



# **TOWN OF ATHERTON**

## **2023 – 2031 HOUSING ELEMENT AND ZONING CODE UPDATES**

RESPONSE TO COMMENTS ON THE  
INITIAL STUDY/MITIGATED NEGATIVE DECLARATION  
(SCH # 2024050574)

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RESPONSE TO COMMENTS ON DRAFT IS/MND**

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## 1. INTRODUCTION

In accordance with the California Environmental Quality Act (CEQA) of 1970 (as amended) (California Public Resources Code 21000 et. seq.), the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) was circulated for a 30-day public review and comment period from May 10, 2024, to June 11, 2024. As presented herein, public comment letters were received from the California Department of Transportation (Caltrans), Atherton Housing Coalition, and residents of Menlo Park and Atherton during the public comment period on the Draft IS/MND. On August 13, 2024, the Town received a follow-up letter from a resident who had previously provided comment prior to the Town issuing a response in July. Although the Town received the letter after the public comment period, it has incorporated that comment letter into this response (Section 3.4). No other sections of the Response to Comments were revised since it was initially share in July.

This document provides responses to comments received on the Public Draft Initial Study/Mitigated Negative Declaration (IS/MND) prepared for the 2023 – 2031 Housing Element and Zoning Code Updates (hereinafter referred to as the “project”) (State Clearinghouse # 2024050574). This Response to Comments document along with the Draft IS/MND constitutes the Final IS/MND.

This Response to Comments document identifies comments received relating to environmental concerns and provides responses to comments. While additional information is added to the IS/MND in responding to comments, changes to the environmental document are minor and do not alter the conclusions of the IS/MND or constitute a “substantial revision” under CEQA Guidelines section 15073.5(b). As explained herein, in light of the whole record, the project would result in less than significant environmental impacts with mitigation incorporated and all potential environmental impacts of the project have been disclosed and appropriately mitigated.

### 1.1. CEQA Requirements

CEQA Guidelines Section 15074 identifies the responsibilities of the Lead Agency when considering the adoption of a Negative Declaration or Mitigated Negative Declaration:

1. Any advisory body of a public agency making a recommendation to the decision-making body shall consider the proposed negative declaration or mitigated negative declaration before making its recommendation.
2. Prior to approving a project, the decision-making body of the lead agency shall consider the proposed negative declaration or mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed negative declaration or mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence<sup>1</sup> that the project will have a significant effect on the environment and that the negative declaration or mitigated negative declaration reflects the lead agency’s independent judgment and analysis.

Consistent with CEQA requirements, the Town of Atherton has reviewed and considered all comments received on the Draft IS/MND. CEQA does not require the lead agency to prepare a response to public comments on a Negative Declaration or Mitigated Negative Declaration. Nevertheless, the Town of Atherton has prepared this document to disclose agency comments received and to provide responses to comments.

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<sup>1</sup> “Substantial evidence” includes facts, fact-related reasonable assumptions, and expert opinions based on facts. It does not include arguments, speculation, unsubstantiated opinion or narrative, clearly inaccurate or erroneous evidence, or socioeconomic impacts not related to the physical environment. (Pub. Res. Code Secs. 21080(e), 21082.2(c); Guidelines § 15384).

## 2. PUBLIC AGENCY COMMENTS + RESPONSE TO COMMENTS

A comment letter from the following California State Agency was received during the public review and comment period:

- California Department of Transportation (Caltrans)

A brief description of the comment letter is included below, and a response follows. Issues raised in the comment letter are addressed in responses that are intended to clarify various project elements, potential impacts of the project, and mitigation measures. Written comment letters received from state regulatory agencies are included in Appendix A.

### 2.1. California Department of Transportation (CalTrans)

A letter received from Caltrans dated June 11, 2024, and included in Appendix A-1, requests that the Caltrans District 4 Pedestrian Plan (2021) and the Caltrans District 4 Bike Plan (2018) be referenced in the General Plan. Further, any Complete Streets reference should be updated to reflect Caltrans Director's Policy 37 that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also "Providing a safe and reliable transportation network that serves all people and respects the environment." facilitating goods movement in a manner with the least environmental and social impacts.

