

APPENDIX A

Notice of Preparation and Comment Letters

NOTICE OF PREPARATION

To: State Clearinghouse;
Responsible and Trustee Agencies;
Interested Individuals

From: Mountain View/Los Altos Union High School District
1299 Bryant Avenue
Mountain View, CA 94040
Contact: Mike Mathiesen, Associate Superintendent
(650) 940-4667

Subject: Notice of Preparation of a Draft Environmental Impact Report

The Mountain View/Los Altos Union High School District (District) will be the Lead Agency and will prepare an environmental impact report for the project identified below. The District welcomes your input regarding the scope and content of the environmental information that is relevant to your area of interest, or to your agency's statutory responsibilities in connection with the proposed project. If you are affiliated with a public agency, this EIR may be used by your agency when considering subsequent approvals related to the project.

The project description, location, and probable environmental effects that will be analyzed in the EIR for the project are attached. According to state law, the deadline for your response is 30 days after receipt of this notice. However, we would appreciate an earlier response, if possible.

If you have any comments on this Notice of Preparation or the proposed project, please identify a contact person and send your correspondence to:

Mountain View/Los Altos Union High School District
Attn: Mike Mathiesen, Associate Superintendent
1299 Bryant Avenue, Mountain View, CA 94040
Phone: (650) 940-4667, e-mail: mike.mathiesen@mvla.net

The Draft EIR for the Los Altos High School Lighting Project is currently being prepared. A separate EIR Notice of Availability will circulate when the Draft EIR becomes available for public review and comments.

The District will hold a neighborhood meeting and an EIR public scoping meeting to describe the proposed project and the environmental review process, and to obtain your input on the EIR analysis for the proposal. The meeting will be held at 7:00 p.m. on February 10, 2020 at the District Office located at 1299 Bryant Avenue, Mountain View, CA 94040.

Project Title: Los Altos High School Stadium Lights & Public Address System

Date: January 17, 2020

Signature:
Title:
Telephone:


Associate Superintendent
(650) 940-4667

**NOTICE OF PREPARATION OF
A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE LOS ALTOS HIGH SCHOOL STADIUM LIGHTS & PUBLIC ADDRESS
SYSTEM PROJECT**

January 2020

Introduction

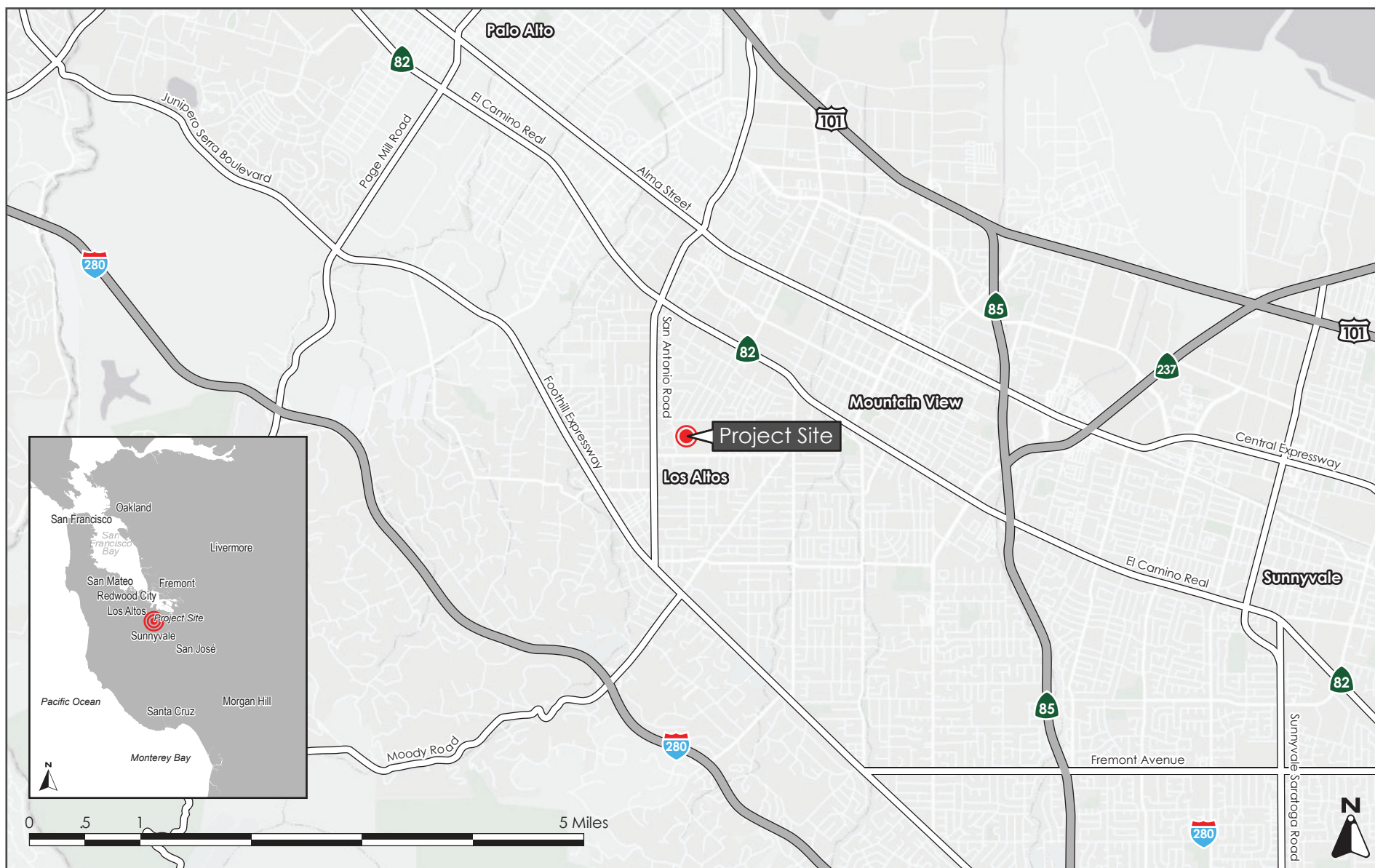
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The EIR for the proposed project will be prepared and processed in accordance with the California Environmental Quality Act (CEQA) of 1970, as amended. In accordance with the requirements of CEQA, the EIR will include the following:

