



200 Portage Avenue Townhome Project

Final Environmental Impact Report/
Responses to Comments on the Draft EIR

SCH#2021120444

prepared by

City of Palo Alto

Planning and Community Environment Department

250 Hamilton Avenue

Palo Alto, California 94301

Contact: Claire Raybould, AICP, Senior Planner

prepared with the assistance of

Rincon Consultants, Inc.

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May 2023

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1 Introduction

1.1 Purpose of the Response to Comments on the Draft EIR

This document contains responses to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 200 Portage Avenue Townhome Project (proposed project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

1.2 Environmental Review Process

Pursuant to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On December 20, 2021, the City of Palo Alto circulated a Notice of Preparation (NOP) for a 30-day comment period to help identify the types of impacts that could result from the proposed project, as well as potential areas of controversy. The NOP was filed with the County Clerk, sent to the State Clearinghouse, published in a local newspaper (the Palo Alto Weekly), and mailed to local and state agencies, and notices were mailed to nearby addresses. The City received four written letters in response to the NOP during the comment period.

The Draft EIR was made available for public review for a comment period that began on September 16, 2022 and ended on November 15, 2022. The Notice of Availability of a Draft EIR was posted with the County Clerk, sent to the State Clearinghouse, mailed to local and state agencies, published in the local newspaper (the Post), and mailed to nearby addresses. The City received eight comment letters on the Draft EIR. Copies of written comments received during the comment period are included in Chapter 2 of this document.

1.3 Document Organization

This document consists of the following chapters:

- **Chapter 1: Introduction.** This chapter discusses the purpose and organization of this response to comments Document and the Final EIR and summarizes the environmental review process for the project.
- **Chapter 2: Written Comments and Responses.** This chapter contains reproductions of all comment letters received on the Draft EIR. A written response for each CEQA-related written comment received during the public review period is provided. Each response is keyed to the corresponding comment.
- **Chapter 3: Public Hearing Comments and Responses.** This chapter contains a summary of comments raised during the public hearings held on the Draft EIR (Planning and Transportation Commission on October 12, 2022, and October 26, 2022). A written response to CEQA-related comments received at the hearings is provided.
- **Chapter 4: Revisions to the Draft EIR.** Changes to the Draft EIR that have been made in light of the comments received are contained in this chapter.

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2 Comments and Responses

This chapter includes written comments received during the circulation of the Draft EIR prepared for the 200 Portage Avenue Townhome Project, and responses to those comments.

The Draft EIR was circulated for a public review period that began on September 16, 2022 and ended on November 15, 2022. The City of Palo Alto received eight comment letters on the Draft EIR. The commenters and the page number on which each commenter's letter appear are listed below.

Letter No. and Commenter	Page No.
1 Gavin McCreary, Project Manager, Department of Toxic Substances Control	4
2 Kevin Thai, Assistant Engineer II, Community Projects Review Unit, Santa Clara Valley Water District	10
3 Holzemer Hernandez	15
4 Karen Holman	23
5 Karen Holman	40
6 Arthur Keller	42
7 Rebecca Sanders	46
8 Jeff Levinsky	62

The comment letters and responses follow. The comment letters have been numbered sequentially and each separate issue raised by the commenter, if more than one, has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

During the Draft EIR review period, the City solicited written public and agency comments on the Draft EIR pursuant to CEQA as well as verbal comments at the Planning and Transportation Commission (PTC) public hearing on October 12 and October 26, 2022. Responses to environmental issues raised at these hearings are included in Chapter 3 following the written comments and responses.

In some cases, specific changes to the text of the Draft EIR have been made in response to comments received. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.



Yana Garcia
Secretary for
Environmental Protection

Department of Toxic Substances Control

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



Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

October 31, 2022

Ms. Claire Raybould
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301
Claire.Raybould@CityofPaloAlto.org

DRAFT ENVIRONMENTAL IMPACT REPORT FOR 200 PORTAGE AVENUE
TOWNHOME PROJECT – DATED SEPTEMBER 2022 (STATE CLEARINGHOUSE
NUMBER: 2021120444)

Dear Ms. Raybould:

The Department of Toxic Substances Control (DTSC) received a Draft Environmental Impact Report (EIR) for the 200 Portage Avenue Townhome Project (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, and/or importation of backfill soil.

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

- 1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that the Project site is safe for construction and the proposed use.
- 2. The EIR acknowledges the potential for historic activities on or near the project site to result in the release of hazardous wastes/substances on the project site. Information presented in the EIR was primarily based on a Phase I Environmental Site Assessment (ESA) report and a Soil Vapor Investigation

- 2,
cont.
- Report. Impacts related to the Project include demolition of buildings with potential hazardous materials, and hazardous materials sites on and around the Project site associated with VOCs detected below ground surface at the site that may contribute to vapor intrusion impacts during operation of the proposed project. Further studies should be carried out to delineate the nature and extent of contamination, and any potential threat to public health and/or the environment should be evaluated. The EIR should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.
- 3
3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the EIR.
- 4
4. The EIR states that buildings are to be demolished on the project site. Surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
- 5
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material.](#)

Ms. Claire Raybould
October 31, 2022
Page 3

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

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

Sincerely,



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

cc: (via email)

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

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

Letter 1

COMMENTER: Gavin McCreary, Project Manager, Department of Toxic Substances Control (DTSC)

DATE: October 31, 2022

Response 1.1

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

As discussed in Section 4.5, *Hazards and Hazardous Materials*, Mitigation Measure HAZ-1 requires regulatory agency notification and approval prior to the issuance of deconstruction, demolition, grading, building, or other permits necessary for beginning of construction or development. The local oversight agency for the City of Palo Alto is the Santa Clara County Department of Environmental Health (SCCDEH). Mitigation Measure HAZ-1 has been revised and requires the project applicant to coordinate with either SCCDEH, the San Francisco Bay RWQCB (SFBRWQCB), or DTSC for site assessment and remediation in accordance with the oversight agency's requirements. See Chapter 4, Revisions to the Draft EIR, of this document for the revisions. In accordance with Mitigation Measure HAZ-1, the proposed project would be developed with regulatory agency oversight.

As also described in Section 4.5 of the Draft EIR, the project, if approved, would be subject to a City of Palo Alto standard Condition of Approval that requires the project applicant to prepare a Site Management and Contingency Plan (SMCP) to a regulatory agency, which may include DTSC, RWQCB, or SCCDEH, for approval. The SCMP must include details regarding the pending development and evaluate remediation and/or mitigation to address any environmental risk identified in the site assessment to reduce the exposure of future occupants to contaminants that exceed the applicable screening levels.

Response 1.2

The commenter states an opinion that further studies should be carried out to delineate the nature and extent of contamination below the ground surface of the site and potential threats to public health or the environment should be evaluated. The commenter also suggests that the EIR should identify the mechanisms to initiate required investigations and/or remediation and the government agency responsible for providing regulatory oversight.

Mitigation Measure HAZ-1, as described in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, and revised as shown in Chapter 4, Revisions to the Draft EIR, of this document, requires regulatory agency notification and approval prior to the issuance of deconstruction, demolition, grading, building, or other permits necessary for beginning of construction or development. Mitigation Measure HAZ-1 requires that the project applicant coordinate with an oversight agency, which may involve SCCDEH, SFBRWQCB, or DTSC prior to redevelopment of the site and acknowledges that the oversight agency may require additional investigations/studies be prepared. The measure requires that the applicant comply with the oversight agency's requirements.

In addition, the project, if approved, would be subject to a City of Palo Alto standard City Condition of Approval which requires the project applicant to retain a qualified environmental consultant to assess project site conditions to determine both the nature and extent of soil vapor contamination prior to issuance of building permits. Please also see Response 1.1.

Response 1.3

The commenter explains that aerially deposited lead- (ADL) contaminated soil may be present along roadsides and medians and states that due to the potential for ADL to be present, the commenter recommends that soil samples be collected and analyzed for lead contamination prior to the performance of any intrusive activities on the project site.

As discussed in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, Mitigation Measure HAZ-1 (as revised in Chapter 4, Revisions to the Draft EIR, of this document) requires the project applicant to retain a qualified environmental consultant to assess project site conditions to determine both the nature and extent of contamination and contact the oversight agency to discuss the sampling results and the proposed project. The oversight agency may require the project applicant to conduct additional investigation/studies, including, but not limited to, soil investigation, soil vapor surveys, and/or groundwater investigations to delineate the extent of contamination at the project site. These investigations/studies would include analysis of soil for ADL impacts, if the oversight agency determines it is necessary, prior to grading.

Response 1.4

The commenter states an opinion that the buildings proposed to be demolished on site should be surveyed for the presence of lead-based paints (LBP), mercury, asbestos-containing materials (ACM), and polychlorinated biphenyl (PCB) caulk. The commenter also suggests that sampling in accordance with DTSC's 2006 *Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers* should be conducted near current and/or former buildings.

As discussed in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, Mitigation Measure HAZ-1 (as revised in Chapter 4, Revisions to the Draft EIR, of this document) requires the project applicant to retain a qualified environmental consultant to assess project site conditions to determine both the nature and extent of contamination and contact the oversight agency to discuss the sampling results and the proposed project. The other oversight agency may require the project applicant to conduct additional investigation/studies, including, but not limited to, soil investigation, soil vapor surveys, and/or groundwater investigations to delineate the extent of contamination at the project site. These investigations/studies would include analysis of soil for LBP, termiticide, and PCB impacts, if the oversight agency determines it is necessary, prior to grading.

Additionally, as discussed under Impact HAZ-1 in Section 4.5, prior to and during demolition activities at the project site, the project applicant or their representatives would be required to comply with existing California environmental regulations for hazardous building materials such as LBP and ACM, including City of Palo Alto Municipal Code (PAMC) Section 5.24.040, Bay Area Air Quality Management District Regulation 11, Rule 2, and Title 8 of the California Code of Regulations.

Response 1.5

The commenter recommends that imported soil to backfill excavated areas on site should be sampled to ensure it is free of contamination. The commenter recommends that imported materials be characterized according to DTSC's 2001 *Information Advisory Clean Imported Fill Material*.

In response to this comment, Mitigation Measure HAZ-2 has been revised to include soil sampling procedures for imported fill material in accordance with DTSC's 2001 *Information Advisory Clean Imported Fill Material* as part of the Site Management Plan. Please see Chapter 4, Revisions to the Draft EIR.



Letter 2

File: 23143
Matadero Creek

November 15, 2022

Ms. Claire Rebould
City of Palo Alto
Planning and Development Services Department
250 Hamilton Avenue
Palo Alto, CA 94301

Subject: Notice of Availability of the Draft Environmental Impact Report for the 200 Portage Avenue Townhome Project (SCH# 2021120444)

Dear Ms. Rebould:

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Environmental Impact Report (DEIR) for the 200 Portage Avenue Townhome Project, received on September 19, 2022.

Based on our review of the DEIR Valley Water has the following comments:

1. Valley Water has easements along Matadero Creek within and adjacent to the project site. Figure 2-4, Proposed Townhome Project Site Plan, page 2-8 shows improvements, such as walkways and landscaping that appear to be located within Valley Water’s easement. Work within Valley Water’s easement will require issuance of a Valley Water encroachment permit as per Valley Water’s Water Resources Protection Ordinance and Valley Water should be listed as an agency under the Required Approvals on page 2-13). Issuance of a Valley Water encroachment permit is a discretionary act and requires Valley Water to be considered a responsible agency under CEQA. 1

2. In the Hydrology and Water Quality section, the response to checklist question #4, which includes flood hazards, on page 4.9-15 needs to include a discussion of the flood hazards for the site. According to the Federal Emergency Management Agency’s (FEMA) current Flood Insurance Rate Map (FIRM) No. 06085C0017H, effective May 18, 2009, the majority of the site is within Zone X, areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood. However, the map also shows a Special Flood Hazard Area (SFHA) Zone A, without base flood elevations, along Matadero Creek and adjacent to the creek. The map notes the 1% flood annual chance flood discharge is contained in the creek, though the mapping does not show it aligned with the creek throughout the site. It may be necessary to have the map revised to accurately show the Zone A in order to be in compliance with the City’s floodplain ordinance since it appears that some of the homes would be within the mapped SFHA Zone A area unless the map is corrected. 2

Page 2
November 15, 2022
Ms. Claire Rebould

- 3. The DEIR should include a discussion of how the site complies with the Guidelines and Standards for Land Use Near Streams (Guidelines and Standards), which was adopted by the City of Palo Alto, in regard to creek setbacks and plantings. Concrete-lined channels are subject to failure as the lining ages and future construction repairs are required to maintain the integrity of the flood protection improvements. As such, setbacks from the creek for structures will allow Valley Water to do such work, as needed.

3

While the adjacent section of Matadero Creek is concrete lined, plantings at the site should be in conformance with the Guidelines and Standards, in particular Design Guide 3, which will help ensure landscaping will be maintained in a manner consistent with the goal of protecting the local natives that may be found in downstream areas of the creek that are not concrete lined and preventing proliferation of invasive species that can impact flood improvements and channel conveyance capacity. This guide provides options for use of either non-invasive, drought-tolerant, non-native ornamental plants that will not have the potential to cross pollinate with native riparian species or else choosing non-invasive, drought-tolerant, non-local California natives (ornamental natives) with no potential to cross-pollinate with the local native species.

4

- 4. On page 4.9-22, the document incorrectly calculates water use based on estimated wastewater generation of 27,036 gallons of water per day, or 0.08 acre-feet per year. The document should be revised to show that 27,036 gallons of water per day is 0.08 acre-feet per day, which is calculated to be approximately 30 acre-feet per year.

5

- 5. Valley Water records indicate that six wells are located within the project site, three on APN: 132-38-071 and three on APN: 132-32-043. To protect groundwater quality and in accordance with Valley Water Ordinance 90-1, all existing wells affected by redevelopment of the site need to be identified and properly registered with Valley Water and either be maintained or destroyed in accordance with Valley Water’s standards. Destruction of any well and the construction of any new wells proposed, including monitoring wells, requires a permit from Valley Water prior to construction. Property owners or their representatives should contact the Valley Water Wells and Water Measurement Unit at (408) 630-2660, for more information.

6

Please forward a copy of the Final EIR and plans for the improvements over Valley Water’s easement, when available. If you have any questions, please contact me at (408) 630-3157 or kthai@valleywater.org. Please reference Valley Water File No. 23143 on any future correspondence.

Sincerely,

DocuSigned by:
Colleen Haggerty
7BA292496623483...

Kevin Thai, CFM
Associate Engineer
Community Projects Review Unit

cc: Y. Arroyo, C. Haggerty, M. Martin, K. Thai, File



Letter 2

COMMENTER: Kevin Thai, Assistant Engineer II, Community Projects Review Unit, Santa Clara Valley Water District

DATE: November 15, 2022

Response 2.1

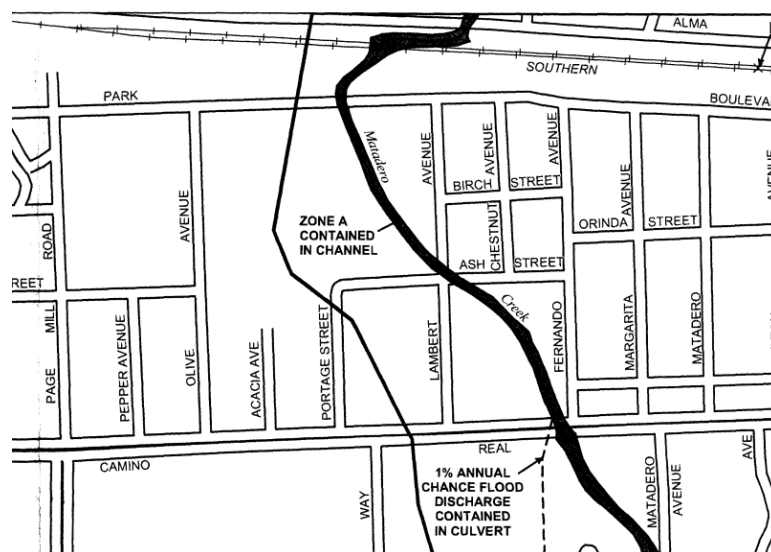
The commenter explains that work within Santa Clara Valley Water District (Valley Water) easements along Matadero Creek and adjacent to the project site would require issuance of a Valley Water encroachment permit, and that Valley Water should be listed as an agency under required approvals on Page 2-13 and should be considered a responsible agency for the project.

In response to this comment, Valley Water has been added to the list of responsible agencies in Section 1, *Introduction*, and Section 2, *Project Description*, of the EIR. These revisions are listed in Chapter 4 of this document.

Response 2.2

The commenter states that the Hydrology and Water Quality Section of the Draft EIR should include a discussion of flood hazards for the site. The commenter states that according to the Federal Emergency Management Agency's (FEMA) current Flood Insurance Rate Map (FIRM), the majority of the site is within Zone X; however, a Special Flood Hazard Area Zone A is located along Matadero Creek. The commenter states that the flood zone does not align with the creek and that the map may need to be revised to accurately show Zone A or it would appear that some of the proposed residences are within flood Zone A.

On October 26, 2006, FEMA issued a Letter of Map Revision (LOMR) for the FIRM for the project area. According to the LOMR, Zone A is contained within the Matadero Creek channel. Therefore, proposed residences would not be located in Flood Zone A. An image of the revised FIRM is shown below for reference.



Response 2.3

The commenter states that the Draft EIR should include a discussion of how the site complies with the Guidelines and Standards for Land Use Near Streams in regard to creek setbacks and plantings. The commenter emphasizes the importance of setbacks in order to let Valley Water carry out flood protection work as needed in the future.

In response to this comment, additional detail about the project's consistency with the Guidelines and Standards for Land Use Near Streams has been added to the biological resources analysis in Section 4.9, *Effects Found not to Be Significant*, of the EIR. The revisions are shown in Chapter 4, *Revisions to the Draft EIR*, of this document. The project plans for the proposed project were provided to Valley Water for review in 2021 and have been revised to address comments from Valley Water related to inconsistencies with the Guidelines and Standards for Land Use Near Streams. Sheet L1.1 of the plan set was revised to address Valley Water's comments and comply with the Guidelines and Standards for Land Use Near Streams. The revised Sheet L1.1 is included in Attachment A of this document. Changes included revisions to the proposed plant species, removing trees proposed within Valley Water's easement, and removing amenities shown within Valley Water's easement. Improvement plans under any of the proposed alternatives would similarly be designed to comply with these guidelines and standards. Overall, the proposed project would be consistent with the guidelines.

Response 2.4

The commenter states that plantings at the project site should conform with Design Guide 3 of the Guidelines and Standards to protect native species and preserve flood improvements and channel conveyance capacity in areas of Matadero Creek downstream from the project.

See Response to comment 2.3. The project would not affect channel conveyance capacity and does not include removal of any riparian habitat.

Response 2.5

The commenter states that on Page 4.9-22, the document incorrectly calculates water use based on estimated wastewater generation of 27,036 gallons of water per day, or 0.08 acre-feet per year. The commenter states that the document should be revised to show that 27,036 gallons of water per day is 0.08 acre-feet per day, or approximately 30 acre-feet per year.

In response to this comment, Page 4.9-22 of the EIR has been revised. Please see Chapter 4, *Revisions to the Draft EIR*, of this document.

Response 2.6

The commenter states that there are six wells located within the project site and all existing wells affected by redevelopment of the site need to be identified and registered with Valley Water and either maintained or destroyed in accordance with Valley Water's Standards. The commenter states that destruction of wells or construction of new wells requires a permit from Valley Water prior to construction.

As discussed in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, it is acknowledged that several wells are located on the project site that could be affected by the proposed project. Mitigation Measure HAZ-1 requires that if groundwater wells are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned pursuant to Santa

Clara Valley Water District specifications. In response to this comment, Mitigation Measure HAZ-1 has been revised to require that wells either be abandoned, protected in place, or relocated. The revised mitigation measure is shown in Chapter 4, Revisions to the Draft EIR, of this document.

Letter 3

From: [holzemer/hernandez](#)
Sent: Tuesday, November 15, 2022 4:57 PM
To: [Raybould, Claire](#)
Subject: DEIR Comments, 200 Portage

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Claire,

Below are my DEIR questions that I would like responses to:

- 1) 2.5.5 Trees -- why is a need to remove so many mature trees on the property for development? There should be effort made to remove less trees, especially mature ones that have been growing for maybe tens or hundreds of years. The proposed replacement trees are not identified, nor are they listed where they would be placed. Why is there no information on either the type of replacement trees nor the potential growing period of these trees or how quickly they could replace the existing mature trees. Why isn't there any involvement by the public in deciding why these trees should be kept or destroyed? 1

- 2) 3.3 Cumulative Development -- Why was there no cumulative analysis done that included the 231 Grant Avenue project, which will be built less than a mile from 200 Portage? This is a project clearly on the development map to be built in the next few years and it is totally ignored in the DEIR. Why? 2

- 3) 4.2 Historical Preservation of the current Cannery building. -- Under the City's own 2030 Comprehensive Plan, there are several questions to ask: 1) Under Policy L-7.1, it's states that the City should encourage (not discourage) public and private upkeep and preservation of resources that have historic merit." If this is so, why is the City not supporting the fact that 340 Portage is a valuable historic resource that should be preserved? All facts point to this building be of historic and regional importance, just as the HP Garage is today -- Why isn't this building on the City's own Historic Registry? There is no excuse for it not being there. 3

- 4) 4.2 Changes to the remaining Cannery building, after demolition -- how would modifying the existing, remaining cannery building (after 40% is demolished) effect the historic features or future historic status of the building? How does the idea of adding skylights, gable windows and new corrugated siding, which was not present in the original structure, change the historical status? 4

- 5) Demolition of 40% of a historic resource -- explain why does this destroys the historic status of this building? What protections would the remaining building have after the demolition is complete, if any? 5

- 6) 4.6, Land Use & Planning -- under Table 4.6.4, Project Consistency with the NVCAP vision. The table does not accurately reflect the goals and work done that the NVCAP Working Group, which I was a member of, for two years. Why is there no mention or effort to include 6

the work or goals of the Working Group or what we stated in our final report to Council. No office development in this neighborhood, retail that is neighborhood serving, truly affordable housing (below 120 AMI) for those who need it most in our community, and the infrastructure to go with it. Why were these objectives, which we outlined to City Council and Staff not included in your analysis?

6 cont.

7) 4.8 Transportation -- Why was there no cumulative analysis done of the various project or planned projects in the area, especially regarding the one intersection which is largely impacted by commuter traffic now -- Park & Page Mill? Often this intersection has delays for traffic going down Park to get on to Oregon Expressway. With the new Public Safety Building, the proposed 231 Grant project, the 123 Sherman building, and several other commercial buildings along Park, how will traffic be handled at this one bottleneck intersection, which is already seeing traffic return from Pandemic days? These projects are not included in the Cumulative Traffic Analysis and need to be.

7

8) 6.2, Adaptive Reuse. This is the best alternative, but it not clear or explained why there is a need for a third story on a historic building? Would you put a second or third story on the HP Garage? There are ways to adaptively reuse the Cannery building for housing, without increasing height. if you say, it is "unclear" as to whether you could adapt the building in conformance with the Interior's Standards, then why are you not studying it? Explain why this study is not being done now?

8

9) Lack of Traffic Control Plan -- I don't know where this is outlined, if anywhere, in the DEIR. During construction, Park Blvd. is likely going to be the main entrance/exitway to project site, given that El Camino Real is a major thoroughfare and traffic impacts must be kept at a minimum. However, what is the Traffic Control Plan for Park Blvd,, who will manage it, and it must have community involvement, especially for those Ventura and Mayfield residents who use Park Blvd. on a regular basis. Where is this plan, who will administer it and who do residents report complaints to?

9

10) Hazardous Materials Plan -- How will residents be notified of hazardous materials/chemical exposure during construction? It's clear this site is near a Federal Super Fund site where exposure to chemicals used in the manufacture of silicon chips are present. If construction exposed the air or water to these hazards, how will residents know or be informed about that exposure and health impacts. No plan is outlined or identified in the DEIR.

10

Letter 3

COMMENTER: Holzemer Hernandez

DATE: November 15, 2022

Response 3.1

Referring to Section 2.5.5, of the Draft EIR, the commenter asks why there is a need to remove trees on the project site and asks about the type and location of replacement trees. The commenter suggests that there should be more effort to preserve trees and the public should be involved in the decision.

The proposed project includes development of 91-townhome units. The development of these townhome units would necessarily require removal of trees such as where they are located within the footprint of the units, drive aisles, or within stormwater treatment areas.

Since publication of the Draft EIR, revisions have been made to the proposed project's landscaping plan. As a result, revisions to Section 2, *Project Description*, and Section 4.9, *Effects Found Not to be Significant*, of the Draft EIR were made. These revisions are included in Chapter 4, Revisions to the Draft EIR, of this document. There are currently 100 trees within or adjacent to the area of development. The proposed project would preserve 17 trees on the site and 2 trees off-site, while removing 83 trees. Of the trees to be removed, four redwoods and two Coast live oak are considered "protected trees" under the City's Tree Protection Ordinance. The project would involve planting 165 proposed new trees around the site for a net increase of 82 trees. The revised landscape plan is included in Attachment A of this document. Although the project would result in removal of three additional "protected trees" compared to what was analyzed in the Draft EIR, the City's Tree Preservation and Management Ordinance requires compliance with the Tree Technical Manual, which outlines the requirements for removal and replacement of protected trees consistent with the tree canopy requirements. A Tree Removal Permit would be required prior to removal of the street tree and would further ensure that the requirements of the Ordinance are met. Compliance with the City's regulations would ensure that impacts to street trees remain less than significant, the same conclusion as in the Draft EIR.

Response 3.2

Referring to Section 3.3 of the Draft EIR, the commenter asks why the Draft EIR does not include the 231 Grant Avenue Project in its cumulative analysis.

In response to this comment, the 231 Grant Avenue Project has been added the cumulative projects list in Table 3-1 in Section 3, *Environmental Setting*, of the Draft EIR. Please see Chapter 4, Revisions to the Draft EIR, for this change. As explained in Section 4.1, *Air Quality*, and 4.4, *Greenhouse Gas Emissions*, of the Draft EIR, because the proposed project would not result in emissions exceeding applicable thresholds, the project would not result in a cumulatively considerable contribution to a significant cumulative impact. Further, the 231 Grant Avenue Project does not result in demolition of a historical resource and the project would not result in a cumulatively considerable contribution to a significant cumulative impact to historical resources in this regard. For the same reasons as described in Section 4.3, *Energy*, 4.5, *Hazards and Hazardous Materials*, 4.6, *Land Use and Planning*, and 4.7, *Noise*, the proposed project would not result in a cumulatively considerable contribution to a significant cumulative impact even with the addition of the 231 Grant Avenue Project, which would not substantially change the cumulative setting. As explained in Section 4.8, *Transportation*,

cumulative impacts were determined based on the 5-year estimated growth between the existing and cumulative model runs using growth rates derived from the City of Palo Alto's Travel Demand Forecast Model. Therefore, that analysis is based on assumed growth rates accounting for land use changes in the city and region not on the individual project list described in Table 3-1. Overall, the addition of this project does not affect the findings or conclusions related to cumulative impacts in the Draft EIR.

Response 3.3

Referring to Section 4.2 of the Draft EIR, the commenter states that Policy L-7.1 of the City's 2030 Comprehensive Plan encourages upkeep and preservation of historic resources. The commenter suggests preservation of the 340 Portage Avenue historic building. The commenter also asks why this building is not on the City's Historic Registry.

Comprehensive Plan Policy L-7.1 specifically encourages upkeep and preservation of "residences listed in the City's Historic Resource Inventory, the California Register of Historical Resources, or the National Register of Historic Places." Although these buildings have been identified as being eligible for listing on the California Register, these buildings are not listed on the City's local register, the California Register of Historical Resources, or the National Register of Historic Places. Nor is the existing building a residence. Nevertheless, as acknowledged in Section 4.2, *Cultural and Tribal Cultural Resources*, of the Draft EIR, the proposed project would involve demolition of a portion of the building at 200 Portage Avenue (also known as 340 Portage Avenue), and this building is eligible for listing in the CRHR under Criterion 1 (Events) at the local level. Because the proposed project would result in a substantial adverse change to a historical resource, as defined in accordance with the California Environmental Quality Act, this impact was evaluated in the environmental analysis and identified in the Draft EIR as a significant and unavoidable impact.

The City Council could consider adding the existing building to the local register. However, the project, as it relates to compliance with CEQA, would be evaluated based on the existing conditions at the time the Notice of Preparation was issued in December 2021 in accordance with the CEQA Guidelines. Council may also consider placing the remaining building on the City's local register, despite the fact that the building would no longer retain sufficient integrity for the California Register. This would afford the remaining building any protections set forth in PAMC Section 16.49.

Response 3.4

Referring to Section 4.2 of the Draft EIR, the commenter asks how modifying the existing remaining cannery building affects the historic features and future historic status of the building. The commenter asks how new features would change the historic status.

As discussed in Section 4.2, *Cultural and Tribal Cultural Resources*, the proposed project includes demolition of portion of the cannery building which is considered material impairment of this California Register Eligible Resource. Although mitigation is identified to reduce this impact, as required in accordance with CEQA, this impact is considered significant and unavoidable. The building would no longer be eligible for the California Register of Historical Resources. Analysis of whether the other elements of the project align with the Secretary of the Interior's (SOI) Standards is unnecessary because their conformance to the Standards would be rendered inapplicable due to the material impairment of the historical resource.

Response 3.5

Referring to Section 4.2 of the Draft EIR, the commenter asks why demolishing 40 percent of a historic resource removes the historic status of the building. The commenter asks what protections the remaining building would have after the demolition is complete.

As discussed in Section 4.2, the proposed treatment of the building would not be consistent with the Secretary of the Interior's Standards, which recommends avoiding loss of historic materials through demolition and removal and encourages the retention of distinctive materials that characterize a property. Because the proposed project would result in a substantial adverse change to a historical resource, this impact would be significant and unavoidable. Because the existing building is not listed on the National, California, or local register it is not currently protected. However, in accordance with the California Environmental Quality Act, public disclosure of a significant impact to a National or California Register eligible building as well as findings of overriding consideration would be required prior to demolition. Following demolition of a portion of the building, the building would no longer retain integrity and the building would continue to not be protected. The City could still consider adding the building to its local register which would afford any protections for the remaining building that are provided under the City's historic preservation ordinance in Palo Alto Municipal Code Chapter 16.49.

Response 3.6

Referring to Section 4.6 of the Draft EIR, the commenter states an opinion that Table 4.6-4 does not reflect the North Ventura Coordinated Area Plan (NVCAP) goals presented to the City Council and Staff and asks why those goals were not included in the Draft EIR.

As acknowledged in Section 4.6, *Land Use and Planning*, of the Draft EIR, the NVCAP has not yet been adopted. Because the plan is not adopted, consistency with this plan is not required and inconsistency with the plan would not result in a significant impact. However, for informational purposes, the project was analyzed for consistency with the goals of the NVCAP, as identified in the draft NVCAP vision. This analysis was included on Pages 4.6-9 and 4.6-10 of the Draft EIR.

Response 3.7

Referring to Section 4.8 of the Draft EIR, the commenter asks why there was no cumulative analysis done, especially for the intersection of Park Boulevard and Page Mill Road. The commenter states that the Public Safety Building, proposed 231 Grant Avenue project, 123 Sherman Avenue Building and other commercial projects along Park Boulevard and Page Mill Road need to be included in the cumulative traffic analysis in the Draft EIR.

As explained in Section 4.8, *Transportation*, of the Draft EIR, and in Appendix H of the Draft EIR, a cumulative transportation analysis of the proposed project's impacts at study area intersections was prepared. The Cumulative Conditions scenario is comprised of existing traffic plus the forecasted traffic demand due to local and regional growth over the long term defined to occur by the year 2040 derived from the City of Palo Alto's Travel Demand Forecast Model. The Travel Demand Model incorporates land use and future development assumptions across the City and surrounding region. The results of the cumulative analysis are shown on Table 4.8-8 in Section 4.8. California's Third District Court of Appeal ruled that under SB 743, automobile delay may no longer be treated as a significant impact in CEQA analysis (*Citizens for Positive Growth & Preservation v. City of Sacramento*). Therefore, impacts related to vehicular delay would not contribute to a significant cumulative impact related to vehicular delays at an intersection.

Response 3.8

Referring to Section 6.2 of the Draft EIR, the commenter states an opinion that there are other ways to adaptively reuse the cannery building without increasing height. They ask why the feasibility of adapting the building in conformance with the Interior's standards is not being studied now.

An EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives. An EIR is also required to consider a "No Project Alternative." The Draft EIR includes an analysis of a No Project Alternative which assumes that the 91 townhome units proposed at the 200 Portage Avenue project site would not be constructed. The existing buildings and uses on the site would remain. Under the No Project Alternative, partial demolition of the cannery building would not occur, mitigation measures would not be required, and the significant and unavoidable impacts to potential historic resources would be avoided.

An EIR need not consider every conceivable alternative to a project. Rather, the alternatives must be limited to those that meet the project objectives, are feasible, and would avoid or substantially lessen at least one of the significant environmental effects of the project. As provided in Section 6, *Alternatives*, the project's objectives are to develop ownership residential townhomes to meet the needs of families; develop residential uses to help meet the City's Regional Housing Needs Assessment; construct a cohesive development that respects the historic uses at the site; contributes to the concept of a "complete neighborhood" consistent with regional transportation and climate policy goals; and achieves a streamlined and efficient process consistent with State housing law. The project objectives for residential uses could not be fully met without significant alteration of the existing cannery building.

The Draft EIR includes an analysis of an Alternative 2, Adaptive Reuse of Eligible Historic Resource for Housing. For Alternative 2 to feasibly attain most of the basic project objectives, and because the City Council's preferred alternative for the North Ventura Coordinated Area Plan assumed a height of approximately 35 feet and 293 housing units across the project site, the City selected a three-story adaptive reuse scenario for detailed analysis.

Following receipt of this comment and similar comments, the City requested that the applicant prepare the diagram in Attachment B showing a conceptual site plan for a single-story adaptive reuse. The diagram exemplifies how even a single-story alternative would not eliminate the significant historic resources impact, due to the significant revisions would be necessary to meet life safety requirements and provide viable residential units. Any reuse of the structure for residential units, regardless of how many stories tall the structure would be, would require that all four walls of the building exterior be modified through the introduction of window and door openings to accommodate conversion to residential use and meet residential ingress/egress building code requirements. The large open interior of the building would also have to be modified by adding light wells to provide access to light and air for all units and demised to create individual units, where the Secretary of the Interior's standards would discourage subdividing the building into smaller spaces. Further, to accommodate residential uses, substantial structural upgrades would be required. Additional kitchens and bathrooms would be required for residential use, such that plumbing and electrical systems would need major upgrades to supply electricity and water. Other major upgrades would be needed for ventilation and insulation and to meet current green building and ADA requirements. It should also be noted that the building, though recommended eligible, is not currently listed in the CRHR and is therefore not eligible for historic exemptions under the California Historic Building Code. Because of the extent of work required to convert the building to residential uses and comply with building code requirements, even if the site were to be listed in the CRHR and therefore could be eligible for certain exemptions for required upgrades, adaptation of the building

could not occur without altering the character-defining features. Therefore, a significant and unavoidable impact to historical resources would likely still result from a single-story adaptive reuse in the existing building footprint.

