

Notice of Preparation of a Draft Subsequent Environmental Impact Report for the North Bayshore Master Plan Project

I. INTRODUCTION

Notice is hereby given that the City of Mountain View, as the Lead Agency, will prepare an Environmental Impact Report (EIR) for the North Bayshore Master Plan project (hereinafter referred to as the “Master Plan” or “project”). This Notice of Preparation (NOP) has been prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15082. The purpose of this NOP is to solicit comments from the public and public agencies on the scope and content of the EIR for the project.

The purpose of an EIR is to inform decision makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential for significant impacts on the environment; to examine methods of reducing adverse environmental impacts; and to consider alternatives to the project.

The City of Mountain View has determined analysis of the project’s environmental effects is best provided through the preparation of a Subsequent EIR (SEIR), tiered from the certified 2017 North Bayshore Precise Plan Subsequent EIR (2017 SEIR, SCH# 2013082088). The SEIR for the project will be prepared and processed in accordance with CEQA, and will include:

- A summary of the proposed actions and its consequences,
- A project description,
- A description of the existing environmental setting,
- A discussion of potential environmental impacts (including cumulative and growth-inducing impacts) and mitigation measures to minimize significant effects, and
- A discussion of alternatives to the proposed project.

Upon finding the EIR is complete and in compliance with CEQA, the Mountain View City Council will consider certification of the EIR at a public hearing and may take action on the proposed Master Plan. Certification of an EIR does not constitute project approval.

II. PROJECT LOCATION

The proposed Master Plan area is generally located to the north of US 101, west of Stevens Creek, south of Charleston Road, and east of Alta Avenue. The Master Plan is within the Shorebird, Joaquin, and Pear Complete Neighborhood Character Areas of the North Bayshore Precise Plan (Precise Plan). The Master Plan area totals approximately 127 acres and consists of 42 parcels (Assessor’s Parcel Numbers [APNs]: 116-10-108, 116-10-107, 116-10-105, 116-10-104, 116-10-102, 116-10-101, 116-10-097, 116-10-095, 116-10-089, 116-10-088, 116-10-085, 116-10-084, 116-10-080, 116-02-088, 116-10-079, 116-10-078, 116-10-077, 116-14-072, 116-02-084, 116-02-083, 116-02-054, 116-14-070, 116-02-081, 116-14-066, 116-14-058, 116-13-038, 116-11-039, 116-13-037, 116-11-038, 116-13-034, 116-

11-030, 116-13-027, 116-11-028, 116-02-037, 116-11-025, 116-11-024, 116-11-022, 116-11-021, 116-11-012, 116-14-028, 116-14-095, and 116-20-043). APN 116-20-043 is located outside of the Precise Plan boundary.

The Master Plan area is currently developed with 69 office and light industrial buildings totaling approximately 1,838,014 square feet, as well as landscaping and surface parking lots. Most of the Master Plan area is bordered by the Stevens Creek Trail to the east, office uses and Shoreline Amphitheater to the north, office uses to the west, US 101 to the south, and a mobile home park to the southeast.

The project includes three locations for district parking that are not within the core area of the Master Plan. One district parking site is bordered by Shoreline Amphitheater to the north, open space to the west, and office uses to the south and east. The other two district parking sites are bordered by office and commercial uses in all directions.

A regional map and a vicinity map of the Master Plan area are shown on Figure 1 and Figure 2, respectively, and an aerial photograph of the Master Plan area and surrounding land uses is shown on Figure 3.

III. PROJECT DESCRIPTION

The purpose of the Master Plan is to implement the General Plan and Precise Plan vision for North Bayshore as a vibrant mixed-use district with new residential neighborhoods, open spaces, and mobility options. The proposed Master Plan is largely consistent with the development assumptions in the Precise Plan and certified 2017 SEIR and would allow for the demolition of 68 of the existing 69 buildings (as well as removal of related surface parking lots and landscaping) to construct:

- Up to 7,000 residential dwelling units (including 20 percent affordable residential units);
- Up to 3,141,264 million square feet of office space (including 1,303,250 square feet of net new office space and 1,838,014 square feet of existing office space to be redeveloped);
- 18.9 acres of public open space and 12.1 acres of Privately Owned Publicly Accessible (POPA) open space;
- Up to 244,000 square feet of retail uses;
- Approximately 55,000 square feet of community facilities;
- Up to 525 hotel rooms;
- Up to six above-ground parking structures; and
- As an option, the Master Plan may include private district utility systems with an approximately 130,000 square-foot District Central Plant (DCP) and underground distribution lines that would provide wastewater, recycled water, thermal energy (heating and cooling), electric power via a microgrid, and/or pneumatic waste collection services to the Master Plan area.

Implementation of the Master Plan would require the removal of existing trees, including Heritage Trees. The proposed project would plant replacement trees in conformance with the City

requirements. The maximum building heights would range from approximately 45 to 160 feet (with certain building elements to exceed the maximum specified height in the Precise Plan, per a variance application). The project would also include back-up power systems to facilitate fire and life safety loads in an emergency, in addition to diesel-powered emergency generators at each building. Parking within the Master Plan area would be provided in surface, podium, and/or below ground parking facilities, as well as within three additional district parking garages.