To improve a multimodal transportation system to better accommodate the future land use developments, consideration of the following has been requested:

- Caltrans District 4 Bicycle Plan recommends Class 1 Corridor Improvement between Atherton Avenue & Encinal Avenue and improvements to the uncontrolled intersection on Watkins Avenue & El Camino Real.
- Caltrans District 4 Pedestrian Plan has designated Tier 1 Priority for State Route (SR)-82 El Camino Real for pedestrian facility improvements. The Town may consider improving its streets that connect to SR-82.
- Include high-visibility pedestrian crosswalks in all future restriping projects and increase the number of "YIELD TO PEDS" signs at uncontrolled intersections throughout the Town.
- Provide both short-term bike parking and long-term secure bike parking for residents in the new developments.

#### Response:

The Town has reviewed Caltrans' comment letter and acknowledges the commentor's recommendations. As noted in the Transportation and Circulation analysis (IS/MND, page 109) the Town is currently coordinating with neighboring jurisdictions and the San Mateo County Transportation Authority (TA) to study an El Camino Real Complete Streets Corridor Plan. Once the plan is approved, the Town in partnership with the TA will seek approval from Caltrans to implement the proposed changes. Consideration of Caltrans' planning documents will be included in this process, as well as future updates to the Circulation Element of the Town's General Plan and the Town's Bicycle and Pedestrian Master Plan.

## 3. PUBLIC COMMENTS

### 3.1 Email from Edith Bravo in support of the 6<sup>th</sup> Cycle Housing Element.

No response required.

**3.2 Letter from HR Wolfe & Associates on behalf of the Atherton Housing Coalition.** Language changes are being requested to clarify that the IS/MND covers the development of the proposed housing sites on private properties for approximately 85 units only, and that if subsequent sites are considered for multi-family housing, a revised MND would be required.

**Response:**

The Town of Atherton agrees that the MND covers only the proposed housing sites, and that if additional sites are considered for multi-family housing in the future, environmental review pursuant to CEQA will be conducted as appropriate for the number of proposed new sites and potential number of multi-family units. To provide clarification on this matter revised language is included in the IS/MND as summarized in Section 4 of this response.

**3.3 Letter from Woodson & Kelly Martin.** Concerns have been raised about potential noise, traffic impacts and stormwater, and the mandatory findings of significance in the MND.

- a. *Noise:* The commenter is concerned about noise impacts from multi-family developments including construction noise, noise from trash pickup and mechanical equipment and noise from residents.

**Response:**

Temporary and permanent noise increases were considered in the January 2024 Noise & Vibration Assessment prepared by Illingworth & Rodkin. There will be temporary noise impacts during construction, as is the case with any new development. Noise mitigation measures have been included to minimize disturbances during construction (see the Mitigation Monitoring and Reporting Program, Attachment B). There are time frames for completion of construction projects specified in Section 15.40.190 of the Municipal Code, with monetary penalties for noncompliance. Multi-family developments will be subject to the same construction hours and noise standards as a single-family residential development. Title 8, Chapter 16 of the Atherton Municipal Code specifies sound level limits that all developments must comply with, including criteria for property maintenance. In addition to sound criteria, mechanical equipment and trash enclosures are subject to minimum setbacks from property lines. Article 7, Section 1.5 of the Town's contract with its municipal waste collector specifies that all collection operations be conducted as quietly as possible, conforming to applicable federal, State, County, and Town noise level regulations. The franchisee is required to promptly resolve any complaints of noise to the satisfaction of the Town. There is a maximum noise level for collection vehicles and vehicles are required to be tested annually.

- b. *Traffic:* The commenter expressed concern about increased traffic and safety at the already impacted intersection of Middlefield Road and Ravenswood.

**Response:**

The February 2024 Transportation Analysis conducted by Hexagon Transportation Consultants included evaluation of this intersection. Development of 175, 185 & 197 Ravenswood is expected to generate 13 a.m. peak trips and 16 p.m. peak trips. The increase in peak period trips is not significant and no intersection improvements were recommended. Hexagon also did not identify any safety issues at the intersection.

