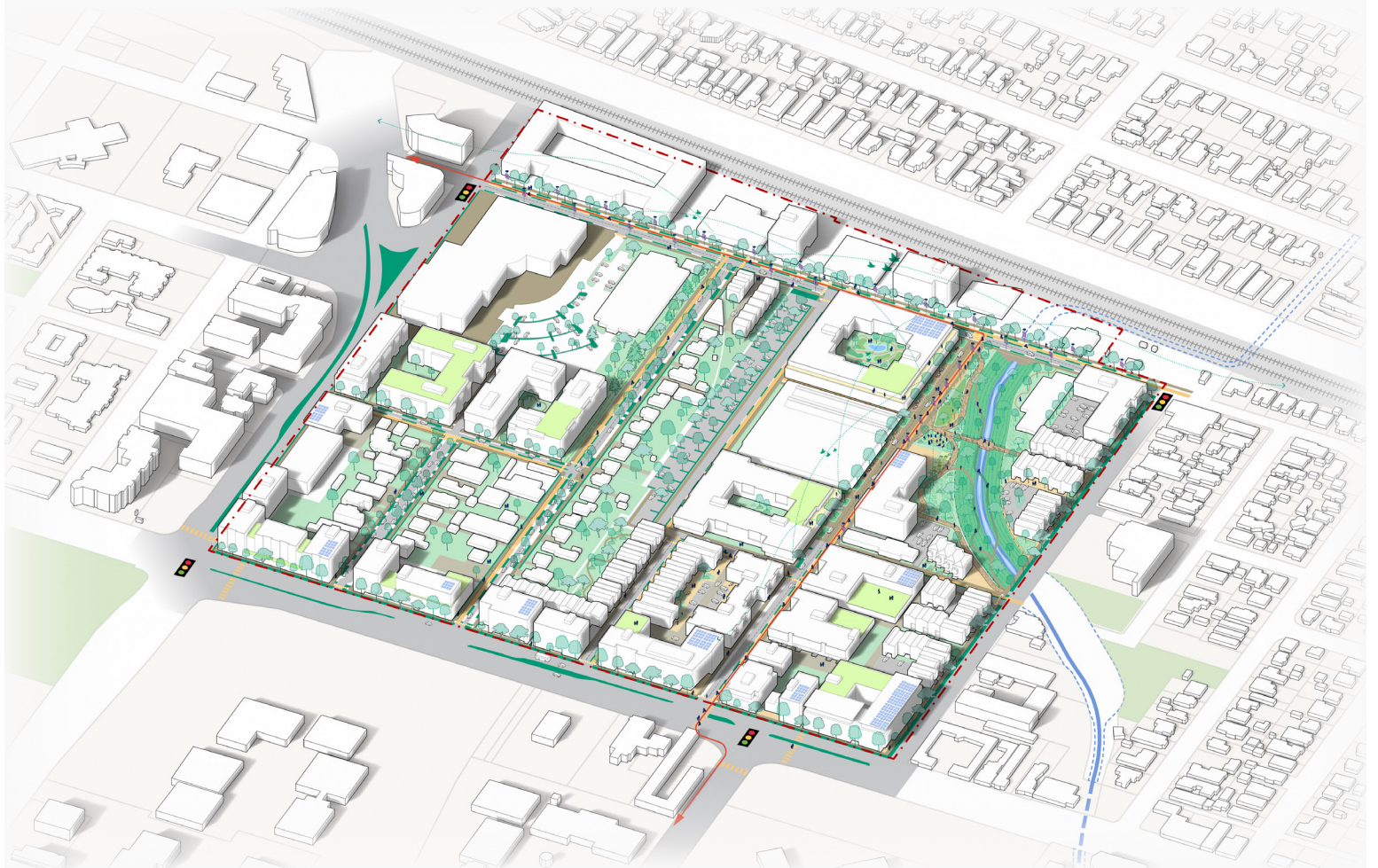


Final Supplemental EIR/Responses to Comments
on the Draft Supplemental EIR

North Ventura Coordinated Area Plan

SCH #: 2023020691



Prepared by



CITY OF
PALO ALTO

In Consultation with



DAVID J. POWERS
& ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

June 2024

Table of Contents

Section 1.0	Introduction	1
Section 2.0	Summary of Draft EIR Public Review Process	3
Section 3.0	Draft EIR Recipients.....	4
Section 4.0	Responses to Draft EIR Comments	5
Section 5.0	Draft EIR Text Revisions.....	25

Appendix A: Draft EIR Comment Letters

Section 1.0 Introduction

This document, together with the Draft Supplemental Environmental Impact Report (Draft SEIR), constitutes the Final Supplemental Environmental Impact Report (Final SEIR) for the North Ventura Coordinated Area Plan (NVCAP).

1.1 Purpose of the Final EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of Palo Alto and any Responsible Agencies in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final EIR has been completed in compliance with CEQA;
- (2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
- (3) The Final EIR reflects the lead agency's independent judgment and analysis.

1.2 Contents of the Final EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft EIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 Public Review

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review at the City of Palo Alto Development Center (285 Hamilton Avenue, Palo Alto, California, 94301) Monday through Thursday

during normal business hours as well as at the City of Palo Alto Mitchell Park Library (3700 Middlefield Road, Palo Alto, California, 94303) during normal library hours. The Final SEIR is also available for review on the NVCAP project website: www.cityofpaloalto.org/nvcap.

Section 2.0 Draft EIR Public Review Summary

The Draft SEIR for the NVCAP, dated March 2024, was circulated to affected public agencies and interested parties for a 45-day review period from March 8, 2024, to April 22, 2024. The City of Palo Alto undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City’s website (www.cityofpaloalto.org/nvcap) and in the Palo Alto Daily on March 8, 2024;
- Notification of the availability of the Draft EIR was e-mailed to members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse on March 8, 2024, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City’s website (www.cityofpaloalto.org/nvcap), and at the City of Palo Alto Development Center (285 Hamilton Avenue, Palo Alto, California, 94301) as well as at the City of Palo Alto Mitchell Park Library (3700 Middlefield Road, Palo Alto, California, 94303).

In addition, during the public review period for the Draft SEIR, the City hosted the following hearings to provide an overview of the Draft SEIR and solicit public comments:

- Architectural Review Board Hearing on April 18, 2024

Section 3.0 Draft EIR Recipients

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft SEIR was sent to members of the public who had indicated interest in the project and to adjacent jurisdictions. The following agencies received a copy of the Draft SEIR from the City of Palo Alto or via the State Clearinghouse:

- Bay Area Air Quality Management District
- California Air Resources Board
- California Department of Fish and Game, Region 3
- California Department of Transportation (Caltrans) District 4
- Caltrans Planning
- City of East Palo Alto
- City of Los Altos
- City of Los Altos Hills
- City of Menlo Park
- City of Mountain View
- Department of Toxic Substances Control
- Native American Heritage Commission
- Office of Historic Preservation
- Regional Water Quality Control Board, Division 2
- Santa Clara Valley Water District
- Santa Clara Valley Transportation Authority
- Santa Clara County Department of Planning and Development
- Santa Clara County Department of Environmental Health
- Santa Clara County Parks and Recreation Department
- Santa Clara County Roads and Airport Department
- Town of Portola Valley

Section 4.0 Responses to Draft EIR Comments

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of Palo Alto on the Draft EIR. This section also summarizes and addresses oral comments related to the Draft SEIR received at the Architectural Review Board hearing on March 18, 2024.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of Palo Alto are included in their entirety in Appendix A of this document. Comments received on the Draft SEIR are listed below.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
Oral Comments	6
A. Cedric De la Beaujardiere (dated March 18, 2024)	6
Federal and State Agencies	8
B. California Department of Transportation (dated April 22, 2024)	8
Regional and Local Agencies.....	13
C. Santa Clara Valley Transportation Authority (dated April 22, 2024)	13
D. Santa Clara Valley Water District (April 22, 2024)	15

Oral Comments

A. Cedric De la Beaujardiere (dated March 18, 2024)¹

Comment A.1: Hello, good early afternoon. Thanks to the staff for working on this plan and thanks to the ARB for your prior comments. I was happy to see that in your comments there was a lot of support and encouragement for rooftop gardens, as well as good access to the creek, the renaturalized creek. I'm really looking forward to that creek being renaturalized to a hundred-foot channel that would allow the maximum winding of the creek. I hope that the zoning areas and stuff will be preventing or dissuading any development through the area that the creek would expand into, so that we don't block the ability to widen the creek.

Response A.1: As stated on page 24 of the Draft SEIR, alterations to the creek are not proposed as part of the NVCAP. However, the NVCAP would facilitate future renaturalization of Matadero Creek through the establishment of a 100-foot riparian corridor buffer. The comment does not raise any issues about the adequacy of the SEIR.

Comment A.2: I saw that in the comments that there were desires to incentivize more rooftop gardens and I saw that they're kind of supported by the green building standards, but not necessarily incentivized. I wonder if there's additional ways to incentivize them.

