

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
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June 11, 2024

SCH #: 2024050574
GTS #: 04-SM-2024-00572
GTS ID: 32843
Co/Rt/Pm: SM/VAR/VAR

Brittany Bendix, Contract Town Planner
Town of Atherton
91 Ashfield Road
Atherton, CA 94027

Re: 2023-2031 Housing Element and Zoning Code Update – Mitigated Negative Declaration (MND)

Dear Brittany Bendix:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 2023-2031 Housing Element and Zoning Code Update. 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 May 2024 MND.

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

Project Understanding

The proposed project is the adoption of the Town of Atherton's 6th Cycle Housing Element, a Zoning Ordinance Amendment to implement the policies and programs of the Housing Element, and adoption of an Inclusionary Housing Ordinance.

Multimodal Transportation Planning

Please review and include the reference to the *Caltrans District 4 Pedestrian Plan* (2021) and the *Caltrans District 4 Bike Plan* (2018) in the General Plan. These two plans studied existing conditions for walking and biking along and across the State Transportation Network (STN) in the nine-county Bay Area and developed a list of location-based and prioritized needs.

Please note that any Complete Streets reference should be updated to reflect Caltrans Director's Policy 37 ([link](#)) that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also

"Provide 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. This supersedes Deputy Directive 64-R1, and further builds upon its goals of focusing on the movement of people and goods.

To improve multimodal transportation system to better accommodate the future land use developments, please consider the following suggestions:

- Caltrans District 4 Bicycle Plan recommends Class 1 Corridor Improvement between Atherton Avenue & Encinal Avenue and improvements on 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.
- Please 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.
- Please provide both short-term bike parking and long-term secure bike parking for residents in the new proposed developments.

Integrated Transportation and Land Use Planning

Transportation and housing are integrally connected. The Housing Element Update process provides a mechanism to reflect current transportation and land use policy and adopt efficient land-use strategies such as transit-oriented, infill and mixed-use developments that can potentially reduce vehicle miles traveled and address climate change.

Please review and include reference to the current California Transportation Plan (CTP) in the General Plan. CTP 2050 envisions that the majority of new housing located near existing housing, jobs, and transit, and in close proximity to one another will reduce vehicle travel and GHG emissions, and be accessible and affordable for all Californians, including disadvantaged and low-income communities. The location, density, and affordability of future housing will dictate much of our future travel patterns, and our ability to achieve the vision outlined in CTP 2050. Caltrans encourages the Town to consider and explore the potential of excess state-owned property for affordable housing development, per Executive Order N-06-19.

Equity and Public Engagement

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

Brittany Bendix, Contract Town Planner
June 11, 2024
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forward to collaborating with the Town to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

Caltrans encourages the Town to foster meaningful, equitable and ongoing public engagement in the General Plan development process to ensure future transportation decisions and investments reflect community interests and values. The public engagement process should include community-sensitive and equity-focused approaches seeking out the needs of individuals from underserved, Tribal, and low-income communities, the elderly, and individuals with disabilities.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Melissa Hernandez, Associate 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" and last name "Yunsheng" clearly distinguishable.

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

c: State Clearinghouse

From: [REDACTED]

To: ["Brittany Bendix" <bbendix@ci.atherton.ca.us>](mailto:bbendix@ci.atherton.ca.us)

Date: 5/27/2024 7:04:18 PM

Subject: Comment

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

We agree on the proposal project of the 6th Cycle of the town of Atherton's Housing Element. I received a postcard regarding this to 91 Loyola Avenue, Menlo Park.

Thank you
Edith Bravo

June 6, 2024

By Email

Brittany Bendix, Contract Town Planner
Town of Atherton
Planning Department
80 Fair Oaks Lane
Atherton, CA 94027
bbendix@ci.atherton.ca.us

Re: Draft Initial Study/Mitigated Negative Declaration for Town of Atherton 2023-2031 Housing Element Update and Zoning Code Updates

Dear Ms. Bendix:

Please accept the following comments on the above-referenced draft Initial Study/Mitigated Negative Declaration (“IS/MND”) for the Town of Atherton’s current draft Housing Element and Zoning Code Updates (“Project”), submitted on behalf of the Atherton Housing Coalition, an unincorporated entity managed by Atherton Vision, LLC, a not-for-profit entity organized to promote sensible land use planning and development policies in the Town of Atherton.