Under Alternative 2, the eligible historical resource at 200 Portage Avenue (also known as 340 Portage Avenue) would remain, would be increased in height to three stories, and the interior of the building would be developed with 281 residential units. The Draft EIR assumed that rehabilitation would be completed, to the highest degree feasible, in conformance with the Secretary of the Interior Standards for Treatment of Historic Properties and in accordance with the California Historic Building Code, which allows for more flexible application of building regulations when impacting a historic resource. Character-defining features of the building would be repaired and maintained in-situ to the highest degree feasible. However, without developing a complete plan set for this Alternative and based on the modifications that would be necessary to meet current code requirements to accommodate a residential use, as discussed above, the Draft EIR stated that it was unclear whether this alternative could be realized in a manner that is consistent with the Secretary of the Interior Standards for Rehabilitation. Based on additional analysis, and as demonstrated further in Attachment B, it is unlikely that any adaptive reuse alternative could be realized in a manner that is consistent with the Secretary of the Interior's Standards, regardless of the number of stories. Therefore, while Alternative 2 could be considered less impactful on a historic resource in comparison to the proposed project because it would not require demolition of a large portion of the building footprint, impacts to a historic resource under this alternative were still identified in the Draft EIR as significant and unavoidable. Mitigation Measures CR-1 and CR-2 would be required for this alternative, but, similar to the proposed project and Alternative 3, would not reduce impacts to a less than significant level.

Therefore, the Draft EIR considers a reasonable range of feasible project alternatives. No revisions have been made to the EIR in response to this comment.

Response 3.9

The commenter asks what the traffic control plan for Park Boulevard would be and who would manage it and respond to complaints. The commenter states an opinion that the traffic control plan must have community involvement.

Traffic Control Plans are required for all projects but are processed ministerial and therefore are not subject to community involvement. These are reviewed by the Office of Transportation and the City's Public Works Engineering Division prior to any proposed work within the public right-of-way. The applicant or their designee, such as the project's general contractor, would be responsible for compliance with the approved Traffic Control Plan. The project does not include any proposed street closures on Park. Pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the Draft EIR does not make significance conclusions with respect to impacts related to automobile delay, which is typically described as "Level of Service" (LOS). Issues with respect to the traffic control plan for Park Boulevard are not pertinent to the CEQA analysis in the Draft EIR. Further, as discussed in Section 4.8, *Transportation*, of the Draft EIR, overall, the proposed project would not introduce potentially hazardous design features such as sharp curves or dangerous intersections. City staff would also review the proposed project to ensure that it avoids potential traffic hazards related to access and internal circulation. Therefore, the project would have a less than significant impact related to traffic hazards.

Response 3.10

The commenter asks how residents would be notified of hazardous materials/chemical exposure during construction. The commenter states that the project site is near a Superfund site and suggests that construction could expose air or water to hazards.

As discussed in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, Mitigation Measure HAZ-2 requires that a Site Management Plan (SMP) be prepared to address onsite handling and management of impacted soils, soil vapor, groundwater, or other impacted wastes. This mitigation measure would reduce hazards to construction workers and offsite receptors, such as nearby residents, during construction. Adherence to an approved SMP developed under regulatory oversight would reduce potential impacts relating to disturbance and removal of potentially contaminated soils and exposure to soil vapor or groundwater. Further, adherence to the SMP would reduce potential impacts with regard to fugitive dust and VOCs generated during ground disturbance that could pose a temporary risk to human health due to inhalation. Nearby residents would not be notified of hazardous materials/chemical exposure during construction because, with adherence to requirements under state law for the transport and disposal of hazardous materials, if uncovered, the project would not result in hazardous materials/chemical exposure to nearby residents. With implementation of Mitigation Measure HAZ-2 and adherence to existing regulatory requirements for development of the project site, impacts to the public and the environment from on-site contamination were found to be less than significant.

City of Palo Alto Planning Department
250 Hamilton Avenue
Palo Alto, CA 94301

I am writing to comment on the DEIR for the 200 Portage Avenue Townhome Project as someone who attended most of the NVCAP working group meetings, who has years of experience reviewing EIRs and additionally as someone who has many years' experience working with CEQA and the Secretary of the Interior's Standards.

The DEIR is deficient in a number of ways including that it does not analyze numerous potential impacts, makes assumptions based on lack of evidence, is incomplete in providing project description enough to be able to identify impacts, and does not provide a CEQA-required alternative that would reduce the significant impact to the Cannery building.

2.5.5 Comments: Landscape and Open Space

- 1) The DEIR states that 70 trees will be removed including 1 Coast live oak and 2 redwoods that are protected. How many of the trees proposed to be removed are protected under the current and updated tree ordinance and what are they? | 1
- 2) Is the updated tree ordinance being used to determine what trees are protected? | 2
- 3) What are the 176 new trees –what is the variety and size, and do they satisfy the current and updated tree ordinance requirements? | 3
- 4) Are the new trees planned compatible with a naturalized creek? | 4
- 5) The Historic evaluation of the Cannery property indicates one of the character defining features is the landscape. Do the trees being removed or being planned impact or positively reflect the historic landscape features referenced in the Page & Turnbull (P&T) analysis? The DEIR does not analyze/address any of these 5 prior questions. | 5
- 6) The DEIR states both that there are 3.25 acres or *approximately* 3.25 acres of land for open space and an affordable housing project. Which is it? | 6
- 7) How much open space is required by code for the amount of development being proposed? | 7
- 8) Will the 2.25 or approximate 2.25 acres of open space be dedicated as parkland according to the City's park dedication ordinance? At the end of the 10 year | 8

Development Agreement period will the parkland be subject to development or other use?	8 cont.
9) It appears the open space calculation includes the new street that is being introduced. Is this accurate and if so why?	9
10) It appears that the creek and creek bank are being included as part of the open space but what is the amount of open space being dedicated for parkland, and does it satisfy the amount of parkland required for the proposed project?	10
11) Assuming the affordable housing project is built for an unknown number of units/residents, how can it be determined if the amount of parkland is sufficient to satisfy code requirements for the number of new residents (townhomes and affordable housing units) combined?	11
12) Figure 2-2 indicates the area of Proposed Development will go all the way to the creek. If this is accurate or if development goes within the creek setback, that is a violation of code and an impact on the creek and that may include impacts to future migration routes after creek restoration.	12
13) Figure 2-2 in the DEIR and Figure 1 in the August 1 staff presentation differ significantly in depicting the open space configuration and location. Which is accurate?	13

2.5.4 Comments: Circulation, Access and Parking

1) The Historic evaluation of the Cannery property indicates one of the character defining features is the landscape and setting. Additionally, according to CEQA and the Secretary of Interior’s Standards determination of historic eligibility is based on not just the building but the setting, the context. The DEIR ignores this in its analysis, commenting on impacts as though the historic resource is the building and only the building. This should have been addressed in the DEIR and needs to be corrected.	14
2) Adding a new through street in front of the building is introducing a previously non-existing element. How does this satisfy the Secretary of Interior’s Standards. The P&T HRE states “...the overall shape and massing of 340 Portage Avenue and 3201-3225 Ash Street have been minimally altered since the end of their use as a cannery in 1949.” which is at the end of the period of significance. The DEIR does not analyze/address this issue.	15
3) Adding a parking structure behind the building is inconsistent with the context and setting. The DEIR does not analyze/address this questions or issues.	16

4) Adding a parking garage of unknown design is also a potential impact. Is it of a compatible design in consideration of the Cannery building?	17
5) Why is a parking structure, as opposed to one-level unenclosed parking, being added and why in this location so near the Cannery building? Again, it introduces another potential impact on the Cannery building that is unaddressed in the analysis.	18
6) What is the proposed one-story parking structure providing parking for...the R&D or the townhomes? It is on the same proposed parcel as the R&D. If any is for the townhomes, how will that provision be penned as it will be on a separate parcel?	19
7) How many parking spaces are being provided and are parking requirements satisfied for either the R&D and/or the townhomes?	20
8) How can an affordable housing project/building (mass, scale, etc) that has not been even preliminarily designed, be analyzed for traffic impacts?	21

4.2 Comments: Cultural Resources

1) The DEIR concludes multiple impacts to the Cannery property.

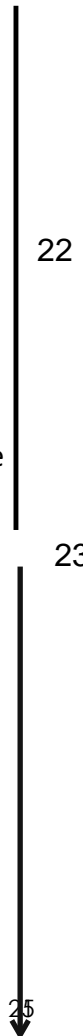
And the DEIR indicates that the “renovation” to the remaining Cannery building does not satisfy the Secretary of Interior’s Standards.

However, it does not consider there is a Cumulative Cultural Resources Impact as this one of the last remaining Cannery properties as part of the Valley of Hearts Delight. This is not considered in the DEIR. Why was this not considered/analyzed?

“The building is a rare surviving example of Palo Alto’s and Santa Clara County’s agricultural past. As a result, the building at 340 Portage Avenue does appear to be individually significant at the local level under Criterion 1. The period of significance under this criterion begins in 1918, when canning operations began at the site under the Bayside Canning Company, and ends in 1949, when the Sutter Packing Company’s canning operations at the building ended.” Page 45 Page & Turnbull HRE

2) It should be made clear that the period of significance for the Cannery building “begins in 1918, when canning operations began at the site under the Bayside Canning Company, and ends in 1949, when the Sutter Packing Company’s canning operations at the building ended.” (Page 45 of P&T HRE) The additions and joining of the cannery buildings were all accomplished under the Sutter Company and during this period of significance.

The character-defining features of the Cannery Building include its



- Long, linear massing
- Composition of multiple smaller buildings
- Primarily one-story, double-height volumes with taller central cannery section
- Varied roof forms and structures

23 cont.

None of the above character-defining features are included in the DEIR analysis but need to be included in the analysis as they are lost (impacts on the Cannery building) due to the proposed demolition. All of these features listed are impacted by the proposed development and need to be included and analyzed.

3) The building is eligible for the CA Register “Criterion 1 for its association with the history of the canning industry in Santa Clara County” and retains integrity in its Design, Materials, Workmanship. All of these are impacted by the demolition as part of the proposed project and need to be listed as impacts.

24

4) The DEIR finds significant impacts due to the amount of demolition (89,639 sq ft, approx. 40% of the building) that includes “removal of canning platforms, and cooling porches, and several character-defining features such as form and massing and varied roof forms and structures...Additionally, the proposed treatment of the building would not be consistent with the Secretary of the Interior’s Standards....including the introduction of new window and door openings, the addition of new canopies are not consistent with the building’s historic character and would obscure historic materials that characterize the property.”

25

However, the DEIR does not consider the impacts according to the Secretary of the Interior’s Standards as a result of

- a) the addition of a parking garage and its proximity to the canning platforms, cooling platforms and proximity to the remainder of the Cannery building.
- b) the mass, scale, location/proximity and design of the new proposed townhomes including its location in front of the remainder of the Cannery building (Fig 2-2).
- c) the mass, scale, location and design of the new affordable housing project including its location in front of the remainder of the Cannery building.

All of the above need to be analyzed and included in the DEIR comment responses.

5) The staff presentation to the Council on August 1 states under Retail Space/Historic Preservation

- Renovate Cannery Building
- Consistent with Secretary of the Interior’s Standards
- Consistent with CEQA

26

Why are these assurances not represented by the proposed development in the DEIR? The DEIR confirms the proposed renovation of the remainder of the Cannery does not satisfy the Standards. Will the proposer be required to satisfy the assurances indicated in the staff presentation and listed again here?

6) It should be made clear that Mitigations CU-1 and CU-2, while commonly referred to as mitigations, do nothing to mitigate the loss of the historic resource as the building will still be significantly impacted by the demolition of 40% of the building and numerous other impacts both identified in the DEIR and herein and will no longer be eligible for the CA Register.

27

7) How can an affordable housing project/building (mass, scale, etc) that has not been even preliminarily designed, be analyzed for compatibility with or as an impact on the Cannery building?

28

6.4 Comments: Environmentally Superior Alternative and 6.2 Adaptive reuse of Eligible Resources for Housing

1) The DEIR remarkably concludes that a project that would preserve the Cannery building would have a significant and unavoidable impact on the historic building based on no evidence presented. "...because no development plans are available and it's unclear whether proposed development would comply with the secretary of the interior's standards for rehabilitation, this analysis conservatively assumes..."

Rather than starting with preservation of the Cannery building using the Secretary of the Interior's Standards for historic properties as the basis for an alternative, the DEIR concludes that, in the absence of any drawings or other evidence, there will be a significant and unavoidable impact to the historic status of the Cannery. In other words, there is no analysis presented that could practically result in a conclusion. **Nor is there an alternative that would satisfy the requirement of CEQA.**

29

"The range of alternatives required in an EIR is governed by a 'rule of reason' that requires the EIR to set forth only those alternatives necessary to permit a reasoned choice. **The alternatives shall be limited to ones that would avoid or substantially lessen any of the significant effects of the project**" (15126.6[f]).
(emphasis added)

The alternative presented that "preserves" the Cannery starts, for unstated reason, by adding another story to the building which would in and of itself likely have a significant impact.

There is no alternative presented that avoids the significant impact to the historic property as is required by CEQA.

2) What professional consultants and/or studies were performed that evaluated the feasibility of adaptive reuse of the building to inform what uses are feasible including structural, economic and preservation feasibility? Any studies used to evaluate these preservation alternative options should be provided.

30

3) What other uses were considered for adaptive reuse of the Cannery building besides housing? Alternatives do not necessitate housing as the use in the building.	31
4) What information was used to conclude another story would be necessarily added to the building?	32
5) Was housing within the Cannery and a single story addition to the Cannery building considered to reduce or eliminate impacts to the historic resource?	33
6) The Cannery is 232,383 sq. ft. with 142,744 sq. ft. now in R&D. Fry’s previously occupied 84,000 sq. ft. The 89,639 not currently in R&D use I the Cannery building should be studied to provide a) housing and b) housing and retail/services. What considerations were given to this/these alternatives? How many housing units could be created in that 89,639 sq ft of existing unutilized space? This information needs to be provided in order to understand the how the significant impacts might be avoided.	34
6a) What could be accomplished with a one-story housing addition at the back of the Cannery building or a detached low profile housing building using either to add to any housing that could be provided inside the Cannery building such that a significant impact might be avoided?	35
7) How many square feet are proposed in the new townhomes development? Why was this size and type of housing proposed as opposed to smaller units that could have eliminated or reduced impacts to the historic resource? No such alternative is presented.	36
Questions 2-7 are a few examples but not an exhaustive list of questions that need to be answered to perform a preservation alternative to the proposed project that would avoid a significant impact to the Cannery. Again, reference the CEQA requirement for a preservation alternative that would reduce below the threshold of significant impact or that would eliminate the impact is required.	37
Zoning comment: The proposal identifies Planned Community (PC) as the future zoning for at least some of the parcels proposed.	
1) Which parcels will be governed by the PC ordinance?	38
2) Given the flexibility of that zoning, what will be the governing standards to provide assurance of maximum heights, minimum setbacks, e. g. as the project proceeds through the various design review steps to assure the project aligns with the environmental analysis and provides assurances to the community?	39

Timing/sequencing comment: It appears that the design review of the proposal will be conducted prior to the FEIR. What assurances are in place to assure that issues raised in the DEIR will not be for naught as the proposal goes through the design review process?

40

Missing elements of the DEIR: The List of Preparers is the final entry in the DEIR. Missing are the Tables, Figures and Appendices. (Figure 2-2 that is referenced is provided on Page 2-3.)

41

Thank you for the opportunity to comment on the DEIR.

Karen Holman

Letter 4

COMMENTER: Karen Holman

DATE: November 15, 2022

Response 4.1

The commenter asks how many of the trees proposed to be removed are protected under the current and updated tree ordinance and what are they.

Please see responses 3.1, 4.2, and 4.3.

Response 4.2

The commenter asks if the update tree ordinance was used to determine what trees are protected.

Because a compliant pre-application was filed in accordance with Senate Bill 330 prior to the adoption of the current tree protection ordinance, the proposed project is not subject to the updated tree ordinance requirements. Therefore, the analysis is based on the ordinance in effect at the time the compliant pre-application was submitted.

Response 4.3

The commenter asks for details regarding the proposed 176 new trees and whether or not they would satisfy the current and updated tree ordinance requirements.

An analysis of the proposed project's consistency with the updated ordinance, which does not apply to this project, is not warranted. Additional details about the landscaping plan for the proposed project can be found in Attachment A of this document.

Response 4.4

The commenter asks if the new trees would be compatible with a naturalized creek.

Naturalization of the creek is not planned under the proposed project. The proposed project is not anticipated to be consistent with naturalization of the creek, which is anticipated to require laying back the slope of the creek bank within the area of the proposed Townhomes on the north side of Matadero Creek and/or existing development on the south side of Matadero Creek. Alternative 3 includes dedication of a 3.25-acre parcel adjacent to Matadero Creek to the City. Improvements to this parcel are not proposed as part of this Development Agreement Alternative. Any future improvements, including naturalization of the creek and/or tree planting, would require further design and may require further analysis in accordance with CEQA once a specific design is made available.

Nonetheless, as discussed in Response 2.3, the project would be consistent with the Santa Clara Valley Water District's Guidelines and Standards for Land Use Near Streams, which includes guidelines for proposed plant species. Improvement plans under any of the proposed alternatives would similarly be designed to comply with these guidelines and standards.

Response 4.5

The commenter states an opinion that one of the character defining features of the cannery building is the landscape and asks if the project would impact the historic landscape features.

As detailed in Appendix C of the Draft EIR, the character-defining landscape features include the preserved curved path of the removed railroad track spurs, represented in the shape of the parking lot pavement and the channel of Matadero Creek. The curve of the project parcel, which aligns with the curve of the channel of Matadero Creek would remain. Nonetheless, because the proposed project would result in a substantial adverse change to a historical resource, this impact would be significant and unavoidable.

Response 4.6

The commenter inquires as to the precise acreage proposed for open space and affordable housing.

The proposed project does not involve dedication of land for open space and affordable housing. As described in Section 6, *Alternatives*, Alternative 3 involves dedicating a 3.25-acre parcel to the City of Palo Alto to for the purposes of public open space and development of 75 units of affordable housing.

Response 4.7

The commenter asks how much open space is required by code for the amount of development being proposed.

PAMC Chapter 21.50 and the City's municipal fee schedule sets forth the parkland dedication requirements for subdivision projects. The proposed project would require dedication of 0.76 of parkland (366 sf per unit), or, with Council approval, in-lieu fees estimated at \$4,709,059.81 based on the fiscal year 2023 municipal fee schedule.

Response 4.8

The commenter asks if the 2.25 acres of open space area described under Alternative 3 would be dedicated as parkland. The commenter also asks if the park would be subject to development or other use after expiration of the Development Agreement. Alternative 3 would result in dedication of a 3.25-acre parcel to the City, 2.25 acres of which are anticipated to be dedicated as parkland. If the City Council were to approve Alternative 3, including the associated Vesting Tentative Map, the applicant would be required to complete the Final Map process and recordation of the map with the Santa Clara County Clerk Recorder's Office, after which the parcel would be dedicated to the City. The City would then move forward with an ordinance, which would be presented to the Parks and Recreation Commission for recommendation and to Council for decision to formally dedicated 2.25 acres of the land as parkland.

Response 4.9

The commenter asks if the open space calculation under Alternative 3 includes the proposed new street and, if so, why.

The open space calculation under Alternative 3 does not include the proposed new street.

Response 4.10

The commenter states an opinion that the creek and creek bank are being included in the open space described under Alternative 3 and asks what amount of open space is being dedicated as parkland and if that would satisfy the amount of parkland required for the proposed project.

The proposed 91-unit development project proposes to pay in-lieu fees to satisfy the parkland requirements. Alternative 3 proposes 2.25-acres of parkland where an estimated 0.76 acres of parkland are required.

Response 4.11

The commenter asks how it could be determined that the amount of parkland is sufficient to satisfy code requirements if the affordable housing project described under Alternative 3 includes an unknown number of units and residents.

Affordable housing is not subject to parkland dedication or in-lieu fees and parkland dedication is not required for rental housing. Therefore, the amount of parkland dedicated under Alternative 3 exceeds the code requirements regardless of the number of units proposed within that affordable housing development.

Response 4.12

The commenter states that Figure 2-2 shows that areas of proposed development will extend to the creek. The commenter suggests that, if this is the case, it would be a violation of code and may impact future migration routes after creek restoration.

As shown on Figure 2-2 in Section 2, *Project Description*, of the Draft EIR, the project site does include the whole of the parcel which spans Matadero Creek. However, the area of proposed development (the shaded area on Figure 2-2) where the proposed townhome development would occur does not include the creek. The proposed project would not involve work within the creek.

Response 4.13

The commenter states an opinion that Figure 2-2 in the Draft EIR and Figure 1 in the August 1st staff presentation differ in depicting open space and asks which is accurate.

Figure 2-2 in the Draft EIR shows the general area of development for the proposed 200 Portage 91-unit townhome project. The August 1, 2021 staff report referenced by the commenter includes information on the Development Agreement Alternative discussed under Alternative 3. The open space areas proposed for the proposed project and Alternative 3 are different. Therefore, both are accurate.

Response 4.14

The commenter suggests that one of the character defining features of the cannery building is the landscaping and setting. The commenter states an opinion that the EIR ignores the setting and context of the building.

As detailed in Appendix C of the Draft EIR, the character-defining features were established in the Historic Resources Evaluation prepared by Page & Turnbull on behalf of the City of Palo Alto in 2019. Character-defining landscape features include the preserved curved path of the removed railroad track spurs, represented in the shape of the parking lot pavement and the channel of the Matadero Creek. Although the paving is proposed to be removed, the project site, under all of the alternatives,

retains this curved parcel shape aligning with the curve in Matadero Creek. No changes are proposed to the channel of Matadero Creek as part of the proposed project or any build scenarios. Nonetheless, because the proposed project would result in a substantial adverse change to a historical resource, this impact would be significant and unavoidable.

Response 4.15

The commenter asks how adding a street in front of the building would satisfy the Secretary of the Interior's Standards and suggests this should be considered in the EIR.

As described in Section 4.2, *Cultural and Tribal Cultural Resources*, the project as proposed would result in a substantial adverse change to a historical resource. The impact to historical resources would be significant and unavoidable. Analysis of whether the other elements of the project align with the Secretary of the Interior's Standards is unnecessary because their conformance to the Standards would be rendered inapplicable due to the material impairment of the historical resource.

Response 4.16

The commenter states an opinion that adding a parking structure behind the cannery building would be inconsistent with the context and setting. The commenter expresses concern that the Draft EIR does not address this.

The proposed project does not involve adding a parking structure. As discussed in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 (Development Agreement) would involve a parking structure. Under Alternative 3, a portion of the CRHR-eligible building at 200 Portage would still be demolished and the unavoidably significant impact related to cultural resources would still occur. Analysis of whether the other elements of Alternative 3 align with the Secretary of the Interior's Standards is unnecessary because their conformance to the Standards would be rendered inapplicable due to the material impairment of the historical resource.

Nevertheless, to inform decision-makers, the City hired a historic architect to prepare an analysis of Alternative 3's consistency with the Secretary of the Interior's Standards for the Treatment of Historic Properties ("Standards") (included in Attachment C). Under Alternative 3, the Development Agreement Alternative, a two-story parking garage addition is proposed for the historic building's secondary, or north, elevation. It would be two stories and would connect to the historic building with a wood pergola that would be affixed to the adjacent new canopy proposed for this portion of the building's elevation, thereby creating a new outdoor amenity space at grade. The garage would have a concrete structure, horizontal cable railings at the second story, and be clad in corrugated metal at select locations. The proposed scale, location, and massing of the proposed garage would be consistent with the Standards. It would not obscure the historic building's primary elevation and generally proposes materials that are compatible with the historic building's industrial character. As provided in Standard 9 and explained in NPS *Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*, a new addition to a historic building should protect those visual qualities that made the building historic. The building's corrugated metal exterior is a character-defining feature. The proposed new garage construction would be consistent with Standard 9 and 10.

Response 4.17

The commenter states an opinion that adding a parking garage to the cannery site is a potential impact. The commenter asks if the parking garage is of compatible design with the cannery Building.

Please see Response 4.16.

Response 4.18

The commenter asks why a parking structure is proposed so close to the cannery building. The commenter suggests that this adds an additional impact not analyzed in the Draft EIR.

Please see Response 4.16.

Response 4.19

The commenter asks what the parking structure will provide parking for. The commenter also asks if the proposed parking is for the townhomes, how that will be designated as it is on a separate parcel.

The proposed project does not involve adding a parking structure. As discussed in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 (Development Agreement) would involve a parking structure to serve the retail and research and development (R&D) uses under that alternative.

Response 4.20

The commenter asks how many parking spaces would be provided in the parking structure and if parking requirements would be satisfied for the R&D component and/or the townhomes.

Pursuant to the City's criteria for determining significant environmental impacts under CEQA (which are based on Appendix G of the *CEQA Guidelines*), parking is not a criterion of analysis for consideration in an EIR and is not studied in this EIR. However, the project's compliance with the municipal code is evaluated as part of the planning entitlement process. The proposed project does not involve adding a parking structure. Parking for the commercial uses would continue to be located at grade at the rear of the property and in areas east and south of the cannery building. The proposed townhome development exceeds the required parking. As discussed in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 (Development Agreement) would involve a parking structure to serve the retail and R&D uses. Under the Development Agreement Alternative, the townhome parcel would also exceed the parking requirements. Parking for commercial uses would not meet the requirements under PAMC Section 18.52; however, the requirements for the site would be based on the final Planned Community Ordinance requirements, which require Council approval.

Response 4.21

The commenter asks how an affordable housing project that has not been preliminarily designed can be analyzed for traffic impacts.

As discussed in Appendix H of the Draft EIR, a vehicle-miles traveled (VMT) screening analysis for Alternative 3 was performed based on the information available for the alternative and based on the conditions of the project site. The anticipated trip generation was estimated using standard trip generation rates from the Institute of Transportation Engineers (ITE) Technical Manual based on the anticipated number of units assumed for the alternative. Please also see Response 4.20.

Response 4.22

The commenter asks why the EIR does not consider the cumulative cultural resources impact to one of the last remaining cannery properties as part of the Valley of the Hearts Delight.

As described in Section 4.2 of the Draft EIR, the proposed project would result in significant and unavoidable impacts to historical resources. However, these impacts are site-specific and not cumulative in nature. As such, the proposed project would not contribute to cumulative impacts on cultural resources outside of the project site. Valley of the Hearts Delight is not a designated historic district and the project area is not within a historic district. Overall, although the project involves impacts to individual historical resources, there would be no significant cumulative impact to similar historical resources in the region.

Response 4.23

The commenter states an opinion that a discussion of the character-defining features of the cannery building needs to be included in the analysis due to the proposed demolition.

As stated on Page 4.2-10 in Section 4.2 of the Draft EIR, the character-defining features, or those physical features which collectively convey the significance of the cannery building property, include the following: form and massing; varied roof forms and structures; exterior wall materials; exterior cannery features; fenestration; landscape features; and interior features. The Historic Resources Evaluation of the property, which includes a complete list of the character defining features of the property, is also included in Appendix C of the Draft EIR.

As detailed in Section 4.2 of the Draft EIR, the proposed demolition would result in the removal of distinctive materials and the loss of several character-defining features. Therefore, the project would constitute material impairment to the historical resource. The impact to historical resources would be significant and unavoidable.

Response 4.24

The commenter notes that the building is eligible for Criterion 1 of the California Register of Historic Resources (CRHR) and retains integrity of design, materials, and workmanship. The commenter states that these would be impacted by the demolition and need to be listed as impacts.

As described in Section 4.2 of the Draft EIR, the proposed project would result in significant and unavoidable impacts to historical resources. As detailed in Appendix C of the Draft EIR, the proposed demolition of the building would impair the physical characteristics that convey the property's historical significance such that the historic resource would not retain sufficient integrity for listing. Although mitigation measures have been included to reduce impacts to the extent feasible, the impact on a historical resource would be significant and unavoidable.

Response 4.25

The commenter states an opinion that the EIR does not consider potential impacts related to the addition of a parking garage, the proximity of the proposed townhomes, and the mass, scale, and location of the affordable housing project near the historic building.

As described in Section 4.2, the proposed demolition would result in the substantial adverse change to a historical resource, resulting in a significant and unavoidable impact.

Analysis of whether the other elements of the project align with the Secretary of the Interior's Standards is unnecessary because their conformance to the Standards would be rendered

inapplicable due to the material impairment of the historical resource. It should also be noted that a parking garage and the future affordable housing project are not part of the proposed project, but are proposed under Alternative 3. See response to comments 4.16, which discusses the Secretary of the Interior's Standards analysis that was prepared for informational purposes to inform decision makers related to Alternative 3.

Response 4.26

The commenter provides their recollections of a staff presentation to the Council on August 1 and asks if the project would be consistent with the information from the presentation.

The presentation to the Council on August 1, 2021 reflects the proposed Development Agreement Alternative discussed under Alternative 3 of the DEIR. The EIR analyzes the potential impacts of the 200 Portage (91-unit) Townhome project development. Both the proposed project and Alternative 3 would result in a significant and unavoidable impact on a historic resource.

Response 4.27

The commenter states an opinion that mitigation measures CR-1 and CR-2 would not mitigate the loss of the historic resource.

The City agrees with this determination and it is reflected in the conclusions of the analysis. As stated in Section 4.2, implementation of mitigation measures CR-1 and CR-2 would reduce significant direct impacts to the historical resource to the extent feasible. Demolition by its nature is complete and total material impairment of the historical resource, and no feasible mitigation measures are available to mitigate the impacts of demolition of a historical resource to a less-than-significant level. As a result, demolition of an individually eligible resource under the proposed project would be a significant and unavoidable adverse impact even after implementation of required mitigation.

Response 4.28

The commenter asks how the affordable housing project, which has not been designed, can be analyzed for compatibility or its impact to the cannery building.

It is assumed that the commenter is referring to the affordable housing project that would be developed under Alternative 3 (Development Agreement Alternative) as discussed in Section 6, *Alternatives*, of the Draft EIR. Alternative 3 would involve demolition of a portion of the building at 200 Portage Avenue and the building at 3040 Park Boulevard. The demolition and treatment of part of the building at 200 Portage Avenue would not be consistent with the Secretary of the Interior's Standards since it would result in demolition in the substantial adverse change to a historical resource, resulting in a significant and unavoidable impact. Alternative 3 would require implementation of mitigation measures CR-1 and CR-2 and, similar to the proposed project, impacts would remain significant and unavoidable. Analysis of whether the other elements of Alternative 3 align with the Secretary of the Interior's Standards is unnecessary because their conformance to the Standards would be rendered inapplicable due to the material impairment of the historical resource.

Response 4.29

The commenter states an opinion that the EIR does not present an alternative that avoids the significant impact to historical resources as required by CEQA.

Please see Response 3.8.

Response 4.30

The commenter asks what studies were performed to evaluate the feasibility of adaptive reuse of the cannery building. The commenter states any studies used to evaluate preservation alternative options should be provided in the draft EIR.

Please see Response 3.8.

Response 4.31

The commenter asks what uses other than housing were considered for adaptive reuse of the Cannery building.

Alternatives that would not include housing would not meet most of the project objectives and therefore were not considered as Alternatives in the EIR. Please also refer to Response 3.8.

Response 4.32

The commenter asks what information was used to conclude that another story would need to be added to the cannery building.

Please see Response 3.8.

Response 4.33

The commenter asks if housing within the cannery building and a single-story addition to the building was considered to reduce or eliminate impacts to the historic resource.

Please see Response 3.8.

Response 4.34

The commenter states there is currently 89,639 square feet of space currently not in use in the cannery building. The commenter opines that this space should be studied to provide housing and retail services. The commenter asks if these alternative were considered and how many housing units would be able to fit into this space.

Please see Response 3.8.

Response 4.35

The commenter asks if a one-story housing addition at the back of the cannery building or a detached low-profile housing building could be constructed to avoid significant impacts.

Please see Response 3.8. An EIR need not consider every conceivable alternative to a project. An EIR must describe a reasonable range of alternatives to a proposed project that could feasibly attain most of the basic project objectives.

Response 4.36

The commenter asks how many square feet are proposed in the townhomes development and why this size and type of housing was proposed.

The proposed (91-unit) townhome development is proposed to have a total floor area of 197,681 square feet. Information about the why the developer proposed this specific development type and

size was not provided and is not required for the purposes of analyzing the proposed project in accordance with CEQA.

As discussed in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 would involve a Development Agreement between the City and the applicant. The project under the Development Agreement would include 74 new market rate townhomes totaling 160,980 square feet. The proposed land uses, site plan, and general terms of the Development Agreement are based on a negotiated agreement between the developer and the City. Similar to the proposed project, the Development Agreement is subject to a public process and requires Council approval.

Response 4.37

The commenter suggests that the questions posed in the previous comments need to be addressed to properly analyze a preservation alternative that avoids a significant impact to the cannery building.

Please see Response 3.8.

Response 4.38

The commenter asks which parcels would be governed by the Planned Community (PC) ordinance.

The proposed project does not include rezoning any parcels to a Planned Community zoning. As stated in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 would include demolition of a portion of the building at 200 Portage Avenue as well as the building at 3040 Park Boulevard. A Comprehensive Plan amendment and rezoning would be required to allow for the existing non-conforming uses on the site to remain. Four of the resulting parcels would be rezoned to Planned Community. These include the parcel with the remaining cannery building and new parking garage, the parcel on which the new townhomes would be developed, the parcel on which the existing office building at 3201-3225 Ash would remain, and the parcel on which the existing Audi building would remain. The new 3.25-acre City dedication parcel is proposed to be rezoned to Public Facilities to accommodate the anticipated uses of that parcel for a public park and an affordable housing project.

Response 4.39

The commenter asks which governing standards would be applied to the PC zone.

The City of Palo Alto Municipal Code sets forth the regulations for Planned Community zone districts in PAMC Chapter 18.38.

Response 4.40

The commenter asks what assurances are in place to ensure that issues raised in the Draft EIR will be considered in the event that the project undergoes design review prior to the completion of the Final EIR.

Pursuant to CEQA Guidelines Section 15090, prior to approving a project, the lead agency must certify that the Final EIR was presented to decision-makers and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project. The decision-making body (in this case the Palo Alto City Council) is required to consider the Final EIR, including all comments and responses to the comments, in order to approve the project or any of the identified Alternatives. This Final EIR/Responses to Comments document takes into account

the minor design changes that have occurred since publication of the Draft EIR. Where changes to the EIR are required in response to comments received or due to project changes, they are provided in Chapter 4, Revisions to the Draft EIR, of this document. None of the minor changes to the project would result in new or more severe significant environmental impacts compared to the findings of the Draft EIR.

Response 4.41

The commenter states that the tables, figures, and appendices are missing in the Draft EIR.

It is unclear what specific tables, figures, or appendices the commenter is referencing. Tables and figures are included throughout the Draft EIR in the sections where the relevant information is discussed. The appendices are included as part of the Draft EIR and were made available on the City's website and through the State Clearinghouse at the time that Draft EIR was released.

City of Palo Alto Planning Department
250 Hamilton Avenue
Palo Alto, CA 94301

Letter 5

Hi, Claire,

I have the following additional comments on the 200 Portage DEIR.

Comment: Table 4.8-5 Intersection Operations under Existing and Existing Plus Project Conditions and Table 4.8-6 Intersection Operations under Background and Background Plus Project Conditions

Tables indicate in several locations that the LOS is already at an F performance level. It does not, however, indicate the current seconds delay as is provided for the other LOS rated intersections and ratings. The current and future conditions both need to be provided to ascertain what the anticipated delays will be and if mitigations are warranted consistent on City policy. Why are these number not provided and please provide them.

1

Comment: Areas of known controversy

The DEIR does not include the preservation of the Cannery as an area of known controversy even though it was a common and high-profile topic of discussion at NVCAP Working Group meetings and in the community at large with a number of presentations about the Cannery, Thomas Foon Chew, and Bayside Cannery’s role in the canning industry as well as Mr. Chew as an important business man. See the P&T HRE for more information about Mr. Chew and the CA Register eligibility that were basis for these community presentations and Working Group discussions.

