



RESPONSES TO COMMENTS ON THE DRAFT IS-MND



575 Los Trancos Road Residential Project

PREPARED BY

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REPORT DATE

July 2023

TABLE OF CONTENTS

RESPONSES TO COMMENTS ON THE DRAFT IS-MND	1
Letter 1	2
Letter 2	28
Letter 3	44

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RESPONSES TO COMMENTS ON THE DRAFT IS-MND

This document includes comments received during the circulation of the Draft Initial Study – Mitigated Negative Declaration (IS-MND) prepared for the 575 Los Trancos Road Residential Project (Project).

The Draft IS-MND was circulated for a 30-day public review period that began on August 17, 2022 and ended on September 16, 2022. The City of Palo Alto received three comment letters on the Draft IS-MND. The commenters and the page number on which each commenter’s letter appears are listed below.

Letter No. and Commenter	Page No.
1 Jane F. Mark, AICP, Planning Manager, Midpeninsula Regional Open Space District	2
2 Shani Kleinhaus, Ph.D., Santa Clara Valley Audubon Society, and Gladwyn D’Souza, Sierra Club Loma Prieta Chapter	28
3 Steve Henry	44

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).

In certain instances, the text of the Final IS-MND has been modified in response to comments received or to clarify information. Corrections or additional text are reflected in the text of the Final IS-MND.

The responses also reflect changes made to the project after circulation of the Draft IS-MND. These changes are reflected in the project description and environmental analysis in the Final IS-MND.

In no case did the project revisions, the public comments or the changes made to the IS-MND result in or identify new significant impacts or new, avoidable significant effects compared to the impacts identified in the Draft IS-MND. Because none of the revisions to the IS-MND are “substantial” as defined in CEQA Guidelines Section 15073.5(b) and the information added merely clarifies and amplifies the information previously provided in the analysis, recirculation of the IS-MND is not required.

Letter 1

September 19, 2022

City of Palo Alto Planning and Development Services Department
City Hall
250 Hamilton Ave
Palo Alto, CA 94301

SENT VIA E-MAIL TO: emily.foley@cityofpaloalto.org and jodie.gerhardt@cityofpaloalto.org

Subject: 21PLN-00196, 575 Los Trancos Road (APN 18246012) Draft Initial Study and Mitigated Negative Declaration

Dear Ms. Foley,

On behalf of the Midpeninsula Regional Open Space District (Midpen), we respectfully submit the following comments regarding the Draft Initial Study and Mitigated Negative Declaration (ISMND) for the proposed residential development at 575 Los Trancos Road in the City of Palo Alto. As the owner of an adjacent parcel (APNs 079-080-050, -080, and -090), Midpen appreciates the opportunity to comment on this development and the time extension to submit our agency's comments to September 19th at 5 pm.

Comprised of over 65,000 acres of acquired and protected open space on the San Francisco Peninsula, Midpen is one of the largest regional open space districts in California. Our mission is to acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.

While much of Midpen's open space lands are along the ridge of the Santa Cruz Mountains, Midpen owns and manages Windy Hill Open Space Preserve (Preserve), including the Hawthorns Area, which is located in the Town of Portola Valley and is located within a ¼ mile to the project site. Based on the project's proximity to the Hawthorns Area, we would like to share specific concerns regarding Biological Resources (BIO) that should be considered as part of the environmental analysis for the ISMND as well as for the design and approval of the project.

Biological Resources

Riparian Habitat

Based on the project plans, it appears the development is adhering to the City's Stream Corridor Ordinance's minimum creek setback of 20-ft from Los Trancos Creek. To improve the

clarity of the project plans and environmental review and to show the proposed structure's proximity to the creek, please provide a figure that includes the proposed building's footprint as shown on Figure 2 with the creek and property lines as shown on Figure 5.

1.1

According to the ISMND, "No vegetation removal, ground disturbance or construction shall occur within the creek or the 20-foot creek setback zone." Los Trancos Creek supports critical habitat for steelhead, central California coast (CCC) distinct population segment (steelhead) (*Oncorhynchus mykiss irideus*) and other aquatic species, where building the structure within close proximity to the creek could result in significant impacts to the aquatic species. In addition, the Project may need to modify riparian vegetation that are critical to supporting these aquatic species in order to maintain adequate defensible space for the newly constructed structures (which is usually requested to be 30-100 feet surrounding each structure). As such, the homeowner would need to encroach upon the creek setback area to remove additional vegetation to provide adequate defensible space in the future. This long-term management action would result in the need to remove/trim riparian vegetation. Additional permitting approval would be needed from regulatory agencies who may not be supportive of or approve vegetation modification for these purposes to ensure adequate protection of the creek and associated riparian vegetation. These actions would result in additional impacts on the riparian corridor, steelhead critical habitat and other aquatic species, which the ISMND has not fully analyzed and addressed in the BIO mitigation measures. In addition, please confirm that the City of Palo Alto Fire Department has reviewed the project plans to ensure that adequate defensible space can be provided for the new home and accessory structure located with only a 20-foot setback from the creek without impacting the riparian vegetation.

1.2

Wildlife Species and Habitat

The proposed swimming pool's placement in close proximity to the creek could result in the entrapment of semiaquatic species such as California Giant Salamander, Santa Cruz Black Salamander, Western Pond Turtle, California Red Legged Frog (CRLF), and San Francisco Garter Snake (SFGS) that may travel across the landscape. These potential additional impacts of entrapment and drowning which could result in the taking of these species should be analyzed and addressed in the BIO mitigation measures with consideration to include wildlife barriers and/or escape ramps installed to prevent entrapment.

1.3

The proposed Project is located in mountain lion habitat and wildlife corridor. The footprint of the new structure appears to be at least a 300-foot long (or greater) north to south barrier to wildlife passage parallel to Los Trancos Creek. This Project could cause wildlife such as deer and mountain lion to circumnavigate the structure in order to travel between open space areas located to the east and west of the proposed project resulting in additional fragmentation of the local habitat. The potential impacts to wildlife movement and fragmentation should be analyzed and addressed in the BIO mitigation measures.

1.4

Phytophthora / Sudden Oak Death

The area surrounding the proposed project has been heavily impacted by *Phytophthora*-caused plant diseases, including Sudden Oak Death (SOD), which was detected within close proximity to the project site in 2019¹. SOD has been responsible for the death of over one million oak and tanoak trees in California alone. Mortality rates are greater than 50 percent in some areas and continue to increase. Due to the known presence of SOD within the vicinity of the Preserve and the project site, attention is needed to protect the genetic integrity of native oak trees and reduce the potential risk of spreading SOD and related *Phytophthora* pathogens.

Should the project move forward, Midpen requests that the City incorporate appropriate protocols as part of the Conditions of Approval for the Resource Management Permit to minimize the spread of *Phytophthora spp.*, including disinfecting tools and removing soil from heavy equipment before entering and when leaving the project site. At a minimum, replacement trees should be noninvasive (according to the California Invasive Plant Council), native and ideally native oaks. For replacement oak trees, Midpen requests that the project applicant use acorns sourced from within the watershed rather than nursery stock. Trees grown in nurseries have been known to carry *Phytophthora spp.* and spread the pathogen where planted. Notably, current research suggests that larger healthy trees in SOD infested areas may carry a genetic resistance to the pathogen. Midpen would be pleased to issue a free permit for acorn collection at Windy Hill, Thornewood, or Teague Hill Open Space Open Space Preserves. For additional resources, please see the four attached best management practice documents for conducting vegetation work in areas with potential *Phytophthora* infection.

1.5

Midpen did not receive project notification for review of the ISMND, such that we request Jane Mark, Planning Manager (jmark@openspace.org), be added to the City's future notifications for 575 Los Trancos Road project and other development projects located within the vicinity of the Hawthorns Area of Windy Hill Open Space Preserve. We appreciate the opportunity to comment on this development and the time extension of the public comment period to September 19th at 5 pm. Should you have any questions about this letter, please contact me at (650) 625-6563 or via email.

1.6

¹ Vollmar Natural Lands Consulting (2019). Botanical Resources Survey Report: Hawthorns Property, Windy Hill Open Space Preserve.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jane F. Mark', with a long horizontal flourish extending to the right.

Jane F. Mark, AICP

Planning Manager

Attachment 1: Guidelines to Minimize Phytophthora Contamination

Attachment 2: Midpen Phytophthora Sterilization Guidelines

Attachment 3: Sudden Oak Death Precautions and Acorn Planting Protocols

Attachment 4: Guidelines to Minimize Phytophthora Pathogens in Restoration Nurseries

CC: Ana Ruiz, General Manager

Susanna Chan, Assistant General Manager

Guidelines to Minimize *Phytophthora* Contamination in Restoration Projects

These guidelines aim to avoid contamination of restoration sites with exotic pathogenic *Phytophthora* species or other plant pathogens during planting and related activities.

Contents

Definitions	1
I. Guidelines for General Construction	2
II. Guidelines for Planting at Field Sites	2
Appendix	
A. Procedures for sanitizing tools, surfaces, and footwear.....	5
B. Clean water specifications	6

Definitions:

- **Holding facility or nursery:** A facility where nursery stock is maintained for a short to extended period of time prior to planting. Plant maintenance activities may include irrigation, fertilization or light pruning, as necessary. Nurseries involved in most other activities, including propagation or repotting are considered production nurseries.
- **Job site:** The job site includes areas for planting, soil stockpiling, parking, and access roads within and leading to the site.
- **Nursery stock:** All types of nursery grown plants.
- **Planting area:** Area being planted for habitat restoration, erosion control, or other purposes.
- **Planting site:** An individual planting basin or other spot, typically no larger than one square yard, where an individual plant or several grouped plants will be installed.
- **Sanitize:** Clean and treat with a sanitizing agent or via a lethal heat exposure to kill plant pathogens present as external contamination.
- **Sanitizing agent:** Materials such as bleach (sodium hypochlorite solutions), alcohol, quaternary ammonium compounds, and peroxides that can directly kill exposed propagules of *Phytophthora* or other plant pathogens when used properly. Most sanitizing agents can also kill a wide variety of bacteria and deactivate many viruses. Note that most materials referred to as fungicides are applied to plants to suppress disease but may not kill the pathogens and are not sanitizing agents.

I. Construction projects

In an effort to minimize the spread of plant pathogens the exterior and interior of all equipment and tools must be clean and free of debris, soil and mud (including tires, treads, wheel wells and undercarriage) prior to arrival at a new job site.

General guidance – suggested standard operating procedures:

- a. Vehicles need to stay on established roads unless infeasible.
- b. In general, vehicles and equipment need to be maintained clean – interior and exterior free of mud, debris and soil especially during the wet season.
- c. In general, work shoes need to be kept clean- inspect shoe soles and knock mud, debris and soil off treads before moving to a new job site.
- d. To minimize the potential for spreading potentially contaminated soil and time required for decontamination, if possible, avoid vehicle traffic and field work when soils are wet enough to stick readily to shoes, tools, equipment and tires.

II. Planting at Field Sites

Overview: Three general routes for the spread of *Phytophthora* and other soilborne plant pathogens are addressed in these guidelines. These routes are (1) contamination of planting material, including clean nursery stock, and other materials installed at the site, (2) inadvertent introduction of pathogens to a job site from other outside sources (e.g., via contaminated equipment), and (3) potential movement of undetected contamination within the planting area.

These guidelines assume that all nursery stock was originally grown under phytosanitary conditions and tested as remaining free from disease in the nursery (refer to nursery guidelines). These guidelines address how to protect the planting area from subsequent contamination during the delivery, storage onsite, and installation of planting stock and materials.

