

Notice of Preparation  
Public Comments



State of California – Natural Resources Agency  
DEPARTMENT OF FISH AND WILDLIFE  
Bay Delta Region  
2825 Cordelia Road, Suite 100  
Fairfield, CA 94534  
(707) 428-2002  
[www.wildlife.ca.gov](http://www.wildlife.ca.gov)

**GAVIN NEWSOM, Governor**  
**CHARLTON H. BONHAM, Director**



March 7, 2022

Ellen Yau  
City of Mountain View  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540  
[ellen.yau@mountainview.gov](mailto:ellen.yau@mountainview.gov)

Subject: City of Mountain View Housing Element Update, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2022020129, City of Mountain View, Santa Clara County

Dear Ellen Yau:

The California Department of Fish and Wildlife (CDFW) received the Notice of Preparation (NOP) of a Programmatic Draft Environmental Impact Report (PDEIR) from the City of Mountain View (City) for the City of Mountain View Housing Element Update (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.<sup>1</sup>

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect California fish and wildlife resources. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish and Game Code.

## **CDFW ROLE**

CDFW is a Trustee Agency with responsibility under CEQA §15386 for commenting on projects that could impact fish, plant and wildlife resources. CDFW is also considered a Responsible Agency if a project would require discretionary approval, such as the California Endangered Species Act (CESA) Permit, the Native Plant Protection Act Permit, the Lake and Streambed Alteration (LSA) Agreement and other provisions of the Fish and Game Code that afford protection to the State's fish and wildlife trust resources. Pursuant to our jurisdiction, CDFW has the following concerns, comments, and recommendations regarding the Project.

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<sup>1</sup> CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Ellen Yau  
City of Mountain View  
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## PROJECT DESCRIPTION SUMMARY

**Proponent:** City of Mountain View (City)

**Objective:** The Project includes an update to the Housing Element of the City of Mountain View General Plan that would include rezoning and result in construction of additional housing.

**Location:** The City includes approximately 12.24 square miles and is located in northern Santa Clara County. The City borders include San Francisco Bay to the North, the City of Palo Alto to the West, the City of Los Altos to the South and Southwest, and Moffett Federal Airfield and the City of Sunnyvale to the East.

## COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the City in adequately identifying and/or mitigating the Project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources.

### Impacts to Special-Status Species and Nesting Birds

CDFW is concerned regarding potential impacts to special-status species that may be present within the Project area, including, but not limited to, those listed below (CDFW 2022):

- Salt-marsh harvest mouse (*Reithrodontomys raviventris*; SMHM) - State Endangered and Fully Protected, Federal Endangered
- California Ridgway's rail (*Rallus obsoletus obsoletus*) - State Endangered and Fully Protected, Federal Endangered
- California black rail (*Laterallus jamaicensis coturniculus*) - State Threatened and Fully Protected
- Longfin smelt (*Spirinchus thaleichthys*) - State Threatened, Federal Candidate for Endangered or Threatened
- Salt-marsh wandering shrew (shrew) (*Sorex vagrans halicoetes*) - State Species of Special Concern
- Saltmarsh common yellowthroat (*Geothlypis trichas sinuosa*) - State Species of Special Concern

Ellen Yau  
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- Alameda song sparrow (*Melospiza melodia pusillula*) - State Species of Special Concern
- Western burrowing owl (*Athene cunicularia*) - State Species of Special Concern
- Northern harrier (*Circus cyaneus*) - State Species of Special Concern
- Western pond turtle (*Emmys marmorata*) - State Species of Special Concern

Due to the limited information provided in the NOP, CDFW is providing the general comments below with regards to potential impacts of the Project to special-status species and their habitats, and mitigation measures to offset any unavoidable impacts. However, CDFW recommends that the PDEIR include appropriate and effective minimization and mitigation measures for each special-status species that could be potentially impacted by Project activities.