2

Regards,

Karen Holman

Letter 5

COMMENTER: Karen Holman

DATE: November 15, 2022

Response 5.1

Regarding Table 4.8-5 and Table 4.8-6 in the Draft EIR, the commenter states that the seconds of delay are not provided for intersections where the level of service (LOS) is at an F level and that the that current and future conditions need to be provided to ascertain anticipated traffic delays.

As stated in the table footnotes for both tables 4.8-5 and 4.8-6 of the Draft EIR, the delay for those intersections is greater than 120 seconds. Traffic modeling has a higher degree of error over 120 seconds and therefore cannot be evaluated with the same level of accuracy. The level of service would not change regardless of the level of seconds in delay beyond 120 seconds. In addition, as discussed in Section 4.8, *Transportation*, of the Draft EIR, pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.” Therefore, the LOS analysis is provided for informational purposes only.

Response 5.2

The commenter expresses concern that the preservation of the cannery area is not discussed as an area of known controversy in the Draft EIR.

The “areas of known controversy” as discussed in the Executive Summary of the Draft EIR are based on the responses to the Notice of Preparation (NOP) circulated on December 20, 2021. Of the four responses received to the NOP, none of the commenters raised concerns about the preservation of the cannery building. Nonetheless, in response to this comment the “areas of known controversy” section of the Executive Summary has been revised. Please see Chapter 4, Revisions to the Draft EIR.

From: [Arthur Keller](#)
Sent: Tuesday, November 15, 2022 4:20 PM
To: [Raybould, Claire](#)
Subject: Comments on Mitigated Negative Declaration/Draft Environmental Impact Report 200 Portage

You don't often get email from arthur@kellers.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

"Pursuant to Section 10564.5(b) of the CEQA guidelines a project may result in substantial adverse change in the significance of a historical resource if it causes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Material impairment is defined as demolition or alteration "in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the [CRHR]."³

"Additional guidance on assessing impacts to historical resources is defined in Section 15064.5(b)(3) of the CEQA Guidelines, states that impacts to historical resources are generally considered mitigated to a less than significant level when they meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards) (Attachment 3). The Secretary's Standards establish professional standards and provide guidance on the preservation and protection of historic properties. The intent of the Secretary's Standards is to provide for the long-term preservation of a property's significance through the preservation of its historic materials and features. These historic materials and features are commonly referred to as character-defining features and are indispensable in a historic property's ability to convey the reasons for its historical significance. The Bayside Canning Company's character-defining features were assessed by Page & Turnbull in their historic resource evaluation, as outlined above. To ensure a proposed project's compliance with the Secretary's Standards, a historic property's character-defining features should therefore be identified and preserved as part of the final design.

"In consideration of impacts to the 340 Portage Avenue property, the most substantial impact would occur through the demolition of 89,639 square-foot of the eastern portion of the Bayside Canning Company canning/warehouse building, constituting a loss of approximately 40 percent of the building. The proposed demolition would result in the removal of distinctive materials, the loss of several character-defining features, and would, therefore constitute material impairment to the historical resource. The proposed demolition would be in an adverse manner of those characteristics of the historical resource that convey its historical significance and justify its eligibility for listing in the CRHR. Additionally, the proposed treatment of the building would not be consistent with the Secretary's Standards which recommends avoiding loss of historic materials through demolition and removal and encourages the retention of distinctive materials that characterize a property. The proposed would cause a loss of several of the the property's character-defining features outlined above, including its form and masing and varied roof forms and structures through the proposed demolition. Additionally, the treatment proposed for the portion of the building that is to remain and be rehabilitated for continued use also does not meet the Standards. That Standards provide that the removal of distinctive materials should be avoided, alterations should not destroy historic materials, and that deteriorated features should be repaired or replaced in kind, where necessary. The proposed project includes the removal of distinctive materials like the character-defining exterior cannery features such as the loading platforms and cooling porches. The proposed changes to the building's fenestration, most notably the addition of new window openings and the alterations to the entrances on the north and south elevations also do not meet the Standards. The addition of the proposed aluminum canopies above the entries and the proposed addition to the warehouse's south elevation are not compatible with the warehouse's historic character and would obscure historic materials that characterize the property and is, therefore, inconsistent with the Standards.

Additionally, the proposed bisection of the canning/warehouse building would result in unknown and undefined treatment of a substantial portion of the building. The unidentified treatment of the remaining portion of the warehouse building could result in additional material impairment. Furthermore, the proposed demolition of the portion of the building included in project site would impair the building's physical characteristics that convey the property's historical significance such that the historic resource would not retain sufficient integrity for listing.

"The goals of rehabilitation are to make possible the compatible new use of a historic property while preserving those portions or features that convey its historical, cultural, or architectural values. The project, as proposed, would result in material impairment to the resource and would not preserve the building's historical value. The proposed project would result in substantial changes to the historic canning/warehouse building and would destroy distinctive materials, features, and spatial relationships that define its historic character. The partial demolition of the building and the proposed exterior updates would result in the removal of distinctive

1

building materials. Finally, the proposed new additions and adjacent construction are proposed in a manner that requires the demolition of part of the historic building. If the proposed new construction were removed in the future, the essential form and integrity of the historic building and its environment would be impaired and would not, therefore, meet the Standards. The proposed partial redevelopment of the warehouse building fails to meet the Standards for the reasons outlined above. The project as proposed would result in *significant impact to a historical resource for the purposes of CEQA*.

1 cont.

"Recommendations

"To inform the alternatives analysis for CEQA compliance and identify measures to mitigate potential impacts, Rincon has provided the following recommendations.

"In order to meet the Standards, thereby avoiding a substantial adverse change in the significance of a historical resource, the project would have to be redesigned to avoid subdivision of the historic resources on separate parcels as well as the partial demolition of the historic resource at 340 Portage Avenue. The buildings could be rehabilitated for a new use that would require minimal change to their distinctive features. For a successful rehabilitation, the design would have to retain the building's character-defining features, as previously outlined."

Appendix C, pp. 17-19.

"Alternative 2: Adaptive Reuse of Eligible Historic Resource for Housing

"6.2.1 Description

"Consistent with the City Council's selected alternative for the NVCAP, Alternative 2 assumes that , the parcels across the project site would be merged and that development would occur across the entire project site, including parcels 132-38-071 and 132-32-036, -042, and -043, not just on the area of proposed development as identified in the description of the proposed project. The eligible historical resource at 200 Portage (also known as 340 Portage) would remain, would be increased in height to three stories, and the interior of the building would be developed with 281 residential units under this alternative. Although adaptive reuse would retain more of the historic integrity of the existing building by retaining it, it is unclear whether adaptive reuse of the building for housing could be completed in conformance with the Secretary of the Interior Standards for Treatment of in Section 6.2.2(b) below and further study may be required if this alternative is selected.

"An additional residential townhome building up to 35 feet in height with 12 units would be constructed in the current parking area east of the 200 Portage building. Overall, this alternative assumes up to 293 residential units across the project site. The existing commercial space in the 200 Portage building would be reduced and only 7,400 square feet of commercial space would remain. The building at 3040 Park Boulevard and the auto uses east of Matadero Creek would not be demolished and would remain. Figure 6-1 shows the conceptual layout of this alternative.

"Alternative 2 would meet most of the project objectives, though further study may be required into how this alternative could be achieved."

pp. 6-4 to 6-5

"6.4 Environmentally Superior Alternative

"Table 6-9 indicates whether each alternative's environmental impact is greater than, less than, or equivalent to that of the proposed project for each of the issue areas studied. Based on the alternatives analysis provided above, Alternative 1 (No Project) would be the environmentally superior alternative. However, Alternative 1 would not achieve the basic project objectives as stated in at the beginning of this section. This alternative does not involve housing development in the near term to help the City meet its housing supply and affordability goals and would not contribute towards the concept of a "complete neighborhood" consistent with the NVCAP.

"Under Alternative 2 (Adaptive Reuse of Eligible Historic Resource for Housing), the CRHR-eligible building at 200 Portage would not be demolished. However, because no development plans are available and it's unclear whether proposed development would comply with the secretary of the interior's standards for rehabilitation, this analysis conservatively assumes that impacts related to cultural resources would remain significant and unavoidable. But it is assumed to be less impactful than the proposed project

2

because demolition of a portion of the building would not occur. Because this alternative would result in fewer vehicle trips than the proposed project, associated impacts including air quality, energy, GHG emissions, and traffic noise would be reduced compared to the proposed project and would remain less than significant, the same as the proposed project. Alternative 2 would meet most of the objectives for the 200 Portage Avenue project. However, as with the proposed project, Alternative 2 may conflict with the City's Bicycle and Pedestrian Transportation Plan since an enhanced bikeway traversing the site is not included as part of the project description or site plans. Implementation of Mitigation Measure T-1 would still be required to reduce impacts to a less than significant level.

"Under Alternative 3 (Development Agreement), a portion of the CRHR-eligible building at 200 Portage would still be demolished and the unavoidably significant impact related to cultural resources would occur. Alternative 3 would meet all the objectives of the 200 Portage Avenue project. Although it would increase the number of housing units from 91 to 149, and accordingly would result in increased air quality, energy, noise and GHG emissions, the net new total emissions for air quality and GHG would still be below BAAQMD thresholds, and impacts related to air quality, energy, GHG emissions, and noise would be less than significant. Additionally, Alternative 3 would include a provision dedicating land to the City and a public easement for ingress/egress across the identified area for an enhanced bikeway. Because this would be documented in the Development Agreement and is therefore part of the proposed project, Mitigation Measure T-1 would no longer be required and impacts on transportation would be less than significant without mitigation.

"Although none of the Alternatives (other than the No Project Alternative) would reduce the significant and unavoidable impact on a historic resource to a less than significant level, because Alternative 2 would slightly reduce impacts related to air quality, energy, GHG emissions, and traffic noise, and transportation in comparison to proposed project and Alternative 3, Alternative 2 would be considered the Environmentally Superior Alternative."

pp. 6-20 to 6-21

Alternative 2 must be studied in order to determine whether the alternative development meeting most of the project alternatives can be built while retaining the features of the historic building. A delay in approving the project must occur in order to allow such a study to occur.

2 cont.



Letter 6

COMMENTER: Arthur Keller

DATE: November 15, 2022

Response 6.1

The commenter provides quotes of text from Section 6, *Alternatives*, of the Draft EIR and states an opinion that approval of the project must be delayed to complete a study on Alternative 2 to determine whether a project that meets most of the project goals while retaining features of the historic building is possible.

The commenter's opinion is noted. The discussion of Alternative 2 on Page 6-5 of the Draft EIR states that "Alternative 2 would meet most of the project objectives, though further study may be required into how this alternative could be achieved." As noted in Section 6, *Alternatives*, and discussed in Response 3.8, two of the project objectives relate to providing housing on the project site. Therefore, the alternatives analysis considers alternatives that would meet most of the project objectives which involve the provision of housing. The project objectives for residential uses could not be fully met without significant alteration of the existing cannery building. Further analysis and information provided by the applicant illustrating the anticipated modifications that would likely be associated with a single-story adaptive reuse alternative, which was not carried forward in the EIR, further demonstrates that any adaptive reuse of the cannery building for housing is unlikely to be realized in a manner that is consistent with the Secretary of the Interior's Standards and therefore retains the historic integrity of the site. Please see Response 3.8 for a summary of major modifications that would be required. In accordance with CEQA Guidelines Section 15126.6(d), the lead agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project, but not at the same level of detail as the proposed project. Therefore, further study of Alternative 2, such as through the preparation of a full plan set for this Alternative, is not warranted. Alternative 2 could be considered less impactful because it does not include demolition of a large portion of the existing building, but is still identified as having a significant and unavoidable impact on a historic resource.

The Draft EIR does include an analysis of a No Project Alternative which assumes that the 91 townhome units proposed at the 200 Portage Avenue project site would not be constructed. The existing buildings and uses on the site would remain. Under the No Project Alternative, partial demolition of the cannery building would not occur, mitigation measures would not be required, and the significant and unavoidable impacts to potential historic resources would be avoided.

The City of Palo Alto City Council has the option of approving the proposed project or one of the proposed alternatives.

From: [Rebecca Sanders](#)
Sent: Tuesday, November 15, 2022 10:28 AM
To: [Raybould, Claire](#)
Cc: Lait, Jonathan
Subject: Comments of the DEIR for 200 Portage

Letter 7

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Ms. Raybould:

Please find my comments and questions concerning the DEIR for the proposed development at 200/340 Portage. An overarching concern I have is the dismissing of Alternative 2 with no numbers, comparison or analysis provided.

Thank you.

Becky Sanders

1. Regarding 4.2-12 Impact CUL-1, the proposal would “involve partial demolition” of the cannery building.

We don’t have to lose this significant resource if we explore Adaptive Reuse. Why has there been no serious consideration of this option? Why no studies done? Why is this option being ignored when it should, by law, I believe. be as deeply studied as the third alternative with results included in the DEIR?

2. Regarding 4.4.2 Impact Analysis: When we examine all projects proposed for this area of Palo Alto, doesn’t it make sense to work to minimize all environment impacts for each project thereby bringing down the considerable cumulative impacts on climate change.? We just had a Climate Summit at Gunn High School this past weekend. We want to model reduce, reuse, and recycle. Again, why is there no study for adaptive reuse for this building when it is environmentally more favorable of the two, and when climate action is a stated core value of Palo Alto?

3. Table 4.4.2 p. 4.4.16

a. This math doesn’t add up as expected, please explain what appears to be $388-40=377$

b. The proposed project will reduce annual emissions of $MTCO_2e$ from 2 (existing use) to 0, but we are adding people and new homes to the site. Is this realistic?

How will this decrease in energy use be accomplished when we have intensified uses at the site? A decrease seems counterintuitive. Please explain.

4. Regarding P 4.5-8 - The site’s toxicity is well-known, but the extent to which the site is suitable for excavation which exposes highly toxic chemicals is not known.

Shouldn't significant ground studies including soil and water analyses be undertaken to make sure that the exact nature of the threats to humans are understood? Diffusion of toxic vapors is almost a certainty. Other hazards like the possible deterioration of underground storage tanks also have not been studied. Excavating and construction of underground parking garages might well expose workers and future residents continuously to toxins. The EIR should not be deemed complete until we know the toxicity levels we are dealing with. I believe that construction has come to a standstill at the old Foot Locker site for just these reasons. Please don't break ground without conducting comprehensive toxicity studies complete with recommendations for protecting workers and residents at the site.

6 cont.

5. Policy N.2-10 How many trees exactly are being proposed to be removed? How many protected trees are on the site and how many will be removed under current proposal.? Could we see a comparison of tree removal and retention between the as-yet to be done Adaptive Reuse Design and the Proposal before us? I assume that fewer heritage trees and protected trees will be removed if we adopt the more environmentally friendly approach to developing this site. Please provide the comparison chart and the exact numbers of trees removed.

7

6. Regarding Section 4.8-6, report page 187 – According to the Highway Design Manual, Caltrans, 2017, El Camino, Page Mill and Park Boulevard are classified as “Class II Bike Lane - A striped and signed lane for one-way bike travel on a street or highway.”

a. The Class II implies that El Camino is just as safe as Park Boulevard which it observably is not. Have any studies been done on bicycle traffic along ECR versus Park? Bicyclists do ride mostly on the sidewalk on ECR from my own observation and my personal experience jumping out of the way of cyclists as I happen to live nearby and walk this area. I don't resent the kids on the sidewalk; although I wish I could guarantee my own safety. Biking on ECR is hazardous, so to imply that this is a bikeway is misleading.

8

b. Park Blvd has a bike lane but is still dangerous as we have a preponderance of cars and RVs parked up and down in the Bike Lane at all hours. Park Boulevard is supposed to be a “Bike Boulevard”, improvements to which bike commuters and Venturans have been waiting for years. This EIR should not misrepresent or glorify biking conditions near the proposed site along Park Boulevard or ECR.

9

c. Additionally, having Portage accommodate cars from ECR all the way to Park hands Ventura another cut-through traffic nightmare. Cars going through on Portage is not what the NVCAP working group recommended for the site. Having a bikeway or pedestrian way on Portage is preferred by residents. Why not have new families reach the site via Park Boulevard and Page Mill, and direct traffic away from ECR and Page Mill, the worst intersection in Palo Alto?

10

Please perform a study of traffic patterns modeling this more people friendly use of Portage.



10, cont.

7. Regarding Policy T-5.1: I do not understand this sentence: “As *demonstrated parking demand decreases over time*, parking requirements for new construction should decrease.” What proof can the EIR cite to support this claim?

11

8. Regarding Policy T-5.6 which promotes “the use of below-grade or structured parking... where feasible,” I challenge the feasibility of providing underground parking that relies on excavating a toxic site. Again, please perform in-depth toxicity studies as part of the Environmental Impact Report. We want to provide a safe environment in which families will live safely.

12

9. Regarding Section 4.8-12, Report P.195, it is noted that “no trip credits for the Research and Development or warehouse uses were applied since their size and function is anticipated to remain unchanged from existing conditions. As shown in Table 4.8-3, the proposed project could generate up to 596 daily vehicle trips, including 40 during the a.m. peak hour and 47 during the p.m. peak hour.”

13

Where can we see the Research and Development trip numbers? Why omit the total number of trips? Why include only the residential use? Don’t we require a TDM? The report doesn’t say what the TDM will be? Will the TDM apply to the housing or the office use or both? How will it be reported and enforced?

14

10. Regarding Section 4.8-14, Report p. 197, the “project is located within a 0.5-mile walk to VTA bus stops for routes 22, 89, 522, Rapid 522, Express 101, Express 102, and Express 103, and is located approximately 0.6 miles away from the nearest Dumbarton Express Route DB1...therefore, the project would be adequately served by transit.”

The buses do not run often enough nor connect with other buses to make bus service in North Santa Clara County along ECR a meaningful and reliable way to get to work. These buses should not be included here, or at least if they are, should be qualified as not expected to contribute significantly to car trips reduction, as is currently implied. This is misleading and not accurate.

15

11. Regarding Tables 4.8-5, 6 & 8:

a. Traffic delays will increase during peak morning and evening hours in the area, but by nearly 10% during peak evening hours at and around the City’s worst intersection, Page Mill & ECR. This intersection goes from E+ in the mornings to E in the evenings. Is a 10% delay not considered significant enough to drop this intersection to an F?

16

b. Other intersections go from “A” to “B.” What can be done to mitigate this downward trend?

17

<ul style="list-style-type: none"> c. Please provide the numbers underlying each “***”. It is hard to compare the numbers when up to a tenth of the data can’t be known or is defined as more than 120 seconds delay. Please show us the true numbers. 	18
<ul style="list-style-type: none"> d. Could you please define “background conditions?” 	19
<ul style="list-style-type: none"> e. Please provide a TDM for the proposed project. 	20
<ul style="list-style-type: none"> f. Please provide a TDM for Alternative 2. 	20
<ul style="list-style-type: none"> g. Please provide a side-by-side comparison of the TDMs for the two alternatives. 	20
<p>12. Regarding Report p. 200, “The project would therefore conflict with the City’s Bicycle and Pedestrian Transportation Plan and Countywide Trails Plan since an enhanced bikeway traversing the site is not included as part of the project description or site plans. This impact would be potentially significant.”</p> <p style="padding-left: 40px;">Portage should not be extended for cars, only for bikes and pedestrians. One of the values stated by the NVCAP working group was for a walkable, bikeable neighborhood. This proposal goes in the wrong direction, preferring cars to people and bikes.</p>	21
<p>13. Regarding Section 4.9.9</p> <ul style="list-style-type: none"> a. “Therefore, the ratio of urban parks to residents in the City is 2.6 acres of parkland for every 1,000 residents...” <p style="padding-left: 80px;">Please provide a parkland-to-resident ratio for Ventura only, which will help us see the immediate impact of the project on Ventura. Will this project lower or raise the ratio of parks to people in Ventura?</p>	22
<ul style="list-style-type: none"> b. “The park closest to the project site is Peers Park” – correction: the closest park in Boulware 	23
<p>14. Regarding p.234, Alternative 3 is a “well-designed ownership residential townhome project that adds diversity to the City of Palo Alto's ownership housing supply and will meet a variety of residents' needs by providing a mix of 3- and 4-bedroom units to meet the needs of families.”</p>	24
<ul style="list-style-type: none"> a. Please define “diversity” in this context 	25
<ul style="list-style-type: none"> b. Will there be inclusionary housing within the boundaries of the town home complex in accordance with the City’s Comprehensive Plan? 	25
<ul style="list-style-type: none"> c. Will the inclusionary units have the same design and layout and materials as the market rate units? 	26
<ul style="list-style-type: none"> d. There is some discussion of the applicant donating some amount of property for a below market rate development and parkland. <ul style="list-style-type: none"> i. How will this land be divided between parkland and homes? 	27
<ul style="list-style-type: none"> <ul style="list-style-type: none"> ii. This will be in addition to including inclusionary housing in the Town Home complex, yes? 	27
<ul style="list-style-type: none"> <ul style="list-style-type: none"> iii. Shouldn’t the townhome project be tied to this BMR and park expansion project in some way, whereby plans for both are discussed. 	27

15. Regarding Alternative 2: Adaptive Reuse of Eligible Historic Resource for Housing
6.2.1

a. Alternative 2 is “consistent with the City Council’s selected alternative for the NVCAP”, therefore, why is there no comprehensive DEIR data with comparison tables included as part of this report?

28

b. Wouldn’t adding a third story to the Cannery building also negatively impact the Cannery’s eligibility for inclusion as a registered California Historic Resource?

29

c. “Although adaptive reuse would retain more of the historic integrity of the existing building by retaining it, it is unclear whether adaptive reuse of the building for housing could be completed in conformance with the Secretary of the Interior Standards, etc.”

i. Why is it unclear? The answer can be found by checking in with the Secretary of the Interior. Please make this clear and include a comprehensive study of Alternative 2 as part of the EIR

ii. Why has no design been brought forward for adaptive reuse of the Cannery building as is, without affecting height or footprint.

This report circles around this topic but provides no data to prove or disprove feasibility of Adaptive Reuse. We have no costs, no impacts, no comparison tables presented to help us compare and evaluate Alternative 2 with Alternative 3.

30

Therefore, this DEIR is incomplete and must include as much detail on Alternative 2 as is offered for Alternative 3

iii. “Alternative 2 would meet most of the project objectives, though further study may be required into how this alternative could be achieved.” – Exactly, please proceed with further study to demonstrate how this alternative could be achieved,

iv. I believe it is considered best practices to begin with an alternative that would satisfy the Secretary’s requirements and to proceed from there

v. It makes no sense to say that Alternative 2 can’t be done or shouldn’t be done without data to support such a claim.

16. Regarding Report Page 244, h. Transportation

a. “Alternative 2 would involve construction and operation of more housing units compared to the proposed project, includes a 7,400-sf retail component, and removes 142,744 sf of R&D uses.”

31

More housing is a good thing, consistent with our Housing goals. Less R&D is a good thing as the net will help reduce the city’s jobs/housing imbalance, correct? So, this is a desirable outcome, correct?

b. “Since construction would not involve demolition and would include adaptive reuse of the existing building on site, trips generated from construction would be reduced compared to the proposed project.”

32

Another bonus here is we will be engaging in the environmentally sounder of the projects vis a vis construction practices, less soil removal, less pollution, etc. This is a desirable outcome, correct?

32cont.

c. "Operation of Alternative 2 would result in an increased number of residential trips... the project would result in an estimated 24 new PM peak hour trips and a net reduction in AM peak hour trips since the new housing and retail would replace existing R&D and warehouse uses..."

It goes without saying that more homes will generate more residential trips. Is this piece of the report suggesting that we should not build more housing (Alternative 2) because it will result in more residential trips. Wouldn't the impacts of this traffic pattern be studied in a TDM? When will a TDM for both alternatives be produced so that we can compare the two?

33

Letter 7

COMMENTER: Rebecca Sanders

DATE: November 15, 2022

Response 7.1

The commenter expresses concern that Alternative 2 was dismissed without analysis provided.

An analysis of Alternative 2 may be found in Section 6, *Alternatives*, of the Draft EIR. It is not “dismissed” in the Draft EIR. Please also see Response 4.20.

Response 7.2

Referring to Page 4.2-12 of the Draft EIR, the commenter recommends exploring adaptive reuse of the cannery building and suggests that the option of adaptive reuse should not be ignored and should be studied as an alternative in the EIR.

As described in Section 6, *Alternatives*, of the Draft EIR, Alternative 2 contemplates the potential adaptive reuse of the historical resource. Although adaptive reuse does not propose demolition of a portion of the building like the proposed project, it was unclear at the time the Draft EIR was published whether adaptive reuse of the building for housing could be completed in conformance with the Secretary of the Interior’s Standards for Treatment of Historic Properties. Without project plans and further evaluation of the modifications that would be necessary to meet current code requirements to accommodate a residential use, it was unknown whether this alternative could be realized in a manner that is consistent with the Secretary of the Interior’s Standards for Rehabilitation. As discussed in Response 3.8, upon further review of the modifications that would be necessary for the adaptive reuse of this building for housing, the City concludes that it is unlikely such an adaptive reuse could be consistent with the Secretary of the Interior’s Standards for Rehabilitation. Therefore, while this alternative could be considered less impactful on a historic resource in comparison to the proposed project because it would not require demolition of a large portion of the building footprint, impacts to a historic resource under this alternative are still considered to be significant and unavoidable.

Response 7.3

Referring to Section 4.4.2 of the Draft EIR, the commenter asks why adaptive reuse was not studied for the cannery building given Palo Alto’s commitment to climate action and the fact that the commenter believes reuse would minimize all environmental impacts and thereby minimize the cumulative impacts of the project on climate change.

An adaptive reuse alternative (Alternative 2) was considered in Section 6, *Alternatives*, of the Draft EIR. As discussed in that section, Alternative 2 would reduce greenhouse gas (GHG) emissions compared to the proposed project. However, for both the proposed project and Alternative 2, GHG impacts would be less than significant.

See also Response 3.8.

Response 7.4

Referring to Table 4.4-2 of the Draft EIR, the commenter suggests that there is a math error.

The calculation error on Table 4.4-2 has been corrected in Chapter 4, Revisions to the Draft EIR, of this document. Total net project emissions are 348 metric tons of carbon dioxide equivalent (MT CO₂e) rather than 388 MT CO₂e. This correction does not change the findings or conclusions in the Draft EIR. GHG impacts would remain less than significant.

Response 7.5

Referring to Table 4.4-2, the commenter asks how the project would reduce annual emissions of GHG if there would be new residences and more people on the site. The commenter asks how the decrease in energy use would be accomplished if there are intensified uses at the site.

As explained in Section 4.4, *Greenhouse Gas Emissions*, of the EIR, long-term emissions associated with the project include area emissions sources (i.e.: landscaping equipment, architectural coating), emissions associated with energy use, emissions associated with decomposition of solid waste from the project, emissions associated with water use for the project, and transportation emissions including vehicles traveling to and from the site. As shown in Table 4.4-2, operation of the proposed project would generate an estimated 388 MT CO₂E. When accounting for removal of existing uses on-site (the fitness use at 3040 Park Boulevard that would be demolished with the project), the proposed project would result in a net increase in 348 MT CO₂E. In accordance with local and State regulations, the proposed project would include solar photovoltaic systems and would include an all-electric design and would not utilize natural gas. Therefore, the project was estimated to result in a reduction in GHG emissions associated with energy use compared to existing conditions. Overall, the project would increase GHG emissions from the project site, but the increase would be below thresholds of significance.

Response 7.6

Referring to Page 4.5-8 of the Draft EIR, the commenter states an opinion that comprehensive toxicity investigations should be conducted on site to determine the levels of toxicity and the extent to which the site is suitable for excavation. The commenter suggests that excavation would expose workers and future residents to toxins.

Please see Response 3.10.

Response 7.7

The commenter asks how many trees would be removed and how many of those would be protected trees. The commenter also requests that a comparison be made available showing tree removal and retention between a potential Adaptive Reuse Design and the proposed project.

Please see Response 3.1 for information on tree removal for the proposed project. As noted in Response 7.28, in accordance with CEQA Guidelines Section 15126.6(d) the lead agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project, but not at the same level of detail as the proposed project. Without detailed project plans for an adaptive reuse alternative, which are not required for the purposes of this CEQA analysis, the exact trees that would require removal is not known because the exact location of any open space areas, stormwater treatment or site improvements associated with the reuse would also require tree removal. Nonetheless, Alternative 2, the Adaptive Reuse Alternative, would likely result in a similar

number of protected tree removals. Impacts would likely be similar to those of the proposed project with respect to impacts to biological resources for the same reasons as described in Section 4.9, *Effects Found Not to be Significant*, of the Draft EIR.

Response 7.8

Referring to Page 4.8-6 of the Draft EIR, the commenter states that El Camino Real, Page Mill Road, and Park Boulevard are classified as Class II bike lanes. The commenter states an opinion that El Camino Real is not a safe bike route and that to imply that El Camino Real is a bikeway is misleading. The commenter asks if any bicycle traffic studies have been done along El Camino Real in comparison to Park Boulevard.

Table 4.8-2 on Page 4.8-3 states that a Class II bike lane is planned for El Camino Real in the future and that a Class II bike lane is currently provided along Park Boulevard, as documented in the City of Palo Alto Bicycle & Pedestrian Transportation Plan.

The classification of bike lanes refers solely to the facility. While it may be inferred by the reader that there is a common measure of safety for bicycle facilities of the same classification, that is not implied by the definition. Thus, though a Class II Bike Lane on a major arterial such as El Camino Real may have similar amenities as a Class II Bike Lane on a local or collector street, they would offer different experiences for the bicyclist due to the adjacent traffic volumes and prevailing vehicular speeds.

Response 7.9

The commenter states an opinion that biking on Park Boulevard is dangerous and that the Draft EIR should not “glorify” biking conditions near the proposed site along Park Boulevard or El Camino Real. The commenter also suggests that Park Boulevard is supposed to be a “Bike Boulevard.”

Table 4.8-2 on Page 4.8-3 states that Class II Bike Lanes are currently provided along Park Boulevard. Neither the Draft EIR nor City of Palo Alto Bicycle & Pedestrian Transportation Plan identifies Park Boulevard as a Bike Boulevard. It is noted that with a Class II Bike Lane, bicycle users ride within a marked bike lane which is separate from automobiles and along Bike Boulevards riders share the traveled way with automobiles without separate bike lanes.

Response 7.10

The commenter expresses concern about cut-through traffic in the Ventura neighborhood and suggests that vehicle travel on Portage Avenue is not what the NCVAP recommended for the site. The commenter states a preference for a bikeway or pedestrian way on Portage Avenue. The commenter requests a traffic study modeling a bikeway or pedestrian pathway on Portage Avenue to direct traffic away from El Camino Real and Page Mill Road.

The project site is situated between Portage Avenue and Park Boulevard and the project would provide access to/from either street. Non-project traffic would be able to access the site’s internal aisles to travel between Park Boulevard and Portage Avenue, similar to what they are able to do today through the existing site. Providing access to El Camino Real is consistent with the NVCAP identified goals, which are summarized on Page 4.6-3 of the DEIR and include “Create a connected street grid, filling in sidewalk gaps and street connections to California Avenue, the Caltrain Station, and El Camino Real where appropriate.”

The vehicle routing and distribution assumptions for project-related trips are provided in Table 4.8-4, which shows the proportion of vehicle trips expected to use El Camino Real, Page Mill Road and Park Boulevard.

Furthermore, the Draft EIR states on Page 4.6-9 that because the NVCAP is not adopted, consistency with this plan is not required and inconsistency with the plan would not be considered a significant impact.

Response 7.11

The commenter asks what proof can be cited to support the statement in the Draft EIR that “As demonstrated parking demand decreases over time, parking requirements for new construction should decrease.”

Policy T-5.1 from the Palo Alto 2030 Comprehensive Plan establishes the goal that as transportation options become more widely available, the demand for parking will decrease and so parking requirements for new construction should also decrease. This policy describes a desired future goal and not an enforceable present-day requirement.

Research from the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emissions Reductions indicates that as development density increases, the demand for driving decreases.

Also, the current PAMC parking requirements would be satisfied by providing two parking spaces per unit as well as 36 surface parking spaces, as documented on Page 4.6-6 of the Draft EIR.

Response 7.12

The commenter expresses concern regarding the feasibility of underground parking on a site that may contain hazardous materials. The commenter again requests that in-depth toxicity studies be performed as part of the EIR.

Underground parking is not proposed as part of the proposed project. See also Response 3.10.

Response 7.13

The commenter expresses concern that the R&D trip numbers are not included in the Draft EIR and asks why only residential trips were included in the analysis.

As noted on Page 4.8-12 of the Draft EIR, “no trip credits for the Research and Development or warehouse uses were applied since their size and function is anticipated to remain unchanged from existing conditions.” The project would not generate new R&D trips since existing research and development uses would remain in the same magnitude as they currently exist and travel to and from these uses are documented in the existing condition traffic counts.

Response 7.14

The commenter asks what the transportation demand management (TDM) approach would be, if it would apply to housing or office use or both, and how it would be reported and enforced.

Details of the TDM plan are not known at the time of the preparation of the Draft EIR. A detailed TDM plan would be required as a condition of approval of the project and would be submitted to the City’s Office of Transportation for review and approval. The TDM plan is an enforceable action within the project’s conditions of approval and City ordinances. For Alternative 3, the applicant has

proposed a TDM plan for the R&D component of the project. Although the project is not required to prepare a TDM plan for Alternative 3, one is required through the Development Agreement as part of the Development Agreement negotiations. Standard requirements for reporting and enforcing of the TDM plan would be documented as part of the final approved TDM plan and typically includes annual monitoring reporting to the City.

Response 7.15

The commenter states an opinion that buses do not run often enough to make bus transit along El Camino Real reliable. The commenter states that as such, the buses should not be expected to contribute to a reduction in car trips and therefore should not be included in Section 4.8-14 of the Draft EIR.

The commenter's opinions are noted. As stated in Section 4.8, *Transportation*, of the Draft EIR, within a 0.5-mile walk of the project site there are bus stops for routes 22, 89, 522, Rapid 522, Express 101, Express 102, and Express 103. The combined service areas of these routes provide access between the project site and a variety of destinations such as the Palo Alto Transit Center, Palo Alto VA Hospital, Stanford Research Park, Santa Clara University, Winchester Light Rail Station, Santa Teresa Light Rail Station, Downtown San Jose, and Eastridge Transit Center. Bus service for these routes is generally available on a daily basis for 24 hours a day at 15- to 30- minute headways. According to the Transportation Impact Analysis Guidelines published by the Santa Clara Valley Transportation Authority and recently adopted in March 2009, the proposed project would qualify for a nine-percent trip reduction since it would be located within 2,000 feet walking distance to a Caltrain Station.

Response 7.16

The commenter asks why a 10 percent delay is not considered significant enough to drop the Page Mill Road and El Camino Real intersection to an F rating.

The intersection analysis of El Camino Real/Page Mill Road, as summarized in tables 4.8-5 and 4.8-6, shows the intersection to be operating within the adopted LOS standards even upon the addition of project-related vehicle trips. The increased delay attributable to the number of added trips by the project to this intersection would not exceed the threshold needed to be considered an adverse impact according to the established significance criteria standards set by the Santa Clara County Congestion Management Program (CMP) in the Transportation Impact Analysis Guidelines, adopted in October 2014. This is described on pages 4.8-11 and 4.8-12 of the Draft EIR. In addition, as discussed in the same section of the Draft EIR, pursuant to California Public Resources Code section 21099(b)(2) and CEQA Guidelines Section 15064.3, "a project's effect on automobile delay shall not constitute a significant environmental impact." Therefore, the LOS analysis is provided for informational purposes only.

