

### PUBLIC CORRESPONDENCE

The following is public correspondence received by the City Clerk's Office after the posting of the original agenda. Individual contact information has been redacted for privacy. This may *not* be a comprehensive collection of the public correspondence, but staff makes its best effort to include all correspondence received to date.

To send correspondence to the City Council, on matters listed on the agenda please email <u>PublicComment@losaltosca.gov</u>

From:	<u>Janet Hurt</u>
To:	Public Comment
Subject:	PUBLIC COMMENT AGENDA ITEM 3-1/24
Date:	Monday, January 23, 2023 8:07:46 PM

I want to provide comment regarding the medical offices along Altos Oaks and my understanding that they will be converted to multi-family residence. I am very concerned about this transition. We moved to Golden Way so our son can attend Loyola Grammar school and take part in building relationships with the Pediatric Dentistry and Orthodontics, PT Works for physical therapy, and Altos Eye Physicians community. My understanding is these doctor offices will be converted to multi-family residence that will include up to 100 living units. Why would the city close these multi-institutional medical offices and replace them with residential homes? These practices have been around for many decades and serve so many families who depend on these local offices. Where will local residence go once these offices are closed, I would guess that some of the doctor offices will close for good leaving many residences without care as many new doctor offices in Los Altos are not accepting new patients. One of the many reasons we chose to move to Los Altos (Golden Way) was the charm and location of Loyola and a variety of local doctor offices and specialties. This will significantly impact our health care and our reason for living where we do.

The other major concern is the impact to traffic with adding up to 100 living spaces in such a small street – I understand these dwellings can be up to 3 stories which will significantly impact (negatively) living and traveling in and around this area (we live on Golden Way) which will impact parking in and round our house. Given the traffic for Loyola and the local doctor offices, the traffic is manageable as well as parking, I see that significantly changing with the addition of the 100 housing units. This will be a nightmare for all of us living on Golden Way and Altos Oaks – I believe these roads will be a nightmare for all local residents.

I urge you to reconsider and allow the Altos Oaks doctor offices/dentists/specialists to remain on Alto Oaks and that you find a new place to build these housing units. The damage that will be done to this area, the loss of these beloved medical practices, the traffic, noise, and charm will be lost forever. I urge you to stop this plan of closing the beloved medical offices on Altos Oaks and move the 100-unit residential plan to another location in Los Altos.

Kind Regards, Janet Hurt Golden Way Los Altos

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From:	Payal B
То:	Public Comment
Subject:	PUBLIC COMMENT AGENDA ITEM 3 - 1/24/23
Date:	Tuesday, January 24, 2023 11:30:03 AM

The OA district on Altos Oaks Dr should not be rezoned to allow multifamily residential for reasons stated below:

-It will be unsafe for children to access Mckenzie park as the road will be a lot busier. -Each office is proposed to be zoned for 6-7 units, which would mean it could be a multistory. This is a privacy concern for nearby residences.

-The OA district on Altos Oaks Dr doesn't have the infrastructure in terms of roads that lead to it to support the high traffic density that the multifamily residential will cause.

-Payal

#### Hello,

Requesting the City Council to reconsider rezoning of the medical practices along Altos Oaks Dr as part of the Housing Element update. This rezoning not only is a privacy concern for abutting houses but also is a safety issue for children in our neighborhood walking to access Mckenzie park and Loyola Elementary school due to the increased traffic. The traffic currently at Altos Oaks Dr medical offices is just about at a level that is not disruptive to nearby residential areas. Zoning this for multifamily residential or mixed use of offices along with residential will cause huge traffic disruptions. It will make the traffic unmanageable on Altos Oaks Dr and the service road on the other side.

While I truly support affordable housing, urging the City Council to carefully consider the implications of this rezoning and do what is best for the safety of our community. Higher density construction in the downtown areas will allow us to meet the numbers required by the state without causing disruptions to residential neighborhoods.

-Anirban

From:	Shani Kleinhaus
То:	City Council; Public Comment
Cc:	Planning Services; Nick Zornes
Subject:	PUBLIC COMMENT AGENDA ITEM 3 - January 24, 2023
Date:	Tuesday, January 24, 2023 12:13:41 PM
Attachments:	Los Altos Housing element 1-24-23 (2).pdf
	RB2 Comments PreliminaryProjectReview 2100WoodsLane PPR21-0007withAttachment (4) (1).pdf

Dear Mayor Meadows and Los Altos City Council,

The Santa Clara Valley Audubon Society promotes the enjoyment, understanding, and protection of birds and other wildlife by engaging people of all ages in birding, education, and conservation. We work in open space and urban landscape to protect species and their habitats. Because of the great importance of waterways and wetlands to our species, these natural resources are of great importance to our members. As we have previously highlighted, the 2100 Woods Lane property is an important natural feature in Los Altos. It is a place where special status species can be found and is therefore treasured by the community.