*Issue:* Special-status species, including, but not limited to those listed above, may occur within the Project area. Without appropriate mitigation measures, the Project could potentially have a significant impact on these species.

*Specific Impacts:* Without appropriate avoidance measures, potentially significant impacts associated with Project activities may include inadvertent entrapment or entrainment, impingement, inability to reproduce or reduced reproductive success, reduced health and vigor, bird strike on buildings adjacent to habitat, nest abandonment, loss of nesting habitat, loss or fragmentation of foraging habitat that would reduce nesting or breeding success (loss or reduced health or vigor of eggs or young), and direct mortality. Unauthorized take of species listed as threatened or endangered pursuant to CESA is a violation of Fish and Game Code.

*Evidence impact would be significant:* The Project will, or may, include impacts such as noise, groundwork, and movement of workers that may occur in, or directly adjacent to, habitat and thus have the potential to significantly impact special-status species and nesting birds.

*Recommended Potentially Feasible Mitigation Measures:*

1. Habitat Assessment: A qualified biologist should conduct a habitat assessment in advance of Project implementation to determine if the Project site or its vicinity contains suitable habitat for special-status small mammals and nesting bird species.
2. Surveys: A focused survey using appropriate protocols should be conducted by qualified biologists at Project sites prior to Project implementation. Protocol-level surveys are intended to maximize detectability. In the absence of protocol-level

Ellen Yau  
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surveys being performed, additional surveys may be necessary. If Project activities are to take place during the avian nesting season, an additional pre-Project activity survey for active nests should be conducted by a qualified biologist no more than seven days prior to the start of Project activity.

3. **Avoidance:** If special-status species are found, work activities should stop, and the individual should be allowed to leave the site through its own volition. If an active nest is found within or adjacent to the Project site, a no-disturbance buffer should be established and monitoring of the active nest should be conducted by a qualified biologist during all Project-related construction activities. The qualified biologist should increase the buffer if the birds are showing signs of unusual or distressed behavior such as defensive flights/vocalizations, standing up from a brooding position, or flying away from the nest. Buffers should be maintained until the eggs have hatched and young have fledged.
4. **State-listed Species Take Authorization:** If State-listed wildlife species are identified during surveys and full avoidance of take is not feasible, the Project proponents should apply to CDFW for take authorization through issuance of a CESA Incidental Take Permit (ITP).

*Issue:* The Project area has the potential to contain water features subject to CDFW's LSA authority, pursuant to Fish and Game Code § 1600 et seq. Project implementation could potentially result in temporary and permanent impacts to these features.

*Specific impact:* Project activities within wetland and riparian features has the potential to result in substantial diversion or obstruction of natural flows; substantial change or use of material from the bed, bank, or channel (including removal of riparian vegetation); and deposition of debris, waste, sediment, or other materials into water feature causing water pollution that is deleterious to fish and wildlife.

*Evidence impact is potentially significant:* Construction activities within these features has the potential to impact downstream waters and to significantly impact wetland and riparian communities.

*Recommended Potentially Feasible Mitigation Measures:*

1. **Habitat Assessment:** A qualified biologist should conduct a habitat assessment in advance of Project implementation, to determine if the Project area or its immediate vicinity supports wetland and/or riparian communities. This survey should include, but not be limited to, Permanente Creek, Stevens Creek, other creeks or streams, and drainage channels.
2. **Wetland Delineation:** CDFW recommends a formal wetland delineation be conducted by a qualified biologist prior to Project construction to determine the

Ellen Yau  
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location and extent of wetlands and riparian habitat present. Please note that, while there is overlap, State and Federal definitions of wetlands, as well as which activities require Notification pursuant to Fish and Game Code § 1602, differ. Therefore, CDFW further recommends that the delineation identify both State and Federal wetlands as well as which activities may require Notification to comply with Fish and Game Code.

