6.2.2 Recirculated Portions of Draft EIR Comment Letters – Organizations

COMMITTEE FOR
GREEN FOOTHILLS

July 24, 2018

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Re: Comments on Stanford 2018 General Use Permit Draft EIR – Recirculated Portions

Dear David,

This constitutes the comments of the Committee for Green Foothills on the Recirculated Portions of the Stanford 2018 General Use Permit (GUP) Draft Environmental Impact Report (DEIR). Please note that Committee for Green Foothills has previously provided oral comments on the DEIR at the community meetings held by the County on October 19, 2017 and January 23, 2018. We reiterate those comments in this letter and provide new comments on the new Recirculated Portions of the DEIR. 1

Permanent Supermajority Vote Requirement on Academic Growth Boundary

To reiterate our oral comments on the DEIR, we believe that the supermajority vote requirement on any changes to the Academic Growth Boundary (AGB), which currently expires in 2025, should be made permanent. The AGB was established in the Stanford Community Plan in 2000. The Community Plan requires that 4 out of 5 Supervisors vote to approve to move, change or abolish the AGB up until the year 2025. After that point, a simple majority is all that would be required to change the AGB or to allow development outside of that boundary.

The DEIR recognizes that the AGB is "the primary mechanism for promoting compact urban development and resource conservation on the Stanford campus." DEIR, p. 5.10-5. As with the Urban Growth Boundaries that have been adopted by many California cities, the AGB serves to unequivocally delineate the boundary line of where urban growth stops and open space begins. These boundaries protect against the incessant pressure of creeping sprawl that destroys open space and conservation lands, increases the cost of providing services to such sprawling development, and worsens air pollution and greenhouse gases through the increased traffic that low-density, dispersed development creates. The State of California has identified preservation of natural lands as an important element of meeting the state's climate change goals, and has declared that natural lands should be maintained as a carbon sink in order to combat climate change. 2

Santa Clara County's General Plan states that the unincorporated county area is not the place for intense development uses. Cities, if they want to annex unincorporated land in order to grow beyond their boundaries, must apply to Santa Clara County LAFCO, the agency which is required to weigh the importance of preserving open space and agricultural lands and the ill effects of sprawl on both open space and efficient delivery of services, before approving any annexation request. Since Stanford is not under the jurisdiction of LAFCO or any other independent body whose mission is to examine these impacts, it becomes more than ever important that the safeguards against approval of sprawling development in the foothills is higher than a simple majority of the 5-member Board.

There is no reason why the 4/5 vote requirement should not be made permanent. Such a requirement would in no way prohibit eventual changes to the AGB, should 4 out of 5 future Supervisors determine that this would be of benefit to the County and the community. Merely, it places a slightly higher level of scrutiny on such a decision. We also note that Stanford has stated in their Application for the 2018 GUP that any of the growth scenarios they have considered for development through the year 2035 (the life of the GUP) can be accommodated within the AGB. For these reasons, we believe the supermajority vote requirement should be made permanent.

2 cont.

Comments on Project Alternatives Analysis

We appreciate the County's analysis of the two additional project alternatives (Additional Housing Alternatives A and B), as well as the added analysis of the environmental consequences of off-campus housing under the proposed Project. This analysis shines a much-needed light on the fact that construction of job-creating development such as commercial or industrial facilities (or, in this case, academic and academic support facilities) inevitably results in traffic and air quality impacts not just directly from the development in question, but also indirectly from the housing demand that would be created. It is clear from the County's analysis that the proposed Project's amount of academic and academic support development (2.275 million square feet) will create demand for approximately 5,699 new housing units, whether those units are located on campus, off-campus in nearby cities, or even outside the Bay Area entirely. Although building this new housing on or near campus will reduce the impacts related to daily commute trips, this reduction is itself reduced by Stanford's TDM program and by the fact that for residential units with more than one working occupant, unless all members of the household work on the Stanford campus there will be daily commute trips by residents living on the Stanford campus but working elsewhere. And as the DEIR acknowledges, residential development creates a multitude of local vehicle trips for purposes other than commuting to work. "A campus resident travels between the campus and other destinations for a variety of purposes, including shopping, dining out, religion, clubs and activities, recreation and exercise, entertainment, socializing, daycare, school, and off-campus employment." DEIR 2-377 (Recirculated Portions).