We respectfully asks that the City of Los Altos:

Identify in the Mitigated Negative Declaration all waters of the United States, as delineated by the Army Corps of Engineers in the attached letter from Mr. Brian Wines, Water Board Water Resource Control Engineer, Watershed Division, to the City of Los Altos Planning Department.

That Mr. Brian Wines' letter and additional information from the Army Corps of Engineers and California Department of Fish and Wildlife for the creek, wetlands and riparian watershed located on APN 34204089 & 34204078 be included in the City Planning file and shared with people who inquire with City Planning about the 2100 Woods Lane property.

In addition, we ask to be notified of any project applications or CEQA documents that pertain to the 2100 Woods Lane property, at address below.

Thank you,

Shani Kleinhaus, Ph.D. Environmental Advocate Santa Clara Valley Audubon Society 22221 McClellan Rd. Cupertino, CA 95014



To: Mayor Meadows and Los Altos City Council

January 24, 2023

Re: Item 3 on tonight's Agenda: Sixth Cycle Housing Element 2023-2031

Dear Mayor Meadow and Council members,

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- 2) That Mr. Brian Wines' letter and additional information from the Army Corps of Engineers and California Department of Fish and Wildlife for the creek, wetlands and riparian watershed located on APN 34204089 & 34204078 be included in the City Planning file and shared with people who inquire with City Planning about the 2100 Woods Lane property.

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Thank you,

Shani Kleinhaus, Ph.D. Environmental Advocate Santa Clara Valley Audubon Society 22221 McClellan Rd. Cupertino, CA 95014





# San Francisco Bay Regional Water Quality Control Board

March 2, 2022

City of Los Altos Planning Department Attn: Sean Gallegos, Senior Planner (sgallegos@losaltosca.gov)

Subject: Comments on the Preliminary Project Review, 2100 Woods Lane, Application No. PPR21-0007

Dear Mr. Gallegos,

San Francisco Bay Regional Water Quality Control Board (Water Board) staff appreciate the opportunity to provide comments on the preliminary project review for a three story, 177-unit, Residential Care Facility for the Elderly that is proposed for construction at 2100 Woods Lane in the City of Los Altos. We are concerned that the plans for the proposed project that are posted on the City of Los Altos Planning Department website do not acknowledge the presence of a creek channel and freshwater wetlands on the Project site. On April 9, 2019, the U.S. Army Corps of Engineers provided a delineation of waters of the U.S. at the property at 2100 Woods Lane in the City of Los Altos (See Attachment). This delineation identified more than 300 linear feet of a creek channel on the project site and 0.17 acres of associated freshwater wetlands. Please note that, while federal jurisdiction extends to the ordinary high water mark, Water Board jurisdiction extends to the top of bank and California Department of Fish and Wildlife (CDFW) jurisdiction extends to the outer dripline of riparian vegetation at the top of bank.

The Water Board has regulatory authority over wetlands and stream channels under both the federal Clean Water Act (CWA) and the State of California's Porter-Cologne Water Quality Control Act (California Water Code, Division 7). Under the CWA, the Water Board has regulatory authority over actions in waters of the United States, through the issuance of water quality certifications (Certifications) under Section 401 of the CWA, which are issued in conjunction with permits issued by the Corps, under Section 404 of the CWA. When the Water Board issues Section 401 Certifications, it simultaneously issues general Waste Discharge Requirements (WDRs) for the project, under the Porter-Cologne Water Quality Control Act. Activities in areas that are outside of the jurisdiction of the Corps (e.g., isolated wetlands, vernal pools, seasonal streams, intermittent streams, channels that lack a nexus to navigable waters, or stream banks above the ordinary high water mark) are regulated by the Water Board, under the authority of the Porter-Cologne Water Quality Control Act. Activities that lie outside of Corps jurisdiction may require the issuance of either individual or general WDRs.

Under the authority of the Porter-Cologne Water Quality Act, the Water Board has developed, and implements, the San Francisco Bay Basin Water Quality Control Plan JIM McGrath, CHAIR | THOMAS MUMLEY, INTERIM EXECUTIVE OFFICER

(Basin Plan), which defines the Beneficial Uses of waters of the State within the San Francisco Bay Region. Any permit action taken by the Water Board must be consistent with maintaining Beneficial Uses of waters of the State.