3. Notification of Lake and Streambed Alteration: Fish and Game Code §1602 requires an entity to notify CDFW prior to commencing any activity that may (a) substantially divert or obstruct the natural flow of any river, stream, or lake; (b) substantially change or use any material from the bed, bank, or channel of any river, stream, or lake; (c) deposit debris, waste or other materials that could pass into any river, stream, or lake. CDFW is required to comply with CEQA in the issuance of an LSA Agreement. For additional information, please see <https://www.wildlife.ca.gov/Conservation/LSA>.

CDFW recommends consulting with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) on potential impacts to federally listed species. Consultation with the USFWS and NMFS in order to comply with FESA is advised well in advance of Project implementation.

## **ENVIRONMENTAL DATA**

CEQA requires that information developed in draft environmental impact reports be incorporated into a data base which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the California Natural Diversity Database (CNDDDB). The CNDDDB field survey form can be found at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data#44524420-pdf-field-survey-form>.

The completed form can be mailed electronically to CNDDDB at the following email address: [CNDDDB@wildlife.ca.gov](mailto:CNDDDB@wildlife.ca.gov). The types of information reported to CNDDDB can be found at the following link: <https://wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

## **FILING FEES**

CDFW anticipates that the Project will have an impact on fish and/or wildlife, and assessment of filing fees is necessary (Fish and Game Code, § 711.4; Pub. Resources Code, § 21089). Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW.

Ellen Yau  
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## CONCLUSION

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

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

Sincerely,

DocuSigned by:  
  
Erin Chappell  
B77F9A6211EF486  
Erin Chappell  
Regional Manager  
Bay Delta Region

cc: State Clearinghouse

## LITERATURE CITED

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

## California Department of Transportation

DISTRICT 4  
OFFICE OF TRANSIT AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



March 4, 2022

SCH #: 2022020129  
GTS #: 04-SCL-2022-01018  
GTS ID: 25526  
Co/Rt/Pm: SCL/VAR/19.9

Ellen Yau, Senior Planner  
City of Mountain View  
500 Castro Street  
Mountain View, CA 94039

### **Re: City of Mountain View Housing Element Update Notice of Preparation (NOP) for Draft Environmental Impact Report (DEIR)**

Dear Ellen Yau:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Mountain View Housing Element Update. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the February 2022 NOP.

#### **Project Understanding**

The City of Mountain View proposes to prepare and adopt a comprehensive update to the Housing Element of the City's General Plan. The City will also be preparing a DEIR for the project. The Housing Element Update would include changes to goals, objectives, policies, and implementation programs that address the maintenance, preservation, improvement, and development of housing in the City. In addition, the Housing Element Update would include an inventory of sites appropriate for the development of multifamily housing, and sufficient to accommodate the City's Regional Housing Needs Allocation (RHNA) plus a buffer.

#### **Travel Demand Analysis**

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



adjacent to the State Transportation Network (STN) may be assessed, in part, through the TISG.

### **Transportation Impact Fees**

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

### **Lead Agency**

As the Lead Agency, the City of Mountain View 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.

### **Equitable Access**

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

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

Sincerely,



MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse



Serving the communities of Mountain View,  
Los Altos and Los Altos Hills

MOUNTAIN VIEW LOS ALTOS HIGH SCHOOL DISTRICT

**BOARD OF TRUSTEES**

Sanjay Dave  
Phil Faillace, Ph.D.  
Debbie Torok  
Catherine Vonnegut  
Fiona Walter

**SUPERINTENDENT**

Dr. Nellie Meyer

March 8, 2022

Ellen Yau, Senior Planner  
City of Mountain View  
Community Development Department  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540

Dear Ms. Yau:

The Mountain View Los Altos High School District (MVLA) received a Notice of Preparation of an Environmental Report for the Housing Element Update. Please consider these initial public comments as environmental impacts that will affect the MVLA School District.