One of the district parking garages is proposed to be constructed on the City-owned Lot C (APN 116-20-043) at the Shoreline Amphitheater, which is currently leased by Live Nation and subleased by Google as part of a shared-parking agreement. Before the City can entertain a long-term lease or sale of Lot C to construct a district parking garage, the City must comply with the State Surplus Land Act.¹

The Master Plan includes a Vesting Tentative Map and a Development Agreement to vest the Master Plan's development rights over a 30-year period. The primary components of the Master Plan include the following:

- Master Plan Subareas
- Parks and Open Space
- Utilities (including an option for private district utility systems)
- Emergency Generators
- Green Building and Emissions Reduction Features
- Construction Activities and Phasing
- Site Access, Circulation, and Parking
- Transportation Demand Management
- Heritage Trees and Landscaping

Aspects of the proposed Master Plan that are not included within the adopted Precise Plan and/or evaluated in the certified 2017 SEIR are the construction and operation of:

- One proposed above ground parking garage outside of the Precise Plan area (APN: 116-20-043)
- 325 additional hotel rooms
- 199,206 additional square feet of retail space
- 66,957 additional square feet of institutional/recreational space

¹ If the City wants to sell or lease land for a term of five years or more, the City must first declare the land to be surplus and send a notice of availability to specific agencies, including affordable housing sponsors, for development of low- and moderate- income housing, regional parks/open space agencies, and local school districts. If the City receives a notice of interest within 60 days, the City must then negotiate in good faith for 90 days with the responding party or parties. If the parties cannot come to terms, the City may then sell or lease the property to anyone else subject to the same reasonable conditions and requirements, if any.

IV. PROBABLE ENVIRONMENTAL EFFECTS OF THE PROJECT

The SEIR will address potential environmental effects of the project in the following areas:

- Aesthetics
- Air Quality
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use
- Noise
- Population and Housing
- Public Services
- Recreation
- Transportation
- Utilities and Service Systems

The SEIR will also evaluate cumulative impacts, growth-inducing impacts, and alternatives to the Master Plan in light of the Precise Plan and in accordance with the requirements of CEQA.

V. SCOPING COMMENTS

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

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

Comments may be sent to:

City of Mountain View
Community Development Department
Diana Pancholi, Senior Planner
500 Castro Street, P.O. Box 7540
Mountain View, CA 94039-7540
Diana.Pancholi@mountainview.gov



March 30, 2022

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

Dear Diana,

VTA appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Subsequent Environmental Impact Report (SEIR) for the North Bayshore Master Plan Project. VTA has reviewed the NOP and related materials and has the following comments:

Land Use/Transportation Integration

VTA recognizes that the North Bayshore Master Plan builds on the overall growth levels, general placement of land uses and circulation network in the updated North Bayshore Precise Plan approved in 2017. VTA notes that the North Bayshore area is not located on the core transit network and is not as well served by shops and services as other areas of the city. VTA is supportive of the City's efforts to balance jobs and housing within the City including North Bayshore, and VTA encourages the City to continue its efforts to make North Bayshore a place where daily trips can be accomplished without a car. These efforts should include supporting the Mountain View TMA and MVgo shuttle, supporting the Mountain View Community Shuttle, continuing to prioritize transit on Shoreline Boulevard and Charleston Boulevard, and including strong Transportation Demand Management (TDM) requirements and parking maximums with new development in North Bayshore.

Effects of Master Plan Buildout on VTA Bus Operations and Safety

The SEIR Transportation section should include a qualitative analysis of how the Master Plan buildout would affect VTA bus operations and safety. VTA's North Yard bus maintenance and storage facility is adjacent to the Master Plan project area and would be directly affected by any construction that occurs on Shoreline Boulevard, Pear Avenue and La Avenida Street. Any loss or restriction of the use of this yard would strain VTA's service as it is the main base for buses serving the El Camino Real corridor and other area routes. Close coordination with VTA is required to ensure that access is not impeded during any street or intersection closures within proximity of the yard. Any other street/lane closures should be communicated with VTA and other transportation providers for route detours and implementation of temporary bus stops.

VTA requests that the City provide VTA staff an opportunity to review designs for any roadways with VTA service that will be modified by the Master Plan buildout. Any reconfiguration of roadways and stops could have potential safety effects for transit passengers and vehicles which should be considered in advance. Roadway designs should consider the dynamic envelopes of transit vehicles, typical dwell times at stops, how trees and other landscaping elements would affect vehicles and stops, and the relationship of VTA bus service to TMA/City shuttles, corporate shuttles, emergency vehicles, automobiles, cyclists and pedestrians.

Relationship of Master Plan to VTA Bus Service Levels

VTA has had periodic discussions with City staff about how the planned changes to land uses, roadway network and street design in North Bayshore would affect VTA bus service, both considering current service levels and possible increased service in the future (if warranted by land use patterns and ridership levels). VTA will provide feedback to the City on this topic in a separate letter in coming weeks.

Supporting Transportation Analysis Reports

In reviewing the draft Master Plan dated September 2021 on the City's website, VTA staff notes a reference to an Appendix C (TDM Memo) and Appendix D (Supporting Transportation Technical Memo) that do not appear to be posted on the City's website. VTA requests that the City provide these supporting reports on the City's website and/or with the SEIR to assist other agencies, stakeholders and members of the public in reviewing the proposed Master Plan.