Response 7.17

The commenter states that some intersections analyzed go from A to B ratings and asks how this can be mitigated.

Levels of Service A and B are within what is acceptable and further mitigation is not required according to the procedures described in the Santa Clara County Congestion Management Program (CMP) in the Transportation Impact Analysis Guidelines. In addition, mitigation for level of service is not required under CEQA; pursuant to California Public Resources Code section 21099(b)(2) and

CEQA Guidelines Section 15064.3, “a project’s effect on automobile delay shall not constitute a significant environmental impact.”

Response 7.18

The commenter asks that the numbers underlying each “**” in tables 4.8-5, 4.8-6, and 4.8-8 be provided.

As stated in the footnotes of the tables, the “**” in some of the cells in tables 4.8-1, 4.8-5, 4.8-6, and 4.8-8 in Section 4.8, *Transportation*, of the Draft EIR indicates that vehicle delay is greater than 120 seconds. Traffic modeling has a higher degree of error over 120 seconds and therefore cannot be evaluated with the same level of accuracy. The level of service would not change regardless of the level of seconds in delay beyond 120 seconds. Detailed intersection level of service analysis results showing average delays at each study intersection are provided in Appendix C of the Local Transportation Analysis prepared by W-Trans, which is included as Appendix H of the Draft EIR.

Response 7.19

The commenter asks that “background conditions” in tables 4.8-5, 4.8-6, and 4.8-8 be defined.

A definition for the Background Conditions is provided on Page 4.8-13 of the Draft EIR and on pages 4 and 12 of the Local Transportation Analysis prepared by W-Trans (W-Trans 2022, Appendix H to the EIR) which states that the Background Conditions are the existing condition peak hour volumes plus the 5-year estimated growth between the existing and cumulative model runs using growth rates derived from the City of Palo Alto’s Travel Demand Forecast Model.

Response 7.20

The commenter asks that a TDM plan be provided for the proposed project and Alternative 2, as well as a side-by-side comparison of the two.

Details of the TDM plan are not known at the time of the preparation of the Draft EIR and a side-by-side comparison of alternative plans is not relevant to the CEQA analysis. A detailed TDM plan would be a requirement per the conditions of approval and would be submitted for City review and approval prior to issuance of the building permit.

Response 7.21

The commenter states an opinion that Portage Avenue should not be extended for cars, only for bikes and pedestrians. The commenter also states an opinion that the proposed project goes against the NVCAP working group’s goals for a walkable, bikeable neighborhood.

The project is situated between Portage Avenue and Park Boulevard and would provide access to/from either street. Non-project traffic would be able to access the site’s internal aisles to travel between Park Boulevard and Portage Avenue, similar to what they are able to do today through the existing site. Providing access to El Camino Real is consistent with the NVCAP identified goals, which are summarized on Page 4.6-3 of the Draft EIR and include “Create a connected street grid, filling in sidewalk gaps and street connections to California Avenue, the Caltrain Station, and El Camino Real where appropriate.” Further, vehicular access along the area between Park Boulevard and Portage Avenue is necessary to provide access to required parking. The proposed project improves the existing condition by connecting the street grid. Mitigation Measure T-1 also requires an enhanced bicycle connection along this connection and a public access easement over the connection, providing an improved connection for bicyclists.

Response 7.22

The commenter asks that a parkland to resident ratio be provided for Ventura only. The commenter also asks if the proposed project will lower or raise the ratio of parks to people in Ventura.

The commenter's suggestions are noted; however, the City does not have a threshold or goal related to acreage of neighborhood parkland per resident. Therefore, the comparison of parkland for the North Ventura area neighborhood specifically is not required to assess the impacts under CEQA. As stated in Section 4.9, *Effects Found not to be Significant*, the proposed project would not result in the construction or expansion of recreational or parks facilities which might have an adverse physical effect on the environment.

Under Alternative 3, the Development Agreement Alternative, approximately 2.25 acres of land would be dedicated as parkland. The 74-unit townhome development would result in the addition of approximately 182 people (based on the estimated persons per household number of 2.45 persons per household). The Parks Master Plan states a goal of 2 acres of neighborhood park per 1,000 residents for the City. Therefore, the Alternative 3, which provides 2.25 acres of parkland for 182 residents would increase the neighborhood park-to-person ratio for the City.

Response 7.23

The commenter states that the closest park to the project site is Boulware Park, not Peers Park as is stated in the Draft EIR.

In response to this comment, the text in Section 4.9, *Effects Found not to be Significant*, has been revised. Please see Chapter 4, Revisions to the Draft EIR, of this document. These revisions do not change the findings or conclusions of the Draft EIR.

Response 7.24

Referring to a sentence describing Alternative 3, the commenter asks that "diversity" be defined as used.

The commenter is referring to Project Objective #1 "Develop a well-designed ownership residential townhome project that adds diversity to the City of Palo Alto's ownership housing supply and will meet a variety of residents' needs by providing a mix of 3- and 4-bedroom units to meet the needs of families." "Diversity" in this case refers to diversity of housing types provided in the city. The majority of the housing in Palo Alto is detached single-family residential housing. The project would provide more diverse housing types by providing attached multi-family townhome units that involve 3- and 4-bedroom units designed for families. This adds a diversity of housing types to the city.

Response 7.25

The commenter asks if there would be inclusionary housing within the townhome complex in accordance with the City's Comprehensive Plan.

The proposed 91-unit townhome project is proposed to include inclusionary units as part of its proposal for state density bonus allowances and in accordance with the City's affordable housing requirements as outlined in PAMC Chapter 16.65, which requires that 15% of the units would be below market rate for ownership projects.

As stated in Section 6.3 in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 involves construction 74 new market rate (not affordable) townhomes as well as dedication of a 2.25-acre parcel to the City of Palo Alto for the purposes of public open space and development of 75 units of

affordable below market rate (BMR) housing. Below market-rate townhome units are not proposed as part of Alternative 3.

Response 7.26

The commenter asks if the inclusionary units would have the same design layout and materials as the market rate units.

The inclusionary units would be required to comply with PAMC Chapter 16.65 Citywide affordable housing requirements, specifically Section 16.65.075 which includes requirements for the affordable units to be comparable in size and quality on the interior and exterior.

Response 7.27

The commenter states that there is discussion of the applicant donating part of the property for below market rate development and parkland. The commenter also asks how this land would be divided between parkland and residences, if this will be in addition to the inclusionary housing in the townhomes, and whether the townhome project should be tied to this below market rate and park expansion project.

As stated in Section 6.3 in Section 6, *Alternatives*, of the Draft EIR, Alternative 3 involves construction of 74 new market rate townhomes as well as dedication of a 3.25-acre parcel to the City of Palo Alto to for the purposes of public open space and development of 75 units of affordable below market rate (BMR) housing. 2.25-acres of this City dedication parcel is anticipated to be dedicated as public parkland and 1-acre is anticipated to be used for the development of below market rate housing.

Response 7.28

Referring to the statement in the Draft EIR that Alternative 2 would be consistent with the City Council's selected alternative for the NVCAP, the commenter asks why there's no comprehensive data with comparison tables provided in the discussion of Alternative 2.

According to CEQA Guidelines Section 15126.6(d), the lead agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project, but not at the same level of detail as the proposed project. Nevertheless, a detailed analysis of impacts associated with Alternative 2 is provided in Section 6.2 of Section 6, *Alternatives*, of the Draft EIR. This section shows impacts resulting from Alternative 2 and compared to impacts associated with the proposed project. Table 6-9 also provides a table showing a comparison of impacts from Alternative 2 compared to the proposed project. As stated in Section 6, under Alternative 2 (Adaptive Reuse of Eligible Historic Resource for Housing), the historic building at 200 Portage would not be demolished. As discussed further in Response 3.8, significant modifications would be necessary to accommodate adaptive reuse of the building for a residential use. While this adaptive reuse alternative could be considered less impactful than the proposed project because demolition of a portion of the building would not occur, the EIR nonetheless concludes that the impacts related to cultural resources would remain significant and unavoidable. Because this alternative would result in fewer vehicle trips than the proposed project, associated impacts including air quality, energy, GHG emissions, and traffic noise would be reduced compared to the proposed project and would remain less than significant, the same as the proposed project. Alternative 2 would meet most of the objectives for the 200 Portage Avenue project. However, as with the proposed project, Alternative 2 may conflict with the City's Bicycle and Pedestrian Transportation Plan since an enhanced bikeway traversing the site is not

included as part of the project description or site plans. Implementation of Mitigation Measure T-1 would still be required to reduce impacts to a less than significant level.

Response 7.29

The commenter asks if adding a third story to the cannery building would adversely impact its eligibility for inclusion as a registered California Historic Resource.

As discussed in Response 3.8, any adaptive reuse of the building for housing, regardless of the number of stories, would require substantial modifications to comply with life safety and other requirements. It is therefore unlikely that this alternative could be realized in a manner that is consistent with the Secretary of the Interior's Standards for Rehabilitation, and the structure likely would not retain sufficient integrity to be eligible for listing in the California Register of Historical Resources. Therefore, the analysis assumes that impacts related to cultural resources associated with Alternative 2 would remain significant and unavoidable.

Response 7.30

The commenter suggests that there should be a more comprehensive study of Alternative 2 in the EIR and whether or not it would meet the Secretary of the Interior's standards. The commenter suggests there should be an alternative considered that does meet the Secretary of the Interior's Standards.

According to CEQA Guidelines Section 15126.6(d), the lead agency is required to evaluate and compare the environmental impacts of alternatives to the proposed project, but not at the same level of detail as the proposed project. Therefore, preparation of a complete plan set for Alternative 2 is not required. Please also see Response 7.2 and Response 3.8.

Response 7.31

The commenter asks why Alternative 2, which includes more housing and less R&D space than the proposed project, is not a desirable outcome.

Consistent with CEQA, the EIR is not intended to make determinations regarding the "desirability" of a project or project alternatives. It is an informational document that discloses potential environmental impacts of the project and compares the impacts of project alternatives with those of the project.

Response 7.32

The commenter states an opinion that Alternative 2 is sounder construction-wise than the proposed project and would result in less soil removal and less pollution. The comment asks why Alternative 2, is not a desirable outcome in light of this.

Please see Response 7.31.

Response 7.33

The commenter asks if the traffic impacts of more housing as proposed as part of Alternative 2 would be studied in a TDM plan. The commenter also asks when a TDM plan for both alternatives would be produced so that they can be compared.

Details of the TDM plan are not known at the time of the preparation of the Draft EIR and, although required by the city for projects that meet certain criteria, is not relevant to the findings for the

proposed project, which does not rely on a TDM to meet vehicle miles traveled or GHG emission thresholds. A detailed TDM plan would be required as a condition of approval of the project and would be submitted to the Office of Transportation for review and approval prior to building permit issuance.

Letter 8

From: [Jeff Levinsky](#)
Sent: Monday, November 14, 2022 10:45 PM
To: [Raybould, Claire](#)
Subject: DEIR Comments for 200 Portage Avenue

You don't often get email from jeff@levinsky.org. [Learn why this is important](#)

CAUTION: This email originated from outside of the organization. Be cautious of opening attachments and clicking on links.

Dear Claire:

Here are some questions for the DEIR:

- | | |
|---|----|
| 1. Page 2-4 cites 18.70.030(b)(2)(E). Should that be 18.70.070(b)(2)(E)? | 1 |
| 2. Is it correct that City staff's interpretation of the current Municipal Code has been that the legal options on the main site are RM-30 use (the underlying zoning) or the ratio of retail, research and development, warehouse, and storage uses as existed when special rule 18.70.070(b)(2)(E) for the site was enacted? | 2 |
| 3. Does the proposed project comply with these two options? | 3 |
| 4. Would even a change in parcel lines be able to bring all of the resulting parcels into compliance with staff's interpretation? In particular, even if one parcel were all RM-30, is it correct that the other would have acres of research and development without the retail space required to balance that? | 4 |
| 5. The DEIR says, "The proposed project would not require amendments to the City's Comprehensive Plan or the Palo Alto Municipal Code (PAMC)." However, with the non-complaint research and development space, won't the proposed project require amending the Municipal Code to be legal? In particular, won't 18.70.070(b)(2)(E) need to be modified or repealed to allow the research and development space to remain? | 5 |
| 6. Why is this issue not listed under "Areas of Known Controversy" in the DEIR, given that the parcel owner has objected in writing to the staff's interpretation of the municipal code? | 6 |
| 7. Is a project that will not comply with allowed uses under our zoning laws eligible to use SB 330? | 7 |
| 8. If this project is eligible to submit under SB 330, why can't the City reject it as non-compliant with the current zoning laws based on the proposed mix of uses? | 8 |
| 9. Can the density bonus the applicant hopes to use to increase the FAR overcome the non-compliance with the site usage? If so, how would that work? | 9 |
| 10. Are any parcel line changes discretionary, especially as they would make the remaining portion of the cannery building less compliant with the allowed uses? | 10 |

11. The DEIR says on page ES-2 that, “On the eastern boundary of the project site at 3250 Park Boulevard and 276 Lambert Avenue are one-story office and accessory buildings.” Isn’t 3250 Park Boulevard most recently an auto repair facility? Note that Table 6-1 of the DEIR itself calls it “Auto Care Center space,” which is not the same as “office.”	11
12. Table 4.6-1 of the DEIR evaluates “Project Consistency with the City of Palo Alto 2030 Comprehensive Plan.” However, is it correct that the table omits all mention of Comprehensive Plan Goal L-7, which is entitled “Conservation and preservation of Palo Alto’s historic buildings, sites and districts?”	12
13. Furthermore, some policies from Comprehensive Plan Goal L-7 are on page 4.2-6 of the DEIR but not all. Why was policy L-7.8 “Promote adaptive reuse of old buildings” omitted?	13
14. Why was Comprehensive Plan Policy L-7.11 omitted? In particular, it requires that proposed exterior alterations to designated Historic Landmarks make findings that the changes comply with the Secretary of the Interior standards. Although the two historic buildings on the site are not currently designated Historic Landmarks, the DEIR indicates they are eligible. Demolishing part of a historic structure seems like an exterior alteration – in fact, a rather extreme one.	14
15. Why was Comprehensive Plan Policy L-7.12 omitted?	15
16. Why was Comprehensive Plan Policy L-7.13 omitted?	16
17. Given the above, how does the DEIR conclude in its discussion immediately after Table 4.6-1 that the project is compatible with the Comprehensive Plan when (a) relevant parts of the Comprehensive Plan are missing from that table and (b) the project does not appear to comply with Comprehensive Plan Goal L-7, which calls for conservation and preservation of Palo Alto’s historic buildings and sites?	17
18. The Comprehensive Plan and Municipal Code both call for inclusionary housing. Under Alternative 3, will there be inclusionary housing among the townhomes?	18
19. The plans for the ARB dated August 12, 2022 on page A1.0.2 say that the parking needed for the “office” space is 476 spaces, based on one per 300 square feet. However, Table 1 in 18.52.040 of the Municipal Code, which the plans cite, seems to say that required parking in RM-20 is one per 250 square feet for Administrative, Medical, Professional, and General Business Offices. What is the explanation for the discrepancy?	19
20. If the answer is that the space to be parked is for Research and Development, as it requires only one space per 250 square feet, then shouldn’t the DEIR say that explicitly, as Research and Development is not an office use? That is, the DEIR seems wrong to say the cannery building will house offices and instead should say that the building will house only Research and Development (along with retail) – and that an office use such as a legal, accounting or non-profit firm could not presumably occupy the building because parking would be insufficient.	20
21. On this same topic, how does the City determine that a tenant’ use is Research and Development vs. an office use? Are these rules clearly established and enforced? There is a concern that a firm in the cannery building is dubbed Research and Development, but were it to move to a zone that doesn’t allow that use, it is then dubbed an office use.	21

22. The DEIR says “Alternative 2 may conflict with the City’s Bicycle and Pedestrian Transportation Plan since an enhanced bikeway traversing the site is not included as part of the project description or site plans.” Why would it not be able to have an enhanced bikeway?	22
23. Why is a third floor needed for Alternative 2?	23
24. What would be the approximate average residence size in the cannery building if no third floor is added under Alternative 2?	24
25. In Alternative 3, a large parking garage would be built between the cannery building and the homes on Olive. What about putting homes where the garage would be built and converting the portion of the cannery building that would be demolished under Alternative 3 into parking and personal storage area for residents? The cannery building would likely allow for more than one level of parking in places and little to no exterior modifications would be needed. 2,600 square feet of the building could still be converted to retail space, and that space would front onto Park, which would be more pedestrian-friendly than Alternative 3’s plan to place it behind the condominiums. Trees could be used to screen the homes on Olive from the new housing that would be their rear neighbors.	25
26. Would this variant to Alternative 3 be more consistent with Goal L-7?	26
27. How would this variant to Alternative 3 differ in number of housing units from Alternative 3?	27
28. Does Table 6-1 on DEIR page 6-2 clearly distinguish between proposals that would demolish part of the cannery and ones that won’t?	28
29. Where that table says Alternative 2 would remove R&D and warehouse space, should it instead say that it would preserve the entire building but convert the space in the building to new uses?	29
30. Can the impacts on the jobs/housing imbalance for the different alternatives be added to that table?	30
31. What are the criteria for listing items in the section called “Areas of Known Controversy?”	31
32. Considerable controversy has existed in Palo Alto over special zoning granted to individual projects. These grants have been known as PCs, development agreements, and spot zoning. The controversy instigated a cover story in a local newspaper and the Council subsequently opted to cease granting PCs. They later brought PCs back in a limited way for housing projects but have not been encouraging even those in and near existing residential areas. Since the proposed project, Alternative 1, and Alternative 3 would require continuation of R&D uses on an RM-30 lot, which is likely a major concession to the owner of the property, why is that not listed under “Areas of Known Controversy?”	32
33. Furthermore, in response to the many criticisms of special zoning, council members asked that future proposals be accompanied by an economic analysis of the benefits to the public versus those to the developer. Shouldn’t the absence of that analysis for this project be listed under “Areas of Known Controversy?”	33

34. Palo Alto was also criticized several years ago by the Santa Clara County Grand Jury for entering into non-public discussions of potentially substantial benefits being granted to private developers. The 27 University project, which was scuttled once the public and press found out about it, was in particular called out by the Grand Jury report. Why aren't the private negotiations associated with this project, which the public had no ability to follow or comment on, listed under "Areas of Known Controversy?"	34
35. Can EIRs include analyses of the public and private benefits that will accrue from proposed developments?	35
36. Does any law preclude Palo Alto from conducting such a financial analysis and making it public?	36
37. Is it correct that the traffic analysis modeled future nearby traffic using a city annual growth rate of 1.62% for morning peak hour traffic and 1.58% for evening peak hour traffic (per page 12 of Appendix H)?	37
38. Is that rate of growth cited in Appendix H consistent with the NVCAP plan projecting 670 housing units compared to the 142 that exist now in North Ventura and no actual reduction in R&D and other office uses? I appreciate that some of that growth in housing units will occur on the project site itself, but by no means all.	38
39. Is the rate of growth cited in Appendix H consistent with office size shrinkage, which increases the number of workers even when office space is not increasing?	39
40. Is the rate of growth cited in Appendix H consistent with the overall RHNA goals for Palo Alto to add over 6,000 residences?	40
41. Is the rate of growth cited in Appendix H consistent with the nearby projects listed in Table 3-1?	41
42. Although the discussion above Table 3-1 says, "These projects are considered in the cumulative analyses in Section 4, Environmental Impact Analysis," are they actually included in the traffic analysis?	42
43. Can traffic analysis use external growth rates derived from plans for the immediate surrounding area rather than city-wide? That is, many parts of Palo Alto are low-density residential and likely have very low rates of traffic growth. Other parts of the city have new office buildings, densified offices, new hotels, and/or new multi-unit housing and likely are experiencing much faster traffic growth.	43

Thank you!

Jeff Levinsky

Letter 8

COMMENTER: Jeff Levinsky

DATE: November 14, 2022

Response 8.1

The commenter asks if the citation on Page 2-4 of the Draft EIR should be corrected from 18.70.030(b)(2)(E) to 18.70.070(b)(2)(E).

In response to this comment, a correction has been made. Please see Chapter 4, Revisions to the Draft EIR, of this document.

Response 8.2

The commenter asks if the City's interpretation of the PAMC is that the options for the main site are uses allowed under RM-30 or the ratio of retail, R&D, warehouse, and storage uses as existed when special rule 18.70.070(b)(2)(E) for the site was enacted.

This comment does not pertain to the information, analysis, or conclusions in the Draft EIR. Nonetheless, the City agrees with this interpretation.

Response 8.3

The commenter asks if the proposed project complies with the two options listed in Comment 8.2.

This comment does not pertain to the information, analysis, or conclusions in the Draft EIR. The proposed project includes a 91-unit townhome development using state density bonus regulations. The proposed multi-family use is consistent with the RM-30 zoning. The remaining portion of the building would still be subject to PAMC Section 18.70.070(b)(2)(E).

Response 8.4

The commenter asks if a change in parcel lines would be able to bring the resulting parcels into compliance. The commenter asks if one parcel was RM-30 if the others would have R&D space without retail required to balance the R&D use.

This comment does not pertain to the information, analysis, or conclusions in the Draft EIR. The entire site is currently zoned RM-30, with a special provision allowing non-conforming uses only if the ratio provided in 18.70.070(b)(2)(E) is maintained. Therefore, the City does not believe the current zoning permits R&D space without accompanying retail and warehouse uses, regardless of parcel size.

Response 8.5

The commenter asks if PAMC Section 18.70.070(b)(2)(E) would need to be modified or repealed to allow the R&D space on site to remain.

This comment does not pertain to the information, analysis, or conclusions in the Draft EIR. It is the City's position that PAMC Section 18.70.070(b)(2)(E) would need to be modified to allow the R&D space on site to remain without accompanying retail and warehouse uses. Section 18.70.070(b)(2)(E) would not need to be modified for R&D space to remain in conjunction with retail and warehouse uses in the appropriate ratio.

Response 8.6

The commenter asks why the staff's interpretation of the PAMC is not listed under areas of known controversy given that the parcel owner has objected to this interpretation.

The "areas of known controversy" as discussed in the Executive Summary of the Draft EIR are based on the responses to the Notice of Preparation (NOP) circulated on December 20, 2021. Of the four responses received to the NOP, none of the commenters raised concerns about the project's consistency with the PAMC, nor have other commenters on the Draft EIR raised this issue.

Response 8.7

The commenter asks if a project that does not comply with allowed uses under zoning laws is eligible to use the provisions of SB 330.

A pre-application under SB 330 does not require a project to be zoning compliant and has no bearing on whether the proposed project must ultimately be approved; however, the proposed project complies with the zoning insofar as it proposes residential uses in the RM-30 zone. The proposed project does not specify uses in the remaining portion of the Cannery building.

Response 8.8

The commenter asks why the City cannot reject the proposed project as non-compliant with current zoning laws if the project is eligible to submit under SB330.

A pre-application under SB 330 does not require a project to be zoning compliant and has no bearing on whether the proposed project must ultimately be approved; however, the proposed project complies with the zoning insofar as it proposes residential uses in the RM-30 zone. The proposed project does not specify uses in the remaining portion of the Cannery building.

Response 8.9

The commenter asks if the density bonus can overcome non-compliance with site usage and, if so, how that would work.

Neither the project proponent nor the City have proposed to utilize State Density Bonus law to address the City's regulation of uses on the site.

Response 8.10

The commenter asks if approvals of parcel line changes are discretionary actions.

A subdivision map such as a parcel map involves a discretionary action by the City for purposes of CEQA.

Response 8.11

The commenter states that there is a discrepancy between the uses of neighboring buildings stated on Page ES-2 and in Table 6-1 of the Draft EIR.

Section 2, *Project Description*, of the Draft EIR states that "on the eastern boundary of the project site at 3250 Park Boulevard and 278 Lambert Avenue are two one story office buildings totaling 11,762 square feet that are currently occupied by an automotive service use (Audi)." Table 6-1 in Section 6, *Alternatives*, refers to the same building as an "auto care center." These uses ("automotive service use" and "auto care center" use) are generally consistent.

Response 8.12

The commenter asks why Comprehensive Plan Goal L-7 was not included in Table 4.6-1 of the EIR.

Section 4.6, *Land Use and Planning*, analyzes the proposed project's consistency with applicable land use plans, policies, and regulations including the 2030 Comprehensive Plan and the PAMC. Table 4.6-1 includes applicable policies from the Land Use and Community Design Element, Transportation Element, and Natural Environment Element. Plan Goal L-7 is included in and appropriately addressed in Section 4.2, *Cultural and Tribal Cultural Resources*.

Response 8.13

The commenter asks why Policy L-7.8 of the 2030 Comprehensive Plan was omitted from discussion on Page 4.2-6.

Policy L-7.8 is to "promote adaptive reuse of old buildings," and includes three accompanying programs, all of which call for City actions related to preservation planning activities, such as creating incentives and implementing building code provisions. Neither the policy nor the programs are applicable to project-specific activities and were therefore not included in the regulatory framework discussion for this project.

Response 8.14

The commenter asks why Comprehensive Plan Policy L-7.11 was omitted from discussion in the EIR.

Policy L-7.11 states, "for proposed exterior alterations or additions to designated Historic Landmarks, require design review findings that the proposed changes are in compliance with the Secretary of the Interior's Standards for Rehabilitation." The proposed project does not include a designated Historic Landmark. The policy is not, therefore, applicable.

Response 8.15

The commenter asks why Comprehensive Plan Policy L-7.12 was omitted from discussion in the EIR.

Policy L-7.12 states, "maintain the historic integrity of building exteriors. Consider parking exceptions for historic buildings to encourage rehabilitation." The policy includes accompanying Program 7.12.1 which is to "review parking exceptions for historic buildings in the Zoning Code to determine if there is an effective balance between historic preservation and parking needs." The policy's focus on parking exceptions is not applicable to the proposed project. The maintenance of building exteriors is more directly referenced in Policies L-7.1 and L7.2, which are included in the regulatory framework discussion in Section 4.2.

Response 8.16

The commenter asks why Comprehensive Plan Policy L-7.13 was omitted from discussion in the EIR.

Policy L-7.13 is to "encourage and assist owners of historically significant buildings in finding ways to adapt and rehabilitate these buildings, including participation in state and federal tax relief programs." To be eligible to participate in the Federal Historic Tax Credit program, properties must be listed in or eligible for listing in the National Register of Historic Places (NRHP). The property is not listed in or has not been found eligible for listing in the NRHP. The state historic tax credit program has been adopted, but has yet to be funded or have its requirements defined by the state. The policy is not applicable to the project.

Response 8.17

The commenter asks how the EIR concludes that the project is compatible with the Comprehensive Plan when there are comprehensive plan policies missing from the table and the proposed project does not appear to comply with Comprehensive Plan Goal L-7 which calls for conservation and preservation of Palo Alto's historic buildings and sites.

The discussion of compatibility with the Comprehensive Plan is discussed in Section 4.2 *Land Use and Planning*, of the Draft EIR as it relates to any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect, where Threshold Question 2 is "would the project cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact?" The EIR found that project was consistent with those applicable land use goals and policies. Plan Goal L-7 is more appropriately and correctly included in Section 4.2, which discusses the project as it relates to cultural and tribal cultural resources. Cultural Resources Threshold Question 1 is "would the project cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5?" The threshold question does not require analysis to include a finding that the project is consistent with the Comprehensive Plan's goals or policies related to the treatment of historical or cultural resources. Because the proposed project would result in a substantial adverse change to a historical resource, this impact would be significant and unavoidable.

Response 8.18

The commenter asks if there would be inclusionary housing among the townhomes in Alternative 3.

This level of detail is not provided or required for Alternative 3 as analyzed in Section 6, *Alternatives*, of the Draft EIR. Please see Response 4.20.

Response 8.19

The commenter asks why there is a discrepancy between the plans reviewed by the Architectural Review Board, which indicate that parking needed for office space is one parking space per 300 square feet, and Table 1 in 18.52.040 of the PAMC, which states that the required parking for office space is parking space one per 250 square feet.

The proposed project does not include any changes to the total square footage of existing Research and Development (R&D) uses within the cannery building or the office use within the 3201-3225 Ash Street. The commenter is correct that the required parking ratio for both general business office and R&D uses in the RM-30 zone district is one parking space per 250 square feet. The information provided by the applicant in their proposed plans was not correct. Staff identified this inconsistency in its review of the plans and corrections would be required prior to approval of the project or any of the proposed alternatives.

Response 8.20

The commenter references the discrepancy discussed in comment 8.19 and suggests that if the parking is for R&D, the EIR should explicitly state that instead of saying the cannery building would house offices.

See Response to Comment 8.19. As discussed in Section 2, *Project Description*, of the Draft EIR, the current tenants in the cannery building commercial building that would be demolished are proposed

to move into the vacant portion of the building. Currently, no office uses are present in the cannery building.

Response 8.21

The commenter asks how a tenant's use would be determined as R&D versus office use and if there are clear rules governing this. The commenter expresses concern that firms would change their designation to fit the proposed zoning in any given area of the cannery building.

The various types of office uses, including "professional office", "general business office", etc. and "Research & Development" uses are defined in PAMC Section 18.04.030.

Response 8.22

The commenter references a section of the Draft EIR that states that Alternative 2 may conflict with the City's Bicycle and Pedestrian Transportation Plan since an enhanced bikeway is not included as part of the proposed alternative and asks why Alternative 2 cannot have an enhanced bikeway.

The EIR treats Alternative 2 similar to the proposed project and assumes that an enhanced bikeway and public access is not specifically part of the project description because there are no specific project plans provided that show an enhanced bikeway. Similar to the proposed project, Mitigation Measure T-1 would be required to mitigate this impact to a less than significant level.

Response 8.23

The commenter asks why Alternative 2 needs a third floor.

As discussed in Section 6, *Alternatives*, of the Draft EIR, Alternative 2 is consistent with the City Council's selected alternative for the NVCAP. In order to accommodate the proposed number of units of 281 units, it is assumed that additional height would be needed. Please also see Response 3.8.

Response 8.24

The commenter asks what the average residence size in the cannery building would be without adding a third floor under Alternative 2.

Please see Response 3.8.

Response 8.25

The commenter proposes an alternative to Alternative 3, which involves putting residential units at the location of the proposed parking garage and converting the portion of the cannery building that would be demolished into a parking lot.

Please see Response 3.8. For the same reasons as described in Response 3.8, modifying the cannery building to convert it to a parking use could not be done without modifying the character-defining features of the building. Therefore, a significant impact would still occur.

Response 8.26

The commenter asks if their proposed variant of Alternative 3 as described in Comment 8.25 would be more consistent with Goal L-7 of the General Plan.

Please see Response 3.8.

Response 8.27

The commenter asks how their proposed variant of Alternative 3 as described in Comment 8.25 would differ in number of housing units.

Please see Response 3.8.

Response 8.28

The commenter asks if Table 6-1 on Page 6-2 of the Draft EIR distinguishes between proposals that would demolish part of the cannery building and ones that would not.

The description of alternatives in Section 6, *Alternatives*, of the Draft EIR specify that Alternative 3 would involve demolition of existing warehouse and vacant retail space in the cannery building and Alternative 2 would not involve demolition of a portion of the cannery building (though it would require some demolition activities in order to increase the height at 200 Portage to accommodate 281 new residential units and change the use from commercial to residential). In response to this comment, edits have been made to Table 6-1 to clarify what is being demolished. Please see Chapter 4, Revisions to the Draft EIR, to see the clarifying edits made to this table.

Response 8.29

The commenter asks if the Draft EIR should state that Alternative 2 would preserve the cannery building but convert it to new uses instead of stating that Alternative 2 would remove R&D and warehouse space as it does now.

The description of Alternative 2 in Section 6.2.1 in Section 6, *Alternatives*, states that under Alternatives 2, the eligible historical resource at 200 Portage (also known as 340 Portage) would remain, would be increased in height to three stories, and that the interior of the building would be developed with 281 residential units under this alternative. Further, as stated in Section 6.2.1, under Alternative 2 the existing commercial space in the 200 Portage building would be reduced and only 7,400 square feet of commercial space would remain. Therefore, Alternative 2 would involve removal of R&D and warehouse space. Please also see Response 8.28.

Response 8.30

The commenter asks if each of the alternatives' impacts on jobs/housing can be added to Table 6-1.

In response to this comment, additional information has been added to the population and housing analysis in Section 4.9, *Effects Found Not to be Significant*, and in Chapter 6, *Alternatives*, of the EIR. These revisions are shown in Chapter 4, Revisions to the Draft EIR, of this document. The proposed project would retain existing commercial uses as they are and would increase housing. Therefore, it would improve the jobs/housing imbalance. Alternative 2 would improve the jobs/housing imbalance further because it would reduce commercial uses and add even more housing than under the proposed project. Alternative 3 would add 2,600 square feet of retail use and change one building from automotive service use to R&D use. Overall, this Alternative may incrementally increase jobs. However, the increase in 74 housing units would outweigh these changes and improve the jobs/housing imbalance overall.

Response 8.31

The commenter asks what the criteria are for listing an item under “Areas of Known Controversy.”

The “areas of known controversy” as discussed in the Executive Summary of the Draft EIR are based on the responses to the Notice of Preparation (NOP) circulated on December 20, 2021, as well as comments received in public hearings and in other public forums that are specific to the proposed project and are stated by multiple members of the public or by public agencies.

Response 8.32

The commenter references controversy in Palo Alto over special zoning granted to individual projects. The commenter asks why this is not listed under “Areas of Known Controversy” since Alternative 1 and Alternative 3 would require this type of special zoning.

The “areas of known controversy” as discussed in the Executive Summary of the Draft EIR are based primarily on the responses to the Notice of Preparation (NOP) circulated on December 20, 2021. Of the four responses received to the NOP, none of the commenters raised such concerns. See also Response 8.31.

Response 8.33

The commenter states that City Council members have asked that future proposals requiring special zoning be accompanied by economic analysis of the benefits to the public and to the developer. The commenter asks why the absence of such an analysis for this project is not listed under “Areas of Known Controversy.”

The project does not propose special zoning, rather it proposes a multi-family development project on an RM-30 site using state density bonus law. See also Response 8.32.

Response 8.34

The commenter references the Santa Clara County Grand Jury’s criticisms of Palo Alto entering into non-public discussions with the developer for past projects. The commenter asks why the private negotiations associated with this project are not listed under “Areas of Known Controversy.”

See Response 8.32. Additionally, the creation and purpose of the ad-hoc were both part of an open, public discussion on the best strategy to determine whether a potential resolution to an openly discussed legal dispute could be reached. In addition, there has been a robust public process following these, initial, exploratory meetings.

Response 8.35

The commenter asks if EIRs can include analyses of public and private benefits that will accrue from proposed developments.

CEQA is concerned with physical environmental impacts that would result from the proposed project under consideration. Therefore, this analysis is not required for the purposes of CEQA.

Response 8.36

The commenter asks if any law precludes Palo Alto from conducting a financial analysis such as that referenced in Comment 8.35 and making it public.

There is no law that precludes Palo Alto from conducting this analysis. However, this comment does not pertain to the physical environmental impacts associated with the project that are under consideration in the Draft EIR.

Response 8.37

The commenter asks if the traffic analysis modeled future nearby traffic using a city annual growth rate of 1.62% for morning peak hour traffic and 1.58% for evening peak hour traffic as is shown on Page 12 of Appendix H.

The annual growth rates shown on Page 12 of Appendix H of the Draft EIR describe growth rates specific to the study area. This local growth rate was derived from the City's travel demand model, which includes future land use assumptions for the entire City plus surrounding region as documented in the most recently adopted General Plan.