The 11,135 residential units included in the Housing Element will generate 885 students for the MVLA District to house. Based on a per pupil cost of \$202,723/student, the total cost to house 885 pupils is \$179,409,855 with a total impact per sq. ft. of \$12.40/sq. ft. The cost calculations are as follows:

Unit Type	# of Units	Student Generation Rate	Students Projected
Multi-Family	6,681	0.047	314
Row Houses	2,784	0.018	50
BMR	<u>1,670</u>	0.312	<u>521</u>
Total	11,135		885

**2022 Cost to Construct New School (land not included)**

Projected Students	Cost Per Student	Total Cost
885	\$202,723	\$179,409,855



**Total Square Footage**

Unit Type	Average Square Footage	Unit Total	Total Square Feet
Multi Family	1,200	6,681	8,017,200
Row Houses	1,600	2,784	4,454,400
BMR	1,200	<u>1,670</u>	<u>2,004,000</u>
Total		11,135	14,475,600

**Cost Per Square Foot**

Total Square Footage	Total Cost	Cost Per Square Foot
14,475,600	\$179,409,855	\$12.40

The constituents of the MVLA community expect, deserve, and receive a high standard of academic excellence along with a high standard of school facility accommodations to house students. Great schools and high standards are the expectation of those purchasing housing in Mountain View.

Three developers in Mountain View have chosen to voluntarily pay a fee in excess of Level 1 Statutory fees in support of high school housing District standards.

The MVLA School District shares Level I statutory fees with its feeder districts. MVLA collects 33.33% of the fee while its feeders collect 66.66%. The MVLA Board of Education requests that developers voluntarily pay a fee of 33.33% of the actual cost of \$12.40 per sq. ft. to house 9-12 students as follows:

$$\$12.40 \times .3333 = \$4.13 \text{ per sq. ft.}$$

This voluntary provision increases the developer fee and will assist the MVLA District in closing the school construction funding gap.

Thank you,



Mike Mathiesen  
Associate Superintendent Business Services



March 14, 2022

Ellen Yau, Senior Planner

City of Mountain View

Community Development Department

500 Castro Street, P.O. Box 7540

Mountain View, CA 94039-7540

Dear Ms. Yau:

The Mountain View Whisman School District (MVWSD) received a Notice of Preparation of an Environmental Impact Report (“EIR”) for the Housing Element Update. Please consider these initial public comments as environmental impacts that will affect the MVWSD.

The community desires new housing to be adequately supported by high quality and high performing schools. This was evidenced at public outreach events, in which commenters expressly stated the want for adequate school infrastructure support to be included with the new housing. Thus, the EIR must analyze the housing impacts on the MVWSD schools and specifically, the sufficiency of the existing schools and improvements that must be implemented to support the new housing. Further, additional impacts from the new housing on the MVWSD’s schools must be analyzed, including, pedestrian, bicycle, and auto access to schools (which includes safety impacts as the result of increased traffic queues during drop-off and pickup at the schools).

Aside from EIR considerations, the Project itself should commit to providing greater financial assistance than just developer fees to ensure schools are adequately supported and that high-performing schools are available to the new lower income housing residents. The City expressly acknowledged the California Department of Housing and Community Development’s guidance that there should be equitable access to high-resources areas, which includes high-performing schools. Further, since the City is concerned that MVWSD’s consideration and possible creation of a Community Facilities District could be a hinderance to the creation of new housing, it should commit to providing greater financial assistance as a Project component to meet the City’s housing goals. Consequently, the MVWSD recommends that the City include within the Project the following to accommodate sufficient school facilities:

The 11,135 units included in the Housing Element will generate 1,892 students for the District to house. Based on per pupil costs of \$115,180 (k-5) and \$151,786 (6-8)/student, the total cost to house 1,892 pupils is \$243,691,184 with a total impact per sq. ft. of \$16.83/sq. ft. The cost calculations are as follows:

