.022 | Landels | Graham |
| 54 | 676 W. Dana St. | 9 | 0 | 9 | 9 | 9 | | | 9 | 0.342 | 0.099 | Landels | Graham |
| 69 | 525 E. Evelyn Ave. (Flower Mart) | 471 | 0 | 471 | 471 | | 471 | | 471 | 40.035 | 18.369 | Landels | Graham |
| 78 | 231-235 Hope St. | 9 | 0 | 9 | 9 | 9 | | | 9 | 0.342 | 0.099 | Landels | Graham |
| 32 | 860 Bay St. | 5 | 0 | 5 | 5 | 5 | | | 5 | 0.19 | 0.055 | Landels | Graham |
| | Subtotal | | | 1000 | 945 | 25 | 800 | 120 | 945 | 105.91 | 61.115 | | |
| Monta Loma | | | | | | | | | | | | | |
| 10 | 901-987 N. Rengstorff Ave. | 126 | 1 | 126 | 125 | | 125 | | 125 | 10.625 | 4.875 | Monta Loma | Crittenden |
| 53 | 1255 Pear Ave. | 635 | 0 | 635 | 635 | | 540 | 95 | 635 | 75.16 | 44.525 | Monta Loma | Crittenden |
| 55 | 828/836 Sierra Vista Ave. | 20 | 5 | 20 | 15 | 15 | | | 15 | 0.57 | 0.165 | Monta Loma | Crittenden |
| 58 | 1100 La Avenida St. | 100 | 0 | 100 | 100 | | | 100 | 100 | 30.8 | 24.7 | Monta Loma | Crittenden |
| 72 | 2005 Rock St. | 15 | 0 | 15 | 15 | 15 | | | 15 | 0.57 | 0.165 | Monta Loma | Crittenden |
| 73 | 2310 Rock St. | 55 | 59 | 55 | -4 | -4 | | | -4 | -0.152 | -0.044 | Monta Loma | Crittenden |
| 79 | 851-853 Sierra Vista Ave. | 9 | 3 | 9 | 6 | 6 | | | 6 | 0.228 | 0.066 | Monta Loma | Crittenden |
| | Subtotal | | | 960 | 892 | 32 | 665 | 195 | 892 | 117.801 | 74.452 | | |

Based on MVWSD’s Future Growth Considerations and Solutions presentation to the Board of Education on March 24, 2022, monitoring the pace of future residential development was identified as a key task to support other District planning actions. The table below was included as a 10-year projection of future residential development in the District service area.

| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | |
|--|-------|------|-------|-------|------|------|------|------|------|-------|------|-------------|
| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| FUTURE GROWTH-RESIDENTIAL UNITS | | | | | | | | | | | | |
| Under Construction | 1,682 | | | | | | | | | | | |
| Approved | | | 3,137 | | | | | | | | | |
| Under Review | | | | 1,684 | | | | | | | | |
| NB & EW Master Plans (Under Review) | | | | | | | | | | 8,900 | | |
| Other-NB & EW Precise Plans (Approved) | | | | | | | | | | | | up to 5,950 |
| Other-Terra Bella & Moffett Field | | | | | | | | | | | | 4530 +/- |
| FUTURE GROWTH-DISTRICT CAPACITY | | | | | | | | | | | | |
| Elementary Schools | | | | | | | | | | | | |
| Within Capacity | | | | | | | | | | | | |
| At Capacity | | | | | | | | | | | | |
| Over Capacity | | | | | | | | | | | | 10+ Years |
| Middle Schools | | | | | | | | | | | | |
| Within Capacity | | | | | | | | | | | | |
| At Capacity | | | | | | | | | | | | |
| Over Capacity | | | | | | | | | | | | 10+ Years |

Note: 1,682 units listed as “Under Construction” on table should be revised to 1,050 units due to 632 units in 2580/2590 California Ave. project being outside MVWSD service area.

Response D.2: Please refer to Master Response 1: School Impacts, specifically the Project Impacts section of the response.

Comment D.3: COST TO HOUSE STUDENTS GENERATED FROM NBPP

Construction costs in the Bay Area have escalated dramatically in the last 8 years. The State per pupil grant does not reflect this escalation and therefore the gap between what the State allows and provides for school construction is significantly less than the actual cost of school construction.

LAND

In addition to dramatic escalation in construction costs in the Bay Area, land costs have increased as well. The State of California will provide 50% of the cost of land for eligible school construction. However, the remaining 50% of the land cost is the responsibility of the local school district. These substantial increases in land costs make it difficult to build schools in accordance with the Department of Education school site guidelines. The land cost escalation issues were anticipated when SB50 was drafted and Government Code section 65998 allows the cities to “reserve or designate” real property for a school site.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995 - 65998] (Chapter 4.9 added by Stats. 1988, Ch. 887, Sec. 11.)

65998. (a) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the authority of a local agency to reserve or designate real property for a schoolsite.

(b) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of a land use approval involving, but not limited to, the planning, use, or development of real property other than on the need for school facilities.

(Added by Stats. 1998, Ch. 407, Sec. 25. Effective August 27, 1998. Operative November 4, 1998 (Prop. 1A was adopted Nov. 3) by Sec. 31 of Ch. 407. Note: Pursuant to Education Code Section 101122 (subd. (d)), which was added Nov. 8, 2016, by Prop. 51, Chapter 4.9 (Sections 65995 to 65998) as it read on Jan. 1, 2015, continues in effect until Dec. 31, 2020, or earlier date prescribed. Thereafter, Chapter 4.9 may be amended.)

Response D.3: Please refer to Master Response 1: School Impacts. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment D.4: Moreover, the Draft EIR inaccurately indicates the distance from North Bayshore to Monta Loma Elementary. As noted in the plan: “Students generated by the project would attend Monta Loma Elementary School located at 460 Thompson Avenue (approximately one mile southwest of the core project site), Crittenden Middle School located at 1701 Rock Street (approximately 0.2-mile southwest of the core project site),”

Response D.4: Please refer to Master Response 1: School Impacts, specifically the Existing Conditions section of the response.

Comment D.5: In the following diagrams you will find that almost every elementary school student within the city of Mountain View is approximately 1 to 1.5 miles from school. The placement of these schools helps to facilitate the school as a civic meeting point for the community and reduces commutes. In contrast, while Monta Loma and Crittenden reside close to the outer perimeters off the development area, Monta Loma is more than two miles away from the central residential hub of these developments, thus negating its ability to serve as a community anchor. Because MVWSD cannot provide bussing to an additional 1400 students due to significant cost, not having a school within a 1.5 mile radius would effectively invalidate the traffic study included as part of this EIR.

Refer to the comment letter included in Appendix A for the above referenced diagrams.

Response D.5: Please refer to Master Response 1: School Impacts, specifically the Project Impacts section of the response.

Comment D.6: California Department of Education’s general guidance for a school site recommends approximately 10 acres of land for an elementary school and 25 acres for a middle school. It is worth noting that MVWSD does have a school (Jose Antonio Vargas Elementary) that resides on less than

the minimum recommended land. Vargas Elementary is an extremely tight footprint, which creates logistical issues as it pertains to growth and meeting student needs.

In contrast, the North Bayshore plan only intimates at the possibility of green space being used for a school. This referenced site in the DEIR, if provided to MVWSD, would have twice the enrollment of Vargas Elementary with less acreage; the site is 3 acres compared to Vargas Elementary which sits on 4.5 acres and is 7 acres less than the state's minimum recommendation. While an urban school design can mitigate / maximize a small site footprint, this potential site would be inadequate to serve the needs of the community.

Ergo, as a condition of approval of the NBPP project, and prior to the certification of the DEIR, we request that the City and Developer designate and reserve multiple elementary school sites for MVWSD. The availability of land for school construction in Mountain View is extremely limited. The District is amenable to creative efforts to utilize all real property options and is willing to discuss these options with the Developer.

Response D.6: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees section of the response.

Comment D.7: 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. While the NBPP does consider noise, emissions, traffic, and other indirect impacts, it does not specifically identify those indirect impacts in the operation of a school district. For example, the eighteen “significant unavoidable 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 NBPP project.

In addition, the buildout of 9,850 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the NBPP 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 is not addressed in the DEIR.

Response D.7: Please refer to Master Response 1: School Impacts, specifically the Indirect Impacts on Schools section of the response.

Comment D.8: Shoreline Community Redevelopment Area Tax Increment

As noted in the EIR report:

Funding for Schools. The Shoreline Community shall work with the Mountain View Whisman School District and the Mountain View Los Altos Union High School District to allocate revenue related to the growth in assessed value due to new residential development within the Community pursuant to/in accordance with the annual tax allocation for each school district, through mutually agreed to and legally binding agreements.

The North Bayshore Precise plan indicates the desire to transform a once blighted area into a thriving mixed development area. The businesses and residences that are being planned are currently planned in a de facto redevelopment district. The Shoreline community, which is managed by the city of Mountain View staff and City Council currently diverts all tax revenue. Currently MVLA, MVWSD and the city of Mountain View have formed a Joint Powers Authority, also known as Share Shoreline, that began releasing part of the tax increment to schools. The current agreement, which not only ends but also ceases to provide any share of the tax increment on July 1st, 2023, currently guarantees approximately \$2.8 million. Through a formula that was developed by the City, MVWSD received \$5,346,723 dollars this year. Per the county assessor's office, MVWSD normal tax increment would have been \$13,926,094.67 last year.

Assessed Value Tax revenue from commercial and residential is what community funded districts use to address day-to-day operating costs and is not really intended for building schools. As indicated in the EIR, North Bayshore should generate 1471 students. At the MVWSD current per student expenditure rate of \$23,000 this would mean that tax revenue would at minimum need to equal \$33,833,000 in the near future. An increase of students in this fashion, without the tax increment to cover the cost per pupil expenditures, would reduce our per pupil expenditures from \$23,000 to \$16,611 dollars. This reduction means that each student in our District would experience a decrease of \$6,389 in programs and services annually.

Response D.8: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees and Shoreline Community Redevelopment Area Tax Increment sections of the response.

Comment D.9: CLOSING COMMENTS - Our comments regarding the DEIR should not be construed to indicate our opposition to the amended NBPP. It is critical that all interested parties understand that the new dwelling units are of such magnitude that school mitigation measures for the project exceed the District's ability to absorb the 1,471 students projected from this project. We look forward to the cooperation of the City and proponents of the project to meet with MVWSD and resolve the apparent challenges in this proposed project. We suggest that the District, City, and proponents of the project delay the approval of the North Bayshore Master Plan and the DEIR and meet soon to provide creative viable measures that meet the needs of MVWSD and all stakeholders.

Response D.9: Please refer to Master Response 1: School Impacts. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

E. Santa Clara Valley Transportation Authority (dated February 6, 2023)

Comment E.1: VTA appreciates the opportunity to comment on the Google North Bayshore Master Plan as well as its accompanying Draft Subsequent Environmental Impact Report (DSEIR). The first half of this letter contains VTA's comments on the December 2022 version of the Master Plan, while the second half contains VTA's comments on the DSEIR for the CEQA review process. This letter builds on VTA comments on the March 2022 version of the Master Plan we provided in a letter dated May 5, 2022, as well as comments on City-led transportation projects in North Bayshore including the US101/Shoreline off-ramp and the Shoreline transit lane transmitted by email on July 15, 2022.

Comments on the North Bayshore Master Plan

VTA has the following comments on the Google North Bayshore Master Plan dated December 2022:

Project Location and Land Use / Transportation Integration

VTA supports the proposed development intensification and the introduction of new smaller streets to improve circulation and reduce block sizes in the North Bayshore Master Plan. VTA recognizes that the Master Plan builds on the overall growth levels, general placement of land uses and circulation network in the updated North Bayshore Precise Plan approved in 2017. VTA notes that the North Bayshore area is not located on the core transit network and is not as well served by shops and services as other areas of the city. The geographic characteristics of North Bayshore pose challenges to the area's ability to support transit, due to its location on the periphery of the City with few portals across the US 101 barrier. However, VTA is supportive of the City's efforts to balance jobs and housing within the City including North Bayshore. The development of high density residential in this area which has been historically dominated by employment uses will help balance the mix of uses and create opportunities for employees to live closer to work. This could lead to a reduction in automobile trips and Vehicle Miles Traveled (VMT) within North Bayshore, on a per-service-population basis.

VTA encourages the City to continue its efforts to make North Bayshore a place where daily trips can be accomplished without a car. These efforts should include supporting the Mountain View TMA and MVgo shuttle, supporting the Mountain View Community Shuttle, prioritizing transit on Shoreline Boulevard and Charleston Road, and including strong Transportation Demand Management (TDM) requirements and parking maximums with all new development in North Bayshore.

VTA Bus Service and Bus Stops in Master Plan Area

In December 2019, VTA implemented direct bus service on Local Route 40 between the Mountain View Transit Center and North Bayshore, via Shoreline Boulevard. This route, which also serves San Antonio Center, Downtown Los Altos and Foothill College, operates at 30-minute headways on weekdays and 45 to 50-minute headways on weekends. We appreciate that the Master Plan recognizes VTA Route 40 as the trunk transit line through the area and does not assume new or realigned routes on alternative streets in the area. VTA looks forward to the development of North Bayshore into a more transit-supportive, active, and pedestrian-oriented area, which will increase transit utilization and hopefully will warrant increased transit investment in the future. Additional investments that could be warranted by continued development include increased transit service levels (longer hours of service and/or more frequent service) as well as increased capital investments into transit facilities (e.g., bus stop amenities such as shelters, benches, lighting, schedule information, and real-time bus arrival displays). Any potential future increase in service would need to be considered within the framework of VTA's Board-adopted Transit Sustainability Policy/Service Design Guidelines.

VTA offers the following additional comments regarding VTA bus service and bus stops in the North Bayshore Master Plan area:

- VTA only envisions providing bus service along Shoreline Boulevard and Charleston Road now and in the future. Currently the street network of North Bayshore outside of Shoreline and Charleston is fragmented, with few streets taking direct paths and with very long blocks. Even though the North Bayshore Master Plan adds smaller grid streets in some locations, the resulting network is still indirect, with many offset intersections and segments that would be

difficult for a transit bus to traverse. Furthermore, it appears that the roadway network in the southeast quadrant of North Bayshore (south of Space Park, east of Shoreline) will remain largely unchanged, also making it more difficult to serve areas east of Shoreline due to the lack of a direct north-south roadway connection.

- Plan 6.1.9 of the Master Plan shows a transit route along Charleston Road east of Shoreline, and a transit stop on Charleston at Inigo Way Extension. Following discussions with City staff, we understand that it is their expectation that this location would only be served by Google buses and TMA/Community shuttles, and there is no expectation that VTA buses will travel east of Shoreline. VTA reiterates that it would not be operationally efficient for VTA to serve this location due to the discontinuous roadway network and the need for buses to make a U-turn, so we do not envision serving the stop on Charleston at Inigo Way Extension.
- In addition to the challenges of serving the proposed stop near Charleston and Inigo Way Extension, it is also difficult to have buses directly serve the intersection of Shoreline Boulevard and Charleston Road, because most buses turn at this intersection and placing bus stops is a challenge. As a result, the nearest bus stop on Charleston is 900 feet west of the intersection (at Charleston Park) and the nearest bus stop on Shoreline that VTA can serve in the northbound direction is 1100 feet south of the intersection (near Space Park Way). While the distance from the stop at Charleston Park to the Shoreline/Charleston intersection is partially mitigated by the attractive pedestrian and bicycle accommodations on Shoreline, VTA would like to emphasize the importance of providing transit stops near this intersection to serve the proposed new development. VTA would like to work with the City to maintain and prioritize the transit stops on Shoreline just south of Charleston, as this block is developed and the Shoreline transit lane is designed; this may include consideration of a queue jump lane or transit-only signal to facilitate bus movement in the northbound direction. We also encourage the City and Google to prioritize attractive pedestrian connections to transit stops near this intersection.
- In the mid-2010s during the update of North Bayshore Precise Plan, the City and Google considered the addition of a new bridge across the Stevens Creek to connect North Bayshore to the NASA Ames/Google Bayview area. If such a crossing was added by extending Charleston Road and was open to transit vehicles, it would become more feasible to operate VTA transit service to the proposed stop at Charleston and Inigo Way Extension. While there is no guarantee that VTA transit service would make this crossing, VTA encourages the City to re-open its planning process for a crossing of the Stevens Creek, to provide more options for transit service if warranted by future conditions.
- VTA is pleased to see that the Transit Network figure in the December 2022 version of the Master Plan shows a transit stop at Shoreline Boulevard and Pear Avenue, which was not shown in the March 2022 version. VTA understands that all bus stops along Shoreline between US 101 and Charleston will eventually be part of the transit lane project design. At these locations, a stop next to the transit lane as well as a second street-side bus stop serving the general-purpose lanes will be necessary in each direction, for a total of four stops at each location.
- The Master Plan envisions a network of transit stops with amenities such as “benches, shelters, and information displays” (p. 55). VTA makes bus stop improvements per our Transit Passenger Environment Plan (TPEP), which outlines the framework by which we allocate limited public dollars to fund bus stop investments, using factors such as ridership, equity, accessibility, and site conditions. We look forward to collaborating with interested stakeholders

to develop and improve bus stops in the area while following the framework set out in our TPEP. In addition, we are happy to collaborate with third-party developers and provide specifications for transit facilities (shelters, benches, etc.) in cases where bus stop improvements are a condition of approval.

Other Transit-Related Considerations

- VTA suggests that Plan 6.1.9 of the Master Plan (Transit Network) be modified to show the locations of existing and planned bus-only lanes in the North Bayshore area.
- The Master Plan, as well as the North Bayshore Precise Plan, generally show how bus stops would fit into the street cross-sections along with protected bike lanes, sidewalks, and other street elements. However, close attention will still be needed to the design of bus stops along Shoreline and Charleston to promote safety and minimize conflicts between buses, other motor vehicles, bicyclists, and pedestrians. VTA requests that the City share any plans for street redesigns and bus stop modifications early in the process as the Master Plan buildout occurs.
- The placement of trees and landscaping should take into account the height of the vehicles travelling underneath the canopy, proximity of the root system to travel ways, and the amount of abscission onto bus stops, transit lanes, roadways, sidewalks, and bicycle paths, and the maintenance needed to prevent buildup of vegetation debris that can lead to localized flooding.
- Modifications to VTA bus stops may require a Construction Access Permit from VTA; more information is available at <https://www.vta.org/business-center/construction-access-permits>.
- VTA encourages Google and the City to consider the transportation needs of school-age children in the new Master Plan residential development, as well as the impact of school location decisions. Without new K-12 schools, transportation of the area's new school-age children between home and school will be a challenge. VTA provides school-oriented service when and where possible, but this service can only do so much and is often less than ideal, given resource constraints.

Bicycle and Pedestrian Accommodations and Access to Transit - VTA appreciates the designation of Shoreline and Charleston as Transit Boulevards in the North Bayshore Master Plan. We encourage the City to work with the applicant to make sure that new buildings along Shoreline and Charleston and at the “Key Corners” shown in Plan 4.3.1 are oriented towards transit. The pedestrian-only Social Spine proposed parallel to Shoreline is concerning to VTA if the buildings along it are oriented towards the Social Spine and away from Shoreline. Transit succeeds only on corridors that are designed for a variety of users, most particularly pedestrians, with adjacent active uses that are oriented to it. If it is necessary to place active uses on a Social Spine parallel to Shoreline, frequent mid-block paseos should be created between Shoreline and the Social Spine to ensure that the development is permeable, and buildings should be designed to have true, usable entrances fronting both Shoreline and the Social Spine (i.e., the entrances along Shoreline should not be emergency-exit-only and should not direct pedestrians to walk to the other side of the building.) Furthermore, VTA recommends adding active uses or at least an “Engaging Office Edge” to the proposed office buildings facing the south side of Charleston between Shoreline and Huff Avenue, to improve the experience of pedestrians walking to transit.

For the “Key Corners” along Shoreline Boulevard shown in Plan 4.3.1, VTA notes that it will be critical for these locations to be designed for safe and comfortable crossings of Shoreline by pedestrians and bicyclists; otherwise, Shoreline will continue to pose a barrier to non-motorized travel and will deter

people from taking transit. VTA supports the statement in Section 6.1 of the Master Plan that “Intersections will be designed with attention to Vision Zero pedestrian safety goals and principles.” The intersection of Shoreline and La Avenida will be one of the most challenging locations for pedestrian and bicycle crossings, requiring special attention by the City and the applicant and design treatments to calm motor vehicle traffic to/from US101.

Other Bicycle and Pedestrian Considerations -

- VTA commends the applicant for continuing to build out the Green Loop concept; at 1.7 miles, this will be a great amenity for the neighborhood (p. 54).
- The Master Plan states that “Bike share services will be integrated into transit stations to support last-leg connections” (p. 54). VTA recommends expanding this to include scooter share, as data on micromobility programs already in place suggests that scooters have better use rates than bikes. VTA also notes that we have not been able to accommodate bike share or scooter share vehicles on light rail station platforms due to limited space, ADA requirements, and system safety concerns. When new transit stops in and around the Master Plan area are designed to integrate bike/scooter share nearby, VTA requests that the applicant and the City consult with VTA regarding the design. Bike and scooter share vehicles should be given their own space for parking, and geofencing should be used to prevent parking within a transit stop.
 - Loading & servicing network – In addition to accommodating motor vehicle loading, VTA recommends that the servicing plan accommodate bicycle utility vehicles (p. 55).
- VTA strongly supports the proposed connections to the Stevens Creek Trail (p. 57).
- Complete Streets discussion (p. 56) and Block Circulation figure (p. 68) – The new streets and mid-block breaks will improve connectivity for pedestrians and bicyclists. However, the Master Plan does not show pedestrian crossings across major existing or proposed roads. VTA’s Community Design & Transportation (CDT) Manual recommends midblock crossings for blocks larger than 200 feet. VTA recommends adding mid-block crossings along Huff Avenue, Joaquin Road, Inigo Way, Monarch Street (west of Shoreline), Plymouth Street/Space Park Way, and Shoreline Boulevard (as feasible given the planned transit lane). This is particularly important where mid-block breaks in the Master Plan continue across these roads.
- Roundabout at Charleston Road / Inigo Way Extension (Figure 6.1.6, p. 81) – It is unclear from this conceptual plan how pedestrians would navigate through the intersection. Please modify to show pedestrian access, crosswalks, yield lines, and curb ramps. There is also no narrative discussing the role of this roundabout and what types of vehicles it is intended to accommodate; suggest adding a brief narrative in the Master Plan.

Response E.1: This comment does not raise any issues about the adequacy of the Draft SEIR. The City will respond and coordinate with VTA on the specific requests and details of this comment outside of the CEQA process as part of their staff report.

Comment E.2: Comments on the North Bayshore Master Plan DSEIR

VTA has the following comments on the DSEIR, for the CEQA review process:

Project Effects on Transit

The DSEIR concludes that “Implementation of the proposed project (under either option) would not result in modifications to the transit network that would disrupt existing transit service” (DSEIR p.

143) and that “the project (under either option) would not conflict with a transit program, plan, ordinance or policy, and would not result in a new or substantially more severe significant transit impact than disclosed in the 2017 EIR” (DSEIR p. 144). While VTA generally agrees with this conclusion, we note that care must be taken during the Master Plan buildout and the implementation of related transportation projects to ensure that transit facilities are not disrupted.

As noted in Section 6.3 of the Master Plan, the City’s North Bayshore Precise Plan identified several required Priority Transportation Projects to support the planned growth and development within the North Bayshore area, and the Master Plan assumes timely implementation of these projects. Two of these projects, the US101/Shoreline off-ramp realignment, and the Shoreline reversible transit lane project, may affect bus operations to and from VTA’s North Yard facility. Any loss or restriction of the use of this yard would strain VTA’s service as it is the main base for buses serving the El Camino Real corridor and other area routes. Close coordination with VTA will be required to ensure that access to North Yard is not impeded during construction of buildings or street improvements in the Master Plan area. VTA requests that the City provide VTA staff an opportunity to review designs for any roadways with VTA service that will be modified by the buildout of the Master Plan and Priority Transportation Projects, including the Shoreline reversible transit lane. Any street/lane closures should be communicated with VTA and other transportation providers for route detours and implementation of temporary bus stops.

Response E.2: The project would be required to implement standard condition of approval COA TRN-3.1 on pages 145-146 of the Draft SEIR, which requires the project to prepare a construction management plan as specific development projects under the Master Plan are proposed. As part of the construction management plan, a traffic control plan must be prepared if construction requires temporary roadway closure, lane closure, shoulder closure, and/or bike lane closure. The City will share these plans with VTA if any temporary closures would affect VTA operations.

Comment E.3: Air Quality Impacts – Role of Transportation Technology in Mitigation

The DSEIR discloses that the Project would have a Significant and Unavoidable Impact with Mitigation Incorporated in the area of Air Quality, including operational period ROG, NO_x and PM₁₀ emissions (Impact AQ-1, DSEIR p. 55). The DSEIR notes that “the greatest source for operational NO_x and PM₁₀ emissions is project traffic” and that “This is a new, project-specific impact that was not previously disclosed in the 2017 EIR” (DSEIR p. 65). The DSEIR also states that “The project’s mobile NO_x and PM₁₀ emissions from proposed land uses would be reduced to the maximum extent feasible through the stringent TDM measures proposed by the project... Given the comprehensive and aggressive TDM measures proposed, there are no feasible additional measures available to reduce the project’s mobile emissions further” (DSEIR p. 66).

VTA appreciates the efforts by the applicant to incorporate stringent TDM measures and improvements for bicyclists and pedestrians within the Master Plan area, and efforts by the City to implement transit improvements along Shoreline Boulevard and Charleston Road. These measures will help reduce VMT generated by the Project and resulting operational period emissions. However, VTA believes that there are other feasible mitigation measures available, including investment in newer transportation technologies.

The implementation of newer traffic signal controllers, including supporting communication infrastructure, could be used to provide transit signal priority, adaptive timing for non-motorized modes of travel, and improved performance monitoring plus enhanced real-time response to incidents and congestion on the roadways within the Master Plan area. VTA encourages the City to work with the project applicant to make improvements in the transportation technology infrastructure to benefit transit operations, pedestrians, and bicycles, and further reduce operational period air quality impacts.

Response E.3: As stated on page 65 of the Draft SEIR and noted in the comment above, the project's significant and unavoidable operational NO_x and PM₁₀ air pollutant emissions are primarily due to project generated traffic. The transportation technology infrastructure mitigation measures suggested in the above comment could improve traffic flow within the project area; however, the operational NO_x and PM₁₀ air pollutant emissions are a result of the large number of vehicle trips generated by the project and the overall trip length or VMT when compared against BAAQMD's project-specific thresholds. Improvements in traffic flow would improve traffic operations and congestion, but would not materially reduce the number of project-generated vehicle trips or VMT, therefore, the suggested improvements would not reduce the project's operational NO_x and PM₁₀ air pollutant emissions. For this reason, the above suggested improvements in the transportation technology infrastructure would not mitigate the project's significant operational NO_x and PM₁₀ air pollutant emission impacts. The City will consider transportation technology infrastructure that improves transit operations on Charleston Road and Shoreline Boulevard as a condition of approval.

Comment E.4: Air Quality and Transportation Effects – TDM Mitigation

Given the project's Significant and Unavoidable Air Quality impact noted above, and the fact that its Transportation effects in the area of VMT are heavily dependent on TDM measures and a very aggressive non-SOV mode share target, VTA recommends that the City require the applicant to fund monitoring of trip generation, VMT, and parking utilization in the Master Plan area on an ongoing basis.

Monitoring should consist of a combination of surveys of residents and employees, and collection of empirical data by third parties. This monitoring will be especially important as residential development is introduced to the North Bayshore area, to confirm the transportation effects of balancing jobs and housing in close proximity to each other.

Response E.4: As discussed in Section 2.3.10 Transportation Demand Management of the Draft SEIR (page 37), the project would implement a TDM plan consistent with the commercial and residential TDM guidelines in Chapter 6 of the Precise Plan. Chapter 8.3 Monitoring Programs of the Precise Plan outlines the monitoring requirements for site specific TDM plans and vehicle trip caps. The monitoring requirements for non-residential uses include surveys of worker and data collection by a third party, as suggested in the above comment. The monitoring requirements for residential uses include the preparation of a residential vehicle trip performance standard report in which surveys of residents are required. The City could require collection of empirical data by third parties of the residential uses, if the site is found

in non-compliance with its TDM plan and residential vehicle trip performance standard. In addition, the City regularly monitors the district vehicle trip cap at the three major entry points into North Bayshore gateways (San Antonio Road, Rengstorff Avenue, and Shoreline Boulevard) and prepares an annual North Bayshore district transportation performance monitoring report to assess gateway vehicle operations.

Comment E.5: Although VTA recognizes that the list of Master Plan TDM strategies in the DSEIR (Section 2.3.10, p. 37) is not exhaustive, we recommend that the City work with the applicant to add partnering with VTA on transportation solutions to the project’s TDM strategies. Partnerships between the applicant and VTA could include transit service funding partnerships, and the applicant providing free or deeply discounted transit passes to employees and residents of the new development.

Response E.5: The City and applicant will coordinate with VTA regarding partnership opportunities. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment E.6: Description of Existing Transit Facilities and VTA Bus Service

In the VTA Bus Service writeup within the Existing Transit Facilities section (DSEIR p. 135), VTA suggests making the following corrections:

- Changing “Orange Line” to “the ACE Orange Shuttle”; using “Orange Line” in this section could confuse the ACE shuttle service with VTA’s Orange light rail line
- Changing the second sentence to read: “Route 40 also stops at the Mountain View Transit Center, approximately 1.5 miles south of from the project site, and the San Antonio Transit Center, approximately 2.5 miles southwest of the project site”
- Changing the third sentence to note that the Mountain View Transit Centre is served by four VTA bus routes (21, 40, 51, and 52)
- Adding a fourth sentence to this section: “The San Antonio Transit Center also provides connections to several VTA bus routes (21, 22, 40, 522)”

Response E.6: The text of the Draft SEIR has been revised per the above comment, please refer to Section 5.0 Draft SEIR Text Revisions.

F. Valley Water (February 15, 2023)

Comment F.1: Thank you for your consideration of comments after the deadline. The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the North Bayshore Master Plan (Plan) and has the following comments:

- 1) Table 2.6-1 Required Approvals (page 46): The section notes Valley Water review and approval “may be required if wells are required or if abandoned wells are proposed to be destroyed...” Please note Valley Water review and approval would be required in either case (via well permit), and any abandoned well discovered during construction must be properly destroyed.

Response F.1: The text added to page 46 of the Draft SEIR has been added to clarify the above, refer to Section 5.0 Draft SEIR Text Revisions, and this will be listed by the City as a condition of approval for the Master Plan project. This comment does not raise any issues regarding the adequacy of the Draft SIER; therefore, no further response is required.

Comment F.2: 2) Project with District Utilities System Option (DEIR page 262): Given the presence of contaminated shallow groundwater under portions of the project site and the huge number of deep geothermal bores needed for the potential geothermal system (6,500), Valley Water is concerned with the possibility of inter-aquifer transfer of contaminants. If this option is pursued, Valley Water's Well Ordinance Program should be consulted early in the process to ensure construction methods and materials will adequately protect groundwater quality.

Response F.2: Impacts to groundwater due to drilling of geothermal bores are discussed on page 262 of the Draft SEIR. The geothermal bores would be drilled using techniques and materials as approved under permit issued by the Santa Clara Valley Water District. Text has been added to page 262 of the Draft SEIR to clarify that Valley Water's Well Ordinance Program would be consulted as well.