1. Prevent contamination of clean nursery stock or other clean plant materials

Planting stock shall be protected from potential contamination from the point that it leaves the production nursery or collection site until planting. Note that nursery stock has a high risk of infection by *Phytophthora* species if exposed to these pathogens. Excluding these pathogens provides the only viable option for maintaining outplanted nursery stock free of *Phytophthora*.

1.1. Maintaining nursery stock in a holding facility

When holding stock for an extended period (after delivery from production nursery and before planting), the following practices need to be followed to prevent contamination of the nursery stock with *Phytophthora*.

- 1.1.1. Delivered nursery plants that will be held before planting shall be transferred to cleaned and sanitized raised benches and maintained as described in “Guidelines to Minimize *Phytophthora* Pathogens for holding (non-production) nurseries at restoration sites, Section 3.”

1.2. Handling and transporting nursery plants at the job site

- 1.2.1. Nursery plants shall be transported on or in vehicles or equipment that have been cleaned before loading the stock. Truck beds, racks, or other surfaces need to be swept, blown with compressed air and/or power washed as needed so they are visibly free of soil and plant detritus. More information on sanitizing surfaces are described in the Appendix.
- 1.2.2. Keep plants in sanitized vehicles or on sanitized carts, trailers, etc. until delivered to their planting sites. (More information may be found in sections 1.3.3. and 1.3.4.)
- 1.2.3. At the job site, plants shall be handled to prevent contamination until delivered to each planting site. Nursery stock shall not be placed on the soil or other potentially contaminated surfaces until they are placed at their specific planting sites.
- 1.2.4. If it is necessary to offload plants at the job site, plants may be placed on clean waterproof plastic tarps or other clean, sanitized surfaces. If tarps are used for holding plants, one surface needs to be dedicated for contact with nursery stock and will be cleaned and sanitized to maintain phytosanitary conditions.

1.3. Other planting site inputs

- 1.3.1. Washing, soaking, or irrigation of plant material shall be conducted using clean water sources as specified in the Appendix below. Untreated surface waters should not be used for these purposes.
- 1.3.2. On-site or off-site collection of plant materials, including seed and cuttings for direct planting, shall be conducted in a phytosanitary manner (see guidelines for collection practices at www.calphytos.org).
- 1.3.3. Prior to delivery to the planting areas, mulch, compost, soil amendments, inoculants, and other organic products need to be examined and determined to be low-risk for pathogen introduction. Acceptable materials are those that are free of contamination by plant pathogens based on their composition or manufacturing conditions, or that have been exposed to an effective heat treatment to eliminate pathogens. Such materials must be handled and stored in a manner that prevents contamination. At the job site, delivered materials shall be handled to prevent contamination until delivered to each planting site in the same manner specified for nursery stock in section 1.2 above.
- 1.3.4. All other materials to be installed at the site shall be of new or sanitized material that has not been stored in contact with soil, untreated surface waters, or other potentially contaminated materials. This includes irrigation supplies (such as pipe, fittings, valves, drip line, emitters, etc.), erosion control fabrics, fencing, stakes, posts, and other planting site inputs.

2. Cleaning and sanitation required before entering planting area to prevent introducing contamination from other locations

Phytophthora contamination can be present in agricultural and landscaped areas, in commercial nursery stock, and in some infested native or restored habitat areas. Contamination can be spread via soil, plant material and debris, and water from infested areas. Arriving at the site with clean vehicles, equipment, tools, footwear, and clothing helps prevent unintentional contamination of the planting site from outside sources.

2.1. Vehicles, equipment, and tools

- 2.1.1. Equipment, vehicles and large tools must be free of soil and debris on tires, wheel wells, vehicle undercarriages, and other surfaces before arriving at the planting area. A high pressure washer and/or compressed air may be used to ensure that soil and debris are completely removed. Vehicles that only travel and park on paved roads do not require external cleaning.
- 2.1.2. The interior of equipment (cabs, etc.) should be free of mud, soil, gravel and other potentially contaminated material. Interiors should be vacuumed, washed, and/or treated with sanitizing agents as needed to eliminate pathogen propagules that could be transferred to the planting area.
- 2.1.3. Small tools and other small equipment (including hoses, quick couplers, hose nozzles, and irrigation wands) need to be washed to be free of soil or other contamination and sanitized (see Appendix).
- 2.1.4. Hoses shall be new or previously used only for clean water sources (see Appendix).

2.2. Footwear and clothing

- 2.2.1. Soles and uppers of footwear need to be visibly free of debris and soil before arriving at the planting area. (See the Appendix for more details.)
- 2.2.2. At the start of work at each new job site, worker clothing shall be free of all mud, soil or detritus. If clothing is not freshly laundered, all debris and adhered soil should be removed by brushing with a stiff brush.
- 2.2.3. Gloves and non-porous knee pads must be new (if disposable) or laundered/sanitized at the start of each work day, and/or clean coveralls must be worn. Non-disposable gloves should be made of or coated with material, such as nitrile, that can be sanitized.

3. Prevent potential spread of contamination within planting areas

Phytophthora can also be spread within plantings areas if some portions of the site are contaminated. However, it is not possible to identify every portion of a planting area that may contain *Phytophthora*. Because *Phytophthora* contamination is not visible, working practices should minimize the movement of soil within the planting area to reduce the likelihood of pathogen spread.

Note that areas with higher risk of *Phytophthora* infestation include areas adjacent to planted landscaping, areas previously planted with *Phytophthora*-infected stock, areas with existing or recently removed woody vegetation, disturbed wetlands, and areas directly along watercourses. Areas with low risk of contamination typically include upland sites with only grassy vegetation or sites where surface soils have been removed.

3.1. Worker training and site access

- 3.1.1. Before entering the job site, field workers need to receive training that includes information on *Phytophthora* pathogens and how to prevent the spread of these and other soilborne organisms by following approved phytosanitary procedures. Workers should also be informed about any site-specific phytosanitary practices before work commences.

- 3.1.2. Do not bring more vehicles into the planting area than necessary and keep vehicles on surfaced or graveled roads whenever possible to minimize potential for soil movement.
- 3.1.3. Travel off roads or on unsurfaced roads should be avoided when soil and road surfaces are wet enough that soil will stick to vehicle tires and undercarriages.
- 3.1.4. To allow for adequate decontamination of equipment, tools, gloves, and shoes, avoid planting under overly wet conditions or when soil is saturated.

3.2. Minimize unnecessary movement of soil and plant material within the planting area, especially from higher to lower risk areas

- 3.2.1 Brush off soil from tools and gloves when moving between successive planting sites to prevent repeated collection and deposition of soil across multiple sites.
- 3.2.2. Avoid contaminating clothing with soil during planting operations. Brush off soil accumulations before moving from one planting site to the next. Use nonporous knee pads that are cleaned between planting sites if kneeling is necessary.
- 3.2.3 When possible, plant nursery stock from a given block in the same local area rather than spreading it widely. If a problem is associated with a given block of plants, it will be easier to detect and deal with it if the plants are spatially grouped.
- 3.2.4. Phase work to minimize movement between areas with high and low risk of contamination. Where possible, complete work in low risk areas before moving to higher risk areas. Alternatively, assign personnel to working in either high or low risk areas exclusively to reduce the need for decontamination.
- 3.2.5. Clean soil and plant debris from large equipment and sanitize hand tools, buckets, gloves, and footwear when moving from higher risk to lower risk areas or when moving between widely separated portions of the planting area.
- 3.2.6. All non-plant materials to be installed at the site (irrigation equipment, erosion control fabric, fencing, etc.) shall be handled to prevent movement of soil within the site, especially movement from higher risk to lower risk areas. Materials should be kept free of soil contamination by maintaining them in clean vehicles or carts, trailers, etc., or stockpiling in elevated dry areas on clean tarps until used.

4. Clean water specifications

Objective: use only uncontaminated, appropriately-treated water for irrigation.

- 4.1.1. Water used for irrigating plants needs to be uncontaminated. See Appendix for specifications.

Appendix

A. Procedures for sanitizing tools, surfaces, and footwear

Surfaces and tools should be clean and sanitized before use. Tools and working surfaces (e.g., plant carts) should be smooth and nonporous to facilitate cleaning and sanitation. Wood handles on tools should be sealed with a waterproof coating to make them easier to sanitize.

Before sanitizing items, remove all soil and organic material (roots, sap, etc.) from their surfaces. If necessary, use a detergent solution and brush to scrub off surface contaminants. The sanitizing agent may also be used as a cleaning solution. Screwdrivers or similar implements may be needed to clean soil out of crevices or shoe treads. Brushes and other implements used to help remove soil must be visibly clean and sanitized after use.

After surface soil and contamination are removed, treat the surface with one of the following sanitizing agents, allowing the appropriate contact time before rinsing. If surfaces are clean and dry, wet surfaces thoroughly and allow for the appropriate contact time listed. If the sanitizer has been used to help clean the surface, use fresh sanitizer to rinse off any dirty solution and then allow the required contact time. If treated surfaces are wetted with water, the sanitizing solution will become diluted. Apply enough sanitizer to completely displace the water film and then allow the required contact time. Sanitizing agents may be applied with spray bottles to thoroughly wet the surface. Observe all appropriate safety precautions to prevent contact with eyes or skin when using these solutions.

- 70-90% ethyl or isopropyl alcohol - spray to thoroughly wet the surface and allow to air dry before use
- freshly diluted bleach solution (0.525% sodium hypochlorite, Table 1) for a minimum of 1 minute (due to corrosivity, not advised for steel or other materials damaged by bleach)
- quaternary ammonium disinfectant - use according to manufacturer recommendations, making sure that the label indicates that the product is suitable for your use situation and has activity against *Phytophthora* when used as directed. Solution should be freshly made or tested to ensure target concentration.

Table 1. Dilutions of commonly available bleach products needed to obtain approximately 0.525% sodium hypochlorite concentrations (5000 ppm available chlorine).

Percent sodium hypochlorite in bleach	Parts bleach	Parts water	Diluted bleach percent sodium hypochlorite
5.25%	1	9	0.525%
6.0%	1	10.4	0.526%
8.25%	1	14.6	0.529%
8.3%	1	14.8	0.525%

For example, adding 100 ml of 5.25% bleach to 900 ml of water will make 1000 ml of 0.525% NaOCl solution. If using 8.3% bleach, add 100 ml of bleach to 1480 ml of water to make 1580 ml of 0.525% NaOCl.

B. Clean water specifications

Surface waters, including untreated water from streams or ponds and nursery runoff, can be sources of *Phytophthora* contamination. Only uncontaminated water or water that has been effectively treated to remove or kill *Phytophthora* should be used for rinsing or irrigating plant material.

5.1. Water used for irrigation shall be from treated municipal water supplies or wells and delivered through intact pipes with backflow prevention devices. Tertiary-treated municipal recycled water is acceptable.

5.2. If well water is used, wellheads shall be protected from contamination by surface water sources.

5.3 Untreated surface waters and recycled nursery runoff shall not be used, and plants shall not be held where potential contamination from such sources is possible via splash, runoff, or inundation.

5.4. Irrigation equipment must be kept free of contamination that could be transferred to irrigation water or plants. All hoses, wands, and nozzles, and hand irrigation equipment must either be new or sanitized before use. Drip irrigation and other sprinkler parts should be new or sanitized. Hose ends, wands, or nozzles that become contaminated with soil or mud during use should be cleaned and sanitized before being used further.

Guidelines for Minimizing *Phytophthora* Contamination at Midpeninsula Regional Open Space District Preserves

The goal of these guidelines is to minimize the contamination of Midpeninsula Regional Open Space District (MROSD) preserves with *Phytophthora*, a soil pathogen that kills plants. Once a site is contaminated, this soil pathogen can spread farther into wildland areas and can be difficult to eradicate. Prevention is the lowest cost and easiest method to manage contamination.

