



Yana Garcia
Secretary for
Environmental Protection



Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
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Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

December 28, 2022

Mr. Nick Zornes
City of Los Altos
1 North San Antonio Road
Los Altos, CA 94022
NZornes@losaltosca.gov

MITIGATED NEGATIVE DECLARATION FOR CITY OF LOS ALTOS 2023-2031
HOUSING ELEMENT UPDATE – DATED NOVEMBER 2022
(STATE CLEARINGHOUSE NUMBER: 2022110605)

Dear Mr. Zornes:

The Department of Toxic Substances Control (DTSC) received a Mitigated Negative Declaration (MND) for the City of Los Altos 2023-2031 Housing Element Update (Project). The Lead Agency is receiving this notice from DTSC because the Project includes one or more of the following: groundbreaking activities, work in close proximity to a roadway, presence of site buildings that may require demolition or modifications, importation of backfill soil, and/or work on or in close proximity to an agricultural or former agricultural site.

DTSC recommends that the following issues be evaluated in the Hazards and Hazardous Materials section of the MND:

1. A State of California environmental regulatory agency such as DTSC, a Regional Water Quality Control Board (RWQCB), or a local agency that meets the requirements of [Health and Safety Code section 101480](#) should provide regulatory concurrence that project sites are safe for construction and the proposed use.
2. The MND acknowledges the potential for historic or future activities on or near the project site to result in the release of hazardous wastes/substances on the project site. In instances in which releases have occurred or may occur, further studies should be carried out to delineate the nature and extent of the

contamination, and the potential threat to public health and/or the environment should be evaluated. The MND should also identify the mechanism(s) to initiate any required investigation and/or remediation and the government agency who will be responsible for providing appropriate regulatory oversight.

3. Refiners in the United States started adding lead compounds to gasoline in the 1920s in order to boost octane levels and improve engine performance. This practice did not officially end until 1992 when lead was banned as a fuel additive in California. Tailpipe emissions from automobiles using leaded gasoline contained lead and resulted in aerially deposited lead (ADL) being deposited in and along roadways throughout the state. ADL-contaminated soils still exist along roadsides and medians and can also be found underneath some existing road surfaces due to past construction activities. Due to the potential for ADL-contaminated soil DTSC, recommends collecting soil samples for lead analysis prior to performing any intrusive activities for the project described in the MND.
4. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's 2006 [Interim Guidance Evaluation of School Sites with Potential Contamination from Lead Based Paint, Termiticides, and Electrical Transformers.](#)
5. If any projects initiated as part of the proposed project require the importation of soil to backfill any excavated areas, proper sampling should be conducted to ensure that the imported soil is free of contamination. DTSC recommends the imported materials be characterized according to DTSC's 2001 [Information Advisory Clean Imported Fill Material.](#)
6. If any sites included as part of the proposed project have been used for agricultural, weed abatement or related activities, proper investigation for organochlorinated pesticides should be discussed in the MND. DTSC recommends the current and former agricultural lands be evaluated in accordance with DTSC's 2008 [Interim Guidance for Sampling Agricultural Properties \(Third Revision\).](#)

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DTSC appreciates the opportunity to comment on the MND. Should you need any assistance with an environmental investigation, please visit DTSC's [Site Mitigation and Restoration Program](#) page to apply for lead agency oversight. Additional information regarding voluntary agreements with DTSC can be found at [DTSC's Brownfield website](#).

If you have any questions, please contact me at (916) 255-3710 or via email at Gavin.McCreary@dtsc.ca.gov.

Sincerely,

A handwritten signature in blue ink that reads "Gavin McCreary". The signature is fluid and cursive, written over a light gray horizontal line.

Gavin McCreary
Project Manager
Site Evaluation and Remediation Unit
Site Mitigation and Restoration Program
Department of Toxic Substances Control

cc: (via email)

Governor's Office of Planning and Research
State Clearinghouse
State.Clearinghouse@opr.ca.gov

Mr. Dave Kereazis
Office of Planning & Environmental Analysis
Department of Toxic Substances Control
Dave.Kereazis@dtsc.ca.gov

From: [Shree Dharasker](#)
To: [Nick Zornes](#)
Cc: [Michael Martin](#)
Subject: [External Sender]Notice of Intent to Adopt the draft Initial Study/Mitigated Negative Declaration
Date: Thursday, December 29, 2022 6:24:02 PM

Dear Mr. Zornes,

The Santa Clara Valley Water District (Valley Water) has reviewed the Draft Initial Study/Mitigated Negative Declaration (IS/MND) for the City of Los Altos (City) 2023-2031 Housing Element Update, and has the following comments:

1. The Draft Housing Elements states that water supply for residential growth required by the City's share of the Regional Housing Needs Assessment is accounted for in Cal Water's 2020 Urban Water Management Plan. The Urban Water Management Plan assumes a substantial increase in water conservation to meet this goal. Valley Water encourages the City to help meet this goal by requiring all available water conservation measures in new development and redevelopment. Valley Water has been working with jurisdictions throughout the county on a Model Water Efficient New Development Ordinance that the City may consider to ensure there are sufficient water supplies into the future.
2. In addition to water conservation, another element of the county's water supply portfolio is natural groundwater recharge, which is precipitation that infiltrates into the groundwater in the recharge areas of the basin. Within these areas, water from the surface passes through permeable sands and gravels to benefit water supply aquifers. Los Altos is in the recharge area of the Santa Clara Subbasin. Natural groundwater recharge has declined over the last 100 years as impermeable surfaces within the built environment have increase stormwater runoff and limit infiltration of precipitation. Precipitation that once supported the groundwater basin through natural recharge is now removed through stormwater infrastructure to San Francisco Bay. As noted in the Hydrology section, most new development and redevelopment is subject to stormwater quality requirements. Some of the methods used to meet these requirements work by retaining stormwater on the site for infiltration, which can support natural groundwater recharge. However, other methods focus primarily on stormwater quality and do not necessarily support recharge. To address the long-term cumulative impact to natural groundwater recharge, Los Altos should require development to include stormwater measures that retention stormwater on-site to maintain, and in where possible cases, increase natural groundwater recharge and protect groundwater quality.
3. Ensuring an adequate water supply to support existing and future development is one of the key priorities for Valley Water. To help achieve this common goal, Valley Water is available to coordinate with Los Altos regarding water conservation efforts, updated water demand management opportunities, flood protection, and understanding the impacts from anticipated growth.

4. The City Housing Element Update lists proposed sites for redevelopment. Development Plans should be consistent with Valley Water's Guidelines and Standards for Land Use Near Streams. Elements to consider are setbacks for environmental purposes, including enhancements for trail purposes and for flood protection benefits. Valley Water strongly advocates for maximizing vegetation area to enhance the riparian corridor by increasing setback from creek top of bank to any hardscape, roadways, or parking areas associated with the development.
5. Sites selected for redevelopment should be outside FEMA Flood Zones to provide adequate flood protection.

Please forward future environmental documents when available for public comment and review. If you have any questions or need further information, you can reach me by email at sdharasker@valleywater.org or by phone at (408)630-3037. Please reference File # 27532 with any correspondence.

Shree Dharasker
Associate Engineer Civil
Community Projects Review Unit
(408)630-3037