Response A.2: The NVCAP encourages green roofs as described in Section 6.5.6 (Roofs). The NVCAP supports any roof areas free of solar panels or other sustainability infrastructure to be covered with vegetation, plants, green stormwater infrastructure, and roofing materials with high albedo surface to reduce heat island effects and slow rainwater runoff. However, no incentives are contemplated as part of the NVCAP. The comment does not raise any issues about the adequacy of the SEIR.

Comment A.3: And I guess this will come later when we actually go to design the naturalization of the creek. My understanding is, from the past, from the prior, feasibility study that, there is a plume of ground pollution and so there would be, underneath the naturalized creek, some sort of impermeable barrier to prevent those pollutants from spreading into the creek. And I wonder if there's some way to actually fix up that ground pollution so that the creek can have full contact with the Earth. There's a lot of information out now or you know, I don't know how new this information is, but basically underneath every creek and river there's a underground parallel river that helps to support the life of the creek in the soil, and I forget the exactly the details, but I think it was like 1 h of water moving through the ground-based creek would remove like 90% of pollutants from about 78% of the types of pollutants. So it's really valuable for cleaning our waters and

¹ Oral comment received at Architectural Review Board Hearing on April 18, 2024.

promoting a healthy ecosystem. So hopefully we'll find a way to clean up that pollution and get the creek fully in contact with the earth. Thank you.

Response A.3: As noted in Response A.1 and stated on page 24 of the Draft SEIR, alterations to the creek are not proposed as part of the NVCAP. Renaturalization of the creek would be evaluated pursuant to CEQA once a project-level design is available and would include further evaluation of potential impacts to water quality from naturalization of the creek and, if applicable, mitigation to address any impact identified. The comment does not raise any issues about the adequacy of the SEIR.

Federal and State Agencies

B. California Department of Transportation (dated April 22, 2024)

Comment B.1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the North Ventura Coordinated Area Plan. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the March 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purpose only.

Project Understanding

The proposed project will adopt land use policies and programs that would allow for additional 530 residential units and would incorporate two acres of new public open space within the North Ventura Coordinated Area. Residential densities would range from low to high. The plan would additionally result in a net reduction of up to 278,000 square feet of office space and up to 7,500 square feet of retail space.

The project site is located at the intersection State Route (SR)-82 and Page Mill Rd in Palo Alto and is approximately 60 acres with three proposed intersection improvement sites located within Caltrans' Right of Way (ROW).

Response B.1: This comment is a general summary of the proposed NVCAP and does not raise any specific issues about the adequacy of the Draft SEIR; therefore, no further response is required.

Comment B.2: Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' <https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/sb-743/2020-05-20-approved-vmt-focused-tisg-a11y.pdf>. The project VMT analysis and significance determination are undertaken in a manner consistent with the City of Palo Alto VMT policy. Per DEIR, this project is found to have a less than significant VMT impact.

However, since the additional trips generated from this project would impact several intersections along El Camino Real within Caltrans' jurisdiction, we request an in-depth traffic safety impact analysis including Intersection Safety Operational Assessment Process (ISOAP).

Response B.2: Although the NVCAP considers possible future improvements, no specific traffic signal improvements are proposed at this time. In the event future

development implementing the NVCAP would impact Caltrans facilities, an Intersection Safety Operational Assessment Process (ISOAP) would be prepared in order to evaluate the optimal design strategy for intersection type, geometry, and traffic control at any of the gateway intersections. Additional language has been added to Section 4.3, Gateway Intersections, of the draft NVCAP to acknowledge that this analysis would be completed prior to modifying any intersections.

Comment B.3: Fair Share Contributions

As the Lead Agency, the City is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

The DEIR has identified that the additional trips generated from this project could have an adverse effect on the operation of three Caltrans intersections under horizon plus project conditions. Please consider the following Projects for fair share contributions to mitigate the impact of this project to the State Transportation Network:

- Metropolitan Transportation Commission (MTC)’s Plan Bay Area 2050: Bus Rapid Transit (BRT) Modernization with SamTrans on El Camino Real (RTP ID 21-T10-078). This program includes funding to implement BRT improvements to existing bus service along El Camino Real from Daly City Bay Area Rapid Transit (BART) to Palo Alto Caltrain Station. Improvements include frequency upgrades (15- minute peak headways), dedicated lanes (45% of route), transit priority infrastructure and transit signal priority.
- Active transportation projects in support of building a multimodal transportation system to accommodate users of all ages and abilities:
 - Caltrans District 4 Bike Plan: Class IV separated buffered bike lanes on El Camino Real from Sand Hill Rd to San Antonio Rd.

Response B.3: As discussed on page 183 of the Draft SEIR, the implementation of signalization or other pedestrian improvements at any of the Caltrans intersections would need to be evaluated further in coordination with Caltrans. Since no specific development is proposed at this time, no physical improvements have been identified. At the time that any specific future development under the NVCAP is proposed, the City would evaluate project-specific impacts to Caltrans intersections and identify appropriate mitigation measures in coordination with Caltrans. Those mitigation measures, if warranted based on the project scope, may discuss the project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring needed.

Comment B.4: Hydrology

There would be significant impact from storm runoff due to proposed development. Please ensure that any increase in storm water runoff from the development do not encroach on Caltrans’ ROW but be efficiently intercepted by drainage inlets. The existing storm drain system in Caltrans’ ROW

might need to be upgraded in size to allow increased runoff. A detailed Drainage report will be required to be submitted to our office for review and approval.

Response B.4: As stated on page 149 of the Draft SEIR, future redevelopment under the NVCAP would be subject to Provision C.3 of the Municipal Regional Permit (MRP), which requires implementation of stormwater treatment measures that would collect and treat stormwater runoff from all on-site impervious areas prior to discharge into the storm drain system.

No permanent or temporary work within Caltrans' right-of-way is proposed as part of the NVCAP. In the event future development implementing the NVCAP requires work within the Caltrans right-of-way, it would complete the encroachment permit process and provide drainage reports, if required. The comment does not raise any issues about the adequacy of the SEIR.

Comment B.5: Freight

SR-82 is identified as a Terminal Access Route by the Freight Network Designation. Lane widths and turning movements should be considered during development.

Response B.5: No specific development is proposed at this time. Future development along SR-80 under NVCAP would coordinate with Caltrans and comply with the necessary requirements. The comment does not raise any issues about the adequacy of the SEIR.

Comment B.6: Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Response B.6: No specific development is proposed at this time. Future development under the NVCAP that would require movement of oversized or excessive load vehicles on State Route 82 would coordinate with Caltrans and obtain the necessary permits. The comment does not raise any issues about the adequacy of the SEIR.

Comment B.7: Encroachment Permit

This project would result in a significant increase in usage for El Camino Real. Please identify whether any projects will be required on SR-82 in the immediate vicinity as a result of this area plan to accommodate the residential and mixed use. In the event of such projects, please provide information if there would be dedications for additional ROW required as a condition of future development.

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

The checklist TR-0416 (link) is used to determine the appropriate Caltrans review process for encroachment projects. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (link). Your application package may be emailed to D4Permits@dot.ca.gov.

Response B.7: No permanent or temporary work within Caltrans' right-of-way is proposed as part of the NVCAP. In the event future development implementing the NVCAP requires work within the Caltrans right-of-way, it would complete the encroachment permit submittal and submit the encroachment permit application package (if required) to obtain an encroachment permit from Caltrans. Further, for all future site redevelopment along El Camino Real the City currently requires a public access easement be dedicated to the City to the extent necessary to create a 12-foot effective sidewalk width. This would not change as a result of the NVCAP. The comment does not raise any issues about the adequacy of the SEIR.

Comment B.8: Equity

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look forward to collaborating with the City to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Response B.8: No specific development is proposed at this time. In the event future development implementing the NVCAP would impact Caltrans facilities, improvements would comply with ADA development standards during design and construction and any work within Caltrans right-of-way will require permits from Caltrans. The City requires a traffic control and detour plan for any project that requires temporary sidewalk or lane closures to ensure that multi-modal access and emergency access is properly maintained. The comment does not raise any issues about the adequacy of the SEIR.

Regional and Local Agencies

C. Santa Clara Valley Transportation Authority (dated April 22, 2024)

Comment C.1: VTA appreciates the opportunity to comment on the Draft North Ventura Coordinated Area Plan (NVCAP) and its Draft Supplemental EIR. VTA has reviewed the documents and has the following comments.

Countywide Plans

The Draft NVCAP and its Draft Supplemental EIR should include relevant countywide plans with the listed local, regional, and state plans. VTA recommends including VTA's Visionary Network and Bike Superhighway Implementation Plan and specifically recommends highlighting El Camino Real's improvements identified in the two plans.

Response C.1: The Draft SEIR has been revised to include a summary of the relevant countywide plans suggested by VTA, Visionary Network and Bike Superhighway Implementation Plan. The NVCAP aims to create a mixed-use, transit-accessible neighborhood with high quality, low-stress bicycle paths that integrate into the citywide and countywide bicycle network. Therefore, in general, the NVCAP supports the goals and objectives for and is consistent with these plans. The text revision does not change the analysis or conclusions disclosed in the Draft SEIR.

Comment C.2: Caltrain Crossing

VTA recommends exploring adding a bicycle and pedestrian crossing across the Caltrain tracks within the plan's area. Currently, there is no crossing along the plan's frontage. With the plan's increased density, the lack of crossing may cause more users to trespass onto the tracks and thereby increase the risk of incidents.