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It is clear from the County's analysis that not only are the impacts of the proposed Project (and the housing demand that would be created by the Project) greater than our region's transportation infrastructure is capable of accommodating, but the same is true of Alternative A and Alternative B, as well as of the No Project/Individual Use Permits Alternative and the Historical Preservation Alternative. The only alternative evaluated in the DEIR that will not result in an unjustifiable rate of growth is the Reduced Project Alternative, which includes only 1.3 million square feet of academic development. However, because the Reduced Project Alternative does not include sufficient housing to accommodate the demand it creates, **the DEIR must again be revised to include an analysis of the impacts of that housing demand.**

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Decades of unbalanced jobs/housing development in Silicon Valley have led to a situation where housing is both scarce and too expensive for the average resident to afford. This has resulted in Silicon Valley's workers relocating to the East Bay, southern Santa Clara County, and even outside the Bay Area entirely in order to find housing within their budget. The result is not only a housing crisis but also clogged freeways and hours-long commute times. Stanford faculty, staff, and support services, as well as Stanford Hospital and medical staff, have all been impacted by this increasingly unbalanced jobs/housing ratio.

What the DEIR demonstrates is that the solution cannot be merely to continue with the pattern of exploding commercial development while attempting to solve our housing and traffic problems by increasing the amount of local housing built. As the DEIR shows, the result of that strategy would be even greater traffic with its accompanying air quality and greenhouse gas impacts, as well as cumulative impacts on parks, urban services, schools, and the like. To protect the environment and preserve quality of life in Santa Clara County, it is necessary to slow down the rapid rate of commercial development that has been prevalent in recent years. This includes reducing the rate of academic and academic support development on the Stanford campus.

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Given this context, Stanford's asserted goal for the Project of maintaining its historic annual growth rate (DEIR p. 3-2) is unrealistic, both in terms of the historic growth rate for academic and academic support facilities and for student and faculty housing. There is no environmentally responsible way for the GUP to include the proposed 2.275 million square feet of academic and academic support facilities when, as the analysis in Alternatives A and B demonstrates, this development will create demand for 5,699 new housing units that will then create significant and unavoidable new environmental impacts. The DEIR acknowledges this fact in the section on "Environmental Consequences of Off-Campus Housing." DEIR p. 2-7 (Recirculated Portions). Whether those housing units are located on campus or off, or whether they are considered part of the Project or not, those impacts will still exist; and it is the County's responsibility to its residents to consider the result on the environment and quality of life. Therefore, the Project, Alternative A, and Alternative B all suffer from the same fundamental flaw: the amount of academic and academic support development is too high. 6

However, the Reduced Project Alternative, though it proposes only 1.3 million square feet of academic and academic support facilities, fails to provide sufficient housing to accommodate that level of academic development. Although the DEIR does not identify what the increased housing demand would be from the Reduced Project Alternative's level of academic development, based on the fact that the Project's 2.275 million square feet would create demand for 5,699 new housing units/beds, it is clear that the 1,800 units/beds included in the Reduced Project Alternative will not be sufficient to accommodate its 1.3 million square feet of academic development. 7

For this reason, the County must evaluate a new project alternative – one that will include the Reduced Project Alternative's lowered level of academic development, but that will include the creation of housing (on-campus or off-campus) to accommodate the increased housing demand.

Thank you for your consideration of these comments.

Sincerely,

Alice Kaufman
Legislative Advocacy Director, Committee for Green Foothills

6.2.2.1 Responses to Comments from Committee for Green Foothills

RO-CGF-1 The comment is acknowledged.

RO-CGF-2 No changes to the existing Academic Growth Boundary (AGB) location, the established duration of existence of the AGB, or existing policies protecting open space lands outside the AGB, are proposed under either the 2018 General Use Permit or additional housing alternatives. Please see also Master Response 5: Project Description, Topic 2: Scope of Proposed Project and Analysis. The comments noting the environmental benefits of urban growth boundaries and compact urban development are acknowledged. The supermajority vote issue is not related to a physical environmental impact that must be addressed under CEQA.

RO-CGF-3 The Committee's comments regarding the inclusion of the Additional Housing Alternatives A and B are acknowledged.

