

## Responses to Comments on the Draft IS-MND

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This document includes comments received during the circulation of the Draft Initial Study-Mitigated Negative Declaration (IS-MND) prepared for the 1700-1730 Embarcadero Road Auto Dealership Project (proposed project), and responses to those comments pertaining to the IS-MND.

The Draft IS-MND was circulated for an extended comment period that began March 15, 2019, and ended on April 22, 2019. The City of Palo Alto received one comment letter on the Draft IS-MND. The comment letter and responses follow. Each separate issue raised by the commenter has been assigned a number. The responses to each comment identify first the number of the comment letter, and then the number assigned to each issue (Response 1.1, for example, indicates that the response is for the first issue raised in comment Letter 1).

In addition to soliciting written public and agency comments on the Draft IS-MND pursuant to CEQA, during the public review period verbal comments were taken on the Draft IS-MND at the Planning and Transportation Commission (PTC) Hearing on March 27, 2019, and the Architectural Review Board (ARB) hearing on April 4, 2019. Responses to environmental issues raised at this hearing are included following the responses to the written comments.

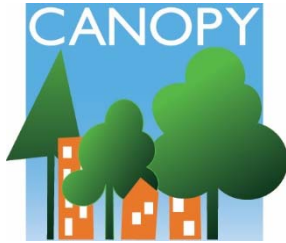
In response to PTC and ARB feedback on the proposed project, several changes to the project plans were made by the applicant. The table on the following page compares the project as analyzed in the Draft IS-MND to the revised project. As shown in the table, the revised project includes a smaller building footprint and building square footage compared to the proposed project. In addition, the amount of landscaping space and number of new planted trees would increase with the revised project.

The Draft IS-MND determined that the environmental impacts of the original project would be less than significant or could be reduced to below a level of significance with proposed mitigation measures. Due to the reduction in the size of the project as described above, impacts associated with operation of the currently proposed project (traffic, wastewater generation, water use, air pollution and greenhouse gas emissions, traffic noise, operational noise) would be reduced compared to what was analyzed in the Draft IS-MND. Although the project would have a modified architectural style compared to what was analyzed in the IS-MND, impacts related to Aesthetics would remain less than significant as determined in the Draft IS-MND.

No new significant impacts would occur and no new mitigation measures would be required; therefore, no impacts beyond those identified in the Draft IS-MND would occur. No substantial revisions to the Draft IS-MND are required and therefore, recirculation of the Draft IS-MND is not warranted.

**Comparison of Original Draft IS-MND Project and Revised Project Characteristics**

Feature	Original Project Analyzed in the Draft IS-MND	Revised Project
<b>Site/Building Features</b>		
Total Project Site Size	209,888 square feet (sf)	Same
Total Building(s) Footprint	104,038 sf	93,842 sf
Floor area ratio (FAR)	0.5	0.49
Building(s) height	43 feet (maximum parapet height) 50 feet (maximum elevator and stair tower height) 14 feet (car wash structure)	Same
<b>Auto Dealership Main Building(s)</b>		
Showroom(s)	29,583 sf	20,133 sf
Other occupied space (offices, service and parts, dealership services, photo booth)	74,548 sf	83,829 sf
<i>Total</i>	<i>104,131 sf</i>	<i>103,962 sf</i>
<b>Car wash</b>	2,155 sf	Same
<b>Landscaping</b>		
Proposed site total	26,680 sf	Same
Proposed tree total	59 new trees	77 new trees
<b>Vehicle Parking</b>		
Surface level	63 spaces	61 spaces
Deck 2 <sup>nd</sup> Floor Parking	111 spaces	101 spaces
Deck 3 <sup>rd</sup> Floor Parking	211 spaces	220 spaces
Total	385 spaces	382 spaces
Bicycle Parking	15 spaces	Same



Letter 1

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April 19, 2019

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RE: 1700 & 1730 Embarcadero Road Notice of Intent to adopt a Mitigated Negative Declaration

Dear Sheldon:

Thank you for the opportunity to review the draft EIR and for providing additional information. As I mentioned to you, we wish to express strong concerns about the replacement plan for the 64 trees to be removed.

Not only should the replacement ratio be way superior to one-to-one, but the overall existing tree canopy should be measured and replaced in no less than fifteen years in order to achieve no net loss of canopy. The project should also comply with the City's Comprehensive Plan goal of planting trees that will shade 50% of the parking lots surfaces.