Response 8.38

The commenter asks if the growth rate used in Appendix H of the Draft EIR is consistent with NVCAP plan projections.

The annual growth rates shown on Page 12 of Appendix H describe growth rates specific to the study area. This rate was derived from the City's travel demand model which includes land use assumptions for the entire City plus surrounding region as documented in the most recently adopted Comprehensive Plan including the study area.

Furthermore, to date, the NVCAP study has not included a projection of future traffic volumes and so a direct comparison of growth rates applied cannot be completed. It is anticipated that detailed traffic projections for the NVCAP study will be prepared for the purposes of the NVCAP analysis as that study progresses.

Response 8.39

The commenter asks if the growth rate used in Appendix H of the Draft EIR is consistent with office size shrinkage, which could increase the number of workers even when office size does not increase.

Travel Demand Forecast models (such as the one used by the City of Palo Alto) estimate traffic projections for offices based on the number of employees rather than the square foot size of the office space. As such, the growth rate referenced in Appendix H is consistent with projections of the future workforce-population in the region.

Response 8.40

The commenter asks if the growth rate used in Appendix H of the Draft EIR is consistent with the Regional Housing Needs Assessment for Palo Alto that calls for over 6,000 new residences.

The annual growth rates shown on Page 12 of Appendix H are based on the City's 2030 Comprehensive Plan land use assumptions and corresponding RHNA goals in the 2015-2023 Housing Element, which was in effect at the time of the Notice of Preparation and when the Draft EIR was prepared.

Response 8.41

The commenter asks if the growth rate used in Appendix H of the Draft EIR is consistent with nearby projects listed in Table 3-1 of the Draft EIR.

As described in Appendix H, the Local Transportation Analysis prepared for the proposed project, a review of available data from the City of Palo Alto Travel Demand Forecast Model indicates that an annual growth rate of 1.62 percent for the a.m. and 1.58 percent for the p.m. peak hours is appropriate to estimate the future year demand. These growth rates were applied uniformly to all existing traffic volumes for the weekday a.m. and p.m. peak hours to forecast the Background Condition and Cumulative Condition future traffic volumes. In general, changes in future traffic volumes are reflected in these growth rates as they are derived from the City's travel demand model that incorporates land use and future development assumptions across the City and surrounding region. Therefore, the growth rates do account for future land use assumptions in the City. Also, each of the individual projects listed in Table 3-1 would likely have prepared a separate traffic evaluation based on the most recent information available at the time of the study. As such, the methodology used to estimate future traffic demand may also vary from project to project since the data sets used to derive this information are periodically updated.

Response 8.42

The commenter asks if the projects listed in Table 3-1 are included in the traffic analysis.

The growth rate used to forecast traffic demands for the cumulative condition was derived from land use assumptions from the most recently adopted Comprehensive Plan plus growth associated with regional land use changes. Projects listed in Table 3-1 are also included with these land use assumptions.

Response 8.43

The commenter asks if the traffic analysis can use growth rates derived from project plans in the immediate areas surrounding the proposed project rather than city wide growth rates.

The growth rate used to forecast traffic demands for the cumulative condition was derived from land use assumptions from the most recently adopted Comprehensive Plan plus growth associated with regional land use changes. Projects listed in Table 3-1 are also included with these land use assumptions.

Furthermore, the use of City of Palo Alto Travel Demand Model is consistent with Section 11.1.2 of the VTA TIA Guidelines and provides a reasonable growth profile for expected traffic demands for future year analysis.

3 Public Hearing Comments and Responses

Verbal comments received at the public hearings (Planning and Transportation Commission on October 12 and October 26, 2022 from the public are summarized below. The comment summaries are derived from the Summary Minutes documents from each hearing provided on this webpage: <https://www.cityofpaloalto.org/Departments/Planning-Development-Services/Planning-and-Transportation-Commission-PTC/Current-PTC-Agendas-Minutes>. In some cases minor clarifying edits have been made.

3.1 Planning and Transportation Commission Hearing – October 12, 2022

Response PTC-1

Jeff Levinsky supported full retention of the Cannery and Ash buildings. He suggested using the cannery as the parking garage and placing townhomes where the proposed parking garage was to be located. He did not support adding a third floor as suggested in Alternative Two and suggested going with only two stories to allow for more housing. He suggested that there was an error in Table 6-1 and Draft EIR on Page 6-2 because there was no distinction between proposals that demolished part of the Cannery and ones that did not. Under Alternative Three, the Audi building was proposed to be converted into office space which added more office. He suggested that the goal of the NVCAP was to create a more pleasant residential neighborhood and converting spaces to more R&D went against that goal. He agreed with the Commission's comments about understanding the financial deals and intangibles. He strongly recommended that the Cannery and Ash building be placed on the California Register and Local Historic Register immediately.

The commenter's opinions are noted. Revisions to Table 6-1 have been made to clarify which alternatives involve demolishing a portion of the cannery building. Please see Chapter 4, Revisions to the Draft EIR, of this document.

See also responses 8.28 and 3.8.

Response PTC-2

Liz Gardner stated an opinion that the parcel was a 100-year opportunity for the City to come together and do something right for future generations. While she appreciated the applicant and the City working together to come to a solution that bettered the City as a whole. She expressed disappointment that much of the land will be used for commercial use and market-rate townhomes. The site would be best used for housing that could accommodate low-wage workers. She requested there be a separation between the park designation and the parcel dedicated to affordable housing.

This comment does not raise specific concerns about the analysis or conclusions of the Draft EIR. The commenter's opinions about the project are noted and will be considered by City decision-makers.

Response PTC-3

Terry Holzemer appreciated the Draft EIR's evaluation of Alternative 2. He shared concerns about adding a third story to the cannery but believed it was a better proposal than Alternative 3. He shared briefly the history of the Cannery building and how important it is to retain historical structures for future generations. He concurred with the previous speaker that the cannery building should be added to the California Register as well as the Local Historic Register.

This comment does not raise specific concerns about the analysis or conclusions of the Draft EIR. The commenter's opinions about the project are noted and will be considered by City decision-makers.

3.2 Planning and Transportation Commission Hearing – October 26, 2022

Response PTC-4

Jeff Levinsky stated he could not find in the traffic analysis any mention of the anticipated growth of the NVCAP and how that traffic would combine with the Sobrato proposal. He referenced Page 12 of Appendix H which discussed the overall City growth rate for traffic and the Draft EIR used that growth in its traffic analysis. The amount of housing was anticipated to grow significantly in the NVCAP area. He did not believe that the City's growth numbers reflected office densification and it was not right to use City-wide growth numbers in North Ventura.

An analysis of cumulative traffic effects is included in the Draft EIR starting on Page 4.8-20 in Section 4.8, *Transportation*. Table 4.8-8 shows projected traffic delay and LOS at the seven studied intersections under cumulative and cumulative plus project conditions. As shown in this table, during the a.m. and p.m. peak hours the westbound stop-controlled approaches to the intersections of El Camino Real/Olive Avenue and El Camino Real/Lambert Avenue would operate at an unacceptable LOS F with or without the addition of project-generated vehicle trips. Projected p.m. peak hour volumes at the intersection of El Camino Real/Olive Avenue would satisfy the peak hour volume warrant once project generated traffic is added under the cumulative scenario. The intersection of El Camino Real/Lambert Avenue would have volumes which satisfy the peak hour volume warrant for both the a.m. and p.m. peak hours with or without the project. Nonetheless, as discussed above, California's Third District Court of Appeal ruled that under SB 743, automobile delay may no longer be treated as a significant impact in CEQA analysis (*Citizens for Positive Growth & Preservation v. City of Sacramento*). Therefore, the project would not contribute to a significant cumulative impact related to vehicle delay. Please also see Response 3.2.

Response PTC-5

Becky Sanders stated that the Draft EIR identified Alternative 2 to be better than the original plan or the proposed DA. She encouraged the City to further pursue Alternative 2 and adopt it. Destroying any portion of the Cannery canceled its eligibility to be listed as a historic resource. She noted that the majority of residents in North Venture supported adding more housing for new neighbors, no increase in R&D, preservation and enhancement of community-serving retail, transit planning that serviced all of Ventura, a more bike and walk-friendly design, and parks for families. That was all encompassed in Alternative 2, which was also similar to Alternative M the NVCAP Working Group had recommended. She pointed out that at the last PTC meeting, the representative from Sobrato did say that Alternative 3, with minor adjustments, had been supported by Council and that was

incorrect. Also, at the PTC meeting, the applicant was allowed to speak for 15 minutes and she requested that the PTC uphold the time limit of 10 minutes

This comment does not raise specific concerns about the analysis or conclusions of the Draft EIR. The commenter's opinions about the project are noted and will be considered by City decision-makers.

Response PTC-6

Commissioner Hechtman addressed the comment about a cumulative analysis for traffic and shared that the analysis was on 4.9-20 in the Draft EIR. He mentioned he focused on Section 6 of the Draft EIR and suggested again that the project objectives for the DA be included in the Draft EIR. That then would show that Alternative 2 did not meet the project objectives and that statement should be revised. The same concept applied to 6-1 and the project objectives should be corrected so that the comparison is correct.

The project objectives have not changed since publication of the Draft EIR. This comment does not raise specific concerns about the analysis or conclusions of the Draft EIR. The commenter's opinions about the project are noted and will be considered by City decision-makers.

Response PTC-7

Commissioner Reckdahl noticed an error on 4-7.11 with respect to the noise modeling. The equation used to model the noise impact was wrong. He asked if it was standard practice to use a linear equation to evaluate noise levels at the edge of a property.

As discussed on Page 4.7-11 of the Draft EIR, noise levels associated with heating ventilation and air condition (HVAC) units with exterior condensers were modeled using a point source noise level and distance attenuation to determine resulting noise levels at adjacent properties. The proposed project would include one HVAC unit for each dwelling unit for a total of 91 units. The dwelling units would be dispersed throughout the site at each unit, with the center of noise from the HVAC units being in the approximate center of the project site. The center of the site is approximately 310 feet from the nearest off-site sensitive receivers along Olive Avenue adjacent to the proposed development to the west. Therefore, the project's combined HVAC noise levels from 91 units were estimated at a distance of 310 feet. This approach is a reasonable method for representing HVAC units spread across the project site by using the center of the units as representing the center of the noise source. This is a reasonable assumption that reflects the potential spread of HVAC units across the site. Further, this approach is conservative in that it does not take into account screening of noise from intervening structures or noise attenuation from building angles or the height of the HVAC units. Even if a different method or approach was used, noise from the HVAC units would still be well below exceedance of a threshold. The threshold for the analysis is if the project would increase the existing ambient noise level of 56 dBA Leq by 6 dBA to 62 dBA Leq. For example, the center of the nearest proposed building (Building 1, a 4-plex) is approximately 50 feet from the nearest residential property. If we assume all 91 HVAC units are placed at a distance of 50 feet, they would result in a noise level of 56.5 dBA. Combined with the ambient noise level would result in a noise level of 59.3 dBA, for a 3 dBA increase, well below the 6 dBA threshold.

Response PTC-8

Commissioner Reckdahl mentioned the toxic plume under the site and the monitoring well on the parcel that Sobrato was dedicating to the City. He asked if during construction high levels of pollutants are found, who was responsible for cleaning it up.

As discussed in Section 4.5, *Hazards and Hazardous Materials*, and required in Mitigation Measures HAZ-1 and HAZ-2, the project applicant is required to coordinate with an appropriate oversight agency (SCCDEH, RWQCB, or DTSC) to determine the nature and extent of contamination on the site and to review and approve a site management plan for the treatment of the site.

Under Alternative 3, the City would assume responsibility for required cleanup of the parcel upon dedication of the parcel to the City and would be responsible for preparing a site management plan for under Mitigation Measure HAZ-2.

Response PTC-9

Vice-Chair Summa added that the typical procedure for toxic plumes was to add a vapor barrier. Generally speaking, she supported moving forward with the process but noted there were items she was uncomfortable with in the Development Agreement. She acknowledged the concerns about not having more housing on the site and she was troubled by the potential loss of the historic integrity of the cannery building.

The commenter's opinions are noted. As discussed in Section 4.5, *Hazards and Hazardous Materials*, of the Draft EIR, the project, if approved, would be subject to a City of Palo Alto standard City Condition of Approval which requires the project applicant to retain a qualified environmental consultant to assess project site conditions to determine both the nature and extent of soil vapor contamination prior to issuance of building permits. The control measures to reduce impacts from volatile organic compounds or other constituents of concern, as documented in the site management plan approved by the oversight agency would be incorporated into the plan set as appropriate.

4 Revisions to the Draft EIR

Chapter 4 presents specific changes to the text of the Draft EIR that are being made in response to comments received or to make corrections. In no case do these revisions result in a greater number of impacts or impacts of a substantially greater severity than those set forth in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are set forth, followed by the appropriate revision. Added text is indicated with underlined and deleted text is indicated with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR.

The following revision has been made to Page ES-4 in the Executive Summary of the EIR:

The EIR scoping process identified areas of known controversy for the proposed project including traffic congestion, ~~and~~ consistency with applicable bicycle facility plans, and impacts related to demolition of an eligible historical resource. Responses to the Notice of Preparation of a Draft EIR are summarized in Section 1, *Introduction*.

The following revision has been made to Page 1-2 in Section 1, *Introduction*, of the EIR:

The *CEQA Guidelines* define lead, responsible and trustee agencies. The City of Palo Alto is the lead agency for the project because it holds principal responsibility for approving the project.

A responsible agency refers to a public agency other than the lead agency that has discretionary approval over the project. ~~There are no responsible agencies for this project, and no discretionary approval from other public agencies is required.~~ Work within the Santa Clara Valley Water District (Valley Water) easement along Matadero Creek would require issuance of a Valley Water encroachment permit; therefore, Valley Water is considered a responsible agency.

A trustee agency refers to a state agency having jurisdiction by law over natural resources affected by a project. There are no trustee agencies for the proposed project.

The following correction has been made on Page 2-4 in Section 2, *Project Description*, of the EIR:

The cannery building on the site is also subject to a site-specific portion of the zoning code that governs non-conforming uses. PAMC Section ~~18.70.030(b)(2)(E)~~ 18.70.070(b)(2)(E) states:

The nonconforming uses of the property at 3200 Park Boulevard/340 Portage Avenue/Olive Avenue for retail, research and development, warehouse, and storage uses are permitted in approximately the same ratio of uses existing as of October 16, 2006, subject to the following limitations: (1) retail uses shall not exceed 60,000 square feet, and (2) truck deliveries and other noisy outdoor activities shall be limited to the hours of 8:00 a.m. to 9:00 p.m. weekdays and 9:00 a.m. to 9:00 p.m. weekends.

The following revision has been made to Page 2-13 in Section 2, *Project Description*, of the EIR:

There are currently ~~88~~100 trees within or adjacent to the area of development. The proposed project would preserve ~~16~~17 trees on the site and 2 trees off-site, while removing ~~70~~83 trees. Of the trees to be removed, ~~two~~four redwoods and ~~one~~two Coast live oak are considered “protected trees” under the City’s Tree Protection Ordinance. The project would involve planting ~~176~~165 proposed new trees around the site for a net increase of 82 trees.

The following revision has been made to Page 2-13 in Section 2, *Project Description*, of the EIR:

The proposed project would require approval of the following entitlements by the City of Palo Alto City Council:

- Major Architectural Review application for 91 condominium units
- A Vesting Tentative Map to create two new parcels and for 91 condominium units on one of the two resulting parcels
- Tree removal permit

~~No approvals from other public agencies would be required for the proposed development.~~
In addition, work within the Santa Clara Valley Water District (Valley Water) easement along Matadero Creek would require issuance of a Valley Water encroachment permit.

The following revision has been made to Table 3-1 in Section 3, *Environmental Setting*, of the EIR:

Table 3-1 Cumulative Projects List

Project Location	Land Use	Size	Status	Distance to Project Site
3241 Park Boulevard	Office	7,861 sf	Approved not yet under construction	50 feet
3045 Park Boulevard	Office	17,756 sf	Under construction	50 feet
123 Sherman Avenue	Office	52,013 sf	Under review	0.3 mile
739 Sutter Avenue	Residential	12 units	Under review	0.8 mile
702 Clara Drive	Residential	3 units	Approved not yet under construction	0.8 mile
250 Sherman Avenue	Public safety	48,00 sf	Under construction	0.3 mile
380 Cambridge Avenue	Commercial	17,502 sf	Approved not yet under construction	0.5 mile
901 California Avenue	Laboratory	55,582 sf laboratory	Under review	0.5 mile
1450 Page Mill Road	Office	74,400 sf	Under construction	0.75 mile
3223 Hanover Street	Office/R&D	67,200 sf	Under construction	0.75 mile
2585 El Camino Real	Mixed-use residential and commercial	14 units Commercial	Under construction	0.3 mile
2755 El Camino Real	Residential	60 units	Construction complete	0.2 mile
2951 El Camino Real	Mixed-use residential and commercial	113 units 5,000 sf office 1,000 sf retail	Preliminary	500 feet

Project Location	Land Use	Size	Status	Distance to Project Site
3150 El Camino Real	Mixed-use residential and commercial	129 units 2,800 sf retail	Preliminary	0.1 mile
3225 El Camino Real	Mixed-use residential and commercial	11,984 sf commercial 8 units	Under construction	400 feet
3265 El Camino Real	Mixed-use residential and commercial	3 units 275 sf commercial	Under construction	450 feet
3300 El Camino Real	Office/R&D	52,872 sf	Under review	0.1 mile
3585 El Camino Real	Mixed-use residential and office	3 units 3,126 sf office	Approved not yet under construction	0.3 mile
3705 El Camino Real	Residential	59 units	Under construction	0.4 mile
3709 El Camino Real	Mixed use residential and office	67 units 3,530 sf office	Preliminary	0.4 mile
3877 El Camino Real	Mixed-use residential and commercial	17 units 4,675 sf commercial	Under construction	0.5 mile
4115 El Camino Real	Mixed-use residential and commercial	7 units	Under construction	0.8 mile
300 Lambert Ave	Residential	49 units	Preliminary	25 feet
<u>231 Grant Street</u>	<u>Residential</u>	<u>110 Units</u>	<u>Approved not yet under construction</u>	0.4 mile

Source: City of Palo Alto 2022. Cumulative project details were sourced from buildingeye, a citizen-facing mapping interface provided by the City of Palo Alto and available online at <https://paloalto.buildingeye.com/planning> and verified with City planning staff. Excludes single-family homes and duplexes.

sf = square feet

The following revisions have been made to Table 4.4-2 and on the text following the table in Section 4.4, *Greenhouse Gas Emissions*, of the EIR:

Table 4.4-2 Combined Annual Emissions of Greenhouse Gases

Emission Source	Annual Emissions (MTCO₂e)
Proposed Project	
Project Operational	
Area	1
Energy	0
Mobile	363
Solid Waste	21
Water	3
Total Emissions from Proposed Project	388
Existing Uses to be Removed	
Existing Operational	
Area	(<1)
Energy	(2)
Mobile	(32)
Solid Waste	(5)
Water	(<1)
Total Emissions from Existing Uses to be Removed	(40)
Total Emissions from the Proposed Project (Proposed Project minus Existing Uses to be Removed)	<u>377348</u>
Interpolated BAAQMD Threshold	660
Exceed Threshold?	No
Source: Table 2.2 in GHG CalEEMod annual worksheets, see Appendix E for calculations and for GHG emission factor assumptions.	
Notes:	
() denotes subtraction	

As shown in Table 4.4-2, the proposed project would result in total emissions of approximately 388 MT CO₂e per year. The net increase in GHG emissions from the existing site use would be approximately 377348 MT CO₂e per year. Therefore, the proposed project would not exceed the interpolated BAAQMD significance threshold of 660 MT of CO₂e per year and would not generate a substantial increase in GHG emissions or conflict with SB 32. This impact would be less than significant.

The following revisions have been made to pages 4.8-20 to 4.8-21 in Section 4.5, *Hazards and Hazardous Materials*, of the EIR.

Mitigation Measures

The following mitigation measures are required.

HAZ-1 Regulatory Agency Notification and Approval

Prior to the issuance of deconstruction, demolition, grading, building, or other permits necessary for beginning of construction or development, the project applicant shall contact an appropriate oversight agency such as the Santa Clara County Department of Environmental Health (SCCDEH), Department of Toxic Substances Control (DTSC), or San Francisco Bay Regional Water Quality Control Board (SFBRWQCB), to discuss the proposed redevelopment project, the proposed residential land use, ~~and~~ the prior environmental investigations, and determine the lead agency for assessment and/or remediation at the project site. The project applicant shall provide ~~SCDEH~~ the oversight agency with the proposed site use plans regarding the conversion of commercial land use to residential land use, copies of the 2020 and 2021 PES investigative reports, and discuss the onsite presence of groundwater impacted by VOCs at the project site as well as any concerns regarding potentially impacted soils or soil vapor.

~~SCDEH~~ The oversight agency may require the project applicant to conduct additional investigation/studies, including, but not limited to, soil investigation, soil vapor surveys, and/or groundwater investigations to delineate the extent of contaminated soil, soil vapor, and groundwater. ~~SCDEH~~ The oversight agency may require approval of the final ~~Soil~~ Site Management Plan (SMP) required by Mitigation Measure HAZ-2, below, prior to issuance of any required project permits. The project applicant shall comply with ~~SCDEH~~ the oversight requirements, conduct further investigations as required, and submit the results to ~~SCDEH~~ the oversight agency.

The ~~SCDEH closure and~~ oversight agency's (SCCDEH, SFBRWQCB, or DTSC) agency approval documents shall be delivered to and reviewed by the project applicant. The project applicant shall furnish copies of the documents, including the final Site Management Plan or equivalent document required by Mitigation Measure HAZ-2, to the City Planning Department prior to issuance of grading permits.

~~It should also be noted that SCDEH may determine that SFBRWQCB or DTSC may be best suited to perform the lead agency duties for assessment and/or remediation at the project site. Should the SFBRWQCB or DTSC serve as the oversight agency, this and other mitigation measures will still apply.~~

If groundwater wells or soil vapor monitoring probes are identified during demolition, subsurface demolition, or construction at the project site, they will be abandoned, protected in place, or relocated per Santa Clara Valley Water District specifications. Abandonment activities will be documented in a letter report submitted to Santa Clara Valley Water District within 60 days of the completion of abandonment activities.

HAZ-2 Site Management Plan for Impacted Soils, Soil Vapor and/or Groundwater

The project applicant shall retain a qualified environmental consultant, California Professional Geologist (PG) or California Professional Engineer (PE), to prepare a Soil Management Plan (SMP) prior to construction. The SMP, or equivalent document, will be prepared to address onsite handling and management of impacted soils, soil vapor, groundwater, or other impacted wastes, and reduce hazards to construction workers and offsite receptors during construction. The plan shall establish remedial measures and/or soil management practices to ensure construction worker safety, the health of future workers and visitors, and the off-site migration of contaminants from the project site. These measures and practices may include, but are not limited to:

- Stockpile management, including stormwater pollution prevention and the installation of BMPs
- Soil sampling procedures for imported fill material (in accordance with DTSC's 2001 Information Advisory Clean Imported Fill Material)
- Proper disposal procedures ~~of~~ for contaminated materials
- Monitoring, reporting, and regulatory oversight notifications
- A health and safety plan for contractors working at the project site that addresses the safety and health hazards of each phase of site construction activities with the requirements and procedures for employee protection
- The health and safety plan will also outline proper soil handling procedures and health and safety requirements to minimize worker and public exposure to hazardous materials during construction.

The City of Palo Alto and/or ~~SCDEH~~ the oversight agency (SCCDEH, DTSC, or RWQCB) will review and approve the SMP for impacted soils, soil vapor, and groundwater prior to issuance of any permits necessary for the beginning of construction. The project applicant will review and implement the SMP prior to and during demolition and grading (construction).

The following change has been made to Page 4.9-4 in Section 4.9, *Effects Found not to be Significant*, of the Draft EIR:

2, 3, 4) The project site is bisected by Matadero Creek, which is fully channelized and does not contain riparian habitat. The creek is not labeled as wetlands on the National Wetlands Inventory (U.S. Fish and Wildlife Service 2022a). The area of disturbance would not include the creek and the proposed project would not involve the direct removal, filling, hydrological interruption, or other means to the bed, bank, channel or adjacent upland area of Matadero Creek. The project footprint is relatively small, and the absence of significant wildlife movement corridors within the project limits and its location adjacent to developed and disturbed areas would ensure that the project would not interfere substantially with the movement of wildlife species. Proposed landscaping and planting for the project would comply with the Santa Clara Valley Water District's Guidelines and Standards for Land Use Near Streams. This impact would be less than significant.

The following change has been made to Page 4.9-5 in Section 4.9, *Effects Found not to be Significant*, of the Draft EIR:

There are currently ~~88-100~~ trees within or adjacent to the area of development. The proposed project would preserve ~~16-17~~ trees on the site and two trees off-site, while removing 70 trees. Of the trees to be removed, ~~three-six~~ trees, including ~~one-two~~ coast live oak and ~~two-four~~ redwoods, are “protected trees” under the City’s tree protection ordinance. The City’s Tree Preservation and Management Ordinance requires compliance with the Tree Technical Manual, which outlines the requirements for removal and replacement of protected trees consistent with the tree canopy requirements. A written Tree Removal Permit would be required prior to removal of the street tree and would further ensure that the requirements of the Ordinance are met. Compliance with the City’s regulations would ensure that impacts to street trees remain less than significant.

The following has been added to the population and housing analysis on Page 4.9-17 in Section 4.9, *Effects Found not to be Significant*, of the Draft EIR:

As discussed in the City’s Comprehensive Plan 2015-2023 Housing Element (adopted November 2014), the City has a jobs/housing imbalance skewed to the jobs side of the ratio. This trend requires the City to import most of its workers to meet the needs of business and industry, indicating an unmet need for housing in the City. The proposed project is a residential project that would provide 91 housing units. Under the proposed project, the amount of commercial space would stay the same. Therefore, the proposed project would improve the jobs-housing ratio. The project would not adversely affect the jobs/housing ratio. No impact would occur.

The following change has been made to pages 4.9-19 and 4.9-20 in Section 4.9, *Effects Found not to be Significant*, of the Draft EIR:

The proposed project would not include recreational facilities other than the on-site areas that would serve future residents of the project, such as a playground, a dog park, an outdoor seating area and Bocce Ball courts. ~~The park closest to the project site is~~ Parks in the vicinity of the project site include Boulware Park, a 1.5-acre neighborhood with play equipment park approximately 900 feet southwest of the area of project development and Peers Park, located at 1899 Park Boulevard approximately 0.7 mile west of the project, which is a 4.7-acre grassy area with facilities like picnic tables, tennis courts, basketball courts, soccer fields and playgrounds (City of Palo Alto 2021a). Construction of the project would not involve off-site activities or construction that would directly affect these parks. Therefore, impacts would be less than significant.

The following change has been made to Page 4.9-22 in Section 4.9, *Effects Found not to be Significant*, of the Draft EIR:

2) Development of the residential project would increase demand for potable water. Assuming that water use is approximately 120 percent of wastewater generation (22,530 gallons per day), the proposed project would demand approximately 27,036 gallons of water per day, or 0.08 acre-feet per day, or approximately 30 acre-feet per year (AFY). As shown in Table 26 of the City of Palo Alto 2020 UWMP, available water supply is projected through 2045. Sufficient water supplies would be available to serve the project from existing entitlements and resources. No new or expanded entitlements would be needed to serve the proposed project. The project would not result in a substantial physical deterioration of

public water facilities or result in adverse physical impacts from new or expanded utility facilities due to increased use as a result of the project. Impacts would be less than significant.

The following changes have been made on Page 6-12 in Section 6, *Alternatives*, of the Draft EIR:

Under this alternative, 293 new housing units would be developed, which could generate population growth. Using the estimated persons per household number of 2.45 (DOF 2021), the project would generate approximately 718 new residents, which would increase the City population to 68,375. As discussed in Section 4.9.7, *Effects Found Not to be Significant – Population and Housing*, ABAG estimates that the City's population will increase to 86,510 by 2040, an increase of 18,853 residents. The population increase associated with the project would therefore be within the population forecast for the city. ABAG projections also estimate that the number of housing units in the city will be 32,940 by 2040. Alternative 2 would increase the number of housing units in the city from 29,406 to 29,699, which would be within ABAG's projections. Alternative 2 would improve the City's jobs/housing imbalance because it would reduce commercial uses and add even more housing than under the proposed project. As discussed in Section 4.9.7, *Effects Found Not to be Significant – Utilities and Service Systems*, the demand for water and generation of wastewater, stormwater, and solid waste would constitute a small percentage of the existing capacity of water, wastewater, stormwater, and solid waste infrastructure. Although Alternative 2 would increase the number of residential units on site, existing utility infrastructure and the Kirby Canyon Landfill would still have sufficient capacity to serve this alternative. Impacts related to biological resources, geology and soils, hydrology and water quality, public services, recreation, and wildfire would also have similar but slightly greater impacts as the proposed project due to an increase in the number of residential units. However, impacts would remain less than significant.

The following changes have been made on Page 6-20 in Section 6, *Alternatives*, of the Draft EIR:

As with the proposed project, Alternative 3 would be consistent with SB 743 since it would be located approximately 0.4 miles southeast of the California Avenue Train Station located at 101 California Avenue, and therefore satisfies the definition of a transit priority area since the project site would be within 0.5 mile of a major transit stop. Because Alternative 3 would result in residential use on an infill site within a transit priority area, aesthetics impacts may not be considered significant impacts on the environment. Additionally, there would be no impacts related to agriculture and forestry resources or mineral resources. Under this alternative, 149 new housing units would be developed, which could generate population growth. In addition, the new R&D converted space and 2,600 retail space would provide new employment opportunities, which could also indirectly generate population growth. Using the estimated persons per household number of 2.45 (DOF 2021), the project would generate approximately 365 new residents, which would increase the city population to 68,022. As discussed in Section 4.9.7, *Effects Found Not to be Significant – Population and Housing*, ABAG estimates that the city's population will increase to 86,510 by 2040, an increase of 18,853 residents. The population increase associated with the project would therefore be within the population forecast for the city. ABAG projections also estimate that the number of housing units in the city will be 32,940 by 2040. Alternative 3 would increase the number of housing units in the city from 29,406 to 29,555, which would be within ABAG's projections. Alternative 3 would add 2,600 square feet of retail use and change one

building from automotive service use to R&D use. Overall, this Alternative may incrementally increase jobs. However, the increase in 74 housing units would outweigh these changes and improve the jobs/housing imbalance overall. As discussed in Section 4.9.7, *Effects Found Not to be Significant – Utilities and Service Systems*, the demand for water and generation of wastewater, stormwater, and solid waste would constitute a small percentage of the existing capacity of water, wastewater, stormwater, and solid waste infrastructure. Although Alternative 3 would increase the number of residential units on site, existing utility infrastructure and the Kirby Canyon Landfill would still have sufficient capacity to serve this alternative. Impacts related to biological resources, geology and soils, hydrology and water quality, public services, recreation, and wildfire would also have similar but slightly greater impacts as the proposed project due to an increase in the number of residential units. However, impacts would remain less than significant.