Comment F.3: 3) 4.7.2.1 Hydrology and Water Quality, Project Impacts (various, including pages 279, 280, 283): Several sections note that Valley Water pumps groundwater from the Santa Clara Groundwater Basin. As the Groundwater Sustainability Agency, Valley Water manages local groundwater basins to ensure sustainable supplies for all beneficial uses. However, groundwater is pumped by well users, including water retailers, other municipal/industrial users, and private well owners. It is these users, collectively, that pumped about 75,000 AFY from the northern Santa Clara Basin, not Valley Water. Please correct all related references.

Response F.3: The text of the Draft SEIR has been revised per the above comment, please refer to Section 5.0 Draft SEIR Text Revisions.

Comment F.4: 4) Encroachment Permit: As noted in previous comments, Valley Water has no right of way within the project area. Any development located adjacent to a creek and not within a Valley Water fee title property or easement (which is Valley Water's jurisdiction), should comply with Valley Water's Guidelines and Standards for Land Use Near Streams (<https://www.valleywater.org/contractors/doingbusinesses-with-the-district/permits-working-district-land-or-easement/guidelines-and-standards-landuse-near-streams>). The Guidelines and Standards were adopted by the Water Resources Protection Collaborative (which includes the City of Mountain View) through resolutions in 2007.

Response F.4: The project does not propose development adjacent to a creek. This comment does not raise any issues regarding the adequacy of the Draft SEIR; therefore, no further response is required.

ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

G. Anish Morakhia (dated February 23, 2023)

Comment G.1: I am a resident of the Monta Loma neighborhood. It recently came to my attention that the North Bayshore Master Plan doesn't include an elementary school for the new development and the plan is to enroll the kids from North Bayshore at Monta Loma Elementary.

Based on a reading of the North Bayshore Master Plan draft Environmental Impact Report (Dec 2022), I didn't understand how the report claims that around 1500 new elementary and middle schoolers will be accommodated in Monta Loma Elementary and Crittenden Middle School. Shown below is a snapshot from the draft EIR that shows that Monta Loma Elementary can accommodate additional 189 students and Crittenden Middle school can accommodate additional 476 students.

| School | Current Enrollment | Existing Capacity |
|---|---------------------------|--------------------------|
| Monta Loma Elementary School ¹ | 271 | 460 |
| Crittenden Middle School ¹ | 532 | 1,008 |
| Mountain View High School ² | 2,316 | 1,546 |

¹ MVWSD. *Level I Developer Fee Study*. Appendix E. May 5, 2022. Accessed August 3, 2022.
² Aguilar, Irene. Assistant to the Associate Superintendent-Business Services, Mountain View Los Altos High School District. Personal Communication. July 7, 2022.

Is it correct to assume that 5/8th of the 1500 new students will be elementary school going age? That would be around 900 new elementary school students which grossly exceeds the current capacity. The report mentions there is no need for expanding either of these schools and doesn't mention any other schools as alternatives.

Response G.1: Please refer to Master Response 1: School Impacts, specifically the Project Impacts section of the response.

Comment G.2: I see on Google's website for North Bayshore that they are allocating 4 acres to be potentially used as a school site as shown in the image below. But there doesn't seem to be any plans to build a new school.



Nature

Green spaces have profound benefits for human health and for many of us are the main way we experience nature. In addition to benefiting our health and well-being, these spaces are critical for maintaining local biodiversity. The City's North Bayshore Precise Plan calls for the preservation and enhancement of important natural ecological areas. Our proposal prioritizes environmental conservation and the creation of public open spaces for the community's benefit. To learn more about Google's approach, see "[Seeding Resilience With Ecology](#)."

Up to 31 acres of public open space for all

Targets:

- ✓ 19 acres of Google-owned land permanently dedicated to the City for new natural and recreation areas
- ✓ Of this, four acres of land dedicated to the City—some of which the City may use for a new **school** site with MVWSD
- ✓ 12 acres of privately owned, publicly accessible street-level open space
- ✓ Expanded area for egret rookery
- ✓ Bird-safe design for all new construction

Maybe I am missing something here. But the calculations for the schools in the report don't add up. Could you please help clarify?

Response G.2: Please refer to Master Response 1: School Impacts; no school is proposed as part of the project. A portion of the project site would be dedicated to the City for a future public use; however, the type of public use has not been determined at this time. Future environmental review of the public use would be required when proposed.

H. Laura Blakely (dated February 6, 2023)

Comment H.1: I am writing to urge you to defer approval of the Amended EIR until it can be amended to address the concerns raised below. Please use whatever means you have available for the benefit of our Mountain View community as a whole to mitigate the impacts of an estimated 1,471 new elementary and middle school students and 700 new high school students on our school systems. While our community welcomes these new students, we need to make sure we have adequate school facilities for them. Developer fees at the rate of \$0.66 per square foot for commercial development and \$4.79 per square foot for residential development (divided between the two school districts) are woefully inadequate; those formulas will barely generate enough money to cover the expense of leasing portables and crowding them onto the school fields, which is a totally unacceptable solution. Despite the fact that the EIR claims that there is sufficient classroom space in MVWSD schools, the EIR does not take into account all of the new students who will reside in all of the other construction projects that are already underway. When completed, the new North Bayshore housing units will cause the MVWSD population to increase by at least one-third of the size it is today—even without taking into account all the other new students.

Response H.1: Please refer to Master Response 1: School Impacts, including the Project Impacts section of the response.

Comment H.2: And while the proposed 3-4 acre site dedication will theoretically provide space for construction of one new elementary school, 1,471 elementary students cannot be jammed into a single 3 or 4 acre site.

Response H.2: Please refer to Master Response 1: School Impacts, specifically the Proposed Project section of the response.

Comment H.3: Additional new school sites and funding will be needed to provide sufficient classroom space across MVWSD. Our high school district will have similar needs.

I understand that the state legislature long ago bowed to the will of the all-powerful Building Industry Association lobby and deemed that the statutory developer impact fees will mitigate all impacts, but reality tells us this is simply not the case. In today's economy, declaring that revenues generated by charging \$0.66 to \$4.79 per square foot of development are the panacea can best be characterized as magical thinking. There will be tremendous negative impacts on our community and environment if means to fill the "school funding gap" (per the language of the City's School Strategy Policy K-26) are not identified.

Response H.3: Please refer to Master Response 1: School Impacts, specifically the School Impact Fees section of the response.

Comment H.4: Finding the solution must be a collaborative effort. Please defer approval of the draft EIR until true mitigations can be identified and put forth with active participation from all stakeholders. We must establish a way for our community to grow in a sustainable manner so that our children can be educated in schools that are not exploding with too many students.

Response H.4: Please refer to Master Response 1: School Impacts. This comment does not raise any issues regarding the adequacy of the Draft SIER; therefore, no further response is required.

I. Santa Clara Valley Audubon Society (dated February 2, 2023)

Comment I.1: I am looking for the responses to comments received on the North Bayshore Precise Plan and the Final EIR. Comments on the North Bayshore Master Plan December 2022 SCH No.: 2022020712 are due Monday, and I would like to see the response to previous comments.

Response I.1: The Final EIR for the North Bayshore Precise Plan is available at <https://www.mountainview.gov/depts/comdev/planning/activeprojects/northbayshore/default.asp>.

J. Sierra Club (dated January 25, 2023)

Comment J.1: The staff and volunteers of the Sierra Club Loma Prieta Chapter request a two-week extension to the comment period for response to the Draft Supplemental Environmental Impact Report for the North Bayshore Master Plan released in December 2022. This would move the comment deadline from February 6, 2023 to February 20, 2023. Many of our staff and volunteers have been adversely impacted by power and internet outages due to the historic storms inundating the Bay Area

in addition to dealing with flooding and wind damage. As you know, this has been a very difficult period for many residents of the Bay Area. In addition, the SDEIR comment period occurs over a holiday period where many people have family and community obligations.

Response J.1: The Draft SEIR was available for public review and comment for 45 days, pursuant to the California Environmental Quality Act (CEQA), from December 21, 2022 through February 6, 2023. The City will not be officially extending the public review period for the Draft SEIR, however, the City indicated to the commenter that the City would do its best to accommodate late comments received, as feasible. This comment does not raise any issues with the adequacy of the Draft SEIR; therefore, no further response is required.

K. Sierra Club, Santa Clara Valley Audubon Society, and Green Foothills (dated February 6, 2023)

Comment K.1: The Sierra Club Loma Prieta Chapter, the Santa Clara Valley Audubon Society and Green Foothills are local environmental organizations with inherent interest in biodiversity, native plants and wildlife, ecosystems and natural resources in open spaces and in urban landscapes. We have engaged in planning and conservation efforts in North Bayshore and Shoreline Park for many years. We continue to have a strong interest in the way the community develops and the impacts of the development on the natural environment and the species that share it with us. We have reviewed the Draft Subsequent Environmental Impact Report (DSEIR) for the North Bayshore Master Plan Project (NBMPP, Project) and submit the following comments.

1) Project Description

In our Scoping Comments on the NOP, we asked for the Vision for North Bayshore (described on page 5 of the North Bayshore Precise Plan, NBPP) to be expressed fully to include “innovation and sustainability” as well as “the protection of habitat.” We ask again for all elements of the North Bayshore vision to be reflected in the Project Description section.

Response K.1: Section 2.5 Project Objectives of the Draft SEIR (pages 42-44) includes the project’s stated objective to “Support the North Bayshore area’s transition into an innovative, sustainable, and complete mixed-use district that protects and stewards natural areas and open space”. In addition, the City’s vision for the Precise Plan is included in this section and lists the elements mentioned in the comment above. It should also be noted, as stated in Section 1.0 Introduction of the Draft SEIR, that the proposed Master Plan project is intended to implement a large portion of the Precise Plan. For this reason, the Draft SEIR tiers off the previously certified 2017 EIR and builds upon the analysis completed for the adopted Precise Plan.

Comment K.2: 2) Approval by Responsible Agencies

The project is immediately adjacent to areas that provide habitat for special-status species (including but not limited to San Francisco Common Yellowthroat at the Charleston Retention Basin and Burrowing owls and Congdon’s tarplant at Shoreline Park). The project also contains the largest heron/egret rookery in the south bay (at Shorebird Way). The California Department of Fish and Wildlife (CDFW) is a Trustee Agency responsible for protecting migratory and nesting birds under California Fish and Game Code and their mandate includes projects and activities that may cause

abandonment and/or loss of reproductive efforts through disturbance. Is permitting by CDFW required for project elements in the vicinity of the Charleston Retention Basin, the rookery of Shorebird Way, and Amphitheater Parkway / Shoreline Park?

- Please add the California Department Fish and Wildlife (CDFW) to Table 2.6-1: Required Approval.

Response K.2: The Draft SEIR was submitted to the State Clearinghouse, where it was distributed to state agencies including California Department of Fish and Wildlife (CDFW). Permits are only required from CDFW if the project would impact a species listed under the California Endangered Species Act or impact a lake, stream, or riparian habitat that is regulated under Section 1600 of the California Fish and Game Code.

As discussed in Section 3.2.2.1 Project Impacts on pages 102-107 of the Draft SEIR, the project would not impact a species listed under the California Endangered Species Act or impact a lake, stream, or riparian habitat that is regulated under Section 1600 of the California Fish and Game Code. The project's impact to the biological resources identified in the above comment (including burrowing owls, San Francisco common yellowthroat, egret rookery, and migratory and nesting birds), as well as riparian habitats (including in and adjacent to the Charleston Retention Basin), are less than significant with the project's compliance with the Habitat Overlay Zone (HOZ) and Bird Safe Design standards established in the Chapter 5 of the Precise Plan and outlined on pages 93-96 of the Draft SEIR, mitigation measure MM BIO-1.1 (page 101 of the Draft SEIR), and standard condition of approval COA BIO-1.1 (page 104 of the Draft SEIR). In addition, the project will be required to comply with the City's Burrowing Owl Protection Plan and a condition of approval has been added (see Section 5.0 Draft SEIR Text Revisions and Response K.11: below) to require a habitat confirmation survey in order to receive a Planned Community Permit for development at the AM1 site (Subarea AM1 has been renamed to SA-BP-1, see Section 5.0 Draft SEIR Text Revisions). Therefore, no permits from CDFW are required.

Comment K.3: 2) Utilities

Several new 12 kilovolt (kV) distribution lines are expected to extend from the PG&E's Ames Substation North Bayshore Precise Plan to the NBMPP area (Section 2.3.5). Bird collision with power lines is a recognized threat to colonial nesting colonies and bird populations, and the risk is greater in the vicinity of water features (such as Stevens Creek) and for larger birds (such as herons and egrets).

- Can construction of new distribution lines that cross Stevens Creek be placed underground and under bridges?
- If undergrounding is found infeasible, please request that PG&E use markers to make the wires more visible to flying birds. A variety of line marking devices, including hanging markers, coils, and aviation marker balls, are commercially available.
- The Project utility upgrades, including distribution lines and supporting facilities, should not create electrocution hazards to raptors.

Response K.3: As discussed in Section 2.3.5 Utilities of the Draft SEIR (pages 22-23), possible future modifications to PG&E’s Ames substation would undergo separate environmental review, per the CPUC’s General Order No. 131-D (GO 131-D), once the actual alignments and final designs are completed. The Draft EIR explains that: “Pursuant to Article XII, Section 5, of the California Constitution, the California Public Utilities Commission (CPUC) has exclusive power and authority with respect to “all matters cognate and germane to the regulation of public utilities.” The Constitution, moreover, prohibits municipalities from regulating “matters over which the Legislature grants regulating power to the Commission.” (Cal. Const., art. XII, § 8.) PG&E’s electric facilities are designed, operated, and maintained in accordance with GO 131-D, which explicitly provides: “Local jurisdictions acting pursuant to local authority are preempted from regulating electric power line projects, distribution lines, substations, or electric facilities constructed by public utilities subject to the CPUC’s jurisdiction.” (GO 131-D, § XIV.B.) Although local governments do not have the power to regulate activities related to public utilities’ electric facilities, the CPUC encourages, and PG&E participates in, cooperative discussions with affected local governments regarding locating such facilities and to address local concerns where feasible. The possible PG&E modifications to the Ames substation are not covered in this EIR and would undergo separate environmental review per GO 131-D.” It is expected, however, that future PG&E lines would ultimately be undergrounded, as this is standard practice for new lines.

In general, to avoid impacts to birds, PG&E implements the specifications and requirements set forth in its comprehensive Avian Protection Plan, which includes:

- Employee training to ensure compliance with all federal and state bird protection laws.
- Use of “Bird-safe” poles since 2002.
- Promotion of migratory bird and habitat conservation in cooperation with federal and state agencies.

Comment K.4: 4) Private District Utilities System Option; District Central Plant (DCP)

The DCP is proposed East of 1201 Charleston and potentially could integrate into the building (2.3.5.2). The DCP includes chillers, heat pumps, distribution pumps, cooling towers and air blowers as well as independent backups.

- We are concerned with noise and lighting that this infrastructure and its operations may introduce to the area between Stevens Creek and the heron/egret rookery. Light is especially concerning due to state requirements for industrial facilities. Please describe potential noise and lighting to be used at the DCP, and provide mitigation, including:
 - Use of fixtures with Correlated Color Temperature no more than 2700 Kelvin
 - Use of manual switch for work that is performed at night so that all-night lighting can be minimized.
 - Please consider Section 10, Artificial Light at Night, below.

Refer to Appendix A for a copy of this comment letter for the Artificial Light at Night attachment included.

Response K.4: As described in the Draft SEIR, most mechanical equipment at the proposed district central plant (DCP) would be located inside the DCP building, with only the cooling towers located on the roof or adjacent to the DCP building. The independent backup referenced in the above comment refers to backup connections to the municipal utilities system. These independent backup connections would be underground. In addition, the project would be required to implement standard condition of approval COA NOI-1.1 (Draft SEIR page 306), which requires mechanical equipment to not exceed a noise level of 55 dBA during the day (between 7:00 a.m. and 10:00 p.m.) or 50 dBA during the night (between 10:00 p.m. to 7:00 a.m.) as measured at residential land uses.

Also, pursuant to the Specific Plan egret rookery HOZ standards, no modifications to the western façade and roof of the 1201 Charleston Road building may be modified that would reduce suitability of the rookery site for egrets (as stated on page 94 of the Draft EIR). A qualified biologist shall review any proposed building or site modifications and recommended strategies to the City to ensure there will be no adverse impacts to the egret rookery habitat. Therefore, when a planned community permit is submitted to the City for the DCP, it shall be reviewed by a qualified biologist to ensure it would not adversely impact the egret rookery.

Other HOZ standards (Building placement in the HOZ and Construction near the egret colony standards on page 94 of the Draft EIR) prohibit any new non-residential building within 200 feet of the rookery (with exceptions) and prohibit external construction involving heavy equipment or loud noise within 200 feet of the rookery during the nesting season. Compliance with these Precise Plan standards would prevent significant noise impacts to the egret rookery.

As discussed in Section 4.1.2.1 Project Impacts under Impact AES-4 of the Draft SEIR (page 195), lighting for the project, including the DCP, would comply with outdoor lighting standards and guidelines in Precise Plan Section 4.6 Outdoor Lighting and the standards and guidelines in Precise Plan Section 5.2 Bird Safe Design. In addition, the project will be required to comply with the Precise Plan egret rookery HOZ standard outlined on page 94 of the Draft SEIR for low intensity outdoor lighting within 200 feet of the rookery and utilize full cutoff fixtures to reduce the amount of light reaching the rookery. Compliance with these standards would reduce light pollution to a less than significant level. Therefore, no additional mitigation measures are required.

Comment K.5: The Water Reuse Facility is expected to meet disinfected tertiary recycled water standards as described under Title 22 of the California Code of Regulations. The recycled water would be used for non-potable water demands on-site including toilet flushing, cooling, and irrigation.

- Can recycled water uses include sustaining permanent and seasonal wetlands at the Charleston Retention Basin and the Eco Gem during dry spells?

Response K.5: Though the water from the DCP would be clean enough to use in the wetland areas, this is not proposed by the project and, therefore, was not evaluated in the Draft EIR.

Comment K.6: 5) Green Building and Emissions Reduction Features (Section 2.3.7)

The groundwater level at North Bayshore, especially in the Shorebird area, is high enough to sustain the wetlands of the Charleston Retention Basin and vegetation around the basin with no irrigation at all. In areas of high water level, native vegetation which is not drought tolerant should be permitted because it allows a more biodiverse ecosystem to thrive with minor, if any, irrigation needs after establishment. Planting drought tolerant vegetation to satisfy Green Building Standards in locations where implementation of the standards is not needed should not be required or encouraged.

- Are there areas within the NBMPP area where the groundwater level is high enough to support vegetation that is not drought tolerant, for example, the eco-gem area?
- On page 29, under Energy Efficient Design, promises “Energy modeling in early design phases to optimize wall-to-wall ratios, thermal performance, and exterior shading.” Is the intention to model window-to-wall ratios?

Response K.6: This comment does not raise questions regarding the adequacy of the Draft SEIR; therefore, no further response is required. That said, the project is required to comply to the landscape design standards in the Precise Plan. At the time planned community permits are submitted, the applicant would submit planting palettes for specific areas based on the underlying site conditions, such as depth to summer groundwater and soil quality, as well as design objectives. Areas that have the underlying hydrology to support hydrophilic or wetland species would not be planted with upland species that are not suited to these conditions.

The “wall-to-wall” is a typo and is meant to say “window-to-wall”. This has been corrected in Section 5.0 Draft SEIR Text Revisions.

Comment K.7: 6) Parking Structures

In our NOP scoping comments, we asked “Please include one alternative scenario with reduced parking... This alternative should also analyze the impact of mitigation strategies that increase the pedestrian, micro-mobility and bicycle capacity, including using Green Streets potentially within the entire North Bayshore Precise Plan area.”

The NBMPP does not offer a Reduced Parking Alternative. Instead, five parking structures are planned to accommodate ±7,274 cars (Table 2.3-5). This adds to existing and planned parking under future buildings, parking structures currently under construction, and existing parking structures. While all new parking structures are of concern, we are especially concerned with the parking structure at Subarea AM1 (Amphitheater).

Response K.7: Section 8.0 Alternatives on page 345 of the Draft SEIR explains that an EIR should identify alternatives that feasibly attain most of the basic objectives of the project but would avoid or substantially lessen the project’s significant impact. An EIR is not required to consider alternatives which are infeasible. A reduced parking alternative, as suggested in the above comment that eliminates the parking garage at Subarea AM1 is infeasible because there is no data to support the viability of the proposed land uses with the elimination of 4,584 stalls (which is how many parking stalls would be provided in Subarea AM1 and represents approximately 36 percent of the total number of parking provided).

In addition, the proposed project provides parking consistent with the parking standards established by Chapter 6 of the Precise Plan, which establishes parking maximums based on land use. The proposed office uses would be parked at 2.0 stalls per 1,000 square feet (compared to the maximum allowed parking ratio of 2.7 stalls per 1,000 square feet) and the residential uses would be parked at approximately 6.5 stalls per dwelling unit at full buildout (consistent with the Precise Plan maximum allowable parking per unit) (see Section 2.3.9 Site Access, Circulation, and Parking of the Draft SEIR, page 33); thus, the project, as proposed, utilizes reduced parking in compliance with the Precise Plan goals. In addition, the Master Plan project itself proposes a 35 percent single-occupancy vehicle target and ambitious trip reduction measures in order to comply with the City's adopted NBPP requirements. The project, therefore, is proposing less parking than allowed and expected of development in the Precise Plan.

For these reasons, a reduced parking alternative was not evaluated in the Draft SEIR.

The project's consistency with roadway, pedestrian, bicycle, and transit plans is discussed under Section 3.4.2.1 Project Impacts under Impact TRN-1 of the Draft SEIR (pages 139-144). The proposed project would be consistent with all local and regional plans, including the specific design guidelines outlined in the Precise Plan.

Comment K.8: The NBPP envisioned the vast parking spaces of North Bayshore becoming open space and the area becoming less car-centric. But with so many cars accommodated at North Bayshore, this vision may not be implemented as intently and purposely as we hoped.

- Please provide the footprint of 1) existing and 2) planned parking structures in North Bayshore, in acres.
- Please consider using feasible strategies like parking cash-out which Stanford, Lockheed, and Genentech used to avoid building additional parking lots and to reduce automobile use. Stanford may be the best example because it operates under a traffic cap. Traffic caps work if enforced (for example, using pavement sensors that count vehicles throughput) and controlled (via pricing) and feedback systems, such as increasing pricing and fines for exceeding the cap).
- Prior to building each parking structure, please study overall parking demand to evaluate how multi-modal behaviors evolve, and ensure that the added parking is indeed needed.

Response K.8: The locations and approximate footprint of the proposed parking garages for the North Bayshore Master Plan, which is the subject of the Draft SEIR (and not the entire Precise Plan), are shown on Figure 2.3-1 on page 13 of the Draft SEIR. Tables 2.3-1 and 2.3-5 on pages 16-20 of the Draft SEIR provide a summary of the number of parking spaces proposed in each parking garage and the approximate size of the garages in square feet.

As discussed in Section 2.3.10 Transportation Demand Management of the Draft SEIR (page 37), the project would implement TDM strategies consistent with Chapter 6 of the Precise Plan. These strategies include, but are not limited to parking cash-out and trip monitoring (see Response E.4: above).

As the project phases are built, both the applicant and City will evaluate the need for additional parking garages.

Comment K.9: At the Alta/Huff Parking Structure, Google created a dynamic structure that can accommodate change of use in the future - from parking cars to housing people. This flexibility of re-purpose should be the model for all parking structures:

- New parking structures should be built to allow future re-purposing such as housing.
- New parking structures should be built so as to be able to respond immediately to crisis needs (shelter during major weather events, shelter post earthquake).

Response K.9: This suggestion is acknowledged. The use of proposed parking garages for housing is not proposed by the project and, therefore, not evaluated in the Draft SEIR. This comment does not raise any issues regarding the adequacy of the Draft SEIR; therefore, no further response is required.

Comment K.10: 6.1 Amphitheater Parking Structure (AM1)

The Amphitheater Parking Structure (AM1) has not been studied in the North Bayshore Precise Plan. It has been previously required to accommodate parking needs for the Charleston East project, but since that time the Alta/Huff Parking Structure has been built, and parking at the Google Landings project is under construction.

- Please consider removing the AM1 structure from the NBMPP or provide an alternative location(s) for parking in North Bayshore. As suggested above, putting a price on parking and a vehicle cap can go a long way towards reducing the need for parking. Such measures should be considered as an alternative to building this structure, especially at this scope and at this location.

Response K.10: The Draft SEIR on page 14 discloses that AM1 was not previously studied in the 2017 EIR. As such, the impacts of constructing a parking structure at this location are discussed throughout the Draft SEIR.

The purpose of the SEIR is to evaluate the project as proposed. The parking structure at Subarea AM1 is proposed as part of the Master Plan project and required to adequately park the project. The location of the parking structure at Subarea AM1 does not result in significant environmental impacts that cannot be managed, therefore, no location alternative for this parking garage was evaluated in the Draft SEIR. Refer to Response K.7: above regarding why a reduced parking alternative was not evaluated in the Draft SEIR. Also, refer to Response E.4: regarding project TDM measures, such as parking cash out and monitoring.

Comment K.11: Significant Impacts on Burrowing Owls

We are greatly concerned that the parking structure at AM1 will have a significant impact on Burrowing owls locally and regionally. A comment letter from the Department of Fish and Wildlife (April 6, 2022) also highlights the potential of impacts to Burrowing owls.

The Burrowing owl population in the south Bay Area has suffered a significant decline and the breeding population is at a risk of extirpation. In the past four years, the county's Burrowing owl population has been sustained by deliberate conservation actions implemented primarily by the Santa Clara Valley Habitat Agency in an effort to accomplish the requirements of this adopted Valley Habitat Plan.

The City of Mountain View has been engaged in conservation and monitoring efforts at Shoreline Park for decades and has been implementing a Burrowing Owl Conservation Plan since 1998. This plan was updated in 2012 with the adoption of the Burrowing Owl Preservation Plan (BOPP). The BOPP incorporated historical mitigation areas, stipulated Population and Habitat Goals, and designated additional areas (preserves) where owl habitat (for foraging and for breeding) is to be maintained to support wintering and nesting owls. The historical mitigations (Figure 1, from BOPP page 80) involve legal commitments to the California Department of Fish and Wildlife, and must be retained in perpetuity. Vista slope includes mitigation areas, including a mitigation site on the south-west corner of AM1. Vista slope has consistently been used by wintering and by nesting Burrowing owls over the years.

The City of Mountain View is an active participant in the Conservation Actions that are funded in part by the Habitat Agency. Shoreline Park has been one of only two locations where intervention actions by the Habitat Agency, including overwintering of fledglings and supplemental feeding, have been successful (Figure 2). Impacts to the success of Burrowing owls of Shoreline Park can potentially hamper recovery efforts in the south Bay Area and conflict with the adopted Santa Clara Valley Habitat Conservation Plan/Natural Communities Conservation Plan.

Refer to the comment letter included in Appendix A for the above referenced figures.

The BOPP (2012) provides: "Under the California Endangered Species Act, the Burrowing owl is a State Species of Special Concern based on both localized and State-wide population declines as well as losses of suitable habitat (CDFG, 1995). Under California Fish and Game Code, Section 1802, the CDFG is the agency manager and trustee of fish and wildlife resources and their habitat." The BOPP states, "this document also provides procedures for meeting wildlife laws and regulations without the City having to consult CDFG on every action taken at the Park that has the potential to harm Burrowing owls." The Plan describes 10 Owl Management Actions, including "Action 9. Employ a full-time biologist with owl expertise."

- Have the procedures for meeting wildlife laws and regulations been followed?
- Has the city's Burrowing owl biologist been given the opportunity to participate in the design and mitigations of the parking structure at AM1? Has the biologist approved the proposed mitigations to ensure that procedures for meeting wildlife laws and regulations are met without the City having to consult CDFG?
- If the biologist has issued an opinion or a report pertaining to the design and mitigation of parking at AM1, please include these documents in the Final EIR for public and agency review.

Response K.11: As discussed in Section 3.2.2.1 Project Impacts under Impact BIO-1 of the Draft SEIR (page 103), the project (including development on AM1) would comply with the measures listed in Chapter 5.1 Habitat Overlay Zone, Standard 2 of

the Precise Plan regarding burrowing owls. This standard and associated measures are described on pages 93-94 of the Draft SEIR. In addition, the project would comply with the specific protocol recommendations listed in the burrowing owl preservation plan (BOPP). This includes protocol F on page 54 of the BOPP, which requires the applicant to prepare a project evaluation for review by the City's burrowing owl specialist. Text has been added to pages 97 and 103 of the Draft SEIR to clarify the project's consistency with the BOPP (refer to Section 5.0 Draft SEIR Text Revisions). Additionally, all state, federal, and local requirements would be met by the project during construction and operation.

The Draft SEIR was prepared by the City in consultation with the City's biologist, and the following condition of approval was added to the Draft SEIR:

COA BIO-1.1: Both Project Options: A habitat confirmation survey for burrowing owls must be conducted and submitted for review with any Planned Community Permit (PCP) requests for development of parking structure at AM1. The assessment shall cover all areas within the construction area for the parking structure and Burrowing Owl Preservation Plan (BOPP) boundaries. Based on the results of the habitat survey, the applicant shall comply with Chapter 5.1 Habitat Overlay Zone of the Precise Plan, the BOPP and the habitat assessment guidelines found in the CDFW Staff Report on Burrowing Owl Mitigation, 2012. Management measures would be developed by the City in coordination with the California Department of Fish and Wildlife and may include establishment of new nesting or foraging habitat, enhancement of existing habitat or passive relocation of burrowing owls.

Comment K.12: To protect the Burrowing owls of Shoreline Park, the North Bayshore Precise Plan designated a buffer (Burrowing Owls Habitat Overlay Zone, HOZ) where buildings are not permitted within 250-ft of Burrowing owl habitat, and no net increase in impervious surface can occur. No buildings taller than 55 feet can be constructed within 100 feet of any HOZ boundary. There are additional stipulations regarding lighting, perching, pesticide use etc.

The 2017 NBPP EIR did not evaluate the construction of a parking garage outside of the Precise Plan area on Subarea AM1. The NBMPP proposes that the Parking Structure at AM1 will maintain the same 250-ft buffer that is required for development in the Precise Plan area, and comply with the measures listed in Chapter 5.1 Habitat Overlay Zone, Standard 2 of the Precise Plan regarding outdoor lighting, constructing perch deterrents, avoidance during construction, and the limitation of rodenticide use. We appreciate these measures, but maintain that these measures do not suffice to reduce impacts to a less than significant level.

As we understand it, the SDEIR makes two assumptions that lead to the findings that the impact is "Same Impact as Approved Project; Less than Significant Impact":

- 1) Assumption 1: The edge of the potentially suitable Burrowing owl habitat is analogous to the baseline of the Burrowing Owl HOZ, and so mitigation can be similar.
- 2) Assumption 2: The developed/landscaped habitat in AM1 is of relatively low value to wildlife (including Burrowing owls).

We disagree with both assumptions.

There is a wide road (Amphitheater Parkway) that separates Burrowing owl habitat from the areas studied in the NBPP. It also provides, as we show below, Burrowing owl habitat. In contrast with the NBPP Study Area, AM1 is immediately adjacent to Vista slope and a designated mitigation site. The development and operations could therefore have impacts beyond those that were studied in 2017, including loss of habitat onsite, increased recreational activity on Vista Slope, hazards related to the anticipated increase in vehicle traffic, potential introduction of dogs and cats, and lighting in and around the structure. In the precarious situation of the owl population of the south bay, a loss of one nest, even one owl, during the nesting season can lead to the extirpation of the species in the South Bay Area.