We are encouraged by the species substitution you mentioned in your 4/8/19 email and urge you to require that the whole landscape plan be reviewed to ensure that tree and other plant species be carefully selected in order to enhance and support native biodiversity in the proximity of fragile bayland habitat.

Thank you for your consideration,

Catherine Martineau  
Executive Director [catherine@canopy.org](mailto:catherine@canopy.org) 650-964-6110 ext. 2

*Canopy's mission is to grow urban tree canopy in Midpeninsula communities for the benefit of all.*

## Letter 1

**COMMENTER:** Catherine Martineau, Executive Director, Canopy

**DATE:** April 19, 2019

### Response 1.1

The commenter expresses concern about the replacement plan for the 64 trees to be removed as part of the project. The commenter states an opinion that the replacement ratio should be more than one-to-one and that the overall tree canopy should be measured and replaced in no less than 15 years in order to achieve no net loss of canopy. The commenter states the project should comply with the City's Comprehensive Plan goal of planning trees that will shade 50% of parking lot surfaces. The commenter requests that the landscape plan be reviewed to ensure that selected species support native biodiversity adjacent to the Baylands.

Effects associated with tree removal and replacement are analyzed in the Draft IS-MND in the response to question (e) in Section 4, *Biological Resources*. According to criterion (e), the proposed project would have a significant impact on the environment if it would conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy as defined by the City of Palo Alto's Tree Preservation Ordinance (Municipal Code Section 8.10). As discussed in that section of the Draft IS-MND, the purpose of the City of Palo Alto Tree Preservation Ordinance is to promote the health, safety, welfare, and quality property within the city, and the establishment of standards for removal, maintenance, and planting of trees. In establishing these procedures and standards, it is the City's intent to encourage the preservation of trees. Under the Tree Preservation and Management Ordinance, discretionary development approvals for property containing regulated trees must include appropriate conditions providing for the protection of such trees during construction and for maintenance of the trees thereafter or requires replacement of regulated trees in accordance with the prescribed ratios outlined in the Tree Technical Manual.

Although the project involves tree removal, none of the trees to be removed are classified as "protected trees" according to the City's definitions. The project does include removal of 13 "street trees" along East Bayshore Road. Therefore, provisions in the City's Tree Protection Ordinance related to street tree removal would apply. In accordance with this ordinance, the project applicant or designee would be required to obtain a Tree Removal Permit prior to removal of the street trees, and the project involves replacement trees (40 shade trees and 19 ornamental trees). Therefore, as concluded in the Draft IS-MND, the project is consistent with City requirements and this impact would be less than significant.

During the comment period for the Draft IS-MND, the Architectural Review Board (ARB) considered the project and the Draft IS-MND at their regular public hearing on April 4, 2019. The ARB commented that the landscaping for the project was not cohesive and did not provide compatibility with the surrounding development and the Baylands Preserve. In response to ARB's feedback, the project applicant revised the project landscaping plans to include additional tree plantings.

The new plans (Sheets T-5 and T-6) indicate that 65 trees of the existing 80 trees are being removed, leaving 15 to be retained. Sheet L-4 of the plans indicate that 77 new shade trees are being planted and 48 new ornamental trees are being planted. Overall, compared to existing on-site conditions,

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there would be a net increase of 12 shade trees planted on-site. The majority of the trees to be planted would be low-water use, native, or on the Santa Clara Valley Water District's approved plant list. Overall, the revised project would comply with the City's requirement that 50% of the parking lot surfaces be shaded and therefore the applicant's previous request for a Design Enhancement Exception for a reduction in the parking lot shade requirement has been withdrawn.

## Public Hearing Comments

The Planning and Transportation Commission (PTC) held a hearing to consider the Draft IS-MND and proposed project on March 27, 2010, and the Architectural Review Board (ARB) held a hearing to consider the Draft IS-MND and proposed project on April 4, 2019. At both hearings, several members of the public as well as board members provided comments on the Draft IS-MND.

Verbal comments received are paraphrased and summarized below, with general responses following. Responses are only provided for comments specifically pertaining to the CEQA process or the analysis and conclusions of the Draft IS-MND. The verbal comments may be summarized as follows:

1. Impacts related to project lighting on the adjacent Baylands
2. Impacts to migratory birds
3. Noise impacts associated with the proposed car wash
4. Consistency with the Baylands Master Plan
5. Concerns that the project does not serve as a “gateway” to the Baylands per the Baylands Master Plan
6. Concerns about the CEQA and public hearing process

General responses to the issues raised are provided below.