The project proponent should not assume that the Water Board will issue permits for the culverting of several hundred linear feet of a creek channel at the project site. When the Water Board receives an application for Certification and/or WDRs, staff reviews the project to verify that the project proponent has taken all feasible measures to avoid impacts to waters of the State (these impacts usually consist of the placement of fill in waters of the State). Where impacts to waters of the State cannot be avoided, projects are required to minimize impacts to waters of the State to the maximum extent practicable (i.e., the footprint of the project in waters of the State is to be reduced as much as possible). Compensatory mitigation is then required for those impacts to waters of the State that cannot be avoided or minimized. Avoidance and minimization of impacts is a prerequisite to developing an acceptable project and identifying appropriate compensatory mitigation for an approved project's impacts. Avoidance and minimization cannot be used as compensatory mitigation. After avoidance and minimization of direct impacts to waters of the State have been maximized for the proposed project, the necessary type and quantity of compensatory mitigation for the remaining impacts to waters of the State are assessed on a case-by-case basis.

Under both the Clean Water Act and the San Francisco Bay Basin Water Quality Control Plan (Basin Plan), projects are required to demonstrate avoidance of impacts to waters of the U.S. and waters of the State, in conformance with U.S. Environmental Protection Agency's CWA 404(b)(1) Guidelines (Guidelines). The Guidelines provide guidance in evaluating the circumstances under which the filling of wetlands or other waters may be permitted. Projects must first exhaust all opportunities, to the maximum extent practicable, to avoid, and then to minimize impacts to jurisdictional waters. For non-water dependent projects, the Guidelines presume that alternatives that do not impact wetlands or other jurisdictional waters are available. Only after all options for avoidance and minimization of impacts have been exhausted, including implementing the project at an alternative location, is it appropriate to develop mitigation for adverse impacts to waters of the U.S. and waters of the State. The project proposes to fill more than 300 linear feet of a creek channel and associated freshwater wetlands for a nonwater dependent project (senior housing). Review consistent with the Guidelines is not likely to support the issuance Certification and/or WDRs for the proposed fill of all jurisdictional waters at the project site.

Even if the Corps, CDFW, and the Water Board were to issue permits for the proposed culverting of the creek and fill of wetlands at the project site, it will be difficult for the project to provide mitigation for the amount of proposed fill of waters of the State. Mitigation for impacts to waters of the State should be "in-kind" mitigation. In other words, fill of creek channels should be mitigated by the creation or restoration of a creek channel. In-kind mitigation for the loss of the creek channel at the project site requires the creation of a minimum of more than 300 linear feet of new creek channel. However, due to the significant uncertainties associated with the creation of a new creek channel,

the actual required amount of linear feet of restored creek channel are likely to be significantly greater than 300 linear feet.

The project will not be able to purchase mitigation credits from a mitigation bank or an in-lieu-fee program. There are currently no mitigation banks with available riparian credits or freshwater wetland mitigation credits that have service areas that include Los Altos. Therefore, permittee-responsible mitigation will be required for fill of waters of the State at the project site.

Acceptable mitigation for fill of waters of the State at the Project site will probably be expensive, including the purchase of a mitigation site with the appropriate size and hydrology to support the creation of a mitigation creek channel. The resource agencies will require that a conservation easement, deed restriction, or other form of restrictive covenant be placed over the property on which the mitigation channel is created.

The design of a geomorphically stable mitigation creek channel is a complex process. Designs acceptable to the resource agencies should be based on the collection of sitespecific data, including, but not limited to: sediment load; bankfull flow elevations and channel cross-section dimensions; and thalweg stability. Such data will be essential to developing a design that could be submitted to the resource agencies for review and approval. Any channel creation would also require significant post-creation maintenance and monitoring. Ten to twenty years of post-construction monitoring may be necessary to properly evaluate the post-creation stability of a 300-foot long, or longer, mitigation creek channel. In addition, contingency measures must be developed so that corrective measures can be rapidly implemented in the event that the created channel proves to be unstable. The project would also need to ensure that adequate funding for contingency measures was available. Any permits issued for the proposed channel fill would probably require that the project proponents provide the resource agencies with a bond containing sufficient funding for the implementation and long-term monitoring and maintenance of contingency measures. And the project proponent would remain financially liable for the mitigation project until the mitigation feature had achieved all of its success criteria. In the event that the mitigation site proves to be unable to meet its success criteria, then the project proponent would be financially responsible for designing, implementing, maintaining, and monitoring an alternate mitigation site.

Please contact me at

if you have any questions.