**Projected Students K-5**

Unit Type	# of Units	Student Generation Rate	Students Projected
Multi-Family (60%)	6,681	0.085	568
Row Houses (25%)	2,784	0.038	106
Below Market (15%)	<u>1,670</u>	0.308	<u>514</u>
Total	11,135		1,188

**Projected Students 6-8**

Unit Type	# of Units	Student Generation Rate	Students Projected
Multi-Family (60%)	6,681	0.039	261
Row Houses (25%)	2,784	0.011	31
Below Market (15%)	<u>1,670</u>	0.247	<u>412</u>
Total	11,135		704

**Cost to House Projected Students**

Grade Level	Projected Students	Cost Per Student	Cost
K-5	1,188	\$115,180	\$136,833,840
6-8	<u>704</u>	\$151,786	<u>\$106,857,344</u>
Total	1,892		\$243,691,184

**Total Square Footage**

Unit Type	Total Square Feet	Unit Total	Total Square Feet
Multi Family	1200	6,681	8,017,200
Row Houses	1600	2,784	4,454,400
BMR	1200	<u>1,670</u>	<u>2,004,000</u>
Total		11,135	14,475,600

**Cost Per Square Foot**

Total Cost	Total Square Footage	Cost Per Square Foot
\$243,691,184	14,475,600	\$16.83

As previously discussed, the constituents of the MVWSD community expect, deserve, and receive a high standard of academic excellence along with a high standard of school facility accommodations to house students. Great schools and high standards are the expectation of those purchasing housing in Mountain View.



Three developers in Mountain View have chosen to voluntarily pay a fee in excess of Level 1 Statutory fees in support of high school housing District standards.

The MVWSD School District shares Level I statutory fees with the Mountain View Los Altos High School District (MVLA) and collects 66.66% of the fee while the MVLA collects 33.33%. The MVWSD Board of Education requests that developers voluntarily pay a fee of 66.66% of the actual cost of \$16.83 per sq. ft. to house K-8 students as follows:

$$\$16.83 \times .6666 = \$11.22$$

This voluntary provision increases the developer fee and will assist the MVWSD District in closing the school construction funding gap.

Thank you,

Ayinde Rudolph

Superintendent



County of Santa Clara  
Department of Environmental Health



Hazardous Materials Compliance Division  
Solid Waste Programs  
1555 Berger Drive, Suite 300  
San Jose, CA 95112-2716  
(408)918-3400 FAX (408)280-6479  
[www.sccwaste.org](http://www.sccwaste.org)

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February 28, 2022

City of Mountain View  
Community Development Department  
500 Castro Street, P.O. Box 7540  
Mountain View, CA 94039-7540 CA 95050  
Attention: Ellen Yau, Senior Planner: (650) 903-6306  
[Ellen.yau@mountainview.org](mailto:Ellen.yau@mountainview.org)

**RE: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT FOR THE HOUSING ELEMENT UPDATE.**

Dear Ellen Yau:

Thank you for allowing our Department, The County of Santa Clara Department of Environmental Health (DEH) to provide comments for the above referenced project and for your agency's consideration of these comments as part of the California Environmental Quality Act (CEQA) process.

DEH is designated by California's Department of Resources Recycling and Recovery (CalRecycle) as the Local Enforcement Agency (LEA) to oversee active and closed solid waste facilities per Title 14 and Title 27 of the California Code of Regulations. The proposed project has considered North Bayshore as other developmental opportunities which we provide regulatory oversight if the former landfill property owned by the City of Mountain View is identified to be developed for housing or other projects.

**Project Description**

The proposed project updates the City's Housing Element in conformance with State Law and make necessary adjustments to other elements of the City's General Plan, zoning, and precise plans to maintain consistency within and between these documents. In addition, the Housing Element Update would include an inventory of sites appropriate for the development of multifamily housing.