### 1. Project Lighting

Several commenters raised concerns about project lighting, specifically potential light spillover and impacts to wildlife at the adjacent Baylands Nature Preserve. As discussed in Section 4, *Biological Resources*, of the Draft IS-MND, the proposed increase in site lighting could have the potential to impact birds, fish, and mammals in the Baylands Nature Preserve if bright enough and directed off site. Per the project’s revised lighting plans, light levels at the project boundary closest to the Baylands would dissipate to 0.0 foot-candles. Other project property boundary levels are also low with the exception of Embarcadero Road and Bayshore Road. Mitigation Measure BIO-1 requires that project light sources be shielded, directed downward, and focused on the project site such that light spillover onto the Baylands does not exceed 1.0 foot candle. At this level, indirect impacts to the Baylands wildlife would not occur and impacts would be less than significant.

### 2. Migratory Birds

Several commenters raised concerns about effects to migratory bird patterns because the project involves tree removal. As discussed in Section 4, *Biological Resources*, of the Draft IS-MND, the project site is not in a known regional wildlife movement corridor. Further, the project site is already developed with structures and regular human presence and mostly surrounded by development except for a portion of the site which borders the Baylands. Mitigation Measure BIO-2 in the Draft IS-MND includes provisions to protect and avoid impacts to nesting birds during construction and tree removal. With this measure, nesting sites on and around the project site would be protected. Finally, although the project involves tree removal, the project involves additional plantings such that a net loss of only 5 trees would occur. Although bird landing and nesting sites on the project site would be temporarily reduced during construction, new planted trees could serve as future

nesting sites once project construction is complete. Mature trees are located on all sides of the project site on adjacent properties. Adjacent trees would not be affected by the proposed project. Overall, the project would not result in significant impacts on migratory birds or migratory bird patterns.

### **3. Car Wash Noise**

Several comments raised concerns about noise associated with the car wash and potential impacts to the adjacent office building. Car wash noise was analyzed in Section 12, *Noise*, of the Draft IS-MND. As discussed therein, car wash noise may exceed limits allowed in the Palo Alto Noise Ordinance. Therefore, Mitigation Measure N-1 was required. This measure requires the project applicant to implement noise reduction measures to ensure car wash noise does not exceed 73 dBA at the nearest property line. Noise reduction measures include:

- Housings or silencers shall be installed on the dryers/blower fans.
- Noise attenuation mats shall be installed on the interior of the car wash tunnel
- Dryers/blowers shall be installed as far into the tunnel as feasible.

The applicant also revised their plans and included a separate acoustical study to address the issue of the car wash. The project plans now include a wall that extends beyond the structure's entrance and exit; automatic shutting doors were added at both ends of the tunnel to open and close between washes. In addition, the applicant's acoustical study also provided specifications for walls around the back-up generators. The recommendations from the applicant's acoustical report have been included as conditions of approval.

With implementation of the N-1 measure and the conditions of approval, the noise from the project would not exceed City of Palo Alto Noise Ordinance requirements. With implementation of Mitigation Measure N-1, car wash noise would be approximately 68 to 73 dBA at the nearest property line and would not exceed City of Palo Alto noise ordinance requirements of 73 dBA (8 dBA above local ambient noise level of 65 dBA). The adjacent offices are approximately 100 feet from the property line. With an estimated noise attenuation of 6 dBA per doubling of distance, car wash noise would likely be in the range of to 62 to 67 dBA outside the adjacent office structure. This is within the normally acceptable range of 50-70 dBA for office buildings according to the City's 2030 Comprehensive Plan and shown in Table 8 of the Draft IS-MND. With attenuation from building materials that reduce outside noise levels to inside environments, noise from the car wash would likely be minimally audible.

### **4. Consistency with the Baylands Master Plan**

Several commenters raised concerns regarding consistency with the Baylands Master Plan. Consistency with the Baylands Master Plan is discussed in Section 10, *Land Use and Planning*, of the Draft IS-MND. According to the 2008 Baylands Master Plan Elements, the project site is located within the "Privately Owned Lands" designation. Privately owned lands in the Baylands area consist of approximately 90 acres of industrial research, office, and commercial uses concentrated along Embarcadero Road and East Bayshore Frontage Road. The private lands policies of the Baylands Master Plan are:

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1. Be sure any future development is consistent with the Comprehensive Plan and continues to receive extensive design review utilizing the Site and Design Review Process and the Site Assessment and Design Guidelines Palo Alto Nature Preserve.
2. Provide screen planting along the southerly urbanized edge of the private property facing the former ITT property.