- c. *Stormwater:* The commenter asserts that additional impermeable lot coverage in the area would adversely impact stormwater management and increase flooding in the area.

**Response:**

New development will be required to comply with the NPDES Regional Stormwater Permit which requires on-site drainage facilities that are adequate to prevent an increase in stormwater from the project site. Run-off from any new development may not be greater than existing conditions. Municipal Code Section 8.54.050 adopted drainage criteria. Detailed drainage requirements are contained in a separate document that is used by Public Works in the review of development proposals. Drainage plans and supporting documentation such as hydraulic calculations are required to be provided with applications for new development and are reviewed by Public Works for compliance with Town regulations and applicable NPDES (C.3) requirements.

- d. *Mandatory Findings of Significance:* The commenter alleges that there will be cumulative impacts related to population, traffic and emissions due to development of the Ravenswood sites and redevelopment of the SRI site at 333 Ravenswood Avenue in Menlo Park.

**Response:**

The February 2024 Transportation Analysis provided by Hexagon Transportation Consultants analyzed the Vehicle Miles Travelled (VMT) for the Project, including the potential residential development at 175, 185, and 197 Ravenswood Avenue that directly across from 333 Ravenswood Avenue and within Menlo Park. As identified in the Mitigation Monitoring and Reporting Program, Attachment B, Mitigation Measure Trans-1 requires that housing sites identified in the 2023 – 2031 Housing Element that are located in a high-VMT area to include a VMT analysis that identifies travel demand management (TDM) measures and/or physical measures (i.e. Tier 1 through Tier 4 strategies) to reduce VMT impacts to less than significant. Additional measures may be proposed by individual projects and/or required by Town staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements. The properties at 175, 185, and 197 Ravenswood Avenue are currently in a low-VMT area.

The February 2024 Transportation Analysis also includes a Local Transportation Analysis (LTA) that identifies potentially adverse traffic operational effects at key intersections throughout the Town, including the intersection of Middlefield Road and Ravenswood Avenue. Traffic conditions were evaluated to consider existing and cumulative scenarios. The cumulative conditions are based on traffic volumes determined by forecasts from the Countywide travel demand model. This model includes the Regional Housing Needs Allocation (RHNA) applicable to San Mateo County as a whole, as well as individual jurisdictions. The analysis found that in all scenarios, the additional trips resulting from the Project would not cause an adverse operational effect, as defined by Atherton, at any of the signalized study intersections.

Based on the March 2024 Air Quality and Greenhouse Gas assessment prepared by Illingworth & Rodkin, there are Air Quality and Greenhouse Gas Mitigation Measures that will be implemented to bring air quality/emissions impacts to a less than significant level (see the Mitigation Monitoring and Reporting Program, Attachment B). The projected population increase associated with development of the multi-family housing sites is not considered significant.

The proposed development at 333 Ravenswood Avenue in Menlo Park, formerly occupied by the Stanford Research Institute (SRI) is an identified housing opportunity site in the City of Menlo Park's 2023-2031 Housing Element. Accordingly, additional housing provided at this site is included in the County's residential growth projections. Any additional development on this property will be considered through an environmental evaluation of the site at the project level. At present, the development at 333 Ravenswood Avenue is currently preparing the release of an Environmental Impact Assessment that will identify any potential environmental impacts.

**3.4 Letters from John & Pamela Riddle** requesting that four housing sites on Bay Road and Ringwood Avenue be removed from consideration due to potential aesthetic, privacy, parking, air quality and noise impacts, and the lack of nearby public transportation.

- a. Aesthetics:* The commenter states that new multi-family development will not be compatible with existing single-family homes on Bay Road and Ringwood Avenue.

**Response:**

Existing development on Bay Road includes a mix of housing types, including smaller lot single-family homes and multi-family buildings. Sites in Menlo Park along Bay Road are also currently designated for low residential density (8.9 dwelling units per acre) and medium residential density (18.5 dwelling units per acre). The proposed Zoning Code update that will be considered in conjunction with the adoption of the Housing Element and Mitigated Negative Declaration includes design requirements to address building massing and reduce privacy impacts on neighboring single-family homes. There are also development standards to incentivize lower building heights, use of sloping roofs and underground parking.