Sincerely,

Brian K Wines

Brian Wines Water Resource Control Engineer Watershed Division

Attachment: April 9, 2019 Corps Delineation

CC:

Los Altos Planning Department (planning@losaltosca.gov)
SRM Development, LLC, James Rivard
Vijay Israni
Huffman-Broadway Group, Terry Huffman (1
Corps, Katerina Galacatos
CDFW, Kristin Garrison (
Santa Clara Valley Audubon Society, Shani Kleinhaus
Richard Probst
Agnes Derbin Caulfield



#### DEPARTMENT OF THE ARMY SAN FRANCISCO DISTRICT, U.S. ARMY CORPS OF ENGINEERS 450 GOLDEN GATE AVENUE SAN FRANCISCO, CALIFORNIA 94102

**Regulatory Division** 

April 9, 2019

Subject: File No. 2015-00285S

Mr. Terry Huffman Huffman-Broadway Group, Inc. 828 Mission Avenue San Rafael, California, 94538

Dear Mr. Huffman:

This correspondence is in reference to your submittal of 10-18-2018, on behalf of Blue Creek Capital LLC, requesting a preliminary jurisdictional determination of the extent of navigable waters of the United States and waters of the United States occurring on an approximately 9 acre site located along the end of Woods lane, in the City of Los Altos, Santa Clara County, California, at center latitude 37.201399°N and longitude -122.043990°W.

All proposed discharges of dredged or fill material occurring below the plane of ordinary high water in non-tidal waters of the United States; or below the high tide line in tidal waters of the United States; and within the lateral extent of wetlands adjacent to these waters, typically require Department of the Army authorization and the issuance of a permit under Section 404 of the Clean Water Act of 1972, as amended, 33 U.S.C. § 1344 *et seq*.

The enclosed delineation map titled "Preliminary Jurisdictional Determination, # 2015-00285S, 2100 Woods Lane," in one sheet and date certified 4-2-2019, depicts the extent and location of wetlands and other waters of the United States, within the boundary area of the site that **may be** subject to U.S. Army Corps of Engineers' regulatory authority under Section 404 of the Clean Water Act. This preliminary jurisdictional determination is based on the current conditions of the site, as verified during a field investigation of 10-18-2018, a review of available digital photographic imagery, and a review of other data included in your submittal. While this preliminary jurisdictional determinations, it may be subject to future revision if new information or a change in field conditions becomes subsequently apparent. The basis for this preliminary jurisdictional determination is fully explained in the enclosed *Preliminary Jurisdictional Determination Form*. You are requested to sign and date this form and return it to this office within two weeks of receipt.

You are advised that the preliminary jurisdictional determination may **not** be appealed through the U.S. Army Corps of Engineers' *Administrative Appeal Process*, as described in 33 C.F.R. pt. 331 (65 Fed. Reg. 16,486; Mar. 28, 2000). Under the provisions of 33 C.F.R Section 331.5(b)(9), non-appealable actions include preliminary jurisdictional determinations since they

are considered to be only advisory in nature and make no definitive conclusions on the jurisdictional status of the water bodies in question. However, you may request this office to provide an approved jurisdictional determination that precisely identifies the scope of jurisdictional waters on the site; an approved jurisdictional determination may be appealed through the *Administrative Appeal Process*. If you anticipate requesting an approved jurisdictional determination at some future date, you are advised not to engage in any on-site grading or other construction activity in the interim to avoid potential violations and penalties under Section 404 of the Clean Water Act. Finally, you may provide this office new information for further consideration and request a reevaluation of this preliminary jurisdictional determination.

You may refer any questions on this matter to Keith Hess of my Regulatory staff by telephone at (707) 443-0855 or by e-mail at keith.d.hess@usace.army.mil. All correspondence should be addressed to the Regulatory Division, North Branch, referencing the file number at the head of this letter.

The San Francisco District is committed to improving service to our customers. My Regulatory staff seeks to achieve the goals of the Regulatory Program in an efficient and cooperative manner while preserving and protecting our nation's aquatic resources. If you would like to provide comments on our Regulatory Program, please complete the Customer Service Survey Form available on our website:

http://www.spn.usace.army.mil/Missions/Regulatory.aspx.