Subarea AM1 is described in footnote 54 “The developed/landscaped habitat in AM1 is of relatively low value to wildlife, but provides nesting and foraging opportunities for some urban-adapted species of birds.” This description neglects to mention that Burrowing owls may also forage at the site. The footnote shows that the parking lot supports Burrowing owl prey species such as mice, lizards, and small birds. Burrowing owls are known to forage and even nest in parking lots. In “Studies of Western Birds 1:218–226, 2008, Species Accounts (pages 218-226) (attached), the description of this California Species of Special Status includes, “developed environments pose a substantial risk to Burrowing owls from mortality caused by traffic (Klute et al. 2003, D. K. Rosenberg et al. unpubl. data). Owls nesting along roadsides or parking lots are at greatest risk, although owls foraged along roads over 1 km from the nest burrow (Gervais et al. 2003).” Burrowing owls have also been observed foraging in parking lots in North Bayshore.

The observation in the DSEIR footnote 54 that “California ground squirrels and their burrows are common in the ruderal grassland margins of the parcel, as well as on the adjacent grasslands at Shoreline Park” further substantiates the value of this site for burrowing owls. Overwintering or breeding Burrowing owls likely forage here, and potentially use ground squirrel burrows. The AM1 site is important to the preservation of Burrowing owls, and building here should be recognized as a significant impact and avoided, or adequately mitigated.

- Please discuss the impacts to Burrowing owls, including loss of habitat onsite, lighting, increased recreational activity on Vista slope, hazards related to the anticipated increase in vehicle traffic, potential introduction of dogs and cats, and construction-related activities.
- Please consider a regional context for the discussion of impacts to Burrowing owls and include:
 - Cumulative impacts on Burrowing owls. Please include the Moffett Park Specific Plan in Sunnyvale and development and maintenance activities in Moffett Park.
 - The role of Shoreline Park in the recovery efforts by the Santa Clara Valley Habitat Agency.

Response K.12: The project would implement a large portion of the adopted North Bayshore Precise Plan. For this reason, the Draft SEIR tiers from the certified 2017 North Bayshore Precise Plan EIR. Impacts to burrowing owls are discussed on page 103 of the Draft SEIR. The HOZ measures for the NBPP, including the 250-foot buffer, took into consideration the same potential impacts of projects on burrowing owls that would result from construction of the parking structure at Subarea AM1. Applying the

250-foot buffer to the proposed parking structure is, therefore, appropriate even though Subarea AM1 was not evaluated in the 2017 NBPP EIR. Refer to Response K.11: regarding the project's less than significant impact to burrowing owls and compliance with all applicable regulations including the BOPP.

The above comment that Amphitheatre Parkway separates burrowing owl habitat from the areas studied in the Precise Plan is not entirely accurate. Lands in the northwest part of the Precise Plan area are immediately adjacent to burrowing owl habitat, with no intervening road, and the 250-foot buffer that would be applied to the proposed parking structure is also applied to those portions of the Precise Plan area (i.e., Vista Slope). The potential stressors (habitat impacts, lighting, recreational activity, vehicular traffic, introduction of nonnative animals) that may be involved in the construction and operation of the proposed parking structure are the same as those that were evaluated in the certified 2017 Precise Plan EIR. In addition, the proposed use (i.e., parking) is the same as the existing use on Subarea AM1. The BOPP does not identify Subarea AM1 as a designated mitigation area.

The Draft SEIR (on pages 98 and 103) explains that Subarea AM1 is dominated by pavement, and includes trees and narrow slivers of ruderal habitat subject to frequent disturbances (i.e., vehicle traffic, pedestrians, etc.). In addition, there is no evidence that burrowing owls have used the site of the proposed parking structure in recent years for nesting habitat. For these reasons, the City's consulting biologists disagree with the above comment. The ruderal habitat of Subarea AM1 is marginally suitable as stated on page 100 of the Draft SEIR. In addition, a habitat confirmation survey will be conducted as a condition of approval for the Planned Community Permit to determine any management measures that need to be taken (see Response K.11:).

Cumulative impacts of the project are discussed on pages 111-112 of the Draft SEIR. The Draft SEIR concluded that cumulative impacts from the proposed project and other projects in the area on special-status species would be reduced to a less than significant level through compliance with federal, state, and local regulations. The proposed Moffett Park Specific Plan (SCH#2021080338) is located approximately two miles east of the project site, outside of the jurisdiction of the City of Mountain View and not proposed as part of the project, and would be subject to the same federal, regional, and local regulations to protect burrowing owls as the proposed project and to reduce cumulative impacts to a less than significant level.

As discussed on page 110 of the Draft SEIR under Impact BIO-6, the project site is not located within the Santa Clara Valley Habitat Plan and is, therefore, not subject to its regulations. In addition, the project would not conflict with the burrowing owl management activities related to the Habitat Agency within Shoreline Park.

Comment K.13: We believe that avoidance of the impacts by not building this structure is the best alternative. It was not part of the MPSP, and can be eliminated from the NBMPP. If avoidance is not feasible, the following mitigations should be added to the mitigations and standards offered in the DSEIR in order to reduce significant impacts to owls at Shoreline Park and regionally, and to the success of the Santa Clara Valley Habitat Plan.

- Plant grasses and shrubs in the 250-ft buffer to provide foraging for Burrowing owls.
- Ensure there is no-net-loss of impervious area/habitat.
- Install a green roof, seeded to provide grassy foraging habitat.
- Avoid any lighting or spillover light into the 250-ft HOZ. Lighting in the parking structure should not be visible from Vista slope.
- Fencing is needed to stop people from creating social trails to access Vista slope. Design and fencing should direct people to the official trails that provide signs and guidance (such as no dogs, day-use only).
- Additional Mitigation measures should craft best management guidance and requirements based upon the following:
 - Mountain View’s BOPP in consultation with the City’s Burrowing Owl Biologist,
 - CDFW Staff Report on Burrowing Owl Mitigation (2012) and consultation with the California Department of Fish and Game,
 - Mitigation measures for Burrowing Owls from the Santa Clara Valley Habitat Plan.

Response K.13: As discussed in Response K.11: and Response K.12:, the project would comply with the measures listed in Chapter 5.1 Habitat Overlay Zone, Standard 2 of the Precise Plan and the BOPP. These measures include, but are not limited to, preconstruction surveys, avoiding construction within a 250-foot buffer zone, low-intensity lighting facing away from burrowing owl habitat, no increases in impervious surfaces, social trail deterrence and fencing within Shoreline Park, and coordination with CDFW and the City’s burrowing owl biologist. Chapter 5.1 Habitat Overlay Zone, Standard 2 of the Precise Plan also requires projects to perform construction monitoring for burrowing owls consistent with the Santa Clara Valley Habitat Plan Condition 15. Based on the discussion in the Draft SEIR, no significant impact would occur to burrowing owls. The project will be required to comply with the City’s Shoreline Burrowing Owl Preservation Plan and a condition of approval has been added to require a habitat confirmation survey in order to receive a Planned Community Permit for development at the AM1 site (see Response K.11:). For this reason, no additional mitigation measures, such as the ones referenced in the above comment, are required.

Comment K.14: 7) Egret Rookery, Shorebirds Wilds and Eco -gem Area

The terminus of Charleston Rd./Shorebird Way is home to the largest egret and heron rookery in the South Bay. The rookery is recognized in the NBPP which states, “This rookery is regionally significant as one of the largest egret colonies in the South Bay and is an important natural resource.” In recent years, nesting birds in this area included Snowy Egrets, Great Egrets, Black-crowned night herons, White-tailed kites, Western bluebirds, Red-shouldered hawks and Red-tailed hawks (Matthew Dodder, SCVAS, personal Communications).

The use of 1201 Charleston for meeting/event space and outdoor activities in the Shorebirds Wilds and Eco-gem Area could introduce disturbance to nesting birds. The NBPP describes “passive” uses without defining what activities may or may not be permitted, or how these activities may accommodate nesting birds without disruption.

Mitigation measures to protect nesting birds from operations-related activities and disturbance should be specified for the lifetime of the project.

- Please develop Standards, Guidelines and Protocols to ensure that noisy or light-generating events, events that attract predators and/or other potential disturbances (especially outdoor activities) are evaluated by the City’s Biologist if they are scheduled to occur during the nesting season.
- In the letter from CDFW, the agency requests that the SEIR include building height and location alternatives that reduce environmental impacts such as not locating tall buildings near biologically sensitive areas. We ask that any facade that faces the egret rookery/Shorebirds wilds, the ecogem and the retention basin implement bird-safety measures (including glazing above 60-ft).

Response K.14: The project would implement a large portion of the adopted North Bayshore Precise Plan. For this reason, the Draft SEIR tiers from the certified 2017 North Bayshore Precise Plan EIR. Impacts to the egret rookery are discussed on pages 103-105 and page 107 of the Draft SEIR. As described on page 20 of the Draft SEIR, the community activities proposed at 1201 Charleston would be located inside the existing building and activities would be similar to normal business operations. The proposed park space surrounding the egret rookery would be a mix of POPA and dedicated park land to the City. Page 20 of the Draft SEIR describes the use of Shorebirds Wilds as having “passive open space and native gardens to support the egret rookery and enhance the natural quality of the surrounding HOZ.” No noisy or light-generating events, or those that would attract predators, are proposed as part of the project; therefore, no additional analysis or associated impact is identified in the Draft SEIR. The project would comply with existing regulations including the Migratory Bird Treaty Act and California Fish and Game Code.

All new construction (including the proposed parking garage on AM1) is required to comply with Chapter 5 of the Precise Plan, which establishes Bird Safe Design measures. In addition, Chapter 5.1 Habitat Overlay Zone, Standard 3 of the Precise Plan establishes specific requirements around the egret rookery, including landscape design, low-lighting requirements, and coordination with the City biologist on any modifications to the adjacent 1201 Charleston building’s western façade or roof.

Comment K.15:

- Please develop a Tree Preservation Plan for the trees in the Egret rookery HOZ.
 - This plan should identify important trees to preserve. This should specifically include the London plane trees that are traditionally used by the egrets and the redwoods across Shorebird Way (including the redwood in which a White-tailed kite has been nesting).
 - The plan should specify maintenance requirements, importantly including irrigation with water with no salt content.

These mitigations aim to reduce the aesthetic impacts of loss of trees and canopy, and the risk that the London Plane trees die due to over-fertilization and high salt content by recycled water augmenting the bird excrement, or that the redwood trees die due to high salt content in recycled water). Both of these outcomes are known to occur if these trees are irrigated with high salt content water. If protective measures are not taken to ensure that the trees thrive, the trees of the egret colony may perish – a potentially significant impact to the largest heron/egret rookery in the South Bay area.

Response K.15: Standard condition of approval COA BIO-2.1 on pages 109-110 of the Draft SEIR requires that an arborist report, arborist inspections, replacement, protection measures, and preservation plans be completed by the project when specific developments are proposed to successfully protect and preserve trees, including the trees within the egret rookery. The Draft SEIR found and the City concluded that the project, with the implementation of the identified mitigation measures and standard conditions of approval, would not result in new or substantially more severe impacts to egrets than disclosed in the certified 2017 Precise Plan EIR.

Comment K.16: 8) Potential Loss of Trees

The loss of trees and canopy, and mitigations for such loss, are of great public interest in Mountain View. In 2022, the City has prioritized Biodiversity as a strategic goal, and within this goal, a new Urban Forest Master Plan is being developed. The new Plan, with associated code changes, is likely to be completed within two years and change the existing, inadequate regulations for the protection of trees. COA BIO-2.1, “Tree Mitigation and Preservation Plan” defers the preparation of a Tree Mitigation Plan and at the same time grandfathers in existing tree mitigation requirements for decades to come. However, in light of the ecological sensitivity of North Bayshore, note the following.

- It is important that future projects implement the new policies and ordinances that are developed to protect biodiversity and the environment, including requirements for mitigation for the loss of trees. The existing code regarding trees should not be static and grandfathered in. An update to the NBMPP should be required when the tree ordinance is updated.
- Identification of locations where replacement trees will be planted (so the city does not end up with in-lieu funds but no viable planting locations) is important, including potential planting locations outside the boundary of North Bayshore.
- Please identify redwood trees/groves to preserve similar to Landings projects.
- In addition, please see our previous comment regarding the development of a Tree Preservation Plan for the trees in the Egret rookery HOZ (Section 7). This plan should be incorporated into the Tree Mitigation and Preservation Plan and include directions for maintenance and preservation of the London Plane and redwood trees that comprise the rookery so the trees are retained and maintained in good health. Trimming guidelines are also needed, and a plan to continue supplying water of low-salt content. This is because irrigation of redwoods in North Bayshore with recycled water of high salt content has led to a rapid decline in the health of the trees. London Plane trees are more resistant to salinity, but fertilization by egret droppings augmented by irrigation with water of high salinity may impact the health of these trees adversely.

Response K.16: As the comment points out, the project would comply with the City’s standard condition of approval COA BIO-2.1 (which is described on pages 109-110 of the Draft SEIR and discussed above in Response K.15:), which follows the guidelines and regulations of the City’s current Tree Preservation Ordinance. CEQA requires an evaluation of the project against the conditions, thresholds, and plans which exist at the time of analysis (CEQA Guidelines Sections 15126.2(a) and 15064.7). If the Tree Preservation Ordinance is updated in the future, subsequent planned community permits for development under the proposed Master Plan would be subject to compliance with the updated version. Please refer to the arborist report in Appendix F

of the Draft SEIR for location of existing redwoods and those proposed to be removed as part of the project.

Please refer to Response K.14: regarding tree preservation and the egret rookery.

Comment K.17: 9) Cumulative Impacts Analysis

Why has the cumulative Impact analysis not addressed Google's Bayview Campus, Caribbean campus and the City of Sunnyvale's Moffett Park Specific Plan? These projects are located in close proximity to the NBMPP (a biking/walking distance) along the Bay. These projects and plans introduce millions of square feet of office space and thousands of hotel rooms and housing units. The implementation of the Moffett Park Specific Plan is expected to coincide with the development of the NBMPP. All these projects have a Google nexus, and all may have cumulative impacts on Biological Resources, air quality, traffic and other environmental resources. We encourage the City to analyze the cumulative impacts of these additional projects.

Response K.17: The methodology for evaluating cumulative impacts is described on pages 47-48 of the Draft SEIR. The analysis should include either a list of past, present, and probable future projects or a summary of projections from an adopted general plan or similar document. Both approaches were used in the Draft SEIR. In addition, the cumulative geographic area of impact varies for different resource areas. Also, the Draft SEIR tiers from the certified 2017 Precise Plan EIR and incorporates that cumulative analysis by reference.

As explained on page 111-112 of the Draft SEIR, as well as in Response K.12:, all cumulative projects are subject to the same federal and state regulations and same/similar local regulations to protect biological resources and reduce cumulative impacts to a less than significant level.

Page 83 of the Draft EIR explains that if a project exceeds the Bay Area Air Quality Management District's significance threshold, it is assumed the project's criteria air pollutant emissions would also be cumulatively considerable. For this reason, emissions from other cumulative projects do not need to be quantified or explicitly discussed to determine whether the project would result in cumulative air quality impacts. The cumulative projects listed in Table 3.0-1 of the Draft SEIR on pages 48-49 were considered for the cumulative health risk assessment; however, only the 1100 La Avenida and 1255 Pear Avenue projects were within 1,000 feet of the project site (see Section 5.0 Draft SEIR Text Revisions for clarification on cumulative project distances) and included in the analysis. The Draft SEIR assumed that both of these projects would be occupied by the time project construction began and, therefore, they were treated as sensitive receptors.

The methodology for evaluating cumulative Vehicle Miles Traveled (VMT) impacts is explained on pages 147-148 of the Draft SEIR and is based on the project's affects to regionwide VMT. The cumulative condition is based on the City of Mountain View travel model and the 2007 Association of Bay Area Governments (ABAG) land use projections for adjacent jurisdictions and planned and funded transportation system improvements in the Valley Transportation Plan (VTP) 2040. While the above

mentioned Google projects are not explicitly mentioned in the cumulative condition, additional growth within adjacent jurisdictions is accounted for in the analysis. Other cumulative transportation impacts pertaining to consistency with programs, plans, ordinance, and policies, hazards, and emergency access are more localized to the project site and area, (i.e., not affected by the cumulative projects identified in the above comment, which are either already built and occupied or located at least two miles from the project site) and evaluated as such on pages 147-149 of the Draft SEIR.

Text has been added to page 48 of the Draft SEIR to clarify that the cumulative analysis considers the effects of cumulative projects including the existing Google Bayview campus, the approved but not yet constructed Google Caribbean campus, and the proposed Moffett Park Specific Plan where applicable (refer to Section 5.0 Draft SEIR Text Revisions).

In addition, for all the impacts assessed in the Draft SEIR, the proposed project was found to have the same or similar impacts to those disclosed in the certified 2017 Precise Plan EIR. Therefore, the proposed project, which is within the same geographic area analyzed in the certified 2017 Precise Plan EIR, would not result in new or more severe significant cumulative impacts than those disclosed in the 2017 Precise Plan EIR.

This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft EIR.

Comment K.18: 10) Artificial Light at Night

In the time since the NBPP was adopted, scientific evidence and understanding of the devastating impacts of Artificial Light At Night (ALAN), especially in the blue band of the spectrum, has grown substantially. We now know much more about impacts of ALAN to the environment and to human health, and we have a better understanding of how to mitigate the impacts. The Artificial Light at Night Research Literature Database includes many recent (2018-2023) scientific studies that focus on the harmful impacts of LED lighting to species, ecosystems and human health, impacts that were not known, and could not have been discovered, when the NBPP was approved in 2017. The primary lesson that emerges from these studies is that ALAN must be minimized.

This upcoming update to City code, and the proliferation of new scientific evidence, justifies a reevaluation of the NBPP standards and strengthening the existing requirements by the following.

- Eliminating minimum requirements for lighting from the NBPP and the NBMPP. Lighting for all human needs can be achieved without setting minimums.
- Turning off all outdoor lights at 10PM.
- Ensuring that Correlated Color Temperature should not exceed 2700 Kelvin (with potential exception to vibrant social activity centers).
- Including as Standards and Guidelines the best practices that the International Dark-sky Association (IDA) provides in its Board Policy on the Application of the Lighting Principles document (June 24, 2021). This policy provides guidance for implementing the Five Principles for Responsible Outdoor Lighting that are offered as mitigation for the significant impacts of

ALAN on the environment. These guidelines include the following among other recommendations.

- The spectral content, or color, of light should be limited to only what is necessary for the task. Because of the disproportionate impact on the nighttime environment, particular attention should be paid to reducing the total emissions of short-wavelength or “blue” light (defined for the purposes of this resolution between the wavelengths of 380 nm and 520 nm) through light source spectrum management.
- To minimize negative environmental impacts, IDA recommends using lamps rated at 2200K CCT18 , Phosphor-Converted Amber LED, or some filtered LED.
- When higher than 2200K CCT is necessary to meet lighting objectives, keep the total emission of blue light into the environment as low as reasonably possible through low intensities, careful targeting, and reduced operating times.
- Near sensitive sites, such as conservation areas, sensitive wildlife habitat, ecological reserves, parks, astronomical observatories, or stargazing sites, IDA recommends that lighting installations use 0% blue light and a narrower spectrum of emission.
- Critically sensitive environments should be kept naturally dark.
- Tall buildings that emit internal light at night can divert bird migration patterns and increase bird collisions. Any buildings that face ecologically sensitive areas should include window coverings that can be drawn at night to reduce visibility of light from surrounding areas. We are especially concerned with the lighting of parking garages, particularly the proposed garage on Amphitheater Parkway.

Response K.18: The analysis in the Draft EIR (page 195) found that the proposed project (including development on Subarea AM1), in compliance with the outdoor lighting standards and guidelines in Precise Plan Section 4.6 Outdoor Lighting and the standards and guidelines in Precise Plan Section 5.2 Bird Safe Design, would reduce light and glare impacts to a less than significant level and would not result in a new or more substantially severe significant impact than disclosed in the 2017 EIR. For this reason, no additional mitigation (such as the measures in the above comment) are required.

Comment K.19: 11) Hydrology

Have impacts of the Project to the hydrology of the Charleston Retention Basin been analyzed? Please ensure that the wetland is not deprived of water.

Response K.19: Impacts related to hydrology and water quality are discussed in Section 4.7 of the Draft SEIR on pages 269-286. The project would comply with the City’s standard condition of approval COA HYD-1.1 (described on page 277-279 of the Draft SEIR), the General Construction Permit, and current MRP to reduce water quality impacts to a less than significant level. In addition, the project would retrofit existing streets with stormwater treatments in accordance with the MRP and City policy, and reduce the total amount of impervious surfaces on the project site. Further, the existing drainage patterns leading to Charleston Retention Basin would be maintained and the required stormwater treatment areas would allow cleaner flows to reach the Charleston Retention Basin than under existing conditions.

L. Tamara Wilson (dated February 6, 2023)

Comment L.1: I'm writing today to comment on the Amended North Bayshore Precise Plan (NBPP), Draft Environmental Impact Report (DEIR). In particular, I'd like to comment on the indirect impact on Mountain View schools – both the Mountain View Whisman School District (MVWSD) and the Mountain View Los Altos (MVLA) High School District – responsible for educating the future children coming from this large, new proposed community. As a former MVWSD board member (2016-2020), I see this as a wonderful opportunity for the City of Mountain View, the Developer, and the 2 school districts to work together to serve the future students generated from the proposed development while also considering the broader picture factoring in all future growth in the school impact analysis and school site needs. I realize the City cannot impose school related fees on developers, but the current school impacts are grossly underestimated and the findings are not aligned with real world facts. There are numerous other projects, both approved and in process, that will also bring additional pupils to our schools well ahead of the NBPP development. These numbers do not appear to be factored into the school site impacts. Neither MVWSD nor MVLA has the monetary resources to purchase new land to house the sheer magnitude of all future growth in the city, when all existing and approved developments are factored in. Land costs were roughly \$15 million and acre over 3 years ago and even with the State of California paying for ½ of the land costs, our districts simply cannot afford the remaining costs for both land and construction with their current revenue streams.

Response L.1: Please refer to Master Response 1: School Impacts, specifically the Project Impacts section of the response.

Comment L.2: One potential and logical avenue to explore, to alleviate the pressure and of either new land and/or facilities from Mountain View's school districts, would be to faithfully, fairly, and more equitably renegotiate the Shoreline Community Redevelopment Area Tax Increment set to expire in June 2023. The current allocation to MVWSD alone is a mere 38% of what the normal tax base would be in any other part of the city. Renegotiating to a more representative rate could allow both districts to set aside funds for school site modifications, facilities expansion, potential lease lapses (as income would no longer be needed) and possibly the purchase of additional land before the NBPP students arrive, as well as help both district's serve these students once they populate classrooms. Without such revenue, existing student services would decline for all Mountain View students. Ideally, with a development of this size, a walkable elementary school within the NBPP community is what is needed, as all of MVWSD's kids can currently walk and bike to nearby schools, an opportunity all Mountain View residents should be afforded. Schools within communities foster relationships, build healthy connections, improve mental health, and serve as focal gathering spaces for after-hours events and open space use.

Response L.2: Please refer to Master Response 1: School Impacts, specifically the Shoreline Community Redevelopment Area Tax Increment section of the response.

Comment L.3: Thank you for your time and consideration of my comments on the DEIR. I respectfully request a more adequate representation of the full impact on Mountain View's schools of a development of this size, and encourage the thoughtful consideration of all possible, creative, and collaborative solutions to the vision of creating an entirely new neighborhood in our beautiful city while also supporting schools to equitably educate our children near where they live.

Response L.3: Please refer to Master Response 1: School Impacts. This comment does not raise any issues about the adequacy of the Draft SEIR; therefore, no further response is required.

M. The Friends of Mountain View Parks (dated February 6, 2023)

Comment M.1: This document serves as the response by The Friends of Mountain View Parks to the Amended North Bayshore Precise Plan (NBPP) Draft Environmental Impact Report (DEIR). I have reviewed the report and provide the following comments concerning the adequacy of the findings relating to the direct and indirect impacts to parks, open space, the Shoreline Regional Wildlife Area, and the overall quality of life in the proposed North Bayshore development.

The proposed project including up to 7,000 residential units is estimated to generate approximately 12,250 new residents resulting in a parkland requirement of 36.8 acres to meet the City’s target of three (3) acres per 1,000 residents. DEIR at page 324-325.

The project Master Plan proposes a total of 30.5 acres of parks and open space with 18.9 acres of unimproved land dedicated to the City of Mountain View and 11.7 areas provided as POPA open space which would be improved and maintained by the applicant in perpetuity. DEIR at Section 2.3.2.

The applicant would pay in lieu fees for the remaining 6.2 acres. DEIR at page 331.

Section 41.5 of the City Code states that “The public interest, convenience, health, welfare and safety require that three (3) acres of property for each one thousand (1,000) persons residing in the city be devoted to public parks and recreational facilities. Section 41.3(c) of the City Code further provides that “[i]f there is no public park or recreation facility designated or required in whole or in part within the proposed residential development, which meets the requirements set forth herein, the owner and/or developer shall be required to pay a fee in lieu of land dedication equal to the value of the land as determined by Secs. 41.5 through 41.9 of this chapter.” “The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the residential development from which fees are collected in accordance with the service area requirement in Table 41.3 of this chapter.” Section 41.3(e).

However, a plan for how the in lieu fees based on the value of the 6.2 acres of land will be used to mitigate the impact of the approximately 12,250 new residents in the proposed North Bayshore development has not been set forth in the DEIR. The DEIR fails to provide any plan for how the in lieu fees will be spent or articulate a nexus between the use of the funds and mitigating the impact of the residential development. “[T]o be adequate the payment of fees must be tied to a functioning mitigation program.” (California Native Plant Society v. County of El Dorado (2009) 170 Cal.App.4th 1026, 1055); “To be adequate, these mitigation fees ... must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing.” (Id., quoting Anderson First Coalition v. City of Anderson (2005) 130 Cal.App.4th 1173, 1188.) “For an in-lieu fee system to satisfy the duty to mitigate, either that system must be evaluated by CEQA (two tier approval for later, more specific, projects) or the in-lieu fees or other mitigation must be evaluated on a project-specific basis.” (Id.)

Response M.1: The land acreage the project would dedicate to the City as parkland has been refined from 18.9 to 14.8 acres (please refer to Section 5.0 Draft SEIR Text

Revisions). As noted by the above comment, the City has an adopted Parkland Dedication Ordinance that establishes in-lieu fees. Chapter 41 of the City’s Municipal Code states that “The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which fees are collected... Fees so collected shall be used to purchase land, buy equipment, construct improvements or rehabilitate a proposed or existing mini-park, neighborhood park, community park, recreational facility, Stevens Creek Trail, community gardening facility or combination thereof serving said residential development.” Therefore, the in-lieu fees paid by the project will be used by the City for park and recreational facilities within proximity to the project site and within the North Bayshore Precise Plan area. Text from Chapter 41 of the Municipal Code has been added to the Draft SEIR summary to clarify this aspect of Chapter 41.

Comment M.2: In addition to the 7,000 residential dwelling units, the proposed North Bayshore development further includes 3.1 million square feet of office space of which 1.3 million square feet is new office space and 1.8 million square feet is existing office space to be developed, 224,000 of retail space, and 525 hotel rooms. Notice of Preparation of a Draft Subsequent Impact Report for the North Bayshore Master Plan Project, City of Mountain View dated February 28, 2022.

The employees, the shoppers, and the visitors to the office buildings, stores, restaurants, and hotels will use the parks and open space. But the DEIR makes no provision for the impacts of these non-residential developments on parks and open space. The cumulative impact of not only those living in the proposed NBBS development but also the employees and visitors to the area should be taken into consideration when determining the appropriate acreage of parks and open space and in developing mitigation strategies that accomplish the objectives of fostering a vibrant neighborhood and community in North Bayshore.

Response M.2: The City’s parkland dedication requirement is calculated based on the number of new residents (not employees) a development would generate. Employees and visitors of non-residential uses would use park and recreation facilities on a limited basis compared to residents, therefore, the City does not require parkland dedication for non-residential development. Employees and visitors of non-residential uses are not considered to substantially deteriorate park facilities.

Comment M.3: General Plan Policy POS 1.2 is to “Require new development to provide park and recreation facilities”. This policy is not limited to residential development. The new commercial and office developments should be required to provide park and recreation facilities in addition to the parks being created for the new residential development.

Furthermore, it is critical that adequate park and recreational facilities be provided for all those who live, work, and visit the development to ensure that the viability of the Shoreline Regional Wildlife Area as a wildlife habitat is preserved. If adequate park and recreational facilities are not provided for these new visitors and residents, they will inevitably make their way to more sensitive wildlife habitat areas as they seek out the open space not otherwise adequately provided by the project.

For at least these reasons, I recommend that the City and the proponents of the proposed North Bayshore project provide additional park and open space as part of their project, and that the City delay the approval of the North Bayshore Master Plan and the DEIR to address the concerns raised in this letter.

Response M.3: The complete description of General Plan Policy POS 1.2 is not provided in full in the above comment. Per the General Plan, General Plan Policy POS-1.2 is as follows: “*POS 1.2: Recreation facilities in new residential developments.* Require new development to provide park and recreation facilities.” The first sentence of General Plan Policy POS 1.2 (“Recreation facilities in new residential developments”) means that this policy pertains to new residential developments. The above interpretation of this General Plan Policy in the above comment is incorrect – this policy does not apply to non-residential developments.

The open space and recreational facilities constructed as part of the project would be available for use to residents, as well as visitors and employees. Protection of the Shoreline Regional Wildlife Area would be maintained and areas off-limits to people would continue to be enforced. As discussed on pages 325 and 331 of the Draft SEIR, the project would comply with the City’s Park Land Dedication or Fees In Lieu Thereof Ordinance to provide adequate parkland. Per the City’s Parkland Dedication Ordinance, in-lieu fees could be used to maintain existing parks within and near the project site, including Shoreline Park. Also refer to Response M.2:.

None of the comments raised represent new significant information that would warrant recirculation of the Draft SEIR pursuant to CEQA Guidelines Section 15088.5(a).