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

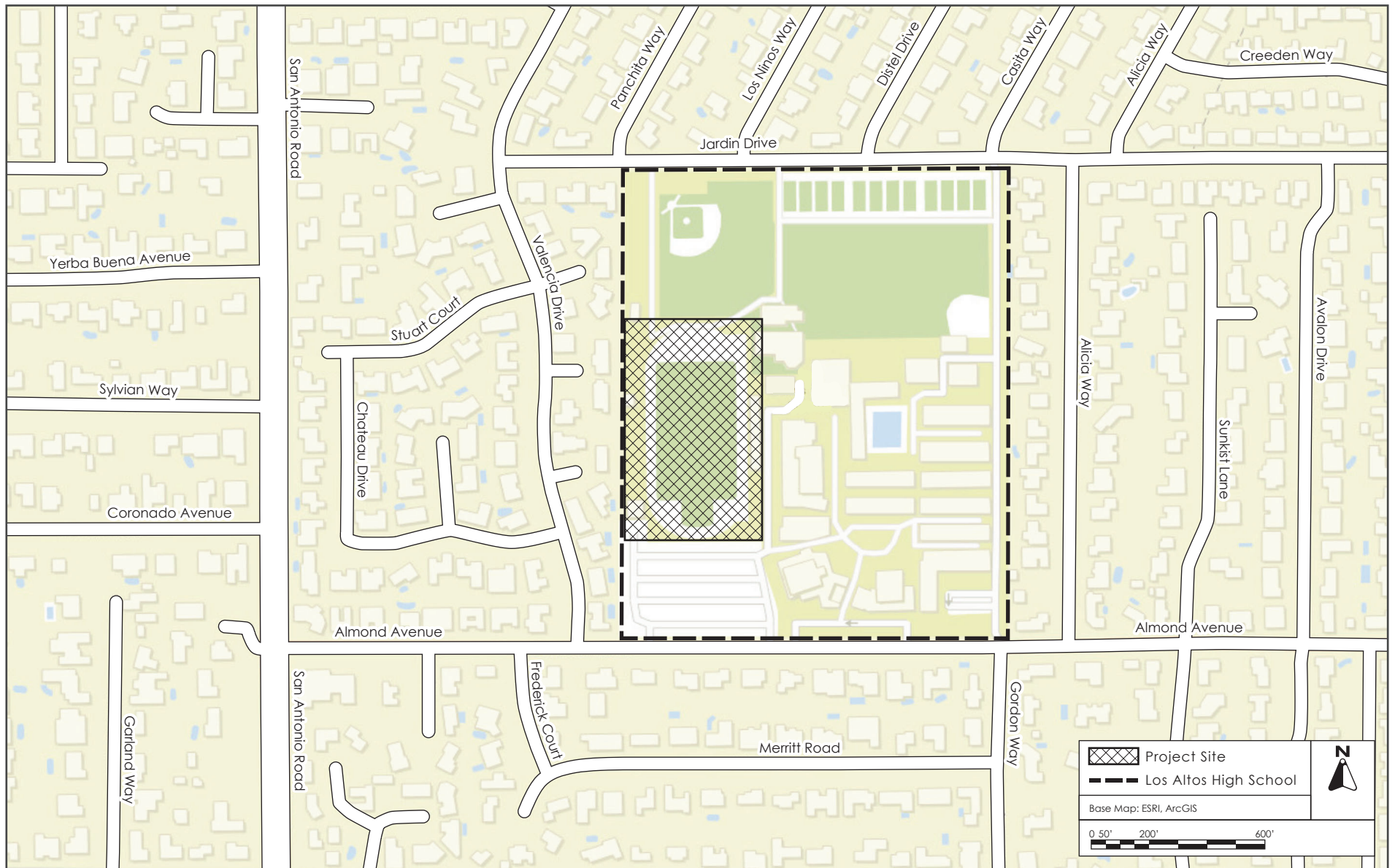
Project Location

The project site is the track and sports field at the Los Altos High School campus at 201 Almond Avenue in the City of Los Altos. The field is located at the southwestern corner of campus. Regional and vicinity maps of the project site are shown on Figure 1 and Figure 2, respectively.



REGIONAL MAP

FIGURE 1



VICINITY MAP

FIGURE 2

Existing Conditions

The project site is a track and sports field located at the southwest corner of the Los Altos High School campus. The project site consists of a rubberized track, turf athletic field, two sets of metal bleachers on the eastern and western sides of the track, and portable storage/restroom buildings along the perimeter of the track. The home bleachers on the eastern side of the track have an attached press box which extends approximately ten feet above the top of the bleachers. The press box includes three loudspeakers.

LAHS currently hosts all sporting events during daylight hours. Football games are played on Saturdays, in the late morning or early afternoon. In the past, LAHS has played night football games at Foothill College instead of on-campus; this typically occurs once or twice per season but varies each year. For the football games held on campus, attendance ranges from 1,000 attendees for most football games to up to 1,500 attendees for a rivalry or homecoming game.¹ All other sporting events, marching band activities, and special events are currently held on campus during daylight hours. The approximate attendance for these other events is up to 200 people.