Relationship to US101 San Antonio to Charleston/Rengstorff Improvements Project

VTA, in cooperation with the Cities of Mountain View and Palo Alto, and Caltrans, is engaged in conceptual planning for improvements to the San Antonio Road and Charleston Road/Rengstorff Avenue interchanges on US 101. VTA requests that the City of Mountain View continue to coordinate with VTA to ensure that the buildout of the North Bayshore Master Plan is compatible with the proposed interchange improvements for all modes of transportation.

The transportation analysis for the interchange improvements project will study a 2030 (Opening Year) scenario and a 2050 (Future Year) scenario, and VTA will ensure that the North Bayshore Master Plan is included in this transportation analysis. VTA requests that the City provide information about the phasing and timeline for the Master Plan buildout, to assist VTA in reflecting the Master Plan in the interchange project analysis. Conversely, VTA requests that the SEIR transportation analysis for the North Bayshore Master Plan include the interchange improvements as a pending project.

Thank you again for the opportunity to review this project. Please do not hesitate to contact me at 408-321-5949 or robert.swierk@vta.org to schedule a meeting, or to discuss any questions you may have on this letter.

Sincerely,

Robert Swierk

Robert Swierk, AICP
Principal Transportation Planner



State of California – Natural Resources Agency
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Governor's Office of Planning & Research

Apr 07 2022

April 6, 2022

STATE CLEARINGHOUSE

Diana Pancholi, Senior Planner
City of Mountain View
500 Castro Street
Mountain View, CA 94039-7540
Diana.Pancholi@mountainview.gov

Subject: North Bayshore Master Plan Project, Notice of Preparation of a Subsequent Draft Environmental Impact Report, SCH No. 2022020712, City of Mountain View, Santa Clara County

Dear Diana Pancholi:

The California Department of Fish and Wildlife (CDFW) received a Notice of Preparation (NOP) of a Subsequent Draft Environmental Impact Report (SDEIR) from the City of Mountain View (City) for the North Bayshore Master Plan Project (Project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife. 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 California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish and Game Code. As

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.

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proposed, for example, the Project may be subject to CDFW's lake and streambed alteration regulatory authority (Fish & G. Code, § 1600 et seq.)

PROJECT DESCRIPTION SUMMARY

Proponent: City of Mountain View

Objective: The Project as proposed will change the North Bayshore Precise Plan (Plan) (SCH No. 2013082088) to include an above ground parking garage, 325 additional hotel rooms, 199,206 additional square feet of retail space, and 66,957 additional square feet of institutional/recreational space. This includes demolition of 68 of the 69 existing buildings at the Project site and construction of buildings 45 to 160 feet tall.

Location: The Project is generally located to the north of US 101, west of Stevens Creek, south of Charleston Road, and east of Alta Avenue. The coordinates for the approximate center of the two main areas of the Project are 37.430° N latitude and 122.100 W longitude in the southeast area of the Plan and 37.420° N latitude and 122.077 W longitude in the northwest end of the Plan (NAD 83 or WGS 84).

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on potential for the Project to have a significant impact on biological resources, CDFW concludes that an Environmental Impact Report is appropriate for the Project.

Mitigation Measures and Impacts

Would the Project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service (USFWS)?

COMMENT #1:

Issue: The NOP does not discuss potential impacts of the Project to western burrowing owl (*Athene cunicularia*, State Species of Special Concern). In review of Google Earth aerials, the Project site is adjacent to open land with ruderal grass and herbaceous vegetation. Ruderal grass and herbaceous vegetation are also located adjacent to, and along, the eastern border of the Project site. Please be advised that there are known western burrowing owl occurrences within 0.2 miles of the Project site (CDFW 2022). The adjacent grassland areas could potentially support western burrowing owl foraging and/or nesting habitat.

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Specific impact: Nest abandonment or reduced frequency or duration of care for young resulting in reduced health or vigor of young.

Why impact would occur: The proposed Project includes construction of buildings, and parking lots. The Project would include impacts such as noise, groundwork, and movement of workers that would have the potential to significantly impact nesting or overwintering owls.

Evidence impact would be significant: Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the Migratory Bird Treaty Act is a violation of Fish and Game Code (§ 3503, 3503.5, 3513). Burrowing owl is designated by CDFW as a California Species of Special Concern due to population decline and breeding range retraction. The species has also experienced a severe population decline in Santa Clara County. Project impacts may result in take of burrowing owls, resulting in further species population decline and cumulative impacts resulting in the restriction in the range of the species.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Habitat Assessment and Surveys

The SDEIR should include a thorough habitat assessment of potential burrowing owl habitat within and adjacent to the Project area. A qualified biologist should conduct a field assessment and include data such as vegetation type, vegetation structure and presence of burrows.

A qualified biologist should conduct protocol-level surveys in all suitable burrowing owl habitat adjacent to the Project where Project activities could adversely affect burrowing owls during both the nesting (February 1 to August 31) or overwintering season.

Specific information on habitat assessment, burrowing owl survey methods, buffer distances and mitigation is provided in the *CDFW Staff Report on Burrowing Owl Mitigation*, dated March 7, 2012, and available at <https://wildlife.ca.gov/Conservation/Survey-Protocols#377281284-birds>.

Mitigation Measure #2: Burrowing Owl Avoidance

The SDEIR should state that if burrowing owls are detected during surveys within or near the Project area, a protective buffer in which construction activities will be avoided will be established. Appropriate buffers typically have a 50 to 500-meter radius and vary depending on the level of disturbance and timing of construction. If

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the burrowing owls show signs of distress (e.g., defensive vocalizations and/or flying away from the nest), the buffer distance should be increased.