The IS/MND’s disclosure and analysis of the Project’s potential environmental impacts assumes a fixed, defined set of ten (10) multi-family residential opportunity sites of mostly about 1 acre, each with a specified development capacity. These sites are listed in Table 4 of the IS/MND. Together, these multi-family sites are expected to accommodate 85 units. While the IS/MND discusses potential plan-level impacts from future development of each site individually in accordance with the Housing Element, it scarcely mentions the cumulative impacts that may result from the build-out of all sites in combination with one other. This omission is cause for concern.

CEQA defines cumulative impacts as: “two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.” (CEQA Guidelines, 14 C.C.R. § 15355.) Importantly, CEQA affirms that “cumulative impacts can result from individually minor but collectively significant projects taking place over a period of time.” (*Id.*, subd. (b).) A CEQA analysis may not conclude a cumulative impact is insignificant merely because the project’s own individual contribution to an unacceptable existing condition is, by itself, relatively small. (*Los Angeles Unified School Dist. v. City of Los Angeles* (1997) 58 Cal.App.4th 1019, 1025-1026.)

Here, given the current number of sites identified for development in the Housing Element, the potential for significant cumulative impacts may well be limited, and the IS/MND’s perfunctory conclusion that no such impacts will occur accordingly justifiable. However, any subsequent increase in the number of sites developed under the Housing Element may result in one or more significant cumulative impacts, especially with regard to biological resources/habitat and traffic.

For this reason, the IS/MND should expressly acknowledge that its conclusions regarding impact significance are predicated upon the number of sites identified for development remaining fixed. The IS/MND should further expressly acknowledge that in the event additional sites are added to the Housing Element, whether pursuant to the Town’s own initiative or in response to directives from the Department of Housing and Community Development, a revised IS/MND will need to be prepared and circulated before any such amended Housing Element may be considered or approved by the Town.

Thank you for your consideration of these comments and concerns.

Yours very truly,

M. R. WOLFE & ASSOCIATES, P.C



Mark R. Wolfe

On behalf of Atherton Vision, LLC

From: [REDACTED]

To: "[Brittany Bendix](mailto:bbendix@ci.atherton.ca.us)" <bbendix@ci.atherton.ca.us>
[REDACTED]

Date: 6/6/2024 3:02:23 PM

Subject: Public Comments: CEQA: Housing Element and Zoning Code Updates

[The e-mail below is from an external source. Please do not open attachments or click links from an unknown or suspicious origin.]

Brittany.

Please accept these comments to the CEQA: Housing Element and Zoning Code Updates.

Section 5.13 NOISE

We are concerned about the likely generation of a substantial temporary and permanent increase in ambient noise levels in the vicinity of the project(s).

In the proposed zoning, it is reasonable to expect significant excess ambient noise from the construction of conforming structures. This is likely to be exacerbated by the conduct of much of the construction work above the fence line should structures be built to the proposed height limits.

We are also concerned with the more permanent ambient noise from the following likely sources:

- a. the operation of multiple HVAC units concentrated near fence lines or from positions on the roof of larger structures.
- b. the operation of service vehicles for trash/recycling removal, including backup beeping, and the operation of dumpsters.
- c. grounds maintenance

Section 5.17. TRANSPORTATION AND CIRCULATION

c) Dangerous Intersections

The proposed re-zoning of the Ravenswood properties near the intersection of Middlefield Road and Ravenswood would be located at an already dangerous intersection, where traffic patterns, especially during peak school and commute hours already exceed the effective capacity of the intersection - is a significant concern for local residents including us. Neighbors in the area already experience the negative effects of heavy vehicles idling for significant periods at this intersection. Pedestrians approaching crossing at these intersections already encounter difficulty safely cross these streets, navigating the NW corner of the intersection. Bicycles using this intersection face competing streams of traffic that create hazards for safe navigation. The proposed rezoning, and anticipated rezoning in adjacent jurisdictions would likely increase traffic through this intersection significantly - and create a more unsafe intersection.