Description of Proposed Project

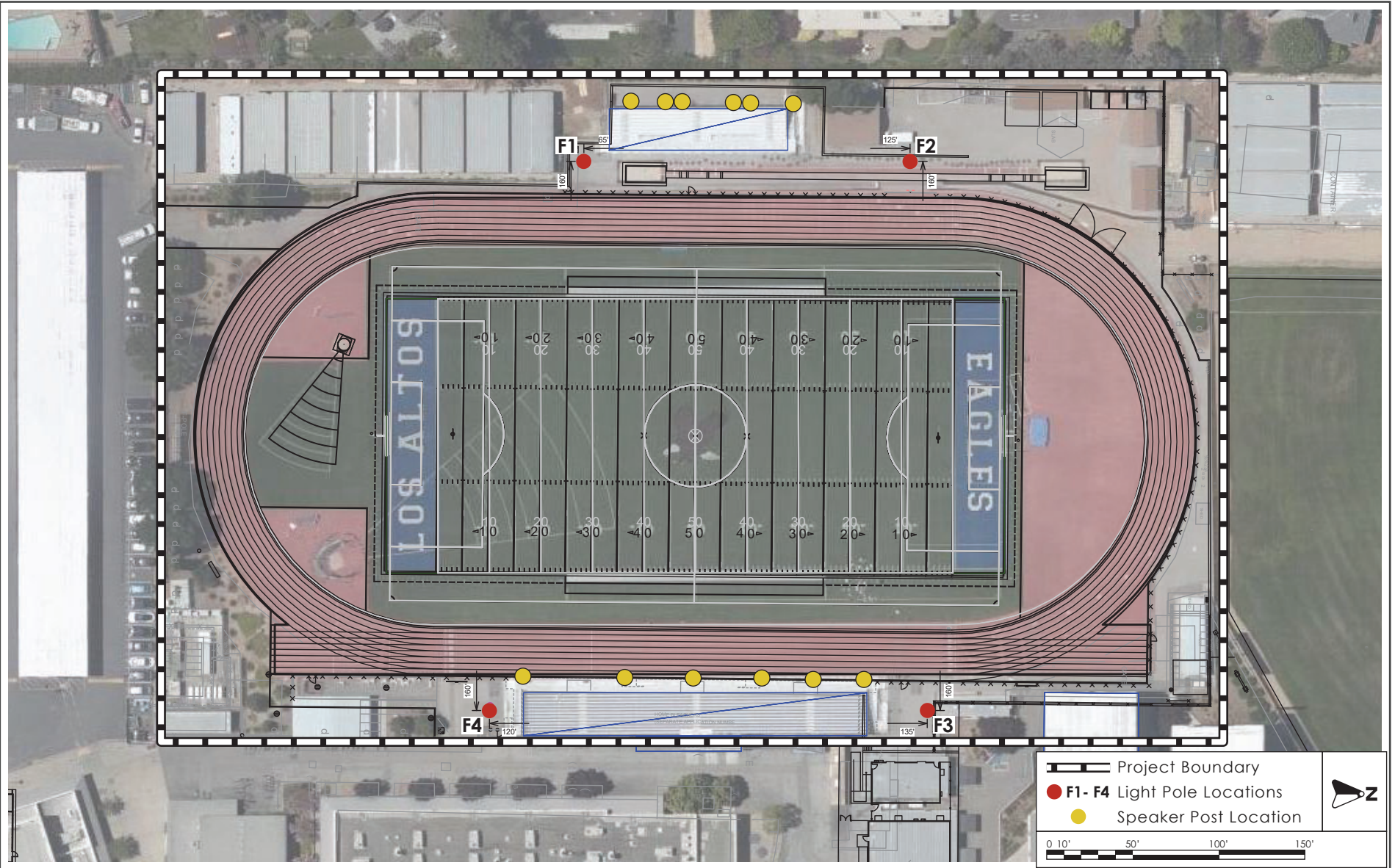
The project applicant, the Mountain View-Los Altos Union High School District (District), proposes to install four pole-mounted sports lights at the existing track and sports field on the LAHS campus. The lights would generally be located on either side of the metal bleachers on the eastern and western sides of the track and sports field. The project also includes the installation and operation of a public address (PA) system. The PA system consists of pole-mounted speakers, located on the east and west sides of the field. The site plan for the proposed project is shown on Figure 3.

The lights would provide for safe and flexible nighttime use of the field for various sporting and marching band activities, including practices and games. The field lights would also allow for evening special events, such as commencement exercises. The PA system will be used for sporting events, marching band, and school activities during daytime hours. A select amount of nighttime events would include the use of the PA system. The use of the stadium field lights and PA system would be guided by the District's Board Policy 7325 and Administrative Regulations 7325. The proposed uses of the field lights and schedule of use is summarized in Table 1 below.

The use of the stadium lights and the public address system will be restricted to weekdays and Saturdays; the stadium lights and the public address system will not be used on Sundays, unless under unusual circumstances approved by the Superintendent or designee.

¹ Mike Mathiesen. Associate Superintendent Business Services, MVLA High School District. *Personal Communication*. October 2, 2019.

Table 1: Proposed Use of the Field Lights and Public Address System		
Proposed Use of Field	Use of Field Lights	Use of Public Address System
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Sports Practices	Monday through Friday, concluding by 8:00 PM. Not during weekend nights unless under unusual circumstances approved by the Superintendent or designee	No
Marching Band Practice	Two weeknights per week between August and November; one practice concluding by 8:00 PM and one practice concluding by 6:30 PM. ²	Yes
Marching Band Performance	Five night athletic competitions, commencement, and up to three special evening events.	Yes
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Holiday Use	The stadium field lights will not be used on school holidays, or in the period of time between commencement ceremonies and the beginning of sports practice for the season, as permitted by CIF rules. ³	Use would be limited by all provisions described in BP 7325 policy and shall require prior approval by the superintendent or designee. Use of public address systems during holidays shall not begin prior to 10:00 AM; shall be limited to necessary and occasional announcements, and occasional music played at volumes low enough not to interfere with ordinary conversation at the school site's boundary lines; and shall end by 2:00 PM.
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CONCEPTUAL SITE PLAN

FIGURE 3

The physical elements of the proposed athletic lighting includes four 90-foot tall light poles. Two light poles would be located on the eastern and western sides of the track and sports field, adjacent to each end of the home and away bleachers. The light poles would be affixed with LED luminaires.² Each of the light poles would include lighting fixtures at varying heights to illuminate different areas of the track and sports field (i.e. bleachers, playing field, entryways), with the majority of luminaires installed at the poles' maximum height.

The public address system would be comprised of 12 pole-mounted speakers, between 12 and 18 feet in height, located on the east and west sides of the field. The proposed development will only be utilizing the new pole-mounted speakers and usage will abide by the new policies that have been adopted. The public address system would be designed to conform to the exterior noise limits set forth by the Los Altos Noise Control Ordinance.