COMMENT #2: Biological Resources, page 2

Issue: The NOP states that trees will be removed from the Project site. The NOP does not discuss potential impacts to nesting birds.

Specific impact: Direct mortality, nest abandonment, reduced reproductive success, and loss or reduced health or vigor of eggs or young.

Why impact would occur: The Project proposes to remove trees from the Project site. The Project would also include impacts such as noise, groundwork, and movement of workers that may occur adjacent to habitat, including the riparian area commonly known as Charleston Slough, and may potentially significantly impact nesting birds.

Evidence impact would be significant: Take of nesting birds, birds in the orders Falconiformes or Strigiformes, and migratory nongame bird as designated in the Migratory Bird Treaty Act is a violation of Fish and Game Code (§ 3503, 3503.5, 3513).

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #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), a qualified biologist should conduct a minimum of 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. However, species-specific survey protocols may be available and should be followed. 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. Survey areas should include Project work areas near Charleston Slough.

Mitigation Measure #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

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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.

Would the Project interfere substantially with movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede use of native wildlife nursery sites?

COMMENT #3:

Issue: The NOP, page 3, states that the height of buildings to be constructed within the Project area would be 45 to 160 feet tall. However, the NOP does not indicate the proposed height of buildings to be located adjacent to the riparian area commonly known as Charleston Slough. The tall buildings located near the Charleston Slough riparian area could result in avian collisions with the buildings.

Specific impact: Direct mortality or injury and potential inability to reproduce or reduced reproductive success due to injury.

Why impact would occur: The presence of buildings, including glass windows, close to the Charleston Slough riparian movement corridor may result in avian collision with the buildings.

Evidence impact would be significant: Project impacts may potentially substantially reduce the abundance and diversity of avian species within the Charleston Slough riparian corridor.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Assessment of Building Height and Location

CDFW recommends that the SDEIR include building height and location alternatives that reduce environmental impacts such as locating tall buildings at a biologically appropriate distance away from the riparian area.

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Mitigation Measure #2: Building Design Assessment

The SDEIR should analyze all potential impacts on avian species resulting from building height, types of materials used on the exterior façade of buildings, and other design features, and include avoidance and minimization measures that reduce those impacts to a less-than-significant level.

Would the Project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by CDFW or USFWS?

COMMENT #4:

Issue: The NOP, Figure 3, shows that the Project site is located adjacent to the riparian area commonly known as Charleston Slough.

Specific impact: Potential for sediment and debris to enter the stream.

Why impact would occur: Construction adjacent to Charleston Slough could result in debris and sediment entering the stream.

Evidence impact would be significant: Deposit of debris into Charleston Slough would be a violation under Fish and Game Code §1602.

Recommended Potentially Feasible Mitigation Measures to reduce impacts to less-than-significant:

Mitigation Measure #1: Impact Analysis

The SDEIR should include an analysis to determine if building demolition and construction would result in debris entering Charleston Slough. The SDEIR should include building location alternatives to avoid impacts to aquatic resources and include avoidance, minimization, and/or mitigation measures to reduce the impacts to less than significant levels.

Mitigation Measure #2: Notification of Lake or Streambed Alteration

Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. Project construction activities within or near Charleston Slough or any other waterbody within the Project area may require that the Project proponent submit a notification of Lake and Streambed Alteration to

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CDFW. CDFW is required to comply with CEQA in the issuance of a Lake and Streambed Alteration Agreement. Additional information can be found at <https://www.wildlife.ca.gov/Conservation/LSA>.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database 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 the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be filled out and submitted online at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link: <https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The Project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. 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. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Kristin Garrison, Environmental Scientist, at (707) 944-5534 or by email at Kristin.Garrison@wildlife.ca.gov; or Brenda Blinn, Senior Environmental Scientist (Supervisory), at (707) 339-0334 or Brenda.Blinn@wildlife.ca.gov.

Sincerely,

DocuSigned by:

7988E6C4FDC24F2
Erin Chappell
Regional Manager
Bay Delta Region

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

REFERENCES

California Department of Fish and Wildlife (CDFW). 2022. Biogeographic Information and Observation System (BIOS). <https://www.wildlife.ca.gov/Data/BIOS>. Accessed April 1, 2022.

California Department of Transportation

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Governor's Office of Planning & Research

March 25, 2022

Mar 25 2022

STATE CLEARINGHOUSE

SCH #: 2022020712
GTS #: 04-SCL-2017-01030
GTS ID: 5647
Co/Rt/Pm: SCL/101/49.0

Diana Pancholi, Senior Planner
City of Mountain View
500 Castro Street
Mountain View, CA 94039

Re: North Bayshore Master Plan Project Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)

Dear Diana Pancholi:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the North Bayshore Master Plan 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 February 2022 NOP.

Project Understanding

The proposed plan would implement both General Plan and North Bayshore Precise Plan goals that envision the North Bayshore neighborhood as a mixed-use district with new residential neighborhoods, open spaces, and mobility options. The plan would allow for the demolition of 68 of the site's existing 69 buildings and the construction of up to 7,000 residential units, 3,145,897 million square feet of office space, 244,000 square feet of retail uses, and 55,000 square feet of community facilities.

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 alignment 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 ([link](#)).
- 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.