5.19. UTILITIES AND SERVICE SYSTEMS

We are also concerned that the intersection Middlefield and Ravenswood is already subject to flooding and occasional closure due to heavy rain and inadequate storm water drainage. We challenge the assertion that the proposed zoning changes would result in Less Than Significant Impact as any additional impermeable lot coverage in the area would adversely impact stormwater management and increase flooding in the area. Such flooding is already at risk of carrying pollutants into San Francisco bay from impacted garages and other areas where property managers store supplies and or waste. We have observed a consistent pattern of stormwater flooding resulting in blockage of what minimal stormwater drainage exists.

5.21. MANDATORY FINDINGS OF SIGNIFICANCE (CAL. PUB. RES. CODE §15065)

b) Does the project have impacts that are individually limited, but cumulatively considerable?

YES. The potential impact of increased development at the Ravenswood sites, combined with the anticipated impacts of high-density housing development across Ravenswood at the SRI site and other nearby sites, threatens to dramatically expand the population, traffic, emissions, and all other forms of impact in the area.

Rather than concentrating these impacts in one area, the town should distribute the impacts across more areas.

Thank you for incorporating our comments into consideration of the proposed changes.

Woodson and Kelly Martin
580 Middlefield Road
Atherton, CA 94027
(408) 838-0332
(650) 823-9799

**RESPONSE TO DRAFT INITIAL STUDY/MITIGATED NEGATIVE
DECLARATION FOR PROPOSED 2023 – 2031 ATHERTON HOUSING
ELEMENT AND ZONING CODE**

Dated: June 10, 2024

**John and Pamela Riddle
97 Fredrick Avenue
Atherton, CA 94027**

**RESPONSE TO DRAFT INITIAL STUDY/MITIGATED NEGATIVE DECLARATION FOR PROPOSED
2023 – 2031 ATHERTON HOUSING ELEMENT AND ZONING CODE**

This Response specifically addresses issues related to the proposed inclusion of four properties in the Draft Initial Study/Mitigated Negative Declaration for the Proposed 2023-2031 Atherton Housing Element and Zoning Code. The properties are 999 Ringwood Avenue, 352 Bay Road, 318 Bay Road and 296 Bay Road. (hereinafter “the Four Properties”) We object to the conclusions reached in the Draft Initial Study/Mitigated Negative Declaration for the proposed 2023-2031 Housing Element and Zoning Code Updates regarding the Four Properties and demand that they be removed from the proposed Housing Element for the reasons set forth below. This Response sets forth our objections in the order they are presented in the Draft Initial Study/Mitigated Negative Declaration. Generally, the Draft Initial Study/Mitigated Negative Declaration omits relevant issues, fails to present salient facts, reaches incorrect and unsubstantiated conclusions.

5. EVALUATION OF ENVIRONMENTAL IMPACTS

Subsection 5.1 Aesthetics states in the applicable General Plan Goals, Objectives and Policies – “The Town of Atherton’s General Plan sets forth goals, objectives and policies intended to improve and enhance aesthetics, those particularly relevant to the 2023 – 2031 Housing Element Update include the following: “

Land Use Element

Goal LU-1: To preserve the Town’s character as a scenic, semi-rural, thickly-wooded residential area **with abundant open space**. (Emphasis added)

Objective LU-1.2: To limit the nature of land uses to those which are compatible with the overall land use planning goal LU-1. Specifically. “to preserve the Town’s character....” (Emphasis added)

Objective LU-1.3: To retain the quality of life, character and (sic) existing in the Town’s residential neighborhoods. (Emphasis added).

Policy LU-1.2 The development of high density and/or high-rise residential structures...of any kind would destroy the scenic, semi-rural....character of the town and is therefore prohibited. (emphasis added)

Policy LU-1.5 “...proposals to replace existing homes....” (emphasis added)

A”... shall be visually harmonious and compatible with neighborhood character.” (emphasis added)

B”...Temporary or guest on street parking....”

I. Privacy is a factor which shall be incorporated into subdivision, subdivision improvements and home design. (emphasis added)

J. The Town allows minimum lot size subdivisions only where such minimum lot sizes do not significantly degrade established levels of privacy....” (emphasis added)

The Goal, Objectives and Policies set forth above emphasize the immutable Goal, Objectives and Policies to preserve the character and quality of life historically and presently existing in the Town of Atherton. As pledged by the commitments above repeatedly referenced, the Town directive expressly includes privacy. With the multi-family dwellings proposed in the 2023-2031 Housing Element Zoning Overlay for the above referenced Four Properties, the six, ten or twenty families carrying on daily activities and recreating in the back yard of each property in housing 34 or 40 feet high with a fence line about 20 feet from the edge of the neighboring properties back patio and the clear sight line directly into most of the rooms in neighboring properties, there is no question that the Proposed Zoning Overlay grossly violates the Privacy Goal, Objectives and Policies called for and directed to be established by the Proposed Housing Element. This is not addressed in the Draft Initial Study/Mitigated Negative Declaration report.