Attendance

The estimated attendance for athletic competitions upon installation of the proposed field lights would vary by sport and other factors, such as level of competition (e.g. regular season v/s postseason) and weather conditions. An increase in number of sporting events is anticipated, as the existing night football games at Foothill College would be played on-campus with the installation of the stadium lights. Consequently, an increase in number of attendees is expected by having games at night as opposed to afternoon events. The installation of sports lights at LAHS is expected to increase attendance from 1,000 attendees to 1,500 attendees for most football games and from 1,500 attendees to over 2,000 attendees for rivalry or homecoming games. For all other sporting events, attendance is expected to increase from 200 attendees to 500 attendees.

Parking

At LAHS, a total of 346 standard parking stalls and nine accessible stalls are available for attendees of sporting events. Available parking is distributed between three parking lots on-campus. As the most highly attended events would bring more attendees to the campus than are available parking spaces, some overflow parking would occur onto surrounding streets. No additional parking is proposed as part of the project.

Possible Required Project Approvals:

1. California Division of the State Architect Approval

² A luminaire, otherwise known as a light fixture, is defined as complete lighting unit, comprised of a light source (lamp or lamps), together with the parts that distribute and direct the light, position and protect the lamps, and connect the lamps to the power supply.

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development of the project as proposed. Mitigation measures will be identified for significant impacts, as warranted. The EIR will include the following specific environmental categories as related to the proposed project:

1. Aesthetics

The project site is currently developed with a track and sports field, metal bleachers, and various single-story auxiliary buildings. The proposed field lights would introduce new structures at the site which are taller than existing development and would be visible from public vantage points in the area. The EIR will address the visual impact of the field lights and resultant light and glare. Mitigation measures to reduce the aesthetic impact of the project will be identified, as necessary.

2. Air Quality

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's construction and operational emissions impacts to local and regional air quality in accordance with the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA guidelines and thresholds.

3. Cultural Resources

This area of Los Altos is not considered a sensitive area for prehistoric and historic resources. No buildings on-site or within the immediate vicinity of the site have been listed in the City's Historic Resource Inventory. The EIR will address the impacts to known and unknown buried archaeological resources on-site, as well as impacts to potential historic structures on and/or near the site.

4. Energy

Implementation of the proposed project would result in increased energy expenditures at the site. The EIR will estimate the increase in energy usage on-site and describe proposed design measures to reduce energy consumption.

5. Geology

The project site is located in the most seismically active region in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site.

6. Greenhouse Gas Emissions

The EIR will address the project's contribution to regional and global greenhouse gas (GHG) emissions based on BAAQMD thresholds. The project will not be constructed and operational until after the year 2020; therefore, project greenhouse gas (GHG) emissions will be evaluated for the

State's proposed 2030 targets, based on SB 32. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed.

7. *Hazards and Hazardous Materials*

The EIR will summarize known hazardous materials conditions on and adjacent to the project site and will address the potential for hazardous materials impacts to result from implementation of the proposed project. Mitigation measures to avoid or reduce hazardous materials impacts will be identified, as appropriate.

8. *Land Use*

The project site is located within a developed suburban area of Los Altos surrounded primarily by single-family residential neighborhoods. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with District design standards and compatibility of the proposed and existing land uses in the project area.

9. *Noise and Vibration*

The EIR will discuss noise that would result from operation of the proposed project, including a discussion of the increase in nighttime noise levels that would result from the most highly attended sporting events, and the impact of any noise increase on nearby sensitive receptors. The EIR will also discuss temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of Los Altos.

10. *Transportation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site and impacts of the project on the transportation system. Evaluation of transportation impacts of the project will be based upon the City of Los Altos level of service (LOS) standards. A Local Transportation Analysis (LTA) will be completed to identify transportation operational issues in the surrounding area that may arise due to project operation. The EIR will also include an analysis of site access and circulation, and pedestrian and transit facilities. Vehicle Miles Traveled (VMT) will be discussed qualitatively.

11. *Other Topic Areas*

The EIR will also address the project's impacts on agricultural resources, biological resources, hydrology and water quality, population and housing, mineral resources, public services, tribal cultural resources, utilities, and wildfire. These discussions will be based, in part, upon information provided by the project applicant, as well as the City's General Plan EIR and other available technical data.

12. Alternatives

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

13. Significant Unavoidable Impacts

The EIR will identify any significant impacts that cannot be avoided or reduced to less than significant levels with mitigation, if the project is implemented as proposed.

14. Cumulative Impacts

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

RESPONSE TO NOTICE OF PREPARATION

SUBJECT: Notice of Preparation of a Draft Environmental Impact Report for 90-foot high night field lights, nighttime use of loud speakers, nighttime band practice, night games and practices and increased night traffic at Los Altos High School and adjacent neighborhood streets.

Following is Additional Scope and Content that should be added to the Environmental Document for the Los Altos High School Stadium Lights, Public Address System and Newly added night time school activities proposed for hours after sunset on the Los Altos High School Football Field.


Add the following to the study of potential Environmental Impacts that will occur due to the project and the school indicated nighttime use of these new facilities:

- 1) Explain the detrimental effects on the surrounding Los Altos residential community with regard to the total cumulative impact that these changes of added noise from crowds, public address system, night lights and traffic will make on what have been quiet peaceful evenings after sunset and the quiet enjoyment of hundreds of nearby residents for the last 65 years.
- 2) How much will the desirability of the adjacent neighborhood be changed by the described project and its use. The proposed new conditions will create an abrupt change to the near bucolic evening setting after sundown that now exists, as it has since Los Altos High School was first established 65 years ago. Please provide a quantitative evaluation of the impact of the project and its use on the neighborhood attractiveness and desirability.
- 3) Describe the overall detrimental effects on north Los Altos.
- 4) The school estimates 1500 to 2000 attendees at Los Altos night football games, but there are only 355 parking spaces available. Please describe how parking needs will be handled. Foothill College currently provides adequate parking for Los Altos High School games held there.
- 5) Please, provide a detailed list of all those who received the EIR Notice of Preparation, future Draft Environmental Documents, responses to the Draft Environmental Document and Final EIR.
- 6) Please include a section addressing public safety and safety monitoring on campus and around the nearby neighborhoods during night football events.