The best way to prevent the spread of this disease is to not move soil from one location to another by cleaning tools, equipment, and footwear.

Part of the District's mission is to protect and restore the natural environment. Within the last few years, planted restoration sites have unintentionally exposed preserves to soil pathogens brought in by nursery plants that were later found to be contaminated. Testing of former restoration sites on District preserves is now underway to determine which sites are contaminated and the necessary remedial actions.

Who should use these guidelines?

These guidelines are intended for use by field staff and Natural Resource (NR) staff who pose the highest chance of spreading soil *Phytophthora* via equipment and footwear. Several methods are provided on how and when to decontaminate tools and equipment depending on the site conditions (contaminated versus clean site) and staff activities (planting, other). Guidelines for contractors, consultants, volunteers and preserve visitors are under development. Consult NR staff (Amanda Mills, amills@openspace.org or x558, or Coty Sifuentes-Winter, csifuentes@openspace.org or x560) on which guidelines are best for your project.

When to use these guidelines?

Use these guidelines for any activity that contacts soil, water or plants on a known *Phytophthora*-contaminated site, on a formerly planted site, on a site with rare plants, or when preparing or planting a new restoration site.

Table of Contents

1. Overview	3
1.1 What is Phytophthora?	3
1.2 General Steps:.....	3
1.3 Proper Disinfectants	4
2. Cleaning at the Field Office	5
2.1 Remove Soil from Equipment and Footwear	5
2.2 Disinfect Tools With Bleach	5
2.3 Disinfect Wheeled Equipment/ Vehicles.....	6
3. Cleaning at Field Site	6
3.1 Cleaning at Start of Field Day.....	7
3.2 Cleaning at End of Field Day	8
4. FAQ.....	8
5. Sources	9
6. Future Methods	9

1. Overview

Remember to **Arrive Clean and Leave Clean**. The best way to prevent the spread of *Phytophthora* is to leave soil at its original location in the field. Equipment and footwear should be clean and sanitized before entering a site, especially for planting events where extra precautionary steps will be taken. Before leaving a site, especially at contaminated sites, it's crucial to clean and sanitize footwear and equipment.

Definitions:

Clean - remove soil and organic debris from tools and footwear

Sanitize - Use disinfecting agent such as alcohol or chlorine bleach.

Phytosanitary- control of plant pests and diseases especially in agricultural crops

1.1 What is Phytophthora?

- 1.1.1 *Phytophthora* (Fie-tof-thora) is a group of water molds that infect plants. There are many species, mostly notably *P. ramorm* (Sudden Oak Death), *P. infestans* (potato blight/ Irish potato famine) and *P. tentaculata* (nursery root rot).
- 1.1.2 Symptoms are similar to drought, making diagnosis difficult without testing.
- 1.1.3 Symptoms include leaf spots, branch die-back, cankers, trunk bleeding and death of whole plant.
- 1.1.4 Hosts include many native and nursery plants including oaks, bay laurel, madrones, sticky monkeyflower.
- 1.1.5 Brought to California through imported camellia and rhododendron nursery plants.
- 1.1.6 Mainly spreads from contaminated nursery stock, pots and soil. Can spread by foot traffic from contaminated footwear.

1.2 General Steps:

- 1.2.1 **What** - Items to be cleaned: Anything that comes into contact with soil, water or plants. This includes tools (shovels, hand trowels, hori-horis, rakes, tree cages, plant protection tubes etc.), footwear, equipment, wheeled equipment and vehicles.
- 1.2.2 **When** - Prior to the project day, field staff will be notified what items need to be cleaned and by which method. In general, tools and equipment should be cleaned at the field office before bringing them to the field site, and soil should be removed from footwear beforehand and more thoroughly cleaned at the entrance to the field site.
- 1.2.3 **Transportation** - Cleaned equipment should be transported in a truckbed from which all soil has been washed out, or cleaned equipment can be wrapped in a clean tarp before placed in a dirty truck.

1.3 Proper Disinfectants

All recommended disinfectants are considered pesticides. Personal protective equipment required by the State of California for anyone using disinfectants is eye protection with wrap-around and brow protection and 14 mil chemical resistant gloves. You can use smaller mil gloves if handling chemicals for 15 minutes or less.

- 1.3.1 The disinfectants listed in Table 1 are recommended by standard phytosanitary guidelines.
- 1.3.2 Other disinfecting agents or methods, such as Lysol or heat treatments, must be reviewed and approved by NR staff before use.
- 1.3.3 Disinfectants are most effective when surfaces are clean of soil and user follows label instructions.

Disinfecting Agent	Active ingredient	Contact time	Product shelf life	Proper Disposal	Health Risk	Personal Protective Equipment
Granular Chlorine Bleach (Leslies Chlor Brite, EZ Chlor)	Sodium dichloroisocyanurate dihydrate	2 min	Long if undiluted	Neutralizer (Vita-D-Chlor)	High	Eyewear, gloves; do not inhale
Liquid Bleach (Clorox)*	Sodium chloride	2 min	3-5 months	TBD	High	Eyewear, gloves; do not inhale
Rubbing Alcohol	Ethanol or Isopropyl Alcohol	1 min	Long	TBD	Med	Eyewear, gloves; flammable
Quaternary ammonium compounds (Quat 128 or Physan 20)	Dodecyl dimethyl ammonium chloride	10 min	Long if undiluted	TBD	Med	Eyewear, gloves; toxic to fish

Table 1: List of approved disinfecting agents. Always follow chemical label instructions.

*Liquid bleaches are generally not recommended as a disinfectant because they lose potency in storage.

2. Cleaning at the Field Office

Clean equipment, tools and footwear at the field office **before** arriving to the project site. This is the easiest way to prevent soil contamination. For those occasions where equipment and footwear must be cleaned at a field site, see Cleaning at Field Site (page 7).

2.1 Remove Soil from Equipment and Footwear

- 2.1.1 At the field office, scrape, brush, and wash off any soil or organic material. Take care to remove soil trapped in treads or cracks.
- 2.1.2 Pathogens can survive inside soil clods even after soaking because disinfectants may not completely penetrate large or clayey masses. Therefore, it is important to remove large clods of soil before soaking or otherwise treating with disinfectants.

2.2 Disinfect Tools With Bleach

Several disinfecting agents are available for treating Phytophthoras (Table 1). When many tools need treatment, use granular chlorine bleach at the field office. Spraying with rubbing alcohol is more appropriate for spot treatment at remote field locations.

NEVER MIX DIFFERENT DISINFECTING AGENTS.

ALWAYS FOLLOW LABEL DIRECTIONS.

FOLLOW REQUIREMENTS FOR PERSONAL PROTECTIVE EQUIPMENT WHEN USING DISINFECTING AGENTS.

List of Equipment for Disinfecting Tools:

- **Disinfectant** – most frequently, we expect to be using granular chlorine bleach such as EZ Chlor or Leslie’s Chlor Brite when cleaning multiple tools at the field office. Carefully follow the directions below when using any [?] of the bleach disinfectants.
- **Vita-D-Chlor (chlorine neutralizer)** - This neutralizing product is only required if you used chlorine bleach as a disinfectant.
- **Waterproof container** - A large [minimum size?] plastic trashcan or waterproof pop-up garden trimming container in which to mix the water-based disinfectant and soak the tools.
- **Hard bristled scrub brushes and paint scrapers** - Grill brushes with scrapper attachment are handy tools to loosen soil from both flat surfaces and narrow cracks.
- **Personal Protective Equipment** Close-toed shoes, apron or coveralls, protective eyewear, 14 mil chemical resistant gloves (not leather or cloth).
- **Clean water source** - should not be cloudy or with a lot of organic material in it. Pressure washers or nozzles are helpful to remove soil quickly and get into small cracks.

- 2.2.1 Before using the disinfectant, remove soil as described in above section.

- 2.2.2 Fill waterproof container with 10 gallons of water. Use label instructions to add the right amount of disinfecting agent. For granular bleach, use one teaspoon in 10 gallons to get the desired 0.525% dilution.
- 2.2.3 Dunk tools in solution for required soaking time (see Table 1). For granular bleach, this is 2-minutes. Just getting tools wet does not mean they will be disinfected. Think of it as chemical cooking.
- 2.2.4 If you used chlorine bleach as a disinfectant, it needs to be neutralized after soaking. This ‘rinse cycle’ will deactivate the bleach so it does not corrode metal and so that it is safer to dispose of the soak water. Equipment sprayed with alcohol does not require this neutralization step.
- 2.2.5 In addition to tools, remember to disinfect the sanitation kit, gloves, tarps, or other miscellaneous items that have come into contact with soil.
- 2.2.6 Let tools dry. The hose lay is great for drying tarps.

2.3 Disinfect Wheeled Equipment/ Vehicles

Anything with wheels, including wheel barrels, ATV’s, motorized carts that will be used at the field site needs to be cleaned and this is best done at the field office before the project. Vehicles that stay at the staging area do not have to be cleaned and sanitized. However, it is good phytosanitary practice to remove soil from wheels every time you leave a site.

- 2.3.1 Scrub down tires either by hand scrubbing or using a pressure spray wash.
- 2.3.2 Sanitize using disinfecting spray such as bleach (must be made weekly) or rubbing alcohol.

3. Cleaning at Field Site

Remember to **Arrive Clean and Leave Clean**. If equipment was cleaned and treated with a disinfectant at the field office and delivered in a clean truck, then on-site cleaning of equipment will only be required when leaving at the end of a work day. We recommend that everyone be encouraged to thoroughly clean their footwear of soil before arrival at the site, and then footwear be treated with alcohol upon arrival. Volunteers may not always be aware of this recommendation and may arrive with boots that need to be cleaned of foreign soil at the field site. Scraping all soil off equipment and footwear is required before leaving site, and sanitation of all footwear is usually recommended when leaving a site, especially for known contaminated sites. Rubbing alcohol is usually the preferred disinfectant in the field. Bleach products can be used in the field, but it is harder to mix and dispose of them properly in the field. See details below.

3.1 Cleaning at Start of Field Day

Tools:

Portable sanitation kits include the following items in a bin: 2 tarps, boot brush with scraper, 2 spray bottles of 70% isopropyl alcohol, 2 long-handled brushes, 2 paint scrapers, and instructions. On muddy days, also bring a basin and 2 jugs of water.

Alcohol 70% Ethyl alcohol (Ethanol) or 90% Isopropyl alcohol is fine. Called rubbing alcohol at drug stores.

Spray bottle - we take the nozzles from chemical resistant spray bottles and screw them directly into the rubbing alcohol bottle. Sometimes the stem needs to be trimmed. This allows you to have a spray bottle that is properly labeled with rubbing alcohol information and precautions.

- 3.1.1 Any equipment or footwear not cleaned and sanitized at the field office must be cleaned and sanitized before entering the site. Off-site soil should be considered contaminated.
- 3.1.2 Using the items in the portable sanitation kit, set up a staging area where equipment and footwear will be cleaned and sanitized. A paved parking lot or surface near the entrance to the work site is preferred.
- 3.1.3 Lay out 2 tarps, one labeled 'dirty' and one labeled 'clean'.
Remove any off-site soil from footwear and equipment onto the 'dirty' tarp. Try not to use water. If water is used, DO NOT dump potentially contaminated water onto on-site soil. Water can be dumped onto non-permeable pavement such as a road or parking lot in a low traffic area. This will UV-sterilize the dirty water (24 hr daylight cycle) as long as no clumps exist. Potentially contaminated soil in the 'dirty' tarp should be bagged in a trash bag and thrown away. DO NOT dispose of off-site soil at the new site.
- 3.1.4 Use the 'clean' tarp to sanitize soil-free footwear and equipment. Standing on the tarp, spray cleaned footwear and tools with 70% isopropyl alcohol, thoroughly wetting the surface. If the surface of your footwear or tools is already wet, spray extra alcohol to displace the water and allow the alcohol to soak the surface. Spray the footwear from the top down to avoid contamination.
- 3.1.5 Allow alcohol to evaporate (approx. 1 min) before starting work. You can stand on the tarp until your shoes are dry.
- 3.1.6 Footbath Alternative - we are investigating sanitizing mats where sanitizing only requires stepping on the mat. Gemplers.com, sanistride.com, and nelsonjameson.com sell both sponge mats and footbath mats for disinfecting shoes. Either chlorine bleach or non-evaporating disinfectants are used in these footbaths and the solution is changed weekly or as needed. Chemical strips are available to test if disinfectants are still effective. Caution should be taken if footbaths and solutions are transported to avoid spills.
- 3.1.7 Bleach alternative in the field. We are currently recommending that the bleach alternative be used at the field office and alcohol be used in the field. Bleach may be a better alternative in the field under some circumstances (large amounts of tools that must be disinfected in field), but will require special processes for safety and to properly dispose of the chlorine treatment water. Consult with the NR Department to determine best methods under these conditions.