Architectural character deriving from new single-family development in Atherton is not prescribed by the Town's development standards. The existing single-family dwellings in Atherton that are adjacent to the Bay Road and Ravenswood Avenue properties are not subject specific design guidelines or architectural review. Additionally, these properties are not part of an identified historic district that is subject to design guidelines or identified character-defining features. Homes on Frederick Avenue front onto Frederick and into the surrounding Atherton neighborhood of Lindenwood. The sites on Bay Road and Ringwood Avenue are at the Town's boundary and front onto streets with higher circulation patterns than Frederick Avenue and face other jurisdictions, the City of Menlo Park and unincorporated San Mateo County. As described above these jurisdictions have a density context that is compatible with the proposed project.

- b. Privacy:* The commenter asserts that multi-family developments will impact the privacy of existing single-family homes.

**Response:**

Atherton Municipal Code (AMC) Chapter 17.50 identifies existing landscaping and screening requirements for the purpose of "reducing the impact of structures on neighborhoods and to provide for the maintenance of the individual privacy of homes in a neighborhood to a reasonable degree by requiring landscape screening where appropriate."

As required by AMC Section 17.50.020 the existing landscaping and screening requirements are applicable to varying types of new construction, including new buildings that exceed a height of 18 feet above grade or

alterations to existing accessory structures that are within 10 to 25 feet of an adjacent property line. Chapter 17.50 provides additional specifications relating to installation, adequacy of screening, minimum tree sizes, encouraged/prohibited species, and maintenance.

The proposed Zoning Code updates are supplemental to existing landscaping and screening standards. Additional privacy measures that will be taken into consideration include restrictions on window placement and sill heights, greater setbacks adjacent to R-1 properties, restrictions on balcony placement, and additional landscaping and fence requirements.

- c. *Parking:* The commenter believes that there will not be adequate on-site parking for new development and points out that there is not available street parking in front of the sites on Bay Road and Ringwood Avenue.

**Response:**

On-site parking requirements have been included in the Zoning Code updates that will accommodate both future residents and visitors, as to not rely on on-street parking. On-site parking is required to be in a garage, carport enclosed on three sides, or below grade.

- d. *Air Quality:* The commenter states that air quality will be affected by multi-family development and that new vehicle trips have not been addressed in a quantitative manner.

**Response:**

Air Quality and Greenhouse Gas mitigation measures have been included to reduce impacts to a less than significant level (see MMRP, Attachment 2). The methodology for estimating new vehicle trips is an accepted Engineering standard/practice that is uniformly applied to evaluate the new developments based on the proposed land uses. As this Project is programmatic and establishes a development framework, specific analysis of a physical development's compliance with MMRPs will commence at the time of a development application.

- e. *Public Transportation:* The commenter states that there is not adequate local or regional transportation in proximity to the Bay Road and Ringwood Avenue sites.

**Response:**

The February 2024 Transportation Analysis provided by Hexagon Transportation Consultants analyzed the Vehicle Miles Travelled (VMT) for the Project, including the potential residential development at sites on Bay Road and Ringwood Avenue. These properties are within an identified high-VMT area. As identified in the Mitigation Monitoring and Reporting Program, Attachment B, Mitigation Measure Trans-1 requires that housing sites identified in the 2023 – 2031 Housing Element that are located in a high-VMT area to include a VMT analysis that identifies travel demand management (TDM) measures and/or physical measures (i.e. Tier 1 through Tier 4 strategies) to reduce VMT impacts to less than significant. Additional measures may be proposed by individual projects and/or required by Town staff to achieve the necessary VMT reductions or to meet applicable TDM reduction requirements. Examples of TDM measures included in Tiers 1 through 4 include infrastructure improvements that increase accessibility for bicyclists and pedestrians to local and

regional transportation networks and programs that provide incentives to use alternatives to public transportation options, such as school carpooling, bike-sharing, and car-sharing.

*f. Noise:* The commenter is concerned about noise that could be generated by multi-family developments.