Please add the following to the Purpose and Need Section of the EIR:

- 1) Address the need for conducting these activities after sunset when they have previously been conducted during daylight hours for the last 65 years.
- 2) Evaluate alternative daylight time options for nighttime band practice, soccer practice, lacrosse practice, and other proposed night sports.
- 3) Address the reasons why none of these sport activities during the last 65 years has occurred at night except for football games at Foothill College.
- 4) Explain the need for band practice during the evening instead of during the daytime when it was never necessary for it to occur after sunset during the previous 65 years of the high school's existence.
- 5) Explain how students, which end their school classes at 3:30 PM, will have to make two trips per day to attend nighttime practices and the amount of extra traffic and pollution that will occur.
- 6) Explain why previous Los Altos School Administrators have not found a need to conduct noisy activities, especially band practice, with 90-foot high lighting after sunset during the last 65 years. How have previous school administrations organized school and sport activities so that night time athletics and night band practice adjacent residential properties was not found to be necessary?
- 7) Please indicate the funding source that will pay for this project's design, environmental studies, construction, operational costs and long-term maintenance of the facilities.

Sincerely


2/20/2020

Dave Schott

Almond Avenue, Los Altos

Email: aedschott@aol.com

NOTICE OF PREPARATION

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Responsible and Trustee Agencies;
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**NOTICE OF PREPARATION OF
A DRAFT ENVIRONMENTAL IMPACT REPORT
FOR THE LOS ALTOS HIGH SCHOOL LIGHTS PROJECT**

January 2020

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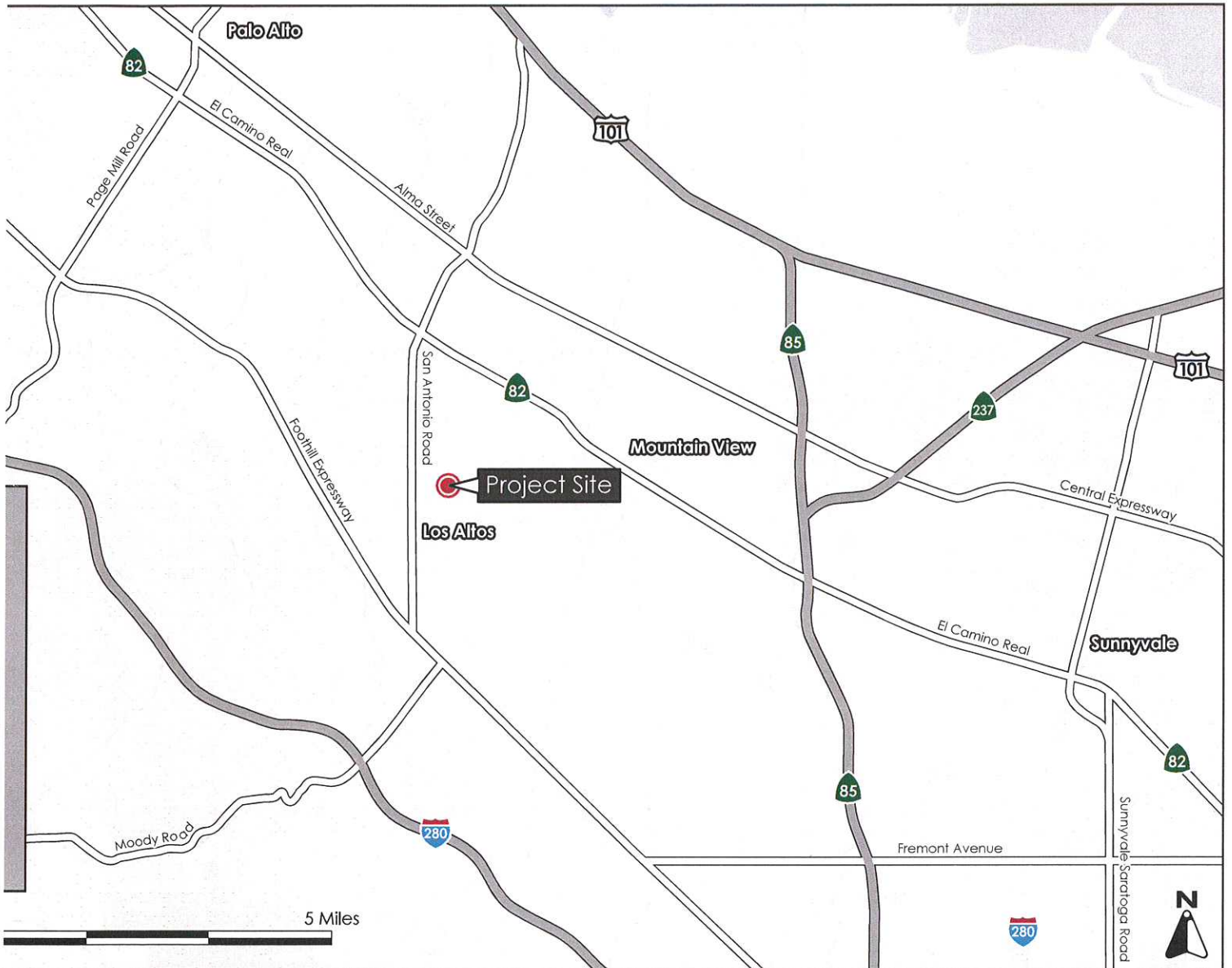