Transportation Impact Fees

We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation- or cooperative agreements are examples of such measures.

Please identify in text and graphics existing and proposed improvements for the pedestrian, bicycle, and transit networks. The City should estimate the cost of needed improvements, expansion, and maintenance for the Plan area, as well as identify viable sources of funding, correlated with the pace of improvements, and a scheduled plan for implementation along with the DEIR.

Lead Agency

As the Lead Agency, the City of Mountain View 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 Caltrans' Right of Way (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 Caltrans' 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.

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Diana Pancholi, Senior Planner
March 25, 2022
Page 4

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 extending from the end of the name.

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

From: [Pancholi, Diana](#)
To: [Kristy Weis](#); [Tyler Rogers](#)
Cc: [John Schwarz](#); [Nick Towstojat](#)
Subject: FW: City of Palo Alto Comments on the North Bayshore Master Plan Project NOP
Date: Wednesday, March 30, 2022 4:26:58 PM

Fyi!



Diana Pancholi
Senior Planner

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

From: Patel, Shrupath <Shrupath.Patel@CityofPaloAlto.org>
Sent: Wednesday, March 30, 2022 3:47 PM
To: Pancholi, Diana <Diana.Pancholi@mountainview.gov>
Cc: Star-Lack, Sylvia <Sylvia.Star-Lack@CityofPaloAlto.org>; Atkinson, Rebecca <Rebecca.Atkinson@CityofPaloAlto.org>
Subject: City of Palo Alto Comments on the North Bayshore Master Plan Project NOP

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

Hello Diana,

Thank you for the opportunity to comment on the Notice of Preparation of an EIR for the North Bayshore Master Plan Project. Below are the City of Palo Alto's comments in response to the Notice of Preparation. Please feel free to contact me, if you have any questions regarding the comments or need to discuss the scope and content of the EIR's environmental information. We look forward to reviewing the Draft EIR when it is published.

1. All Palo Alto intersections selected in the North Bayshore Precise Plan traffic study should also be evaluated as part of the North Bayshore Master Plan traffic analysis.
2. Traffic analysis report should include recommendations for required off-site improvements in Palo Alto if a significant impact is identified on the Palo Alto streets or intersections. The EIR process should involve Palo Alto in any discussions regarding changes to the signal operations or other improvements for the impacted Palo Alto intersections.
3. Proposed or planned off-site district parking structures may change the vehicle circulation pattern and the primary access routes for the North Bayshore Area commuters, residents, and visitors. Traffic study should consider the locations of all proposed off-site district parking structures while assigning trip distributions.
4. Project proposal stated that the need for parking structures located near San Antonio/Hwy 101 ramp will be determined based on future demand. The city believes that the proposed location of the off-site district parking may significantly impact the Palo Alto intersections due to possible changes in circulation. Project should explore a process for implementing additional TDM measures to reduce SOV use before building the parking structures near San Antonio.
5. Will the parking structures near San Antonio charge market rate parking fees? Free parking will reduce the effectiveness of Google's TDM program and will attract more drivers than if parking is priced. The parking structures should be built in such a way to allow for parking fees to be charged. The EIR scope should consider how parking fees will affect the need for additional parking facilities.
6. The NOP stated that Mountain View determined that a Subsequent Environmental Impact Report (SEIR) tiered off of the 2017 certified North Bayshore Precise Plan Subsequent EIR would be the appropriate document to prepare in order to evaluate the North Bayshore Master Plan project. The 2017 Resolution certifying contains acknowledgment of future applications for the area that would need review, as well as statements of overriding considerations. The forthcoming discussion of potential environmental effects in the CEQA document should clarify to the public if and how the Master Plan would generate the same, exacerbated, or lessened potential impacts relative to those previously reviewed and those requiring statements of overriding considerations.
7. The NOP did not include clear comparison information regarding any proposed changes to the intensity of development (location of same or more residential units, location of same or more commercial floor area, location of same or increased building height) under the proposed Master Plan v. the existing Precise Plan. This information would be helpful to include in the forthcoming project description to be evaluated in the CEQA document.

Thank you
Shrupath

Shrupath Patel | Associate Planner
Office of Transportation | City of Palo Alto
250 Hamilton Avenue | Palo Alto, CA 94301
T: 650-329-2568 | E: Shrupath.patel@cityofpaloalto.org



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STATE OF CALIFORNIA

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Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION MAR 07 2022

Community Development
Department

March 1, 2022

Diana Pancholi
City of Mountain View
500 Castro Street, P.O. Box 7540
Mountain View, CA 94039

Re: 2022020712, North Bayshore Master Plan Project, Santa Clara County

Dear Ms. Pancholi:

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:
- 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:
Cody.Campagne@nahc.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse



March 30, 2022

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

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

Dear Ms. Pancholi,

The Sierra Club Loma Prieta Chapter, the Santa Clara Valley Audubon Society and the California Native Plant Society Santa Clara Valley Chapters are local environmental organizations with inherent interest in biodiversity, native plants and wildlife, ecosystems and natural resources in open space and in urban landscapes. We have reviewed the Notice of Preparation for the North Bayshore Master Plan Project (Project) and submit the following scoping comments to be considered in your preparation of the Draft Subsequent Environmental Impact Report for the Project.