Response C.2: The NVCAP includes no new bicycle or pedestrian crossings over the Caltrain tracks within the plan area. Currently, an existing fence restricts trespassing and guides pedestrians and cyclists to appropriate crossings nearby. The NVCAP references the City's 2012 Bicycle and Pedestrian Transportation Plan about a future crossing where the City has a policy for adding a new crossing near Matadero Creek and Park Boulevard or between Margarita and Loma Verde Avenues. In addition, the City has other adopted plans including the 2030 Comprehensive Plan, Rail Corridor Study, and Midtown Connection Feasibility Study which have several policies and programs related to additional bicycle and pedestrian crossings in close proximity of the NVCAP area and in southern Palo Alto, particularly south of Oregon Expressway. With future development and growth, a future crossing location will be considered as appropriate. The comment does not raise any issues about the adequacy of the SEIR.

Comment C.3: Transportation Mitigation Measures

VTA would like more information on the TRANS-1b Mitigation Measures: “Fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion” (page vii).

If Transit Signal Priority (TSP) improvements are applicable to this mitigation measure area, VTA recommends including a fair share contribution to upgrade the traffic signal controller cabinets on El Camino Real to comply with VTA’s Enhance Traffic Signal Controller guidance document (see attached). The existing equipment in the traffic signal controller cabinets is reaching its end of useful life and the traffic signal controllers do not have the capabilities to work with more modern forms of TSP.

Response C.3: As stated on page 1 of the Draft SEIR, the NVCAP SEIR tiers off the 2030 Comprehensive Plan Update EIR. Mitigation measure TRANS-1b was identified in the 2030 Comprehensive Plan Update EIR and requires that new development (including future development under the NVCAP) pay a transportation impact for all peak-hour motor vehicle trips that cannot be reduced via TDM measures. As stated on page 532 of the SEIR, fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion. No specific development is proposed at this time. At the time that any specific future development under the NVCAP is proposed, the City would evaluate project-specific impacts to intersections in accordance with the City’s Local Transportation Analysis Policy and the relevant policies of other agencies with jurisdiction over the intersection and identify appropriate mitigation measures in coordination with any other relevant agencies. If further environmental analysis and mitigation is warranted based on the project scope it may discuss the project’s fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring needed.

Comment C.4: Future Coordination

VTA appreciates the multimodal transportation improvement and connections to Caltrain and VTA identified in the plan. VTA would like to review future development applications. Please send applications to plan.review@vta.org.

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5804 or larissa.sanderfer@vta.org.

Response C.4: City staff will consult with VTA on future development applications within the NVCAP. The comment does identify any specific CEQA issues or inadequacies of the Draft SEIR; therefore, no further response is required.

D. Santa Clara Valley Water District (April 22, 2024)

Comment D.1: The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Supplemental EIR (SEIR) and Draft North Ventura Coordinated Area Plan (NVCAP) to plan for a walkable, mixed-use neighborhood on approximately 60 acres roughly bounded by Page Mill Rd, El Camino Real, Lambert Ave, and the Caltrain tracks in Palo Alto, received on March 8, 2024. Based on our review Valley Water has the following comments on the SEIR and NVCAP plans:

SEIR COMMENTS

1. The NVCAP will impact Valley Water facilities. Valley Water currently has easement, exclusive easement, and fee title property within the project area along Matadero Creek, as seen in the deeds linked here: <https://fta.valleywater.org/fl/aFJnDlpWvc>. Please submit plans showing the proposed work in greater detail on or adjacent to Valley Water right of way. In accordance with Valley Water’s Water Resources Protection Ordinance (WRPO), any construction activity within or adjacent to Valley Water property will need an encroachment permit. A copy of the encroachment permit application can be found here: <https://link.edgepilot.com/s/54803bf0/zhYcv18m4UeWZzeSg9W1KA?u=https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permits>. Valley Water encroachment permits are discretionary actions, and therefore, Valley Water is a responsible agency under CEQA.

Response D.1: No specific development is proposed at this time. As stated on page 24 of the Draft SEIR, alterations to Matadero Creek are not proposed as part of the NVCAP. The NVCAP would facilitate future renaturalization of Matadero Creek through the establishment of a 100-foot riparian corridor buffer, as shown on Figure 2.4-1 of the Draft SEIR. Any future alterations to the creek would be evaluated pursuant to CEQA once project-level design is available. Similarly, in the event that future alterations require work within Valley Water’s property, the project would complete the encroachment permit submittal and submit the encroachment permit application package (if required) to obtain an encroachment permit from Valley Water.

Comment D.2: Santa Clara Valley Water District (Valley Water) should not be referred to as “District” throughout the SEIR. While the official name of the agency remains Santa Clara Valley Water District, Valley Water has been used as a moniker since 2019. Please replace “District” with “Valley Water” on pages 142 and 143.

Response D.2: This correction has been made to the Draft SEIR, refer to Section 5.0 Draft EIR Text Revisions. The text revision does not change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.3: SEIR Figures 2.3-3 through 2.3-6, pages 33 through 36, and NVCAP plan Figures 36 and 42, pages 43 and 51, depict the removal of Matadero channel improvements, including the

removal of Valley Water’s maintenance path and concrete channel lining, and replacement with a widened channel section with a riparian corridor, pedestrian paths, and a pedestrian bridge over Valley Water fee title property and easement.

At a minimum, proposals to naturalize the Matadero Creek flood protection facility must not: increase our costs to maintain the facility; reduce maintenance access; reduce the level of flood protection currently provided by the channel; and create channel instability.

Additionally, proposals must: include a net benefit to Valley Water (including the reservation of lands in Valley Water fee title for the Valley Water’s use in fulfilling future mitigation planting requirements for its stream maintenance program); provide sufficient additional right of way to Valley Water to operate and maintain the modified facility (including all areas required to contain the same level of flood protection currently afforded); include regulatory permitting; provide appropriate mitigation (that do not include use of Valley Water right of way for mitigation planting); and be a geomorphic, stable channel that will not increase erosion or sediment deposition or increase the potential for damage to or failure of the adjacent concrete channel lining, up or downstream of the proposed naturalization.

Once a proposal is provided to Valley Water for review, we will be able to provide comments. Valley Water expects adjacent landowners to provide right of way to accommodate any desired recreational facilities and amenities that are not conducive to sharing space with a maintenance road.

Response D.3: As stated on pages 24, 73, 149 of the Draft SEIR, the NVCAP would facilitate creation of a fully naturalized Matadero Creek through the establishment of a 100-foot riparian corridor buffer. As noted in the comment and page 24 of the Draft SEIR, renaturalization of the creek would entail removal of the existing concrete improvements and revegetation with riparian plantings. However, no alterations to the creek are proposed as part of the NVCAP. Any future alterations to the creek would be evaluated pursuant to CEQA once a project-level design is available to properly evaluate the impacts. Future plans to renaturalize the creek will be coordinated with Valley Water. The comment does identify any specific CEQA issues or inadequacies of the Draft SEIR.

Comment D.4: SEIR page 149, “Hydrology and Water Quality”, and page 204, “Storm Drain System”, states that the creation of Matadero Park and naturalization of Matadero Creek through the establishment of a 100-foot riparian buffer will result in a net reduction of impervious surfaces, and that this net decrease in impervious surfaces will result in a corresponding decrease in stormwater runoff. It is not clear if the determination of “less than significant impact” regarding impacts related to drainage relies on the proposed naturalization of Matadero Creek. Since this work is not proposed as a part of the NVCAP, naturalization of Matadero Creek should not be considered in the impact analysis for drainage and this discussion should be revised for accuracy and clarity.

Response D.4: The Draft SEIR does not rely solely on the naturalization of the creek to conclude that implementation of the NVCAP would result in less than significant drainage impacts. Page 149 of the Draft SEIR also states that future development under the NVCAP would be subject to Provision C.3 of the MRP, which requires implementation of stormwater treatment measures that would collect and treat stormwater runoff from all on-site impervious areas prior to discharge into the City's storm drain system. Given that build out of the NVCAP would result in a decrease in stormwater runoff and would not substantially change the drainage pattern of the area, it was concluded that the project would not substantially increase erosion or increase the rate or amount of stormwater runoff. Naturalization of Matadero Creek, if implemented in the future, would only further reduce this impact. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.5: SEIR page 24, Section 2.3.9, "Naturalization of Matadero Creek", discusses the removal of Lambert Avenue Bridge and replacement with a new 100-foot clear-span bridge. Since the section of Matadero Creek at Lambert Avenue is not proposed for naturalization, the need for the bridge replacement as a part of the naturalization work is unclear. Any plans for replacement of Lambert Ave Bridge should be submitted to Valley Water once available for review and comment.

Response D.5: Naturalization of Matadero Creek within the NVCAP area could necessitate modifications to the existing Lambert Avenue Bridge to accommodate flows and to ensure structural stability of the bridge. At this time, the NVCAP does not propose specific modifications to the creek; it only facilitates future improvements by establishing a riparian corridor buffer. However, if a future project is proposed to naturalize the creek, then this work would follow the City standard review process, which includes coordination with Valley Water during the review process.