The following changes have been made to Table 6-1 on Page 6-2 in Section 6, *Alternatives*, of the Draft EIR:

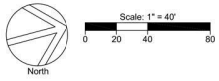
Table 6-1 Comparison of Alternatives

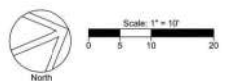
	Proposed Project	Alternative 1: No Project	Alternative 2: Adaptive Reuse of Eligible Historic Resource for Housing	Alternative 3: Development Agreement
Residential Units	91 <u>added</u> townhome units	None	<ul style="list-style-type: none"> ▪ 281 <u>added</u> residential units at the 200 Portage building to remain ▪ 12 <u>added</u> townhome units ▪ Total of 293 <u>new</u> units 	<ul style="list-style-type: none"> ▪ 74 <u>added</u> townhome units ▪ 75 <u>added</u> affordable housing units ▪ Total of 149 <u>new</u> units
Other Uses	Rehabilitation of a portion of the existing building at 200 Portage Avenue for R&D use	Uses on site would remain the same	<ul style="list-style-type: none"> ▪ 7,400 sf of commercial space <u>to remain</u> ▪ Parking ▪ Open space 	<ul style="list-style-type: none"> ▪ Retain the existing 142,744 square feet of R&D uses ▪ Existing 11,762 sf of Auto Care Center space redeveloped into R&D ▪ 2,600 sf of retail space ▪ One level over grade parking structure ▪ Open space
Demolition /Removal of Uses	<ul style="list-style-type: none"> ▪ <u>Demolition of a portion of the building at 200 Portage</u> ▪ <u>Removal of 84,000 sf vacant retail space</u> ▪ <u>Demolition of 1,750 sf building at 3040 Park Boulevard</u> 	None	<ul style="list-style-type: none"> ▪ Removal of 142,744 sf of R&D space ▪ Removal of 5,639 sf of warehouse space 	<ul style="list-style-type: none"> ▪ <u>Demolition of a portion of the building at 200 Portage</u> ▪ <u>Removal of 5,639 sf of warehouse space</u> ▪ <u>Removal 84,000 sf of vacant retail space</u> ▪ <u>Demolition of 1,750 sf building at 3040 Park Boulevard</u>

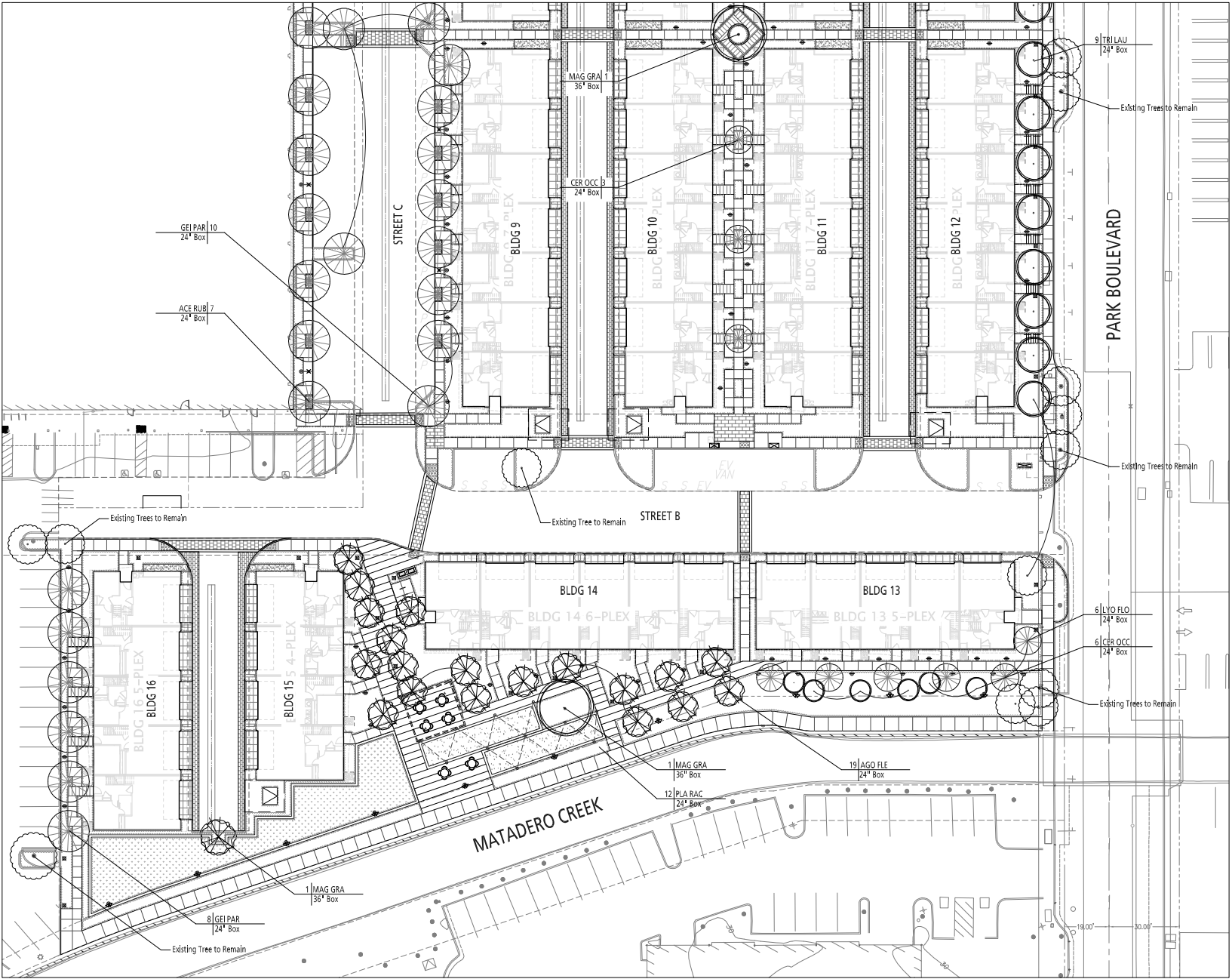
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Attachment A

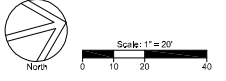
Proposed Project Landscape Plan Sheets







PLANT PALETTE									
TREES									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
ACE RUB	24" Box	Acacia retusa	Red Maple	M					
AGO FLE	24" Box	Agave flexosa	Palmprint Tree	L					
ARR MAR	24" Box	Arrhusia indica	Marine Silversky Tree	L					
CEK OCC	24" Box	Cercis occidentalis	Western Redbud	UL			10'		
CIN CAM	40" Box	Cinnamomum camphora	Camphor Tree	L					
CPL MAR	24" Box	Conocarpus maritima	Acornwood Yellow	UL					
GN BE	24" Box	Ginkgo biloba 'Princeton Sentry'	Princeton Sentry Ginkgo	M					
LCP CON	24" Box	Loquatium conchocarpus	Brilliant Box	M					
LYO FLO	24" Box	Lythrum floricornis	Meek Rosewood	L					
MAG GRA	36" Box	Magnolia grandiflora 'Saint Mary'	Saint Mary Southern Magnolia	M					
MEL GUT	24" Box	Melaleuca eucalyptea	Carob Tree	L					
PRO MAG	24" Box	Prostrata munitida 'Sun Misty'	Shrubby Yew Prostratum	M					
TRJ LAU	24" Box	Tristania laurata 'Thicket'	Watergum	M					REVIEW
SHRUBS									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
AP	5-Gal	Artemisia 'Powis Castle'	Powis Castle Artemisia	L			4'		
AR	5-Gal	Arctostaphylos 'Francis Wood'	Francis Wood Manzanita	L					
AD	5-Gal	Arctostaphylos 'Howard McHenry'	Howard McHenry Manzanita	L					10'Up, BioFlow
CD	5-Gal	Ceanothus 'Dark Star'	Dark Star Ceanothus	L			4'		
CE	5-Gal	Ceanothus 'Blue Boy'	Blue Boy Ceanothus	L			4'		
FC	5-Gal	Fremontodaphne 'San Gabriel'	Fremont Blueberry	UL			12"		
HA	5-Gal	Heteromeles autuffida	Togon	L					10'Up, BioFlow
MA	5-Gal	Malva dieckii (imbrata)	Tree Malva	L					
MA	5-Gal	Malvastrum aureum	Orange Grape	L					10'Up, BioFlow
PC	5-Gal	Prunus 'Bight 'n' Tight'	Carolina Cherry Laurel	L			4'		
PC	5-Gal	Prunus 'California Eve Case'	California Cofreberry	L			4'		
RL	5-Gal	Rosa longipes	Longmoss Rose	L			4'		
RV	5-Gal	Ribes viburnifolium	Evergreen Currant	L			4'		
RS	5-Gal	Rubus 'Wanted Citrus'	Wildcat Rubus	L			4'		
SA	5-Gal	Sida acuta	White Soap	UL			4'		
PERENNIALS									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
DM	5-Gal	Polystichum muratum	Western Sword Fern	M			30"		
WF	5-Gal	Woodwardia floribunda	Grand Chain Fern	M			30"		
GRASSES, RUSHES AND SEDGES									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
CP	1-Gal	Calamagrostis 'California'	Montezuma Reed Grass	M			12"		
CP	1-Gal	Calamagrostis	California Montezuma Sedge	M					10'Up, BioFlow
CT	5-Gal	Cortaderia jubatum	Clara Rush	L					10'Up, BioFlow
OCC	1-Gal	Oenothera speciosa	Light Blue Oenothera	L					10'Up, BioFlow
FS	1-Gal	Festuca 'Shakespeare Blue'	Blue Fescue	UL					10'Up, BioFlow
JP	5-Gal	Juncus patens 'Blue Mist'	California Gray Rush	L					10'Up, BioFlow
ML	5-Gal	Monarda 'Bicolor'	Dead Nettle Bush	L					10'Up, BioFlow
MR	5-Gal	Muhlenbergia spicata	Deer Grass	L					10'Up, BioFlow
MM	5-Gal	Muhlenbergia spicata	Deer Grass	L					10'Up, BioFlow
NS	1-Gal	Nassella spicata	Blue Sandgrass	UL					10'Up, BioFlow
VINES AND SUBCULVERS									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
AT	18-Gal	Agave attenuata	Foxtail Agave	L			4'		
DU	1-Gal	Dudleya brittonii	Grand Chain Dudleya	L			12"		
PERENNIALS									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
NY	1-Gal	Nyssa macrocarpa	Yew Fern	L			4'		
CG	5-Gal	Conocarpus gigantea	Giant Ceanothus	L			4'		
EC	5-Gal	Echinium californicum	California Fuchsia	L					10'Up, BioFlow
FD	1-Gal	Ferula californica	Prickly Douglas Fir	L					10'Up, BioFlow
MJ	1-Gal	Mimulus 'Lady Bean Orange'	Orange Monkey Flower	L			10"		
MB	1-Gal	Mimulus lewisii	Red Monkey Flower	L			10"		
ML	1-Gal	Mimulus lewisii	Red Monkey Flower	L			10"		
PH	1-Gal	Penstemon 'Margaret Day'	Blue Beaker Penstemon	L					10'Up, BioFlow
GROUNDCOVERS									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
AP	5-Gal	Arctostaphylos uva-ursi	Barberry	L			30"		
CC	5-Gal	Ceanothus 'Lutescens'	Common Ceanothus	L			30"		
VINES									
KEY	SIZE	BOTANICAL NAME	COMMON NAME	WUCOLS#	CA NATIVE	TREATMENT*	SPACING#	Notes	
CV	5-Gal	Clypeola californica	Violet Trumpet Vine	M					
PT	1-Gal	Lotus bertholletii	Parrot's Beak	L			12"		
NOTES									
Free Size** - Assume 24" Box for any unlabeled Tree									
WUCOLS# - Water Use Designations: VL Very Low, L Low, M Medium, H High									
* Treatment - Tree/Shrub can be used in Stormwater Treatment Areas per SCVLRP/PP Appendix D									
SCVLRP/PP Area Designations: Tree/Shrub - Bio-Retention Planter, Floor/Pool-Through Planter, Walk/Tree Walk Filter									
SCVLRP/PP Area Designations: Shrub/Bioretention Location - Bar/Banish, Bio/Retain, Bio/Retain									
Shrub** - On Center									



Attachment B

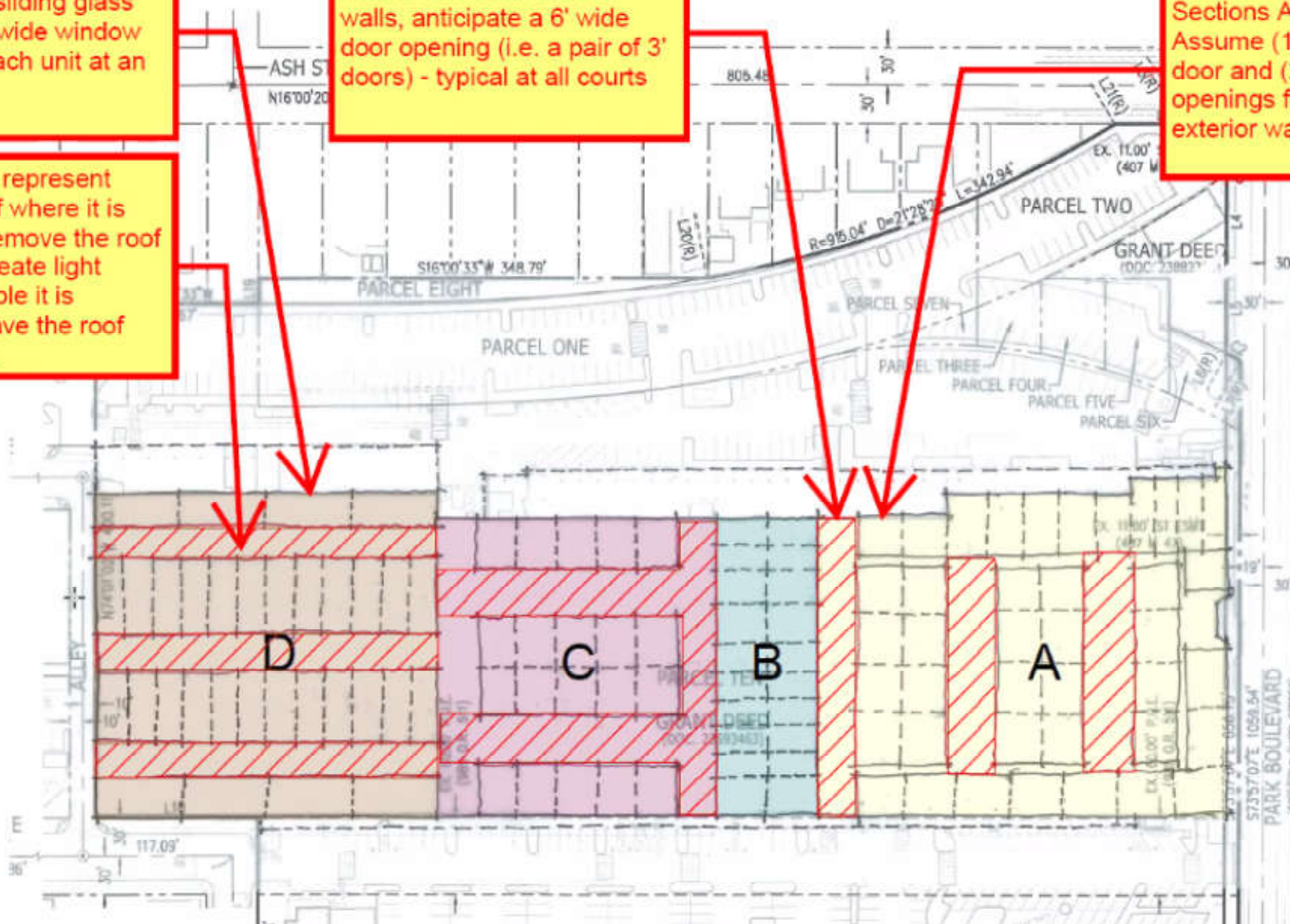
Single-Story Adaptive Reuse Diagram

Sections D:
Assume (1) 8' sliding glass door and (3) 6' wide window openings for each unit at an exterior wall

Where courts hit exterior walls, anticipate a 6' wide door opening (i.e. a pair of 3' doors) - typical at all courts

Sections A, B, and C:
Assume (1) 8' sliding glass door and (2) 6' wide window openings for each unit at an exterior wall

Hatched areas represent sections of roof where it is necessary to remove the roof sheathing to create light courts. If possible it is desirable to leave the roof truss structure.



- A - 41 UNITS
- B - 20 UNITS
- C - 20 UNITS
- D - 32 UNITS
- TOTAL - 113 UNITS



The **SOBRATO** Organization

3200 Park Boulevard - Cannery Building Study

For Internal Use Only 1/31/23
UPDATED

Attachment C

Secretary of the Interior's Standards Analysis for Alternative 3



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December 14, 2022
Project No: 21-11331

Claire Raybould, AICP, Senior Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301
via email: Claire.Raybould@cityofpaloalto.org

**Subject: Secretary of the Interior's Standards Analysis Update – Revised
200 Portage Avenue Condominium Project, Palo Alto, California**

Dear Ms. Raybould:

Rincon Consultants, Inc. (Rincon) was retained by the City of Palo Alto (City) to conduct a historical resources impacts analysis for a project at 3200 Park Boulevard, Palo Alto, California. The proposed project involves the demolition of a portion of the existing commercial building at 200 Portage Avenue, originally built for the Bayside Canning Company beginning in 1918. The property, inclusive of the warehouse building and related office building located at 3201-3225 Ash Street, was evaluated in a Historical Resources Evaluation (HRE) by Page & Turnbull on behalf of the City of Palo Alto in February 2019 and recommended eligible for listing in the California Register of Historical Resources (CRHR) at the local level under Criterion 1 (Events) for its association with the canning industry in Santa Clara County. Therefore, the property is considered a historical resource as defined in Section 15064.5(a) of the California Environmental Quality Act (CEQA) Guidelines. Rincon prepared a Historical Resources Assessment and Impacts Finding Memorandum for the proposed project in February 2022, and found that the proposed project, which included demolition of approximately 40 percent of the warehouse building would constitute material impairment to the historical resource, and would not meet the Secretary of the Interior's Standards for the Treatment of Historic Properties (Standards). The memorandum further found that several elements of the treatment for the portion of the warehouse building proposed to be retained were inconsistent with the Standards due to the planned removal of distinctive and character-defining features that characterize the property (Attachment 1).

Rincon's February 2022 memorandum prepared for the purposes of the Environmental Impact Report prepared for the 200 Portage Avenue Townhome Project (which included a 91-unit townhome development) analyzed impacts of that proposed project on the identified historical resource. This memorandum analyzes the proposed Development Agreement alternative, which includes further modifications to the cannery building as well as the addition of a parking garage at the rear of the property. This assessment considers how the proposed modifications under the Development Agreement Alternative conforms to the Standards and provides recommendations, where appropriate, on how the modified design can more successfully adhere to the Standards.¹ Methods for the current assessment included a review of Development Agreement project plans as well as a memorandum

¹ Pursuant to Section 15064.5(b)(3) of the CEQA Guidelines, projects that comply with the Standards are generally considered to mitigate impacts to historical resources to a less than significant level.



completed by the project applicant's historic consultant, Architectural Resources Group (ARG) in July 2022, which provided guidelines for the treatment of the property intended to be incorporated into the Development Agreement for the property (Attachment 2). It also included review of a phasing plan the project applicant submitted to the city in December 2022 (Attachment 3). This review was also informed by guidance documents from National Park Service, including a series of documents published by the Technical Preservation Services division called "Interpreting the Secretary of the Interior's Standards for Rehabilitation" (ITS).

The Rincon team included Architectural Historian JulieAnn Murphy, who served as primary author of this memorandum. Senior Architectural Historian and Program Manager Steven Treffers and Principal Shannon Carmack provided oversight and assisted with the analysis. Ms. Murphy, Mr. Treffers, and Ms. Carmack meet the Secretary of the Interior's *Professional Qualification Standards* (PQS) for architectural history and history (26 CFR Part 61).

Brief Project Description

As described in the February 2022 memo, the project site encompasses approximately 14.27 acres across four parcels (Assessor's Parcel Numbers 132-38-071, 132-32-036, 132-32-042, and 132-32-043) that would be developed with 91 new condominium townhouse units and associated site improvements. To accommodate the proposed residential development, a portion of the historic warehouse building would be demolished. The portion of the warehouse building proposed to be retained would be updated for retail and Research and Development uses and updated to comply with the current building and green building codes, a requirement under state law and the City's municipal code for substantial modification of a commercial building. Proposed improvements would include modifications to existing entries and windows, replacement of corrugated metal siding, new storefront windows and skylights, new canopy awnings at entries, and floorplan modifications at building's southeast and northeast elevations for a new amenity space. The retained warehouse portion would be connected to a two-story parking garage addition at its north elevation.

Brief Property Background and Chronology

As described in the HRE prepared by Page & Turnbull, the oldest portions of the warehouse building were constructed in 1918 for the Bayside Canning Company, which was owned by Chinese immigrant and prominent canning mogul, Thomas Foon Chew. After Chew's death, the cannery was subsequently purchased and operated for more than 20 years by the Sutter Packing Company, another fruit and vegetable cannery. The Sutter Packing Company significantly expanded the cannery building and its operations throughout the 1930s and 1940s as it prepared for and raced to meet the demands of World War II. The expansion projects included the construction of the extant office building at 3201-3225 Ash Street to the southeast of warehouse building. For a time, the cannery was the largest employer in the Mid-Peninsula, and when it closed in 1949, it was the largest employer in Palo Alto.

The property had a number of owners following Sutter Packing Company including the following: Safeway (1946-1949); unknown (1949-1978); WSJ Properties (c. 1978-1998); Unknown (c.1998-2002); Robert Wheatley Properties (c. 2002-2010); and the Sobrato Organization (Present). A number of different tenants occupied the portion of the warehouse building proposed to be retained during the years following Sutter Packing's closure including Basket Galleria, Inc., MaxiMart, and most recently Playground Global and Nauto. A portion of the building proposed to be retained as well as a portion of which would be demolished was last occupied by Fry's Electronics.



The period of significance of the property, including the warehouse building, begins in 1918, when canning operations began at the site under the Bayside Canning Company, and ends in 1949, when the Sutter Packing Company's canning operations at the building ended.

Secretary of the Interior's Standards

The Standards provide guidance on the preservation and protection of historic properties and make broad-brush recommendations for maintaining, repairing, and replacing historic materials, as well as designing new additions or making alterations. They cannot, in and of themselves, be used to make essential decisions about which features of a historic property should be saved and which might be changed. Rather, they provide philosophical consistency to the work.² There are Standards for four distinct, but related, approaches to the treatment of historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The Rehabilitation Standards are the appropriate treatment standards for this analysis because the proposed project involves the new use of a historic building. Furthermore, only Rehabilitation Standards allow alterations and the construction of new additions, if necessary for a historic building's continued or new use.³

The Secretary of the Interior's Standards for Rehabilitation state:

1. A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
2. The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
3. Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
4. Changes to a property that have acquired historic significance in their own right will be retained and preserved.
5. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
7. Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.

² Anne E. Grimmer and Kay D. Weeks, "The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings," National Park Service, 2017, 3.

³ National Park Service, "The Secretary of the Interior's Standards for the Treatment of Historic Properties: Rehabilitation as a Treatment and Standards for Rehabilitation, <https://www.nps.gov/articles/000/treatment-standards-rehabilitation.htm>, access November 10, 2022.

8. Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
9. New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
10. New additions and adjacent or related new construction will be undertaken in a such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Character-Defining Features

The intent of the Standards is to provide for the long-term preservation of a property's significance through the preservation of its historic materials and features. These historic materials and features are commonly referred to as character-defining features and are indispensable in a historic property's ability to convey the reasons for its historical significance.

The warehouse building at 200 Portage is significant for its association with the canning industry in Santa Clara County. As such, its character-defining features relate to its representation of its industrial canning history, and include the following, as identified in the HRE prepared by Page & Turnbull:

- Form and massing
 - Long, linear massing
 - Composition of multiple smaller buildings
 - Primarily one story, double-height volumes with taller central cannery section
- Varied roofs and structures
 - Prominent paired monitor roofs
 - Arched roofs
 - Visible gable roofs
- Exterior wall materials
 - Reinforced, board formed concrete
 - Corrugated metal cladding
- Exterior cannery features
 - Concrete loading platforms
 - Cooling porch at rear of building
 - Exterior shed awnings with wood post-and-beam construction
- Fenestration
 - Wood frame windows
 - Garage door openings
 - Wire glass skylights over former warehouses
- Landscape features
 - Preserved curved path of the removed railroad spur tracks, represented in the shape of parking lot pavement



- Channel of Matadero Creek
- Interior features
 - Exposed wood truss ceilings
 - Wood and concrete post and beam construction
 - Concrete floors

To ensure a proposed project's compliance with the Standards, a historic property's character-defining features should be preserved as part of the final design. In rehabilitation, historic building materials and character-defining features are protected and maintained as they are in the Preservation Standards. However, greater latitude is given in rehabilitation to replace extensively deteriorated, damaged, or missing features using the same or compatible substitute materials.

Secretary of the Interior's Standards Analysis

The following presents an analysis of the proposed project's modified design's adherence to the applicable Rehabilitation Standards by proposed scope item.

Proposed Demolition

The Development Agreement Alternative proposes to demolish the eastern portion of the historic warehouse building, resulting in a loss of approximately 40 percent of the building, consistent with the 200 Portage Avenue (91 Unit) Townhome Project. As discussed in the February 2022 analysis, the demolition of the building would not be consistent with the Standards which recommends avoiding loss of historic materials through demolition and removal and encourages the retention of distinctive materials that characterize a property. The proposed demolition would cause a loss of several of the property's character-defining features outlined above, including its form and massing and varied roof forms and structures. The modified design for the proposed project, similar to the Townhome Project, would still be inconsistent with Standard 1, 2, 5, and 6.

Structural Retrofit

In November 2022 the project applicant provided clarification to City staff that a portion of the building between the tenant space for Playground global and west of the monitor roofs may require further modifications than originally anticipated. The phasing plan reflects that this area would be rehabilitated. However, the applicant has indicated that the extant roof would require complete reconstruction, discussed in more detail below, to accommodate the weight of required solar panels and HVAC equipment upgrades. To allow for the upgrades, the applicant would install an interior support to stabilize the exterior walls while this work is completed. The exterior walls are corrugated metal, much of which has deteriorated over time. The applicant is proposing a salvage study to determine whether any of the exterior material could be retained, or whether replacement with like material is necessary. Ultimately, if the material must be replaced, these modifications may be more extensive than originally anticipated. Ultimately, these additional modifications necessary to accommodate structural upgrades, which could amount to demolition depending on how much of the exterior could actually be retained, and could potentially be inconsistent with Standard 2 and 6.



New Storefronts, Entries and Canopies

The proposed modified design includes new storefront entries at the north and south elevations. Storefront entries will be topped with flat, metal canopies at select locations on the north and south elevations.

South Elevation Entries

The building's south elevation ground floor openings are proposed to be updated. Existing openings at the west end of the elevation will be retained, while all other existing openings are proposed to be removed. The HRE identified the south elevation as the primary, or most important, elevation.

The central portion of this elevation's bays are proposed to receive five fully glazed storefront systems, two of which will feature single-entry glazed doors. One of the character-defining features identified for the building were the garage doors at former loading bays, one of which is present on the south elevation. As described in the National Park Service's guidance document *ITS Number 16: New Infill for Historic Loading Door Openings*, retaining loading doors in buildings such as warehouses and other industrial and manufacturing buildings is important for maintaining the historic character of these structures.⁴ The current modified design, which proposes to remove the former loading entry does not meet Standard 2, 5, 6, or 9. In order to fully meet the Standards, the design should be refined to retain the existing openings, inclusive of the intact roll-up doors.

The final bays, below the monitor roof portion of the building are proposed to include two entries within a new amenity space that will be established by enclosing the area below the existing canopy at the west end of the elevation and include a one-story portion at the east end of the elevation. One portion of the proposed amenity space would extend for two stories, ending below the monitor roof portion of the building and feature a double-height storefront system and a paired door entry. It would extend to a one-story portion at the building's corner and would feature a storefront system with a second, paired entry, and both would be clad in a new, corrugated exterior material.

Rehabilitation of buildings allows for additions and alterations for new uses, but encourages preservation or minimal change to primary elevations, as provided in *NPS Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*.⁵ When additions cannot be added to a secondary elevation, additions and alterations to primary elevations should be designed to be compatible with the historic building and should not become the primary focus. This can be achieved by being designed in the appropriate scale and should be visually distinguishable from the historic building. The alterations for the proposed new amenity space at the south elevation do not meet Standard 9. The proposed change materially alters the remaining historic elevation. The modified design should be revised to not include a substantial alteration to the primary elevation. It should not obscure the historic building proposed to be retained. Additionally, and as noted in the HRE, the building's corrugated metal exterior is a character-defining feature. It is recommended that the proposed use of corrugated metal on the substantially altered portion of the building be revised to a different, compatible material to clearly distinguish the original historic building and the later modifications.

⁴ Kaaren R. Staveteig, National Park Service, Technical Preservation Services, *ITS Number 2: New Infill for Historic Garage Openings*, 1999.

⁵ Anne E. Grimmer and Kay D. Weeks, National Park Service, *Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*, 2010.



North Elevation Entries

The north elevation's ground floor openings will be updated for the proposed new use. The existing paired and single door below the monitor roof portion of the building will be removed. The remaining paired entries to the west of the monitor roof portion of the building will also be removed, while the single entry, final paired entry, and what appear to be existing storefronts at the southernmost portion of the building will be retained.

New, fully glazed storefront systems with three entries will be installed in an area below monitor roofs at the first floor. The elevation will continue with three new storefront systems with full-height glazing at the first floor and a transom above. The final bay of the grouping will feature a central, paired entry. The proposed design for the remainder of the elevation appears to be retain the existing configuration.

As described in *NPS ITS Number 22: Adding New Entrances to Historic Buildings*, in order to meet the Standards, new entrances should be simple in design, should not appear historic, should blend in with the historic façade, and should be modestly scaled.⁶ The proposed storefront entries below the monitor roof portions of the building would result in the removal of the corrugated exterior that characterizes the property. The installation of expanses of glazing in new openings would result in the loss of historic material and create visual access to the interior of the building that did not historically exist. The proposed openings do not meet Standard 2 or 9. In order to more successfully meet the Standards, proposed new entries at these locations should be reduced in scale, and be pulled in at least one structural bay from each end of the character-defining roofline in order to retain more of the historic materials the building's spatial relationship.

Similarly, the large full-length glazing proposed at the remainder of the elevation do not meet Standard 2 or 9 and should be reconfigured. Current site conditions not reflected in the most current plan set show that an existing loading door opening is present in portion of the elevation. As discussed above, existing garage doors were identified as one of the building's character-defining features related to its historic use as a cannery. In order to adhere to the Standards more closely, the design should be updated to retain and reuse the existing framed opening instead of introducing three new openings.

Canopies

The proposed metal canopies at new entries are simple in design, consistent with building's historic industrial character and generally meet the Standards. However, the proposed removal of existing character-defining shed awnings with post and beam construction does not meet Standard 2 or 5. Shed awnings should be retained instead of being replaced with new canopies. Where shed canopies are deteriorated beyond repair, they should be replaced in kind instead of receiving a new canopy design.

New Window Openings

To accommodate the new use, several new window openings are proposed for the warehouse building at the north, south, and east elevation.

⁶ Anne Grimmer, Technical Preservation Services, National Park Service, *ITS Number 22: Adding New Entrances to Historic Buildings*, 2001.



North and South Elevations

At the building's north and south elevations, new windows are proposed at double-height portion of the warehouse, below the distinctive, character-defining monitor roofs. Windows at the north elevation will include a central, fixed window, each flanked by fixed windows with sloped openings, following the shape of the roofline. Windows at the south elevation will mimic what is proposed at the north elevation on one bay and will include a double-height storefront glazing system at the adjacent bay.

While rehabilitating historic buildings for new uses occasionally requires creating new window openings, the proposed location, design, and materials have to be consistent with the historic character of the building in order to meet the Standards. The windows proposed for the north and south elevations are not consistent with the building's historic, industrial character. As explained in *NPS ITS Number 14: New Openings in Secondary Elevations or Introducing New Windows in Blank Walls*, introducing new windows must not make a strong architectural statement as to radically change the appearance of the building or overwhelm the composition of the historic façade.⁷ The scale, number, and placement of proposed windows makes a strong architectural statement that is incompatible with the historic character of the simple, industrial building and is therefore inconsistent with Standards 2, 5, and 9. Furthermore, the proposed new window openings at the north and south elevations, would introduce an embellishment to an otherwise simple façade that is not substantiated by historical evidence. Per guidance in *NPS ITS Number 38: Alterations without Historical Basis*, when there is no record of the historic appearance of a building, the rehabilitation should take into consideration its historic use and remaining evidence to design a compatible new or replacement feature.⁸ One available photograph from the building's period of significance (1918-1949) was uncovered by Page & Turnbull during the preparation of the HRE. That photograph of what appears to be building's south elevation shows that the building's historic window configuration included a punched window opening below the monitor roof and some band windows below (Figure 1). The modified window design for the double-height portions of the north and south elevations does not meet Standards 2, 3, 5, 6, or 9 for the reasons described above. It is recommended that the north and south window configuration be updated to no longer include the fixed windows that follow the slope of the roofline.

⁷ Kaaren R. Staveteig, National Park Service, Technical Preservation Services, *ITS Number 14: New Openings in Secondary Elevations or Introducing New Windows in Blank Walls*, 2000.

⁸ National Park Service, Technical Preservation Services, *ITS Number 38: Alterations Without Historical Basis*, 2006.

Figure 1 1940 Image of Sutter Packing Plant



Source: Palo Alto Historical Association, Page & Turnbull HRE

East Elevation Windows and Skylights

The modified design includes a series of punched openings along the building's east elevation, on an area of the building that is currently obscured by an adjacent addition. It also proposes to include new skylight openings along the east and west slopes of the monitor roof portion of the building.

As described above, rehabilitating historic buildings for new uses may require inserting openings. Also, available historic documentation suggests that the east elevation likely had windows in the same location as generally proposed for the new windows. The proposed new window openings for the east elevation are, therefore, consistent with Standards 6 and 9. Similarly, the addition of skylights, proposed to be one structural bay from the building's edge on each end is consistent with the Standards. Care should be taken, however, to choose a window that is slim in profile as to not detract from the distinctive roofline that characterizes this portion of the building.

Existing Window Treatment

The modified design plans indicate that windows at the building's distinctive monitor roof will be replaced with new windows. In order to comply with Standards 2 and 5, original windows should be retained where condition allows. If windows are deteriorated beyond repair, they should be replaced with windows in kind. New windows should match the historic in configuration and profile and be manufactured in an appropriate replacement material.

Existing Exterior Cladding Treatment

The modified design plans indicate that the existing corrugated metal siding is proposed to be removed and replaced with new material where present. Similar to the replacement of existing windows, the historic exterior cladding material should be retained where condition allows in order to comply with Standards 2 and 5. If material is deteriorated beyond repair, it should be replaced with material in kind and should match the historic in color and composition.



Rooflines

One of the character-defining features identified for the building was the varied roofs and structures. The modified design proposes to significantly alter the roofline of the building adjacent to the monitor roof portion of the building and replace it with a flat roof.

As explained in NPS *Preservation Brief 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*, changes to a roofline can damage the visual character of a building and alter a feature that is crucial to understanding the character of a building.⁹ It is understood that some of the proposed changes to the roofline are intended to meet code requirements, including the installation of solar panels. Guidance from NPS provides that solar panels can be accommodated on many existing roof forms, so long as they are not visible from the right of way.¹⁰

The proposed treatment is not consistent with Standard 2, 5, 6 and 9. The removal of the historic roofline will result in the loss of historic material and the alteration of an important physical features of the building. The proposed design should be revised to retain the varied rooflines. If structural updates are necessary to meet code requirements, the roof's overall form should be retained and replaced in kind.

Loading Platforms

The building's loading platforms along the north elevation, which appear to have been used as part of the cannery's cooling platform, were identified in the HRE as a character-defining feature. The modified design proposes to remove a large portion of the platform and replace it with a new covered amenity area at grade between the building and a proposed parking garage. The proposed treatment is not consistent with Standard 2, 5, 6, and 9. The removal of the loading platform will result in the loss of historic material and an element of the building critical to understanding its historic use. The revised design should be updated to retain more of the loading platform, including the change in grade from the adjacent parking lot.

New Construction

In order to accommodate the proposed new residential use, several elements of new construction are proposed for the site, including the addition of 12 townhouse buildings along east edge of the site, adjacent to the historic building and a two-story parking garage addition adjacent to and connect to the historic building's north elevation.

Townhouse Buildings

Proposed new townhouse buildings will be constructed along the east and northeast side of the historic building and will be arranged in a grouping of 12 buildings in a grid of private streets, providing access to each building. Townhouse buildings will be three stories with a ground floor garage and have a combination of painted stucco, fiber cement, and wood-look horizontal siding exteriors with variations

⁹ Lee H. Nelson, National Park Service, *Preservation Brief 17: Architectural Character: Identifying the Visual Aspects of Historic Buildings as an Aid to Preserving Their Character*.

¹⁰ National Park Service, "Solar Panels on Historic Properties," <https://www.nps.gov/orgs/1739/solar-panels-on-historic-properties.htm>, accessed November 2022.



in design application between proposed buildings. They will feature alternating bays and have flat roofs. The addition of new construction within the boundaries of historic properties is possible, but needs to be built in a manner that protects the integrity of the historic building and the property's setting, as provided for in NPS' *Guidelines for Rehabilitating Historic Properties*.¹¹ In order to conform to the Standards, the new construction cannot alter the historic character of the property, and the historic function must be evident. The location of new construction should follow the setbacks of the historic building and avoid obscuring, damaging or destroying character-defining features of the building, and the massing size, scale, and features of new construction must be compatible with those of the historic building.

The proposed townhouses are along the historic building's secondary elevations and will not obscure or interfere with the building's primary, or south, elevation. Furthermore, the distinctive monitor roof of the historic building will remain visible from the right of way. Though the buildings introduce a new, residential use, the proposed exterior materials and simple design for the townhouses is generally consistent with the historic character of the property. At three stories, the new townhouse buildings are less massive than the historic building are consistent with the double-height volume of the historic building. Finally, the historic building would remain if the townhouses were later removed. The proposed new townhouse construction is, therefore, generally consistent with Standard 9 and 10.

Garage Addition

The two-story parking garage addition is proposed for the historic building's secondary, or north, elevation. It will be two stories and connect to the historic building with a wood pergola that will be affixed to the adjacent new canopy proposed for this portion of the building's elevation, thereby creating a new outdoor amenity space at grade. The garage will have a concrete structure, horizontal cable railings at the second story, and be clad in corrugated metal at select locations.

The proposed scale, location, and massing of the proposed garage is consistent with the Standards. It will not obscure the historic building's primary elevation and generally proposes materials that are compatible with the historic building's industrial character. As provided in Standard 9 and explained in NPS *Preservation Brief 14: New Exterior Additions to Historic Buildings: Preservation Concerns*, a new addition to a historic building should protect those visual qualities that made the building historic.¹² As noted in the HRE, the building's corrugated metal exterior is a character-defining feature. It is recommended that the proposed use of corrugated metal on the garage addition be revised to a different, compatible material to make it readily distinguishable from the historic building. The proposed new garage construction is consistent with Standard 9 and 10.

¹¹ Grimmer and Weeks, 2017.

¹² Grimmer and Weeks, 2010.



Conclusions

As detailed above, the proposed demolition of a large portion of the historic building is not consistent with the Secretary of the Interior's Standards for Rehabilitation. Similarly, several elements of the proposed new design include the removal of distinctive or character-defining features on the portion of the building proposed to be retained including the loading platforms, shed awnings with post and beam supports, varied roof forms, and garage door openings. In other instances, proposed alterations detract from the building's historic industrial character, including the location and configuration of proposed storefronts, the introduction of new openings and entries, and changes to the proposed primary elevation. The proposed construction of the new garage and townhouse buildings are generally consistent with the Standards. Where project elements do not comply with the Standards, Rincon has provided recommendations as detailed above and in the attached table (Attachment 4). Although incorporation of these recommendations would bring the project more in compliance with the Standards, the proposed demolition would still result in the material impairment of the historic building and therefore a significant impact as defined in Section 15064.5(b) of the CEQA Guidelines. Should you have any questions or comments regarding this report, please do not hesitate to contact the undersigned at 925-326-1159 or at jmuprhy@rinconconsultants.com.