1. Project Description

1.1. The NOP states, "The purpose of the Master Plan is to implement the General Plan and Precise Plan vision for North Bayshore as a vibrant mixed-use district with new residential neighborhoods, open spaces, and mobility options." It does not mention sustainability or habitat. However, the Vision for North Bayshore is described on page 5 of the North Bayshore Precise Plan¹ (NBPP) and includes "innovation and sustainability" as well as "the protection of habitat." All elements of the North Bayshore vision should be reflected in the Project Description section.

1.2. The NOP states, "The proposed Master Plan is largely consistent with the development assumptions in the Precise Plan and certified 2017 SEIR".

- Please include a table that describes and explains each inconsistency.
- Please explain the benefits of inconsistencies and analyze any additional impacts, or reduction of impacts, that are associated with the inconsistencies.

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

- In this letter, we ask for some changes to the requirements of the NBPP which we believe will reduce environmental impacts but may introduce new inconsistencies to be analyzed (for example, #6 Artificial Light at Night below) in the SEIR.

2. Sustainability

While electrification reduces carbon emissions, energy use from any source (including solar and wind) has environmental impacts. These often include direct mortality of birds and bats, loss of habitat, transmission infrastructure, mining activities and more. The responsible way to address these impacts is to reduce consumption of energy, thus, the Project should strive to reduce the use of energy. Please consider the following:

Buildings Window-to-Wall Ratio and passive design

The most recent codes published by the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) aim to save energy and reduce energy costs of residence and operations into the future. These standards are different from LEED standards in the analysis of energy use in buildings with large glass facades.

ASHRAE Standard 90.1: Energy Standard for Buildings Except Low-Rise Residential Buildings includes codes that address the design of energy-efficient buildings. Some requirements in ASHRAE 90.1 (2019 update) are often overlooked², including the prescriptive Window-to-Wall Ratio (40% in ASHRAE 90.1-2013, Section 5.5.4.2.1).

- Please discuss the impacts on operational energy use of the materials expected to be used for the residential and office buildings. Also, provide standards for window-to-wall ratios that are consistent with ASHRAE Standard 90.1³ to mitigate energy loss through glass.
- Please discuss the advantages of “passive design”⁴ for both the commercial and residential buildings. Provide guidelines for building design such that solar heat gain in winter months, using controlled glazing and thermal mass, and shading in summer months with natural cooling patterns has a significant impact on the energy use and energy efficiency of buildings. Energy efficiency, embodied carbon and the health and comfort of occupants are critical elements for architecture at this time.

3. Artificial Light At Night (ALAN)

The impacts of ALAN on the natural environment are pervasive and unregulated by state or federal law. ALAN is emerging as a significant disruptor to ecosystems because it impairs biological function in individuals, disrupts daily and seasonal ecological function and decouples critical interactions within and among species. Attraction to light by insects is a driver of the insect “apocalypse”⁵ and disrupts pollination even during the day. Attraction to light is also affecting

² <https://www.csemag.com/articles/top-ten-overlooked-ashrae-90-1-2013-requirements/>

³ <https://www.ashrae.org/technical-resources/bookstore/standard-90-1-document-history#2013>

⁴ https://en.wikipedia.org/wiki/Passive_solar_building_design

⁵ <https://www.smithsonianmag.com/smart-news/light-pollution-contributes-insect-apocalypse-180973642>

migration behavior in birds.⁶ Increasing scientific evidence also shows links between ALAN (indoor and outdoor) and many common diseases as well as impacts to mental health.⁷ The blue light component of the spectrum emitted by LED fixtures has been shown to be especially harmful to all living organisms and to ecosystems.

Scientific studies clearly indicate that society must minimize lighting. North Bayshore could become a “dark-sky” area where after midnight, the stars and milky way are visible.

Due to the impacts of lighting on the environment, the Mountain View City Council directed staff to work with Google to see how reduced lighting standards for North Bayshore may be incorporated. The Council also expressed an interest in studying a Dark Sky ordinance as a potential work item in the Strategic Work Plan for FY 2023-2025.⁸

We propose the following mitigations to reduce the impacts of ALAN on the environment:

3.1. Outdoor Lighting (including parking, street lighting)

- a. We ask for the Project to provide flexibility by eliminating minimum requirements for lighting. Lighting for all human needs can be achieved without setting minimums.
- b. The EIR should include as mitigations all the best practices that the International Dark-sky Association includes in its Board Policy on the Application of the Lighting Principles document⁹ (June 24, 2021). This policy provides guidance for implementing the Five Principles for Responsible Outdoor Lighting¹⁰ that are offered by the International Dark Sky Association as mitigation for the significant impacts of ALAN on the environment.

3.2. Light emitted from buildings

Tall buildings that emit light at night can divert bird migration patterns and increase bird collisions.¹¹ Any buildings that face ecologically sensitive areas should include window coverings that can be drawn to reduce light that spills into the environment at night. We are especially concerned with the lighting of parking garages, particularly the proposed garage on Amphitheater Parkway.

4. The Egret Rookery

Shorebird Way is home to the largest egret and heron rookery in the South Bay. Other birds have also nested onsite (including Red-shouldered hawk and White-tailed kite). The rookery is recognized in the NBPP which states, “This rookery is regionally significant as one of the largest egret colonies in the South Bay, and is an important natural resource.”