Comment D.6: Valley Water has an exclusive easement reserved for flood control purposes on APN 132-38-011, which would restrict the ability of the City of Palo Alto (City) to obtain a trail easement over this portion of the Matadero Creek maintenance road without Valley Water relinquishing the exclusivity of its easement. Further discussions will be needed between Valley Water and the City if the City wishes to pursue access through this easement.

Response D.6: No specific development is proposed at this time. The City will coordinate with Valley Water on any future easement requirements. The comment does not identify any specific CEQA issues or inadequacies of the Draft SEIR.

Comment D.7: Please modify the "Water Resources Protection Ordinance and District Well Ordinance" section on SEIR page 156 to include the following statement in its entirety:

Valley Water operates as a flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which

includes the groundwater recharge program. In accordance with Valley Water's Water Resources Protection Ordinance, any work within Valley Water's fee title right of way or easement or work that impacts Valley Water's facilities requires the issuance of a Valley Water permit. Under Valley Water's Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects with the groundwater aquifers of Santa Clara County.

Response D.7: The Draft SEIR has been revised to include the requested language in the comment (refer to Section 5.0 Draft EIR Text Revisions). Note that this comment incorrectly identifies page 156 of the Draft SEIR, it should be page 142. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.8: Please submit plans for any proposed underground structures or dewatering plans to Valley Water for review once available. Valley Water cannot determine that dewatering activities will not substantially decrease groundwater supplies or substantially interfere with groundwater recharge until such plans are made available.

Response D.8: No specific development is proposed at this time. As discussed on page 148 of the Draft SEIR, future projects that require dewatering would be required to submit a Construction Dewatering Plan to the City's Public Works Department. In addition, consistent with the 2030 Comprehensive Plan Update EIR, future development would be required to implement the standard permit conditions stated on page 148 to 149 of the Draft SEIR during construction dewatering. The City routes proposed development projects that may be of interest to Valley Water to their Community Projects Review Unit in accordance with the City's standard planning entitlement review process. This includes, but is not limited to, projects that may affect Valley Water easements, projects that may require well demolition permits, and projects that have the potential to affect groundwater supplies or recharge. The City would continue to route new proposed development projects within the NVCAP area for further review. If future site specific development would result in impacts to groundwater supplies or groundwater recharge beyond those assessed in this SEIR, either redesign of those site specific plans or additional analysis may be warranted. Nevertheless, as Valley Water notes in comment D.12, the project site is located entirely overlying the confined zone of the Santa Clara Subbasin and not within the recharge zone. The deeper, confined aquifer is the primary groundwater supply of the Santa Clara Subbasin, not the shallow aquifer. Therefore, future development within the project area is unlikely to result in impacts to groundwater supplies beyond what is assessed in the EIR. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.9: SEIR page 140, Section 3.8, “Hydrology and Water Quality”, 3.8.1.1, “Regulatory Framework, Federal and State”, should include a brief summary of California’s Sustainable Groundwater Management Act (SGMA) under the State regulatory framework because Valley Water’s 2021 Groundwater Management Plan (mentioned on page 142) is a DWR approved Alternative to a Groundwater Sustainable Plan (Alternative) under SGMA.

Response D.9: The Draft SEIR has been revised to include a discussion of the Sustainable Groundwater Management Act (SGMA) in Section 3.8.1.1 (refer to Section 5.0 Draft EIR Text Revisions). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.10: SEIR page 142, “2021 Groundwater Management Plan” should include the following detail near the beginning of the paragraph: “The 2021 GWMP is the first periodic update to the approved Alternative to a Groundwater Sustainability Plan under SGMA.”

Response D.10: The Draft SEIR has been revised to include the requested language in the comment (refer to Section 5.0 Draft EIR Text Revisions). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.11: SEIR pages 145 and 148, “Groundwater”, should be modified to read “Typical groundwater depths in Palo Alto range from less than 10 to 30 feet below ground surface (bgs).” because groundwater depths can be shallower than 10 feet in many areas of Palo Alto. For example, City well 06S03W12R010, located directly adjacent to the project site, regularly has water levels about 5 feet bgs (most recent data for March 2024 is 5.5 feet bgs). Groundwater level data in Palo Alto can be viewed on Valley Water’s historical groundwater elevation data website: <https://link.edgepilot.com/s/52ad5893/UoPDYbO-AUicIroC7bXiEw?u=https://gis.valleywater.org/GroundwaterElevations/map.php>.

Response D.11: The Draft SEIR has been revised to include the requested language in the comment (refer to Section 5.0 Draft EIR Text Revisions). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.12: On SEIR page 148, the project site is located entirely overlying the confined zone of the Santa Clara Subbasin and not within the recharge zone. Therefore, any rainfall or irrigation that infiltrates the Project site would recharge the shallow aquifer above the confining layer. The deeper, confined aquifer is the primary groundwater supply of the Santa Clara Subbasin, not the shallow aquifer. This is why Valley Water has no recharge ponds or facilities near the Project site.

Response D.12: The Draft SEIR has been revised for clarity (refer to Section 5.0 Draft EIR Text Revisions). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.13: On SEIR page 148, “Standard Permit Conditions”, given the first bullet (Prohibit dewatering during the rainy season.), we recommend that the Project construction activities consider that groundwater levels are typically the highest (closest to land surface) during the rainy season.

Response D.13: As stated on page 148 of the Draft SEIR, future development would be prohibited from dewatering during the rainy seasons, when groundwater levels are the highest (as noted in the comment). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.14: On SEIR page 148, given that the Project overlies the confined aquifer, potential dewatering activities are unlikely to negatively impact the groundwater supply because the primary supply is from the confined aquifer. However, the Project site is located within the seawater intrusion outcome measure area, as defined in the 2021 Groundwater Management Plan (see Chapter 5 and Appendix H). We recommend that any future dewatering permit applications evaluate and mitigate if the dewatering activities, particularly any long-term or ongoing dewatering, will negatively affect the spatial pattern of seawater intrusion in the shallow aquifer.

Response D.14: No specific development is proposed at this time. As discussed on page 148 of the Draft SEIR, future projects that require dewatering would be required to submit a Construction Dewatering Plan to the City’s Public Works Department. In addition, consistent with the 2030 Comprehensive Plan Update EIR, future development would be required to implement the standard permit conditions stated on page 148 to 149 of the Draft SEIR during construction dewatering. The City routes proposed development projects that may be of interest to Valley Water to their Community Projects Review Unit in accordance with the City’s standard planning entitlement review process. This includes, but is not limited to, projects that may affect Valley Water easements, projects that may require well demolition permits, and projects that have the potential to affect groundwater supplies or recharge. The City would continue to route new proposed development projects within the NVCAP area for further review. For any projects that require dewatering, the City would evaluate the impacts of dewatering on the aquifer as part of our review of the documentation for a dewatering permit and will determine whether either redesign of those site specific plans or additional analysis may be warranted. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.15: On SEIR pages 148, 149, and 150, there is conflicting text about impacts to groundwater that should be resolved. This includes text on page 148 stating “Temporary or permanent dewatering could affect groundwater supplies.” and page 149 stating “... NVCAP in compliance with the above standard permit conditions and existing regulations (including the NPDES General Construction Permit and MRP) would not substantially deplete groundwater

supplies...”. Page 150 also states “...NVCAP would not substantially decrease groundwater supplies...”

Response D.15: As noted in the comment, page 148 of the Draft SEIR states that the project could affect groundwater supplies. While the Draft SEIR notes this possibility without adherence to relevant regulations, subsequently it is stated that through compliance with the standard permit conditions stated on pages 148 to 149 and existing regulations, the NVCAP would not substantially deplete groundwater supplies. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.16: According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0017H, effective May 18, 2009, the majority of the project site is within FEMA Flood Zone X, an area with a 0.2% annual chance flood hazard, and the areas of Matadero Creek are located within Flood Zone A, a special flood hazard area with 1.0% annual chance flood discharge contained in the structure with no base flood elevations determined.

Response D.16: Page 145 of the Draft SEIR states that the project site is located within FEMA Flood Zone X, with the exception of portions of Matadero Creek that are in Flood Zone A. The Draft SEIR has been revised to include the text about the 0.2 percent annual chance of flooding in Zone X (refer to Section 5.0 Draft EIR Text Revisions). This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.17: Santa Clara Valley Water District (Valley Water) records indicate that 40 active wells are located on the subject property. Valley Water’s Well Information App can be used to help locate wells on the Project site: <https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners/well-information-app>. While this app indicates there are many destroyed wells and active water supply and monitoring wells on the project site, there could be additional unknown abandoned wells. If any existing wells are to be destroyed by the Project and if any abandoned wells are identified during the Project, they need to be properly destroyed in coordination with Valley Water staff at the Well Permitting and Inspections Hotline: 408-630-2660 (<https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>).

Response D.17: No specific development is proposed at this time. Future development applications will need to determine whether active or abandoned wells are on-site. Wells, if present, would be required to be destroyed in compliance with Valley Water permitting requirements. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.18: The State GeoTracker webpage (<https://geotracker.waterboards.ca.gov/>) lists at least 8 open cleanup sites within the Project footprint. Any proposed groundwater dewatering near these sites should be approved by the relevant regulatory oversight agency.