3.2 Cleaning at End of Field Day

Tools:

Portable sanitation kits include the following items in a bin: 2 tarps, boot brush with scraper, 2 spray bottles of 70% isopropyl alcohol, 2 long-handled brushes, 2 paint scrapers, and instructions. On muddy days, also bring a basin & 2 jugs of water.

- 3.2.1 Sanitation of equipment and shoes is important for known or suspected contaminated sites. More leniency can be given for 'clean' sites.
- 3.2.2 Remove all soil and organic material from footwear and equipment. Leave soil onsite. Use the boot scraper, paint scraper and a stiff brush to remove any soil and plant material on both the top and bottom of footwear and from tools including the digging ends and handles. Make sure to clean out crevices. On muddy days, fill the basin with water to assist in rinsing off excess soil once the majority of debris has been removed.
- 3.2.3 Water helps in removing dried clods of soil. This water can be dumped on-site only if the soil originates from on-site.
- 3.2.4 Standing on the 'clean' tarp, spray cleaned footwear and tools with 70% isopropyl alcohol, thoroughly wetting the surface and allowing it to dry (approx. 1 min). If the surface of your footwear or tools is already wet, spray extra alcohol to displace the water and allow the alcohol to soak the surface.
- 3.2.5 Before leaving the site, shake soil off the scrapers, brushes and tarp.
- 3.2.6 At the field office, thoroughly clean the portable sanitation kit by washing out, spraying with alcohol and drying the container and all contents before storage. The portable sanitation kit must be clean before moving to a new site.

4. FAQ

Q. What do we do with left over soil?

A. Depends on the soil. Soil from off-site should be disposed of in a trash bag and thrown away--there's no knowing if off-site soil is contaminated or not. On site soil can be disposed of on-site back where it came from.

Q. What do we do with dirty water?

A. Pouring on pavement or another non-porous surface should disperse the contaminated soil enough to UV (sun) sterilize the water. If using bleach, use neutralizer and the water can be considered clean and safe enough to pour out anywhere. Don't pollute! Other disinfectants need proper disposal that isn't safe for dumping on the ground. Contact Natural Resources Department (Amanda Mills/Coty Sifuentes-Winter) or EH&S for safe disposal procedures.

Q. How do we use the tarps?

A. Two tarps, two purposes. Dirty tarp: use as a containment area to clean off soil clogs, especially offsite soil, for later disposal. Clean tarp: provides users a clean surface to sterilize (with alcohol or other sanitation liquid) shoes and equipment not cleaned at the Field offices.

Q. When will we need to sanitize or use the kits?

A. 1. Contaminated sites (list TBD) 2. Planting events-NR staff lead 3. When NR Staff recommend sanitation. Most of these will be NR staff lead, otherwise a leading crew member will advise on Phytosanitary BMP.

Q. Can we use hot water to sterilize?

A. Hot water can be used only if equipment bathes in 120-125° water for 30 minutes in order to be effective at killing both surface contaminants and internal infections.

Q. What about large equipment and Ranger lead projects?

A. TBD. Field staff will be trained on phytosanitary measures. For field crew lead projects, a crew member should be in charge of facilitating phytosanitary compliance.

Q. Why does this take so much time?

A. It's best to prevent rather than respond to contamination by *Phytophthora*. Once a natural area has been exposed to this soil disease, it can slowly spread and kill other plants. It is very difficult and expensive to kill all the pathogens in the soil of a natural area.

5. Sources

CalPhytos.org. “Guidelines to minimize *Phytophthora* Pathogens in Restoration Nurseries”.
Suddenoakdeath.org. http://www.suddenoakdeath.org/wp-content/uploads/2016/04/Restoration.Nsy_.Guidelines.final_.092216.pdf

Kurowki, Chet. “Control Pathogen Spread through use of Disinfectants”. Calseed.org.
<http://www.calseed.org/documents/Disinfectants%2004-22-14a.pdf>

Cornell University Institutional Animal Care and Use Committee “Cleaning and sanitizing equipment used in the transport of animals.”
<https://ras.research.cornell.edu/care/documents/ACUPs/ACUP532.pdf>

http://agriculture.mo.gov/animals/pdf/animalag_guide4.pdf

6. Future Methods

Let us know how these guidelines worked for your project! We may adjust guidelines based on feedback.

**Midpeninsula Regional Open Space District
Sudden Oak Death Precautions and Acorn Planting Protocol**

1. Sudden Oak Death (SOD) Precautions

- a. Prior to the start of construction work, the Construction Superintendent shall inform construction personnel that they are working in a potential SOD-infested area, the implications of the disease, and the need to prevent further disease spread. Non-English speaking personnel shall be provided the appropriate written or verbal translations.
- b. To the extent practical, avoid locating equipment and material near host plants and trees, especially if showing disease symptoms.
- c. Route equipment away from host plants and trees, especially if showing disease symptoms.
- d. Any cutting or chipping of on-site plant material shall be restricted to the project area and the debris shall remain in the project area.
- e. After completing any cutting or chipping of on-site plant material, ensure that the equipment is free from host debris by first removing any visible plant material that clings to the equipment and follow with the cutting or chipping of non-host material.
- f. Before any equipment or vehicles leave the preserve, the contractor shall inspect the equipment and vehicles for host plant debris (leaves, twigs, and branches). Host plant debris must be removed from equipment and vehicles prior to their departure.
- g. If conditions at the work site are muddy due to dust suppression activities or summer rains, remove or wash off accumulations of soil, mud, and organic debris from shoes, boots, vehicles, and heavy equipment prior to exiting the preserve. If an equipment power wash station is used, its location must first be approved by the District Representative.

2. Acorn Planting Protocols

- a. Prior to planting, the contractor will remove debris within a 2-3 foot diameter of the planting basin and hollow out a planting hole fist deep and wide in loose soil. Place 3 seeds on their side in the hole, cover with soil to grade and firmly pat down. Contractor shall install Tubex Shrubshelters (2.5' height) centered on the planted seeds. Contractor shall insure that each installed Tubex Scrubshelter is in good condition and securely attached to wooden stakes with the bottom edge covered by soil. Contractor shall install a mulch layer or certified weed free stry 3 to 5-inches deep in an area of 3-foot diameter around each tree shelter. Contractor will provide and water each basin with one (1) gallon of water.
- b. After the first Spring, keep only the most vigorous seedling in each basin. If space is an issue, plant trees closer together.
- c. At year 5, thin trees to 2:1 ratio.
- d. At year 10, thin trees to 1:1 ratio.

Midpen will gladly issue a free permit to collect acorns for use from either Coal Creek or Los Trancos Open Space Preserves to a qualified contractor.

2. Clean planting materials

Objective: Start with propagative material that is free from infection or external contamination by *Phytophthora* species as well as other possible pathogens.

Suggested practices:

- 2.1. To avoid introducing *Phytophthora* into seed collection areas, make sure your equipment, vehicle, and footwear are clean. Clean and sanitize your footwear and tools between locations.
- 2.2. Where possible, collect seeds and cuttings as high above the ground as possible, preferably at least 3 ft above the soil surface.
- 2.3. Whenever possible, seed/fruit should not be collected directly from the ground. Seed can be knocked onto clean tarps placed on the ground or collected using seed traps. If seed is otherwise unavailable, exceptions may be considered based on the following criteria: 1). Vegetation is robustly healthy, the site is not known to be and not likely to be contaminated; 2). Seed has recently dropped on dry ground or leaf litter. Seeds that may be contaminated with soil via water splashed from the soil should be appropriately treated before storage or use (see section 9. Sanitizing materials and treatments). Ground-collected seed will be kept separate from other collected material during seed processing and planting and should be prioritized for testing throughout propagation.
- 2.4. Seeds, cuttings, and other plant propagules should not be collected from the vicinity of past restoration plantings or other areas where *Phytophthora* infestations are known, suspected, or likely. In the unusual situations where this is not possible (e.g., for rare populations), seed or tip cuttings may be collected if collected at a distance of 1 m or more above the ground. Material propagated from such sources should be kept segregated from plant material propagated from pathogen-free areas.
- 2.5. Protocols for seed collection from species that are low growing (with height stature less than 1 m above the ground) should minimize the risk of potential *Phytophthora* contamination. In general, seed that matures after the rainy season has ended has a low risk of being contaminated if collected before fall rains begin.
- 2.6. Collect seeds, cuttings, or other propagules only from plants and fruit that appear healthy. Do not collect or store seeds or other propagules with apparent disease symptoms such as decay, atypical discoloration, or fungal fruiting bodies.
- 2.7. If possible, avoid collecting seeds or other propagules during wet or muddy conditions to minimize potential for contaminating propagules or spreading contaminated soil.
- 2.8. Collect propagules with clean hands/gloves and equipment (pruning shears, etc.) and place them in new bags/envelopes and new or clean containers. Sanitize gloves, hands, and tools immediately if they come in contact with soil. Sanitize cutting tools frequently.
- 2.9. Conduct all processing of seeds or cuttings in a clean work area with clean equipment and clean hands or gloves. Discard or sanitize any seed or propagule that is dropped on the ground or comes in contact with contaminated surfaces or materials.

- 2.10. Clean seed as soon as possible after collection to remove any debris before storage or stratification. Inspect stored seeds or other propagules regularly and discard materials that develop symptoms in storage.
- 2.11. Where compatible with seed storage and germination requirements, treat seed using heat or appropriate disinfecting chemicals to eliminate seed-borne pathogens or external contamination. Seed treatment may be omitted for species where it is impractical or the risk of seed-borne or contaminating pathogens is negligible.
- 2.12. Do not bring potentially infected or contaminated plant material into clean production areas of the nursery. Properly collected seed and tip cuttings (described above) will normally be free of *Phytophthora*.
- 2.13. Plant propagules that have been in contact with the soil (divisions, tubers, rhizomes, bulbs, etc.) have an elevated risk of being infected or contaminated with *Phytophthora* or other soilborne pathogens. Plant stock originating from such propagules should be segregated from planting material started from cleaner sources, such as seed or cuttings and from other vegetatively propagated material from different localities. The goal is to avoid introducing pathogens, including pathogens that may be endemic to a given site, to new areas or native plant populations via plants that become infected in the nursery.
- 2.14. Plant propagules from the soil (divisions, tubers, rhizomes, bulbs, etc.) should be thoroughly cleaned to remove soil and inspected. Discard propagules that show evidence of decay. Surface contamination can be removed with treatments such as diluted bleach dips, but surface treatments will not eliminate internal infections. Internal infections can only be eliminated by heat treatments, but not all plant propagules will tolerate temperatures needed to kill *Phytophthora* infections.