SECTION 5.0 DRAFT SEIR TEXT REVISIONS

This section contains revisions to the text of the North Bayshore Master Plan Draft SEIR dated December 2022. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Master edit **REVISE** all occurrences of subarea labels with the revised labels below:

Draft EIR Subarea Labels

~~Shorebird Yards~~

~~SB-PO-1~~

~~SB-PO-2~~

~~SB-PO-3~~

~~SB-PH~~

~~SB-PR-1~~

~~SB-PR-2~~

~~SB-PR-3~~

~~SB-PR-4~~

~~SB-PR-5~~

~~SB-PR-6~~

~~SB-PR-7~~

~~SB-PR-8~~

~~JS-PO-1~~

~~JS-PR-1~~

~~JS-PR-2~~

~~JS-PR-3~~

~~JN-PO-1~~

~~JN-PO-2~~

~~JN-PR-1~~

~~JN-PR-3~~

~~JN-PR-4~~

~~JN-PR-6~~

~~JN-PR-7~~

~~PE-PR-1~~

~~PE-PR-2~~

~~MW1~~

~~MW2~~

~~AM1~~

~~Basement (SB-PH, SB-PO-1, SB-PO-2, SB-PR-1)~~

~~Basement (SB-PR-2)~~

~~Basement (SB-PR-3, SB-PR-4)~~

~~Basement (SB-PR-5)~~

~~Basement (SB-PR-7)~~

~~Basement (SB-PR-8)~~

Final EIR Revised Subarea Labels

SB-PU

SB-BO-1

SB-BO-1

SB-BO-3

SB-BH

SB-BR-1

SB-BR-2

SB-BR-3

SB-BR-4

SB-BR-5

SB-BR-6

SB-BR-7

SB-BR-8

JS-BO-1

JS-BR-1

JS-BR-2

JS-BR-3

JN-BO-1

JN-BO-2

JN-BR-1

JN-BR-3

JN-BR-4

JN-BR-6

JN-BR-7

PE-BR-1

PE-BR-2

MW-BP-1

MW-BP-2

SA-BP-1

Basement (SB-BH, SB-BO-1, SB-BO-2, SB-BR-1)

Basement (SB-BR-2)

Basement (SB-BR-3, SB-BR-4)

Basement (SB-BR-5)

Basement (SB-BR-7)

Basement (SB-BR-8)

Page v **REVISE** the fourth sentence under Summary of Project as follows:

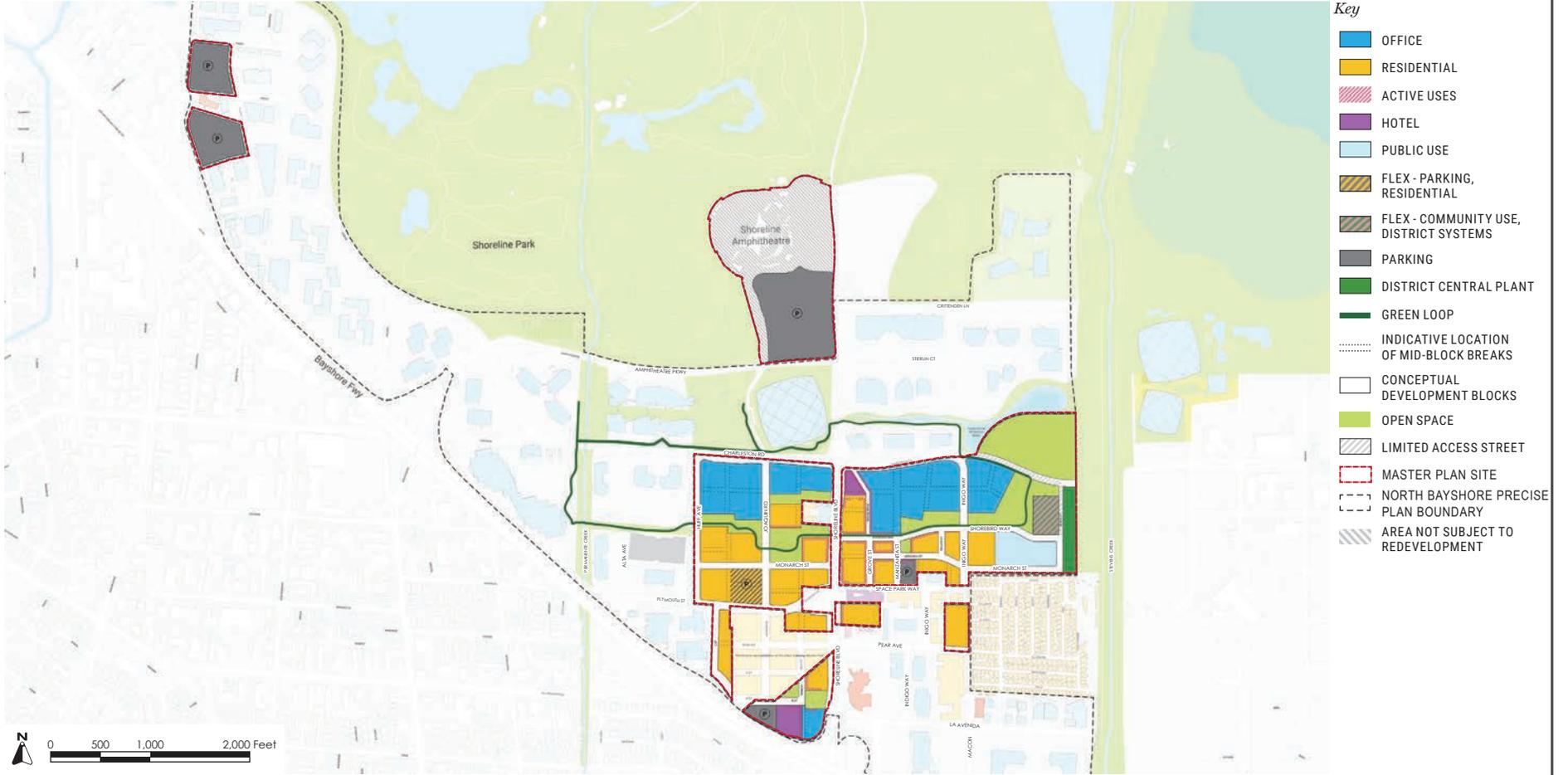
The project would also dedicate ~~18.9~~14.8 acres of public open space and construct ~~11.73~~ acres of Privately Owned Publicly Accessible (POPA) open space.

Page 12 **REVISE** the first, third, and fourth bullet on this page as follows:

- Up to 7,000 residential dwelling units (including ~~20~~ 15 percent affordable residential units);
- ~~18.9~~14.8 acres of public open space and ~~11.73~~ acres of Privately Owned Publicly Accessible (POPA) open space;
- Up to 244,000 square feet of retail uses;⁴

Page 13 **REPLACE** Figure 2.3-1 with the following figure:

⁴ Since circulation of the Draft SEIR, the project has been refined to reduce the amount of total retail by 10,010 square feet from 244,000 to 233,990 square feet. This reduction would not materially change the impact analyses or conclusions in the Draft SEIR.



Source: Google, March 2023.

PROPOSED LAND USE PLAN

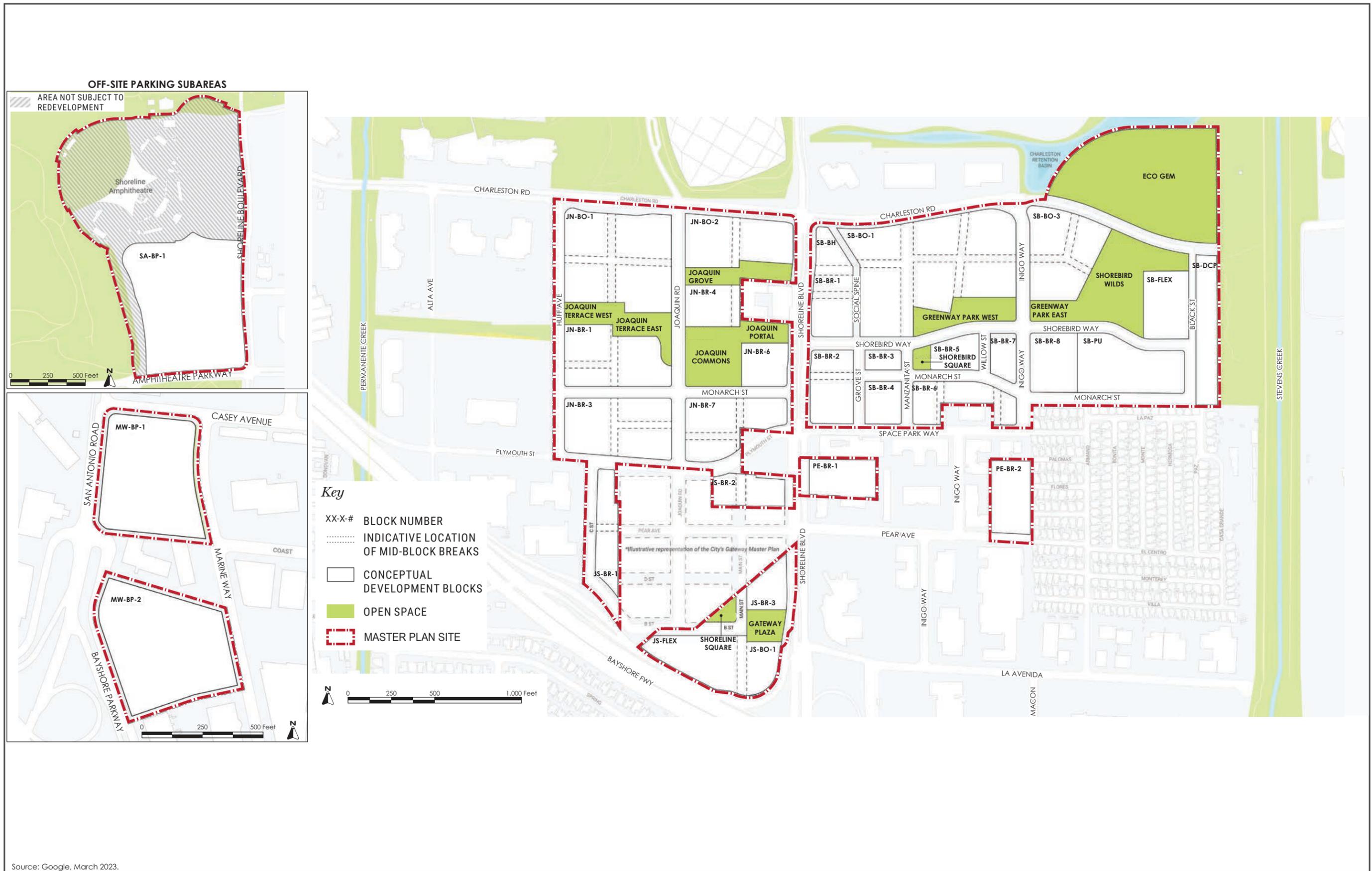
FIGURE 2.3-1

Page 14 **ADD** the following text to the end of the paragraph under Master Plan Subareas:

Subarea SB-PU, shown on Figure 2.3-2, would be dedicated to the City for future public use.⁵ In addition, land within Subareas noted in Table 2.3-1 below would also be dedicated to the City for the development of affordable housing to meet North Bayshore Precise Plan affordable housing requirements.

Page 15 **REPLACE** Figure 2.3-2 with the following figure:

⁵ The public use of this dedicated land is currently unknown and would undergo separate environmental review once development is proposed.



MASTER PLAN SUBAREAS

FIGURE 2.3-2

| Table 2.3-1: Master Plan Development by Subareas | | | | | | | |
|--|-----------------|-------------|-------|--------------------------------|--------------------------|-------------|---------------------------------|
| Subareas | Proposed Use(s) | Square Feet | Units | Maximum Building Height (feet) | Vehicle Parking Provided | | Maximum Excavation Depth (feet) |
| | | | | | Stalls | Square Feet | |
| SB-BPO-1 | Office | 511,259 | 0 | 110 | 118 | 111,714 | 8 |
| | Retail | 33,711 | | | 136 | | |
| SB-PO-2 | Office | 738,156 | 0 | 95 | 139 | 65,176 | 8 |
| Greenway Park West | Retail | 2,000 | 0 | 95 | 0 | 0 | 8 |
| SB-BPO-3 | Office | 390,179 | 0 | 80 | 73 | 32,483 | 8 |
| Greenway Park East | Retail | 1,000 | 0 | 80 | 0 | 0 | 8 |
| SB-BPH | Hotel | 160,000 | 0 | 110 | 0 | 0 | 8 |
| | Retail | 16,731 | | | | | |
| SB-BPR-1 | Residential | 360,342 | 366 | 160 | 257 | 139,000 | 8 |
| | Retail | 27,192 | | | 80 | | |
| SB-BPR-2 | Residential | 486,000 | 428 | 160 | 233 | 98,000 | 8 |
| | Retail | 39,707 | | | | | |
| SB-BPR-3 | Residential | 202,000 | 211 | 160 | 0 | 0 | 8 |
| | Retail | 18,552 | | | | | |
| SB-BPR-4 | Residential | 296,000 | 297 | 160 | 224 | 77,000 | 8 |
| | Retail | 12,825 | | | | | |
| SB-BPR-5 | Residential | 183,000 | 176 | 95 | 162 | 68,000 | 8 |
| | Retail | 16,732 | | | | | |
| SB-BPR-6 ² | Residential | 223,000 | 220 | 95 | 155 | 34,000 | 8 |
| | Active Use | 4,550 | | | 495 | 185,000 | |
| | Hotel Parking | 0 | 0 | 95 | 105 | | |
| SB-BPR-7 | Residential | 161,000 | 172 | 95 | 73 | 15,000 | 8 |
| SB-BPR-8 | Residential | 241,000 | 215 | 55 | 280 | 117,000 | 8 |
| SB-FLEX | Community | 55,000 | 0 | 45 | 0 | 0 | 8 |

Table 2.3-1: Master Plan Development by Subareas

| Subareas | Proposed Use(s) | Square Feet | Units | Maximum Building Height (feet) | Vehicle Parking Provided | | Maximum Excavation Depth (feet) |
|-----------------------|------------------------------------|-------------------------------|-----------------------|--------------------------------|--------------------------|-----------------------------|---------------------------------|
| | | | | | Stalls | Square Feet | |
| | | | | | | | |
| | District Systems, Ancillary Retail | 35,000 | | | | | |
| SB-DCP | District Systems | 95,000 | 0 | 45 | 5 | 0 | 8 |
| SB-PP | Retail | 4,550 | 0 | 95 | 495 | 151,000 | 8 |
| | Hotel Parking | 0 | | | 105 | | |
| JS-BPO-1 | Office | 250,000 | 0 | 140 | 50 | 25,000 | 8 |
| | Retail | 3,990 | | | | | |
| JS-BPR-1 ² | Residential | 426,000 | 409 | 160 | 220 | 54,000 | 8 |
| JS-BPR-2 ² | Residential | 284,000 288,000 | 283 276 | 160 | 201 161 | 84,000 47,000 | 8 |
| | Retail | 10,010 | | | | | |
| JS-BPR-3 | Residential | 327,000 | 318 | 160 | 241 | 107,000 | 8 |
| | Retail | 7,000 | | | | | |
| JS-FLEX | Hotel | 180,000 | 0 | 140 | 250 | 332,579 | 8 |
| | Retail | 4,000 | | | 450 | | |
| | Office | 0 | | | | | |
| JN-BPO-1 | Office | 770,023 | 0 | 95 | 171 | 72,478 | 8 |
| JN-BPO-2 | Office | 486,280 | 0 | 110 | 112 | 46,497 | 8 |
| JN-BPR-1 ² | Residential | 970,000 | 922 | 160 | 688 | 186,000 | 8 |
| JN-BPR-3 | Residential, Parking | 953,000 | 881 | 160 | 1,059 | 404,215 | 8 |
| JN-BPR-4 | Residential | 367,000 | 375 | 160 | 220 | 74,000 | 8 |
| | Retail | 7,748 | | | | | |
| The Portal | Retail | 1,000 | 0 | 110 | 0 | 0 | 8 |
| JN-BPR-6 | Residential | 280,000 380,000 | 391 | 160 | 182 | 76,000 | 8 |

Table 2.3-1: Master Plan Development by Subareas

| Subareas | Proposed Use(s) | Square Feet | Units | Maximum Building Height (feet) | Vehicle Parking Provided | | Maximum Excavation Depth (feet) |
|--|------------------------------------|--------------------|------------|--------------------------------|--------------------------|--------------------|---------------------------------|
| | | | | | Stalls | Square Feet | |
| | | | | | | | |
| | Retail | 20,655 | | | | | |
| JN-BPR-7 | Residential | 809,000 805,000 | 764 771 | 160 | 520 560 | 173,000 210,000 | 8 |
| | Retail | 6,597 | | | | | |
| PE-BPR-1 | Residential | 287,000 | 341 | 160 | 184 | 77,000 | 8 |
| | Retail | 10,000 | | | | | |
| PE-BPR-2 ² | Residential | 232,000 | 231 | 95 | 151 | 63,000 | 8 |
| MW1 MW-BP-1 | Parking | 0 | 0 | 80 | 416 | 477,411 | 8 |
| MW2 MW-BP-2 | Parking | 0 | 0 | 80 | 474 | 362,120 | 8 |
| AM1 SA-BP-1 | Police Operations Station | 2,000 | 0 | 90 | 4,584 | 1,516,800 | 8 |
| | Parking | 0 | | | | | |
| Basement (SB-BPH, SB-BPO-1, SB-BPO-2, SB-BPR-1) ¹ | Office, Residential, Hotel, Retail | 0 | 0 | 160 | 800 | 653,483 | 30 |
| Basement (SB-BPR-2) ¹ | Residential, Retail | 0 | 0 | 160 | 327 | 117,008 | 30 |
| Basement (SB-BPR-3, SB-BPR-4) ¹ | Residential, Retail | 0 | 0 | 160 | 331 | 82,400 | 30 |
| Basement (SB-BPR-5) ¹ | Residential, Retail | 0 | 0 | 95 | 115 | 54,416 | 30 |
| Basement (SB-BPR-7) ¹ | Residential | 0 | 0 | 95 | 112 | 39,624 | 30 |

| Table 2.3-1: Master Plan Development by Subareas | | | | | | | |
|--|-----------------|-------------|-------|--------------------------------|--------------------------|-------------|---------------------------------|
| Subareas | Proposed Use(s) | Square Feet | Units | Maximum Building Height (feet) | Vehicle Parking Provided | | Maximum Excavation Depth (feet) |
| | | | | | Stalls | Square Feet | |
| Basement (SB-BPR-8) ¹ | Residential | 0 | 0 | 55 | 140 | 94,020 | 30 |

¹ Basement parking is not proposed at this time; however, if basement is pursued an equivalent amount of podium parking would be removed in order to maintain a proposed total number of 12,708 parking spaces (see Table 3.3-2 below)

² Land within these subareas would be dedicated to the City for development of affordable housing to meet North Bayshore Precise Plan affordable housing requirements.

Page 19 **ADD** the following footnote to Table 2.3-2:

| Table 2.3-2: Square Footage of Master Plan Uses | |
|---|-------------|
| Master Plan Uses | Square Feet |
| Office | 3,145,897 |
| Residential (7,000 units) | 7,187,342 |
| Hotel (525 rooms) | 340,000 |
| District Central Plant | 130,000 |
| Retail ¹ | 244,000 |
| Community | 55,000 |
| Parking (12,708 stalls) | 5,377,066 |

¹ Since circulation of the Draft SEIR, the project has been refined to reduce the amount of total retail by 10,010 square feet from 244,000 to 233,990 square feet. This reduction would not materially change the impact analyses or conclusions in the Draft SEIR.

Page 19 **REVISE** the first paragraph and Table 2.3-3 under Parks and Open Space as follows:

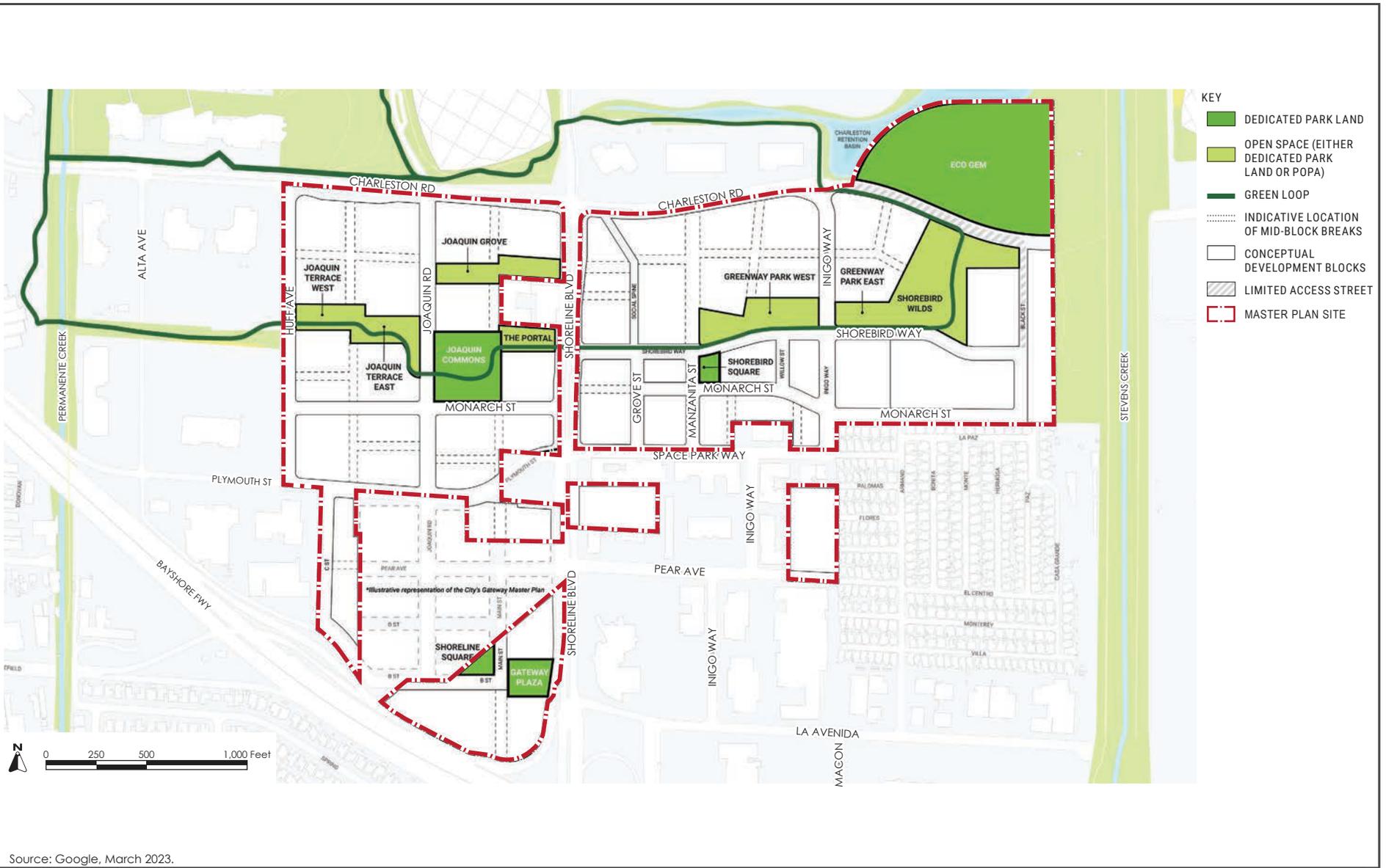
The Master Plan proposes a network of dedicated public space, POPA open space subject to an access covenant, and private open space. Approximately ~~18.9~~14.8 acres of unimproved land is proposed to be dedicated to the City.⁶ In addition, approximately 11.73 acres of parks and open space would be provided as POPA open space which would be improved and maintained by the applicant (Google) in perpetuity. In total, approximately ~~20~~ 17 percent of the project site (i.e., ~~30.5~~26.1 of the ~~151~~ 153 acres) would be dedicated parkland or POPA. Additional publicly accessible spaces include streets, paths,

⁶ Subsequent environmental review may be required when the City proposes to develop this dedicated land.

and other areas that do not qualify as parks. Parkland and open space locations and sizes are detailed in Table 2.3-3 and shown in Figure 2.3-3 below.

| Table 2.3-3: Park and Open Space Locations and Size | | | | |
|--|----------------------|---------------------|----------------------|------------------|
| Park | Neighborhood | Area (acres) | Type | Ownership |
| Greenway Parks | Shorebird | ±2.45 | POPA | Google |
| Eco Gem | Shorebird | ±10.78 | Dedicated | City |
| Shorebird Wilds | Shorebird | ±4.56 | POPA | Google |
| Shorebird Yard | Shorebird | ±4.1 | Dedicated | City |
| Shorebird Square | Shorebird | ±0.3 | Dedicated | City |
| The Portal | Joaquin | ±0.8 | POPA | Google |
| Joaquin Grove | Joaquin | ±1.4 | POPA | Google |
| Joaquin Commons | Joaquin | ±2.6 | Dedicated | City |
| Joaquin Terrace | Joaquin | ±2.2 | POPA | Google |
| Gateway Plaza | Joaquin | ±0.9 | Dedicated | City |
| Shoreline Square | Joaquin | ±0.3 | Dedicated | City |
| Total acreage | | ±30.526.1 | | |

Page 21 **REPLACE** Figure 2.3-3 with the following figure:



PROPOSED PARKS AND OPEN SPACE AREAS

FIGURE 2.3-3

Page 27 **REVISE** the second sentence of the first paragraph as follows:

Heating and cooling for all Master Plan buildings would be provided from the DCP through all-electric generation using a combination of ground source heating and cooling, heat recovery chillers, air source heat pumps, water-cooled chillers, cooling towers, biogas, and thermal energy storage. ~~This~~ Most mechanical equipment (i.e., chillers, heat pumps, and pumps) would be located inside the DCP, with only the cooling towers mounted on the roof or adjacent to the DCP.

Page 30 **REVISE** the second bullet labeled Energy Efficiency Design as follows:

- Energy Efficient Design: Energy modeling in early design phases to optimize ~~window~~wall-to-wall ratios, thermal performance, and exterior shading.

Page 32 **REPLACE** Figure 2.3-4 with the following figure:



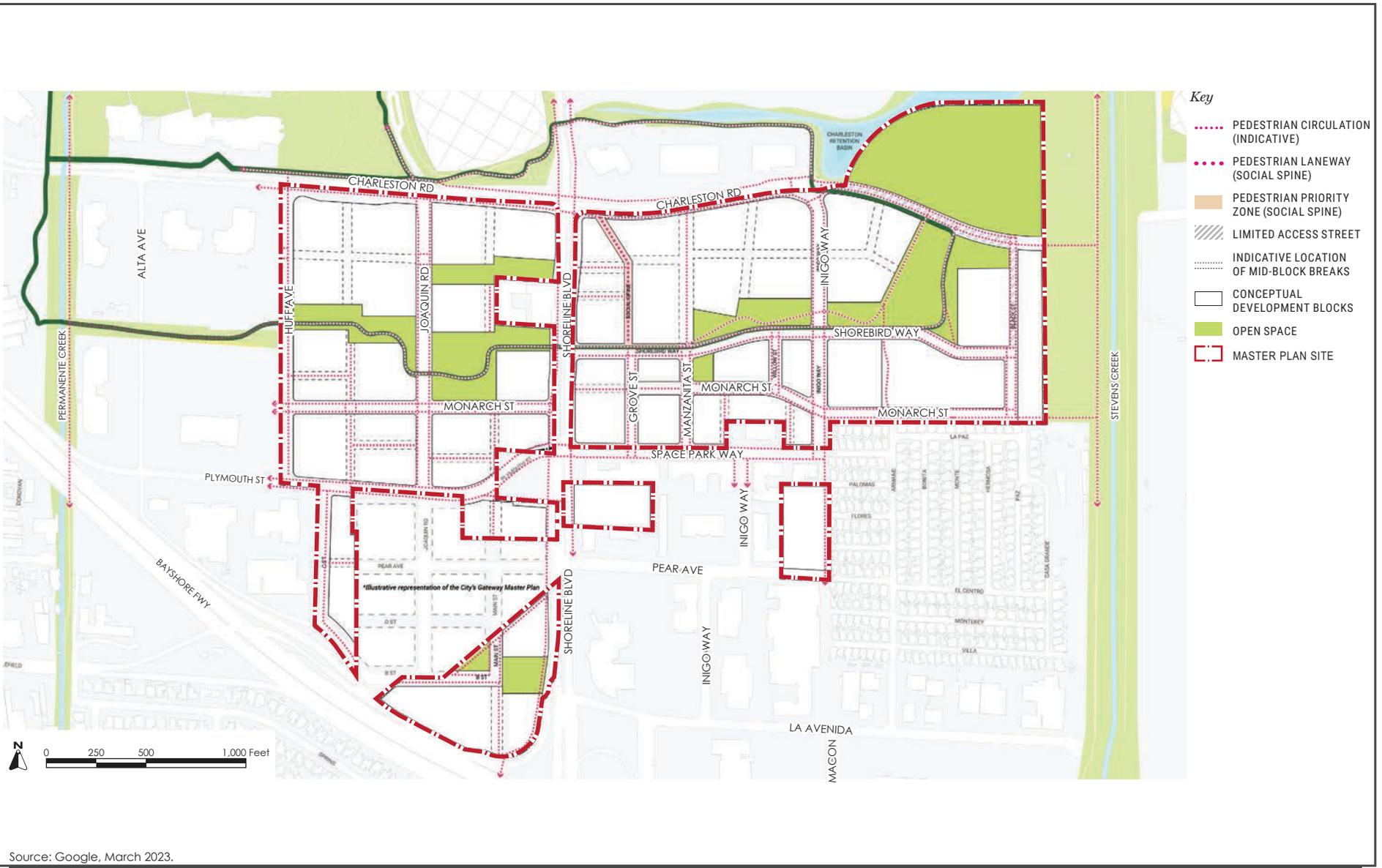
PROPOSED STREET NETWORK

FIGURE 2.3-4

Page 33 **REMOVE** the second paragraph on this page:

~~Further, as a Community Benefit pursuant to the allocation of 1.3 million square feet of Bonus FAR, the Master Plan would contribute funds toward the completion of the Charleston Transit Corridor (Phases 2 and 3). The Charleston Transit Corridor would turn Charleston Road into a transit corridor that would give priority to bus transit and would provide dedicated cycle tracks along its entire length in order to encourage non-vehicular transportation. The Charleston Transit Corridor is a City project subject to separate CEQA review and permitting.~~

Pages 34-35 **REPLACE** Figure 2.3-5 and Figure 2.3-6 with the following figures:



PROPOSED PEDESTRIAN NETWORK

FIGURE 2.3-5



Source: Google, March 2023.

PROPOSED BICYCLE NETWORK

FIGURE 2.3-6

REVISE the text in the first and second columns of Table 2.3-5 as follows:

| Table 2.3-5: Summary of Proposed District Parking Facilities | | | |
|---|---|--|---|
| Parking Garage | Subarea Location | Use Served | Approximate Number of Parking Stalls |
| SB-P-1 | SB-PP | Hotel, Retail, residential visitor | ±600 |
| JN-P-1 | JN- B PR-3 | Hotel, Retail, residential visitor | ±500 |
| JS-P-1 | JS-Flex | Office, Hotel, Retail, residential visitor | ±700 |
| AM1 SA-P-1 | AM1 SA-BP-1 | Office, public | ±4,584 |
| MW1 & MW2 MW-P-1 & MW-P-2 | MW1 & MW2 MW-BP-1 & MW-BP-2 | Office | ±890 |
| Total | | | ±7,274 |

REVISE the text of the first paragraph under the Heritage Trees and Landscaping heading as follows:

The project site contains approximately ~~3,969~~3,608 trees⁷, ~~1,806~~1,660 of which are Heritage trees as defined in the City's Municipal Code. Implementation of the Master Plan would result in the removal of approximately ~~3,330~~2,895 existing trees (including ~~1,509~~1,345 Heritage trees). The project would plant 3,115 new trees throughout the site as required by City policies or as otherwise agreed to with the City. Tree species to be planted would be native and include oak and sycamore trees. In addition to new trees, the Master Plan proposes new landscaping consisting of native and/or drought-tolerant plants. The landscaping (including trees) within the project site to the greatest degree possible would be irrigated using recycled water (not potable water) to the extent feasible at full buildout.

⁷ This total excludes the trees on land that would be dedicated as parkland as part of the proposed project, except for the Eco Gem. Existing trees on the Eco Gem subarea are included in the 3,608 total.