⁶ High-intensity urban light installation dramatically alters nocturnal bird migration
<https://www.pnas.org/content/early/2017/09/26/1708574114>

⁷ <https://time.com/5033099/light-pollution-health/>

⁸ Mountain View City Council February 22, 2022, Agenda Item 6.1

⁹ <https://www.darksky.org/wp-content/uploads/bsk-pdf-manager/2021/08/BOARD-policy-application-of-light-FINAL-June-24-2021.docx.pdf>

¹⁰ <https://www.darksky.org/our-work/lighting/lighting-principles/>

¹¹ <https://esajournals.onlinelibrary.wiley.com/doi/abs/10.1002/fee.2029?af=R> and
<https://www.pnas.org/doi/full/10.1073/pnas.2101666118>

The Project proposes a park (Shorebird Wilds) at the rookery, with ± 4.5 acres of passive open space and native gardens surrounding the existing egret rookery. To facilitate Shorebird Wilds, a portion of the Shorebird Way right-of-way will be vacated, replaced with acres of regenerated landscape of native flower meadow, and a mix of passive and active outdoor programming.

- The NBPP provides a Habitat Overlay Zone (HOZ) and provides standards to be adhered to within the HOZ. Please analyze the compliance of the Project with the NBPP standards in chapter 5.1 Habitat Overlay Zone
- The rookery boundaries have expanded in recent years. Please implement the NBPP standards for the HOZ, and in addition consult with the City's biologist and with the California Department of Fish and Wildlife to ensure that mitigations for nesting birds are adequate.
- Please define "passive" and "active" outdoor programming. What is included in each?
- Please prepare a Nesting Preservation Plan that includes standards and guidelines for permitted and unpermitted recreational and maintenance activities in this park, and a process for review of proposed activities in the future. Recreational activities should be limited to those that do not disrupt birds from nesting or roosting in the proposed park. Light or noise-generating sport activities, balls being tossed, drones and model airplanes, BBQs, large group gatherings near the rookery and other potentially disruptive activities should be avoided.
- Please require that the London plane trees and the redwood trees that comprise the Shorebird Egret Colony be retained and maintained in good health. This is important for the egrets to continue nesting there.
 - Please analyze and ensure that water used for irrigation in the rookery area is of low salt content. Irrigation of redwoods in North Bayshore with recycled water of high salt content has led to a rapid decline in the health of the trees. London Plane trees are more resistant to salinity, but fertilization by egret droppings augmented by irrigation with water of high salinity may impact the health of these trees adversely.

5. Charleston Retention Basin and the proposed Eco Gem

Previous Google improvements expanded habitat at the Charleston Retention Basin, which was enhanced and expanded in 2019 as part of a public-private partnership between the City and Google. The Charleston Retention Basin is an important natural asset in North Bayshore providing both habitat for wildlife (including habitat for nesting San Francisco common yellowthroat, a California Species of Special Concern)) and access to nature for residents, employees and visitors.

The Project proposes to expand the retention basin with the addition of the Eco Gem, a ± 10.8 -acre area that will be dedicated to the City. The Eco Gem is intended to be restored as a riparian area, with the opportunity for an urban ecology educational facility. This

transformation will remove extensive existing hardscape, including office buildings and ±3.6 acres of surface parking. Plans for the Eco Gem are not finalized. The proposed Eco Gem has the potential to expand the habitat of the Charleston Retention basin and provide ecological benefits to migratory and resident bird species. At the same time, increased use of the retention basin by residents, employees and pets can harm the species that nest there.

The EIR should consider the following potential impacts of the project, especially due to the great increase in number of potential visitors.

- Urban ecology educational facility: Provide a description, including dimensions, materiality, lighting and parking requirements, for the proposed ecology educational facility within the Eco Gem. Provide mitigation for construction and operations impacts.
- Analyze impacts of human and pet activities and access of nuisance animals to the Eco Gem and provide mitigation measures.
 - Consider measures that restrict access at night.
 - Provide a plan for management of pets and nuisance animal species.
- Please clarify how the Eco Gem will be forever protected as an ecological space to avoid future transformation to other park / recreation uses. Please consider using tools such as deed restriction, conservation easement, etc.
- Please analyze impacts of the Project to the hydrology of the Charleston Retention Basin, and ensure that the wetland is not deprived of water.

6. Shoreline Park

Shoreline Park is a regionally important wildlife area and a critical resource for many migratory bird species. The increase in day and night-time population in the project area will increase the number of visitors to the park, with potentially significant impacts to migratory and nesting birds. Increased human activities can potentially disrupt individuals and impact populations of special status species and migratory birds within the plan area at Shoreline Park, and along creekside levees and trails¹².

- Please consider fencing all along Shoreline Park to limit access during park closure as well as access with pets.
- Please consider adding rangers to Shoreline Park to better monitor and enforce park rules and wildlife protection measures.

7. Creeks and Bay Trails

Please analyze impacts to migratory birds resulting from the inevitable increase in human and pet activity on levees and trails along creeks, ponds and baylands, wetlands, and stormwater features.

¹² MROSD Recreation Study of impacts of recreation on natural resources
https://www.openspace.org/sites/default/files/20211208_ScienceAdvisoryPanelFindings_R-21-158.pdf.
Graph on pdf page 27/68 shows that impacts are not linear, and increase greatly with increased human activity.

8. Parks and Open Space

The project should provide adequate open space:

- We are opposed to using in-lieu fees for parks and open space in North Bayshore. As we know, at this time, open space cannot be purchased for almost any price. With the envisioned high density of residential and office use, and as the COVID experience has shown, open space is precious for livability and should not be diminished or exchanged.
- Park development costs should be included in the master plan.
- The proposed school site should not be considered open space, as it is likely to be built-out.