Letter 1

COMMENTER: Jane F. Mark, AICP, Planning Manager, Midpeninsula Regional Open Space District

DATE: September 19, 2022

Response 1.1

The commenter requests a new figure in the IS-MND that shows the proposed building's footprint in relation to the creek and property lines.

This figure has been added to the Final IS-MND as Figure 5 (Proposed Site Plan) under the Project Description.

Response 1.2

The commenter suggests that modifying riparian vegetation may be required to create adequate defensible space for fire protection, and that such modification may require encroachment into the creek setback. The commenter states an opinion that the impacts of such vegetation removal or trimming were not adequately studied in the Draft IS-MND and that mitigation is required.

The project is currently designed to avoid direct impacts within the creek setback zone and avoid and minimize activities within the jurisdictional riparian habitat including removal of riparian canopy. New buildings would be a minimum of 47 feet from the creek corridor, an additional distance of 27 feet beyond the minimum 20-foot stream corridor setback required in PAMC Section 18.40.140. The canopies of only a few trees extend beyond the 20-foot setback and only one is rooted outside the setback. Defensible space requirements pursuant to the 2019 California Residential Code and Chapter 15 of the PAMC do not necessitate that all vegetation be cleared within 30 feet of the residence; therefore, avoidance of impacts within the setback zone and the jurisdictional riparian habitat as proposed is feasible. The IS-MND describes permitting and mitigation requirements in the case that some trimming within the jurisdictional riparian habitat is required. These impacts would be the minimum necessary to provide required clearance between the proposed structure and potentially two to three riparian trees. There is minimal brush or undergrowth present above top of bank and it does not necessarily require removal in order to provide a clear area for fire suppression operations. The vegetation that may require trimming is back from the top of bank and reduction would not increase light transmittal to the creek corridor, increase water temperatures, or decrease shaded riverine habitat for the listed fish or other aquatic species. The riparian corridor edge closest to the proposed house is situated away from the top of bank and would remain wider than in other spots along the corridor and would not impede wildlife movement or existing wildlife corridors along the creek. Furthermore, CDFW is a CEQA trustee agency; the City provided an opportunity for state agencies to comment on the IS-MND through the State Clearinghouse's Notice of Completion process; no comments from state agencies were received. No changes to the IS-MND are warranted.

Response 1.3

The commenter states an opinion that the proposed swimming pool could result in the entrapment of semiaquatic species that could travel from the creek to the pool, and that these impacts were not adequately addressed in the Draft IS-MND. The commenter suggests mitigation such as wildlife barriers and/or escape ramps.

Swimming pools can be an attractive nuisance for wildlife. Pursuant to PAMC Section 16.18.160, the pool is required to be enclosed by fencing with no more than a 2-inch gap between grade and the bottom of fencing, which would be a barrier to turtles, frogs and salamanders entering the pool area. The City would require adherence to PAMC Section 16.18.160 prior to issuance of building permits. Implementation of these requirements would adequately deter wildlife from entering the pool area and significant impacts would be avoided. No changes to the IS-MND are warranted.

Response 1.4

The commenter suggests that the proposed building could present a barrier to wildlife passage parallel to Los Trancos Creek, which could result in habitat fragmentation for species such as deer and mountain lion. The commenter states an opinion that these impacts were not adequately studied in the Draft IS-MND and that mitigation is required.

The project is designed to avoid impacts to the riparian corridor, which includes fencing of the creek setback zone required by Mitigation Measure BIO-3. The proposed placement of the structure is within an existing clearing on the property. The City would require adherence to PAMC Section 18.40.140(B)(3) requiring shielding of the creek from lighting. Implementation of these requirements would limit intrusion into the riparian corridor and impacts to the movement of both terrestrial and aquatic wildlife, established corridors, or nursery sites within the corridor would be less than significant. The following discussion of wildlife movement, migratory corridors, and nursery sites has been added in Section 4, *Biological Resources*, of the Final IS-MND, under checklist item d:

The project site is mapped within CDFW's California Essential Habitat Connectivity areas as somewhat permeable to wildlife passage. However, the project site is outside of mapped Landscape Blocks for the California Bay Area Linkage Network, indicating that it is not identified as highly permeable or high-quality habitat. Within the larger landscape, the project site is surrounded by highly permeable landscape providing terrestrial species more attractive alternatives for movement around the project site. Many large terrestrial wildlife species such as the candidate threatened mountain lion (*Puma concolor*) and most small species such as rodents and herpetofauna avoid openings and use the cover provided by the riparian corridor. The project is designed to avoid impacts to the riparian corridor, and Mitigation Measure BIO-3 requires fencing of the creek setback zone. The proposed placement of the structure is within an existing clearing on the property. The City would require adherence to PAMC Section 18.40.140(B)(3) requiring shielding of the creek from lighting. Implementation of these requirements would limit intrusion into the riparian corridor and impacts to the movement of both terrestrial and aquatic wildlife, established corridors, or nursery sites would be less than significant.

No additional changes to the IS-MND are warranted.

Response 1.5

The commenter requests that the City incorporate appropriate protocols as part of the Conditions of Approval for the Resource Management Permit to minimize the spread of *Phytophthora*-caused plant diseases, including Sudden Oak Death. The commenter provides suggestions for such measures and attaches “Guidelines to Minimize Phytophthora Contamination in Restoration Projects.”

This comment is not related to the potential impacts of the proposed project or the analysis and conclusions of the IS-MND, and therefore no changes to the IS-MND are warranted. It will be forwarded to the City’s decision makers for their consideration.

Response 1.6

The commenter requests that they be added to the City’s future notifications for the proposed project and other development projects located within the vicinity of the Hawthorns Area of Windy Hill Open Space Preserve. This comment is noted and will be considered by City staff for future projects within the vicinity of the Hawthorns Area of Windy Hill Open Space Preserve.



September 19, 2022

Letter 2

Emily Foley, Emily.Foley@cityofpaloalto.org
Jodie Gerhardt, Jodie.Gerhardt@cityofpaloalto.org
Planning and Development Services Department
City of Palo Alto

Re: 575 Los Trancos Road Residential Project

Dear Ms. Foley and Ms. Gerhardt,

The Santa Clara Valley Audubon Society (SCVAS) and the Sierra Club Loma Prieta Chapter (SCLPC) are environmental organizations that work to protect natural resources and promote the enjoyment of nature. We appreciate the opportunity to comment on the IS/MND for the 575 Los Trancos Road Residential Project.

Project description

The project site is an undeveloped open space, dominated by oak woodland, riparian woodland, and a meadow of non-native grasses. The proposed project includes the construction of a 7,245-square-foot single family residence, a 734-square-foot attached garage, an 895-square-foot accessory dwelling unit (ADU), a swimming pool, access roads, and amenities in the flat, western portion of a 5.38-acre parcel.

Our concerns

SCVAS and SCLPC only learned of this project after it was recommended for approval by the Planning and Transportation Commission on August 31. After reviewing the IS/MND and the staff report, we conclude that the project has the potential to impose significant, unavoidable and permanent impacts on the environment. In this letter, we provide substantial evidence supporting a fair argument that the project as proposed, will cause significant and unavoidable impacts, especially but not exclusively to biological resources.

2.1

Los Trancos Creek is one of the few remaining salmonid streams in the Peninsula and the South Bay. As acknowledged in the Biological Report and the IS/MND, it is designated Critical Habitat for steelhead trout. The creek and its riparian corridor also provide a wildlife connectivity linkage to most of our common and rare wildlife species, including mountain lions. The property is located between important open space areas in Palo Alto (Foothills Park) and Portola Valley (Hawthorns property of Midpeninsula Regional Open Space). Development here has the potential to impact fish and to disrupt movement through a key wildlife riparian ecosystem and wildlife corridor. We maintain that a “fair argument” exists

2.2

that the Project will significantly impact the environment (League for Protection of Oakland’s Historic Resources v. City of Oakland (1997) 52 Cal. App.4th 896, 904.). A public agency must prepare an EIR whenever substantial evidence supports a fair argument that a proposed project “may have a significant effect on the environment” (Protect Niles v. City of Fremont (2018) 25 Cal.App5th 1129, 1138-1139.). This low threshold for the preparation of an EIR, and a “preference for resolving doubts in favor of environmental review” is met here (Mejia v. City of Los Angeles (2005) 130 Cal.App.4th 322, 332.).

The city has discretion over the project and should require that the project be re-designed at a minimum of 55 feet from the top of the bank of Los Trancos creek (in line with the neighboring home) or a wider setback, ideally 150 feet. If this wider buffer/setback is not feasible, the city must prepare an EIR to fully analyze and mitigate the impacts and to consider alternatives to the proposed size of the project and its location on the parcel. Alternatives for a smaller footprint, or potentially loss of a few trees, are likely to reduce the impacts on the riparian ecosystem of Los Trancos Creek and must be considered. Given California’s prolonged drought and regional aridification, a project with no swimming pool should also be considered to allow more space for relocation of the home further from the creek and for saving water.

2.3

1. Mapping of the project

The maps that are provided in the IS/MND are not detailed enough for the public to discern the location on the parcel where the development is proposed or how the delineation of 20 feet from top-of-the-bank was determined. Therefore, the public, regulators, and decision makers lack the ability to fully evaluate the project’s impacts or to make fully informed decisions.

Please recirculate the CEQA document and provide a map that clearly delineates the project elements, including structures, roads, and amenities, on the property. Please show the 20-foot setback from the top-of-the-bank. Please include Los Trancos Creek and public amenities such as roads and trails, and provide the map as an overlay on a satellite photo of the property. This should help ascertain that the project’s slope stability protection area extends to a point “20 feet landward from the top of bank or to a point measured at a ratio of 2:1 (horizontal: vertical) landward from the toe of bank, whichever is greater” (Palo Alto Stream Protection Ordinance).¹

2.4

A map of the areas to be excavated (following the recommendations of the Geotechnical Engineering Study) should be provided.

A clear zoning map for this location is needed, to show the designation of this parcel and that of land surrounding it.

2. Biological resources

The Biological resources section of the IS/MND does not adequately describe the species that may be affected by the project. Chapter 14 of the Stanford Community Plan 2018 General Use Permit Biological report provides a better picture of the many species in the San Francisquito/Los Trancos watershed

2.5

¹ https://codelibrary.amlegal.com/codes/paloalto/latest/paloalto_ca/0-0-0-80331

(Section 3.1.1).² All the species mentioned in this report, and the mitigation measures proposed to reduce impacts, should be considered comprehensively in a CEQA document for this project.

3. Wider riparian buffers are needed

The San Francisco Bay Regional Water Quality Control Board's "Local Government Riparian Buffers in the San Francisco Bay Area" report³ establishes, "The riparian zone is an ecotone, or transition zone, between aquatic and terrestrial habitats. Because riparian zones contain both aquatic and terrestrial plant and animal species they have unusually high species diversity. Riparian zones are also important migratory corridors. A continuous buffer provides migratory and wildlife corridors, which are of particular value in protecting amphibians and waterfowl populations, as well as fish spawning and nursery areas. According to the U.S. Fish and Wildlife Service, California has lost 90 percent or more of its wetlands, which includes riparian communities. This is despite the fact that according to government biologists, riparian communities in the Western states, such as California, provide habitat for up to 80 percent of western wildlife species."

Clearly, riparian ecosystems and buffers are critically important to animal movement, as well as to maintaining water quality in streams. The science is well established and is the reason why agencies regulate construction near streams, and why many agencies impose significant buffers, especially in open space areas. The San Francisco Bay Regional Water Quality Control Board's "Local Government Riparian Buffers in the San Francisco Bay Area" report states, "Riparian zones perform many ecological functions important to enhancing water quality, water quantity, biodiversity, habitat connectivity, and flood capacity. The stream channel itself conveys runoff, supports aquatic plants and animals, provides groundwater recharge, and supplies water to trees and plants that typically thrive in the riparian zone."