**LEA Comments**

If the proposed project identifies the former landfill property as a site appropriate for the development of multifamily housing, which is located in the Precise Plan area of North Bayshore, consideration of specific construction requirements for protecting the public from landfill gas exposure must be made prior to formal identification of the location in the Housing Element Update (HEU). Postclosure land uses within 1000 feet of the disposal area on a closed landfill is subject to the following section of Title 27, California Code of Regulations:

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

**County Executive: Jeffrey V. Smith**

## Section 21190. Postclosure Land Use

- (a) Proposed postclosure land uses shall be designed and maintained to:
  - 1) protect public health and safety and prevent damage to structures, roads, utilities and gas monitoring and control systems.
  - 2) prevent public contact with waste, landfill gas and leachate; and
  - 3) prevent landfill gas explosions.
- (b) The site design shall consider one or more proposed uses of the site toward which the operator will direct its efforts, or shall show development as open space, graded to harmonize with the setting and landscaped with native shrubbery or low maintenance ground cover.
- (c) All proposed postclosure land uses, other than nonirrigated open space, on sites implementing closure or on closed sites shall be submitted to the Enforcement Agency (EA), Regional Water Quality Control Board (RWQCB), local air district and local land use agency. The EA shall review and approve proposed postclosure land uses if the project involves structures within 1,000 feet of the disposal area, structures on top of waste, modification of the low permeability layer, or irrigation over waste.
- (d) Construction on the site shall maintain the integrity of the final cover, drainage and erosion control systems, and gas monitoring and control systems. The owner or operator shall demonstrate to the satisfaction of the EA that the activities will not pose a threat to public health and safety and the environment. Any proposed modification or replacement of the low permeability layer of the final cover shall begin upon approval by the EA, and the RWQCB.
- (e) Construction of structural improvements on top of landfilled areas during the postclosure period shall meet the following conditions:
  - 1) automatic methane gas sensors, designed to trigger an audible alarm when methane concentrations are detected, shall be installed in all buildings.
  - 2) enclosed basement construction is prohibited;
  - 3) buildings shall be constructed to mitigate the effects of gas accumulation, which may include an active gas collection or passive vent systems;
  - 4) buildings and utilities shall be constructed to mitigate the effects of differential settlement. All utility connections shall be designed with flexible connections and utility collars;
  - 5) utilities shall not be installed in or below any low permeability layer of final cover;
  - 6) pilings shall not be installed in or through any bottom liner unless approved by the RWQCB;
  - 7) if pilings are installed in or through the low permeability layer of final cover, then the low permeability layer must be replaced or repaired; and
  - 8) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with section 20933 of Article 6, of Subchapter 4 of this Chapter.
- (f) The EA may require that an additional soil layer or building pad be placed on the final cover prior to construction to protect the integrity and function of the various layers of final cover.
- (g) All on site construction within 1,000 feet of the boundary of any disposal area shall be designed and constructed in accordance with the following, or in accordance with an equivalent design which will prevent gas migration into the building, unless an exemption has been issued:

- 1) a geomembrane or equivalent system with low permeability to landfill gas shall be installed between the concrete floor slab of the building and subgrade;
- 2) a permeable layer of open graded material of clean aggregate with a minimum thickness of 12 inches shall be installed between the geomembrane and the subgrade or slab;
- 3) a geotextile filter shall be utilized to prevent the introduction of fines into the permeable layer;
- 4) perforated venting pipes shall be installed within the permeable layer, and shall be designed to operate without clogging;
- 5) the venting pipe shall be constructed with the ability to be connected to an induced draft exhaust system;
- 6) automatic methane gas sensors shall be installed within the permeable gas layer, and inside the building to trigger an audible alarm when methane gas concentrations are detected; and
- 7) periodic methane gas monitoring shall be conducted inside all buildings and underground utilities in accordance with Article 6, of Subchapter 4 of this chapter (section 20920 et seq.).

Please consider this comment when formally identifying potential housing locations prior to updating the HEU for the City of Mountain View.