Response D.18: Page 133 of the Draft SEIR states that the 2030 Comprehensive Plan Update FEIR anticipated future development on sites with subsurface contamination, including the properties within the NVCAP area listed as cleanup program and Spills, Leaks, Investigations, and Cleanup (SLIC)/ leaking underground storage tanks (LUST) sites. Page 133 of the Draft SEIR also states that all dewatering activities, including the dewatering of contaminated groundwater, would be conducted in accordance with the requirements of the Regional Water Quality Control Board and the City’s Municipal Code to ensure that contaminated groundwater is disposed of properly and is not discharged into the storm drain system. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.19: NVCAP PLANS COMMENTS

19. Figure 36, page 43, Figure 42, page 51, and Figure 75, page 107, of the NVCAP plans show multiple crossings of Matadero Creek, while Figure 43, page 52, only shows one creek crossing. The number of creek crossings is to be minimized. Valley Water only supports one creek crossing. Please reference Valley Water’s Water Resources Protection Manual, Design Guide 4, “Riparian Revegetation or Mitigation Projects”, and Design Guide 16, “Guidance for Trail Design”, when designing creek crossings.

Response D.19: The draft NVCAP has been revised to show one creek crossing in the referenced figures. The Valley Water’s Water Resources Protection Manual will be referenced and coordination with Valley Water will be required when the creek crossing becomes a project in the future. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.20: Page 60, “Green Infrastructure”, discusses the use of green stormwater infrastructure as a part of the NVCAP plans. Re-development of the site provides opportunities to minimize water and associated energy use by incorporating on-site reuse for both storm and graywater and requiring water conservation measures to exceed State standards. To reduce or avoid impacts to water supply, the City and applicant should consider implementing measures from the Model Water Efficient New Development Ordinance, which include:

- A. Hot water recirculation systems.
- B. Alternate water sources collection (like cisterns) and recycled water connections as feasible.
- C. Pool and spa covers.
- D. Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses.
- E. Require dedicated landscape meters where applicable.

- F. Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use.
- G. Weather- or soil-based irrigation controllers.

Response D.20: The City has adopted the Model Water Efficient Landscape Ordinance (MWELo), referenced by the CALGreen Building Code, in Title 16 of the Palo Alto Municipal Code (PAMC). Any future projects that are subject to MWELo would have to provide WELo plans that were prepared and signed by only a licensed Landscape Architect or licensed Landscape Contractor to ensure compliance with MWELo. These are reviewed by the City's Urban Forestry Division for consistency with the Code during the entitlement process and again at building permit review. Therefore, no amendments are recommended to the Draft NVCAP, and no additional analysis is required for the Draft SEIR.

Comment D.21: Lighting described on Page 63 must be directed away from the creek. Please explain whether wildlife can trigger motion sensors, as this would counteract efforts to protect habitat from nighttime lighting. Please reference Guidelines and Standards Design Guide 16.I.H for lighting requirements near creeks. The Guidelines and Standards were adopted by the City of Palo Alto under Ordinance 4932.

Response D.21: PAMC Section 18.40.140 (Stream Corridor Protection) includes provisions regarding lighting near streams and requires that nighttime lighting shall be directed away from the riparian corridor of a stream. The described motion sensors would be triggered by a change in infrared energy such that it is possible for an animal to activate a motion detector. However, the animal would need to be large enough to trigger a motion detector; therefore, most riparian species that have the potential to occur within this area are not expected to trigger motion sensors. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.22: Page 108, Section 5.1.7, mentions the use of pollinator-friendly native plants. Please reference Guidelines and Standards Design Guide 2 for the placement of native plants along the creek.

Response D.22: The draft NVCAP has been revised to add a reference to the Valley Water's Water Resources Protection Manual. In addition, the NVCAP has been updated to include a requirement to coordinate with the City's Public Works Department to identify the appropriate pollinator friendly native plants to incorporate into future projects. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.23: Page 110, Section 5.2 should reference Guidelines and Standards Design Guides 4 and 16 and Section VII.B.

Response D.23: The inclusion of Section 5.2 (Matadero Creek) and Standard 5.2.2 demonstrates the need for future coordination with Valley Water during the Matadero Creek naturalization project. This ensures compliance with Valley Water's Water Resources Protection Manual. Therefore, no amendments to the draft NVCAP are recommended at this time. This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Comment D.24: 24. Page 112, Section 5.2.7, "Floodwalls", discusses the use of vegetation within concrete retaining walls. Floodwalls and retaining walls are not the same and it is not clear what is proposed. Vegetation may impact the ability to inspect flood walls and may not be allowed.

Response D.24: The draft NVCAP has been revised to modify Standard 5.2.7 as follows: "5.2.7 Flood Walls or Retaining Walls. Concrete floodwalls or retaining walls shall be designed to allow for vegetation to the extent feasible." This comment does not provide new information that would change the analysis or conclusions disclosed in the Draft SEIR.

Section 5.0 Draft EIR Text Revisions

This section contains revisions to the text of the NVCAP Draft SEIR dated March 2024. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 106 Section 3.6.1.2 Regulatory Framework under City of Palo Alto Municipal Code:
REVISE second paragraph as follows:

The City’s Green Building Ordinance and Energy Reach Ordinance exceed the mandatory efficiency standards set by the California Energy Code and to adopt the California Green Building Code Voluntary Tiers 1 and 2 as mandatory measures for new construction and addition-remodels over a certain size. The Palo Alto Green Building Ordinance requires applicants to incorporate sustainable design, construction, and operational requirements into most single-family residential, multi-family residential, and non-residential projects. The ordinance results in reduced energy and water operational costs and improved environmental quality for building owners and occupants and encourages material conservation and resource efficiency.

~~The City’s Energy Reach Code requires full electrification for all new construction (including non-residential).~~ The City’s new Energy Reach Code will take effect on July 1, 2024. In addition, the City has adopted local amendments to the California Energy Code using a “one margin” approach. The One Margin approach allows for the installation of both mixed fuel and all-electric construction while imposing requirements that consider the emissions of both types of construction. Mixed-fuel construction would require investments in energy efficiency, solar, and storage to offset the emissions of natural gas appliances in order to meet these requirements in order to meet carbon neutrality goals.

Page 110 Section 3.6.1.2 Regulatory Framework under checklist question a): REVISE Table 3.6-2 as follows:

Table 3.6-2: S/CAP Consistency Analysis

Policy	Consistency with S/CAP
E1. Reduce all or nearly all greenhouse gas emissions in single-family appliances and equipment, including water heating, space heating, cooking, clothes drying, and other appliances that use natural gas.	Any new development or substantial remodels within the plan area will require that the building be all-electric in <u>comply with the California Green Building Code and amendments in accordance with the City’s one-margin ordinance, which amends PAMC Section 16.14 (Ordinance 5570).</u>
E2. Reduce greenhouse gas emissions in non-residential equipment, including mixed-fuel rooftop packaged HVAC units, cooking equipment, and small nonresidential gas appliances.	Any new development or substantial remodels within the plan area will require that the building be all-electric in <u>comply with the California Green Building Code and amendments in accordance with the City’s one-margin ordinance, which amends PAMC Section 16.14 (Ordinance 5570).</u>

Page 142 Section 3.8.1.1 Regulatory Framework under 2021 Groundwater Management Plan:
REVISE the paragraph as follows:

The 2021 Groundwater Management Plan (GWMP) describes Valley Water’s comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county’s water supply comes from local sources and the other half comes from imported sources. Imported water includes the ~~District’s~~ Valley Water’s State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county’s water supply is recycled water.

Page 141 Section 3.8.1.1 Regulatory Framework under Federal and State: INCLUDE the following regulation:

Sustainable Groundwater Management Act

The Sustainable Groundwater Management Act (SGMA) requires local agencies to form groundwater sustainability agencies (GSAs) for the high and medium priority basins. GSAs develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years.

Page 142 Section 3.8.1.1 Regulatory Framework under Water Resources Protection Ordinance and District Well Ordinance: REVISE the paragraph as follows:

Valley Water operates as the flood ~~control~~ protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water’s Water Resources Protection Ordinance, any work within Valley Water’s fee title right of way or easement or work that impacts Valley Water’s facilities requires the issuance of a Valley Water permit. Under Valley Water’s Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects with the groundwater aquifers of Santa Clara County. ~~Well construction and deconstruction permits, including borings 45 feet or deeper, are required under Valley Water’s Well Ordinance 90-1. Under Valley Water’s Water Resources Protection Ordinance, projects within Valley Water property or easements are required to obtain encroachment permits.~~

Page 142 Section 3.8.1.1 Regulatory Framework under 2021 Groundwater Management Plan:
REVISE the paragraph as follows:

The 2021 Groundwater Management Plan (GWMP) describes Valley Water’s comprehensive groundwater management framework, including existing and potential actions to achieve basin sustainability goals and ensure continued sustainable groundwater management. The 2021 GWMP is the first periodic update to the approved Alternative to a Groundwater Sustainability Plan under SGMA. The GWMP covers the Santa Clara and Llagas subbasins, which are located entirely in Santa Clara County. Valley Water manages a diverse water supply portfolio, with sources including groundwater, local surface water, imported water, and recycled water. About half of the county’s water supply comes from local sources and the other half comes from imported sources. Imported water includes the District’s State Water Project and Central Valley contract supplies and supplies delivered by the San Francisco Public Utilities Commission (SFPUC) to cities in northern Santa Clara County. Local sources include natural groundwater recharge and surface water supplies. A small portion of the county’s water supply is recycled water.