Further, the proposed multiple dwelling units suggested to replace the currently existing homes are not consistent with any of the structures fronting Bay Road or Ringwood Avenue for a mile in either direction. The Four Properties and those in either direction on both sides of the road are single family homes. There are no large, obtrusive multi-story, multi-dwelling buildings which dominate the lot, overwhelm the neighbors and deface the thickly-wooded nature of the properties. This lack of visual harmony is similar to placing rotted pumpkins amidst a bowl of fresh strawberries. This is obvious by visiting the area and is a clear and significant conflict with the Housing Element Goal, Objectives and Policies.

Additionally, there is no off-street parking fronting the four lots referenced in the Draft Housing Element. Thus, the directive calling for some, but, minimized off-street parking cannot be met and would have a significant impact towards achieving the Goal, Objectives and Policy of the Draft Housing Element.

All of these issues are open and obvious. They are in direct conflict with the Goal, Objectives and Policies set forth as a basis of the Draft Housing Element and would have a Significant Negative Impact on the surrounding area. The reasonable solution is to remove the Four Properties from the list of the Proposed Zoning Overlay.

In addition to the above, the issue of the street fronting the Four Properties being in the boundary of the City of Menlo Park and therefore not protected by the cloak of Scenic Route provided to the streets owned by Atherton does not negate the fact that both sides of the street are blessed with beautiful Historic Heritage Oaks fronting the properties rendering the street a warm-rich scenic roadway which by the very nature of their presence deserve the preservation provided to the otherwise same Atherton Streets but for the omitted Scenic Route designation.

Section 5.2. AGRICULTURAL AND FORESTRY RESOURCES

This section again reiterates the Town’s Applicable General Plan Objectives and Policies for the 2023 -2031 Housing Element Update. The relevant portion includes **“Land Use Element”**.

Goal LU-1.1: “To preserve the Town’s character....” (emphasis added)

Policy LU-1.5 “...proposals to replace existing homes, shall adhere to the following design criteria...Town allows...only where...so not significantly degrade established levels of privacy....”

This is a further reference to the Town’s enunciated obligation to maintain the historical level of privacy which, as reflected above, is grossly violated by the Proposed Zoning Overlay related to the Four Properties addressed herein.

Section 5.3 AIR QUALITY

The Proposed 2023-2031 Housing Element and Zoning Code openly and expressly violates the Town’s General Plan and Climate Action Plan and cannot be mitigated as called for in the Draft Initial Study/Mitigated Negative Declaration.

The Initial Study/Mitigated Negative Declaration for the proposed 2023-2031 Housing Element and Zoning Code Update admits there is a possible Negative Impact on the Air Quality from the proposed Element. The obvious additional emissions from the hundreds of daily vehicle trips contributed by the proposed Housing Element. The report does not address this issue in a quantitative manner. Further, there is a direct and substantial conflict related to the admitted Air Quality problem which is referenced in **Mitigation Measure AQ-1**. This mitigation measure states that “consistent with the Town’s General Plan and Climate Action Plan that includes goals, objectives, policies and actions intended to reduce energy use and greenhouse gas emissions in new residential development...the...plan for infill development (is) in an area served by local and regional transit....” (emphasis added) Other than a single school bus route, there is no local or regional bus service for the general public on Bay Road or Ringwood Avenue. The local transit agencies are in substantial economic difficulties and no bus service is going to be instituted for these Four Properties. Train service is not reasonably available without the use of a vehicle to get to the station. Accordingly, the inclusion of the Four Properties at issue expressly and openly violates the Towns General Plan and Climate Action Plan.