The report cites several studies that show the importance of adequate riparian corridor building setbacks. "Buffer Distances Estimates of effective buffer distances for sediment and nutrient filtration vary, but most of the scientific studies suggest distances between 50 and 100 feet for this purpose (Jones & Stokes 2002). Although any buffer distance from the top of the bank is helpful for maintaining channel stability, a minimum 33-foot riparian buffer is required for contributing to a significant reduction in sediment levels." The "buffer distances in the region vary greatly, and it is likely that many were not chosen based upon specific buffer thresholds designed to satisfy water quality considerations. A scientifically based approach can help quantify buffer-induced benefits to water quality, thereby allowing the Board to more easily quantify TMDL reduction amounts when communicating with the region cities." Reducing total maximum daily loads (TMDL) is critical for salmonid bearing streams including Los Trancos Creek. This is why Santa Clara County and the Santa Clara Habitat Agency, based on extensive research, require a buffer of 150 feet from waterways in locations and situations similar to this project siting. The Santa Clara County General Plan Policy R-RC 37 states, "Lands near creeks, streams, and freshwater marshes shall be considered to be in a protected buffer area consisting of...150 feet from the top bank on both sides where the creek or stream is predominantly in its natural state" to protect creeks and

2.6

² https://stgenpln.blob.core.windows.net/document/SU_2018GUP_App_Tab14_Biological.pdf

³ https://www.waterboards.ca.gov/sanfranciscobay/publications_forms/documents/bufferreport1204.pdf

riparian areas from “adverse impacts of adjacent development, including impacts upon habitat, from sedimentation, biochemical, thermal and aesthetic impacts.” To avoid significant unmitigable impacts, Stanford’s Community Plan Policy RC-7, which addresses buffer zones along creeks, contains a cross reference to Santa Clara County General Plan policy R-RC 37.

Palo Alto’s outdated Stream Protection Ordinance requires a minimal setback of 20 feet, which is why the Palo Alto Comprehensive Plan Policy N3.3 Program N3.3.1 seeks to update this ordinance, expressing a desire for a 150-ft buffer in locations west of Foothill Expressway:

Program N3.3.1 Update the Stream Corridor Protection Ordinance to explore 150 feet as the desired stream setback along natural creeks in open space and rural areas west of Foothill Expressway. This 150-foot setback would prohibit the siting of buildings and other structures, impervious surfaces, outdoor activity areas and ornamental landscaped areas within 150 feet of the top of a creek bank. Allow passive or intermittent outdoor activities and pedestrian, equestrian and bicycle pathways along natural creeks where there are adequate setbacks to protect the natural riparian environment. Within the setback area, provide a border of native riparian vegetation at least 30 feet along the creek bank.

The update to the Stream Protection Ordinance should establish: Design recommendations for development or redevelopment of sites within the setback, consistent with basic creek habitat objectives and significant net improvements in the condition of the creek. Conditions under which single-family property and existing development are exempt from the 150-foot setback. Appropriate setbacks and creek conservation measures for undeveloped parcels.

The intent of the Comprehensive Plan is clear. It seeks to create adequate, protective setbacks and design recommendations along creeks west of Foothills Expressway. While a 150-foot setback is cited as appropriate for new development west of Foothill Expressway, the program notes that single-family residential development can be exempt from this larger setback. Although the program states that narrower setbacks can be allowed, it does not state that minimal setbacks of 20 feet is ever appropriate or recommended. We maintain that "can be" is not the same as "shall be" and is not determinative. Instead, "can be" indicates discretion, and a 20-foot setback is inappropriate in this location, and will cause significant, unavoidable and permanent harm to Los Trancos creek and the San Francisquito creek watershed.

Staff proposes that the property is “relatively narrow” (page 6 of the Staff Report, PTC) stating, “the widest part of the house (measured between the creek and the street), the property is approximately 226 ft wide” and “The first 90 feet (approximately) measured from the street property line is dedicated to tree protection. An 150 ft creek setback would render this property undevelopable or result in a need to remove existing mature protected trees.” We do not see 226 feet or even 136 feet (226-90=136) as too narrow to accommodate a home. The City has the discretion and should require a smaller footprint of the development, a change in the design to allow wider setback, or allow the removal of a few trees to safeguard the integrity of the creek’s riparian corridor.

2.7

2.8

In addition, this property is zoned Streamside Open Space (SOS). Palo Alto’s zoning code provides, “This designation is intended to preserve and enhance corridors of riparian vegetation along streams. Hiking, biking and riding trails may be developed in the streamside open space. The corridor will generally vary in width up to 200 feet on either side of the center line of the creek.” The Staff Report says, “This designation does not discuss residential use, in the way that the Open Space/Controlled Development (OS/CD designation) designation does. The OS/CD designation allows 1-2 dwelling units per acre.”⁴ The SOS designation seems to allow no residential development. The proposed development is not consistent with preserving and enhancing corridors of riparian vegetation along streams as intended by the SOS designation.

2.9

Lastly, The Palo Alto Stream Protection ordinance specifies development at, “20 feet landward from the top of bank or to a point measured at a ratio of 2:1 (horizontal: vertical) landward from the toe of bank, whichever is greater”. The Geotechnical Engineering Study (Appendix C) states that the house is located “80 feet from Los Trancos creek” and bases its recommendations on that measurement. Is the creek channel or the center line of the creek at a distance of 60 feet away from the top of the bank? If the creek channel is located 60 feet away from the top of the bank, then the setback required by the Palo Alto Stream Protection ordinance is 120 feet.

2.10

4. Consultation with NOAA Fisheries and CDFW is needed

4.1. Steelhead and other fish

Los Trancos Creek runs along the project site. Since water is available most of the year, the creek is home to Los Trancos Creek is home to fish such as California roach, Sacramento sucker, threespine stickleback, prickly sculpin and rainbow trout (resident). The creek is designated Critical Habitat for steelhead trout.

“Critical habitat” is defined as the specific areas that are essential to the conservation of a federally listed species, and that may require special management consideration or protection. Critical habitat is determined using the best available scientific information about the physical and biological needs of the species. These needs, which are referred to as “primary constituent elements,” include space for individual and population growth and for normal behavior; food, water, light, air, minerals, or other nutritional or physiological needs; cover or shelter; sites for breeding, reproduction, and rearing of offspring; and habitat that is protected from disturbance or is representative of the historical geographic and ecological distribution of a species.

2.11

The IS/MND proposed that a 20-foot creek setback suffices to protect the species from disturbance yet state, “implementation of the proposed project may result in direct or indirect impacts to steelhead at all life stages.”

The Biological Assessment states, “The results and conclusions presented herein represent our best professional judgment but do not represent determinations of the NMFS and CDFW as these agencies

⁴ <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/planning-and-transportation-commission/2022/ptc-08.31.2022-575-los-trancos.pdf>

have ultimate jurisdiction over the steelhead through administration and enforcement of the FESA and CESA, respectively.”

Palo Alto should require consultation with NMFS and CDFW and ensure that all the requirements for steelhead habitat are not impacted significantly. In addition to direct impacts due to the diminutive buffer of 20 feet, impacts of access roads, parking, and light should be addressed and mitigated. For example, outdoor lighting (especially lighting with correlated color temperature of over 2400 Kelvin), can impact local aquatic insects directly and through the reduction of insects and food availability to the fish.⁵ Components from tire dust can kill salmon fry.⁶

4.2. Mountain Lion

The mountain lion has recently been designated as a state candidate for listing under the threatened and endangered species list.⁷ The Central Coast North population of mountain lions contains the project area. Connectivity is crucial for expanding genetic diversity in this population, and a great amount of effort is invested in restoring movement corridors for this species. Creek corridors are important for migration in this species, especially as migration routes are threatened by development and climate change.⁸ Studies of nocturnal patterns of movement suggest mountain lions tend to avoid areas with human disturbance including residential developments that introduce noise and activities as well as light at night.

2.12

4.3. The San Francisco dusky-footed woodrat

This species is endemic to the San Francisco Bay area and is listed as a Species of Special Concern in California. The proposed mitigation – dismantling and translocation of middens – has not been shown to be effective at protecting the woodrats.⁹ There is no evidence that woodrats use dismantled relocated middens and the survival of translocated woodrats is unknown. Please review and propose effective mitigation measures. Please use the mitigations offered in the Stanford Community Plan.

2.13

5. The Palo Alto Comprehensive Plan

The project is inconsistent with the Palo Alto Comprehensive Plan. As discussed above, the diminutive setback requirements of the project do not provide sufficient protection to Los Trancos Creek, and, thus, the project is inconsistent with:

2.14

- Goal N-3: Conservation of both natural and channelized creeks and riparian areas as open space amenities, natural habitat areas and elements of community design.

⁵ <https://besjournals.onlinelibrary.wiley.com/doi/full/10.1002/2688-8319.12053>

⁶ <https://www.science.org/content/article/common-tire-chemical-implicated-mysterious-deaths-risk-salmon>

⁷ <https://wildlife.ca.gov/Conservation/Mammals/Mountain-Lion#562331240-are-mountains-lions-listed-as-a-threatened-or-endangered-species>

⁸ <https://www.washington.edu/news/2019/02/12/assessing-riverside-corridors-the-escape-routes-for-animals-under-climate-change-in-the-northwest/>

⁹ http://wildlifeprofessional.org/western/tws_abstract_detail.php?abstractID=2424&k=l/a/NHKIFi8qQ

- Policy N-3.4: Recognize that riparian corridors are valued environmental resources whose integrity provides vital habitat for fish, birds, plants and other wildlife, and carefully monitor and preserve these corridors.
- Policy N-3.1: All creeks are valuable resources for natural habitats, connectivity, community design, and flood control, and need different conservation and enhancement strategies. Recognize the different characteristics along creeks in Palo Alto, including natural creek segments in the city's open space and rural areas, primarily west of Foothill Expressway; creek segments in developed areas that retain some natural characteristics; and creek segments that have been channelized. Pursue opportunities to enhance riparian setbacks along urban and rural creeks as properties are improved or redeveloped.

In addition, it is likely to have a significant, unavoidable impact on wildlife movement.

- Policy N-1.5: Preserve and protect the Bay, marshlands, salt ponds, sloughs, creeks, and other natural water or wetland areas as open space, functioning habitats, and elements of a larger, interconnected wildlife corridor, consistent with the Baylands Master Plan, as periodically amended, which is incorporated here by reference
- Policy N-1.6: Preserve and protect the foothills and hillside areas, recognizing their unique value as natural ecosystems and interconnected wildlife corridors.

The project is located in an area that is important to wildlife connectivity between open spaces areas, including Palo Alto's Foothills Park and the Midpeninsula Regional Open Space District Hawthorns Open Space. Los Trancos Creek, its tributaries and its function in the San Francisquito creek watershed, require special attention to wildlife connectivity. The IS/MND does not discuss, analyze or substantiate its finding of no significant impact.

2.15

Due to the diminutive setback from Los Trancos Creek, we believe that the introduction of human activity during the day and lighting (including outdoor lighting) at night have the potential to interfere substantially with the movement of every native resident and migratory fish and wildlife species that occur in the region, and potentially impede the use of native fish and bat nursery sites. The 20-foot setback also means that outdoor lighting cannot achieve the ambition of Program N3.3.3: For all creeks, update the Stream Corridor Protection Ordinance to minimize impacts on wildlife by *"Requiring careful design of lighting surrounding natural riparian corridors to maximize the distance between nighttime lighting and riparian corridors and direct lighting away from the riparian corridor."* A wider setback should help achieve this goal.

