

Appendix A

Notice of Preparation (NOP) and NOP Comments



CITY OF
**PALO
ALTO**

PLANNING & COMMUNITY ENVIRONMENT

250 Hamilton Avenue, 5th Floor
Palo Alto, CA 94301
650.329.2441

Notice of Preparation of an Environmental Impact Report

A notice, pursuant to the California Environmental Quality Act of 1970, as amended (Public Resources Code 21,000, et sec.) that the following project may have a significant effect on the environment.

File Number	APN(s)	Date
21PLN-00108 (Architectural review application) and 21PLN-00112 (Tentative parcel map application)	Assessor’s Parcel Numbers (APN) 132-38-071, 132-32-036, and 132-32-042 and 132-32-043	12/16/2021
Project Name		Project Type
200 Portage Avenue Townhome Project		Residential
Owner		Applicant
APNs 132-38-07, 132-32-042, and 132-32-043: SI 45 LLC 599 Castro St, Suite 400, Mountain View, CA 94041 APN 132-32-036: Stan and Evy, LLC 165 Sausal Dr., Portola Valley, CA 94028		Sobrato Organization 599 Castro Street, Suite 400 Mountain View, CA 94041
Project Location		
<p>The “project site” includes the entire area bounded in a yellow line on Figure 1. The project site encompasses approximately 14.27 acres across several parcels. The project site includes all of Assessor’s Parcel Numbers (APN) 132-38-071, 132-32-036, and 132-32-042 and APN 132-32-043 in the City of Palo Alto. The project site is roughly bounded by Park Boulevard to the north, Christopher Circle and Ash Avenue to the south, residences to the west, and commercial uses to the east. The proposed townhome project would be located on the “area of development” as indicated on Figure 1 which includes portion of the project site. The area of development encompasses approximately 4.86-acres and is generally bounded by Park Boulevard to the north, commercial development to the south, Olive Avenue and residences to the west, and Matadero Creek to the east. The area of development includes all of APNs 132-32-036, 132-38-01, and portions of 132-32-042 and 132-32-043.</p> <p>Pursuant to Section 15087(c)(6) of the CEQA Guidelines, the site is on a hazardous waste list enumerated under Section 65962.5 of the Government Code.</p>		
Project Description		
<p>The proposed project would involve a vesting tentative map to subdivide and merge portions of four parcels into two parcels as well as for a condominium subdivision to create 91 new condominium units on one of the two resulting lots. The proposed townhome project would involve the demolition of the portion of the existing commercial building at 200 Portage and the commercial building at 3040 Park within the area of development and construction of 91 new residential units within 16 three-story buildings. The proposed residential units would be distributed throughout four building types: four-plex buildings, five-plex buildings, six-plex buildings, and seven-plex buildings. Fifty-nine units would include three bedrooms, and 32 units would include four bedrooms. The buildings would be distributed in four rows throughout the site, and new streets and drive aisles would be constructed between and surrounding the buildings.</p>		

Each residential unit would be three stories and would include a two-car garage. The building designs would feature a contemporary design, with flat roofs, large rectangular windows, wood paneling, and painted stucco.

Access to the proposed residential units and garages would be available from newly constructed drive aisles between the buildings, which would be accessed from a new driveway at Park Boulevard. The project would include a total of 182 parking spaces in garages and additional surface spaces near the southern portion of the site.

The project site contains one commercial building constructed in 1918. Known as the Bayside Canning Company (later occupied by Fry's Electronics store, Research and Development, and warehouse uses), the two-story cannery was previously recommended eligible for listing in the California Register of Historical Resources for its association with Palo Alto's early agricultural history. Because the project involves partial demolition of an eligible historic resource, an EIR is being prepared.

Purpose of Notice

The City of Palo Alto will be the lead agency and will prepare an environmental impact report (EIR) for the proposed project. This Notice of Preparation is sent pursuant to Section 15082 of the California Environmental Quality Act (CEQA) Guidelines to announce the initiation of the EIR process and to solicit comments from responsible and trustee agencies and interested parties concerning the scope of issues to be addressed in the EIR. The Draft EIR will address the potential physical and environmental effects of the proposed project in accordance with the CEQA.