Section 5.9 Hazards/Hazardous Materials

Applicable General Plan Goals, Objectives, and Policies

“The Town of Atherton’s General Plan sets forth goals, objectives and policies intended to minimize exposure to hazards associated with new development, those particularly relevant to the 2023-20-31 Housing Element Update include the following:”

Noise Element

Goal N-1: To maintain the serene atmosphere of the town by minimizing the intrusion of noise-generating activities. (emphasis added)

Policy N-1.1 To protect the peace, health and safety of Atherton citizens from unnecessary and unreasonable noise produced by any person....” (emphasis added)

The amount of noise produced by four, six, eight or ten families, their cars, pets and associated activities in the proximity of the recreational, entertainment and personal privacy zone is by its very nature an unreasonable intrusion on the peace and health of the citizens of Atherton. The inherent nature of Atherton and the General Plan, Goals, Objectives and Policies provides for privacy and tranquility. That is the quality of life and character that was purchased with our properties and would be grossly violated by the Proposed Zoning Overlay on the Four Properties at issue. This violation of Section 5.9 cannot be mitigated by a fence, plantings or other potential restrictions.

Section 5.11. Land Use and Planning

Many of the issues raised in this section have been previously addressed above. As stated in this section, the Town of Atherton's General Plan Objectives and Policies particularly relevant to Land Use and Planning for the 2023-2031 Housing Element Update include preservation of the Town's Character, to limit the nature of land uses to those which are compatible with the overall goal of maintaining the Town's character, to retain the quality of life and character existing in the Town's residential neighborhoods, to "prohibit" high density structures, to insure that designs to replace existing structures are harmonious and compatible with the existing neighborhood character, to ensure that privacy is a factor incorporated in development, and to ensure there is no degradation of existing levels of privacy. All of these Goals, Objectives and Policies are violated by the Proposed Zoning Overlay as they relate to the Four Properties.

Section 5.10(b) (Land Use Plan, Policy Regulation Conflict) Less than Significant Impact:

This section makes the cursory, unsubstantiated and incorrect general statement that the "... 2023-2031 Housing Element, Zoning Code updates and inclusionary Housing Ordinance are consistent with the Atherton General Plan, Zoning Ordinance as proposed to be amended, Climate Action Plan, and other applicable planning documents." Without reiterating the bulk of this Response above provided, it has been repeatedly and specifically shown throughout this Response that the current proposed 2023-2031 Housing Element contains and proposes numerous violations of the Atherton General Plan, Climate Action Plan, and other planning documents. These violations will have a direct and significant impact and therefore require a complete Environmental Impact Report to address these violations or more properly the removal of the Four Properties at issue in this Response from the proposed Housing Element Sites.

Section: 5.13. Noise:

"Applicable General Plan Goals, Objectives and Policies

Noise Element

Goal N-1: To maintain the serene atmosphere of the Town..."

As previously stated, the amount of noise produced by four, six, eight or ten families, their cars, pets and associated activities in the proximity of our recreational, entertainment and personal privacy zone is by its very nature an unreasonable intrusion on the peace and health of the citizens of Atherton. The inherent nature of Atherton and the General Plan, Goals, Objectives and Policies provides for privacy and tranquility. The noise and relationship of single family neighbor is one thing, however, the relationship and noise producing activities of four to ten or more families in close proximity is by its very nature an unreasonable intrusion which eviscerates the Character of

the Town and violates innumerable other aspects of the Atherton General Plan, Goals, Objectives and Policies. The Four Properties and the lots behind them bordering on Fredrick Avenue are narrow in depth making the noise and privacy intrusion more significant. **Policy N-1.1** “To protect the peace, health and safety of Atherton citizens from unnecessary and unreasonable noise produced by any person....” (emphasis added) is clearly violated by the current proposed Housing Element.

In tacit acknowledgment of the violative condition, **Policy N-1.3** was proposed. This mitigation measure proposes to address complaints about noise violations in the future. By that time irreversible damage has occurred and no reasonable mitigation measures would be able to quell or remove the violation. Based on the irrefutable facts of the anticipated violation, it is clear that for this reason alone the Proposed 2023-2031 Housing Element should remove the Four Properties referenced in this response,

Finally, the Report’s **Noise Impact Discussion for Section: 5.13** which provides the basis for the Report’s proposed **Less Than Significant Impact with Mitigation** does not review, include or reference **“noise produced by any person”** as specifically called for in **Goal N-1.1**. There cannot be a credible finding without acknowledging this condition and thus the Draft Initial Study/Mitigated Negative Declaration for the proposed 2023-2031 Housing Element and Zoning Code report is fatally deficient.