2.16

6. Bird friendly design

Bird populations are declining in North America.¹⁰ While there are multiple drivers to this decline, collision with glass is considered one of the primary causes of migratory bird mortality. In North

2.17

¹⁰ <https://www.science.org/content/article/three-billion-north-american-birds-have-vanished-1970-%20surveys-show>

America, it is estimated that hundreds of millions of birds die each year as a result of striking glass walls, doors and windows.¹¹ This is a cumulative, significant impact. Bird collisions with glazed surfaces are especially critical in riparian corridors, and many jurisdictions have regulations in place to reduce and mitigate this hazard within 300-ft of riparian corridors and/or open space.¹²

The American Bird Conservancy (ABC) website is a great resource to learn about the devastating impacts of bird collisions and to find solutions to incorporate into architectural designs. Recently, ABC updated their website with new recommendations for Bird Friendly Building Design¹³ and a clarifying document that establishes what qualifies as Bird Friendly Glass. ABC provides primary elements of bird safe building design. These elements are especially critical near habitat areas such as water bodies and open space.

- Minimize use of glass
- Placing glass behind screening
- Using glass with inherent properties that reduce collisions, such as fritting.

In addition, ABC provides a Products and Solutions Database¹⁴ to evaluate bird safety glazing treatments.

Palo Alto requires bird friendly design for commercial buildings, but not for homes. Bird collisions, however, occur primarily (99%) at homes and low rise buildings.¹⁵ The proposed project is likely to contribute to cumulative impact on birds and should be required to apply bird safety measures.

7. Fire risks

The house is located in a fire-prone area. Most wildfires are caused by human activities.¹⁶ Combined with climate change and housing growth in the wildland-urban interface, fires have become larger and more destructive. We believe that analysis provided in the IS/MND is insufficient, and additional additional analysis and mitigations are needed to ensure that the environment is safe during construction and habituation of the proposed residence.

Insurance Commissioner of California Ricardo Lara's report last year¹⁷ called for policies that would stop construction in hazardous areas. Insurers are dropping policies in wildfire areas¹⁸ shifting the burden to

¹¹ <https://academic.oup.com/condor/article/116/1/8/5153098> and <https://bioone.org/journals/the-condor/volume-116/issue-1/CONDOR-13-090.1/Birdbuilding-collisions-in-the-United-States--Estimates-of-annual/10.1650/CONDOR-13-090.1.full>

¹² <https://www.cupertino.org/our-city/departments/community-development/planning/non-residential-mixed-use-development/bird-safe-and-dark-sky>

¹³ <https://abcbirds.org/glass-collisions/model-ordinance/> and <https://abcbirds.org/glass-collisions/resources/>

¹⁴ <https://abcbirds.org/glass-collisions/products-database/>

¹⁵ https://www.researchgate.net/publication/259562592_Bird-building_collisions_in_the_United_States_Estimates_of_annual_mortality_and_species_vulnerability

¹⁶ <https://www.colorado.edu/asmagazine/2020/09/22/humans-ignite-almost-every-wildfire-threatens-homes>

¹⁷ <http://www.insurance.ca.gov/01-consumers/180-climate-change/upload/Draft-Climate-Insurance-Recommendations.pdf>

¹⁸ <https://www.insurancejournal.com/news/west/2020/12/04/592788.htm>

taxpayers via the state through court orders.¹⁹ New housing built in the path of wildfires increases liability for the state. The City should evaluate the concern that new residences in this area will increase the risk of wildfire in the Palo Alto foothills area.

According to the IS/MND, the nearest Very High Fire Hazard Severity Zone (VHFHSZ) is located approximately 1 mile northwest of the project site near Portola Valley (Cal Fire 2022). This is not a significant distance away from the hazard severity zone given wind driven fires in California²⁰ and in the western United States, where climate change has doubled the amount of land damaged by wildfires between 1985 and 2015.²¹ NASA's report, "The Effects of Climate Change," states, "The potential future effects of global climate change include more frequent wildfires, longer periods of drought in some regions, and an increase in the duration and intensity of tropical storms." Indeed, it is expected that the amount of properties burned in CA will grow according to a study by the First Street Foundation when "about 40% of the state have at least "moderate" risk of burning in a wildfire some time in the next 30 years".²²

Thank you for granting us an extension for commenting, and please do not hesitate to contact us if you have questions.

Respectfully,

Shani Kleinhaus, Ph.D.
Environmental Advocate
Santa Clara Valley Audubon Society

Gladwyn D'Souza
Conservation Committee Chair
Sierra Club Loma Prieta Chapter

¹⁹ <https://www.spglobal.com/marketintelligence/en/news-insights/latest-news-headlines/california-s-insurer-of-last-resort-faces-fire-coverage-challenges-after-ruling-65646785>

²⁰ <https://firesafemarin.org/prepare-yourself/red-flag-warnings/diablo-winds/>

²¹ <https://climate.nasa.gov/effects/>

²² <https://www.sacbee.com/news/california/fires/article261495002.html>

Letter 2

COMMENTER: Shani Kleinhaus, Ph.D., Santa Clara Valley Audubon Society, and Gladwyn D’Souza, Sierra Club Loma Prieta Chapter

DATE: September 19, 2022

Response 2.1

The commenters claim that the proposed project would result in significant, unavoidable, and permanent impacts on the environment, especially but not exclusively to biological resources.

This comment serves as an introduction to the following specific comments; please see responses 2.3 through 2.18 for responses to the commenters’ specific comments in this regard.

Response 2.2

The commenters state that the Los Trancos Creek is one of the few remaining salmonid streams in the Peninsula and the South Bay is designated Critical Habitat for steelhead trout, and creek provides wildlife connectivity linkage to most common and rare wildlife species, including mountain lions. The commenters also state that the proposed project is located between two open space areas in Palo Alto (Foothills Park) and Portola Valley (Hawthorns property of Midpeninsula Regional Open Space), and that proposed development has the potential to impact fish and disrupt movement through a key wildlife riparian ecosystem and wildlife corridor. The commenters claim that a “fair argument” exists that the proposed project would significantly impact the environment.

This comment discusses the project context and serves as an introduction to specific comments to follow. Please see response to Comment 1.4 above and responses 2.3 through 2.18 below. As demonstrated in the responses and in the IS-MND, the proposed project would not result in significant and unavoidable impacts and an environmental impact report (EIR) is not required.

Response 2.3

The commenters request that the City of Palo Alto require the proposed project to be re-designed at a minimum of 55 feet from the top of the bank of Los Trancos Creek, and state an opinion that if a wider buffer/setback is not feasible, an EIR should be prepared. The commenters express an opinion that alternatives for a smaller footprint, or loss of a few trees, would likely reduce impacts on the Los Trancos Creek riparian ecosystem. The commenters also express the opinion that the swimming pool should be omitted to allow for more space for the relocation of the proposed residence farther from the creek and to save water.

Following circulation of the Draft IS-MND, the project was re-designed to reduce the footprint and the proposed buildings were relocated to be further from the creek. The proposed buildings would be a minimum of 47 feet from the creek corridor, while portions of the proposed driveway, swimming pool, gravel walkway and driveway light screen would be a minimum of approximately 25 feet from the corridor. All features would be outside of the minimum 20-foot stream corridor setback required in PAMC Section 18.40.140. The Initial Study acknowledges that there could be potentially significant impacts; however, the project is generally designed to avoid impacts to riparian habitat and the Los Trancos Creek corridor, and the IS-MND includes mitigation measures to reduce potential impacts to less than significant levels. Please also see response to Comment 1.4

above. There would be no significant unavoidable or unmitigable impacts, and an EIR is not required. The commenters' suggestions regarding the design of the project are noted and will be forwarded to the City's decision makers.

Response 2.4

The commenters claim that maps provided in the IS-MND are not detailed enough and request the addition of a map that clearly delineates project elements including structures, roads, and amenities on the property; a map of the areas to be excavated; and a zoning map for the project location.

Please see Response 1.1 and the addition of Figure 5 (Proposed Site Plan) in the Project Description section of the Final IS-MND. No excavation is proposed within the creek buffer. A zoning map is not required in order to assess the project's potential impacts on the environment; please see Section 11, *Land Use and Planning*, of the IS-MND for a discussion of the zoning designation of the subject property and impacts related to land use and zoning designations, regulations and policies.

Response 2.5

The commenters state an opinion that the Biological Resources section of the IS-MND does not adequately describe species affected by the project. The commenters claim that all of the species and mitigation measures mentioned in Chapter 14 of the Stanford Community Plan 2018 General Use Permit Biological Report (GUP BR) should be comprehensively considered in this IS-MND.

The GUP BR covers the entire Stanford campus and an area of open space to the south of campus that is larger than the campus itself. The Biological Resources Assessment (BRA) (Appendix A of the IS-MND) prepared for the IS reviewed resources occurring within a 9-quad area centered on the project site, in accordance with CEQA Guidelines. The BRA and IS-MND are not required to address all species or all habitats within the region or watershed, only the habitats present and those species that have a reasonable potential to occur at the project site. The GUP BR plan area has more habitats present and thus the potential to support many more species than the project site, and as a result directly addresses more resources than are appropriate for the proposed project. The measures in the GUP BR are not required to address project impacts and no changes to the IS-MND are warranted.

Response 2.6

The commenters request wider riparian buffers, citing Santa Clara County and the Santa Clara Habitat Agency, which require a buffer of 150 feet from waterways in locations and situations similar to the proposed project.

The project is not located within the Santa Clara County and the Santa Clara Habitat Agency Plan area. While larger buffers may have been appropriate based on site-specific reasoning for that plan area, blanket application of that setback to all streams/creeks and all types of development is not necessarily required to reduce impacts to a less than significant level. Although wider riparian setbacks may be ideal, that does not mean that narrower setbacks automatically result in significant unmitigable impacts. The project would be constructed in compliance with the Stream Corridor Protection Ordinance, PAMC Section 18.40.140. Additionally, the proposed project is generally designed to avoid impacts to existing riparian habitat and the Los Trancos Creek corridor and the IS-MND provides avoidance, minimization, and mitigation measures that would reduce potential impacts to less than significant levels. See also responses to comments 1.2 and 1.4 above.

Response 2.7

The commenters state that Palo Alto’s Stream Protection Ordinance requires a minimal setback of 20 feet, and the Palo Alto Comprehensive Plan Policy N3.3 Program N3.3.1 seeks to update this ordinance by implementing a desire for a 150-foot buffer in locations west of Foothill Expressway. The commenters claim that the 20-foot setback is inappropriate and would result in significant and unavoidable impacts to Los Trancos Creek and the San Francisquito creek watershed.

At the Council meeting on January 23, 2023, Council provided direction to Planning Staff to begin implementation of this policy, which asks staff “Update the stream corridor protection ordinance to explore 150 feet as the desired stream setback”. However, there is no current ordinance requiring a 150-foot buffer. While a 150-foot buffer may be desirable, it may not be necessary or practical in all areas. In fact, as the commenter notes, the Comprehensive plan policy goes onto state that “the update to the ordinance should establish conditions in which single family property and existing development are exempt from the 150-foot setback.” Further staff analysis would be required as part of any code update to evaluate and recommend an updated ordinance establishing revised setbacks. A public process that includes Planning and Transportation Commission review and Council approval would be required to adopt that ordinance. The proposed project exceeds the requirements under the current ordinance and the analysis shows that the proposed project would not have a significant impact such that additional mitigation (e.g. an increased setback) would be warranted.

Response 2.8

The commenters disagree with the City’s determination that the property is “relatively narrow.” The commenters suggest that the City should require a smaller footprint of development, a change in design to allow for a wider setback, or allow for the removal of trees to protect the creek’s riparian corridor.

The project was re-designed to reduce the size of the footprint and increase the setback of buildings from 20 feet to a minimum of 47 feet. Please also see responses 2.3 and 2.6.