Comment Period:

Begins: 12/20/2021

Ends: 1/19/2022

Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than 30 days after receipt of this notice. Please focus your comments on the project's potential environmental impacts and recommendations for methods of avoiding, reducing, or otherwise mitigating those impacts. If you are a governmental agency with discretionary authority over initial or subsequent aspects of this project, describe that authority and provide comments regarding potential environmental effects that are germane to your agency's area of responsibility. We also respectfully request the name of a contact person for your agency.

Written comments should be addressed to:

Samuel Gutierrez, Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Or emailed to Samuel.Gutierrez@cityofpaloalto.org

Additional information on this project may be reviewed online at <https://bit.ly/200portage>. If you need assistance, please visit the City's Development Center during the hours of 8:00 A.M. and 4:00 P.M. at 285 Hamilton Avenue, Palo Alto, California or please contact Samuel Gutierrez.

Responsible Agencies that received a copy of this document:

No responsible agencies have been identified for this project.

Potential Environmental Effects:

It is anticipated that the proposed project could result in potentially significant environmental effects relating to Air Quality, Cultural Resources, Tribal Cultural Resources, Energy, Greenhouse Gas Emissions, Noise, and Transportation. These issues will be analyzed in detail in the Draft EIR.

Prepared by:

Samuel Gutierrez

Print Name



Signature

12/16/2021

Date

Figure 1 **Project Location**



Imagery provided by Microsoft Bing and its licensors © 2021.

Fig 2 Project Location



NATIVE AMERICAN HERITAGE COMMISSION

December 20, 2021

Governor's Office of Planning & Research

Dec 24 2021

STATE CLEARINGHOUSE

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Pomo

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

Samuel Gutierrez
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: 2021120444, 200 Portage Avenue Townhome Project, Santa Clara County

Dear Mr. Gutierrez:

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 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:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §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:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a 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)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §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:
Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse

California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



January 14, 2022

SCH #: 2021120444
GTS #: 04-SCL-2021-00987
GTS ID: 25061
Co/Rt/Pm: SCL/82/23.8

Samuel Gutierrez, Associate Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

Re: 200 Portage Avenue Townhome Project Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Samiel Gutierrez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 200 Portage Avenue Townhome Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the December 2021 NOP.

Project Understanding

The project proposes to demolish a portion of the existing on-site commercial building at 200 Portage and the commercial building at 3040 Park. The project would construction 91 new residential units within 16 three-story buildings. The buildings would be distributed in four rows throughout the site, and new streets and drive aisles would be constructed between and surrounding the buildings. The project would include a total of 182 parking spaces in garages and additional surface spaces near the south portion of the site.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

If the project meets the screening criteria established in the City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential traffic safety issues to the State Transportation Network (STN) may be assessed by Caltrans via the Interim Safety Guidance.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Lead Agency

As the Lead Agency, the City of Palo Alto is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto the State ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To download the permit application and to obtain more information on all required documentation, visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is fluid and cursive, with a long horizontal stroke at the end.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

County of Santa Clara

Parks and Recreation Department

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

www.parkhere.org



January 18, 2022

Samuel Gutierrez, Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

SUBJECT: Notice of Preparation of an Environmental Impact Report (EIR) for the 200 Portage Avenue Townhome Project

Dear Samuel Gutierrez,

The Santa Clara County Parks and Recreation Department's (County Parks Department) has received the Notice of Preparation of an EIR for the 200 Portage Avenue Townhome Project (Project).

The County Parks Department functions to provide a sustainable system of diverse regional parks, trails, and open spaces that connects people with the natural environment and supports healthy lifestyles while balancing recreation opportunities with natural, cultural, historic, and scenic resource protection. The County Parks Department is also charged with the planning and implementation of the *Santa Clara County Countywide Trails Master Plan Update* (Countywide Trails Plan), an element of the Parks and Recreation Section of the County General Plan adopted by the Board of Supervisors on November 14, 1995. The Countywide Trails Plan envisions a comprehensive network of over 800 miles of regional, sub-regional, and connector trails throughout Santa Clara County. Although responsibility for the actual construction and long-term management of each individual trail varies, the County Parks Department provides general oversight and coordination of the overall trails system.