FIGURE 1

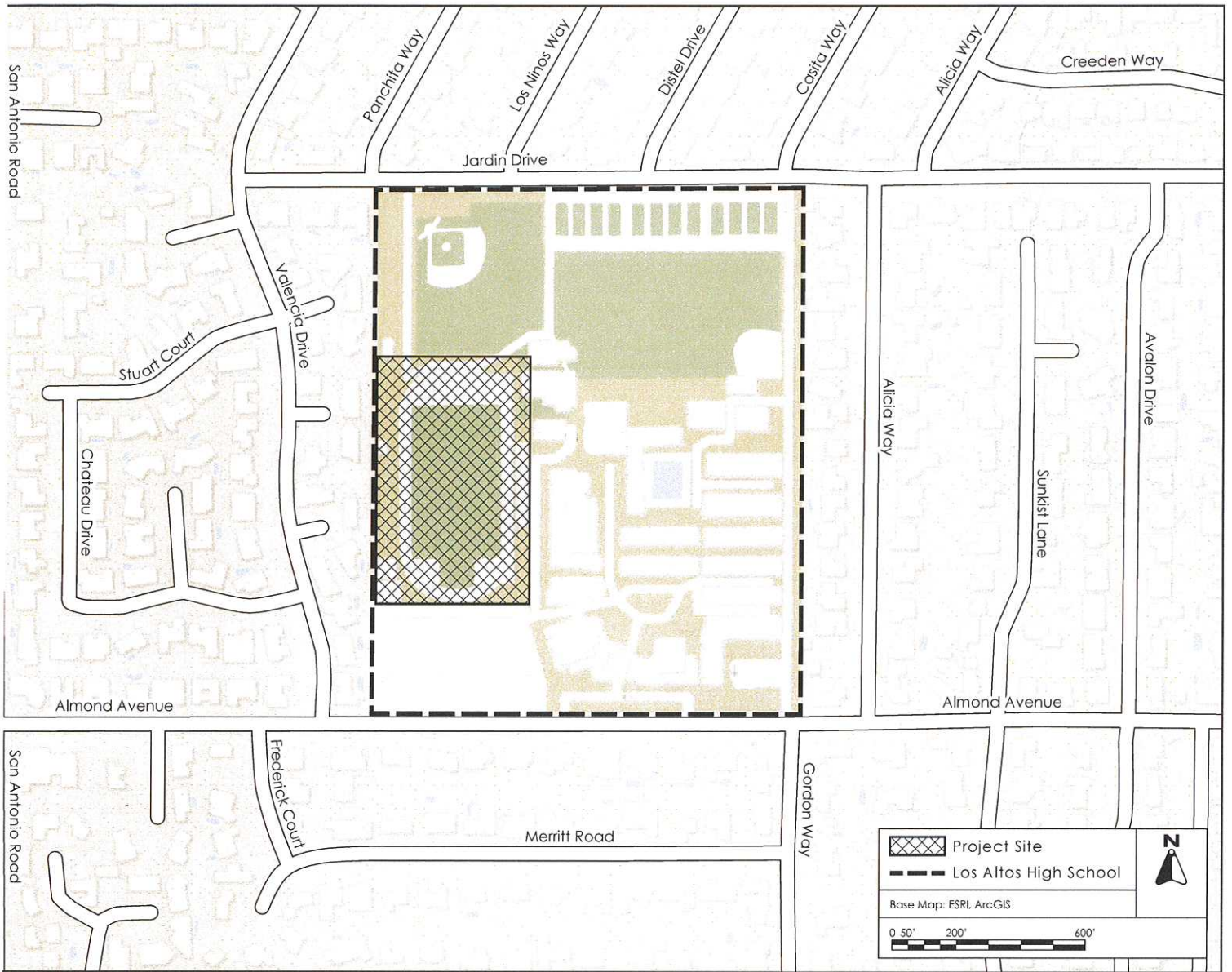


FIGURE 2

Existing Conditions

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The project site is located within a developed suburban area of Los Altos surrounded primarily by single-family residential neighborhoods. The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with District design standards and compatibility of the proposed and existing land uses in the project area.

9. *Noise and Vibration*

The EIR will discuss noise that would result from operation of the proposed project, including a discussion of the increase in nighttime noise levels that would result from the most highly attended sporting events, and the impact of any noise increase on nearby sensitive receptors. The EIR will also discuss temporary construction noise. Noise levels will be evaluated for consistency with applicable standards and guidelines in the City of Los Altos.

10. *Transportation*

The EIR will examine the existing traffic conditions in the immediate vicinity of the project site and impacts of the project on the transportation system. Evaluation of transportation impacts of the project will be based upon the City of Los Altos level of service (LOS) standards. A Local Transportation Analysis (LTA) will be completed to identify transportation operational issues in the surrounding area that may arise due to project operation. The EIR will also include an analysis of site access and circulation, and pedestrian and transit facilities. Vehicle Miles Traveled (VMT) will be discussed qualitatively.

11. *Other Topic Areas*

The EIR will also address the project's impacts on agricultural resources, biological resources, hydrology and water quality, population and housing, mineral resources, public services, tribal cultural resources, utilities, and wildfire. These discussions will be based, in part, upon information provided by the project applicant, as well as the City's General Plan EIR and other available technical data.

12. *Alternatives*

The EIR will examine alternatives to the proposed project including a "No Project" alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

13. *Significant Unavoidable Impacts*

The EIR will identify any significant impacts that cannot be avoided or reduced to less than significant levels with mitigation, if the project is implemented as proposed.

14. *Cumulative Impacts*

The EIR will include a Cumulative Impacts section that will address the potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant irreversible environmental changes, 4) references and organizations/persons consulted, and 5) EIR authors.

Mountain View Los Altos Union High School District
Attn: Mike Mathiesen, Associate Superintendent
1299 Bryant Avenue
Mountain View, CA 94040

February 20, 2020

I am writing to express my concern about the proposed LAHS Lights and PA project. I am very much opposed to this project. My main concern is with increased traffic and parking congestion.


In recent years, parking and traffic has become a huge issue in my neighborhood. Where crowded parking used to be an issue only in the last two months of school in the spring, it is now a year-round problem—beginning mid-August and continuing until school is out in the spring. Every day, cars are parked bumper to bumper up and down the street, blocking walkways and mailboxes.

I have had considerable expense replacing sprinkler heads and garden light fixtures that have been damaged after being run over or hit by cars parking, pulling out or making mid-block U-turns at the end of the day. I can no longer entertain friends during the week because there is no parking available for them. Friends who need flat walkway access because of physical handicaps find the walkway blocked to them. Cars are often parked blocking access to the fire hydrant, which is in the center of the block.