RO-CGF-4 Regarding the request for the reduced academic development of the Reduced Project Alternative in conjunction with increased housing, please see Master Response 8: EIR Alternatives, Topic 2: Additional Detail on Potential Alternatives, *Variations on the Reduced Project Alternative*. CEQA does not require multiple variation of the alternatives to be considered. *Village Laguna of Laguna Beach Inc. v. Board of Supervisors of Orange County* (1982) 134 Cal.App.3d 1022, 1028. Also, please note that the Recirculated Potions of Draft EIR did recognize that all alternatives evaluated in detail, other than the No Project alternatives, would have significant and unavoidable environmental impacts related to the construction and/or operation of off-site housing. See revised Table 7-4 on page 2-472.

The Project's housing demand is a socioeconomic issue that is not an environmental impact under CEQA; nevertheless, the indirect physical environmental impacts associated with meeting that housing demand are an environmental impact analyzed in the Draft EIR and Recirculated Portions of the Draft EIR. See Master Response 1: Non-CEQA Comments, Master Response 8: EIR Alternatives, Topic 1: CEQA Requirements for Alternatives, and Alternatives Evaluated in the EIR, and Master Response 10: Affordable Housing, Topic 1: Affordable Housing Need.

RO-CGF-5 The comment generally discusses effects of the job/housing imbalance in Silicon Valley, including to the Stanford population within and outside the General Use Permit area associated with increased traffic, air quality and greenhouse gas impacts, and cumulative impacts on parks, urban services and schools. These comments do not specifically address the adequacy of the Draft EIR or Recirculated Portions of Draft EIR. However, please refer to Draft EIR Sections 5.2 Air Quality, 5.7 Greenhouse Gases, 5.13 Public Services,

5.15 Recreation, and 5.16 Utilities and Service Systems for how Project and cumulative impacts on these topics were addressed; and similar analysis is conducted for the additional housing alternatives in Sections 7.4.4 and 7.4.5 in the Recirculated Portions of Draft EIR.

The comment expresses a need for a reduced rate of commercial development, including academic and academic support development on the Stanford campus to protect the environment and quality of life. Please see discussion of Variations on the Reduced Project Alternative in Master Response 8: EIR Alternatives, Topic 2: Additional Detail on Potential Alternatives.

RO-CGF-6 The Draft EIR and Recirculated Portions of the Draft EIR address all significant environmental impacts associated with the Project proposed by Stanford and additional housing alternatives, and identify alternatives and mitigation measures to avoid or reduce the Project's impacts to the extent feasible. See also response to Comment RO-CGF-5. What level of development should be approved is a matter for the County Board of Supervisors to determine when it considers the Project.

RO-CGF-7 Please see the response to comment RO-CGF-4, above.

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July 23, 2018

via electronic mail

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Re: PAUSD Comments on Recirculated Portions of Draft EIR (SCH# 2017012022) for Stanford University 2018 General Use Permit

Dear Mr. Rader:

Our firm represents the Palo Alto Unified School District (PAUSD) in connection with the Environmental Impact Report (EIR) for Stanford University's 2018 General Use Permit application.

As stated in the February 1, 2018 letter from PAUSD Interim Superintendent of Schools Karen Hendricks regarding the Draft EIR, the entirety of which is incorporated by reference as though fully set forth in this letter, PAUSD is one of the premier school districts in the United States, and it values both its ongoing partnership with Stanford University and also its role in serving Palo Alto, the Stanford University Campus, and portions of Los Altos hills and Portola Valley by providing high-quality K-12 education for the community's children. 1

To that end, PAUSD appreciates that the County has provided opportunities to comment on the original Draft EIR for Stanford's project and the recirculated portions of the Draft EIR, which were revised in response to public comments and concerns regarding the project and the original Draft EIR (Recirculated Draft EIR).

Unfortunately, the revisions discussed in the Recirculated Draft EIR do not correctly identify the scope of the project's potential impacts, properly mitigate the project's impacts, or fully inform the public and public agencies like PAUSD about the project's potential environmental effects. As more fully explained below, the Draft EIR, as revised and partially recirculated, remains legally inadequate. Accordingly, PAUSD requests that the County revise the Draft EIR to identify and mitigate all of the project's environmental impacts and that the County recirculate the entire Draft EIR so that the public has the opportunity to understand and meaningfully comment on the project's environmental effects. 2

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I. New Impact 5-17 obfuscates the Project's scale and impacts.