ADD the following text to the Valley Water row:

| | |
|---|--|
| Valley Water/ <u>U.S. Environmental Protection Agency</u> | Approvals of proposed geobores. Review and approval may be required if wells are required <u>and/or</u> if abandoned wells are proposed to be destroyed during construction of the project. Review and issue well construction, relocation, and destruction permits, including soil borings greater than 45 feet in depth. |
|---|--|

REVISE the text of the first paragraph as follows:

Table 3.0-1 identifies the pending and approved (but not yet constructed or occupied) cumulative projects within 1,000 feet of near the project site that were ~~included~~ considered in the cumulative air quality analysis. Cumulative projects, including the existing Google Bayview campus, the approved but not yet constructed Google Caribbean campus, and the proposed Moffett Park Specific Plan, are analyzed in the Draft SEIR where applicable.

ADD the following bullet and footnote to mitigation measure MM AQ-1.1:

MM AQ-1.1: Both Project Options: The project (under either option) shall implement the following measures during all phases of construction:

- For demolition and construction activities prior to the year 2024, off-road diesel vehicles 25 horsepower or greater shall use R99 or R100 renewable diesel fuel to the extent feasible and commercially available.⁸

ADD the following footnote to the second sentence of the first paragraph:

The greatest sources for operational ROG emissions are area emissions (e.g., architectural coatings and consumer product use) and the greatest source for operational NO_x and PM₁₀ emissions is project traffic.²

⁸ The California Air Resources Board adopted new regulations for off-road diesel equipment in November 2022, which requires all off-road diesel vehicles 25 horsepower or greater to use R99 or R100 renewable diesel fuel beginning January 1, 2024, Source: California Air Resources Board. "Proposed Amendments to the In-Use Off-Road Diesel-Fueled Fleets Regulation". November 17, 2022. Accessed April 10, 2023. <https://ww2.arb.ca.gov/sites/default/files/barcu/board/res/2022/res22-19.pdf>.

⁹ Since circulation of the Draft SEIR, the project description has been refined to no longer provide inclusionary housing, which would reduce the percentage of affordable housing units from 20 percent to 15 percent. The number of overall housing units (7,000) would not change. Mobile emissions from project operation were based on trip generation rates that differentiate between market rate and affordable housing units. The five percent shift from affordable to market rate housing units would result in approximately 116 additional daily vehicle trips. This incremental increase in trips would not change the results of the operational air quality analysis, nor change the conclusions presented in the Draft SEIR for operational air quality emissions.

Page 66 **REVISE** the first sentence on this page as follows:

The project’s mobile NO_x and PM₁₀ emissions from proposed land uses would be reduced to the maximum extent feasible through the stringent TDM measures proposed by the project as described in Section 32.3.10 Transportation Demand Management.

Page 89 **REVISE** the text in row AQ-C in the table as follows:

| | | | | | |
|--------------|---|-----|---|---|----|
| AQ-C: | Both Project Options: The project (under either option) would result in a cumulatively considerable contribution to a significant cumulative air quality impact. | Yes | S | 2017 EIR MM AQ-2.1, 2017 EIR MM AQ-3.1, 2017 EIR MM 4.1 , MM AQ-1.1, MM AQ-1.2 | SU |
|--------------|---|-----|---|---|----|

Page 97 **ADD** the following text at the bottom of the page after Mountain View Heritage Tree Preservation Ordinance discussion:

Burrowing Owl Preservation Plan

The City of Mountain View first adopted the Burrowing Owl Preservation Plan (BOPP) in 1998 and it was updated in October 2012. The BOPP describes an adaptive management approach to preserving burrowing owls based on setting goals, implementing actions to achieve those goals and monitoring the results of actions and the, if goals are met, revising actions based on consultation with burrowing owl experts and Shoreline Park managers to determine what actions could be taken to improve conditions for burrowing owls. The BOPP also provides procedures for meeting wildlife laws and regulations without the City having to consult CDFW on every action taken at Shoreline Park that has the potential to harm burrowing owls.

Page 98 **REVISE** the text of the third paragraph under the Habitat heading as follows:

The project site contains ~~4,021~~ a total of 3,820 trees. Of the existing trees, 212 of the trees are located within areas proposed to be dedicated to the City as parkland (except for the Eco Gem) and, therefore, would be managed at the City’s discretion. The remaining trees (3,608 trees) are located within areas proposed for redevelopment and the Eco Gem. Of the 3,608 tree, including 1,812, 1,660 are Heritage trees as defined in the City’s Municipal Code.¹⁰ Of the ~~4,021~~3,608 trees on-site, approximately 12 percent are in poor condition, 42 percent are in fair condition, and 46 percent are in

¹⁰ Mountain View Municipal Code Chapter 32, Article II defines a “Heritage Tree” as a tree with any of the following characteristics: a tree trunk with a circumference of forty-eight inches or more, measured at fifty-four inches above natural grade. Multi-trunk trees are measured just below the first major trunk fork. Any of the following three species of trees with a circumference of twelve inches or more, measured at fifty-four inches above natural grade: Quercus (oak), Sequoia (redwood), Cedrus (cedar), and groves of trees designated as “heritage” by the City Council.

~~good condition. The most common tree species on-site are coast redwood, London plane, sweetgum, Canary island pine, and evergreen ash, most of which are in good or fair condition. The most common tree on-site is the coast redwood, which comprises approximately 21 percent of the trees on-site. The largest tree on-site is a coast redwood with a trunk diameter of 58 inches, it is located in the northeastern portion of the project site.~~

Page 100 **ADD** the following text in the paragraph under the Burrowing Owl heading:

An actively breeding population of burrowing owls is present in Shoreline Park, and habitats on Vista Slope, immediately west of Subarea ~~AM1SA-BP-1~~, are managed to provide suitable nesting, roosting, and foraging habitat for this species. Marginally suitable burrowing owl foraging and roosting habitat, and possibly nesting habitat, is present on the north, east, and western margins of Subarea ~~AM1SA-BP-1~~ in the form of ruderal grassland with abundant ground squirrel burrows. There is no evidence that burrowing owls have used Subarea SA-BP-1 for nesting habitat in recent years. These areas do not provide high-quality owl habitat due to their narrow nature and frequent disturbance, but burrowing owls may occasionally be present on Subarea ~~AM1SA-BP-1~~. Burrowing owls are more likely to occur (and more regularly) in the Vista Slope grasslands immediately to the west of ~~AM1SA-BP-1~~. It is possible that up to one pair of white-tailed kites and one pair of loggerhead shrikes could nest in trees or shrubs within or immediately adjacent to Subarea ~~AM1SA-BP-1~~.

Page 101 **ADD** the following text right after the “MM BIO-1.1:” text:

MM BIO-1.1: Both Project Options:

Page 102 **ADD** the following text right after the “MM BIO-1.2:” text:

MM BIO-1.2: Both Project Options:

Page 102 **ADD** the following text right after the “MM BIO-1.3:” text:

MM BIO-1.3: Both Project Options:

Page 103 **ADD** the following text after the second paragraph under the Burrowing Owls heading:

In addition, the project would implement the following condition of approval to further reduce any potential impacts to burrowing owls on Subarea SA-BP-1.

Condition of Approval

COA BIO-1.1: Both Project Options: A habitat confirmation survey for burrowing owls must be conducted and submitted for review with any Planned Community Permit (PCP)

requests for development of parking structure at Subarea SA-BP-1. The assessment shall cover all areas within the construction area for the parking structure and Burrowing Owl Preservation Plan (BOPP) boundaries. Based on the results of the habitat survey, the applicant shall comply with Chapter 5.1 Habitat Overlay Zone of the Precise Plan, the BOPP and the habitat assessment guidelines found in the CDFW Staff Report on Burrowing Owl Mitigation, 2012. Management measures would be developed by the City in coordination with the California Department of Fish and Wildlife and may include establishment of new nesting or foraging habitat, enhancement of existing habitat or passive relocation of burrowing owls.

Page 109 **REVISE** the text of the first paragraph under the Tree Preservation Ordinance heading as follows:

The proposed project would remove ~~3,330,895~~ existing on-site trees, including ~~1,509,345~~ Heritage trees, from the project site. The project would plant ~~3,715,115~~ new trees. The City of Mountain View regulations require a permit to remove or move any tree over 48-inches in circumference or any *Quercus*, *Sequoia*, or *Cedrus* over 12-inches in circumference (measured at 54-inch above grade). A City of Mountain View Heritage tree removal permit is required before any Heritage trees are removed. The proposed project (under either option) would implement the following standard City condition of approval.

Page 111 **ADD** the following text before the last sentence of the first paragraph:

In addition, the project would not conflict with the burrowing owl management activities related to the Habitat Plan within Shoreline Park. For these reasons, the project (under either option) would not conflict with an adopted habitat conservation plan. Impacts would be consistent with those identified in the 2017 EIR. [**Same Impact as Approved Project (Less than Significant Impact)**]

Page 135 **DELETE** the following text in the first sentence of the last paragraph:

The proposed project (under either option) is consistent ~~with the Precise Plan; therefore, it is consistent~~ with Plan Bay Area 2050 and California Transportation Plan 2040 for the same reasons disclosed in the 2017 EIR for the Precise Plan.

ADD the following text in row GHG-C in the table:

| | | | | | |
|---------------|---|-----------|----|---|----|
| GHG-C: | Both Project Options: The project would result in a cumulatively considerable contribution to a cumulatively significant GHG emissions impact. | Partially | SU | 2017 EIR MM AQ-2.1, 2017 EIR MM AQ-3.1, <u>2017 EIR</u> MM GHG- 1.1, 2017 EIR MM GHG- 1.2, MM AQ- 1.1, MM AQ- 1.2 | SU |
|---------------|---|-----------|----|---|----|

REVISE the text under VTA Bus Service as follows:

VTA Route 40 and the ACE Orange ShuttleLine serves the project vicinity with bus stops in each direction on Shoreline Boulevard and Charleston Road. Route 40 also stops at the Mountain View Transit Center, approximately 1.5 miles south of from the project site, and the San Antonio Transit Center, approximately 2.5 miles southwest of the project site. The Mountain View Transit Center provides connections to Caltrain, VTA light rail transit, several VTA bus routes (21, 40, 51, and 52), MV community shuttle, and MVgo shuttle routes. The San Antonio Transit Center also provides connections to several VTA bus routes (21, 22, 40, and 522).

REVISE the impact conclusion of the second paragraph as follows:

For these reasons, the project (under either option) would not conflict with a transit program, plan, ordinance or policy, and would not result in a new or substantially more severe significant transit impact than disclosed in the 2017 EIR. **(Same Impact as Approved Project [Less than Significant Impact, pursuant to SB 743Significant and Unavoidable Impact])**

ADD the following footnotes to the third paragraph under Impact TRN-2:

The proposed project's land use mix, TDM plan, and 35 percent SOV mode share target were entered into the City's Travel Model to calculate total project-generated VMT.¹¹ As shown in 3.4-3 below, the

¹¹ Since circulation of the Draft SEIR, the project description has been refined to no longer provide inclusionary housing, which would reduce the percentage of affordable housing units from 20 percent to 15 percent. The number of overall housing units (7,000) will not change. VMT is partially based on trip generation rates and service population numbers that differentiate between market rate and affordable housing units. The five percent reduction in affordable housing units would result in approximately 116 additional daily vehicle trips and 35 additional residents. These incremental increases would not change the results of the VMT analysis, nor change the less than significant impact conclusion presented in the Draft SEIR for VMT.

project's total VMT per service population (under either option) of 25.13 would not exceed the significance threshold of 24.46; thus, the project would result in a less than significant VMT impact.¹²

Page 164 **REVISE** the third and fourth sentences of the first paragraph under Stormwater Drainage Infrastructure as follows:

The project (under either option) would dedicate approximately ~~18.9~~14.8 acres of unimproved land to the City and construct approximately 11.7~~3~~3 acres of POPA open space. This would result in approximately 17 percent of the project site (i.e., ~~30.5~~26.1 of the ~~151~~ 153 acres) being dedicated parkland or POPA which would decrease the amount of impervious surfaces compared to existing conditions by approximately ~~eight~~ three acres (or ~~five~~ two percent).

Page 241 **ADD** the following text before the Off-Site Sources of Contamination heading:

California banned lead as a fuel additive in 1992. Due to the site's proximity to US 101, on-site soils closest to US 101 may contain aeriually deposited lead (ADL) from automobiles driving along US 101.

Page 262 **REVISE** the text to the fourth sentence in the second paragraph under Project with District Utilities Systems Option heading as follows:

The project would consult Valley Water's Well Ordinance Program and tThe geothermal bores would be drilled using techniques and materials, such as installing permanent conductor casing, that would prevent cross-contamination of aquifers as approved under permit issued by the Santa Clara Valley Water District.

Page 277 **ADD** the following text to the last sentence of the COA HYD-1.1, Stormwater Treatment (C.3) section:

Stormwater treatment controls required under this condition may be required to enter into a formal recorded Maintenance Agreement with the City.

Page 279 **REVISE** the text in the second paragraph under Impact HYD-2 as follows:

The City of Mountain View, including the entire project site, lies entirely within the confined zone of the Santa Clara Groundwater Basin and is not located within a designated groundwater recharge area. The principal aquifer zone that Valley Water ~~pumps drinking water~~ manages groundwater from generally occurs at depths below 150 feet bgs, and shallow groundwater within 150 feet of the ground

¹² Since circulation of the Draft SEIR, the project has been refined to reduce the amount of total retail by approximately 10,000 square feet. This reduction would not change the conclusion of the VMT analysis and the impact would remain less than significant.

surface is not typically used for the region’s water supply.¹³ Between 2010 and 2019, ~~Valley Water well users (including water retailers, other municipal/industrial users, and private well owners)~~ pumped an average of 24.4 billion gallons of groundwater per year (75,000 AFY).

Page 280 **REVISE** the text in the second paragraph as follows:

The dewatering that would occur on-site during construction activities would be limited to depths of 50 feet bgs, which is within the shallow groundwater zone that is not typically used for groundwater supply ~~by Valley Water~~. In addition, the amount of water estimated to be pumped during dewatering activities would comprise a minor percentage of the total amount of water pumped each year ~~by Valley Water~~ from the principal aquifer zones. Consistent with the findings of the 2017 EIR, this dewatering would be temporary and would not deplete groundwater aquifers.

Page 281 **REVISE** the third sentence in the second paragraph as follows:

As discussed under Impact HYD-2, the project would dedicate approximately 17 percent of the site (i.e., ~~30.526.1~~ of the ~~154~~ 153 acres) as parkland which would decrease impervious surfaces compared to existing conditions.

Page 282-283 **REVISE** the text in the last paragraph on page 282 as follows:

As discussed under Impact HYD-2, the project would require temporary dewatering during construction activities. This dewatering would pump shallow groundwater on-site at depths of up to 50 feet bgs. As discussed previously, this dewatering would not pump groundwater from any principal aquifer zones that are typically used for drinking water supplies. In addition, the amount of dewatering required for the project (under either option) is estimated to comprise a small percentage of the average amount of groundwater pumped ~~by Valley Water~~ from the principal aquifer zones each year. For these reasons, the project (under either option) would not conflict with water quality control plans or sustainable groundwater management plans. [**Same Impact as Approved Project (Less than Significant Impact)**]

Page 292 **REVISE** the text in the third sentence of the first paragraph as follows:

The project (under either option) would be allocated 1.3 million square feet of “bonus” FAR in return for community benefits such as ~~contributing to the funding of the Charleston Transit Corridor and dedicating 20~~ 15 percent of the new residential units as affordable housing units.

¹³ Ibid. Page 2-3.

Page 302 **REVISE** the following text in the first paragraph as follows:

The existing noise environment in the project area results primarily from vehicular traffic along freeway and roadways (including US 101, North Shoreline Boulevard, Charleston Road, and Amphitheatre Parkway), and aircraft associated with Moffett Federal Airfield. The project site, including Subarea ~~AMISA-BP-1~~ which is outside of the Precise Plan boundaries, is located outside of the 65 dBA CNEL noise contour for the Moffett Federal Airfield (refer to Figure 4.10-1). The nearest sensitive receptors are the Santiago Villa mobile home park (located south of Subareas ~~SB-PBR-8~~ and ~~SB-PU~~ the Shorebird Yards, and adjacent to the east of PE-~~PBR-2~~), the Shashi Hotel at the corner of North Shoreline Boulevard and Spacepark Way (adjacent to the north of Subarea PE-~~PBR-1~~), and a single-family residence at 1024 Alta Avenue, located approximately 725 feet west of the Joaquin Courts subarea of the Master Plan (refer to Figure 2.3-2).

Page 309 **REVISE** the latter portion of the first paragraph as follows:

It is likely that construction of the proposed project and construction of adjacent cumulative projects would overlap. Specifically, the Microsoft project (located at 1045 La Avenida Street), Sobrato project (located at 1255 Pear Avenue), and the 1100 La Avenida Affordable Housing project are all located near the Santiago Villa mobile home park (located south of Subarea ~~SB-PBR-8~~ and the Shorebird Yards, and adjacent to the east of PE-~~PR-2~~), a sensitive receptor. All these cumulative projects (including the project under either option), would be required to adhere to City Code requirements and standard conditions of approval (which are discussed under Impact NOI-1). For these reasons, the cumulative projects would not result in a significant cumulative construction noise impact. **[Same Impact as Approved Project (Less than Significant Cumulative Impact)]**

Page 319 **ADD** the following text to the end of the Mountain View Municipal Code section as follows:

Chapter 41 of the City’s Municipal Code states that “The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which fees are collected... Fees so collected shall be used to purchase land, buy equipment, construct improvements or rehabilitate a proposed or existing mini-park, neighborhood park, community park, recreational facility, Stevens Creek Trail, community gardening facility or combination thereof serving said residential development.”

Page 320 **REVISE** the text in the last sentence of the first paragraph under Schools as follows:

Students generated by the project would attend Monta Loma Elementary School located at 460 Thompson Avenue (approximately ~~one~~ 1.3-miles southwest of the core project site), Crittenden Middle School located at 1701 Rock Street (approximately ~~0.26~~ 0.26-mile southwest of the core project site), and Mountain View High School located at 3535 Truman Avenue (approximately ~~four~~ five miles south of the core project site). Figure 4.12-1 below shows the approximate distance of Monta Loma Elementary School and Crittenden Middle School in relation to the project site.

The project (under either option) includes up to 7,000 residential units (~~1,400~~ 1,050 of which would be affordable), which would generate approximately 12,250 residents. It is estimated that the project (under either option) would generate ~~1,471~~ 1,321 elementary and middle school students and ~~700~~ 607 high school students for a total of ~~2,171~~ 1,928 new students.¹⁴ The estimated project generated students would materialize over time with the project's 14-year buildout. The proposed residential units and their associated project generated students were accounted for in the 2017 EIR analysis.¹⁵ As discussed in Section 4.12.1.2, both Monta Loma Elementary School and Crittenden Middle School have existing capacity based on current enrollment numbers and would be able to accommodate most of the project's estimated 1,321 elementary and middle school students. ~~Therefore, the addition of new students as the project is gradually built out would not require the expansion of those schools.~~ As of the end of the 2021 to 2022 school year, Mountain View High School is over capacity by 770 students. The school currently utilizes portable classrooms in addition to permanent education facilities to accommodate the additional students.¹⁶ The construction of permanent classroom facilities is underway through Measure E bond program funding and has undergone separate environmental review.¹⁷ After completion of construction, Mountain View High School would have a capacity of 2,379 students. Despite this increase in capacity, there would not be sufficient capacity to accommodate the estimated ~~700~~ 607 high school students anticipated from the project. Based on current enrollment, Mountain View High School would be ~~637~~ 544 students over capacity. Consistent with the conclusion in the 2017 EIR, the buildout of the Precise Plan (which includes the proposed residential units) may require the expansion or construction of additional school facilities.¹⁸

¹⁴ Based on the following student generation rates: Elementary and middle school students per market-rate multi-family unit: 0.124 (0.555 per below market-rate unit) Source: Mountain View Whisman School District. *Level I Developer Fee Study*. Appendix E. May 5, 2022. Accessed August 3, 2022.

High school students per market-rate multi-family unit = 0.047 (0.312 per below market-rate unit) Source: Mountain View/Los Altos Union High School District. *Level 1 Developer Fee Study*. July 27, 2020. Table 1

¹⁵ The 2017 EIR used student generation rates provided by MVWSD and MVLASD at the time the 2017 EIR was prepared. Based on these rates, the project would have generated approximately 980 elementary and middle school students and 671 high school students. Since the certification of the 2017 EIR, the school districts have updated their student generation rates. The updated student generation rates for market rate housing are about the same between the 2017 EIR and the Draft SEIR; however, the draft SEIR now includes a student generation rate for below market rate (BMR) housing for K-8 students. This BMR rate was not included in the 2017 EIR.

This Draft SEIR uses the updated student generation rates provided by MVWSD and MVLASD to estimate the number of students generated by the project. Overall, the current student generation rates estimate an additional 341 elementary and middle school students and a reduction of 64 high school students compared to the 2017 EIR student generation rates.

The updated student generation rates and estimated number of student generated by the project is not considered substantial new information because it would not result in a new or substantially more severe significant impact than disclosed in the 2017 EIR and the project would still pay the state-mandated school impact fee to reduce impacts to schools to a less than significant level.

¹⁶ Aguilar, Irene. Assistant to the Associate Superintendent-Business Services, Mountain View Los Altos High School District. Personal Communication. July 7, 2022.

¹⁷ Mountain View/Los Altos Union High School District. *Draft Mitigated Negative Declaration - Mountain View High School Expansion Project (SCH Number 2011092006)*. November 2018. Page 10.

¹⁸ City of Mountain View. *North Bayshore Precise Plan Draft Subsequent Environmental Impact Report*. State Clearinghouse #2013082088. March 2017. Pages 397-398, Page 401.

Page 325 **REVISE** the text in the second paragraph as follows:

The proposed project (under either option) would include a total of ~~30.526.1~~-acres of open space, including 11.73 acres of POPA open space to be developed under the project (under either option) and ~~18.914.8~~ acres of parkland dedicated to the City for development of future parks at a later date (see Figure 2.3-3). The ~~30.526.1~~ acres of parkland included in the project would offset the demand for recreational facilities by future employees and residents living and working on-site. Per the City’s Park Land Dedication or Fees In Lieu Thereof Ordinance, the project would be required to provide ~~36.834.5~~-acres of open space to meet the City’s three acres per 1,000 residents ratio. As mentioned above, the project proposes ~~30.526.1~~-acres of open space; therefore, the project would be required to pay in-lieu fees for the remaining ~~6.28.4~~-acres. Project-related impacts from construction of on-site parks are discussed further in Section 4.13 Recreation below and are concluded to be less than significant, which is consistent with the findings of the 2017 EIR. [**Same Impact as Approved Project (Less than Significant Impact)**]

Page 326 **ADD** the following text to the opening paragraph under Impact PS-C as follows:

As discussed in the 2017 EIR, cumulative projects in Mountain View and Sunnyvale may require provision of public services, including fire and police services, schools, and recreational facilities. For instance, the 2017 EIR disclosed that the development of the Precise Plan (which accounts for the proposed number of residential units) and cumulative projects could result in the need for new schools.¹⁹ The cumulative conditions have not substantially changed since the certification of the 2017 EIR and there is no substantial change in the project (e.g., no change in the number of residential units) or circumstances under which the project is undertaken (e.g., no public school closures). While the Master Plan includes more development within the Precise Plan and on Subarea ~~AM1SA-BP-1~~, that development would consist of a parking garage and police substation, which would improve public services in the area.

Page 330 **ADD** the following text to the end of the Mountain View Municipal Code section as follows:

Chapter 41 of the City’s Municipal Code states that “The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the subdivision from which fees are collected... Fees so collected shall be used to purchase land, buy equipment, construct improvements or rehabilitate a proposed or existing mini-park, neighborhood park, community park, recreational facility, Stevens Creek Trail, community gardening facility or combination thereof serving said residential development.”

¹⁹ Ibid.

Page 331 **REVISE** the text in the second paragraph under Impact REC-1 as follows:

The 2017 EIR concluded that future development in compliance with the Park Land Dedication or Fees In Lieu Thereof Ordinance (Chapter 41 of the City Code) would not result in significant impacts to park or recreational facilities.²⁰ Per the City’s Park Land Dedication or Fees In Lieu Thereof Ordinance, the project (under either option) would be required to provide ~~36.8~~34.5-acres of open space to meet the City’s three acres per 1,000 residents ratio. The project (under either option) would comply with the Park Land Dedication or Fees In Lieu Thereof Ordinance by providing a total of ~~30.5~~26.1-acres of open space, including 11.7~~3~~3 acres of POPA open space to be developed under the project and ~~18.9~~14.8 acres dedicated to the City for development future parks at a later date, and paying in lieu fees for the remaining ~~6.2~~8.4-acres. The compliance of the project (under either option) with the Park Land Dedication or Fees In Lieu Thereof Ordinance would offset the demand for recreational facilities by project employees and residents living and working on-site. The project (under either option) would result in the same less than significant impact to parks and recreational facilities as disclosed in the 2017 EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Page 332 **REVISE** the text under Impact REC-2 as follows:

The proposed project (under either option) would construct 11.7~~3~~3 acres of POPA open space. The environmental impacts associated with development of this POPA open space are discussed throughout this EIR. The project (under either option) would dedicate ~~18.9~~14.8 acres to the City for future development of City parks. Future development on the dedicated land would be subject to separate environmental review. The development of the POPA open space would not result in any new or substantially more severe significant impacts than disclosed in the 2017 EIR. The project (under either option) would result in new impacts pertaining to construction and operational criteria air pollutants and community health risk; however, these new impacts are attributed to the residential, office, retail, hotel, parking, and district utility system. The development of the ~~30.5~~26.1 acres of open space, as described in Section 2.3.2, would not alone result in new impacts not previously disclosed in the 2017 EIR. Subsequent project-level environmental review may be required for these ~~18.9~~14.8 acres of dedicated parkland when proposed for development. Therefore, the project (under either option) would not result in a new or substantially more severe significant impact than disclosed in the 2017 EIR. **[Same Impact as Approved Project (Less than Significant Impact)]**

Page 332 **REVISE** the first sentence of the second paragraph under Impact REC-C as follows:

As discussed under Impact REC-1 above, the project (under either option) would comply with the Park Land Dedication or Fees In Lieu Thereof Ordinance by providing a total of ~~30.5~~26.1-acres of open space and paying in lieu fees.

²⁰ City of Mountain View. *North Bayshore Precise Plan Draft Subsequent Environmental Impact Report*. State Clearinghouse #2013082088. March 2017. Page 400.

| Table 8.2-1: Summary of Development Assumptions for the Project and Project Alternatives | | | | |
|---|--|---------------------------------------|--|--|
| | Project (under either option)¹ | Project Alternatives | | |
| | | No Project, No New Development | Mitigated 11% Reduced Development | Mitigated 39% Reduced Development |
| Light Industrial (million square feet) | 0 | 1.8 | 0 | 0 |
| Office (million square feet) | 3.1 | | 2.8 | 1.9 |
| Residential (units) | 7,000 | 0 | 6,230 | 4,270 |
| Hotel (rooms) | 525 | 0 | 467 | 320 |
| Retail (square feet) | 244,000 | 11,056 | 217,000 | 148,840 |
| Community (square feet) | 55,000 | 0 | 49,000 | 33,550 |
| Park/open space (acres) | 30.5 <u>26.1</u> | 0 | 27.1 <u>23.2</u> | 18.6 <u>15.9</u> |

¹ The project with District Utilities System Option includes a DCP not reflected as a land use in the table.
² Park sizes are estimated for the purposes of this discussion. Community benefits and impact requirements and fees would be recalculated based on the ultimate development square footages and residential unit types ultimately approved. Parkland specifically would be provided as a combination of land and impact fees.

| Table 8.2-2: Approximate Percent Reduction in Development Required to Avoid Significant and Unavoidable Construction and Operational Air Quality Impacts | | | |
|---|---|---|---|
| Construction-Related Impacts | | | |
| | NO_x (2024 only) | Cancer Risk | Annual PM_{2.5} |
| Approximate % Reduction | 11 | 22 | 39 |
| Approximate Corresponding Amount of Development | Office: 2.8 msf Residential: 6,230 du Hotel: 467 rooms Retail: 217,000 sf Community: 49,000 sf <u>Open Space: 23.2 acres</u> | Office: 2.4 msf Residential: 5,460 du Hotel: 410 rooms Retail: 190,000 sf Community: 43,000 sf <u>Open Space: 20.4 acres</u> | Office: 1.9 msf Residential: 4,270 du Hotel: 320 rooms Retail: 148,840 sf Community: 33,550 sf <u>Open Space: 15.9 acres</u> |

| Table 8.2-2: Approximate Percent Reduction in Development Required to Avoid Significant and Unavoidable Construction and Operational Air Quality Impacts | | | |
|---|--|---|---|
| Operation-Related Impacts | | | |
| | ROG | NO_x | PM₁₀ |
| Approximate % Reduction | 86 | 55 | 28 |
| Approximate Corresponding Amount of Development | Office: 434,000 sf Residential: 980 du Hotel: 74 rooms Retail: 34,160 sf Community: 7,700 sf <u>Open Space: 3.7 acres</u> | Office: 1.4 msf Residential: 3,150 du Hotel: 236 rooms Retail: 109,800 sf Community: 24,750 sf <u>Open Space: 11.7 acres</u> | Office: 2.2 msf Residential: 5,040 du Hotel: 378 rooms Retail: 176,000 sf Community: 40,000 sf <u>Open Space: 18.8 acres</u> |

Page 355 **REVISE** the last sentence of the Mitigated 11 Percent Reduced Development Alternative bullet as follows:

Objective 7 is to provide new open space and public park areas and this alternative would provide ~~27.1~~ 23.2 (whereas the project proposes ~~30.5~~26.1 acres under either option).

Page 355 **REVISE** the second to last sentence of the Mitigated 39 Percent Reduced Development Alternative bullet as follows:

Under this alternative, approximately ~~18.6~~15.9 acres of open space/park land would be provided, which is less than the ~~30.5~~ 26.1 acres proposed by the project (under either option).

Appendix A: Draft EIR Comment Letters



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

January 31, 2023

Ms. Diana Pancholi
City of Mountain View
500 Castro Street
Mountain View, CA 94041
Diana.Pancholi@mountainview.gov

DRAFT SUBSEQUENT ENVIRONMENTAL IMPACT REPORT FOR NORTH BAYSHORE MASTER PLAN – DATED DECEMBER 2022 (STATE CLEARINGHOUSE NUMBER: 2022020712)

Dear Ms. Pancholi:

The Department of Toxic Substances Control (DTSC) received a Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the EIR:

1. The EIR references the listing compiled in accordance with California Government Code Section 65962.5, commonly known as the Cortese List. Not all sites impacted by hazardous waste or hazardous substances will be found on the Cortese List. DTSC recommends that the Hazards and Hazardous Materials section of the EIR address actions to be taken for any sites impacted by hazardous waste or hazardous substances within the Project area, not just those found on the Cortese List. DTSC recommends consulting with other agencies that may provide oversight to hazardous waste facilities or sites impacted with hazardous substances in order to determine a comprehensive listing of all sites

impacted by hazardous waste or substances within the Project area. DTSC hazardous waste facilities and sites with known or suspected contamination issues can be found on DTSC's [EnviroStor](#) data management system. The [EnviroStor Map](#) feature can be used to locate hazardous waste facilities and sites with known or suspected contamination issues for a county, city, or a specific address. A search within EnviroStor indicates that numerous hazardous waste facilities and sites with known or suspected contamination issues are present within the Project's region.

2. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the Project site is safe for construction and the proposed use.
3. The EIR should acknowledge the potential for historic or future activities on or near the Project site to result in the release of hazardous wastes/substances on the Project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the contamination, and the potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
4. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil, DTSC recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the Project described in the EIR.
5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California

environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)

6. If any projects initiated as part of the proposed Project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material.](#)
7. If any sites included as part of the proposed Project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the EIR. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\).](#)

DTSC appreciates the opportunity to comment on the EIR. Should you choose DTSC to provide oversight for any environmental investigations, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website.](#)

If you have any questions, please contact me at (916) 255-3710 or via email at [Gavin.McCreary@dtsc.ca.gov.](mailto:Gavin.McCreary@dtsc.ca.gov)

Sincerely,



Gavin McCreary, M.S.
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (next page)

Ms. Diana Pancholi
January 31, 2023
Page 4

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

From: Patel, Shrupath <Shrupath.Patel@CityofPaloAlto.org>

Sent: Friday, February 17, 2023 10:35:44 AM

To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>

Cc: Lait, Jonathan <Jonathan.Lait@CityofPaloAlto.org>; Star-Lack, Sylvia <Sylvia.Star-Lack@CityofPaloAlto.org>; Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>; Kamhi, Philip <Philip.Kamhi@CityofPaloAlto.org>

Subject: North Bayshore Master Plan Project Comments

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Hello Diana,

Thank you for the opportunity to comment on Draft EIR for the North Bayshore Master Plan Project. Below are the City of Palo Alto's comments regarding the CEQA document, the Master Plan Project, TDM measures, and the upcoming Multimodal Transportation Analysis (MTA). Please feel free to contact me, if you have any questions regarding the comments. We look forward to reviewing the MTA when it is published.

1. The transportation analysis has included the TDM measures to achieve the trip cap targets and to encourage the use of alternative transportation modes. The addition of new jobs and residences will generate additional traffic on Palo Alto streets. The current MVGO shuttle provides service between North Bayshore and Caltrain station via San Antonio Rd. However, there is no shuttle stop on San Antonio Rd in Palo Alto. The future development in North Bayshore and San Antonio Rd would generate the demand for the shuttle service. Project's TDM program should have a provision for the shuttle stop on San Antonio Rd to reduce the local traffic impacts in Palo Alto.
2. The new residential development is likely to generate outbound vehicle trips. The TDM measures should also identify the neighboring major employment areas to provide local shuttle service.
3. The project shall be generating new peak hours trips and daily trips which shall have a local traffic impact on bike routes in Palo Alto. The MTA (Multimodal Transportation Analysis) should also discuss the required pedestrian and bicycle improvements at impacted intersections to provide safer intersection crossings.
4. All Palo Alto intersections selected in the North Bayshore Precise Plan traffic study should also be evaluated as part of the North Bayshore Master Plan MTA.
5. The MTA report should include recommendations for required off-site improvements in Palo Alto if a significant impact is identified on the Palo Alto streets or intersections.
6. The MTA report should be shared with the City of Palo Alto to review the project-generated traffic impacts.
7. The City of Palo Alto identified proposed Housing Opportunity Sites in our draft Housing Element in the vicinity of the North Bayshore Master Plan area, including near West Bayshore Road, San Antonio Road, and Fabian Way. More information on proposed Housing Element Opportunity

Sites can be found online: <https://paloaltohousingelement.com/wp-content/uploads/2022/12/Palo-Alto-Housing-Element-2023-2031.pdf>.

8. The forthcoming new housing location - Homekey Palo Alto at 1237 San Antonio Road - is near to the North Bayshore Master Plan area. Please consider the Homekey Palo Alto site relative to potential temporary construction air quality, noise, and vibration. For example, use of temporary construction noise barriers, sound curtains, and other noise reduction strategies may be necessary during proposed garage construction near San Antonio Road.
9. If or when development occurs in North Bayshore Master Plan area, there is a standing request from our Fire Department to coordinate on local intersection flow in the San Antonio area to facilitate multi-jurisdiction emergency response access.
10. If or when development occurs in the North Bayshore Master Plan area, there is a standing request from our Emergency Operations team for coordination of public safety operations (including our ongoing shared Computer Aided Dispatch (CAD) system).

Thank you
Shrupath



CITY OF
**PALO
ALTO**

Shrupath Patel
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MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

BOARD OF TRUSTEES
Phil Faillace, Ph.D.
Sanjay Dave
Esmeralda Ortiz
Thida Cornes
Catherine Vonnegut

SUPERINTENDENT
Nellie Meyer, Ed.D.

February 6, 2023

Diana Pancholi, Principal Planner
Community Development Department
500 Castro Street
Mountain View, CA 94041

Dear Ms. Pancholi,

This document serves as the Mountain View Los Altos High School District (MVLA) response to the Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan. We have reviewed the report and provide the following information in regard to the adequacy of the findings as related to direct and indirect impacts on the Mountain View Los Altos High School District. We understand that the passage of SB50 limits the levying of developer fees for direct impacts on school districts. However, nothing precludes the City, Developer and School District from working collaboratively to develop a mitigation strategy to address the direct and indirect city growth impacts on the school district.

Student Growth

The City of Mountain View's Draft Subsequent EIR indicates the impact of 700 high school students would be adequately mitigated by developer fees. This is not accurate. In reality, developer fees are woefully inadequate, covering less than ten percent of actual school construction and land costs in the city of Mountain View. Moreover, the updated Draft Subsequent EIR states:

As of the end of the 2021 to 2022 school year, Mountain View High School is over capacity by 770 students. The school currently utilizes portable classrooms in addition to permanent education facilities to accommodate the additional students. The construction of permanent classroom facilities is underway through Measure E bond program funding and has undergone a separate environmental review. After completion of construction, Mountain View High School would have a capacity of 2,379 students.

Despite this increase in capacity, there would not be sufficient capacity to accommodate the estimated 700 high school students anticipated from the project. Based on current enrollment, Mountain View High School would be 637 students over capacity.

February 6, 2023

RE: Mountain View Los Altos High School District (MVLA) response to the Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan

Page 2

The Draft Subsequent EIR acknowledges that there would not be sufficient capacity for the additional high school students that would result from this project. Therefore, an additional high school campus is necessary to accommodate the estimated 700 high school students.

Indeed, the Draft Subsequent EIR does not take into account projects that were already approved in the northern half of the city, some of which are outside of the North Bayshore precise plan area. These projected students will precede the impact of students generated by the North Bayshore Master Plan and further exacerbate Mountain View Los Altos High School District's lack of capacity to accommodate them.

Cost to House Students Generated From the North Bayshore Master Plan

Construction costs in the Bay Area have escalated dramatically in the last ten years. The State per pupil grant does not reflect this escalation, and therefore, the gap between what the State allows and provides for school construction is significantly less than the actual cost of school construction.

Land-City May Reserve or Designate Real Property for a School Site

In addition to the dramatic escalation in construction costs in the Bay Area, land costs have increased as well. The State of California will provide fifty percent of the cost of land for eligible school construction. However, the remaining fifty percent of the land cost is the responsibility of the local school district. These substantial increases in land costs make it difficult to build schools in accordance with the Department of Education school site guidelines. The land cost escalation issues were anticipated when SB50 was drafted and Government Code section 65998 allows cities to "reserve or designate" real property for a school site.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (*Heading of Title 7 amended by Stats. 1974, Ch. 1536.*)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (*Heading of Division 1 added by Stats. 1974, Ch. 1536.*)

CHAPTER 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995 - 65998] (*Chapter 4.9 added by Stats. 1986, Ch. 887, Sec. 11.*)

65998. (a) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the authority of a local agency to reserve or designate real property for a schoolsite.

(b) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of a land use approval involving, but not limited to, the planning, use, or development of real property other than on the need for school facilities.

(*Added by Stats. 1998, Ch. 407, Sec. 25. Effective August 27, 1998. Operative November 4, 1998 (Prop. 1A was adopted Nov. 3) by Sec. 31 of Ch. 407. Note: Pursuant to Education Code Section 101122 (subd. (d)), which was added Nov. 8, 2016, by Prop. 51, Chapter 4.9 (Sections 65995 to 65998) as it read on Jan. 1, 2015, continues in effect until Dec. 31, 2020, or earlier date prescribed. Thereafter, Chapter 4.9 may be amended.*)

February 6, 2023

RE: Mountain View Los Altos High School District (MVLA) response to the Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan

Page 3

California Department of Education's general guidance for a school site recommends approximately 33.5 acres of land for a high school that would serve approximately 1,100 students, which is the number of high school students MVLA estimates will come from this and other approved housing projects in the city of Mountain View.

As a condition of approval of the North Bayshore Master Plan, and prior to the certification of the Draft Subsequent EIR, we request that the City and Developer designate and reserve a school site for MVLA. The availability of land for school construction in Mountain View is extremely limited. The District is amenable to creative efforts to utilize all real property options and is willing to discuss these options with the Developer.

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. While the North Bayshore Master plan does consider noise, emissions, traffic, and other indirect impacts, it does not specifically identify those indirect impacts in the operation of a school district. For example, the eighteen "significant unavoidable 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 North Bayshore Master Plan project. In addition, the buildout of 9,850 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the project would mean an absorption rate of 980 units per year. This construction period would require the MVLA District to provide interim housing over a period of time and is considered an "indirect impact." This issue is not addressed in the Draft Subsequent EIR.

Shoreline Community Redevelopment Area Tax Increment

As noted in the draft EIR:

The Shoreline Community shall work with the Mountain View Whisman School District and the Mountain View Los Altos Union High School District to allocate revenue related to the growth in assessed value due to new residential development within the Community pursuant to/in accordance with the annual tax allocation for each school district, through mutually agreed to and legally binding agreements

The North Bayshore Master Plan indicates the desire to transform a once blighted area into a thriving mixed development area. The businesses and residences that are being planned are currently planned in a de facto redevelopment district. The Shoreline Community, which is managed by the city of Mountain View staff and City Council, currently diverts tax revenue from the schools to the City. MVLA, MVWSD, and the city of Mountain View have formed a Joint Powers Authority (JPA), also known as Shoreline Educational Enhancement Reserve (EER), that began releasing part of the tax increment to schools. The agreement guarantees a minimum of approximately \$1.84 million annually to MVLA. That agreement not only ends on July 1, 2023, but also ceases to provide any share of the tax increment thereafter.

February 6, 2023

RE: Mountain View Los Altos High School District (MVLA) response to the Draft Subsequent Environmental Impact Report (EIR) for the North Bayshore Master Plan

Page 4

Through a formula that was developed by the JPA, MVLA received \$3,423,095 this year. Per the county assessor's office, MVLA's normal tax increment would have been \$8,920,000 this year, a deficit of \$5,496,905.

Assessed Value Tax revenue from commercial and residential properties is what community-funded districts use to address day-to-day operating costs and is not intended for building schools. As indicated in the Draft Subsequent EIR, North Bayshore should generate 700 high school students. At the MVLA current per student expenditure rate of \$30,000, this would mean that tax revenue would, at minimum, need to equal \$21,000,000 in the near future.

Closing Comments

Our comments regarding the Draft Subsequent EIR should not be construed to indicate our opposition to the North Bayshore Master Plan. It is critical that all interested parties understand that the new dwelling units are of such magnitude that school mitigation measures for the project exceed the District's ability to absorb the 700 students estimated from this project. We look forward to the cooperation of the City and proponents of the project to meet with MVLA and resolve the apparent challenges in this proposed project. We suggest that the District, City, and proponents of the project delay the approval of the North Bayshore Master Plan and the Draft Subsequent EIR and meet soon to provide creative, viable measures that meet the needs of MVLA and all stakeholders.

Respectfully,



Nellie Meyer
Superintendent
MVLAHSD

cc: Alison Hicks, Mayor
Pat Showalter, Vice Mayor
Margaret Abe-Koga, Councilmember
Ellen Kamei, Councilmember
Lisa Matichak, Councilmember
Lucas Ramirez, Councilmember
Emily Ramos, Councilmember
Dr. Phil Faillace, Board President
Sanjay Dave, Board Vice President
Esmeralda Ortiz, Board Clerk
Thida Cornes, Board Trustee
Catherine Vonnegut, Board Trustee
Mike Mathiesen, Associate Superintendent



District Office
T 650.526.3500
1400 Montecito Ave.
Mountain View, CA 94043

City of Mountain View
% Diana Pancholi, Project Planner
500 Castro St.
Mountain View, CA 94041

February 3, 2022

Dear Mrs. Pancholi,

This document serves as the Mountain View Whisman School District (MVWSD) response to the Amended North Bayshore Precise Plan (NBPP), Draft Environmental Impact Report. We have reviewed the report and provide the following information in regard to the adequacy of the findings as related to direct and indirect impacts on the Mountain View Whisman School District. We understand that the passage of SB50 limits the levying of developer fees for direct impacts on school districts. However, nothing precludes the City, Developer and School District from working collaboratively to develop a mitigation strategy to address the direct and indirect city growth impacts on the school district.

Student Growth:

The City of Mountain View's Draft EIR indicates the impact of 1,471 elementary and middle school students would be adequately mitigated by developer fees. Moreover, the updated Draft EIR indicates:

As discussed in Section 4.12.1.2, both Monta Loma Elementary School and Crittenden Middle School have existing capacity based on current enrollment numbers and would be able to accommodate the project's estimated 1,471 elementary and middle school students. Therefore, the addition of new students as the project is gradually built-out would not require the expansion of those schools.

Furthermore, the Draft EIR asserts:

The project site is located within the Mountain View Whisman School District (MVWSD) and Mountain View-Los Altos Union High School District (MVLASD). The MVWSD serves grades kindergarten through eighth grade and the MVLAS services high-school age students. Students generated by the project would attend Monta Loma Elementary School located at 460 Thompson Avenue (approximately one mile southwest of the core project site), Crittenden Middle School located at 1701 Rock Street (approximately 0.2-mile southwest of the core project site), and Mountain View High School located at 3535 Truman Avenue (approximately four miles south of the core project site).

Table 4.12-1 shows the existing school capacities at Monta Loma Elementary School, Crittenden Middle School, and Mountain View High School. As shown in the table, Monta Loma Elementary School and Crittenden Middle School both have capacity for additional students.

Table 4.12-1: 2021 to 2022 School Enrollment and Capacity

| School | Current Enrollment | Existing Capacity |
|---|--------------------|-------------------|
| Monta Loma Elementary School ¹ | 271 | 460 |
| Crittenden Middle School ¹ | 532 | 1,008 |
| Mountain View High School ² | 2,316 | 1,546 |

¹ MVWSD. *Level I Developer Fee Study*. Appendix E. May 5, 2022. Accessed August 3, 2022.

² Aguilar, Irene. Assistant to the Associate Superintendent-Business Services, Mountain View Los Altos High School District. Personal Communication. July 7, 2022.

Unfortunately, as highlighted below, the City of Mountain View EIR report does not take into account projects that were already approved in the northern half of the city, some of which are outside of the North Bayshore precise plan area. These projected students will precede the impact of students generated by the North Bayshore Precise Plan (NBPP). While both Monta Loma Elementary School and Crittenden Middle School are in the proximity of the NBPP, there will be no capacity

available when the NBPP project is developed. Based on our student generation rates, which the City used in its own EIR report, Monta Loma will have 117 new students assigned to the school prior to the completion of these additional units.

| REF # | PROJECT TITLE | RESIDENTIAL UNITS (D.U.) | | | | | | | | | | Elementary School | Middle School |
|-------------------|---|--------------------------|-----------------|-------------|------------|----------------------|--------------|-------------------|-------------|----------------|---------------|-------------------|---------------|
| | | New | Existing (Demo) | Total | Net | SF/Condos/Ro whouses | Multi Family | Below Market Rate | Total Units | K-5 Students | 6-8 Students | | |
| Bubb | | | | | | | | | | | | | |
| 20 | 1051 Boranda Ave. | 3 | 3 | 3 | 0 | 0 | | | 0 | 0 | 0 | Bubb | Graham |
| 26 | 1332 Park Dr. | 3 | 1 | 3 | 2 | 2 | | | 2 | 0.076 | 0.022 | Bubb | Graham |
| 30 | 918 Rich Ave. | 29 | 0 | 29 | 29 | 29 | | | 29 | 1.102 | 0.319 | Bubb | Graham |
| 41 | 1411-1495 W. El Camino Real (Lux Largo) | 53 | 0 | 53 | 53 | 53 | | | 53 | 2.014 | 0.583 | Bubb | Graham |
| 52 | 1313/1347 W. El Camino Real | 24 | 0 | 24 | 24 | | 24 | | 24 | 2.04 | 0.936 | Bubb | Graham |
| 56 | 773 Cuesta Dr. | 4 | 1 | 4 | 3 | 3 | | | 3 | 0.114 | 0.033 | Bubb | Graham |
| 74 | 982 Bonita Ave. | 8 | 0 | 8 | 8 | 8 | | | 8 | 0.304 | 0.088 | Bubb | Graham |
| | Subtotal | | | 124 | 119 | 95 | 24 | 0 | 119 | 5.65 | 1.98 | | |
| Castro | | | | | | | | | | | | | |
| 43 | 1958 Latham St. | 6 | 0 | 6 | 6 | 6 | | | 6 | 0.228 | 0.066 | Castro | Graham |
| 59 | 570 S. Rengstorff Ave. | 85 | 70 | 85 | 15 | 15 | | | 15 | 0.57 | 0.165 | Castro | Graham |
| 60 | 1919-1933 Gamel Way/574 Escuela Ave. | 121 | 29 | 121 | 92 | | 92 | 0 | 92 | 7.82 | 3.588 | Castro | Graham |
| 71 | 1720 Villa St. | 226 | 19 | 226 | 207 | | 192 | 15 | 207 | 20.94 | 11.193 | Castro | Graham |
| 12 | 601 Escuela Ave/1873 Latham St. | 25 | 1 | 25 | 24 | | 24 | | 24 | 2.04 | 0.936 | Castro | Graham |
| | Subtotal | | | 463 | 344 | 21 | 308 | 15 | 344 | 31.598 | 15.948 | | |
| Landels | | | | | | | | | | | | | |
| 13 | 870 E. El Camino Real | 371 | 42 | 371 | 329 | | 329 | | 329 | 27.965 | 12.831 | Landels | Graham |
| 22 | City Lot 12 | 120 | 0 | 120 | 120 | | | 120 | 120 | 36.96 | 29.64 | Landels | Graham |
| 35 | 325-339 Franklin St. | 15 | 13 | 15 | 2 | 2 | | | 2 | 0.076 | 0.022 | Landels | Graham |
| 54 | 676 W. Dana St. | 9 | 0 | 9 | 9 | 9 | | | 9 | 0.342 | 0.099 | Landels | Graham |
| 69 | 525 E. Evelyn Ave. (Flower Mart) | 471 | 0 | 471 | 471 | | 471 | | 471 | 40.035 | 18.369 | Landels | Graham |
| 78 | 231-235 Hope St. | 9 | 0 | 9 | 9 | 9 | | | 9 | 0.342 | 0.099 | Landels | Graham |
| 32 | 860 Bay St. | 5 | 0 | 5 | 5 | 5 | | | 5 | 0.19 | 0.055 | Landels | Graham |
| | Subtotal | | | 1000 | 945 | 25 | 800 | 120 | 945 | 105.91 | 61.115 | | |
| Monta Loma | | | | | | | | | | | | | |
| 10 | 901-987 N. Rengstorff Ave. | 126 | 1 | 126 | 125 | | 125 | | 125 | 10.625 | 4.875 | Monta Loma | Crittenden |
| 53 | 1255 Pear Ave. | 635 | 0 | 635 | 635 | | 540 | 95 | 635 | 75.16 | 44.525 | Monta Loma | Crittenden |
| 55 | 828/836 Sierra Vista Ave. | 20 | 5 | 20 | 15 | 15 | | | 15 | 0.57 | 0.165 | Monta Loma | Crittenden |
| 58 | 1100 La Avenida St. | 100 | 0 | 100 | 100 | | | 100 | 100 | 30.8 | 24.7 | Monta Loma | Crittenden |
| 72 | 2005 Rock St. | 15 | 0 | 15 | 15 | 15 | | | 15 | 0.57 | 0.165 | Monta Loma | Crittenden |
| 73 | 2310 Rock St. | 55 | 59 | 55 | -4 | -4 | | | -4 | -0.152 | -0.044 | Monta Loma | Crittenden |
| 79 | 851-853 Sierra Vista Ave. | 9 | 3 | 9 | 6 | 6 | | | 6 | 0.228 | 0.066 | Monta Loma | Crittenden |
| | Subtotal | | | 960 | 892 | 32 | 665 | 195 | 892 | 117.801 | 74.452 | | |

Based on MVWSD's *Future Growth Considerations and Solutions* presentation to the Board of Education on March 24, 2022, monitoring the pace of future residential development was identified as a key task to support other District planning actions. The table below was included as a 10-year projection of future residential development in the District service area.

| | 2022 | 2023 | 2024 | 2025 | 2026 | 2027 | 2028 | 2029 | 2030 | 2031 | 2032 | |
|--|-------|-------|------|--------|-------|-------------|------|--------|------|--------------|-------|-------------|
| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| FUTURE GROWTH-RESIDENTIAL UNITS | | | | | | | | | | | | |
| Under Construction | | 1,682 | | | | | | | | | | |
| Approved | | | | 3,137 | | | | | | | | |
| Under Review | | | | | 1,684 | | | | | | | |
| NB & EW Master Plans (Under Review) | | | | | | | | | | | 8,900 | |
| Other-NB & EW Precise Plans (Approved) | | | | | | | | | | | | up to 5,960 |
| Other-Terra Bella & Moffett Field | | | | | | | | | | | | 4530 +/- |
| FUTURE GROWTH-DISTRICT CAPACITY | | | | | | | | | | | | |
| Elementary Schools | | | | | | | | | | | | |
| Within Capacity | Green | | | | | Light Green | | Yellow | | Light Yellow | | |
| At Capacity | | | | Orange | | Yellow | | Yellow | | Light Yellow | | |
| Over Capacity | | | | | | Pink | | Pink | | Red | | 10+ Years |
| Middle Schools | | | | | | | | | | | | |
| Within Capacity | Green | | | | | Light Green | | Yellow | | Light Yellow | | |
| At Capacity | | | | | | Orange | | Yellow | | Light Yellow | | |
| Over Capacity | | | | | | | | Pink | | Red | | 10+ Years |

Note: 1,682 units listed as “Under Construction” on table should be revised to 1,050 units due to 632 units in 2580/2590 California Ave. project being outside MVWSD service area.

COST TO HOUSE STUDENTS GENERATED FROM NBPP

Construction costs in the Bay Area have escalated dramatically in the last 8 years. The State per pupil grant does not reflect this escalation and therefore the gap between what the State allows and provides for school construction is significantly less than the actual cost of school construction.

LAND

In addition to dramatic escalation in construction costs in the Bay Area, land costs have increased as well. The State of California will provide 50% of the cost of land for eligible school construction. However, the remaining 50% of the land cost is the responsibility of the local school district. These substantial increases in land costs make it difficult to build schools in accordance with the Department of Education school site guidelines. The land cost escalation issues were anticipated when SB50 was drafted and Government Code section 65998 allows the cities to “reserve or designate” real property for a school site.

GOVERNMENT CODE - GOV

TITLE 7. PLANNING AND LAND USE [65000 - 66499.58] (Heading of Title 7 amended by Stats. 1974, Ch. 1536.)

DIVISION 1. PLANNING AND ZONING [65000 - 66103] (Heading of Division 1 added by Stats. 1974, Ch. 1536.)

CHAPTER 4.9. Payment of Fees, Charges, Dedications, or Other Requirements Against a Development Project [65995 - 65998] (Chapter 4.9 added by Stats. 1986, Ch. 887, Sec. 11.)

65998. (a) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the authority of a local agency to reserve or designate real property for a schoolsite.

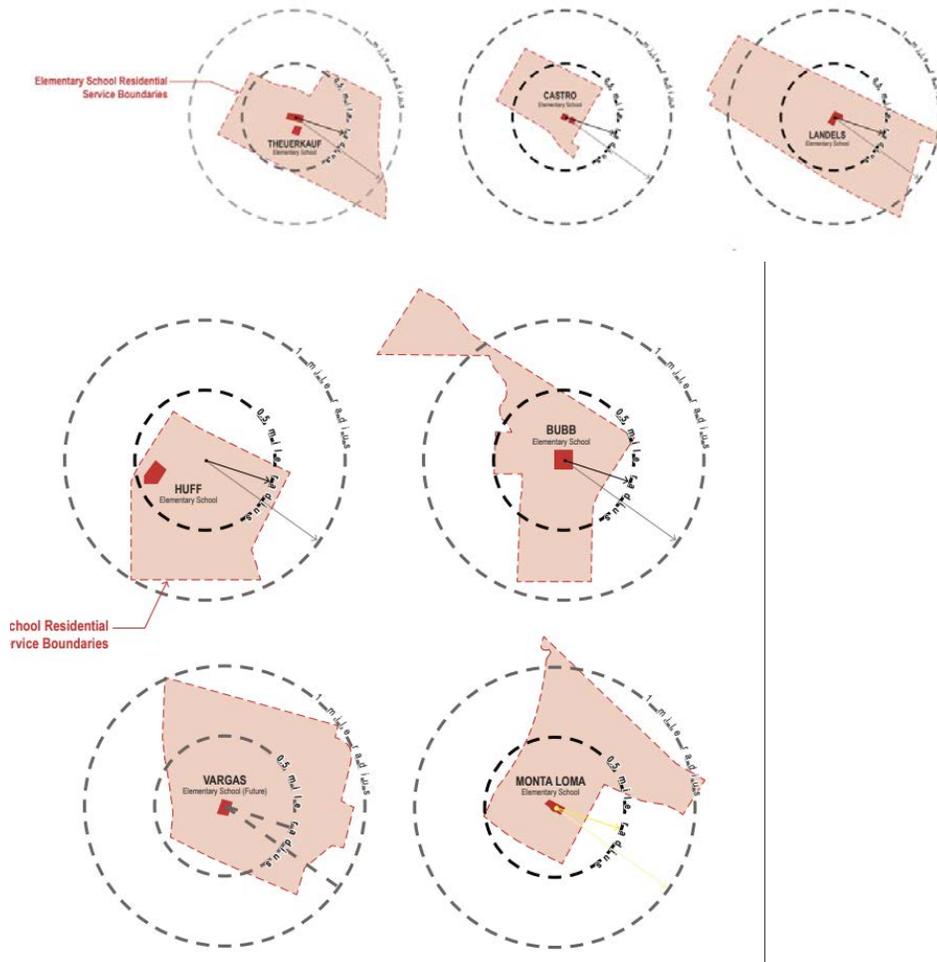
(b) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of a land use approval involving, but not limited to, the planning, use, or development of real property other than on the need for school facilities.

(Added by Stats. 1998, Ch. 407, Sec. 25. Effective August 27, 1998. Operative November 4, 1998 (Prop. 1A was adopted Nov. 3) by Sec. 31 of Ch. 407. Note: Pursuant to Education Code Section 101122 (subd. (d)), which was added Nov. 8, 2016, by Prop. 51, Chapter 4.9 (Sections 65995 to 65998) as it read on Jan. 1, 2015, continues in effect until Dec. 31, 2020, or earlier date prescribed. Thereafter, Chapter 4.9 may be amended.)

Moreover, the Draft EIR inaccurately indicates the distance from North Bayshore to Monta Loma Elementary. As noted in the plan:

Students generated by the project would attend Monta Loma Elementary School located at 460 Thompson Avenue (approximately one mile southwest of the core project site), Crittenden Middle School located at 1701 Rock Street (approximately 0.2-mile southwest of the core project site),

In the following diagrams you will find that almost every elementary school student within the city of Mountain View is approximately 1 to 1.5 miles from school. The placement of these schools helps to facilitate the school as a civic meeting point for the community and reduces commutes. In contrast, while Monta Loma and Crittenden reside close to the outer perimeters of the development area, Monta Loma is more than two miles away from the central residential hub of these developments, thus negating its ability to serve as a community anchor. Because MVWSD cannot provide bussing to an additional 1400 students due to significant cost, not having a school within a 1.5 mile radius would effectively invalidate the traffic study included as a part of this EIR.



California Department of Education’s general guidance for a school site recommends approximately 10 acres of land for an elementary school and 25 acres for a middle school. It is worth noting that MVWSD does have a school (Jose Antonio Vargas Elementary) that resides on less than the minimum recommended land. Vargas Elementary is an extremely tight footprint, which creates logistical issues as it pertains to growth and meeting student needs.

In contrast, the North Bayshore plan only intimates at the possibility of green space being used for a school. This referenced site in the DEIR, if provided to MVWSD, would have twice the enrollment of Vargas Elementary with less acreage; the site is 3 acres compared to Vargas

Elementary which sits on 4.5 acres and is 7 acres less than the state's minimum recommendation. While an urban school design can mitigate / maximize a small site footprint, this potential site would be inadequate to serve the needs of the community.

Ergo, as a condition of approval of the NBPP project, and prior to the certification of the DEIR, we request that the City and Developer designate and reserve multiple elementary school sites for MVWSD. The availability of land for school construction in Mountain View is extremely limited. The District is amenable to creative efforts to utilize all real property options and is willing to discuss these options with the Developer.

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. While the NBPP does consider noise, emissions, traffic, and other indirect impacts, it does not specifically identify those indirect impacts in the operation of a school district. For example, the eighteen "significant unavoidable 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 NBPP project. In addition, the buildout of 9,850 units is in a plan that covers a period through 2030. The approximate 10-year buildout of the NBPP 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 is not addressed in the DEIR.

Shoreline Community Redevelopment Area Tax Increment

As noted in the EIR report:

Funding for Schools. The Shoreline Community shall work with the Mountain View Whisman School District and the Mountain View Los Altos Union High School District to allocate revenue

related to the growth in assessed value due to new residential development within the Community pursuant to/in accordance with the annual tax allocation for each school district, through mutually agreed to and legally binding agreements.

The North Bayshore Precise plan indicates the desire to transform a once blighted area into a thriving mixed development area. The businesses and residences that are being planned are currently planned in a de facto redevelopment district. The Shoreline community, which is managed by the city of Mountain View staff and City Council currently diverts all tax revenue. Currently MVLA, MVWSD and the city of Mountain View have formed a Joint Powers Authority, also known as Share Shoreline, that began releasing part of the tax increment to schools. The current agreement, which not only ends but also ceases to provide any share of the tax increment on July 1st, 2023, currently guarantees approximately \$2.8 million. Through a formula that was developed by the City, MVWSD received \$5,346,723 dollars this year. Per the county assessor's office, MVWSD normal tax increment would have been \$13,926,094.67 last year.

Assessed Value Tax revenue from commercial and residential is what community funded districts use to address day-to-day operating costs and is not really intended for building schools. As indicated in the EIR, North Bayshore should generate 1471 students. At the MVWSD current per student expenditure rate of \$23,000 this would mean that tax revenue would at minimum need to equal \$33,833,000 in the near future. An increase of students in this fashion, without the tax increment to cover the cost per pupil expenditures, would reduce our per pupil expenditures from \$23,000 to \$16,611 dollars. This reduction means that each student in our District would experience a decrease of \$6,389 in programs and services annually.

CLOSING COMMENTS

Our comments regarding the DEIR should not be construed to indicate our opposition to the amended NBPP. It is critical that all interested parties understand that the new dwelling units are of such magnitude that school mitigation measures for the project exceed the District's ability to absorb the 1,471 students projected from this project. We look forward to the cooperation of the City and



District Office
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Mountain View, CA 94043

proponents of the project to meet with MVWSD and resolve the apparent challenges in this proposed project. We suggest that the District, City, and proponents of the project delay the approval of the North Bayshore Master Plan and the DEIR and meet soon to provide creative viable measures that meet the needs of MVWSD and all stakeholders.