With respect to Policy #1, the Site Assessment and Design Guidelines, Palo Alto Baylands Nature Preserve, developed in 2005, are intended to be used when designing or reviewing projects located in any part of the Baylands—including projects on privately-owned land. Conformance with these Guidelines helps to ensure compatibility with the special aesthetic qualities and environmental conditions unique to the Baylands.

As discussed in the Staff Report for the Architectural Review Board hearing on April 4, 2019, the following design principles are suggested to reflect and preserve the Baylands' unique landscape character and have been used to review the proposed project:

- *Use only muted, natural colors. Choose materials and finishes that will weather without degrading:* The proposed building would be clad in metal panels and cement plaster system with white, metallic and sandy hook grey accents. Glass would be high performance, insulated, low-e glazing that is bird safe.
- *Preserve the horizon line with low and horizontal elements:* The building would be 36- 43'-0" in height for the parapets with the stair and elevator towers being between 48 and 50'. The building's mass is articulated and appears to have a horizontal orientation with the exception of the elevator and stairwell shafts which are vertical.
- *Mount fences, enclosures, and identity signs low to the ground:* The project includes some general details on signs; however, no application for a sign permit has been submitted. When a sign application is submitted, City staff will ensure the any approved signs are low lying, and that all wall signs are located below the roof line so as not to puncture the horizon line.
- *Reduce the size and mounting heights of regulatory signs:* Regulatory signs are not proposed at this time.
- *Design for practicality:* The proposed dealership with an integrated sales, service and inventory building is efficient and innovative.

As described above in the list of policies and discussion for each policy, the project is generally consistent with the applicable Design Guidelines. Staff is recommending an additional condition of approval for the project that the applicant add more landscaping features to the rear of the project site to ensure the interface with the Baylands is appropriate. Therefore, overall, the proposed project would be generally consistent with Policy #1.

With respect to Policy #2, proposed project would involve landscaping trees and shrubs along the eastern perimeter of the project site, screening views from the Baylands. The proposed project would thus also be generally consistent with the second policy that calls for screening planting to buffer the Baylands from development.

Based on the discussion above, the proposed project would be generally consistent with the Baylands Master Plan.

## 5. Gateway Location

Several commenters raised concerns that the project is inconsistent with the City's Comprehensive Plan because and Baylands Master Plan because the project does serve as a "gateway" to the Baylands. Page 279 of the Baylands Master Plan does discuss that the plan includes several recommendations to enhance the park quality of Embarcadero Road as the entrance to the Baylands and to create a gateway experience for visitors to the park. As stated in the Master Plan, "this is consistent with *Comprehensive Plan* identification of Embarcadero Road as a scenic route and as a gateway to the Baylands at East Bayshore Road." According to the City's 2030 Comprehensive Plan Land Use and Community Design Element, Map L-4, the project site and areas around the site are not identified as a "Primary Gateway" to the City. Although the previous Comprehensive Plan may have identified this location as a "gateway," it is no longer identified as such. The Draft IS-MND does recognize that Embarcadero Road is identified as a scenic roadway and that the Comprehensive Plan includes policies to preserve the scenic qualities of these roadways. The project site is on Embarcadero Road which northeast of the project site affords scenic views of the Palo Alto Golf Course and ultimately of the Baylands as well as the south bay and the hills of the East Bay. None of these scenic views are currently available through the project site. Views to the Baylands from Embarcadero Road adjacent to the site and from the Highway 101 overpass are blocked by existing development and mature trees. The project would not block views of the Baylands, bay or distant hills from the roadway. Therefore, it would not affect the scenic quality of the roadway.

## 6. CEQA Process

Several commenters raised concerns that the hearings occurred during the public comment period for the IS-MND. Although not required by CEQA, City staff has determined that hearings during the public comment process allow the public additional opportunities to provide input on the IS-MND. As noted here, verbal comments on the IS-MND received at public hearings during the public comment period are responded to in writing in this Response to Comments document. Therefore, holding hearings during the public comment period affords the public with an additional opportunity to provide public input and receive written responses to concerns and questions raised.