Sincerely,

Thist then for

Katerina Galacatos Acting Chief, Regulatory Division

Enclosures

Copy Furnished (w/ encl): Attn; Mr. Nitesh Singh Blue Creek Capital LLC 4160 Technology Dr. Fremont, California 94538

# Appendix 2 - PRELIMINARY JURISDICTIONAL DETERMINATION (PJD) FORM

### BACKGROUND INFORMATION

## A. REPORT COMPLETION DATE FOR PJD: April 2, 2019

**B. NAME AND ADDRESS OF PERSON REQUESTING PJD:** Terry Huffman, Huffman-Broadway Group, 828 Mission Avenue, San Rafael, California, 94901

### C. DISTRICT OFFICE, FILE NAME, AND NUMBER:

San Francisco District, 2100 Woods Lane, Los Altos, 2015-00285S

### D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION: (USE THE TABLE BELOW TO DOCUMENT MULTIPLE AQUATIC RESOURCES AND/OR AQUATIC RESOURCES AT DIFFERENT SITES)

State: California County/parish/borough: City: Los Altos

Center coordinates of site (lat/long in degree decimal format): Lat: 37.20139 N ° Long: -122.043990 Universal Transverse Mercator:

Name of nearest waterbody: Stevens Creek and Permanente Creek

## C. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

- Office (Desk) Determination. Date:
- Field Determination. Date(s): 10-18-2018

### TABLE OF AQUATIC RESOURCES IN REVIEW AREA WHICH "MAY BE" SUBJECT TO REGULATORY

Site number	Latitude (decimal degrees)	Longitude (decimal degrees)	Estimated amount of aquatic resource in review area (acreage and linear feet, if applicable)	Type of aquatic resource (i.e. wetland vs. non-wetland waters)	Geographic authority to which the aquatic resource "may be" subject (i.e. Section 404 or Section 10/404)
SW 1	37.20'17.71"	-122.04'39.33"	0.027	Seasonal wetland	Section 404
SW2	37.20'12.62"	-122.04'40.09	0.147	Seasonal wetland	Section 404
IS	37.20'07.08	-122.04'40.36"	314 lineal Feet	Natural & Culverted Stream Channel	Section 404

- The Corps of Engineers believes that there may be jurisdictional aquatic resources in the review area, and the requestor of this PJD is hereby advised of his or her option to request and obtain an approved JD (AJD) for that review area based on an informed decision after having discussed the various types of JDs and their characteristics and circumstances when they may be appropriate.
- 2) In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an AJD for the activity, the permit applicant is hereby made aware that: (1) the permit applicant has elected to seek a permit authorization based on a PJD, which does not make an official determination of jurisdictional aquatic resources; (2) the applicant has the option to request an AJD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an AJD could possibly result in less compensatory mitigation being required or different special conditions; (3) the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) undertaking any activity in reliance upon the subject permit authorization without requesting an AJD constitutes the applicant's acceptance of the use of the PJD; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a PJD constitutes agreement that all aquatic resources in the review area affected in any way by that activity will be treated as jurisdictional, and waives any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an AJD or a PJD, the JD will be processed as soon as practicable. Further, an AJD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331. If, during an administrative appeal, it becomes appropriate to make an official determination whether geographic jurisdiction exists over aquatic resources in the review area, or to provide an official delineation of jurisdictional aquatic resources in the review area, the Corps will provide an AJD to accomplish that result, as soon as is practicable. This PJD finds that there "may be" waters of the U.S. and/or that there "may be" navigable waters of the U.S. on the subject review area, and identifies all aquatic features in the review area that could be affected by the proposed activity, based on the following information:

#### SUPPORTING DATA. Data reviewed for PJD (check all that apply)

Checked items should be included in subject file. Appropriately reference sources below where indicated for all checked items:
$oxedsymbol{\boxtimes}$ Maps, plans, plots or plat submitted by or on behalf of the PJD requestor:
Мар:
$oxedsymbol{\boxtimes}$ Data sheets prepared/submitted by or on behalf of the PJD requestor.
$oxed{\boxtimes}$ Office concurs with data sheets/delineation report.
☐ Office does not concur with data sheets/delineation report. Rationale:
□ Data sheets prepared by the Corps:
Corps navigable waters' study:
U.S. Geological Survey Hydrologic Atlas:
USGS NHD data.
$\Box$ USGS 8 and 12 digit HUC maps.
☐ U.S. Geological Survey map(s). Cite scale & quad name:
□ Natural Resources Conservation Service Soil Survey. Citation:
□ National wetlands inventory map(s). Cite name:
□ State/local wetland inventory map(s):
EMNFIRM maps:
$\Box$ 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
🗌 Photographs: 🛛 Aerial (Name & Date): <u>Google</u>
or Other (Name & Date):
Previous determination(s). File no. and date of response letter:
Other information (please specify):

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Signature and date of Regulatory staff member completing PJD

Signature and date of person requesting PJD (REQUIRED, unless obtaining the signature is impracticable)<sup>1</sup>

<sup>&</sup>lt;sup>1</sup> Districts may establish timeframes for requester to return signed PJD forms. If the requester does not respond within the established time frame, the district may presume concurrence and no additional follow up is necessary prior to finalizing an action.