Respectfully,

A handwritten signature in black ink, appearing to read "AR Ed.D.", with a long, sweeping flourish extending to the right.

Ayindé Rudolph Ed.D.
Superintendent

CC: Mountain View City Council
Mountain View Whisman Board of Trustees
Mrs. Kimbra McCarthy, City Manager



February 6, 2023

City of Mountain View
Community Development Department
Attention: Diana Pancholi, Principal Planner
500 Castro Street, P.O. Box 7540
Mountain View, CA 94039-7540

RE: North Bayshore Master Plan and Draft Subsequent Environmental Impact Report

Dear Diana,

VTA appreciates the opportunity to comment on the Google North Bayshore Master Plan as well as its accompanying Draft Subsequent Environmental Impact Report (DSEIR). The first half of this letter contains VTA's comments on the December 2022 version of the Master Plan, while the second half contains VTA's comments on the DSEIR for the CEQA review process. This letter builds on VTA comments on the March 2022 version of the Master Plan we provided in a letter dated May 5, 2022, as well as comments on City-led transportation projects in North Bayshore including the US101/Shoreline off-ramp and the Shoreline transit lane transmitted by email on July 15, 2022.

Comments on the North Bayshore Master Plan

VTA has the following comments on the Google North Bayshore Master Plan dated December 2022:

Project Location and Land Use / Transportation Integration

VTA supports the proposed development intensification and the introduction of new smaller streets to improve circulation and reduce block sizes in the North Bayshore Master Plan. VTA recognizes that the Master Plan builds on the overall growth levels, general placement of land uses and circulation network in the updated North Bayshore Precise Plan approved in 2017. VTA notes that the North Bayshore area is not located on the core transit network and is not as well served by shops and services as other areas of the city. The geographic characteristics of North Bayshore pose challenges to the area's ability to support transit, due to its location on the periphery of the City with few portals across the US 101 barrier. However, VTA is supportive of the City's efforts to balance jobs and housing within the City including North Bayshore. The development of high density residential in this area which has been historically dominated by employment uses will help balance the mix of uses and create opportunities for employees to live closer to work. This could lead to a reduction in automobile trips and Vehicle Miles Traveled (VMT) within North Bayshore, on a per-service-population basis.

VTA encourages the City to continue its efforts to make North Bayshore a place where daily trips can be accomplished without a car. These efforts should include supporting the Mountain View TMA and MVgo shuttle, supporting the Mountain View Community Shuttle, prioritizing transit on Shoreline Boulevard and Charleston Road, and including strong Transportation Demand Management (TDM) requirements and parking maximums with all new development in North Bayshore.

VTA Bus Service and Bus Stops in Master Plan Area

In December 2019, VTA implemented direct bus service on Local Route 40 between the Mountain View Transit Center and North Bayshore, via Shoreline Boulevard. This route, which also serves San Antonio Center, Downtown Los Altos and Foothill College, operates at 30-minute headways on weekdays and 45 to 50-minute headways on weekends. We appreciate that the Master Plan recognizes VTA Route 40 as the trunk transit line through the area and does not assume new or realigned routes on alternative streets in the area. VTA looks forward to the development of North Bayshore into a more transit-supportive, active, and pedestrian-oriented area, which will increase transit utilization and hopefully will warrant increased transit investment in the future. Additional investments that could be warranted by continued development include increased transit service levels (longer hours of service and/or more frequent service) as well as increased capital investments into transit facilities (e.g., bus stop amenities such as shelters, benches, lighting, schedule information, and real-time bus arrival displays). Any potential future increase in service would need to be considered within the framework of VTA's Board-adopted Transit Sustainability Policy/Service Design Guidelines.

VTA offers the following additional comments regarding VTA bus service and bus stops in the North Bayshore Master Plan area:

- VTA only envisions providing bus service along Shoreline Boulevard and Charleston Road now and in the future. Currently the street network of North Bayshore outside of Shoreline and Charleston is fragmented, with few streets taking direct paths and with very long blocks. Even though the North Bayshore Master Plan adds smaller grid streets in some locations, the resulting network is still indirect, with many offset intersections and segments that would be difficult for a transit bus to traverse. Furthermore, it appears that the roadway network in the southeast quadrant of North Bayshore (south of Space Park, east of Shoreline) will remain largely unchanged, also making it more difficult to serve areas east of Shoreline due to the lack of a direct north-south roadway connection.
- Plan 6.1.9 of the Master Plan shows a transit route along Charleston Road east of Shoreline, and a transit stop on Charleston at Inigo Way Extension. Following discussions with City staff, we understand that it is their expectation that this location would only be served by Google buses and TMA/Community shuttles, and there is no expectation that VTA buses will travel east of Shoreline. VTA reiterates that it would not be operationally efficient for VTA to serve this location due to the discontinuous roadway network and the need for buses to make a U-turn, so we do not envision serving the stop on Charleston at Inigo Way Extension.
- In addition to the challenges of serving the proposed stop near Charleston and Inigo Way Extension, it is also difficult to have buses directly serve the intersection of Shoreline Boulevard and Charleston Road, because most buses turn at this intersection and placing bus stops is a challenge. As a result, the nearest bus stop on Charleston is 900 feet west of the intersection (at Charleston Park) and the nearest bus stop on Shoreline that VTA can serve in the northbound direction is 1100 feet south of the intersection (near Space Park Way). While the distance from the stop at Charleston Park to the Shoreline/Charleston intersection is partially mitigated by the attractive pedestrian and bicycle accommodations on Shoreline, VTA would like to emphasize the importance of providing transit stops near this intersection to serve the proposed new development. VTA would like to work with

the City to maintain and prioritize the transit stops on Shoreline just south of Charleston, as this block is developed and the Shoreline transit lane is designed; this may include consideration of a queue jump lane or transit-only signal to facilitate bus movement in the northbound direction. We also encourage the City and Google to prioritize attractive pedestrian connections to transit stops near this intersection.

- In the mid-2010s during the update of North Bayshore Precise Plan, the City and Google considered the addition of a new bridge across the Stevens Creek to connect North Bayshore to the NASA Ames/Google Bayview area. If such a crossing was added by extending Charleston Road and was open to transit vehicles, it would become more feasible to operate VTA transit service to the proposed stop at Charleston and Inigo Way Extension. While there is no guarantee that VTA transit service would make this crossing, VTA encourages the City to re-open its planning process for a crossing of the Stevens Creek, to provide more options for transit service if warranted by future conditions.
- VTA is pleased to see that the Transit Network figure in the December 2022 version of the Master Plan shows a transit stop at Shoreline Boulevard and Pear Avenue, which was not shown in the March 2022 version. VTA understands that all bus stops along Shoreline between US 101 and Charleston will eventually be part of the transit lane project design. At these locations, a stop next to the transit lane as well as a second street-side bus stop serving the general-purpose lanes will be necessary in each direction, for a total of four stops at each location.
- The Master Plan envisions a network of transit stops with amenities such as “benches, shelters, and information displays” (p. 55). VTA makes bus stop improvements per our Transit Passenger Environment Plan (TPEP), which outlines the framework by which we allocate limited public dollars to fund bus stop investments, using factors such as ridership, equity, accessibility, and site conditions. We look forward to collaborating with interested stakeholders to develop and improve bus stops in the area while following the framework set out in our TPEP. In addition, we are happy to collaborate with third-party developers and provide specifications for transit facilities (shelters, benches, etc.) in cases where bus stop improvements are a condition of approval.

Other Transit-Related Considerations

- VTA suggests that Plan 6.1.9 of the Master Plan (Transit Network) be modified to show the locations of existing and planned bus-only lanes in the North Bayshore area.
- The Master Plan, as well as the North Bayshore Precise Plan, generally show how bus stops would fit into the street cross-sections along with protected bike lanes, sidewalks, and other street elements. However, close attention will still be needed to the design of bus stops along Shoreline and Charleston to promote safety and minimize conflicts between buses, other motor vehicles, bicyclists, and pedestrians. VTA requests that the City share any plans for street redesigns and bus stop modifications early in the process as the Master Plan buildout occurs.
- The placement of trees and landscaping should take into account the height of the vehicles travelling underneath the canopy, proximity of the root system to travel ways, and the amount of

abscission onto bus stops, transit lanes, roadways, sidewalks, and bicycle paths, and the maintenance needed to prevent buildup of vegetation debris that can lead to localized flooding.

- Modifications to VTA bus stops may require a Construction Access Permit from VTA; more information is available at <https://www.vta.org/business-center/construction-access-permits>.
- VTA encourages Google and the City to consider the transportation needs of school-age children in the new Master Plan residential development, as well as the impact of school location decisions. Without new K-12 schools, transportation of the area's new school-age children between home and school will be a challenge. VTA provides school-oriented service when and where possible, but this service can only do so much and is often less than ideal, given resource constraints.

Bicycle and Pedestrian Accommodations and Access to Transit

VTA appreciates the designation of Shoreline and Charleston as Transit Boulevards in the North Bayshore Master Plan. We encourage the City to work with the applicant to make sure that new buildings along Shoreline and Charleston and at the "Key Corners" shown in Plan 4.3.1 are oriented towards transit. The pedestrian-only Social Spine proposed parallel to Shoreline is concerning to VTA if the buildings along it are oriented towards the Social Spine and away from Shoreline. Transit succeeds only on corridors that are designed for a variety of users, most particularly pedestrians, with adjacent active uses that are oriented to it. If it is necessary to place active uses on a Social Spine parallel to Shoreline, frequent mid-block paseos should be created between Shoreline and the Social Spine to ensure that the development is permeable, and buildings should be designed to have true, usable entrances fronting both Shoreline and the Social Spine (i.e., the entrances along Shoreline should not be emergency-exit-only and should not direct pedestrians to walk to the other side of the building.) Furthermore, VTA recommends adding active uses or at least an "Engaging Office Edge" to the proposed office buildings facing the south side of Charleston between Shoreline and Huff Avenue, to improve the experience of pedestrians walking to transit.

For the "Key Corners" along Shoreline Boulevard shown in Plan 4.3.1, VTA notes that it will be critical for these locations to be designed for safe and comfortable crossings of Shoreline by pedestrians and bicyclists; otherwise, Shoreline will continue to pose a barrier to non-motorized travel and will deter people from taking transit. VTA supports the statement in Section 6.1 of the Master Plan that "Intersections will be designed with attention to Vision Zero pedestrian safety goals and principles." The intersection of Shoreline and La Avenida will be one of the most challenging locations for pedestrian and bicycle crossings, requiring special attention by the City and the applicant and design treatments to calm motor vehicle traffic to/from US101.

Other Bicycle and Pedestrian Considerations

- VTA commends the applicant for continuing to build out the Green Loop concept; at 1.7 miles, this will be a great amenity for the neighborhood (p. 54).
- The Master Plan states that "Bike share services will be integrated into transit stations to support last-leg connections" (p. 54). VTA recommends expanding this to include scooter share,

as data on micromobility programs already in place suggests that scooters have better use rates than bikes. VTA also notes that we have not been able to accommodate bike share or scooter share vehicles on light rail station platforms due to limited space, ADA requirements, and system safety concerns. When new transit stops in and around the Master Plan area are designed to integrate bike/scooter share nearby, VTA requests that the applicant and the City consult with VTA regarding the design. Bike and scooter share vehicles should be given their own space for parking, and geofencing should be used to prevent parking within a transit stop.

- Loading & servicing network – In addition to accommodating motor vehicle loading, VTA recommends that the servicing plan accommodate bicycle utility vehicles (p. 55).
- VTA strongly supports the proposed connections to the Stevens Creek Trail (p. 57).
- Complete Streets discussion (p. 56) and Block Circulation figure (p. 68) – The new streets and mid-block breaks will improve connectivity for pedestrians and bicyclists. However, the Master Plan does not show pedestrian crossings across major existing or proposed roads. VTA's Community Design & Transportation (CDT) Manual recommends midblock crossings for blocks larger than 200 feet. VTA recommends adding mid-block crossings along Huff Avenue, Joaquin Road, Inigo Way, Monarch Street (west of Shoreline), Plymouth Street/Space Park Way, and Shoreline Boulevard (as feasible given the planned transit lane). This is particularly important where mid-block breaks in the Master Plan continue across these roads.
- Roundabout at Charleston Road / Inigo Way Extension (Figure 6.1.6, p. 81) – It is unclear from this conceptual plan how pedestrians would navigate through the intersection. Please modify to show pedestrian access, crosswalks, yield lines, and curb ramps. There is also no narrative discussing the role of this roundabout and what types of vehicles it is intended to accommodate; suggest adding a brief narrative in the Master Plan.

Comments on the North Bayshore Master Plan DSEIR

VTA has the following comments on the DSEIR, for the CEQA review process:

Project Effects on Transit

The DSEIR concludes that “Implementation of the proposed project (under either option) would not result in modifications to the transit network that would disrupt existing transit service” (DSEIR p. 143) and that “the project (under either option) would not conflict with a transit program, plan, ordinance or policy, and would not result in a new or substantially more severe significant transit impact than disclosed in the 2017 EIR” (DSEIR p. 144). While VTA generally agrees with this conclusion, we note that care must be taken during the Master Plan buildout and the implementation of related transportation projects to ensure that transit facilities are not disrupted.

As noted in Section 6.3 of the Master Plan, the City's North Bayshore Precise Plan identified several required Priority Transportation Projects to support the planned growth and development within the North Bayshore area, and the Master Plan assumes timely implementation of these projects. Two of

these projects, the US101/Shoreline off-ramp realignment, and the Shoreline reversible transit lane project, may affect bus operations to and from VTA's North Yard facility. Any loss or restriction of the use of this yard would strain VTA's service as it is the main base for buses serving the El Camino Real corridor and other area routes. Close coordination with VTA will be required to ensure that access to North Yard is not impeded during construction of buildings or street improvements in the Master Plan area. VTA requests that the City provide VTA staff an opportunity to review designs for any roadways with VTA service that will be modified by the buildout of the Master Plan and Priority Transportation Projects, including the Shoreline reversible transit lane. Any street/lane closures should be communicated with VTA and other transportation providers for route detours and implementation of temporary bus stops.

Air Quality Impacts – Role of Transportation Technology in Mitigation

The DSEIR discloses that the Project would have a Significant and Unavoidable Impact with Mitigation Incorporated in the area of Air Quality, including operational period ROG, NO_x and PM₁₀ emissions (Impact AQ-1, DSEIR p. 55). The DSEIR notes that "the greatest source for operational NO_x and PM₁₀ emissions is project traffic" and that "This is a new, project-specific impact that was not previously disclosed in the 2017 EIR" (DSEIR p. 65). The DSEIR also states that "The project's mobile NO_x and PM₁₀ emissions from proposed land uses would be reduced to the maximum extent feasible through the stringent TDM measures proposed by the project... Given the comprehensive and aggressive TDM measures proposed, there are no feasible additional measures available to reduce the project's mobile emissions further" (DSEIR p. 66).

VTA appreciates the efforts by the applicant to incorporate stringent TDM measures and improvements for bicyclists and pedestrians within the Master Plan area, and efforts by the City to implement transit improvements along Shoreline Boulevard and Charleston Road. These measures will help reduce VMT generated by the Project and resulting operational period emissions. However, VTA believes that there are other feasible mitigation measures available, including investment in newer transportation technologies.

The implementation of newer traffic signal controllers, including supporting communication infrastructure, could be used to provide transit signal priority, adaptive timing for non-motorized modes of travel, and improved performance monitoring plus enhanced real-time response to incidents and congestion on the roadways within the Master Plan area. VTA encourages the City to work with the project applicant to make improvements in the transportation technology infrastructure to benefit transit operations, pedestrians, and bicycles, and further reduce operational period air quality impacts.

Air Quality and Transportation Effects – TDM Mitigation

Given the project's Significant and Unavailable Air Quality impact noted above, and the fact that its Transportation effects in the area of VMT are heavily dependent on TDM measures and a very aggressive non-SOV mode share target, VTA recommends that the City require the applicant to fund monitoring of trip generation, VMT, and parking utilization in the Master Plan area on an ongoing basis.

Monitoring should consist of a combination of surveys of residents and employees, and collection of empirical data by third parties. This monitoring will be especially important as residential development is introduced to the North Bayshore area, to confirm the transportation effects of balancing jobs and housing in close proximity to each other.

Although VTA recognizes that the list of Master Plan TDM strategies in the DSEIR (Section 2.3.10, p. 37) is not exhaustive, we recommend that the City work with the applicant to add partnering with VTA on transportation solutions to the project's TDM strategies. Partnerships between the applicant and VTA could include transit service funding partnerships, and the applicant providing free or deeply discounted transit passes to employees and residents of the new development.

Description of Existing Transit Facilities and VTA Bus Service

In the VTA Bus Service writeup within the Existing Transit Facilities section (DSEIR p. 135), VTA suggests making the following corrections:

- Changing "Orange Line" to "the ACE Orange Shuttle"; using "Orange Line" in this section could confuse the ACE shuttle service with VTA's Orange light rail line
- Changing the second sentence to read: "Route 40 also stops at the Mountain View Transit Center, approximately 1.5 miles south of from the project site, and the San Antonio Transit Center, approximately 2.5 miles southwest of the project site"
- Changing the third sentence to note that the Mountain View Transit Centre is served by four VTA bus routes (21, 40, 51, and 52)
- Adding a fourth sentence to this section: "The San Antonio Transit Center also provides connections to several VTA bus routes (21, 22, 40, 522)"

Thank you again for the opportunity to provide comments on these documents. Please do not hesitate to contact me at 408-321-5949 or robert.swierk@vta.org to discuss any questions you may have on this letter.

Sincerely,

Robert Swierk

Robert Swierk, AICP
Principal Transportation Planner

From: Shree Dharasker <sdharasker@valleywater.org>
Sent: Wednesday, February 15, 2023 11:02 AM
To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Cc: John Schwarz <John@jhsconsult.com>; Vanessa De La Piedra <vdelpiedra@valleywater.org>; Michael Martin <MichaelMartin@valleywater.org>
Subject: RE: North Bayshore Master Plan

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Dear Ms. Pancholi,

Thank you for your consideration of comments after the deadline. The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Supplemental Environmental Impact Report (SEIR) for the North Bayshore Master Plan (Plan) and has the following comments:

- 1) **Table 2.6-1 Required Approvals (page 46):** The section notes Valley Water review and approval “may be required if wells are required or if abandoned wells are proposed to be destroyed...” Please note Valley Water review and approval would be required in either case (via well permit), and any abandoned well discovered during construction must be properly destroyed.
- 2) **Project with District Utilities System Option (DEIR page 262):** Given the presence of contaminated shallow groundwater under portions of the project site and the huge number of deep geothermal bores needed for the potential geothermal system (6,500), Valley Water is concerned with the possibility of inter-aquifer transfer of contaminants. If this option is pursued, Valley Water’s Well Ordinance Program should be consulted early in the process to ensure construction methods and materials will adequately protect groundwater quality.
- 3) **4.7.2.1 Hydrology and Water Quality, Project Impacts (various, including pages 279, 280, 283):** Several sections note that Valley Water pumps groundwater from the Santa Clara Groundwater Basin. As the Groundwater Sustainability Agency, Valley Water manages local groundwater basins to ensure sustainable supplies for all beneficial uses. However, groundwater is pumped by well users, including water retailers, other municipal/industrial users, and private well owners. It is these users, collectively,

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To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Cc: John Schwarz <John@jhsconsult.com>; Vanessa De La Piedra <vdelapiedra@valleywater.org>; Michael Martin <MichaelMartin@valleywater.org>
Subject: RE: North Bayshore Master Plan

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that pumped about 75,000 AFY from the northern Santa Clara Basin, not Valley Water. Please correct all related references.

- 4) **Encroachment Permit:** As noted in previous comments, Valley Water has no right of way within the project area. Any development located adjacent to a creek and not within a Valley Water fee title property or easement (which is Valley Water's jurisdiction), should comply with Valley Water's Guidelines and Standards for Land Use Near Streams (<https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/guidelines-and-standards-land-use-near-streams>). The Guidelines and Standards were adopted by the Water Resources Protection Collaborative (which includes the City of Mountain View) through resolutions in 2007.

I apologize for the delay in submitting comments. Valley Water has several CEQA documents to review during this period. Please provide a copy of the Final Environmental Impact Report (FEIR) when available.

Please contact me if there are any questions,

Sincerely,

Shree Dharasker
Associate Engineer Civil
Community Projects Review Unit
(408)630-3037

From: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Sent: Monday, February 6, 2023 10:27 AM
To: Shree Dharasker <sdharasker@valleywater.org>
Cc: John Schwarz <John@jhsconsult.com>; Vanessa De La Piedra <vdelapiedra@valleywater.org>
Subject: RE: North Bayshore Master Plan

***** This email originated from outside of Valley Water. Do not click links or open attachments unless you recognize the sender and know the content is safe. *****

Good Morning,

Thank you for your email. Unfortunately, the project has a tight schedule, and I am unable to move the official DEIR public commenting deadline. We will try to accommodate comments received after the deadline to the extent feasible.

Sincerely,
Diana



Diana Pancholi
Principal Planner
Community Development Department | Planning Division
650-903-6306 | MountainView.gov
[Twitter](#) | [Facebook](#) | [Instagram](#) | [YouTube](#) | [AskMV](#)

From: Anish Morakhia <[REDACTED]>
Sent: Thursday, February 23, 2023 6:23 PM
To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Subject: Question about Elementary School for North Bayshore draft EIP

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Hi Diana,

I am a resident of the Monta Loma neighborhood. It recently came to my attention that the North Bayshore Master Plan doesn't include an elementary school for the new development and the plan is to enroll the kids from North Bayshore at Monta Loma Elementary.

Based on a reading of the North Bayshore Master Plan draft Environmental Impact Report (Dec 2022), I didn't understand how the report claims that around 1500 new elementary and middle schoolers will be accommodated in Monta Loma Elementary and Crittenden Middle School. Shown below is a snapshot from the draft EIP that shows that Monta Loma Elementary can accommodate additional 189 students and Crittenden Middle school can accommodate additional 476 students

| School | Current Enrollment | Existing Capacity |
|---|---------------------------|--------------------------|
| Monta Loma Elementary School ¹ | 271 | 460 |
| Crittenden Middle School ¹ | 532 | 1,008 |
| Mountain View High School ² | 2,316 | 1,546 |

¹ MVWSD. *Level I Developer Fee Study*. Appendix E. May 5, 2022. Accessed August 3, 2022.
² Aguilar, Irene. Assistant to the Associate Superintendent-Business Services, Mountain View Los Altos High School District. Personal Communication. July 7, 2022.

Is it correct to assume that 5/8th of the 1500 new students will be elementary school going age? That would be around 900 new elementary school students which grossly exceeds the current capacity. The report mentions there is no need for expanding either of these schools and doesn't mention any other schools as alternatives.

I see on Google's website for North Bayshore that they are allocating 4 acres to be potentially used as a school site as shown in the image below. But there doesn't seem to be any plans to build a new school.



Nature

Green spaces have profound benefits for human health and for many of us are the main way we experience nature. In addition to benefiting our health and well-being, these spaces are critical for maintaining local biodiversity. The City's North Bayshore Precise Plan calls for the preservation and enhancement of important natural ecological areas. Our proposal prioritizes environmental conservation and the creation of public open spaces for the community's benefit. To learn more about Google's approach, see "[Seeding Resilience With Ecology.](#)"

Up to 31 acres of public open space for all

Targets:

- ✓ 19 acres of Google-owned land permanently dedicated to the City for new natural and recreation areas
- ✓ Of this, four acres of land dedicated to the City—some of which the City may use for a new **school** site with MWSD
- ✓ 12 acres of privately owned, publicly accessible street-level open space
- ✓ Expanded area for egret rookery
- ✓ Bird-safe design for all new construction

Maybe I am missing something here. But the calculations for the schools in the report don't add up. Could you please help clarify?

Thank you,
Anish Morakhia

Letter H

From: Laura Blakely [REDACTED] >
Sent: Monday, February 6, 2023 12:58 PM
To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Cc: City Council <City.Council@mountainview.gov>; McCarthy, Kimbra <Kimbra.McCarthy@mountainview.gov>
Subject: Comments on Draft Subsequent EIR (North Bayshore Master Plan)

CAUTION: EXTERNAL EMAIL - Ensure you trust this email before clicking on any links or attachments.

Diana Pancholi, Principal Planner
Community Development Department
500 Castro Street
Mountain View, CA 94041
Diana.Pancholi@mountainview.gov

Dear Ms. Pancholi:

This email is being submitted as written comments concerning the environmental review contained in the Amended North Bayshore Precise Plan Draft Environmental Impact Report.

I am writing to urge you to defer approval of the Amended EIR until it can be amended to address the concerns raised below. Please use whatever means you have available for the benefit of our Mountain View community as a whole to mitigate the impacts of an estimated 1,471 new elementary and middle school students and 700 new high school students on our school systems. While our community welcomes these new students, we need to make sure we have adequate school facilities for them. Developer fees at the rate of \$0.66 per square foot for commercial development and \$4.79 per square foot for residential development (divided between the two school districts) are woefully inadequate; those formulas will barely generate enough money to cover the expense of leasing portables and crowding them onto the school fields, which is a totally unacceptable solution. Despite the fact that the EIR claims that there is sufficient classroom space in MVWSD schools, the EIR does not take into account all of the new students who will reside in all of the other construction projects that are already underway. When completed, the new North Bayshore housing units will cause the MVWSD population to increase by at least one-third of the size it is today—even without taking into account all the other new students. And while the proposed 3-4 acre site dedication will theoretically provide space for construction of one new elementary school, 1,471 elementary students cannot be jammed into a single 3 or 4 acre site. Additional new school sites and funding will be needed to provide sufficient classroom space across MVWSD. Our high school district will have similar needs.

I understand that the state legislature long ago bowed to the will of the all-powerful Building Industry Association lobby and deemed that the statutory developer impact fees will mitigate all impacts, but reality tells us this is simply not the case. In today's economy, declaring that revenues generated by charging \$0.66 to \$4.79 per square foot of development are the panacea can best be characterized as magical thinking. There will be tremendous negative impacts on our community and environment if means to fill the "school funding gap" (per the language of the City's School Strategy Policy K-26) are not identified. Finding the solution must be a collaborative effort. Please defer approval of the draft EIR until true mitigations can be identified and put forth with active participation from all stakeholders. We

must establish a way for our community to grow in a sustainable manner so that our children can be educated in schools that are not exploding with too many students.

Best regards,

Laura Blakely

View Street

From: Reyburn, Peggy [REDACTED] >
Sent: Thursday, February 2, 2023 11:44 AM
To: Penollar, Krisha <Krisha.Penollar@mountainview.gov>
Cc: Monlux, Merry <Merry.Monlux@mountainview.gov>
Subject: Re: NextRequest #23-257} Responses to Comments Received on the North Bayshore Precise Plan and the Final EIR.

I am Looking for the responses to comments received on the North Bayshore Precise Plan and the Final EIR.

Comments on the North Bayshore Master Plan December 2022 SCH No.: 2022020712 are due Monday, and I would like to see the response to previous comments.

[REDACTED]



SIERRA CLUB
LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES



**SIERRA
CLUB**

BAY ALIVE

January 25, 2023

Diana Pancholi, Principal Planner
Community Development Department
City of Mountain View
500 Castro Street
Mountain View, CA 94041

Via email to: Diana.pancholi@mountainview.gov

Re: Draft Supplemental Environmental Impact Report, North Bayshore Master Plan,
File No. 202020712

Dear Ms. Pancholi,

The staff and volunteers of the Sierra Club Loma Prieta Chapter request a two-week extension to the comment period for response to the Draft Supplemental Environmental Impact Report for the North Bayshore Master Plan released in December 2022. This would move the comment deadline from February 6, 2023 to February 20, 2023. Many of our staff and volunteers have been adversely impacted by power and internet outages due to the historic storms inundating the Bay Area in addition to dealing with flooding and wind damage. As you know, this has been a very difficult period for many residents of the Bay Area. In addition, the SDEIR comment period occurs over a holiday period where many people have family and community obligations.

We appreciate your consideration of this request.

Respectfully,

Susan DesJardin
Bay Alive Committee Chair

Jennifer Chang Hetterly
Bay Alive Coordinator



Diana Pancholi, Senior Planner
City of Mountain View
Community Development Department
Diana.Pancholi@mountainview.gov

February 6, 2023

Re: Draft Subsequent Environmental Impact Report for the North Bayshore Master Plan Project

Dear Ms. Pancholi,

The Sierra Club Loma Prieta Chapter, the Santa Clara Valley Audubon Society and Green Foothills are local environmental organizations with inherent interest in biodiversity, native plants and wildlife, ecosystems and natural resources in open spaces and in urban landscapes. We have engaged in planning and conservation efforts in North Bayshore and Shoreline Park for many years. We continue to have a strong interest in the way the community develops and the impacts of the development on the natural environment and the species that share it with us. We have reviewed the Draft Subsequent Environmental Impact Report (DSEIR) for the North Bayshore Master Plan Project (NBMPP, Project) and submit the following comments.

1) Project Description

In our Scoping Comments on the NOP, we asked for the Vision for North Bayshore (described on page 5 of the North Bayshore Precise Plan¹, NBPP) to be expressed fully to include “innovation and sustainability” as well as “the protection of habitat.” We ask again for all elements of the North Bayshore vision to be reflected in the Project Description section.

2) Approval by Responsible Agencies

The project is immediately adjacent to areas that provide habitat for special-status species (including but not limited to San Francisco Common Yellowthroat at the Charleston Retention Basin and Burrowing owls and Congdon’s tarplant at Shoreline Park). The project also contains the largest heron/egret rookery in the south bay (at Shorebird Way). The California Department of Fish and Wildlife (CDFW) is a Trustee Agency responsible for protecting migratory and nesting birds under California Fish and Game Code and their mandate includes projects and activities that may cause abandonment and/or loss of reproductive efforts through disturbance. Is permitting by CDFW required for project elements in the vicinity of the Charleston Retention Basin, the rookery of Shorebird Way, and Amphitheater Parkway / Shoreline Park?

- Please add the California Department Fish and Wildlife (CDFW) to Table 2.6-1: Required Approval.

3) Utilities

Several new 12 kilovolt (kV) distribution lines are expected to extend from the PG&E’s Ames Substation

¹ North Bayshore Precise Plan <https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=29702>

to the NBMPP area (Section 2.3.5). Bird collision with power lines is a recognized threat to colonial nesting colonies and bird populations², and the risk is greater in the vicinity of water features (such as Stevens Creek) and for larger birds (such as herons and egrets).

- Can construction of new distribution lines that cross Stevens Creek be placed underground and under bridges?
- If undergrounding is found infeasible, please request that PG&E use markers to make the wires more visible to flying birds. A variety of line marking devices, including hanging markers, coils, and aviation marker balls, are commercially available.
- The Project utility upgrades, including distribution lines and supporting facilities, should not create electrocution hazards to raptors³.

4) Private District Utilities System Option; District Central Plant (DCP)

The DCP is proposed East of 1201 Charleston and potentially could integrate into the building (2.3.5.2). The DCP includes chillers, heat pumps, distribution pumps, cooling towers and air blowers as well as independent backups.

- We are concerned with noise and lighting that this infrastructure and its operations may introduce to the area between Stevens Creek and the heron/egret rookery. Light is especially concerning due to state requirements for industrial facilities. Please describe potential noise and lighting to be used at the DCP, and provide mitigation, including:
 - Use of fixtures with Correlated Color Temperature no more than 2700 Kelvin
 - Use of manual switch for work that is performed at night so that all-night lighting can be minimized.
 - Please consider Section 10, Artificial Light at Night, below.
- The Water Reuse Facility is expected to meet disinfected tertiary recycled water standards as described under Title 22 of the California Code of Regulations. The recycled water would be used for non-potable water demands on-site including toilet flushing, cooling, and irrigation.
 - Can recycled water uses include sustaining permanent and seasonal wetlands at the Charleston Retention Basin and the Eco Gem during dry spells?