When "significant new information" is added to an EIR after the draft document is circulated, the California Environmental Quality Act (CEQA) requires the lead agency to recirculate the Draft EIR. (CEQA Guidelines § 15088.5(a).) "Significant new information" requiring recirculation includes the identification of new significant environmental impacts or when the draft EIR is "so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded." (*Id.* at § 15088.5(a)(1)-(4).) When revisions only affect one portion of an EIR, the lead agency is only required to recirculate the portions of the draft that are affected by the revisions. (*Id.* at 15088.5(c).)

One of the reasons the County determined to recirculate portions of the Draft EIR is because it identified a new, previously undisclosed significant impact. Starting on page 2-7, the recirculated Draft EIR describes a new Environmental Impact related to the "Environmental Consequences of Stanford Providing Off-Campus Housing under the Proposed Project." Impact 5.17-1, which is identified as significant and unavoidable, simply concludes that "the construction and/or operation of off-site housing would result in off-site environmental impacts." (Recirculated Draft EIR, p. 2-7.)

The Recirculated Draft EIR says that Stanford proposes to develop some unspecified amount of affordable housing within one-half mile of "any major transit stop . . . in the Bay Area," concluding that the impacts associated with this development would most directly and "disproportionally" affect Palo Alto, Menlo Park, and Mountain View. (*Id.*) Despite acknowledging this fact, the Recirculated Draft EIR makes no effort to quantify the effect this planned housing would have on any of the three identified communities. In the place of analysis, the Recirculated Draft EIR recites policies and impacts from the three cities' recent general plan updates. (*Id.* pp. 2-8 to 2-12.)

This approach precludes any meaningful form of public review or comment on the scope of the impacts, and is "so fundamentally and basically inadequate and conclusory in nature" that the Recirculated Draft EIR must be revised and recirculated in its entirety. (CEQA Guidelines § 15088.5(a)(4).) Identifying that Stanford's project would result in "environmental impacts" is not a substitute for disclosing and analyzing those impacts themselves. The Recirculated Draft EIR leaves readers to guess how much housing is actually proposed under the project, where such housing would be developed, and what effect such housing would have on the sixteen environmental impact areas discussed in the Draft EIR.

In essence, Impact 5.17-1 modifies the project description, because it changes the nature, scope, and scale of the project; however, it does so without providing any detail as to what are those precise changes. This approach violates CEQA's requirement that every EIR include a reasonably definite project description. "An accurate, stable and finite project description is the *sine qua non* of an informative and legally sufficient EIR." (*Washoe Meadows Community v. Department of Parks and Recreation* (2017) 17

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Cal.App.5th 277, 287; citing *County of Inyo v. City of Los Angeles* (1977) 71 Cal.App.3d 185, 192-193.) Without an adequate project description and corresponding analysis of the specific environmental impacts of a project, the EIR fails to include relevant information and "precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process." (*Washoe Meadows Community* 17 Cal.App.5th at 290.)

Therefore, to comply with CEQA, the County must revise the Draft EIR so that it discloses more details regarding Stanford's plan for off-campus housing in the project description. Then those details must be used as the basis for updated environmental analysis throughout the EIR, and the full document should be recirculated for public review.

3 cont.

II. Mitigation Measure 5.17-1 is vague and unenforceable.

The Recirculated Draft EIR adds a new mitigation measure, Mitigation Measure 5.17-1, in an attempt to address Impact 5.17-1. (Recirculated Draft EIR, p. 2-12.)

Even if Impact 5.17-1 were a legitimate category of impact to discuss, the mitigation offered is so vague and indefinite that it amounts to improperly deferred mitigation. Any mitigation measures included in an EIR must be "fully enforceable through permit conditions, agreements, or other measures" to reduce the significance of an impact. (*Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal. App. 4th 1252, 1261.) Mitigation Measure 5-17.1 does not include any of these mechanisms to ensure it is enforceable. Instead, it says other local governments "can and should" mitigate the impacts caused by the project's off-campus housing development. This amounts to an improper deferral of mitigation, and an abdication of the responsibility to identify and incorporate feasible mitigation that would reduce a projects impacts in an EIR.

Mitigation Measure 5.17-1 should be replaced with some definite action or actions that the County or Stanford can take that are enforceable and would reduce the severity of the project's impacts related to off-campus housing development, and the EIR should be recirculated.

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III. The two new alternatives distract from the public's ability to comment on the Project and Stanford's development plans.