Page 143 Section 3.8.1.1 Regulatory Framework under 2021 Groundwater Management Plan: REVISE the paragraph as follows:

Local groundwater resources make up the foundation of the county’s water supply, but they need to be augmented by the ~~District’s~~ Valley Water’s comprehensive water supply management activities to reliably meet the county’s needs. These include the managed recharge of imported and local surface water and in-lieu groundwater recharge through the provision of treated surface water and raw water, acquisition of supplemental water supplies, and water conservation and recycling.²

Page 145 Section 3.8.1.2 under Groundwater: REVISE the paragraph as follows:

Palo Alto lies within the Santa Clara Subbasin of the Santa Clara Valley Groundwater Basin. The Santa Clara Subbasin is divided into confined and recharge areas. Recharge areas are primarily comprised of high permeability aquifer materials like sands and gravels that allow surface water to infiltrate into the aquifers. Most groundwater recharge occurs in these recharge areas. The most southern portion of Palo Alto is in a natural recharge area. However, there are no SCVWD recharge ponds or facilities within the city limits. Typical groundwater depths in Palo Alto range from less than 10 to 30 feet below ground surface (bgs).

Page 145 Section 3.8.1.2 under Flooding: Revise the paragraph as follows:

According to the FEMA Flood Insurance Rate Map (FIRM), the majority of the NVCAP area is in Flood Zone X (unshaded), except portions of Matadero Creek that are in Flood Zone A.³ Zone X is the area determined to be outside the 500-year floodplain and protected by levee from a 100-year flood

² Valley Water. *2021 Groundwater Management Plan, Santa Clara and Llagas Subbasins*. November 2021.

³ Federal Emergency Management Agency. *Flood Insurance Rate Map: Santa Clara County Panel 234 of 830*. Map Number 06085C0017H. May 18, 2009.

event (0.2 percent annual chance of flooding). Zone A is an area with a one percent annual chance of flooding.

Page 148 Under Checklist Question b): REVISE the first paragraph as follows:

The City receives 100 percent of its water supply from the SFPUC, which obtains its supply from surface water supplies. The NVCAP is located within the Santa Clara Subbasin, which is divided into confined and recharge areas. The project site is located in the confined zone of the Santa Clara Subbasin and not within the recharge zone. Therefore, any rainfall or irrigation that infiltrates the project site would recharge the shallow aquifer above the confining layer. The deeper, confined aquifer is the primary groundwater supply of the Santa Clara Subbasin, not the shallow aquifer. Most groundwater recharge occurs in these recharge areas. The most southern portion of Palo Alto is in a natural recharge area. However, there are no SCVWD recharge ponds or facilities within the city limits.

Page 148 Under Checklist Question b): REVISE the second paragraph as follows:

Other ways development could affect groundwater supplies and/or recharge is through dewatering activities or direct pumping. Given groundwater depths in Palo Alto range from less than 10 to 30 feet, it is possible that groundwater could be encountered during future NVCAP development and dewatering may be required. Temporary or permanent dewatering could affect groundwater supplies. As discussed under checklist question a), future projects that require dewatering would be required to submit a Construction Dewatering Plan to the City's Public Works Department. In accordance with the City's Construction Dewatering System Policy and Plan Preparation Guidelines, water would be tested for contaminants prior to initial discharge and at intervals during dewatering. Consistent with the 2030 Comprehensive Plan Update FEIR, future development would be required to implement the following standard permit conditions during construction dewatering activities.

Page 173 Under Regional and Local: ADD the following regulations:

VTA Visionary Network

The VTA Visionary Network aims to create a blueprint for aspirational transit in Santa Clara County over the next 30 years. This plan includes detailing street corridors it will serve, the frequency of buses and trains, the operation of early and late-night services, and the design of bus stops and stations. It incorporates the vision of VTA, member cities, and county residents to create a transit strategy. VTA's Route 22 operates along El Camino Real, which is important in servicing the NVCAP area. This route ensures robust transit connectivity which supports the project's goals.

Bicycle Superhighway Implementation Plan

VTA is proposing to develop a network of high-quality, uninterrupted, long distance, bicycle superhighways that connect Santa Clara County. This network will allow people to bicycle from

Gilroy to Palo Alto on low-stress bikeways that are on par with major roads, freeways, and railways. El Camino Real is identified as part of the bicycle superhighway alignment with efforts underway in Mountain View, Santa Clara, and Sunnyvale.

Page 183 Checklist Question a) Roadway Network: REVISE the second paragraph as follows:

As discussed in Section 3.11.3 Non-CEQA effects and detailed in Appendix F, intersection operations at four intersections (one County and ~~two~~ three Caltrans intersections) could degrade below City standards as a result of the NVCAP at the horizon year. These intersections would degrade to LOS F with or without the proposed project. The implementation of signalization or other pedestrian improvements at any of these intersections would need to be evaluated further in coordination with the relevant jurisdiction (County for Page Mill Road; Caltrans for El Camino Real) and may require further evaluation in accordance with CEQA at that time if the city or another jurisdiction chooses to implement improvements. No other physical improvements were identified.

Appendix A: Draft EIR Comment Letters

Commenter: Cedric dLB (via Zoom)

Hello, good early afternoon. Thanks to the staff for working on this plan and thanks to the ARB for your prior comments. I was happy to see that in your comments there was a lot of support and encouragement for rooftop gardens, as well as good access to the to the creek, the renaturalized creek. I'm really looking forward to that creek being renaturalized to a hundred-foot channel that would allow the maximum winding of the creek. I hope that the zoning areas and stuff will be preventing or dissuading any development through the area that the creek would expand into, so that we don't block the ability to widen the creek.

I saw that in the comments that there were desires to incentivize more rooftop gardens and I saw that they're kind of supported by the green building standards, but not necessarily incentivized. I wonder if there's additional ways to incentivize them.

And I guess this will come later when we actually go to design the naturalization of the creek. My understanding is, from the past, from the prior, feasibility study that, there is a plume of ground pollution and so there would be, underneath the naturalized creek, some sort of impermeable barrier to prevent those pollutants from spreading into the creek. And I wonder if there's some way to actually fix up that ground pollution so that the creek can have full contact with the Earth. There's a lot of information out now or you know, I don't know how new this information is, but basically underneath every creek and river there's a underground parallel river that helps to support the life of the creek in the soil, and I forget the exactly the details, but I think it was like 1 h of water moving through the ground-based creek would remove like 90% of pollutants from about 78% of the types of pollutants. So it's really valuable for cleaning our waters and promoting a healthy ecosystem. So hopefully we'll find a way to clean up that pollution and get the creek fully in contact with the earth. Thank you.

California Department of Transportation

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



April 22, 2024

SCH #: 2023020691
GTS #: 04-SCL-2023-01266
GTS ID: 29299
Co/Rt/Pm: SCL/82/24.037

Kelly Cha, Senior Planner
City of Palo Alto
250 Hamilton Avenue, 6th Floor
Palo Alto, CA 94301

Re: North Ventura Coordinated Area Plan – Draft Environmental Impact Report (DEIR)

Dear Kelly Cha:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the North Ventura Coordinated Area Plan. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the March 2024 DEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purpose only.

Project Understanding

The proposed project will adopt land use policies and programs that would allow for additional 530 residential units and would incorporate two acres of new public open space within the North Ventura Coordinated Area. Residential densities would range from low to high. The plan would additionally result in a net reduction of up to 278,000 square feet of office space and up to 7,500 square feet of retail space.

The project site is located at the intersection State Route (SR)-82 and Page Mill Rd in Palo Alto and is approximately 60 acres with three proposed intersection improvement sites located within Caltrans' Right of Way (ROW).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)). The project VMT analysis and significance determination are undertaken in a manner consistent with the City of Palo Alto VMT policy. Per DEIR, this project is found to have a less than significant VMT impact.

However, since the additional trips generated from this project would impact several intersections along El Camino Real within Caltrans' jurisdiction, we request an in-depth traffic safety impact analysis including Intersection Safety Operational Assessment Process (ISOAP).

Fair Share Contributions

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

The DEIR has identified that the additional trips generated from this project could have an adverse effect on the operation of three Caltrans intersections under horizon plus project conditions. Please consider the following Projects for fair share contributions to mitigate the impact of this project to the State Transportation Network:

- Metropolitan Transportation Commission (MTC)'s Plan Bay Area 2050: Bus Rapid Transit (BRT) Modernization with SamTrans on El Camino Real (RTP ID 21-T10-078). This program includes funding to implement BRT improvements to existing bus service along El Camino Real from Daly City Bay Area Rapid Transit (BART) to Palo Alto Caltrain Station. Improvements include frequency upgrades (15-minute peak headways), dedicated lanes (45% of route), transit priority infrastructure and transit signal priority.
- Active transportation projects in support of building a multimodal transportation system to accommodate users of all ages and abilities:
 - Caltrans District 4 Bike Plan: Class IV separated buffered bike lanes on El Camino Real from Sand Hill Rd to San Antonio Rd.