Sincerely,

Rincon Consultants, Inc.

A handwritten signature in black ink, appearing to read 'J. Murphy'.

JulieAnn Murphy, MSHP
Architectural Historian Project Manager

A handwritten signature in black ink, appearing to read 'Steven Treffers'.

Steven Treffers, MHP
Architectural Historian Program Manager

A handwritten signature in black ink, appearing to read 'Shannon Carmack'.

Shannon Carmack
Principal

Attachments

- Attachment 1 Historical Resources Assessment and Impacts Findings, Rincon Consultants, Inc., February 2022
- Attachment 2 Historic Design Guidelines Memorandum, Architectural Resources Group, July 2022
- Attachment 3 Applicant Phasing Plan
- Attachment 4 Summary Table of Recommendations

Attachment 1

Historical Resources Assessment and Impacts Findings



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February 17, 2022
Project No. 21-11331

Claire Raybould, AICP, Senior Planner
City of Palo Alto
250 Hamilton Avenue
Palo Alto, CA 94301
via email: Claire.Raybould@cityofpaloalto.org

**Subject: Historical Resources Assessment and Impacts Findings
200 Portage Avenue Condominium Project, Palo Alto, California**

Dear Ms. Raybould:

Rincon Consultants, Inc. (Rincon) was retained by the City of Palo Alto (City) to conduct a historical resources assessment and impacts finding for the proposed 200 Portage Avenue Condominium Project in Palo Alto, California. The proposed project would involve the demolition of a portion of the existing commercial building at 200 Portage Avenue and the commercial building at 3040 Park Boulevard, and the construction of 91 new condominium units distributed throughout 16 three-story buildings.

The current assessment was prepared to support to compliance with the California Environmental Quality Act (CEQA) and to identify potential project-related impacts to historical resources. A previous historical resources evaluation was prepared by Page & Turnbull in 2019 on behalf of the City, which concluded the former Bayside Canning Company canning/warehouse building (340 Portage Avenue)¹ is eligible for listing in the California Register of Historical Resources (CRHR) at the local level under Criterion 1 (Events) for its association with the history of the canning industry in Santa Clara County (Attachment 1). Therefore, the building is considered historical resources as defined in Section 15064.5(a) of the CEQA Guidelines.² To supplement the 2019 analysis, Rincon has completed a cultural resources records search, a field survey and historical resources evaluation, a review of project plans, and preparation of this memorandum to present the results.

The Rincon team included Architectural Historian JulieAnn Murphy, who conducted the site visit and served as primary author of this report, which addresses the potential impacts for the project and Architectural Historian James Williams who conducted additional archival research. Senior Architectural Historian and Program Manager Steven Treffers and Principal Shannon Carmack provided oversight and assisted with the analysis. Ms. Murphy, Mr. Williams, Mr. Treffers, and Ms. Carmack meet the Secretary of the Interior's *Professional Qualification Standards* (PQS) for architectural history and history.

¹ There are 15 addresses associated with the property. The proposed project, including the area of proposed development uses the address 200 Portage Avenue. The historic resources evaluation refers to the site, including the former canning/warehouse building and the associated office building as 340 Portage Avenue. Herein and for consistency, the historic canning/warehouse building will be referred to 340 Portage Avenue.

² Page & Turnbull, *Historic Resource Evaluation for 340 Portage Avenue*, Prepared for City of Palo Alto, February 26, 2019.

Project Location and Description

The project site encompasses approximately 14.27 acres across four parcels. The project site includes all of Assessor's Parcel Numbers (APNs) 132-38-071, 132-32-036, 132-32-042, and 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 Street to the south, residences to the west, and commercial uses to the east.

The proposed townhome project would be located on the "area of proposed 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 APNs 132-32-042 and 132-32-043.

The proposed project would involve a vesting tentative map to subdivide and merge portions of the four parcels into two parcels. On one of the new parcels (4.86 acres), the project would involve a condominium subdivision to create 91 new condominium units. The other parcel (9.41 acres) would include the remaining portions of the existing commercial building. The proposed townhome project would involve demolition of the portion of the existing commercial building at 200 Portage Avenue and the commercial building at 3040 Park Boulevard within the area of proposed development and construction of 91 new residential units within 16 three-story buildings (Figure 2).

The proposed project would also involve improvements to an existing portion of the on-site, two-story commercial building at 340 Portage Avenue. The area of improvements for the existing commercial building is shown on Figure 3. The improvements would involve architectural changes to add new skylights, new gable windows, corrugated siding, and other architectural details (Figure 4, Figure 5, and Figure 6).

Figure 1 Project Location



Imagery provided by Microsoft Bing and its licensors © 2021.

Fig. 2 Project Location

Figure 2 Proposed Townhome Project Site Plan



Figure 3 Work Area for Improvements to Existing Building



Figure 4 Rendering of Proposed View Facing Northeast



RENDERING VIEW 1
SCALE: 1/4" = 1'-0"

1

Figure 5 Proposed North Elevation Design

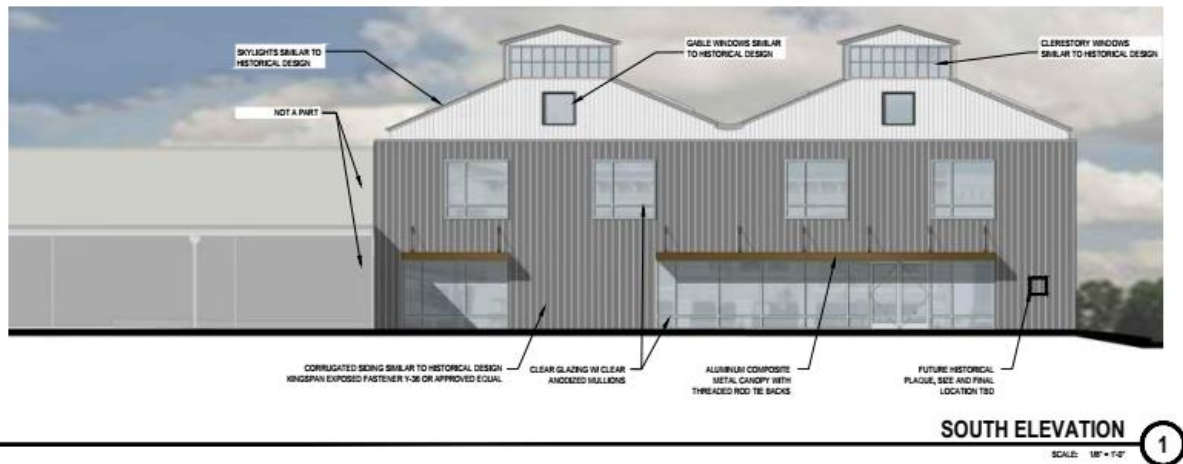


NORTH ELEVATION

SCALE: 1/8" = 1'-0"

2

Figure 6 Proposed South Elevation Design



Methodology

The following sections identify the steps taken to inform analysis of the proposed project and its potential impacts. As discussed above, a previous historical resources evaluation was prepared in 2019 by Page & Turnbull, which concluded that the former Bayside Canning Company canning/warehouse building at 340 Portage Avenue, which is in the current project site, is eligible for listing in the CRHR. That evaluation also confirmed an associated office building located at 3201-3225 Ash Street contributes to the significance of 340 Portage Avenue; however, this small office building is located outside the area of proposed development. The City, as the lead agency under CEQA, directed Rincon to rely on the previous historical resources eligibility findings to inform the impacts assessment presented below. In addition to these efforts, Rincon conducted background research, a site visit, and prepared a historical resources evaluation of another property within the area of proposed development at 3040 Park Boulevard, which had not been subject to previous evaluation.

The project site also contains the concrete-lined Matadero Creek and two one-story office buildings on the east side of the creek at 3250 Park Boulevard and 278 Lambert Avenue. Because these two properties are less than 45 years of age, they do not meet the age threshold generally triggering the need for historical resources evaluation per the guidelines of the California Office of Historic Preservation (OHP) and they were not recorded as part of this study (OHP 1995). This portion of Matadero Creek was lined with concrete in 1994, does not meet the age threshold for evaluation and the proposed project does not include any direct alterations to the creek (WRA 2020). The proposed development is also consistent with the surrounding urban environment and would not negatively affect the existing setting. Therefore, no impacts are anticipated to occur to Matadero Creek and it was not recorded or evaluated as part of this study.

Background Research

The following documents were referenced to inform the history of the 200 Portage Avenue site and its historical significance and to ensure an understanding of the project.

- Page & Turnbull, Inc. *Historic Resource Evaluation for 340 Portage Avenue*, prepared for the City of Palo Alto, February 26, 2019.

- Page & Turnbull, Inc. *Memo: NVCAP Windshield Survey and Preliminary Historic Resource Eligibility Analysis*, April 11, 2019.
- KTG Architecture and Planning. *200 Portage Avenue Townhomes*, August 3, 2021.
- The Sobrato Organization. *200 Portage Avenue, Palo Alto, CA 94306*, June 16, 2021.
- Historic aerial photos accessed via University of California, Santa Barbara Map & Imagery Lab and NETRonline.
- Historic topographic maps accessed via United States Geological Survey.
- Sanborn Fire Insurance Company Maps accessed digitally via Los Angeles Public Library.
- Historical newspaper articles and advertisements accessed online at newspapers.com.
- Historic permits, City of Palo Alto.

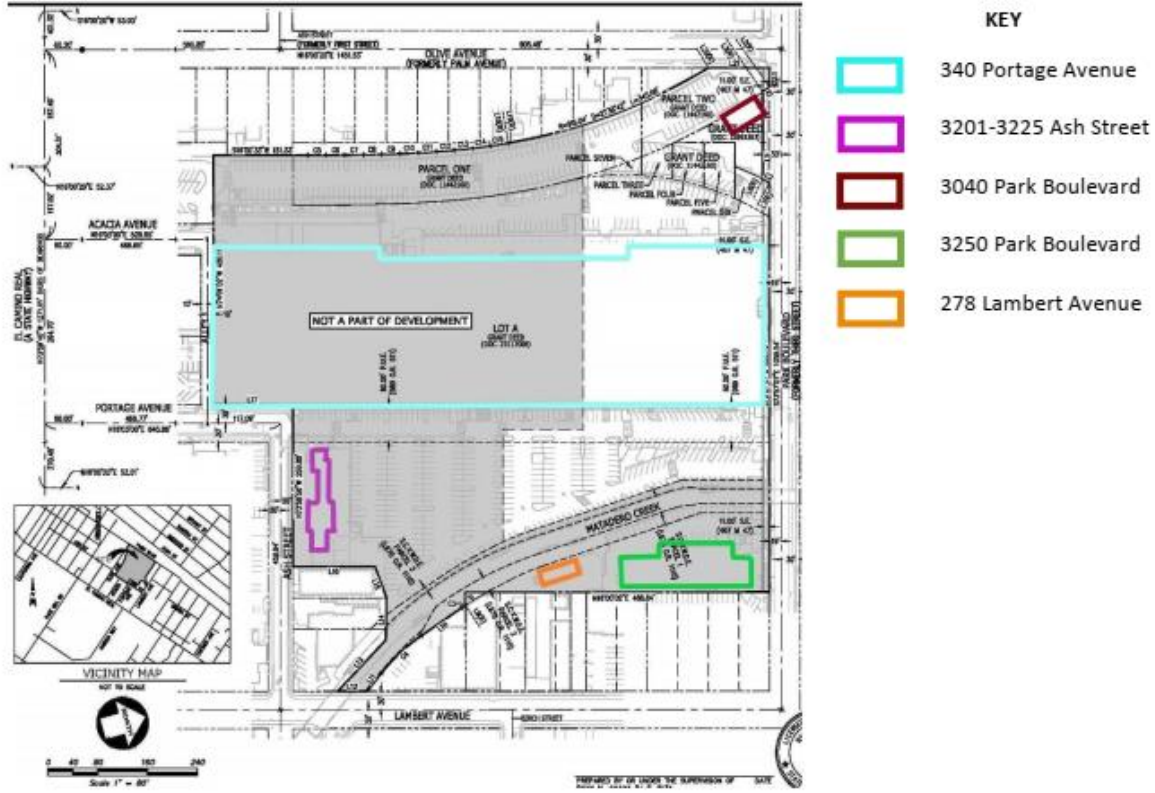
Site Visit

On September 15, 2021, Rincon Architectural Historian JulieAnn Murphy, MSHP conducted a site visit to the project site. The site visit included a detailed inspection of the buildings on the project site, which is approximately 14.27 acres and is comprised of four Santa Clara County Assessor’s parcels (132-38-071, 132-32-36, 132-32-42 and 132-32-43). The survey included a visual inspection of all built environment features of the former Bayside Canning Company to document any changes since its last evaluation and confirm that it retained integrity to for listing in the CRHR at the local level under Criterion 1 (Events) for its association with the history of the canning industry in Santa Clara County. Additionally, the site visit included the visual inspection of all other buildings within the project site including buildings, structures, and associated features to assess their overall condition and integrity and to identify and document any potential character-defining features. Ms. Murphy documented the field survey using field notes and digital photographs. To confirm the potential historical resources eligibility of the commercial building at 3040 Park Boulevard the building was recorded and evaluated for listing in the National Register of Historic Places (NRHP), CRHR, and local listing on California Department of Parks and Recreation (DPR) 523 forms, which is included in Attachment 2 and summarized below.

Historical Resources Identification Findings

As discussed above, the proposed project site contains four commercial buildings and a concrete-lined creek. Two of the commercial buildings at 3250 Park Boulevard and 278 Lambert Avenue are outside the area of proposed development and do not exceed 45 years of age. They therefore were exempted from further analysis. Similarly, Matadero Creek is also outside the area of proposed development and would not be directly or indirectly impacted by the project; it therefore was also exempted from further historical resources analysis. As previously described, the former canning/warehouse building at 340 Portage Avenue and the office building located at 3201-3225 Ash Street, were previously found eligible for listing in the CRHR at the local level under Criterion 1 (Events) for their association with the history of the canning industry in Santa Clara County and are considered historical resources for the purposes of CEQA. The property is within the proposed project site and are described in more detail below. The field survey and background research also identified one historic-era building, 3040 Park Boulevard, within the project boundary and the area of proposed development that was not previously evaluated and is proposed to be demolished under the project.

Figure 7 Site Map



3040 Park Boulevard

The field survey of the project site identified one historic-era building within the project area that was not formerly evaluated. The building, 3040 Park Boulevard, is a one-story former auto garage building in the North Ventura neighborhood of Palo Alto, constructed in 1964. A full architectural description and additional historical information is presented in the attached DPR forms (Attachment 2).

Physical Description

The subject property consists of a one-story commercial building exhibiting no discernible architectural style. It is rectangular in plan, sits on a concrete foundation, and is capped with a flat roof with composition cladding. Its exterior consists alternately of stuccoed and bare structural concrete-block walls. Entrances are located on the north and east elevations and are accessed via two large vehicle entries with metal roll-up garage doors on the east and a standard-size wood-panel on the north. Windows are nonoriginal fixed multi-pane vinyl sashes. A non-original gabled open-frame shelter is attached to the south elevation. The building is in good condition with no notable alterations other than the replacement windows and south-elevation shelter (Figure 8).

Figure 8 South Elevation of 3040 Park Boulevard, View North



Site Development

The subject property was constructed as an auto service shop in 1964. Historical topographic maps and aerial photographs show that by the late 1940s, the property was an undeveloped piece of land situated between Park Boulevard and the corner of a railroad wye crossed, a location that defined the parcel's roughly triangular shape. The surrounding area was largely developed for industrial and residential uses, though several lots were not built out until the 1950s and 1960s (NETROnline 1948; 1956; 1958; 1960).

The subject address' earliest documentation, a newspaper advertisement published in 1965, identifies the property as Stan Tordeson General Tire, a dealer Gurley-Lord Tire Company automotive products. At the time, Stan Trodeson operated two such shops, the other located at 895 Emerson St. in Palo Alto (San Francisco Examiner 5/10/1965). Newspaper advertisements from 1966 indicate that Trodeson no longer owned the subject property by that time but continued to operate the Emerson Street location and had also opened an American Motors dealership at 623 Alma Street, Palo Alto (San Francisco Examiner 7/8/1966 and 11/7/1966). In addition to being a local business owner, Trodeson was involved in other business and civic ventures, including the founding of the members-only PALO Club and the construction of a Little League baseball diamond in Los Altos that was eventually named in his honor (San Francisco Examiner 12/7/1963).

The subject property has been subject to few changes. The railroad wye tracing the property's east and west boundaries was removed by 1987 (NETROnline 1982; 1987). Historical aerial photographs taken between 1965 and 2002 depict an apparent ancillary building just southeast of the subject building,

which was removed circa 2004 (UCSB 1965; NETROnline 2002; 2004). Circa 2015, wall-mounted signage reading “PARK AUTOMOTIVE” was removed from the building and by 2017 was replaced with lettering reading “Functional Lifestyles,” signaling the property’s conversion from an automotive services shop to a commercial fitness center. Vinyl-sash replacement windows were installed around this time as part of the building’s conversion (Google Maps 2014; 2015; 2016; 2017). The gabled shelter was constructed adjacent to the south elevation circa 2019 and the wall-mounted signage replaced with the existing signage circa 2020. The subject property continues to operate as the Functional Lifestyles fitness center.

Background research, including a review of historical newspapers, city directories, and other sources, did not identify any additional information of consequence regarding the property or its former owners or occupants.

Previous Evaluations

In 2019, Page & Turnbull identified the subject property in a windshield survey as part of the Preliminary Findings of Historic Resource Eligibility in the North Ventura Coordinated Area Plan project, a planning area identified by the City of Palo Alto that is bounded by Page Mill Road, El Camino Real, Lambert Avenue, and the Caltrain tracks. Although not formally recorded and evaluated, the property was subject to preliminary research and recommended ineligible for listing in the NRHP and CRHR based on this evidence. It was also found not to be part of any historic district.

Historical Resources Evaluation

The property at 3040 Park Boulevard is not eligible for listing in the NRHP, CRHR, or as City of Palo Alto Historic Structure.

The property was constructed in the 1960s as part of Palo Alto’s post-World War II-era population boom. However, it was one of many numerous buildings constructed during this period to help serve a growing population and research for this evaluation did not find the property is singularly important in the context of Palo Alto’s postwar growth or in the context any other event significant to the history of the city, region, state, or nation. As such, the property is recommended ineligible under NRHP Criterion A and CRHR Criterion 1.

The person most closely associated with the property is Stan Troedson, a successful businessman and active community member. Although Troedson enjoyed some success in commerce and civic affairs, there is no evidence that his endeavors in these areas constitute significant contributions to the history of the city, region, state, or nation. Archival research also found no evidence that any subsequent owner or occupant of the property made historically significant contributions. Therefore, the property is recommended ineligible under NRHP Criterion B and CRHR Criterion 2.

Architecturally, the property is a commercial building bearing no discernible architectural style. It does not embody the distinctive characteristics of a type, period, or method of construction, or possess high artistic values. Although archival research did not identify the building’s designer, its simple, functionalistic design would not exemplify the work of any master architect. Therefore, the property is recommended ineligible for listing under NRHP Criterion C and CRHR Criterion 3.

A review of available evidence and records search results did not indicate that the property may yield important information about prehistory or history. The property is therefore recommended ineligible for listing under NRHP Criterion D and CRHR Criterion 4. The property is also not recommended eligible as a contributor to any existing or potential historic districts.

Based on the above reasoning, the property is also recommended ineligible designation locally as a Historic Structure. It is not identified with the lives of historic people or with important events in the city, state or nation (Criterion 1); is not particularly representative of an architectural style or way of life important to the city, state or nation (Criterion 2); is not an example of a type of building which was once common, but is now rare (Criterion 3); and is not connected with a business or use which was once common, but is now rare (Criterion 4). In addition, research conducted for this study did not find that the building's architect or building itself was important (Criterion 5). Finally, the property does not possess elements demonstrating outstanding attention to architectural design, detail, materials or craftsmanship (Criterion 6).

340 Portage Avenue

Physical Description

The former cannery/warehouse building at 340 Portage Avenue is the result of an accretion of additions for use as a packing and warehouse facility and is comprised of approximately 10 sections that are attached to one another, with some earlier additions having been completely enveloped in later additions. The parcel also includes a c. 1930s former office building at the southeast corner of the of the site at 3201-3225 Ash Avenue. Since that time, the former cannery/warehouse facility served a number of commercial uses and is presently partially vacant. The former office building has been leased by other businesses. The buildings are in good condition.

Figure 9 South Elevation of the former canning/warehouse building at 340 Portage Avenue



Figure 10 Primary Elevation of the former office building at 3201-3225 Ash Avenue



Site Development

As outlined in the historical resources evaluation prepared by Page & Turnbull, the site was largely undeveloped prior to the first decades of the twentieth century. It was first developed in April 1918 by Thomas Foon Chew, a Chinese immigrant and owner of the Bayside Canning Company in Alviso. Chew planned to, according to articles published in the local Daily Palo Alto newspaper, build a second canning plant on the site and construction began in June of that year. By the following year Chew was expanding his operations and added nineteen houses for workers south of the cannery, and a large warehouse was added. To the south of the preparing facility, there was a loading platform and small syrup room. Four small outbuildings, including a restroom and office, were located to the southeast of these buildings. A scale was situated along Portage Avenue, and an in-ground oil tank was located alongside the railroad spur. A separate one-story dwelling and small outbuilding were located to the north of the cannery, facing Third Street.

Over the next several decades, the canning complex continued to expand. Records of historic building permits at the Palo Alto Historical Association reveal that in 1929, the Sutter Packing Company, which by then operated the cannery although it continued to be owned by Thomas Foon Chew, had received a permit to build another warehouse on the site at 310 Portage Avenue. A permit to build yet another cannery building, this time at 300 Portage Avenue, was issued in 1937. Just three years later in 1940, the Sutter Packing Company received another permit on a warehouse expansion at 380 Portage Avenue; however, newspaper articles show that construction work at the site was much more extensive. In June 1940, The Palo Alto Times reported that the company was planning on improvements to the canning plant that would result in 50,000 square feet of additional storage and increase the plant's capacity 25 to 30 percent.

The cannery continued to grow as production ramped up in response to World War II. In 1942, Sutter Packing Company was issued a permit to build a warehouse at 300 Portage Avenue. This building is likely the southernmost portion of the existing building that extends across Ash Street over the site of the last row of employee cabins. In 1945, additional improvements took place at the cannery. Work included:

- Building a 42.5 x 70-foot jam and jelly housing facility;

- Converting a loading platform into an office building and laboratory near Second Street;
- Constructing of a shed over the loading platform near Third Street;
- Adding a one-story office building on Portage Avenue near First Street; and
- Repairing the roof.

In spite of decades of nearly constant activity and expansion of the operations at the cannery site, Sutter Packing Company went into decline after World War II and finally closed its doors in 1949. A portion the larger cannery complex on Lambert Avenue was initially leased to Coca-Cola to function as a bottling plant, but records do not confirm Coca-Cola's presence at the subject property. By the 1960s, the former cannery had been subdivided into several smaller spaces, which were leased to a variety of tenants. In 1964, the Southern Pacific Railroad removed its spur tracks from the site. The same year, a portion of the building was occupied by Maximart, a large commercial store that sold home goods and appliances. By 1978, Maximart had moved out, and the site was under the ownership of WSP Properties. Since that time, the buildings have been leased for a number of commercial uses, including a Fry's Electronics which occupied a portion of the warehouse space until closing in 2019.

Historical Resources Evaluation

340 Portage Avenue and the associated office building were previously recorded and evaluated for historic significance for the City of Palo Alto by Page & Turnbull, Inc. and found eligible for listing in the CRHR. The site's significance was described in the Page & Turnbull evaluation as follows:

340 Portage Avenue and the associated former office building to the southeast appear to be individually significant under Criterion 1 in association with historical events important to the history of Palo Alto. Agricultural industries, including fruit and vegetable canning, were once the dominant industries in Santa Clara County. The oldest portions of the cannery building, itself, were constructed in 1918 for the Bayside Canning Company, which was owned by Chinese immigrant and prominent canning mogul, Thomas Foon Chew. Under Chew, the Bayside Canning Company rose to become the third largest fruit and vegetable cannery in the world in the 1920s, behind only Libby and Del Monte.

After Chew's death, the cannery was subsequently purchased and operated for more than twenty years by the Sutter Packing Company, another fruit and vegetable cannery. The Sutter Packing Company significantly expanded the cannery building and its operations throughout the 1930s and 1940s as it prepared for and raced to meet the demands of World War II. The expansion projects included the construction of the extant office building at 3201-3225 Ash Street to the southeast of cannery building at 340 Portage Avenue. For a time, the cannery was the largest employer in the Mid Peninsula, and when it closed in 1949, it was the largest employer in Palo Alto. The trajectory of canning operations at the plant—which began in the early twentieth century, peaked in the 1920s, increased production to meet the demands of World War II, and then quickly declined as residential development and new industries began to replace agricultural industries in the postwar period—corresponds closely to the broad pattern of the history of the canning industry in Santa Clara County.

The building is a rare surviving example of Palo Alto's and Santa Clara County's agricultural past. As a result, the building at 340 Portage Avenue does appear to be individually significant at the local level under Criterion 1. The period of significance under this criterion begins in 1918, when canning operations began at the site under the Bayside Canning Company, and ends in 1949, when the Sutter Packing Company's canning operations at the building ended.

Character-Defining Features Analysis

Page & Turnbull, Inc., in their historic resource evaluation, also assessed the character-defining features of 340 Portage Avenue, which are those physical features which collectively convey the significance of the property and is tied to its association with the history of canning in Santa Clara County (CRHR Criterion 1). The character-defining features therefore relate to its history as an operating canning facility and warehouse and are presented in Table 1.

Table 1 Character-Defining Features – 340 Portage



Form and Massing (long, linear massing; composition of multiple smaller buildings; primarily one-story, double-height volumes with taller central cannery section)



Varied roof forms and structures (prominent paired monitor roofs; arched roofs; visible gabled roofs)



Exterior wall materials (reinforced board-form concrete; corrugated metal cladding)



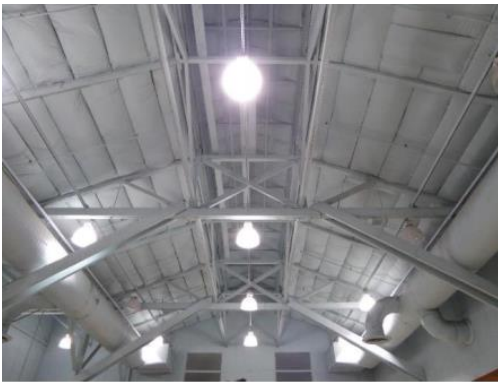
Exterior cannery features (concrete loading platforms; cooling porch at rear of building; exterior shed awnings with wood post-and-beam construction)



Fenestration (wood frame windows; garage door openings; wire glass skylights over former warehouses)



Landscape features (preserved path of removed railroad track, represented in the shape of the parking lot pavement and following the channel of Matadero Creek)



Interior Features (exposed wood truss ceiling; wood and concrete post-and-beam construction)
Photo Source: Page & Turnbull, 2019

Rincon Consultants, Inc., 2021

Project Impacts

As detailed above in the historical resources identification findings, the project site contains four commercial buildings and a concrete-lined creek. The existing buildings at the southeast corner of the site, 3250 Park Boulevard and 278 Lambert Avenue, have not reached an age of eligibility and, therefore, do not qualify as historical resources for the purposes of CEQA. Furthermore, both buildings are outside of the area of proposed development. Matadero Creek is also outside the area of proposed development. Furthermore, it was lined with concrete in 1994 and has not reached the age of eligibility to qualify as a historical resource. As detailed above, 3040 Park Boulevard is recommended ineligible for listing in the NRHP, CRHR, or local designation. As such, it does not qualify as a historical resource and its demolition would not result in a significant adverse impact as defined by Section 15064.5 of the CEQA Guidelines.

340 Portage Avenue and the associated office building with a listed address of 3201-3225 Ash Avenue have been found eligible for listing in the CRHR under Criterion 1 for significant associations with the canning industry in Santa Clara County; as such the property is considered a historical resource pursuant to Section 15064.5(a) of the CEQA Guidelines. To support the development of 91 new residential units within 16 three-story buildings, the project includes the demolition of the eastern portion of the existing warehouse building. In addition, the project would rehabilitate a small portion of the building just east of the centerline of the former cannery/warehouse building. The remaining portions of the former cannery/warehouse building, as well as the associated office building 3201-3225 Ash Avenue are outside the area of proposed development and are not otherwise included in the proposed project actions.

Pursuant to Section 15064.5(b) of the CEQA guidelines a project may result in substantial adverse change in the significance of a historical resource if it causes physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Material impairment is defined as demolition or alteration “in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the [CRHR].”³

Additional guidance on assessing impacts to historical resources is defined in Section 15064.5(b)(3) of the CEQA Guidelines, states that impacts to historical resources are generally considered mitigated to a less than significant level when they meet the *Secretary of the Interior’s Standards for the Treatment of Historic Properties* (Secretary’s Standards) (Attachment 3). The Secretary’s Standards establish professional standards and provide guidance on the preservation and protection of historic properties. The intent of the Secretary’s Standards is to provide for the long-term preservation of a property’s significance through the preservation of its historic materials and features. These historic materials and features are commonly referred to as character-defining features and are indispensable in a historic property’s ability to convey the reasons for its historical significance. The Bayside Canning Company’s character-defining features were assessed by Page & Turnbull in their historic resource evaluation, as outlined above. To ensure a proposed project’s compliance with the Secretary’s Standards, a historic property’s character-defining features should therefore be identified and preserved as part of the final design.

In consideration of impacts to the 340 Portage Avenue property, the most substantial impact would occur through the demolition of 89,639 square-feet of the eastern portion of the Bayside Canning Company cannery/warehouse building, constituting a loss of approximately 40 percent of the building. The proposed demolition would result in the removal of distinctive materials, the loss of several

³ CEQA Guidelines Section 15064.5[b][2][A].

character-defining features, and would, therefore constitute material impairment to the historical resource. The proposed demolition would be in an adverse manner of those characteristics of the historical resource that convey its historical significance and justify its eligibility for listing in the CRHR. Additionally, the proposed treatment of the building would not be consistent with the Secretary's Standards which recommends avoiding loss of historic materials through demolition and removal and encourages the retention of distinctive materials that characterize a property. The proposed would cause a loss of several of the the property's character-defining features outlined above, including its form and masing and varied roof forms and structures through the proposed demolition. Additionally, the treatment proposed for the portion of the building that is to remain and be rehabilitated for continued use also does not meet the Standards. That Standards provide that the removal of distinctive materials should be avoided, alterations should not destroy historic materials, and that deteriorated features should be repaired or replaced in kind, where necessary. The proposed project includes the removal of distinctive materials like the character-defining exterior cannery features such as the loading platforms and cooling porches. The proposed changes to the building's fenestration, most notably the addition of new window openings and the alterations to the entrances on the north and south elevations also do not meet the Standards. The addition of the proposed aluminum canopies above the entries and the proposed addition to the warehouse's south elevation are not compatible with the warehouse's historic character and would obscure historic materials that characterize the property and is, therefore, inconsistent with the Standards.

Additionally, the proposed bisection of the canning/warehouse building would result in unknown and undefined treatment of a substantial portion of the building. The unidentified treatment of the remaining portion of the warehouse building could result in additional material impairment. Furthermore, the proposed demolition of the portion of the building included in project site would impair the building's physical characteristics that convey the property's historical significance such that the historic resource would not retain sufficient integrity for listing.

The goals of rehabilitation are to make possible the compatible new use of a historic property while preserving those portions or features that convey its historical, cultural, or architectural values. The project, as proposed, would result in material impairment to the resource and would not preserve the building's historical value. The proposed project would result in substantial changes to the historic canning/warehouse building and would destroy distinctive materials, features, and spatial relationships that define its historic character. The partial demolition of the building and the proposed exterior updates would result in the removal of distinctive building materials. Finally, the proposed new additions and adjacent construction are proposed in a manner that requires the demolition of part of the historic building. If the proposed new construction were removed in the future, the essential form and integrity of the historic building and its environment would be impaired and would not, therefore, meet the Standards. The proposed partial redevelopment of the warehouse building fails to meet the Standards for the reasons outlined above. The project as proposed would result in ***significant impact to a historical resource for the purposes of CEQA.***

Recommendations

To inform the alternatives analysis for CEQA compliance and identify measures to mitigate potential impacts, Rincon has provided the following recommendations.

In order to meet the Standards, thereby avoiding a substantial adverse change in the significance of a historical resource, the project would have to be redesigned to avoid subdivision of the historic resources on separate parcels as well as the partial demolition of the historic resource at 340 Portage

Avenue. The buildings could be rehabilitated for a new use that would require minimal change to their distinctive features. For a successful rehabilitation, the design would have to retain the building's character-defining features, as previously outlined.

The project may also be revised to mitigate the substantial adverse change. Mitigation of significant impacts must lessen or eliminate the physical impact the project will have on the historical resource. Mitigation could be accomplished through the redesign of the project to eliminate the proposed partial demolition of the historic resource while accommodating the proposed development on the portion of the site that is not currently occupied by buildings.

Alternatively, the project could proceed largely as designed to retain more of the warehouse building's character-defining features to continue to convey its historic context, in part. Revisions could include design updates that would more closely align with the Standards. The revised design could avoid the addition proposed for the south elevation and instead of introducing new storefront entries, reuse historic entries. It would also be more successful in aligning with the Standards if it retained the loading platforms and cooling porches instead of continuing the building elevations to grade and introducing aluminum canopies. The building would further comply with the Standards through avoiding adding aluminum frame windows in favor of wood or wood clad construction in the historic fenestration. The recommended changes, however, would not mitigate the impacts below a level of significance.

Another mitigation option is to carry out Historic American Building Survey (HABS) level documentation of the site. HABS documentation could include archival copies of historical building plans, if available and photos of all the buildings and site. Similar to the scope outlined above, site documentation would not mitigate the impacts below a level of significance.

The proposed project could be designed to include a permanent, high-quality on-site interpretive display in a publicly-accessible location, preferably near or within a portion of the retained warehouse building. The display could focus on the property's history, particularly the agricultural past of Santa Clara County and the canning operations of Bayside Canning Company. The interpretive display should be prepared by a professional exhibit designer and historian; historic information contained in Page & Turnbull's HRE can serve as the basis for the interpretive display. The goal of the interpretive display would be to educate the public about the property's historic themes and associations within broader cultural contexts. The interpretive design could incorporate elements of public art. The recommended mitigation, however, would not mitigate the impacts below a level of significance.

Conclusions

The field survey and archival research conducted for this study identified three properties over 45 years of age within the project area, the former Bayside Canning Company canning/warehouse building at 340 Portage Avenue, its associated office building at 3201-3225 Ash Street (APN 132-38-071), and a commercial building at 3040 Park Boulevard (APN 132-32-036). The project site also contains the concrete-lined Matadero Creek and two one-story office buildings on the east side of the creek at 3250 Park Boulevard and 278 Lambert Avenue, all of which were determined to not meet the age threshold generally triggering the need for historical resources evaluation were not recorded as part of this study. The two other parcels included in the project do not contain buildings (APNs 132-32-042 and 132-32-043). In 2019, the canning/warehouse building and its associated office building were determined eligible for listing in the CRHR at the local level under Criterion 1 (Events) for its association with the history of the canning industry in Santa Clara County. Therefore, the buildings are considered historical

resources as defined in Section 15064.5(a) of the CEQA Guidelines.⁴ As a part of this study, the building at 3040 Park Boulevard was evaluated for its potential historic significance and found to be ineligible for listing and is not considered a historical resource for the purposes of CEQA.