5.14. Population and Housing

The same issues arise in this section as were addressed in Section 5. **Evaluation of Environmental Impacts** and said Response will also address the issues in Section 5.14.

In addition to the above considerations, the findings of 5.14 (a-c) states that the proposed Housing Element would not displace residents nor have any impact directly or indirectly on population growth and would therefore have less than Significant Impact. This is incorrect as with the implementation of the Element, it would displace long term residents whose Quality of life, Privacy, and Character of their neighborhood would be ruined in contradiction to the Town’s stated General Plan and Objective ‘To retain the quality of life, character...existing in the Town’s residential neighborhoods.’ Town Residents would be effectively evicted and displaced. Also, while not substantially inducing population growth for the Town as a whole, the immediate community of the proposed referenced Four Properties would be expected to increase by about 400%. A substantial and devastating change to the present Quality of life and Character of the Neighborhood. Thus, the proposed Less Than Significant Impact is incorrect.

5.17. Transportation and Circulation

5.17(a) (Conflicts with Plans, Policies, Ordinances) This paragraph states that Sam Trans bus routes would serve future additional residents. It is anticipated that the Infill Properties will be benefited by Sam Trans bus service. As stated above, other than one school bus route, there is no bus service on Bay Road or Ringwood Avenue or within a reasonable distance of the Four

Properties. Train service is equally unavailable. This lack of public transportation has a significant impact on the efficacy of the Housing Element and requires responsible mitigation. Also not addressed in the Draft Initial Study/Mitigated Negative Declaration is the additional cut through/pass through traffic in Lindenwood that would arise from the proposed multi-family dwellings on the Four Properties.

5.17(b) (Conflict with 15064.3(b) VMT) The environmental analysis undertaken by the State shows that the Four Properties already exceed the established threshold for vehicle emissions and require mitigation. The response to this currently existing violation, which will be substantially exacerbated under the current proposed 2023-2031 Housing element, calls for methods that do not currently redress the violation. These include walking which is not practical as there is no sidewalk and the planning commission has heard evidence that Atherton Residents living on Bay Road do not feel safe to walk on Bay Road and have requested neighbors on Fredrick Avenue allow them to put in a gate in their back fence to provide walking access off of Bay Road. Also, transit which is non-existent or otherwise unavailable as discussed above. The principal proposed mitigation methods relate to personal behavior modifications which have no certainty of a success to achieve the required mitigated result and the fact that the violation currently exists would indicate these options would not work in the future.

CONCLUSION:

In regards to the Four Properties addressed in this Response; 999 Ringwood Avenue, 352 Bay Road, 318 Bay Road and 296 Bay Road, this Response clearly shows that the Town of Atherton's current proposed 2023-2031 Housing Element violates the Town's General Plan, Goals, Objectives and Policies set in place for the Hosing Element and that the Draft Initial Study/Mitigated Declaration for the proposed 2023-2031 Housing Element omits relevant issues, fails to present saliant facts, reaches incorrect and unsubstantiated conclusions as to many of the sections of the Report. These include; Environmental Impacts, Agricultural and Forestry Resources (Land Use), Air Quality, Hazardous Materials (Noise), Land Use and Planning, Noise, Population and Housing, and Transportation and Circulation. Additional deficiencies may also be raised at later proceedings. For these reasons it is requested that the Four Properties at issue in this Response be removed from the proposed Housing Element Sites of the Town of Atherton proposed 2023-2031 Housing Element. If they are not removed, a complete Environmental Impact Report is required and will be demanded.

**REPLY TO RESPONSE TO COMMENTS ON THE INITIAL
STUDY/MITIGATED NEGATIVE DECLARATION FOR THE
TOWN OF ATHERTON 2023 – 2031 HOUSING ELEMENT
AND ZONING CODE UPDATES**

Dated: August 12, 2024

John and Pamela Riddle
97 Fredrick Avenue
Atherton, CA 94027

This correspondence addresses the proposed inclusion of 999 Ringwood Avenue, 352 Bay Road, 318 Bay Road and 296 Bay Road (the "Properties") in the 2023-2031 Atherton Housing Element. The selection of these homes is arbitrary and capricious. The town undertook an extensive analysis of potential lots in Atherton that would meet the Town's expressly stated Goals, Objectives and Policies. The diligent review by the responsible parties identified 17 such sites that would meet most if not all of the stated objectives. The four properties in question were not included as potential sites in the initial extensive review and selection because they do not meet the mandated criteria and in fact grossly violate most of the enumerated Goals, Objectives and Policies that set the standards for potential inclusion. The 17 properties initially identified as best meeting the Objective Criteria for Multiple-Housing have been removed from consideration. The residents of Lindenwood are only asking for the same consideration as was provided to those properties.