Hydrology

There would be significant impact from storm runoff due to proposed development. Please ensure that any increase in storm water runoff from the development do not encroach on Caltrans' ROW but be efficiently intercepted by drainage inlets. The existing storm drain system in Caltrans' ROW might need to be upgraded in size to allow increased runoff. A detailed Drainage report will be required to be submitted to our office for review and approval.

Freight

SR-82 is identified as a Terminal Access Route by the Freight Network Designation. Lane widths and turning movements should be considered during development.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)). Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Encroachment Permit

This project would result in a significant increase in usage for El Camino Real. Please identify whether any projects will be required on SR-82 in the immediate vicinity as a result of this area plan to accommodate the residential and mixed use. In the event of such projects, please provide information if there would be dedications for additional ROW required as a condition of future development.

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

The checklist TR-0416 ([link](#)) is used to determine the appropriate Caltrans review process for encroachment projects. The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Your application package may be emailed to D4Permits@dot.ca.gov.

Equity

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look

Kelly Cha, Senior Planner
April 22, 2024
Page 4

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

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Luo Yunsheng". The signature is fluid and cursive, with the first name "Luo" being more prominent and the last name "Yunsheng" following in a similar style.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse



April 22, 2024

City of Palo Alto City Hall
250 Hamilton Avenue, 5th floor
Palo Alto, CA 94301

Attn: Kelly Cha, Senior Planner
By Email: nvcap@cityofpaloalto.org

Dear Kelly,

VTA appreciates the opportunity to comment on the Draft North Ventura Coordinated Area Plan (NVCAP) and its Draft Supplemental EIR. VTA has reviewed the documents and has the following comments.

Countywide Plans

The Draft NVCAP and its Draft Supplemental EIR should include relevant countywide plans with the listed local, regional, and state plans. VTA recommends including VTA's Visionary Network and Bike Superhighway Implementation Plan and specifically recommends highlighting El Camino Real's improvements identified in the two plans.

Caltrain Crossing

VTA recommends exploring adding a bicycle and pedestrian crossing across the Caltrain tracks within the plan's area. Currently, there is no crossing along the plan's frontage. With the plan's increased density, the lack of crossing may cause more users to trespass onto the tracks and thereby increase the risk of incidents.

Transportation Mitigation Measures

VTA would like more information on the TRANS-1b Mitigation Measures: "Fees collected would be used for capital improvements aimed at reducing motor vehicle trips and motor vehicle traffic congestion" (page vii).

If Transit Signal Priority (TSP) improvements are applicable to this mitigation measure area, VTA recommends including a fair share contribution to upgrade the traffic signal controller cabinets on El Camino Real to comply with VTA's Enhance Traffic Signal Controller guidance document (see attached). The existing equipment in the traffic signal controller cabinets is reaching its end of useful life and the traffic signal controllers do not have the capabilities to work with more modern forms of TSP.

Future Coordination

VTA appreciates the multimodal transportation improvement and connections to Caltrain and VTA identified in the plan. VTA would like to review future development applications. Please send applications to plan.review@vta.org.

City of Palo Alto
April 22, 2024
Page 2 of 2

Thank you again for the opportunity to review this project. If you have any questions, please do not hesitate to contact me at 408-321-5804 or larissa.sanderfer@vta.org.

Sincerely,
Larissa Sanderfer
Transportation Planner II
PA2401

From: [Cha, Kelly](#)
To: [Natalie Noyes](#)
Cc: [Raybould, Claire](#)
Subject: Fw: VW File 33840 - NVCAP SEIR Review at Matadero Creek
Date: Tuesday, April 23, 2024 8:07:24 AM
Attachments: [image001.png](#)
[Outlook-xppccy5s.png](#)

Forwarding 3 of 3

 **KELLY CHA**
Senior Planner
Planning and Development Department
(650) 329-2155 | kelly.cha@cityofpaloalto.org
[https://link.edgepilot.com/s/0a79fb1c/8pMnObfe90eBGV0as8meoA?
u=http://www.cityofpaloalto.org/](https://link.edgepilot.com/s/0a79fb1c/8pMnObfe90eBGV0as8meoA?u=http://www.cityofpaloalto.org/)

From: Gennifer Wehrmeyer <GWehrmeyer@valleywater.org>
Sent: Monday, April 22, 2024 4:59 PM
To: North Ventura Coordinated Area Plan <NVCAP@CityofPaloAlto.org>
Cc: Shree Dharasker <sdharasker@valleywater.org>; Raybould, Claire <Claire.Raybould@CityofPaloAlto.org>; CPRU-Dropbox <CPRU@valleywater.org>
Subject: VW File 33840 - NVCAP SEIR Review at Matadero Creek

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

Dear Kelly Cha,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Supplemental EIR (SEIR) and Draft North Ventura Coordinated Area Plan (NVCAP) to plan for a walkable, mixed-use neighborhood on approximately 60 acres roughly bounded by Page Mill Rd, El Camino Real, Lambert Ave, and the Caltrain tracks in Palo Alto, received on March 8, 2024. Based on our review Valley Water has the following comments on the SEIR and NVCAP plans:

SEIR COMMENTS

1. The NVCAP will impact Valley Water facilities. Valley Water currently has easement, exclusive easement, and fee title property within the project area along Matadero Creek, as seen in the deeds linked here:
[https://link.edgepilot.com/s/96c3194b/K2t1q2gA0kKhEdFAJKBNZA?
u=https://fta.valleywater.org/fl/aFJnDlpWvc](https://link.edgepilot.com/s/96c3194b/K2t1q2gA0kKhEdFAJKBNZA?u=https://fta.valleywater.org/fl/aFJnDlpWvc). Please submit plans showing the proposed work in greater detail on or adjacent to Valley Water right of way. In accordance with Valley Water's Water Resources Protection Ordinance (WRPO), any construction activity within or adjacent to Valley Water property will need an encroachment permit. A copy of the encroachment permit application can be found here:
[https://link.edgepilot.com/s/54803bf0/zhYcv18m4UeWZzeSg9W1KA?
u=https://www.valleywater.org/contractors/doing-businesses-with-the-
district/permits-working-district-land-or-easement/encroachment-permits](https://link.edgepilot.com/s/54803bf0/zhYcv18m4UeWZzeSg9W1KA?u=https://www.valleywater.org/contractors/doing-businesses-with-the-district/permits-working-district-land-or-easement/encroachment-permits). Valley Water encroachment permits are discretionary actions, and therefore, Valley Water is a

responsible agency under CEQA.

2. Santa Clara Valley Water District (Valley Water) should not be referred to as “District” throughout the SEIR. While the official name of the agency remains Santa Clara Valley Water District, Valley Water has been used as a moniker since 2019. Please replace “District” with “Valley Water” on pages 142 and 143.
3. SEIR Figures 2.3-3 through 2.3-6, pages 33 through 36, and NVCAP plan Figures 36 and 42, pages 43 and 51, depict the removal of Matadero channel improvements, including the removal of Valley Water’s maintenance path and concrete channel lining, and replacement with a widened channel section with a riparian corridor, pedestrian paths, and a pedestrian bridge over Valley Water fee title property and easement.

At a minimum, proposals to naturalize the Matadero Creek flood protection facility must not: increase our costs to maintain the facility; reduce maintenance access; reduce the level of flood protection currently provided by the channel; and create channel instability.

Additionally, proposals must: include a net benefit to Valley Water (including the reservation of lands in Valley Water fee title for the Valley Water’s use in fulfilling future mitigation planting requirements for its stream maintenance program); provide sufficient additional right of way to Valley Water to operate and maintain the modified facility (including all areas required to contain the same level of flood protection currently afforded); include regulatory permitting; provide appropriate mitigation (that do not include use of Valley Water right of way for mitigation planting); and be a geomorphic, stable channel that will not increase erosion or sediment deposition or increase the potential for damage to or failure of the adjacent concrete channel lining, up or downstream of the proposed naturalization.

Once a proposal is provided to Valley Water for review, we will be able to provide comments. Valley Water expects adjacent landowners to provide right of way to accommodate any desired recreational facilities and amenities that are not conducive to sharing space with a maintenance road.

4. SEIR page 149, “Hydrology and Water Quality”, and page 204, “Storm Drain System”, states that the creation of Matadero Park and naturalization of Matadero Creek through the establishment of a 100-foot riparian buffer will result in a net reduction of impervious surfaces, and that this net decrease in impervious surfaces will result in a corresponding decrease in stormwater runoff. It is not clear if the determination of “less than significant impact” regarding impacts related to drainage relies on the proposed naturalization of Matadero Creek. Since this work is not proposed as a part of the NVCAP, naturalization of Matadero Creek should not be considered in the impact analysis for drainage and this discussion should be revised for accuracy and clarity.
5. SEIR page 24, Section 2.3.9, “Naturalization of Matadero Creek”, discusses the removal of Lambert Avenue Bridge and replacement with a new 100-foot clear-span bridge. Since the section of Matadero Creek at Lambert Avenue is not proposed for naturalization, the need for the bridge replacement as a part of the naturalization work is

unclear. Any plans for replacement of Lambert Ave Bridge should be submitted to Valley Water once available for review and comment.