**Response:**

As mentioned in a previous response, there will be temporary noise impacts during construction, as is the case with any new development. Noise Mitigation Measures have been included to reduce construction noise impacts (see MMRP, Attachment B). Multi-family developments will be subject to the same construction hours and noise standards as a single-family residential development. Title 8, Chapter 16 of the Atherton Municipal Code specifies sound level limits that all developments must comply with. The Atherton Municipal Code includes requirements for trash and recycling to be located within enclosures and screening is required for mechanical equipment, which provides for sound attenuation.

*g. Population displacement:* The commenter states that multi-family development will displace existing residents as these residents will move due to being quality and character of the neighborhood being impacted by new development.

**Response:**

Displacement occurs when a new development involves the removal of existing residential units whose occupants must relocate as a result. Deciding whether to move or relocate is a personal decision for any Town resident.

*h. Environmental Impact Report:* The commenter states that an Environmental Impact Report (EIR) would be required if the four properties in question are not removed from consideration for multi-family development.

**Response:**

Based on the analysis provided in the draft IS/MND and the consideration provided to the comments identified above, the Town has not identified a significant effect on the environment which cannot be mitigated or avoided.

#### **4. SUMMARY OF REVISIONS TO THE IS/MND**

Corrections and additions to the IS/MND are provided below. None of the corrections or additions affect or change the findings or significance conclusions of the environmental analysis in the IS/MND. New text is indicated in underline and text to be deleted is in ~~striketrough~~. Text changes are presented in the page order in which they appear in the IS/MND.

#### **Page 12 of the IS/MND**

The following text shall be added to page 12 of the IS/MND at the end of the Project Description:

Additional Sites

In the event additional sites are considered for multi-family development, the appropriate environmental document will be prepared and circulated for public review prior to re-zoning and/or amendments to the Housing Element being considered or approved by the Town.

## 5. FINDINGS

In the course of preparing the written responses, information was generated and is presented throughout this document. The Town of Atherton carefully reviewed the information developed through the responses-to-comments process and determined that the project does not meet any of the conditions under CEQA Section 15073.5, as outlined below.

15073.5. Recirculation of a Negative Declaration Prior to Adoption.

- a) A lead agency is required to recirculate a negative declaration when the document must be substantially revised after public notice of its availability has previously been given pursuant to Section 15072, but prior to its adoption. Notice of recirculation shall comply with Sections 15072 and 15073.
- b) A “substantial revision” of the negative declaration shall mean:
  - 1) A new, avoidable significant effect is identified and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or
  - 2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significance and new measures or revisions must be required.
- c) Recirculation is not required under the following circumstances:
  - 1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
  - 2) New project revisions are added in response to written or verbal comments on the project’s effects identified in the proposed negative declaration which are not new avoidable significant effects.
  - 3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
  - 4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.
- d) If during the negative declaration process there is substantial evidence in light of the whole record, before the lead agency that the project, as revised, may have a significant effect on the environment which cannot be mitigated or avoided, the lead agency shall prepare a draft EIR and certify a final EIR prior to approving the project. It shall circulate the draft EIR for consultation and review pursuant to Sections 15086 and 15087, and advise reviewers in writing that a proposed negative declaration had previously been circulated for the project.

Based on the information in the record, neither recirculation of a revised IS/MND nor the preparation of an Environmental Impact Report (EIR) is required. Revisions to the IS/MND and clarifying text and augments to mitigation measure have been added to the IS/MND and are presented herein and in the MMRP (**Attachment B**). Consistent with the CEQA Guidelines, the added information presented above clarifies the analyses in the IS/MND and does not constitute a “substantial revision”.

The Town of Atherton will consider the Draft IS/MND, together with this Response to Comments document, prior to approving the proposed Housing Element Update.

## **6. ATTACHMENTS**

The following materials are attached for reference:

- A. Comment Letters
  - A-1. California Department of Transportation (Caltrans)
  - A-2. Teresita Bravo Sanchez
  - A-3. Atherton Housing Coalition (via MR Wolfe & Associates)
  - A-4. Woodson & Kelly Martin
  - A-5. John & Pamela Riddle (June 10, 2024)
  - A-6. John & Pamela Riddle (August 12, 2024)
  
- B. Mitigation Monitoring and Reporting Program