A visit to the site makes it obvious that the said proposed Multi-Housing Units are **not** "...Visually harmonious and compatible with the neighborhood character." The average size home facing Bay road for almost a mile in each direction are single family homes of 1,700 to 2,500 square feet and the properties on Fredrick Avenue abutting the selected properties are about 25% of the approximately 20,000 FAR proposed for these Multi-Family units. The Multi-Unit structures proposed for the Properties would be intrusive, dominating, non-compatible, unharmonious and inconsistent with the neighborhood character. This is similar to putting in four Extended Stay Hotels that are forty feet tall and house ten to fourteen families across the street, adjacent to and overlooking the otherwise scenic, semi-rural residential atmosphere and vision that currently exists in the neighborhood.

The proposed Multi-Home zoning of the Properties violates every standard of Privacy. The immutable right to Privacy that is repeatedly stated in the Town's Charter and that is integral to the nature of Atherton is so grossly violated by the Ten to Fourteen families with a direct sight line into every room on the back of the adjoining neighbors' homes, direct observation of every activity undertaken in their homes, in their back yards and numerous other intrusions on the daily activities of these neighboring properties is abhorrent to the conscience. This is not analogous to a multi-story single family home where one family, that you probably know, lives there. It is much more obtrusive in size and ten to fourteen times more intrusive by the number of families with direct lines of site into your most intimate activities.

The noise arising from these proposed Multi-Dwelling units would reasonably be expected to create 9 to 13 times more noise than the single-family homes that are currently present and which represent and set the standard for the Town's current rural residential character. This offensive intrusion specifically violates the Town's directive to protect the peace and health of Atherton citizens from "...unreasonable noise produced by any Person (or Persons)." The noise generated by ten to fourteen families with their cars, recreation, pets and other daily activities will produce an unconscionable and intrusive level of sound. No amount of vegetative screening or fencing will effectively reduce the unacceptable noise or for that matter reduce the invasion of privacy discussed above.

The additional traffic to the local streets, cross town driving and traffic patterns in the immediate and extended vicinity substantially impairs the safety of children riding their bikes or walking to school. This is a substantial increased hazard. Less life threatening, but still of significant impact, is the vehicle traffic entering and exiting the properties, especially individuals that are trying to turn left onto

Bay Road and/or Ringwood during morning or evening rush hours. Delays, accidents and conflicts are apparent on the face of this proposal.

The properties are already in a High VMT area, and these developments would only exacerbate the already problematic situation. The general courses of action, such as instituting a public transit system, carpooling, bike-sharing or car sharing which have been available but have not been effective to date provides no basis to believe these hypothetical measures would be instituted successfully, or at all, to alleviate the already high vehicle miles traveled on these roads that has already been identified by state and local government or the substantial safety issues.

In Reply to the Town of Atherton Response to Comments on the initial Study/Mitigated Negative Declaration (hereinafter "Response") several additional comments should be addressed.

Aesthetics: The description provided in the Town's Response concerning the Bay Road homes across the street from the Properties does not acknowledge the significant difference in character these multi-family housing structures would provide. These multi-family structures are vastly different in size, height, activity level and are not "visually harmonious" or "compatible" with the Bay Road homes. Further, these proposed multi-family structures are not "visually harmonious" or "compatible" with the Atherton R-1 homes on Fredrick Avenue. The Response also references to other multiple dwellings on Bay Road. This limited number of two-story units are almost 1 mile away from the Properties. They are effectively located at the intersection of Bay Road and Highway 101. This area is not in any way similar to or related to the area of the Properties addressed herein.

Privacy: The Response to the acknowledged invasion of privacy is to use Vegetative Screening and Fencing which is wholly inadequate and does not address the Privacy issue. The criteria referenced does not provide privacy and omits the more important consideration that not one family, but ten to fourteen families have direct sight line to all areas of the adjoining properties. Further attempting to address this acknowledged deficiency by raising sill heights on upper level of non-bedroom windows only means that anyone under four feet in height will have to stand on a step stool to invade the neighbors' privacy. And, the upper floor setbacks only mean the parties will have to not be quite as close when they invade other homeowners' privacy. At the end of the day there are still ten to fourteen families with direct line of site into area homes.