The Countywide Trails Plan indicates the following trail route located in the Project site vicinity:

Matadero Creek/Page Mill Trail (S1): a key sub-regional off-street trail for hiking and bicycling, passing through Palo Alto, Los Altos Hills, and Stanford University and connecting the San Francisco Bay Trail (R4) to the Bay Area Ridge Trail (R5).

The County Parks Department recommends that the EIR evaluate and address impacts and opportunities related to the Matadero Creek/Page Mill Trail as part of the Project. The proposed conceptual route for the Matadero Creek/Page Mill Trail runs through the Project site in this area, given its proximity to Matadero Creek, and presents a significant opportunity for the proposed project to further regional connectivity as well as provide recreational and active transportation benefits for residents. The City of

Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith



Palo Alto's Bike Plan (2012) also shows a planned enhanced bikeway along Portage Avenue as part of planned Bay to Ridge Trail connectivity. The proposed Project should account for future bike and trail improvements that support regional connectivity through Project siting and design considerations. We recommend that the proposed development consider implementation of a portion of the off-street Matadero Creek/Page Mill Trail (e.g., along Matadero Creek or Portage Avenue) as part of the Project, and support implementation of on-street bicycle improvements on Portage Avenue.

Thank you for the opportunity for the County Parks Department to provide comments on the Notice of Preparation for an EIR for the 200 Portage Avenue Townhome Project. If you have any questions, please email me at kimberly.brosseau@prk.sccgov.org.

Sincerely,
Kimberly Brosseau

Kimberly Brosseau, AICP
Senior Planner



Board of Supervisors: Mike Wasserman, Cindy Chavez, Otto Lee, Susan Ellenberg, S. Joseph Simitian

County Executive: Jeffrey V. Smith

From: [herb](#)
To: [Gutierrez, Samuel](#)
Subject: Notice of Preparation of an EIR for File Number 21PLN-00108
Date: Wednesday, January 19, 2022 4:45:13 PM

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Herb Borock
P. O. Box 632
Palo Alto, CA 94302

January 19, 2022

Mr. Samuel Gutierrez, Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301

**NOTICE OF PREPRATION OF AN ENVIRONMENTAL IMPACT REPORT
FILE NUMBER 21PLN-00108**

Dear Mr. Gutierrez:

The Environmental Impact Report (EIR) for this proposed project should evaluate the following subjects regarding parking, traffic, and park space.

Parking and Traffic

The residents should be prohibited from being eligible for any residential or commercial parking permit program, because the proposed project is located near frequent public transit and the reduced amount of parking for the project is predicated on the assumption that the residents will use public transit.

To implement this restriction a mitigation measure should be adopted for the project that each sale, resale, lease, and sublease contain language that the purchaser or tenant is aware of the parking permit exclusion and accepts that provision as part of the sale or lease.

This suggested mitigation will also reduce traffic.

Park Space and Traffic

The EIR should evaluate the effect of the complete implementation of the Draft Preliminary Park Plan for Boulware Park shown in the January 28, 2020 Parks and Recreation Commission meeting, Agenda Item #5. Boulware Park Renovation Project Update, Staff Report Attachment A: Draft Preliminary Park Plan at <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/parks-and-recreation->

[commission/agendas-minutes/2020-agenda-and-minutes/attachment-a-boulevard-park-prelim-layout-exhibit.pdf](#), including specifically the implementation of the loop trail in that park plan and dedication to parkland of that trail that would eliminate traffic and parking on Ash Street.

There is a significant lack of need parkland in the project's neighborhood that would be addressed by the dedication of additional parkland.

Removing that portion of Ash Street would eliminate cut through traffic.

Thank you for your consideration of these comments.

Sincerely,

Herb Borock