Increased traffic and parking congestion that would most likely continue not only during the day but also into the evening hours if this project were to go forward would cause hardship and stress for the neighborhood surrounding the high school. I therefore cannot support this project and, in fact, I vehemently oppose it.

Thank you for considering my thoughts and the impact on the neighborhoods near Los Altos High School.

Sincerely,
Katherine Adams
217 Merritt Road
Los Altos

A handwritten signature in black ink, appearing to read "K Adams", written over the typed name and address.



Jared Blumenfeld
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

February 11, 2020

Mr. Mike Mathiesen
Associate Superintendent
Mountain View-Los Altos Union High School District
1299 Bryant Avenue
Mountain View, California 94040

**NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR
THE MOUNTAIN VIEW-LOS ALTOS UNION HIGH SCHOOL DISTRICT, LOS ALTOS
HIGH SCHOOL STADIUM LIGHTS & PUBLIC ADDRESS SYSTEM PROJECT,
ALMOND AVENUE AND NORTH GORDON WAY, LOS ALTOS, SANTA CLARA
COUNTY**

Dear Mr. Mathiesen:

The Northern California Schools Unit of the Department of Toxic Substances Control (DTSC) has received the Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) for the Los Altos High School Stadium Lights & Public Address System Project proposed by the Mountain View-Los Altos Union High School District (District). The due date to submit comments is February 20, 2020.

As reported in the NOP, the District has proposed a project that would include the installation and operation of field lights and an upgraded public address (PA) system at the Los Altos High School track and athletic field for the existing Los Altos High School campus located at 201 Almond Avenue in the City of Los Altos, Santa Clara County, California (Site). The field lights would provide for safe and flexible nighttime use of the field for various sporting and marching band activities, including practices and games. The field lights would also allow for evening special events, such as commencement ceremonies. The PA system will be used for sporting events, marching band, and school activities during daytime hours. A select number of nighttime events would include the use of the PA system.

Based on a review of the NOP, DTSC would like to provide the following comments:

1. If the District plans to use State funds for the project, then the District shall comply with the requirements of California Education Code (CDE), sections 17210, 17213.1 and 17213.2, unless otherwise specifically exempted under section 17268. If the District is not using State funds for the project, or is otherwise specifically exempted under section 17268, DTSC recommends the District continue to investigate and clean up the Site, if necessary, under the oversight of Santa Clara County and in concurrence with all applicable DTSC guidance documents.

A local education agency may also voluntarily request the CDE site/plan approval for locally funded site acquisitions and new construction projects. In these cases, CDE will require DTSC to review and approve prior to its final approval, except when exempt under section 17268.

2. Because the project is school site related, DTSC recommends that an environmental review, such as a Phase I Environmental Site Assessment and/or Preliminary Environmental Assessment, be conducted to determine whether there has been or may have been a release or threatened release of a hazardous material, or whether a naturally occurring hazardous material is present based on reasonably available information about the property and the areas in its vicinity. Such an environmental review should generally be conducted as part of the California Environmental Quality Act process. If the District elects to proceed and conduct an environmental assessment at the Site under DTSC oversight, it should enter into a Voluntary Cleanup Agreement with DTSC to oversee the preparation of the environmental assessment.
3. The presence of existing, older or former structures at the Site may result in potential environmental concerns due to lead from lead-based paint and/or organochlorine pesticides from termiticide applications and polychlorinated biphenyls from electrical transformers, light ballast, window caulking or glazing. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with DTSC's *Interim Guidance, Evaluation of School Sites with Potential Soil Contamination as a Result of Lead from Lead-Based Paint, Organochlorine Pesticides from Termiticides, and Polychlorinated Biphenyls from Electrical Transformers*, dated June 9, 2006 (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Guidance_Lead_Contamination_050118.pdf), and in accordance with the recommendations provided in the United States Environmental Protection Agency's website "Polychlorinated Biphenyls (PCBs) in Building Materials" (<https://www.epa.gov/pcbs/polychlorinated-biphenyls-pcbs-building-materials>).
4. If the Site is, or was previously, used for agricultural purposes, pesticides (such as Dichlorodiphenyltrichloroethane [DDT], Dichlorodiphenyldichloroethylene [DDE], and toxaphene) and fertilizers (usually containing heavy metals) commonly used as part

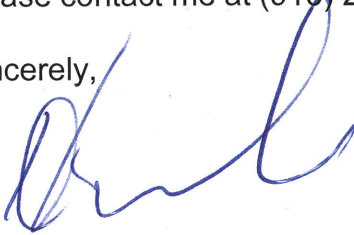
of agricultural operations are likely to be present. These agricultural chemicals are persistent and bio-accumulative toxic substances. DTSC recommends that these environmental concerns be investigated and possibly mitigated, in accordance with the *Interim Guidance for Sampling Agricultural Soils (Third Revision)* (<https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/Ag-Guidance-Rev-3-August-7-2008-2.pdf>) dated August 2008. This guidance should be followed to sample agricultural properties where development is anticipated.

5. If fill material exists on the Site, DTSC recommends these areas be investigated and possibly mitigated in accordance with DTSC's *Information Advisory, Clean Imported Fill*, dated October 2001.
6. The Site appears to be located within 10-miles of geological units potentially containing naturally occurring asbestos (NOA). Pursuant to DTSC's *Interim Guidance – Naturally Occurring Asbestos at School Sites, Revised September 24, 2004* (https://dtsc.ca.gov/wp-content/uploads/sites/31/2018/09/SMBRP_POL_Guidance_Schools_NOA.pdf), these environmental concerns should be investigated to determine whether a naturally occurring hazardous material (e.g., NOA) is present, based on reasonably available information about the property and the area in its vicinity.
7. If a response action is required based on the results of the above investigations, and/or other information, the EIR will require an analysis of the potential public health and environmental impacts associated with any proposed response action, pursuant to requirements of the California Environmental Quality Act (CEQA - Pub. Resources Code, Division 13, section 21000 et seq.), and its implementing Guidelines (California Code of Regulations, Title 14, section 15000 et seq.), prior to approval or adoption of the EIR for the Project. A discussion of the mitigation and/or removal actions, if necessary, and associated cumulative impacts to the Project properties and the surrounding environment, should be included in the EIR. If sufficient information to discuss the proposed mitigation and/or removal actions, and their associated impacts to the Project properties and the surrounding environment, are not available for inclusion in the EIR, then an Addendum or Supplement to the final EIR may be required.