6. Valley Water has an exclusive easement reserved for flood control purposes on APN 132-38-011, which would restrict the ability of the City of Palo Alto (City) to obtain a trail easement over this portion of the Matadero Creek maintenance road without Valley Water relinquishing the exclusivity of its easement. Further discussions will be needed between Valley Water and the City if the City wishes to pursue access through this easement.
7. Please modify the “Water Resources Protection Ordinance and District Well Ordinance” section on SEIR page 156 to include the following statement in its entirety:

Valley Water operates as a flood protection agency for Santa Clara County. Valley Water also provides stream stewardship and is the wholesale water supplier throughout the county, which includes the groundwater recharge program. In accordance with Valley Water’s Water Resources Protection Ordinance, any work within Valley Water’s fee title right of way or easement or work that impacts Valley Water’s facilities requires the issuance of a Valley Water permit. Under Valley Water’s Well Ordinance 90-1, permits are required for any boring, drilling, deepening, refurbishing, or destroying of a water well, cathodic protection well, observation well, monitoring well, exploratory boring (45 feet or deeper), or other deep excavation that intersects with the groundwater aquifers of Santa Clara County.

8. Please submit plans for any proposed underground structures or dewatering plans to Valley Water for review once available. Valley Water cannot determine that dewatering activities will not substantially decrease groundwater supplies or substantially interfere with groundwater recharge until such plans are made available.
9. SEIR page 140, Section 3.8, “Hydrology and Water Quality”, 3.8.1.1, “Regulatory Framework, Federal and State”, should include a brief summary of California’s Sustainable Groundwater Management Act (SGMA) under the State regulatory framework because Valley Water’s 2021 Groundwater Management Plan (mentioned on page 142) is a DWR approved Alternative to a Groundwater Sustainable Plan (Alternative) under SGMA.
10. SEIR page 142, “2021 Groundwater Management Plan” should include the following detail near the beginning of the paragraph: “The 2021 GWMP is the first periodic update to the approved Alternative to a Groundwater Sustainability Plan under SGMA.”
11. SEIR pages 145 and 148, “Groundwater”, should be modified to read “Typical groundwater depths in Palo Alto range from less than 10 to 30 feet below ground surface (bgs).” because groundwater depths can be shallower than 10 feet in many areas of Palo Alto. For example, City well 06S03W12R010, located directly adjacent to the project site, regularly has water levels about 5 feet bgs (most recent data for March 2024 is 5.5 feet bgs). Groundwater level data in Palo Alto can be viewed on Valley Water’s historical groundwater elevation data website:
<https://link.edgepilot.com/s/52ad5893/UoPDYbO-AUicIroC7bXiEw?u=https://gis.valleywater.org/GroundwaterElevations/map.php>.
12. On SEIR page 148, the project site is located entirely overlying the confined zone of the

Santa Clara Subbasin and not within the recharge zone. Therefore, any rainfall or irrigation that infiltrates the Project site would recharge the shallow aquifer above the confining layer. The deeper, confined aquifer is the primary groundwater supply of the Santa Clara Subbasin, not the shallow aquifer. This is why Valley Water has no recharge ponds or facilities near the Project site.

13. On SEIR page 148, “Standard Permit Conditions”, given the first bullet (Prohibit dewatering during the rainy season.), we recommend that the Project construction activities consider that groundwater levels are typically the highest (closest to land surface) during the rainy season.
14. On SEIR page 148, given that the Project overlies the confined aquifer, potential dewatering activities are unlikely to negatively impact the groundwater supply because the primary supply is from the confined aquifer. However, the Project site is located within the seawater intrusion outcome measure area, as defined in the 2021 Groundwater Management Plan (see Chapter 5 and Appendix H). We recommend that any future dewatering permit applications evaluate and mitigate if the dewatering activities, particularly any long-term or ongoing dewatering, will negatively affect the spatial pattern of seawater intrusion in the shallow aquifer.
15. On SEIR pages 148, 149, and 150, there is conflicting text about impacts to groundwater that should be resolved. This includes text on page 148 stating “Temporary or permanent dewatering could affect groundwater supplies.” and page 149 stating “... NVCAP in compliance with the above standard permit conditions and existing regulations (including the NPDES General Construction Permit and MRP) would not substantially deplete groundwater supplies...”. Page 150 also states “...NVCAP would not substantially decrease groundwater supplies...”
16. According to the Federal Emergency Management Agency’s (FEMA) Flood Insurance Rate Map (FIRM) 06085C0017H, effective May 18, 2009, the majority of the project site is within FEMA Flood Zone X, an area with a 0.2% annual chance flood hazard, and the areas of Matadero Creek are located within Flood Zone A, a special flood hazard area with 1.0% annual chance flood discharge contained in the structure with no base flood elevations determined.
17. Santa Clara Valley Water District (Valley Water) records indicate that 40 active wells are located on the subject property. Valley Water’s Well Information App can be used to help locate wells on the Project site: <https://link.edgepilot.com/s/aaa90e47/RLSVX5-BN0enFpbUy2GAaQ?u=https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners/well-information-app>. While this app indicates there are many destroyed wells and active water supply and monitoring wells on the project site, there could be additional unknown abandoned wells. If any existing wells are to be destroyed by the Project and if any abandoned wells are identified during the Project, they need to be properly destroyed in coordination with Valley Water staff at the Well Permitting and Inspections Hotline: 408-630-2660 (<https://link.edgepilot.com/s/35f51adc/myTamLqd5E6RYVlIMlQvEw?u=https://www.valleywater.org/contractors/doing-businesses-with-the-district/wells-well-owners>).
18. The State GeoTracker webpage (<https://link.edgepilot.com/s/5aca8e9f/JJuzdFwpNUOX6LmjG7LaJw?u=https://geotracker.waterboards.ca.gov/>) lists at least 8 open cleanup sites within the Project footprint. Any proposed groundwater dewatering near these sites should be

approved by the relevant regulatory oversight agency.

NVCAP PLANS COMMENTS

19. Figure 36, page 43, Figure 42, page 51, and Figure 75, page 107, of the NVCAP plans show multiple crossings of Matadero Creek, while Figure 43, page 52, only shows one creek crossing. The number of creek crossings is to be minimized. Valley Water only supports one creek crossing. Please reference Valley Water's Water Resources Protection Manual, Design Guide 4, "Riparian Revegetation or Mitigation Projects", and Design Guide 16, "Guidance for Trail Design", when designing creek crossings.
20. Page 60, "Green Infrastructure", discusses the use of green stormwater infrastructure as a part of the NVCAP plans. Re-development of the site provides opportunities to minimize water and associated energy use by incorporating on-site reuse for both storm and graywater and requiring water conservation measures to exceed State standards. To reduce or avoid impacts to water supply, the City and applicant should consider implementing measures from the Model Water Efficient New Development Ordinance, which include:
 - A. Hot water recirculation systems.
 - B. Alternate water sources collection (like cisterns) and recycled water connections as feasible.
 - C. Pool and spa covers.
 - D. Encourage non-potable reuse of water like recycled water, graywater and rainwater/stormwater in new development and remodels through installation of dual plumbing for irrigation, toilet flushing, cooling towers, and other non-potable water uses.
 - E. Require dedicated landscape meters where applicable.
 - F. Require installation of separate submeters to each unit in multi-family developments and individual spaces within commercial buildings to encourage efficient water use.
 - G. Weather- or soil-based irrigation controllers.
21. Lighting described on Page 63 must be directed away from the creek. Please explain whether wildlife can trigger motion sensors, as this would counteract efforts to protect habitat from nighttime lighting. Please reference Guidelines and Standards Design Guide 16.I.H for lighting requirements near creeks. The Guidelines and Standards were adopted by the City of Palo Alto under Ordinance 4932.
22. Page 108, Section 5.1.7, mentions the use of pollinator-friendly native plants. Please reference Guidelines and Standards Design Guide 2 for the placement of native plants along the creek.
23. Page 110, Section 5.2 should reference Guidelines and Standards Design Guides 4 and 16 and Section VII.B.
24. Page 112, Section 5.2.7, "Floodwalls", discusses the use of vegetation within concrete retaining walls. Floodwalls and retaining walls are not the same and it is not clear what is proposed. Vegetation may impact the ability to inspect flood walls and may not be allowed.

If you have any questions or need further information, you can reach me at gwehrmeyer@valleywater.org or at (408) 694-2069. Please reference Valley Water File 33840 on further correspondence regarding this project.

Thank you,

Gennifer Wehrmeyer

ASSISTANT ENGINEER, CIVIL

Community Projects Review Unit

Watershed Stewardship and Planning Division

GWehrmeyer@valleywater.org

Tel. (408) 630-2588 Cell. (408) 694-2069



SANTA CLARA VALLEY WATER DISTRICT

5750 Almaden Expressway, San Jose CA 95118

<https://link.edgepilot.com/s/a51a4422/h07-tTtJdkqYUPbacYKTWg?u=http://www.valleywater.org/>

Clean Water · Healthy Environment · Flood Protection