5) Green Building and Emissions Reduction Features (Section 2.3.7)

The groundwater level at North Bayshore, especially in the Shorebird area, is high enough to sustain the wetlands of the Charleston Retention Basin and vegetation around the basin with no irrigation at all. In areas of high water level, native vegetation which is not drought tolerant should be permitted because it allows a more biodiverse ecosystem to thrive with minor, if any, irrigation needs after establishment. Planting drought tolerant vegetation to satisfy Green Building Standards in locations where implementation of the standards is not needed should not be required or encouraged.

- Are there areas within the NBMPP area where the groundwater level is high enough to support vegetation that is not drought tolerant, for example, the eco-gem area?
- On page 29, under Energy Efficient Design, promises “Energy modeling in early design phases to optimize **wall-to-wall ratios**, thermal performance, and exterior shading.” Is the intention to model **window-to-wall ratios**?

6) Parking Structures

² <https://www.aplic.org/Collisions.php>. For guidance, download APLIC’s “Reducing Avian Collisions with Power Lines: State of the Art in 2012.”

³ <https://www.aplic.org/APPs>

In our NOP scoping comments, we asked “Please include one alternative scenario with reduced parking... This alternative should also analyze the impact of mitigation strategies that increase the pedestrian, micro-mobility and bicycle capacity, including using Green Streets potentially within the entire North Bayshore Precise Plan area.”

The NBMPP does not offer a Reduced Parking Alternative. Instead, five parking structures are planned to accommodate ±7,274 cars (Table 2.3-5). This adds to existing and planned parking under future buildings, parking structures currently under construction, and existing parking structures. While all new parking structures are of concern, we are especially concerned with the parking structure at Subarea AM1 (Amphitheater).

The NBPP envisioned the vast parking spaces of North Bayshore becoming open space and the area becoming less car-centric. But with so many cars accommodated at North Bayshore, this vision may not be implemented as intently and purposely as we hoped.

- Please provide the footprint of 1) existing and 2) planned parking structures in North Bayshore, in acres.
- Please consider using feasible strategies like parking cash-out⁴ which Stanford, Lockheed, and Genentech⁵ used to avoid building additional parking lots and to reduce automobile use. Stanford may be the best example because it operates under a traffic cap⁶. Traffic caps work if enforced (for example, using pavement sensors that count vehicles throughput) and controlled (via pricing⁷) and feedback systems, such as increasing pricing and fines for exceeding the cap).
- Prior to building each parking structure, please study overall parking demand to evaluate how multi-modal behaviors evolve, and ensure that the added parking is indeed needed.

At the Alta/Huff Parking Structure, Google created a dynamic structure that can accommodate change of use in the future - from parking cars to housing people. This flexibility of re-purpose should be the model for all parking structures:

- New parking structures should be built to allow future re-purposing such as housing.
- New parking structures should be built so as to be able to respond immediately to crisis needs (shelter during major weather events, shelter post earthquake).

6.1. Amphitheater Parking Structure (AM1)

The Amphitheater Parking Structure (AM1) has not been studied in the North Bayshore Precise Plan. It has been previously required to accommodate parking needs for the Charleston East project, but since that time the Alta/Huff Parking Structure has been built, and parking at the Google Landings project is under construction.

- Please consider removing the AM1 structure from the NBMPP or provide an alternative location(s) for parking in North Bayshore. As suggested above, putting a price on parking and a vehicle cap can go a long way towards reducing the need for parking. Such measures should be considered as an alternative to building this structure, especially at this scope and at this location.

⁴http://www.aqmd.gov/docs/default-source/transportation/supplemental-documents/ca_parking_cash-out_program_an_informational_guide_for_employers_2021.pdf?sfvrsn=6

⁵<https://www.greenbiz.com/article/how-genentech-used-parking-lot-fund-its-employee-commuter-shuttle>

⁶<https://transportation.stanford.edu/about/stanford-and-general-use-permit-faq>

⁷<https://mtc.ca.gov/planning/transportation/driving-congestion-environment/parking-curb-management>

Significant Impacts on Burrowing Owls

We are greatly concerned that the parking structure at AM1 will have a significant impact on Burrowing owls locally and regionally. A comment letter from the Department of Fish and Wildlife (April 6, 2022) also highlights the potential of impacts to Burrowing owls.

The Burrowing owl population in the south Bay Area has suffered a significant decline and the breeding population is at a risk of extirpation. In the past four years, the county's Burrowing owl population has been sustained by deliberate conservation actions implemented primarily by the Santa Clara Valley Habitat Agency in an effort to accomplish the requirements of this adopted Valley Habitat Plan.⁸

The City of Mountain View has been engaged in conservation and monitoring efforts at Shoreline Park for decades and has been implementing a Burrowing Owl Conservation Plan since 1998. This plan was updated in 2012 with the adoption of the Burrowing Owl Preservation Plan⁹ (BOPP). The BOPP incorporated historical mitigation areas, stipulated Population and Habitat Goals, and designated additional areas (preserves) where owl habitat (for foraging and for breeding) is to be maintained to support wintering and nesting owls. The historical mitigations (Figure 1, from BOPP page 80) involve legal commitments to the California Department of Fish and Wildlife, and must be retained in perpetuity. Vista slope includes mitigation areas, including a mitigation site on the south-west corner of AM1. Vista slope has consistently been used by wintering and by nesting Burrowing owls over the years¹⁰.

The City of Mountain View is an active participant in the Conservation Actions that are funded in part by the Habitat Agency. Shoreline Park has been one of only two locations where intervention actions by the Habitat Agency, including overwintering of fledglings and supplemental feeding, have been successful (Figure 2). Impacts to the success of Burrowing owls of Shoreline Park can potentially hamper recovery efforts in the south Bay Area and conflict with the adopted Santa Clara Valley Habitat Conservation Plan/ Natural Communities Conservation Plan.

⁸ <https://scv-habitatagency.org/DocumentCenter/View/1691/06>

⁹ <http://www.elkhornsloughctp.org/uploads/files/1408724962Mountain%20View%20Burrowing%20owl%20management%20plan.pdf>

¹⁰ Shoreline Burrowing owls Annual Monitoring reports, 1998-2021.

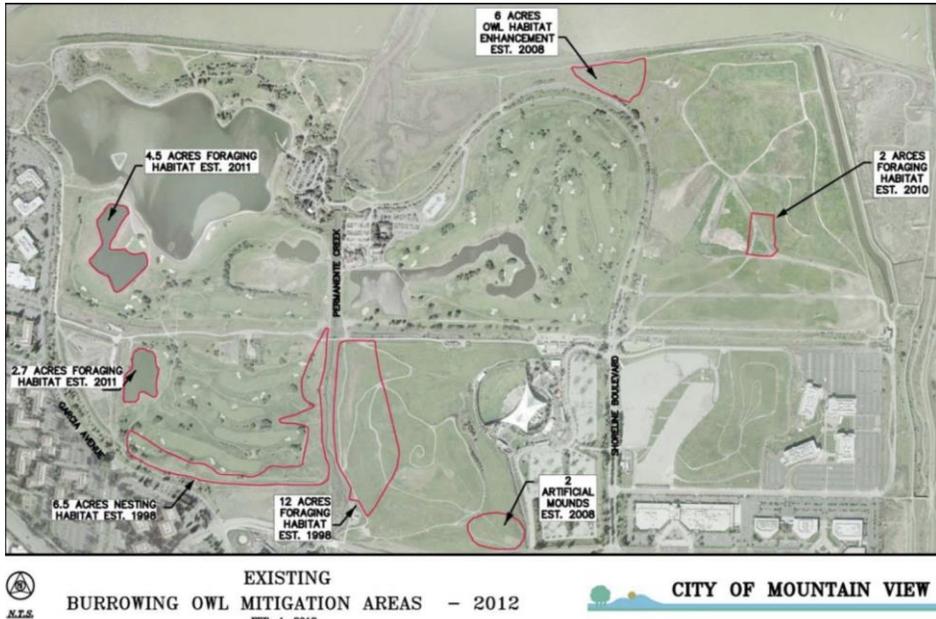
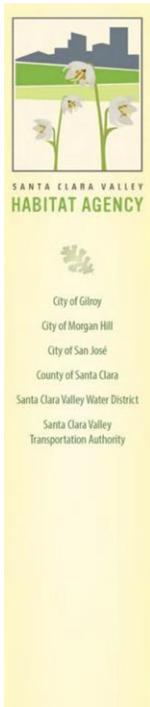
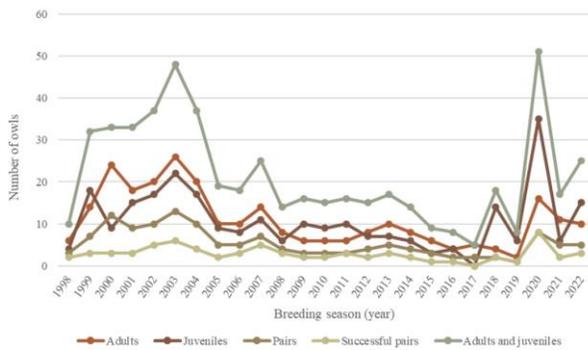


Figure 1. Burrowing owl Mitigation Areas



Shoreline in Mountain View

Annual Burrowing Owl Survey Results 1998 - 2022



6

FIGURE 2. Burrowing owl population trends at Shoreline Park¹¹, showing the success and importance of recent intervention actions (2018-2021)

The BOPP (2012) provides, "Under the California Endangered Species Act, the Burrowing owl is a State Species of Special Concern based on both localized and State-wide population declines as well as losses

¹¹ <https://scv-habitatagency.org/DocumentCenter/View/1691/06>

of suitable habitat (CDFG, 1995). Under California Fish and Game Code, Section 1802, the CDFG is the agency manager and trustee of fish and wildlife resources and their habitat.” The BOPP states, “this document also provides procedures for meeting wildlife laws and regulations without the City having to consult CDFG on every action taken at the Park that has the potential to harm Burrowing owls.” The Plan describes 10 Owl Management Actions, including “Action 9. Employ a full-time biologist with owl expertise.”

- Have the procedures for meeting wildlife laws and regulations been followed?
- Has the city’s Burrowing owl biologist been given the opportunity to participate in the design and mitigations of the parking structure at AM1? Has the biologist approved the proposed mitigations to ensure that procedures for meeting wildlife laws and regulations are met without the City having to consult CDFG?
- If the biologist has issued an opinion or a report pertaining to the design and mitigation of parking at AM1, please include these documents in the Final EIR for public and agency review.

To protect the Burrowing owls of Shoreline Park, the North Bayshore Precise Plan designated a buffer (Burrowing Owls Habitat Overlay Zone, HOZ) where buildings are not permitted within 250-ft of Burrowing owl habitat, and no net increase in impervious surface can occur. No buildings taller than 55 feet can be constructed within 100 feet of any HOZ boundary. There are additional stipulations regarding lighting, perching, pesticide use etc..

The 2017 NBPP EIR did not evaluate the construction of a parking garage outside of the Precise Plan area on Subarea AM1. The NBMPP proposes that the Parking Structure at AM1 will maintain the same 250-ft buffer that is required for development in the Precise Plan area, and comply with the measures listed in Chapter 5.1 Habitat Overlay Zone, Standard 2 of the Precise Plan regarding outdoor lighting, constructing perch deterrents, avoidance during construction, and the limitation of rodenticide use. We appreciate these measures, but maintain that these measures do not suffice to reduce impacts to a less than significant level.

As we understand it, the SDEIR makes two assumptions that lead to the findings that the impact is “Same Impact as Approved Project; Less than Significant Impact”:

- 1) Assumption 1: The edge of the potentially suitable Burrowing owl habitat is analogous to the baseline of the Burrowing Owl HOZ, and so mitigation can be similar.
- 2) Assumption 2: The developed/landscaped habitat in AM1 is of relatively low value to wildlife (including Burrowing owls).

We disagree with both assumptions.

There is a wide road (Amphitheater Parkway) that separates Burrowing owl habitat from the areas studied in the NBPP. It also provides, as we show below, Burrowing owl habitat. In contrast with the NBPP Study Area, AM1 is immediately adjacent to Vista slope and a designated mitigation site. The development and operations could therefore have impacts beyond those that were studied in 2017, including loss of habitat onsite, increased recreational activity on Vista Slope, hazards related to the anticipated increase in vehicle traffic, potential introduction of dogs and cats, and lighting in and around the structure. In the precarious situation of the owl population of the south bay, a loss of one nest, even one owl, during the nesting season can lead to the extirpation of the species in the South Bay Area.

Subarea AM1 is described in footnote 54 “*The developed/landscaped habitat in AM1 is of relatively low value to wildlife, but provides nesting and foraging opportunities for some urban-adapted species of*

birds.” This description neglects to mention that Burrowing owls may also forage at the site. The footnote shows that the parking lot supports Burrowing owl prey species such as mice, lizards, and small birds. Burrowing owls are known to forage and even nest in parking lots. In “Studies of Western Birds 1:218–226, 2008, Species Accounts (pages 218-226) (attached), the description of this California Species of Special Status includes, “developed environments pose a substantial risk to Burrowing owls from mortality caused by traffic (Klute et al. 2003, D. K. Rosenberg et al. unpubl. data). Owls nesting along roadsides or parking lots are at greatest risk, although owls foraged along roads over 1 km from the nest burrow (Gervais et al. 2003).” Burrowing owls have also been observed foraging in parking lots in North Bayshore⁷.

The observation in the DSEIR footnote 54 that “*California ground squirrels and their burrows are common in the ruderal grassland margins of the parcel, as well as on the adjacent grasslands at Shoreline Park*” further substantiates the value of this site for burrowing owls. Overwintering or breeding Burrowing owls likely forage here, and potentially use ground squirrel burrows. The AM1 site is important to the preservation of Burrowing owls, and building here should be recognized as a significant impact and avoided, or adequately mitigated.

- Please discuss the impacts to Burrowing owls, including loss of habitat onsite, lighting, increased recreational activity on Vista slope, hazards related to the anticipated increase in vehicle traffic, potential introduction of dogs and cats, and construction-related activities.
- Please consider a regional context for the discussion of impacts to Burrowing owls and include:
 - Cumulative impacts on Burrowing owls. Please include the Moffett Park Specific Plan in Sunnyvale and development and maintenance activities in Moffett Park.
 - The role of Shoreline Park in the recovery efforts by the Santa Clara Valley Habitat Agency.

We believe that avoidance of the impacts by not building this structure is the best alternative. It was not part of the MPSP, and can be eliminated from the NBMPP. If avoidance is not feasible, the following mitigations should be added to the mitigations and standards offered in the DSEIR in order to reduce significant impacts to owls at Shoreline Park and regionally, and to the success of the Santa Clara Valley Habitat Plan.

- Plant grasses and shrubs in the 250-ft buffer to provide foraging for Burrowing owls.
- Ensure there is no-net-loss of impervious area/habitat.
- Install a green roof, seeded to provide grassy foraging habitat.
- Avoid any lighting or spillover light into the 250-ft HOZ. Lighting in the parking structure should not be visible from Vista slope.
- Fencing is needed to stop people from creating social trails to access Vista slope. Design and fencing should direct people to the official trails that provide signs and guidance (such as no dogs, day-use only).
- Additional Mitigation measures should craft best management guidance and requirements based upon the following:
 - Mountain View’s BOPP in consultation with the City’s Burrowing Owl Biologist,
 - CDFW Staff Report on Burrowing Owl Mitigation (2012) and consultation with the California Department of Fish and Game,
 - Mitigation measures for Burrowing Owls from the Santa Clara Valley Habitat Plan.¹²

¹² <https://www.scv-habitatagency.org/178/Santa-Clara-Valley-Habitat-Plan>

7) Egret Rookery, Shorebirds Wilds and Eco -gem Area

The terminus of Charleston Rd./Shorebird Way is home to the largest egret and heron rookery in the South Bay. The rookery is recognized in the NBPP which states, “This rookery is regionally significant as one of the largest egret colonies in the South Bay and is an important natural resource.” In recent years, nesting birds in this area included Snowy Egrets, Great Egrets, Black-crowned night herons, White-tailed kites, Western bluebirds, Red-shouldered hawks and Red-tailed hawks (Matthew Dodder, SCVAS, personal Communications).

The use of 1201 Charleston for meeting/event space and outdoor activities in the Shorebirds Wilds and Eco-gem Area could introduce disturbance to nesting birds. The NBPP describes “passive” uses without defining what activities may or may not be permitted, or how these activities may accommodate nesting birds without disruption.

Mitigation measures to protect nesting birds from operations-related activities and disturbance should be specified for the lifetime of the project.

- Please develop Standards, Guidelines and Protocols to ensure that noisy or light-generating events, events that attract predators and/or other potential disturbances (especially outdoor activities) are evaluated by the City’s Biologist if they are scheduled to occur during the nesting season.
- In the letter from CDFW, the agency requests that the SEIR include building height and location alternatives that reduce environmental impacts such as not locating tall buildings near biologically sensitive areas. We ask that any facade that faces the egret rookery/Shorebirds wilds, the eco-gem and the retention basin implement bird-safety measures (including glazing above 60-ft).
- Please develop a Tree Preservation Plan for the trees in the Egret rookery HOZ.
 - This plan should identify important trees to preserve. This should specifically include the London plane trees that are traditionally used by the egrets and the redwoods across Shorebird Way (including the redwood in which a White-tailed kite has been nesting).
 - The plan should specify maintenance requirements, importantly including irrigation with water with no salt content.

These mitigations aim to reduce the aesthetic impacts of loss of trees and canopy, and the risk that the London Plane trees die due to over-fertilization and high salt content by recycled water augmenting the bird excrement, or that the redwood trees die due to high salt content in recycled water). Both of these outcomes are known to occur if these trees are irrigated with high salt content water. If protective measures are not taken to ensure that the trees thrive, the trees of the egret colony may perish - a potentially significant impact to the largest heron/egret rookery in the South Bay area.

8) Potential Loss of Trees

The loss of trees and canopy, and mitigations for such loss, are of great public interest in Mountain View. In 2022, the City has prioritized Biodiversity as a strategic goal, and within this goal, a new Urban Forest Master Plan is being developed. The new Plan, with associated code changes, is likely to be completed within two years and change the existing, inadequate regulations for the protection of trees.

COA BIO-2.1, “Tree Mitigation and Preservation Plan” defers the preparation of a Tree Mitigation Plan and at the same time grandfathers in existing tree mitigation requirements for decades to come. However, in light of the ecological sensitivity of North Bayshore, note the following.

- It is important that future projects implement the new policies and ordinances that are developed to protect biodiversity and the environment, including requirements for mitigation for the loss of trees. The existing code regarding trees should not be static and grandfathered in. An update to the NBMPP should be required when the tree ordinance is updated.
- Identification of locations where replacement trees will be planted (so the city does not end up with in-lieu funds but no viable planting locations) is important, including potential planting locations outside the boundary of North Bayshore.
- Please identify redwood trees/groves to preserve similar to Landings projects.
- In addition, please see our previous comment regarding the development of a Tree Preservation Plan for the trees in the Egret rookery HOZ (Section 7). This plan should be incorporated into the Tree Mitigation and Preservation Plan and include directions for maintenance and preservation of the London Plane and redwood trees that comprise the rookery so the trees are retained and maintained in good health. Trimming guidelines are also needed, and a plan to continue supplying water of low-salt content. This is because irrigation of redwoods in North Bayshore with recycled water of high salt content has led to a rapid decline in the health of the trees. London Plane trees are more resistant to salinity, but fertilization by egret droppings augmented by irrigation with water of high salinity may impact the health of these trees adversely.

9) Cumulative Impacts Analysis

Why has the cumulative Impact analysis not addressed Google's Bayview Campus, Caribbean campus and the City of Sunnyvale's Moffett Park Specific Plan? These projects are located in close proximity to the NBMPP (a biking/walking distance) along the Bay. These projects and plans introduce millions of square feet of office space and thousands of hotel rooms and housing units. The implementation of the Moffett Park Specific Plan is expected to coincide with the development of the NBMPP. All these projects have a Google nexus, and all may have cumulative impacts on Biological Resources, air quality, traffic and other environmental resources. We encourage the City to analyze the cumulative impacts of these additional projects.

10) Artificial Light at Night

In the time since the NBPP was adopted, scientific evidence and understanding of the devastating impacts of Artificial Light At Night (ALAN), especially in the blue band of the spectrum, has grown substantially. We now know much more about impacts of ALAN to the environment and to human health, and we have a better understanding of how to mitigate the impacts¹³. The Artificial Light at Night Research Literature Database includes many recent (2018-2023) scientific studies¹⁴ that focus on the harmful impacts of LED lighting to species, ecosystems and human health, impacts that were not known, and could not have been discovered, when the NBPP was approved in 2017. The primary lesson that emerges from these studies is that ALAN must be minimized.

This upcoming update to City code, and the proliferation of new scientific evidence, justifies a re-evaluation of the NBPP standards and strengthening the existing requirements by the following.

- Eliminating minimum requirements for lighting from the NBPP and the NBMPP. Lighting for all

¹³ <https://www.darksky.org/artificial-light-at-night-state-of-the-science-2022-report/>; Artificial Light at Night: State of the Science 2022 International Dark-Sky Association DOI: 10.5281/zenodo.6903500 (attached)

¹⁴ https://www.zotero.org/groups/2913367/alan_db

human needs can be achieved without setting minimums.

- Turning off all outdoor lights at 10PM.
- Ensuring that Correlated Color Temperature should not exceed 2700 Kelvin (with potential exception to vibrant social activity centers).
- Including as Standards and Guidelines the best practices that the International Dark-sky Association (IDA) provides in its Board Policy on the Application of the Lighting Principles document¹⁵ (June 24, 2021). This policy provides guidance for implementing the Five Principles for Responsible Outdoor Lighting¹⁶ that are offered as mitigation for the significant impacts of ALAN on the environment. These guidelines include the following among other recommendations.
 - The spectral content, or color, of light should be limited to only what is necessary for the task. Because of the disproportionate impact on the nighttime environment, particular attention should be paid to reducing the total emissions of short-wavelength or “blue” light (defined for the purposes of this resolution between the wavelengths of 380 nm and 520 nm) through light source spectrum management¹⁷.
 - To minimize negative environmental impacts, IDA recommends using lamps rated at 2200K CCT¹⁸, Phosphor-Converted Amber LED, or some filtered LED.
 - When higher than 2200K CCT is necessary to meet lighting objectives, keep the total emission of blue light into the environment as low as reasonably possible through low intensities, careful targeting, and reduced operating times.
 - Near sensitive sites, such as conservation areas, sensitive wildlife habitat, ecological reserves, parks, astronomical observatories, or stargazing sites, IDA recommends that lighting installations use 0% blue light and a narrower spectrum of emission.
 - Critically sensitive environments should be kept naturally dark.
- Tall buildings that emit internal light at night can divert bird migration patterns and increase bird collisions.¹⁹ Any buildings that face ecologically sensitive areas should include window coverings that can be drawn at night to reduce visibility of light from surrounding areas. We are especially concerned with the lighting of parking garages, particularly the proposed garage on Amphitheater Parkway.

11) Hydrology

Have impacts of the Project to the hydrology of the Charleston Retention Basin been analyzed? Please ensure that the wetland is not deprived of water.

We thank you for the opportunity to provide comments,

¹⁵<https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>

¹⁶ <https://www.darksky.org/our-work/lighting/lighting-principles/>

¹⁷ Outdoor light emission in the ultraviolet portion of the spectrum (below 380 nm) should also be avoided as it often has deleterious consequences for wildlife while providing no benefit or human utility.
<https://www.darksky.org/our-work/lighting/values-centered-outdoor-lighting/>

¹⁸ There is no widespread agreement on a more relevant metric than CCT for spectrum evaluation until one is developed. In the interim, CCT may be used as a placeholder, although it should be verified that the source emits no more than 8% blue light emissions

¹⁹ <https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1002/fee.2029?af=R> and <https://www.pnas.org/doi/full/10.1073/pnas.2101666118>

Susan DesJardin
Bay Alive Committee Chair
Sierra Club Loma Prieta Chapter

Matthew Dodder
Executive Director
Santa Clara Valley Audubon Society

Alice Kaufman
Policy and Advocacy Director
Green Foothills

TO: City of Mountain View, Community Development Department
ATTN: Diana Pancholi, Principal Planner
500 Castro Street, PO Box 7540
Mountain View, CA 94039-7540

February 6, 2023

Dear Mrs. Pancholi,

I'm writing today to comment on the Amended North Bayshore Precise Plan (NBPP), Draft Environmental Impact Report (DEIR). In particular, I'd like to comment on the indirect impact on Mountain View schools – both the Mountain View Whisman School District (MVWSD) and the Mountain View Los Altos (MVLA) High School District – responsible for educating the future children coming from this large, new proposed community. As a former MVWSD board member (2016-2020), I see this as a wonderful opportunity for the City of Mountain View, the Developer, and the 2 school districts to work together to serve the future students generated from the proposed development while also considering the broader picture factoring in all future growth in the school impact analysis and school site needs. I realize the City cannot impose school related fees on developers, but the current school impacts are grossly underestimated and the findings are not aligned with real world facts. There are numerous other projects, both approved and in process, that will also bring additional pupils to our schools well ahead of the NBPP development. These numbers do not appear to be factored into the school site impacts. Neither MVWSD nor MVLA has the monetary resources to purchase new land to house the sheer magnitude of all future growth in the city, when all existing and approved developments are factored in. Land costs were roughly \$15 million and acre over 3 years ago and even with the State of California paying for ½ of the land costs, our districts simply cannot afford the remaining costs for both land and construction with their current revenue streams.

One potential and logical avenue to explore, to alleviate the pressure and of either new land and/or facilities from Mountain View's school districts, would be to faithfully, fairly,

and more equitably renegotiate the Shoreline Community Redevelopment Area Tax Increment set to expire in June 2023. The current allocation to MVWSD alone is a mere 38% of what the normal tax base would be in any other part of the city. Renegotiating to a more representative rate could allow both districts to set aside funds for school site modifications, facilities expansion, potential lease lapses (as income would no longer be needed) and possibly the purchase of additional land before the NBPP students arrive, as well as help both district's serve these students once they populate classrooms. Without such revenue, existing student services would decline for all Mountain View students. Ideally, with a development of this size, a walkable elementary school within the NBPP community is what is needed, as all of MVWSD's kids can currently walk and bike to nearby schools, an opportunity all Mountain View residents should be afforded. Schools within communities foster relationships, build healthy connections, improve mental health, and serve as focal gathering spaces for after-hours events and open space use.

Thank you for your time and consideration of my comments on the DEIR. I respectfully request a more adequate representation of the full impact on Mountain View's schools of a development of this size, and encourage the thoughtful consideration of all possible, creative, and collaborative solutions to the vision of creating an entirely new neighborhood in our beautiful city while also supporting schools to equitably educate our children near where they live.

Respectfully,

Tamara Wilson



City of Mountain View
Diana Pancholi, Project Manager
500 Castro Street
Mountain View, CA 94041

February 6, 2023

Dear Ms. Pancholi,

This document serves as the response by The Friends of Mountain View Parks to the Amended North Bayshore Precise Plan (NBPP) Draft Environmental Impact Report (DEIR). I have reviewed the report and provide the following comments concerning the adequacy of the findings relating to the direct and indirect impacts to parks, open space, the Shoreline Regional Wildlife Area, and the overall quality of life in the proposed North Bayshore development.

The proposed project including up to 7,000 residential units is estimated to generate approximately 12,250 new residents resulting in a parkland requirement of 36.8 acres to meet the City's target of three (3) acres per 1,000 residents. DEIR at page 324-325.

The project Master Plan proposes a total of 30.5 acres of parks and open space with 18.9 acres of unimproved land dedicated to the City of Mountain View and 11.7 areas provided as POPA open space which would be improved and maintained by the applicant in perpetuity. DEIR at Section 2.3.2.

The applicant would pay in lieu fees for the remaining 6.2 acres. DEIR at page 331.

Section 41.5 of the City Code states that "The public interest, convenience, health, welfare and safety require that three (3) acres of property for each one thousand (1,000) persons residing in the city be devoted to public parks and recreational facilities. Section 41.3(c) of the City Code further provides that "[i]f there is no public park or recreation facility designated or required in whole or in part within the proposed residential development, which meets the requirements set forth herein, the owner and/or developer shall be required to pay a fee in lieu of land dedication equal to the value of the land as determined by Secs. 41.5 through 41.9 of this chapter." "The fees collected pursuant to this chapter are to be used only for the purpose of providing park or recreational facilities to serve the residential development from which fees are collected in accordance with the service area requirement in Table 41.3 of this chapter." Section 41.3(e).

However, a plan for how the in lieu fees based on the value of the 6.2 acres of land will be used to mitigate the impact of the approximately 12,250 new residents in the proposed North Bayshore development has not been set forth in the DEIR. The DEIR fails to provide any plan for how the in lieu fees will be spent or articulate a nexus between the use of the funds and mitigating the impact of the residential development. "[T]o be adequate the payment of fees must be tied to a functioning mitigation program." (*California Native Plant Society v. County of El Dorado* (2009) 170 Cal.App.4th 1026, 1055); "To be adequate, these mitigation fees ... must be part of a reasonable plan of actual mitigation that the relevant agency commits itself to implementing." (*Id.*, quoting *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 1188.) "For an in-lieu fee system to satisfy the duty to mitigate, either that

system must be evaluated by CEQA (two tier approval for later, more specific, projects) or the in-lieu fees or other mitigation must be evaluated on a project-specific basis.” (*Id.*)

In addition to the 7,000 residential dwelling units, the proposed North Bayshore development further includes 3.1 million square feet of office space of which 1.3 million square feet is new office space and 1.8 million square feet is existing office space to be developed, 224,000 of retail space, and 525 hotel rooms. Notice of Preparation of a Draft Subsequent Impact Report for the North Bayshore Master Plan Project, City of Mountain View dated February 28, 2022.

The employees, the shoppers, and the visitors to the office buildings, stores, restaurants, and hotels will use the parks and open space. But the DEIR makes no provision for the impacts of these non-residential developments on parks and open space. The cumulative impact of not only those living in the proposed NBBS development but also the employees and visitors to the area should be taken into consideration when determining the appropriate acreage of parks and open space and in developing mitigation strategies that accomplish the objectives of fostering a vibrant neighborhood and community in North Bayshore.

General Plan Policy POS 1.2 is to “Require new development to provide park and recreation facilities”. This policy is not limited to residential development. The new commercial and office developments should be required to provide park and recreation facilities in addition to the parks being created for the new residential development.

Furthermore, it is critical that adequate park and recreational facilities be provided for all those who live, work, and visit the development to ensure that the viability of the Shoreline Regional Wildlife Area as a wildlife habitat is preserved. If adequate park and recreational facilities are not provided for these new visitors and residents, they will inevitably make their way to more sensitive wildlife habitat areas as they seek out the open space not otherwise adequately provided by the project.

For at least these reasons, I recommend that the City and the proponents of the proposed North Bayshore project provide additional park and open space as part of their project, and that the City delay the approval of the North Bayshore Master Plan and the DEIR to address the concerns raised in this letter.

Sincerely,

/William R. Lambert/

The Friends of Mountain View Parks
William R. Lambert, Officer

A large black rectangular redaction box covering the signature area of the letter.

cc: Mountain View City Council
Kimbra McCarthy, Manager, City of Mountain View