DTSC is also administering the Revolving Loan Fund (RLF) Program which provides revolving loans to investigate and clean up hazardous materials at properties where redevelopment is likely to have a beneficial impact to a community. These loans are available to developers, businesses, schools, and local governments.

For additional information on DTSC's Schools process or RLF Program, please visit DTSC's web site at www.dtsc.ca.gov. If you would like to discuss this matter further, please contact me at (916) 255-3695, or via email at Bud.Duke@dtsc.ca.gov.

Sincerely,



Harold (Bud) Duke, P.G.
Northern California Schools Unit
Site Mitigation and Restoration Program

cc: (via email)

State Clearinghouse
State.clearinghouse@opr.ca.gov
Office of Planning and Research

Fred Yeager
FYeager@cde.ca.gov
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DTSC CEQA Unit – Sacramento, CA



State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



February 14, 2020

Mr. Mike Mathiesen
Mountain View/Los Altos Union High School District
1299 Bryant Avenue
Mountain View, CA 94040
mike.mathiesen@mvla.net

Subject: Los Altos High School Stadium Lights & Public Address System, Notice of Preparation of a Draft Environmental Impact Report, SCH #2020010295, City of Los Altos, Santa Clara County

Dear Mr. Mathiesen:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) from the Mountain View/Los Altos Union High School District (District) for the Los Altos High School Stadium Lights & Public Address System (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ The deadline to submit comments on the NOP is February 20, 2020.

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW ROLE

CDFW is expected to be a Trustee Agency with regards to this Project. As a Trustee Agency, CDFW has a responsibility pursuant to CEQA for commenting on projects that could directly or indirectly impact biological resources. CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (i.e. biological resources). As a Trustee Agency, CDFW is responsible for providing, as available, biological expertise to review and comment upon environmental documents and impacts arising from project activities (CEQA Guidelines, § 15386; Fish and Game Code, § 1802).

PROJECT DESCRIPTION SUMMARY

Proponent: Mountain View/Los Altos Union High School District

Objective: The Project includes installation of lighting and public address system speakers around an existing sports track and field at the Los Altos High School.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Location: 201 Almond Avenue, Los Altos, Santa Clara County, CA 94022; APN#170-60-001.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the District in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

Trees are present within the Project boundary and in adjacent residential areas. Both native and non-native trees provide nesting habitat for birds. CDFW recommends that the following measures be included in the draft EIR:

1. **Nesting Bird Surveys:** If Project-related work is scheduled during the nesting season (typically February 15 to August 30 for small bird species such as passerines; January 15 to September 15 for owls; and February 15 to September 15 for other raptors), CDFW recommends that a qualified biologist conduct two surveys for active nests of such birds within 14 days prior to the beginning of Project construction, with a final survey conducted within 48 hours prior to construction. Appropriate minimum survey radii surrounding the work area are typically the following: i) 250 feet for passerines; ii) 500 feet for small raptors such as accipiters; and iii) 1,000 feet for larger raptors such as buteos. Surveys should be conducted at the appropriate times of day and during appropriate nesting times.
2. **Active Nest Buffers:** If the qualified biologist documents active nests within the Project area or in nearby surrounding areas, an appropriate buffer between the nest and active construction should be established. The buffer should be clearly marked and maintained until the young have fledged and are foraging independently. Prior to construction, the qualified biologist should conduct baseline monitoring of the nest to characterize "normal" bird behavior and establish a buffer distance which allows the birds to exhibit normal behavior. The qualified biologist should monitor the nesting birds daily during construction activities and increase the buffer if the birds show signs of unusual or distressed behavior (e.g. defensive flights and vocalizations, standing up from a brooding position, and/or flying away from the nest). If buffer establishment is not possible, the qualified biologist or construction foreman should have the authority to cease all construction work in the area until the young have fledged and the nest is no longer active.
3. **Hooded Lighting:** Project lighting to be installed should be hooded or shielded to direct light downwards and to minimize the spillage of light outwards into adjacent areas where trees are present.

ENVIRONMENTAL DATA

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. [Pub. Resources Code, § 21003, subd. (e)]. Accordingly, please report any special-status species and natural communities detected during Project surveys to CNDDDB. The CNDDDB field survey form can be found at the following link:

Mr. Mike Mathiesen
Mountain View/Los Altos Union High School District
February 14, 2020
Page 3

<https://wildlife.ca.gov/Data/CNDDB/Submitting-Data#44524420-pdf-field-survey-form>. The completed form can be mailed electronically to CNDDB at the following email address: CNDDB@wildlife.ca.gov. The types of information reported to CNDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDB/Plants-and-Animals>.

FILING FEES

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the Mountain View/Los Altos Union High School District in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Ms. Kristin Garrison, Environmental Scientist, at (707) 944-5534 or Kristin.Garrison@wildlife.ca.gov; or Ms. Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 944-5541 or Brenda.Blinn@wildlife.ca.gov.

Sincerely,



Gregg Erickson
Regional Manager
Bay Delta Region

cc: Office of Planning and Research, State Clearinghouse, Sacramento



NATIVE AMERICAN HERITAGE COMMISSION

January 23, 2020

Mike Mathiesen
Mountain View-Los Altos Union High School District
1299 Bryant Avenue
Mountain View, CA 94040

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: 2020010295, Los Altos High School Stadium Lights & Public Address System Project, Santa Clara County

Dear Mr. Mathiesen:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

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

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

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52

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

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

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

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

SB 18

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

Some of SB 18's provisions include:

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

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

NAHC Recommendations for Cultural Resources Assessments

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

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

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

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Staff Services Analyst

cc: State Clearinghouse