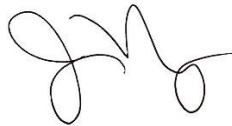
The proposed project involves the subdivision and merger of four existing parcels into two parcels – one for the development of 91 townhomes and a remainder lot that is not part of the proposed development. Work proposed on the project parcel includes the partial demolition of the canning/warehouse building and updates to the remaining portion of the building for use as common space. As detailed above, this impacts analysis finds that the project would result in the material impairment to a historical resource and result in a substantial adverse change in the significance of a resource. Furthermore, it does not comply with the Secretary’s Standards and as proposed and would result in a ***significant impact to a historical resource for the purposes of CEQA.***

The recommendations above provide guidance for the project to meet the Standards thereby reducing the impacts to less than significant levels. Alternatively, it provides a suite of mitigation measures that would mitigate the project’s impacts to the historic resources, but would not mitigate said impacts to below a level of significance.

Should you have any questions or comments regarding this report, please do not hesitate to contact the undersigned at 925-326-1159 or at jmuprhy@rinconconsultants.com.

Sincerely,

Rincon Consultants, Inc.



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Senior Architectural Historian

References

California Office of Historic Preservation

1995 *Instructions for Recording Historical Resources*, March.

KTGY Architecture and Planning

2021 200 Portage Avenue Townhomes, August 3.

⁴ Page & Turnbull, Inc. *Historic Resource Evaluation for 340 Portage Avenue*, prepared for the City of Palo Alto, February 26, 2019.

Page & Turnbull

- 2019 *Historic Resource Evaluation for 340 Portage Avenue*, prepared for the City of Palo Alto, February 26.
- 2019 *Memo: NVCAP Windshield Survey and Preliminary Historic Resource Eligibility Analysis*, April 11.

The Sobrato Organization

- 2021 *200 Portage Avenue, Palo Alto, CA 94306*, June 16.

WRA Environmental Consultants

- 2020 *Matadero Creek Renaturalization: Conceptual Alternative Analysis*. Prepared for the City of Palo Alto, September.

Attachments

- Attachment 1 Page & Turnbull *Historic Resource Evaluation for 340 Portage Avenue*
- Attachment 1 DPR Forms for 3040 Park Boulevard
- Attachment 2 Secretary of the Interior's Standards

Attachment 2

Historic Design Guidelines Memorandum



Architectural
Resources Group

HISTORIC DESIGN GUIDELINES

340 Portage Avenue, Palo Alto
Revised, July 2022

Introduction

At the request of the Sobrato Organization, Architectural Resources Group (ARG) has prepared the following guidelines regarding the future treatment of the property at 340 Portage Avenue in Palo Alto, California. As documented in the Historic Resource Evaluation (HRE) that the City of Palo Alto had completed for the property in April 2019, 340 Portage Avenue is considered historically significant as the former home of the Bayside Canning Company and Sutter Canning Company, an association that extended from the original 1918 construction of portions of the property until Sutter's departure in 1949. The property was not found to be architecturally significant. The purpose of the guidelines is to foster rehabilitation and redevelopment of the site in a manner that retains the property's identified historic character and is in keeping with the Secretary of the Interior's Standards for Rehabilitation. The guidelines are intended to ultimately be incorporated into the Development Agreement (DA) associated with the property.

To complete these guidelines, ARG conducted a site visit of the property on March 9, 2022 to note and photograph current features and conditions. ARG also met with representatives of the Sobrato Organization and project architect Architectural Technologies (ARC TEC) to gain a sense of the future redevelopment of the site, the design of which is still under development. The drawings and renderings that illustrate the guidelines were taken from materials that ARC TEC submitted to ARG in June 2022.



Sutter Packing Plant, 1940, looking northwest (Palo Alto Historical Society, 022-050).



Preliminary project rendering, south and east façades (ARC TEC, "340 Portage Avenue," July 26, 2022).



Preliminary project rendering, east and north façades (ARC TEC, "340 Portage Avenue," July 26, 2022).

Project Summary

The subject building extends southwesterly from Park Boulevard in the North Venture Coordinated Area Plan (NVCAP) area of Palo Alto. ARG's understanding is that the future redevelopment of the property will generally consist of the following components:

- 200 Portage Avenue: The portion of the building closest to Park Boulevard will be removed, exposing the east elevation of the 340 Portage Avenue portion of the building.
- 340 Portage Avenue: The monitor roofed bays at the building's east end will be retained and rehabilitated; the portion of the building to the west of those bays will be rebuilt within the existing footprint.
- 380 Portage Avenue: The westernmost portion of the building, which is clad in board formed concrete and features bow truss roofs, is included in the current project site but currently includes no proposed exterior improvements.
- 3201-3225 Ash Street: No exterior improvements are proposed to this portion of the property.
- New construction: Approximately 74 townhomes will be added to the eastern half of the project site, along Park Boulevard in place of 200 Portage Avenue and the parking lot to the north.

These historic design guidelines focus on the exterior treatment of the 340 Portage Avenue portion of the site, with special attention to the monitor roofed bays at the building's eastern end, which are the most visually prominent historic features on the site.

Character-defining Features

A *character-defining feature* is an aspect of a building's design, construction, or detail that is representative of the building's function, type, or architectural style.¹ Generally, character-defining features include specific building systems, architectural ornament, construction details, massing, materials, craftsmanship, site characteristics and landscaping within the period of significance. An understanding of a building's character-defining features is a crucial step in developing a rehabilitation plan that is consistent with the *Secretary of the Interior's Standards for the Treatment of Historic Properties* by incorporating an appropriate level of restoration, rehabilitation, maintenance, and protection.

In April 2019, the City of Palo Alto commissioned Page & Turnbull to complete a Historic Resource Evaluation (HRE) for 340 Portage Avenue that identified the following character-defining features for the property:

- Form and massing
 - Long, linear massing
 - Composition of multiple smaller buildings
 - Primarily one-story, double-height volumes with taller central cannery section
- Varied roof forms and structures
 - Prominent paired monitor roofs
 - Arched roofs
 - Visible gabled roofs
- Exterior wall materials

¹ Nelson, Lee H. *Architectural Character: Identifying the Visual Aspects of Historic Buildings As an Aid to Preserving Their Character*. Washington, D.C: Technical Preservation Services, National Park Service, U.S. Dept. of the Interior, 1988, 1.

- Reinforced, board formed concrete
- Corrugated metal cladding
- Exterior cannery features
 - Concrete loading platforms
 - Cooling porch at rear of building
 - Exterior shed awnings with wood post-and-beam construction
- Fenestration
 - Wood frame windows
 - Garage door openings
 - Wire glass skylights over former warehouses
- Landscape Features
 - Preserved curved path of the removed railroad spur tracks, represented in shape of parking lot pavement
 - Channel of Matadero Creek
- Interior features
 - Exposed wood truss ceilings
 - Wood and concrete post and beam construction
 - Concrete floors

Careful consideration of these identified features informed the development of the following historic design guidelines.

Historic Design Guidelines

In general, the approach to rehabilitating 340 Portage Avenue should maintain the building's character-defining features to the extent feasible in maintaining and continuing the property's office and research and development (R&D) uses. The following guidelines address specific aspects of the project design.

Height and Bulk

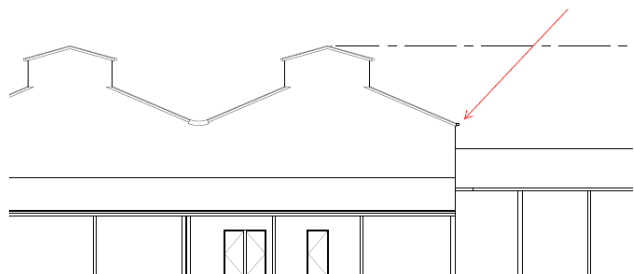
The building's long, linear massing should be maintained.



On the south elevation, new construction should remain at or below the top of the existing parapet height.



On the north elevation, where a new slightly higher parapet is proposed, both the new parapet and any new construction should remain below the height of the outermost edge of the monitor roofs.

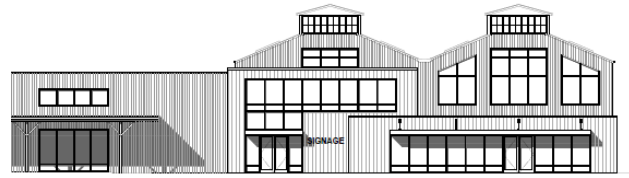


Continuous lot frontage along the north and south elevations should generally be maintained, with possible small-scale deviations to accommodate slightly recessed or projecting entry bays.



Roof Forms

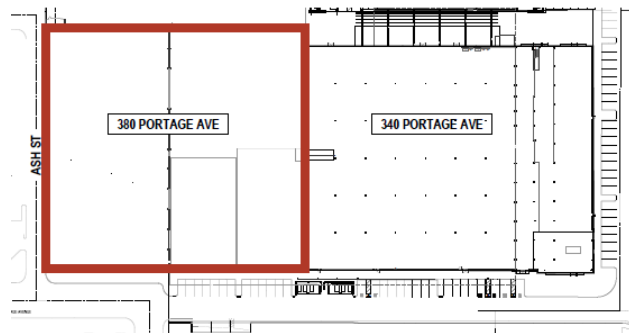
The monitor roof forms should be maintained. Other roofs should remain invisible behind the parapet walls along the north and south elevations.



New rooftop mechanical units should be kept below the parapet line where feasible. Where infeasible, rooftop mechanical units should be situated toward the center of building footprint in order to minimize visibility from the public right-of-way.



The bow truss roof forms in the western half of the building should be retained.



Cladding

The following wall cladding materials are encouraged as being compatible with the historic character of the existing building: metal panels, corrugated metal (painted or unpainted), and metal screens. In addition, board formed concrete is appropriate at the westernmost portion of the building, which is currently clad in board formed concrete. The following wall cladding materials are discouraged: wood, masonry, and ceramic tile.



Fenestration

A window condition assessment should be completed to identify the location and condition of extant (1) wire glass skylights and (2) clerestory monitor windows in the monitor roof portion of the building. This assessment should be completed with the assistance of one or more professionals meeting the Secretary of the Interior's Professional Qualification Standards in Historic Architecture. Historic windows and skylights should be repaired if feasible.



If the extant clerestory monitor windows are too deteriorated to repair, or occupy less than half of the extant window openings, new windows that are similar in scale, profile and appearance of the original windows should be installed. Wood or metal/aluminum windows that mimic the thickness and muntin pattern of the historic wood windows is encouraged; use of vinyl windows is discouraged.



New fenestration elsewhere on the building (including the east elevation and the areas on the north and south elevations immediately below the monitor roofs) should be metal or aluminum windows with simple surrounds, befitting the industrial history of the property.



Entries and Canopies

New entries should consist of simple aluminum storefront assemblies with full-height sidelights. The entry to the retail space on the south elevation should be similar in design to entries elsewhere in the building.



Canopies at the north and south elevations should be thin and metal-clad, either cantilevered out from the building or supported from above by tension cables or from below by simple metal brackets.

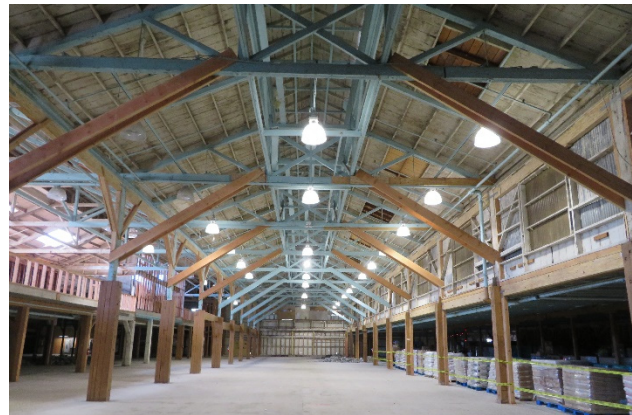


Retaining portions of the existing shed awnings with post-and-beam construction should be considered.



Interior

New interior construction should be configured in such a manner that the original volume of the roof monitor portion of the building is still conveyed; wholly subdividing that portion of the building into smaller spaces or introducing intermediate floors should be avoided.



At the new retail space on the south elevation, interior skylights should be incorporated to afford views of the historic monitor roofs. Lighting conditions in the retail space and at the monitor roofs should be investigated to ensure the visibility of the roof elements through the skylights.



Public Exhibit

The site should incorporate a publicly accessible display featuring historic photos of the property and a description of its historical significance arrayed onto as many as four panels. The content of the panels could be adapted from the recently completed HRE.








This display panel, which should be composed of durable materials, should be developed with the assistance of one or more professionals meeting the Secretary of the Interior's Professional Qualification Standards in Architectural History or History and experienced in creating such historical exhibits.

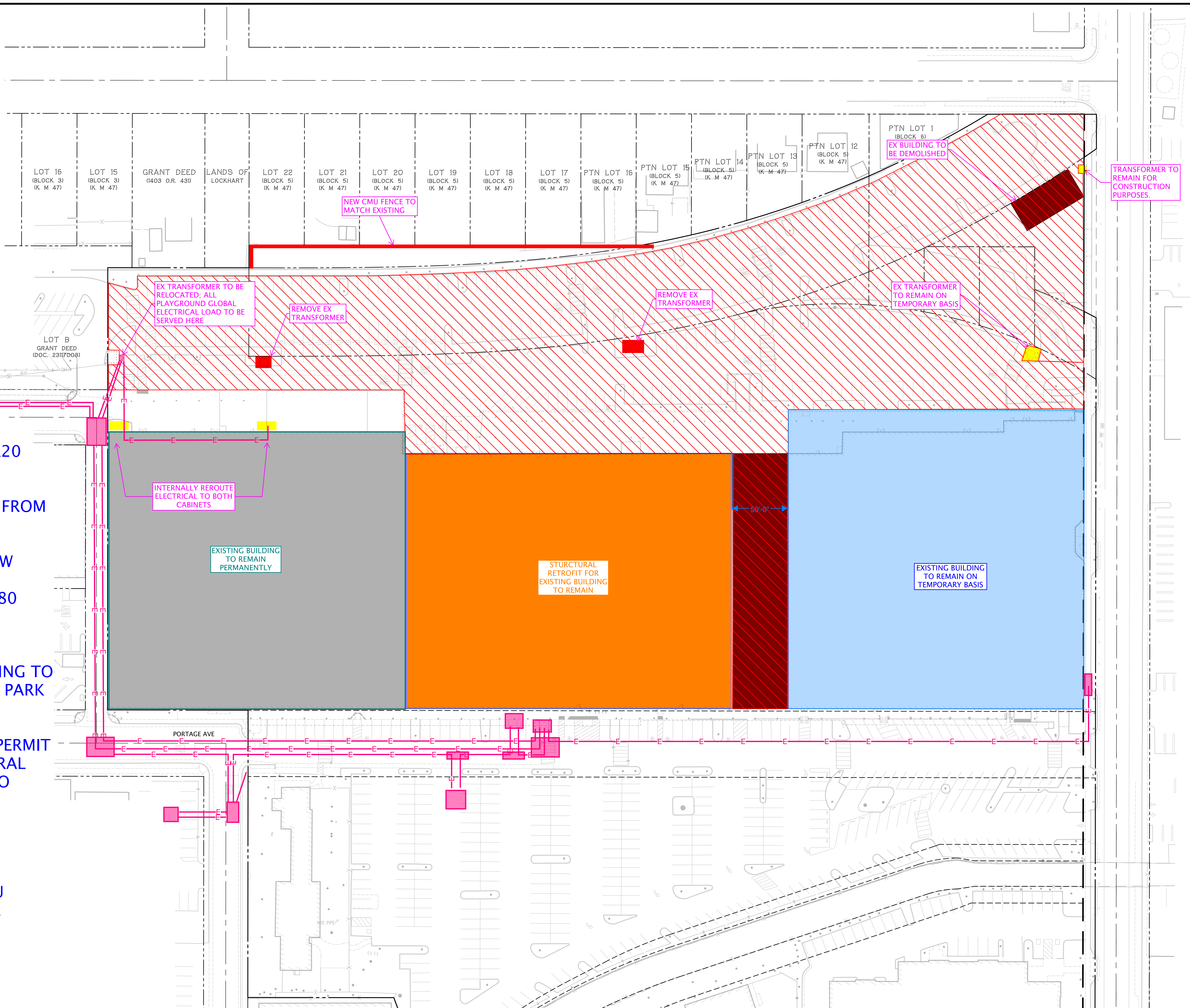
For ease of installation and maintenance, we recommend the display panel(s) be located inside the retail space at the south end of the monitor roof portion of the building. This could be supplemented by a commemorative plaque, placed on the building exterior, that indicates the property is the former home of the Bayside Canning Company and Sutter Canning Company.

Attachment 3

Applicant Phasing Plan

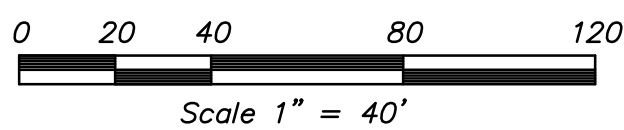
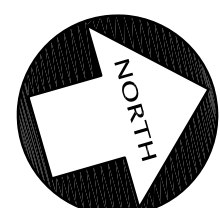
LEGEND

- | Description | |
|---|------------------------------------|
|  | Area of Demolition |
|  | Demolish Existing Building |
|  | Electrical Equipment to be Removed |
|  | Existing Building to Remain |
|  | R20 per Palo Alto Power |
|  | Structural Retrofit |
|  | Temporary Building |



PHASE A PERMITS:

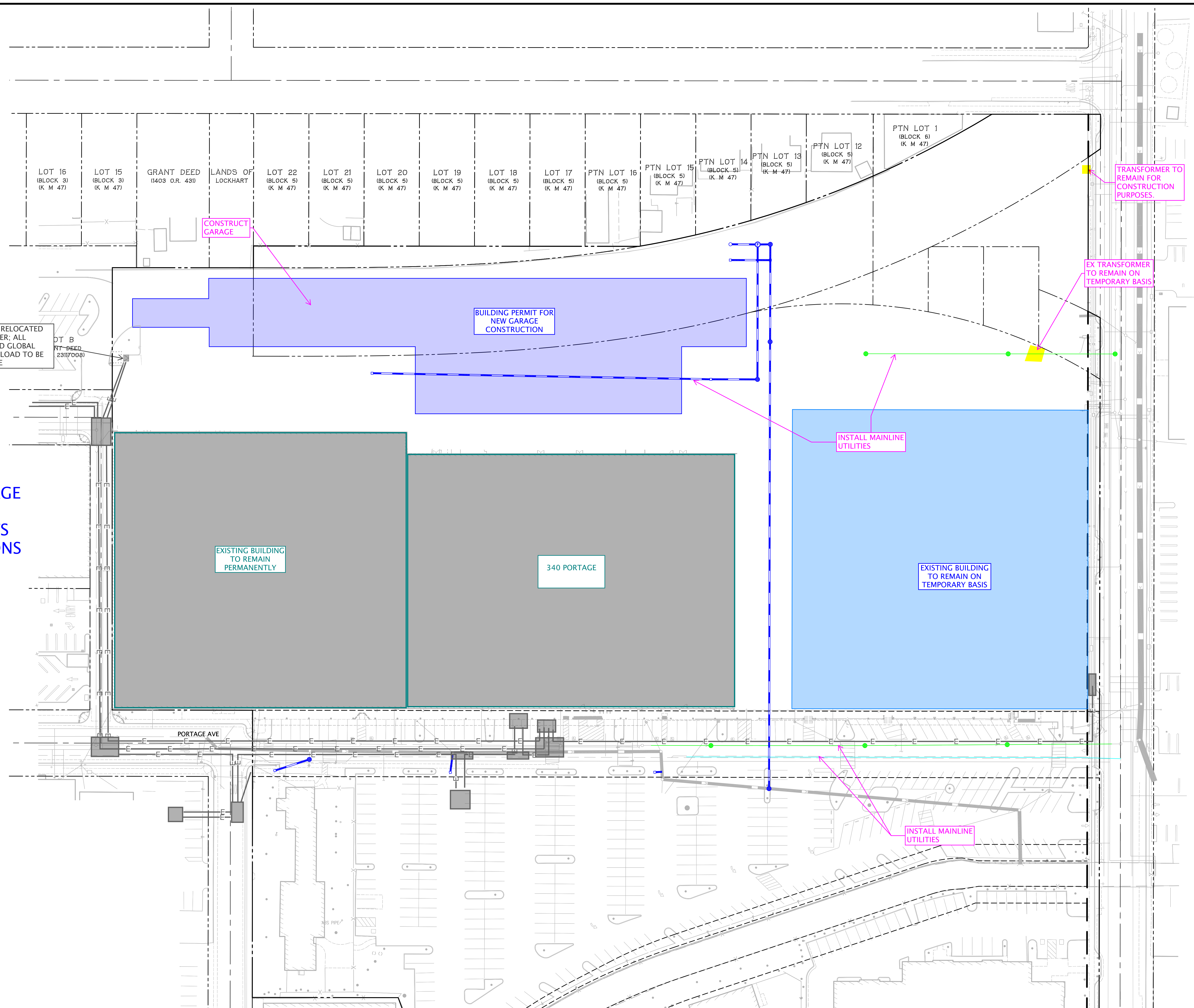
1. PALO ALTO POWER FOR R20 WORK
2. ENCROACHMENT PERMIT FROM PUBLIC WORKS
3. BUILDING PERMIT FOR NEW ELECTRIC SERVICE FOR PLAYGROUND GLOBAL (380 Portage)
4. DEMOLITION PERMIT FOR PARKING LOT AND BUILDING TO BE REMOVED (INCLUDING PARK BUILDING)
5. 340 PORTAGE BUILDING PERMIT WARM SHELL & STRUCTURAL RETROFIT OF BUILDING TO REMAIN (ORANGE)
6. TEMP POWER PERMIT FOR CONSTRUCTION
7. RECONSTRUCTION OF CMU FENCE AT PROPERTY LINE



 3350 Scott Boulevard, Building 22 Phone: (408) 727-6665 Santa Clara, California 95054 www.kierwright.com	PHASE A OF PORTAGE AVENUE PHASING PLAN FOR THE SOBRATO ORGANIZATION PALO ALTO, CALIFORNIA															
DATE NOV 2022 SCALE AS SHOWN DESIGNER NM DRAWN BY MC JOB NO. A10128-6 SHEET ...	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">NO.</th> <th style="width: 10%;">BY</th> <th style="width: 10%;">REVISION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	BY	REVISION												
NO.	BY	REVISION														

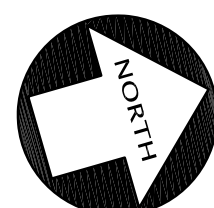
LEGEND

- Description
- Electrical Equipment to Remain
 - Existing Building to Remain
 - Garage Limits
 - R20 per Palo Alto Power (completed)
 - Temporary Building
 - Proposed Storm Drain Main
 - Proposed Sewer Main
 - Proposed Water Main



PHASE B PERMITS:

1. BUILDING PERMIT - GARAGE
2. ENCROACHMENT PERMITS FOR UTILITY CONNECTIONS

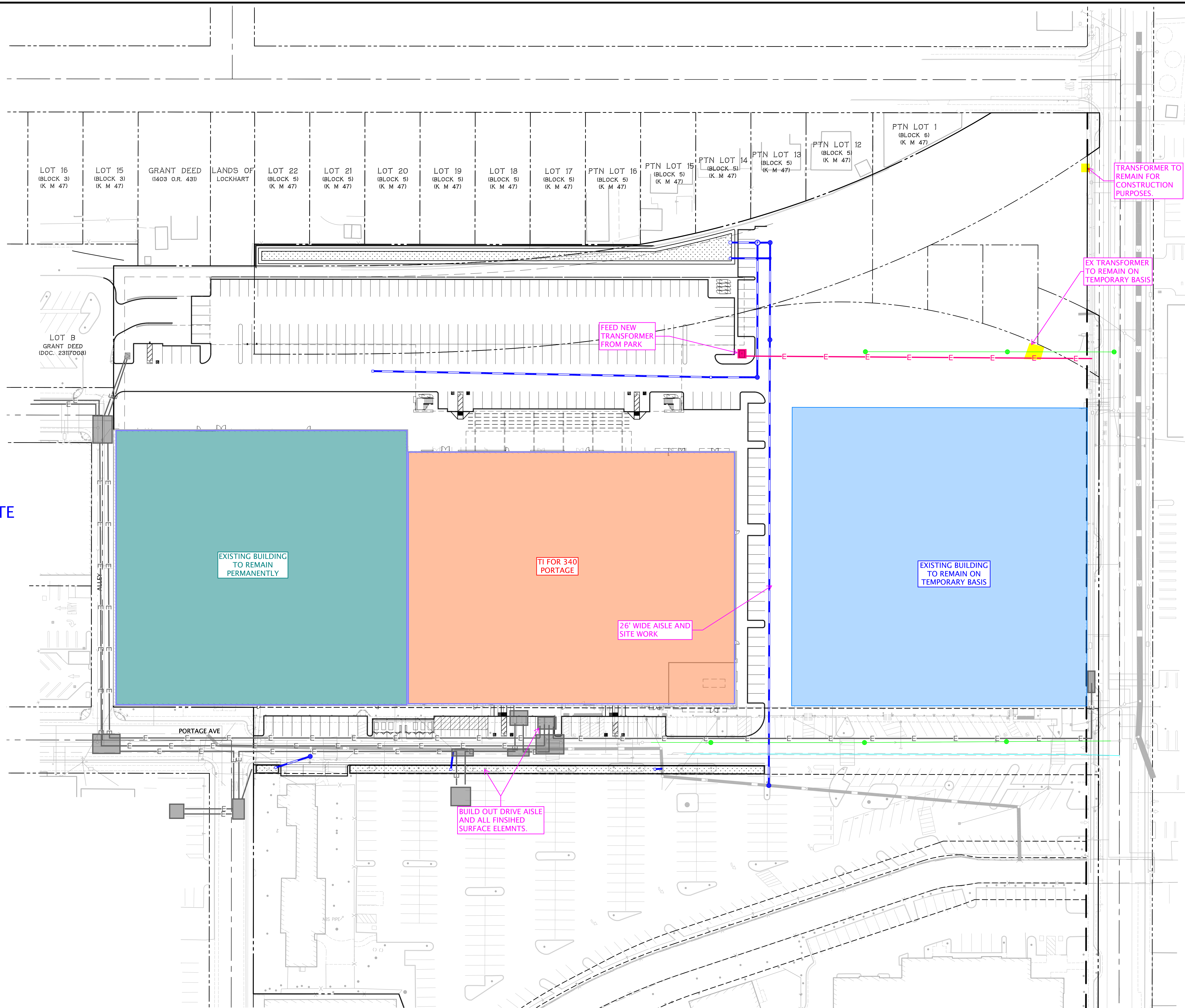


0 20 40 80 120
Scale 1" = 40'

BY		REVISION		NO.		NO.	
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KIER+WRIGHT <small>3350 Scott Boulevard, Building 22 Phone: (408) 727-6665 Santa Clara, California 95054 www.kierwright.com</small>							
PHASE B OF PORTAGE AVENUE PHASING PLAN FOR THE SOBRATO ORGANIZATION PALO ALTO, CALIFORNIA							
DATE		NOV 2022					
SCALE		AS SHOWN					
DESIGNER		NM					
DRAWN BY		MC					
JOB NO.		A10128-6					
SHEET		---					

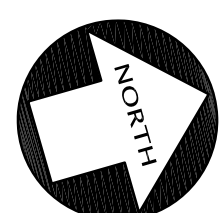
LEGEND

- Description
- Electrical Equipment to Remain
 - Existing Building to Remain
 - New Electrical Equipment
 - Temporary Building
 - TI for 340 Portage
 - Proposed Storm Drain Main
 - Proposed Sewer Main
 - Proposed Water Main



PHASE C PERMITS:

1. GRADING PERMIT FOR SITE WORK
2. TI FOR 340 PORTAGE



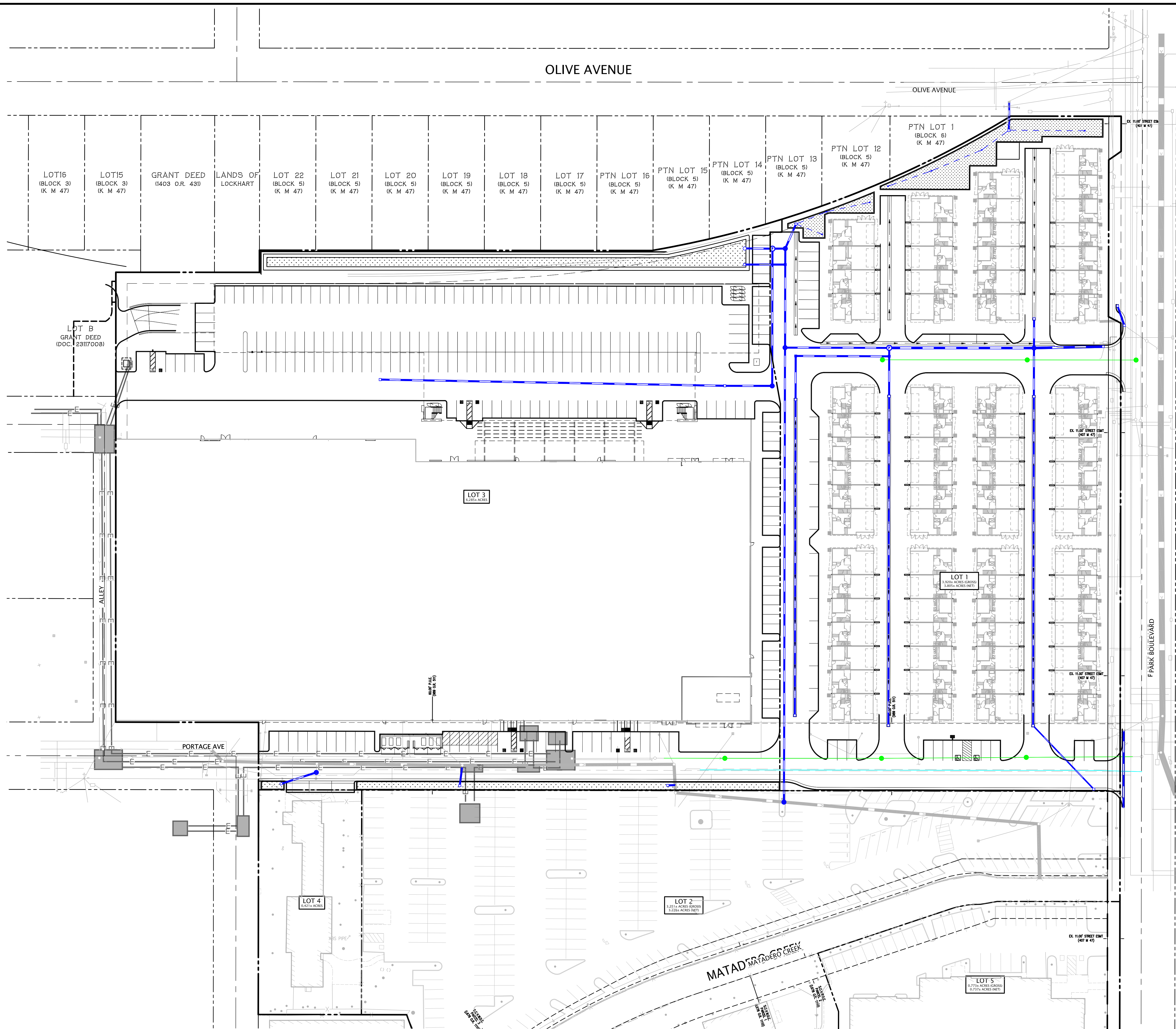
0 20 40 80 120
Scale 1" = 40'

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PHASE C OF PORTAGE AVENUE PHASING PLAN FOR THE SOBRATO ORGANIZATION PALO ALTO, CALIFORNIA							
DATE	NOV 2022						
SCALE	AS SHOWN						
DESIGNER	NM						
DRAWN BY	MC						
JOB NO.	A10128-6						
SHEET	---						

LEGEND

Description

- R20 per Palo Alto Power
- Proposed Storm Drain Main
- Proposed Sewer Main
- Proposed Water Main



PHASE E PERMITS:

1. TOWNHOME PERMITS & CONSTRUCTION

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	REVISION						
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	BY						
	REVISION						
	NO.	△	△	△	△	△	△
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PHASE E OF PORTAGE AVENUE PHASING PLAN FOR THE SOBRATO ORGANIZATION PALO ALTO, CALIFORNIA							
DATE	NOV 2022						
SCALE	AS SHOWN						
DESIGNER	NM						
DRAWN BY	MC						
JOB NO.	A10128-6						
SHEET	---						

Attachment 4

Summary Table of Recommendations

Table 1 Summary Table of Recommendations

Design Element	SOIS Analysis	Recommendations
Proposed Demolition	Does not meet Standard 1, 2, 5, and 6	To conform with the Standards, the proposed design should be updated to retain the portions of the historic building proposed for demolition.
Structural Retrofit	Potential to not meet Standard 2 and 6.	In order to conform with the Standards, care should be taken to retain historic materials.
New Storefronts, Entries, and Canopies		
<i>South Elevation Entries</i>	Does not meet Standard 2, 5, 6, or 9	The extant former loading door, identified as a character-defining feature should be retained. New entries at the proposed amenity space addition should be revised to not overwhelm the historic portion of the building to be retained. The proposed use of corrugated metal on the proposed amenity space should be updated to a different, compatible material to clearly distinguish the original historic building and the proposed alteration.
<i>North Elevation Entries</i>	Does not meet Standard 2 or 9	The proposed new entries should be reduced in scale, and be pulled in at least one structural bay from each end of the character-defining roofline in order to retain more of the building materials and the building’s spatial relationship. The existing loading door should be retained and reused instead of introducing new entries in the same general location.
<i>Canopies</i>	Meets the Standards at new entries Does not meet Standard 2 or 5	The proposed removal of existing character-defining shed awnings should be retained instead of being replaced with new canopies.
New Window Openings		
<i>North and South Elevations</i>	Does not meet Standard 2, 3, 5, 6, or 9	It is recommended that the north and south window configuration be updated to no longer include the fixed windows that follow the slope of the roofline.
<i>East Elevation and Skylights</i>	Meets the Standards	No recommendation
Existing Window Treatment	Meets the Standards	In order to comply with Standards 2 and 5, original windows should be retained where condition allows. If windows are deteriorated beyond repair, they should be replaced with windows in kind. New windows should match the historic in configuration and profile and be manufactured in an appropriate replacement material.
Existing Exterior Cladding Material	Meets the Standards	In order to comply with Standards 2 and 5, cladding material should be retained where condition allows. If it is deteriorated beyond repair, it should be replaced with material in kind and match the historic material in color and composition.
Rooflines	Does not meet Standard 2, 5, 6, and 9	The proposed design should be revised to retain the varied rooflines. If structural updates are necessary to meet code requirements, the roof’s overall form should be retained and replaced in kind.
Loading Platforms	Does not meet Standard 2, 5, 6, and 9	The revised design should be updated to retain more of the loading platform, including the change in grade from the adjacent parking lot.



New Construction		
<i>Townhouses</i>	Meet the Standards	No recommendations
<i>Garage Addition</i>	Meets the Standards	It is recommended that the proposed use of corrugated metal on the garage addition be revised to a different, compatible material to make it readily distinguishable from the historic building