Response 2.9

The commenters state an opinion that the property’s zoning designation does not allow residential development and that the proposed project is not consistent with preserving and enhancing corridors of riparian vegetation along streams as intended by the SOS designation.

The proposed project site has a Comprehensive Plan land use designation of Streamside Open Space (SOS) and a zoning designation of Open Space (OS) inside a “streamside review area” as defined in Section 18.40.140 (Stream Corridor Protection) of the Palo Alto Municipal Code (PAMC). The SOS land use designation does not specifically allow for or preclude residential development. However, the OS zoning designation permits single-family dwellings pursuant to Section 18.28.040 of the PAMC. The City of Palo also has full discretion to determine whether residential development is allowed on the site.

Response 2.10

The commenters state that according to the Geotechnical Engineering Study, the proposed structure is located “80 feet from Los Trancos Creek” and bases its recommendations on that

measurement. The commenters question whether the creek channel or the center line of the creek is at a distance of 60 feet from the top of the bank and claim that if the channel is located 60 feet from top of bank, then the setback required by the Palo Alto Stream Protection Ordinance should be 120 feet.

Section 18.40.140(b)(3)(a) of the PAMC (Stream Corridor Protection) states that “the slope stability protection area shall extend to a point 20 feet landward from the top of bank or to a point measured at a ratio of 2:1 (horizontal: vertical) landward from the toe of bank, whichever is greater.” This refers to a 2:1 horizontal setback to bank width. The Geotechnical Engineering Study states that the bank is 10 feet high. Therefore, a 2:1 horizontal (setback) to vertical (bank height) is 20 feet. This is measured from the toe of bank rather than the 20 feet from top of bank. Because the slope stability protection area and the setback are both 20 feet from top of bank and the project exceeds this setback, no changes to the IS-MND are warranted.

Response 2.11

The commenters request that the city require consultation with the National Marine Fisheries Service (NMFS) and California Department of Fish & Wildlife (CDFW) to ensure that impacts to steelhead habitat are mitigated. The commenters also suggest that direct impacts from the 20-foot buffer, as well as impacts from access roads, parking, and lighting should be addressed and mitigated.

The project would be in compliance with the Stream Corridor Protection Ordinance, PAMC Section 18.40.140. Additionally, the project is designed to avoid direct impacts to aquatic habitat and the riparian corridor including Critical Habitat and potentially jurisdictional areas. Indirect impacts would be avoided through implementation of Mitigation Measure BIO-3. The City would require adherence to PAMC Section 18.40.140(B)(3) requiring shielding of the creek from lighting. Implementation of these requirements would limit intrusion into the riparian corridor and impacts to steelhead habitat would be avoided. Finally, the City provided an opportunity for state agencies to comment on the IS-MND by circulating a Notice of Intent to Adopt Initial Study/Mitigated Negative Declaration through the County Clerk and a Notice of Completion through the State Clearinghouse for state agencies as well as other stakeholders to review; no comments from state or federal agencies were received. No changes to the IS-MND are warranted.

Response 2.12

The commenter states an opinion that the project vicinity contains the Central Coast North population of mountain lions, that creek corridors are important for the migration of these species, and that mountain lions tend to avoid areas with human disturbance including residential developments that introduce noise and activities as well as light at night.

Please see responses to comments 1.4 and 2.6 above.

Response 2.13

The commenter states an opinion that the proposed mitigation regarding San Francisco dusky-footed woodrats in the IS-MND would be ineffective at protecting the woodrats. The commenters request the usage of mitigation measures in the Stanford Community Plan.

The mitigation measures in the IS-MND are substantially the same as proposed in the Stanford Community Plan 2018 General Use Permit (GUP). Both woodrat measures require surveys by a qualified biologist; if nests are found, both require a 10-foot avoidance buffer, where feasible; and both require dismantling of the nest and moving of the material to a nearby location outside the impact area while allowing any woodrats occupying the nest to leave the area unharmed. The IS-MND specifies a limit of “nearby” as no more than 50 feet and requires that relocation occur within 48 hours of construction activities to ensure that nests are not reestablished. The 2018 GUP does not define “nearby” and does not specify timing in relation to construction activities, only that the survey is conducted prior to vegetation clearing. However, the 2018 GUP does explicitly state that for tree nests, a tarp must be placed below the nest and the nest dismantled using hand tools, either from the ground or from a lift, and that the nest material be piled at the base of a nearby tree or large shrub. Mitigation Measure BIO-6 in Section 4, *Biological Resources*, under checklist item a, was amended as follows in the Final IS-MND:

Preconstruction Surveys for San Francisco Dusky-Footed Woodrat. A qualified biologist shall conduct a pre-construction survey for woodrats no more than 14 days prior to construction. Nests within 50 feet of project activity that would not be directly impacted by project activity shall be demarcated with a 10-foot avoidance buffer and left intact. If a nest(s) that cannot be avoided are found during the pre-construction survey, an approved biologist shall dismantle the nest and relocate it to suitable habitat outside the work area no more than 50 feet away with the goal of ensuring the individuals are allowed to leave the work area(s) unharmed before on site activities begin. Nest relocation shall occur within 48 hours of construction activities to ensure that nests are not reestablished. For tree nests, a tarp shall be placed below the nest and the nest dismantled using hand tools, either from the ground or from a lift, and the nest material shall be piled at the base of a nearby tree or large shrub outside of the impact area.

Response 2.14

The commenters claim that the project is inconsistent with Goal N-3, policies N-3.1, N-3.4, N-1.5, and N-1.6 of the Palo Alto Comprehensive Plan because setback requirements of the project do not provide sufficient protection to Los Trancos Creek. The commenters suggest that the project would have a significant and unavoidable impact on wildlife movement.

As discussed above under responses 1.4 and 2.6, the project would comply with setback requirements pursuant to Section 18.40.140(b)(3)(a) of the PAMC and require adherence to PAMC Section 18.40.140(B)(3) requiring shielding of the creek from lighting. Additionally, as discussed in Section 4, *Biological Resources*, of the IS-MND, the project is designed to generally avoid impacts to the riparian corridor, and Mitigation Measure BIO-3 requires fencing of the creek setback zone. Implementation of these requirements would limit intrusion into the riparian corridor and potential impacts to the movement of terrestrial and aquatic wildlife and established wildlife corridors would be less than significant and consistent with the goals and policies mentioned in the comment letter. No changes to the IS-MND are warranted.

Response 2.15

The commenters express that Los Trancos Creek and its tributaries and function in the San Francisquito Creek watershed require special attention to wildlife connectivity. The commenters state an opinion that the IS-MND does not discuss, analyze, or substantiate the conclusion that impacts would not be significant.

A discussion of wildlife movement, migratory corridors, and nursery sites has been added in Section 4, *Biological Resources*, of the IS-MND, under checklist item d. See Response 1.4. No additional changes to the IS-MND are warranted.

Response 2.16

The commenters state an opinion that the introduction of human activity during the day and lighting (including outdoor) at night could potentially substantially interfere with the movement of every native resident and migratory fish and wildlife species in the region and impede the use of native fish and bat nursery sites. Additionally, the commenter suggests that outdoor lighting would not be consistent with Program N3.3.3 of the Palo Alto Comprehensive Plan due to the 20-foot setback.

A discussion of lighting has been added in Section 4, *Biological Resources*, under checklist item a, as follows:

New lighting on the site introduced by the project could have an adverse effect on animal species in the creek corridor if not properly limited and controlled. PAMC Section 18.40.140(B)(3) requires that “Nighttime lighting shall be directed away from the riparian corridor of a stream” and that “The distance between nighttime lighting and the riparian corridor of a stream should be maximized.” Exterior safety lighting would be shielded to reduce lighting spillover into the creek corridor. The walls along the proposed west elevation facing the creek would be mostly blank with limited small openings for light and egress from the interiors. Shades would be installed on windows facing the creek, further limiting light spillover to the creek corridor. Additionally, an open-slat light shield and vertical screen along the western edge of the driveway would minimize headlight spill in the direction of the creek. The City would require adherence to PAMC Section 18.40.140(B)(3) during final review of project lighting prior to issuance of building permits. Implementation of these requirements would limit light intrusion into the creek corridor and associated impacts would be avoided.

A discussion of wildlife movement, migratory corridors, and nursery sites has been added under checklist item d. See Response 1.4. No additional changes to the IS-MND are warranted.

Response 2.17

The commenters claim that bird collision with glass is a cumulative, significant impact, and that the proposed project would contribute to this cumulative impact on birds and should be required to apply bird safety measures.

Bird collisions with glass and light traps are a leading cause of migratory bird mortality. Project approvals would require adherence to PAMC Section 18.40.140(B)(3) requiring shielding of the creek from lighting and Section 18.40.250 requiring exterior lighting to be low intensity and designed to focus light downward, avoiding excessive illumination above the light fixture. The proposed project is also located outside of the riparian movement corridor. In considering past, present, and probable future projects in the City of Palo Alto, with implementation of the above requirements the project’s incremental effect is not considered cumulatively considerable. However, the commenters’ recommendation to apply bird-safe design measures will be forwarded to the City’s decision makers. No changes to the IS-MND are warranted.

Response 2.18

The commenters state that the proposed project is located in a fire-prone area and opine that additional analysis and mitigation measures are needed to ensure safety during construction and operation of the project. The commenters claim that the one-mile distance to the nearest Very High Fire Hazard Severity Zone (VHFHSZ) is not a significant distance given wind driven fires in California.

Wildfire significance thresholds as outlined under CEQA Appendix G require analysis of projects “located in or near a state responsibility area or land classified as very high fire hazard severity zones.” As discussed in Section 20, *Wildfire*, of the IS-MND, the project site is not located in a Local Responsibility Area (LRA) or State Responsibility Area (SRA) Very High Fire Hazard Severity Zone (VHFHSZ). Although the project would be located somewhat near (one mile) a VHFHSZ, as discussed in Section 20, *Wildfire*, the proposed project would be required to comply with Policy S-2.14 of the Palo Alto Comprehensive Plan which would require fire protection design in new development and ensure adequate emergency access for the PAFD (as codified in PAMC Chapter 15). This includes requiring fire sprinkler protection in all structures and installing a National Fire Protection Association (NFPA) 13-D fire sprinkler system throughout the house, including closets and bathrooms. The project would also be required to comply with wildland urban interface (WUI) requirements pursuant to the 2019 California Residential Code and other relevant requirements in Chapter 15 of the PAMC, which include requirements for vegetation management; roofing; vents; exterior walls; eaves; exterior porch ceilings, floor projections, underfloor protection, underside of appendages; windows, skylights and doors; garages; decking; and accessory structures, and would also be located in proximity to three fire hydrants. Additionally, the proposed project would be consistent with truck turning radius requirements from the Palo Alto Fire Department, which would not impact emergency plans. Given compliance with existing State and local regulations, the project would ensure safety during both construction and operation and would have less than significant impacts on wildfire.

Letter 3

From

Steve Henry
805 Los Trancos Rd
Palo Alto, CA 94028

To

Emily Foley, AICP
Planner City of Palo Alto Development and Planning Services
Emily.foley@cityofpaloalto.org

Date

August 25, 2022

RE

Proposed new home 575 Los Trancos Rd Palo alto

John and Dee Ann Suppes have met with me regarding the design of their proposed new home adjacent to us. We reviewed there plans and feel the home will blend in well to environment and landscape. They also took care to provide additional screening separating our homes. We support their new home project and welcome them to the neighborhood.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Henry", with a long, sweeping underline that extends to the right.

Steve Henry

Letter 3

COMMENTER: Steve Henry

DATE: August 25, 2022

Response 1.1

The commenter states support for the project. This comment is noted but does not pertain to the analysis or conclusions of the Draft IS-MND.

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