9. Loss of trees and canopy

Under “Native Species and Canopy Replacement Strategy” Google proposes that “All removed trees will be replaced at a minimum level of 100 percent.”¹³ Please clarify what that 100% refers to - is it the number of trees? Canopy coverage?

- Please analyze the loss of trees and of canopy in the context of North Bayshore and that of the Mountain View Community Forest and provide feasible and meaningful mitigation for the loss of trees and canopy.
- Please analyze whether the proposal will meet the City goal for Urban canopy. On September 15, 2015, Mountain View’s first ever comprehensive **Community Tree Master Plan** (CTMP) was formally adopted by the City Council. Goals include increasing canopy cover by five percentage points from 17.7 to 22.7%
- Please analyze and mitigate Heat Island Impacts¹⁴ of the project.
- Redwoods have been an important aesthetic resource in North Bayshore for decades, and they are important to the community. Please designate at least one redwood grove for preservation.

10. Traffic

The North Bayshore Circulation Studies indicate that traffic in the North Bayshore area as a whole is anticipated to increase substantially and the area could continue towards a car-centric neighborhood.

Slow, safe and green streets¹⁵ that prioritize pedestrians and micro mobility are being recognized world-wide as a more effective use of the 30-40% of city real estate that is invested in City rights-of-way (roads). Google has proposed streetscape changes to alter all the streets as noted in their “North Bayshore Framework Master Plan.” However, we recommend stronger design standards for reducing auto dominance and focusing on pedestrian priority and safety. To accomplish this, we recommend the following mitigation measures:

¹³ North Bayshore Framework Master Plan Google Submittal 2021

<https://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=36233>

¹⁴ <https://www.epa.gov/heatislands/heat-island-impacts>

¹⁵ <https://www.deeprooot.com/blog/blog-entries/slow-streets-the-key-to-greener-safer-cities/>

- All the new private streets should be designed for shared, mixed mode, slow streets, curved (not straight), with narrow auto lanes (maximum 10'), to ensure pedestrian safety, with very slow traffic. Pedestrians, children and micro mobility devices should have higher priority. Please analyze the impact of reducing pedestrian deaths and injuries from such a strategy given the immense increase in residential commercial and retail population.
- Existing secondary streets should be slowed down significantly, with narrower traffic lanes, widened sidewalks and protected bike lanes. Please analyze the impacts as outlined above.
- Green street infrastructure: All streets should include green infrastructure for storm drainage and flood reduction and include large, shade-providing, habitat-supporting tree canopy.

11. Parking (and Traffic)

The North Bayshore Circulation Studies indicate that traffic in the North Bayshore area as a whole is anticipated to increase substantially and the area could continue towards a car-centric neighborhood. This is contrary to the North Bayshore Specific Plan goals for a neighborhood that is less auto-centric and should be designed to prioritize pedestrian and bicycle movement.

Currently, annual traffic studies at the Gateways to North Bayshore indicate that two of the gateways were already at capacity and that the third was almost at capacity. Since that time, several additional large garages have received the go-ahead and will be adding automobiles to these gateways. These include Google's Landings and Huff Garages, Microsoft's garage, Intuit's garage, and the proposed enlargement of the parking garage at the Amphitheater. These are already approved.

Proposals to increase gateway capacity appear to only result in modest increases to the gateways capacity. Therefore:

- Please analyze how the proposed additional parking and garages, in each of the proposed buildings, as well as the stand-alone garage structure, will be possible given the Specific Plan's directive to increase auto traffic into North Bayshore only with a corresponding increase in capacity at the gateways.

12. Sea Level Rise and groundwater

In North Bayshore, sea level rise is a real threat, as is evident in the City's \$122 million Sea Level Rise Protection Plan. The SEIR should study, analyze and monitor project related impacts that exacerbate community vulnerability to sea level rise, such as more impermeable surfaces creating greater burden on stormwater/flood infrastructure or expansion of subsurface infrastructure putting more public assets at risk of disruption due to groundwater

rise. The SEIR should also identify potential project related constraints on the City's ability and flexibility to mitigate sea level rise impacts, both within and outside of the Project boundary. This includes sea level rise impacts on:

- Flooding and flood control measures
- Saltwater intrusion and its impacts to infrastructure and trees. Please develop standards for saltwater in ground water in mitigation and monitoring plans.
- Rising groundwater projections and ground water studies in the plan area
- Mobilization of contaminants of any kind due to rising groundwater
- The Monitoring and Mitigation Plan should include a mitigation measure that requires periodic updates that parallel the sea level rise 5-year updates in the City's CIP.

13. Alternatives

Reduced Auto Dependence Alternative to meet NBSP transportation study guidelines:

Please include one alternative scenario with reduced parking that will meet the North Bayshore Specific Plan's proposed infrastructure improvements and proposed increased capacity. This alternative should allow decision-makers and the public to assess whether the goal of North Bayshore to stay within its capacity for auto-access can be met. This alternative should also analyze the impact of mitigation strategies that increase the pedestrian, micro-mobility and bicycle capacity, including using Green Streets potentially within the entire North Bayshore Precise Plan area.

We thank you for the opportunity to provide scoping comments. Please do not hesitate to reach out to us if you have questions.

Respectfully,

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