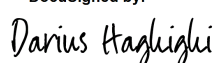
### **Conclusion**

The LEA, CalRecycle, Bay Area Air Quality Control Board (BAAQMD) and the Regional Water Quality Control Board (RWQCB) are Responsible Agencies for projects proposed on active and closed solid waste facilities. The City, as lead agency, should consider all the concerns and comments to allow proper project evaluation. The LEA requests copies of the Draft and Final Environmental Impact Report, public notices and any Notices of Determination for this project. The LEA also requests to be notified of the date, time and location of any public hearings for the project.

Thank you for the opportunity to provide input and comment on the scope of environmental analysis. We value working together in addressing the concerns for potential risks this project may pose for the environment and the community.

If you have any questions, please feel free to contact Roel Meregillano at (408) 918-1962 or email at [roel.meregillano@cep.sccgov.org](mailto:roel.meregillano@cep.sccgov.org).

Sincerely,

DocuSigned by:  
  
287DAA9726144DA...

Darius Haghighi, MPA, REHS  
Acting Program Manager  
Solid Waste Programs  
Hazardous Materials Compliance Division  
Department of Environmental Health

Cc: Janelle Heinzler, Calrecycle, [Janelle.Heinzler@calrecycle.ca.gov](mailto:Janelle.Heinzler@calrecycle.ca.gov)  
Keith Roberson, RWQCB, [Keith.Roberson@waterboards.ca.gov](mailto:Keith.Roberson@waterboards.ca.gov)  
Eric Kiruja, CalRecycle, [Eric.Kiruja@calrecycle.ca.gov](mailto:Eric.Kiruja@calrecycle.ca.gov)

**From:** Lenny's Sonic

**Sent:** Monday, February 28, 2022 10:31 AM

**To:** Yau, Ellen

**Subject:** My comments regarding the scope and content of the Environmental Impact Report (EIR) for the Mountain View Housing Element Update

Thank you for the opportunity to provide comments regarding the scope and content of the Environmental Impact Report (EIR) for the Mountain View Housing Element Update.

My comments focus on two elements of the EIR: Vehicle Miles Traveled and Subsurface Contamination.

#### VEHICLE MILES TRAVELED

Vehicle miles traveled (VMT) is now the primary measure of traffic impacts and greenhouse gas emissions associated with new development. The EIR should project how new housing development will impact vehicle miles traveled to and from Mountain View. As studies prepared for the North Bayshore Precise Plan Residential Update showed, providing new housing near centers of employment has a positive impact on VMT. That is, it reduces VMT per the service population.

Furthermore, to the degree that parcels currently or formerly hosting commercial activity - thus employment - are set aside for housing growth, new housing development should reduce VMT caused by Mountain View's jobs-housing imbalance. Not only should this reduction be projected, but the EIR should quantify the current jobs-housing imbalance, and it should project increases or reductions under multiple scenarios. Previous General Plan documents have significantly understated this imbalance.

#### SUBSURFACE CONTAMINATION

Much of the recent and planned residential development in Mountain View is taking place on property with subsurface hazardous-substance contamination. Trichloroethylene (TCE) and tetrachloroethylene (PCE) from industry and dry-cleaning contaminate the soil gas and groundwater at many locations, creating an ongoing threat of exposure through the vapor intrusion pathway into overlying buildings. Fortunately, the investigation and remediation of these sites is competently overseen by U.S. EPA, the California Department of Toxic Substances Control, and the Regional Water Quality Control Board. In addition, the City of Mountain View uses the California Environmental Quality Act (CEQA) to reinforce that regulatory oversight. The EIR should summarize this experience.

With such oversight, it has proven possible to safely build housing on properties with such subsurface contamination. The redevelopment of 277 Fairchild Avenue, contaminated with TCE, was put forward as a national model by U.S. EPA, which in 2019 held a joint press briefing at City Hall with our mayor. However, the cleanup of that site delayed construction. Such delays should be considered when constructing a Housing Element timetable for new construction.