Parking: As to the site parking, the proposed carport enclosed on three sides is illusory. The three-sided structure that would be needed to address two cars per home would be a minimum of 200 to 280 feet long. It would be impossible to fit on the sites. More importantly, the Response does not address the **lack of on-street parking on Bay Road**. Adding that many additional families onto Bay Road without any of the called for on street parking is untenable. Further, the potential for on-street parking on adjoining streets is a call to more dangerous driving, dangerous bicycling and dangerous pedestrian travel, not to mention a substantial degradation of the character of the adjoining areas.

Air Quality/Public Transportation: There is no reasonable access to Public Transportation for the Properties as is mandated in the Town's Climate Action Plan. As previously stated the Response attempts to address this defect by relying upon unspecified courses of action, and other deficient or ineffective actions such as instituting an accessible public transit system, carpooling, bike-sharing or car sharing which have been available but have not been effective to date and there is no reason to believe these hypothetical measures would be instituted successfully, or at all, to alleviate the significant deficiencies in meeting the mandated Goals, Objectives and Policies set forth in the selection for Multi-Family Housing.

Noise: The Response discusses construction noise and trash collection noise. The Negative Declaration and the Response **do not address** the Primary Concern which is the 24 hours a day seven days a week noise and activity associated with ten to fourteen families living in your back yard or even across the street. The inclusion of the Properties in the 2023-2031 Housing Element violates the specifically enumerated Goals, Objectives and Policies for selection of Multi-Unit Housing sites such as maintaining the serene atmosphere of the Town, protecting the peace of Atherton citizens from unnecessary and unreasonable noise produced by any person or persons, preserving the Town's Character and retaining the quality of life existing in the Town's residential neighborhoods. Each and every one of these criteria are grossly violated in the selection of the Properties to be included in the Housing Element Zoning Amendment.

Population Displacement: The response of "Deciding whether to move or relocate is a personal decision for any Town resident" is callous and disingenuous. Making a voluntary decision to move is one thing. However, if after living in a home for 30 years, raising your children in that home, enjoying all of life's treasures in that home and making a conscious decision to stay in that home through your "Golden Years" an arbitrary Government decision causes a complete change in the character of that neighborhood, an intolerable violation of privacy, the presence of intrusive noise and increased traffic all result in a loss of the life you lived, the devaluation of the property you owned and the loss of the future you dreamed of is the reason for being forced to sell that is quite different, and hardly voluntary. It is Inverse Condemnation,

EIR: The Mitigated Negative Declaration does not address many of the deficiencies identified and the proposed Mitigation Measures for many others are on their face deficient. Further, the Draft Housing Element expressly states the Element is consistent with and will not violate the Atherton General Plan, Climate Action Plan or other government documentation. Which is untrue for the reasons discussed above and needs to be addressed in a complete EIR. The inclusion of the Properties raises substantial issues that require complete EIR.

From personal contact I can state that all the residents on Fredrick Avenue, all those residents on Bay Road facing the Properties, numerous other homeowners in Lindenwood, and additional residents on Bay, Ringwood, Del Norte, Almanor and other surrounding streets all strongly object to the proposed Zoning Change of the Properties set forth in the 2023-2031 Housing Element. Also, an owner of one of the Properties has told me that he purchased this home as his forever home and does not intend to sell the property in the 2023-2031 time period. A second owner of one of the Properties is adamantly opposed to the proposed Zoning Change.

For all the above reasons, and numerous others, it is clear that the inclusion of the Properties proposed to be included in the zoning overlay would violate the Atherton General Plan, their stated Goals, Objectives and Policies, Climate Action Plan and other Government standards and should be

removed from the proposed Housing Element. The four properties were not included as potential sites in the initial objective review because they violate most of the enumerated Goals, Objectives and Policies that set the standards for potential inclusion. The 17 properties initially identified as best meeting the Objective Criteria for Multiple-Housing have been removed from consideration. The residents of Lindenwood are requesting the same consideration that was provided to those properties.

Thank you for your consideration.