Furthermore, Mountain View should make clear that despite the CEQA categorical exemption provided by SB35 for affordable housing, that any specific housing development on contaminated property will be reviewed through the CEQA process. Sites on the state Hazardous Waste and Substances (Cortese) List are not exempt, but the list is not complete. Any site with subsurface contamination above state or

federal screening levels should be reviewed. That is the best way for our city to fulfill its responsibility to ensure that new projects are safe for future residents, as well as current neighbors.

Mountain View is a leader in building new housing, including affordable housing, in a manner that benefits human health and the environment. The EIR should reinforce that experience.

—

Lenny Siegel



March 3, 2022

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

Dear Ellen,

VTA appreciates the opportunity to comment on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR for the Mountain View Housing Element Update. VTA has reviewed the NOP and related materials and has the following comments:

Land Use/Transportation Integration and Housing Location

VTA supports the direction of the City's Housing Element Update to concentrate many of the housing opportunity sites within walking distance of locations that are served by frequent transit services (including Caltrain, VTA light rail, and VTA Rapid and local bus service) as well as shops and services. This will help increase opportunities for residents to walk, bike and take transit for daily activities, resulting in reduced Vehicle Miles Traveled (VMT) and greenhouse gas emissions.

VTA notes that a substantial percentage of the housing capacity in the draft Housing Element Update is in the North Bayshore area, which is not located on the core transit network and is not as well served by shops and services as other areas of the city. VTA is supportive of the City's efforts to balance jobs and housing within the City, and VTA encourages the City to continue its efforts to make North Bayshore a place where daily trips can be accomplished without a car, including supporting the Mountain View TMA and MVgo shuttle, supporting the Mountain View Community Shuttle, continuing to prioritize transit on Shoreline Boulevard and Charleston Boulevard, and including strong Transportation Demand Management (TDM) requirements with new development in North Bayshore.

Analysis of Effects of Adding Housing to Village Center Locations

VTA staff understands from a recent Environmental Planning Commission study session that the City is considering including a number of 'Village Centers' as opportunity sites in the Housing Element Update. VTA supports the concept of intensifying land uses at Village Centers if they are located close to frequent transit, shops and services. However, adding housing must be done carefully at these locations to prevent the loss of retail and services. The loss of these other uses could make it more difficult to walk, bike and take transit, both for residents of newly-constructed housing in the Village Centers and residents in nearby neighborhoods. VTA recommends that the

DEIR include an analysis of potential effects of adding housing to Village Centers on walk, bike and transit mode shares and VMT, including a range of possibilities including a 'best-case scenario' where the existing retail stays when the housing is added, to a 'worst-case scenario' where retail does not return due to construction disruption, higher rents, and other factors.

Analysis of Alternative with Reduced Parking Ratios

VTA encourages the City to analyze an alternative in the DEIR that would assume higher density on housing opportunity sites through the reduction of off-site parking ratios. Such reduced ratios could be accomplished by either reducing parking minimums, applying parking maximums, or both in some or all portions of the City. The environmental analysis could include the effects of the reduced parking ratios and higher densities on land consumption, walk, bike and transit mode shares, VMT, and other environmental indicators.

With additional housing and a possible reduction of off-street parking ratios, on-street parking could potentially become more crowded on some streets. Bus stop operating space needs to be maintained and enhanced whenever possible to ensure that the bus stop area is sufficient when bracketed by parked vehicles. The City and VTA should continue to coordinate regarding bus stops, and work together on assessments to enhance bus stops, as appropriate. These assessments should consider opportunities to provide the space needed for coaches to service the stop with all doors near the curb and minimize the need for coaches to have to enter/exit the stop area at high approach and departure angles.

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

Sincerely,

*Robert Swierk*

Robert Swierk, AICP  
Principal Transportation Planner