In addition to discussing Impact 5.17-1, the Recirculated Draft EIR introduces two new alternatives: an increased on-campus housing option and an increased off-campus housing option. As discussed above, the project itself has not been revised to specify what level of off-campus development is associated with the project, so it is unclear how to evaluate how these two alternatives compare with the project itself.

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By providing hundreds of pages of new information on alternatives, but not fully describing the project itself, the Recirculated Draft EIR improperly "presents the public with a moving target and requires a commenter to offer input on a wide range of alternatives that may not be in any way germane to the project ultimately approved." (*Washoe Meadows Community* 17 Cal.App.5th at 288.)

When the EIR is revised and recirculated as requested above, it should be clearer about what development scenarios are feasible and acceptable to Stanford so that it is not necessary to review different sets of impacts, requiring different mitigation measures, for projects with vastly different approaches and development footprints that may never come to fruition.

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IV. The EIR understates current and future school enrollment impacts.

The Recirculated Draft EIR makes the same mistake the Draft EIR made by relying on outdated student generation rates to project future PAUSD school enrollment demand created by Stanford's development. (Recirculated Draft EIR p. 2-161.) As discussed in PAUSD's February 1, 2018 letter regarding the Draft EIR, current student generation rates range from 0.66 to 0.98 students per household, depending on the type of housing being developed.

Because the housing proposed as part of the project and the alternatives in the Recirculated Draft EIR focus on graduate student, faculty, and staff housing (groups that tend to have school age children), it is appropriate to use the 0.98 student generation rate, which would provide a conservative estimate of the extent of the environmental impacts. At a minimum, a student generation rate of 0.66 should be used, although this could cause environmental impacts to be undisclosed or understated. The Recirculated Draft EIR uses an even lower figure: a student generation rate of 0.5. (Recirculated Draft EIR p. 2-161.) This lower figure understates future enrollment demand by almost 50 percent, and every attendant impact – from the need to new facilities to the traffic associated with taking twice as many students to school – is also correspondingly understated.

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Accordingly, the EIR should be revised to disclose the project's and the alternatives' actual impact on PAUSD facilities and related impacts using more recent and accurate enrollment projection data.

V. The EIR does not attempt to fully mitigate impacts related to school operations.

Throughout the Draft EIR and the Recirculated Draft EIR, analysis of school impacts are dismissed as being less than significant because Stanford would commit to paying the school impact fees required by Government Code section 65996. (*See, e.g.*, Recirculated Draft EIR pp. 2-160 to 2-162 and 2-363 to 2-366.) It is correct that the Government Code caps development fees, and that the collection of such fees is

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adequate mitigation for CEQA purposes regarding impacts on school facilities and the need to develop new school facilities. However, the EIR must still examine environmental impacts that affect school operations but are not directly related to the need for new school facilities. (*See Chawanakee Unified School Dist. v. County of Madera* (2011) 196 Cal.App.4th 1016, 1029.)

For example, the two schools that would serve development on Stanford campus, Escondido Elementary and Nixon Elementary, have capacities of 595 and 460 students, respectively. For the 2017-2018 PAUSD academic year, Escondido Elementary enrolled 537 students, and Nixon Elementary enrolled 441 students. Potentially, new students could be accommodated at Barron Park Elementary, which has capacity for 380 students and a current enrollment of 255 students. However, sending students from the Stanford campus to Barron Park Elementary, which is further from campus and not a "neighborhood school," would directly contravene PAUSD Board Policy 7110 (BP 7110).

BP 7110 calls for PAUSD to "provide sufficient capacity so new student residents and siblings have predictable and routine access to neighborhood schools." In addition, BP 7110 says that PAUSD shall "plan and preserve educationally effective school sizes throughout the district that promote positive student connections and community, strengthen adult-student relationships, and build a sense of individual belonging in the schools." PAUSD places a high value on this policy and historically has made efforts to maintain a connection between a child's place of residence and place of education. For example, following the development of Stanford's University Terrace residential project, Barron Park Elementary had the most capacity for new enrollment, but it is further from the development than Nixon Elementary. Rather than reassigning existing students, disrupting their connections to school, or forcing new students to travel outside their neighborhood to attend school, PAUSD absorbed the new students into Nixon Elementary, bringing it even closer to capacity.

7 cont.

Moreover, reassigning students to schools outside of their residential neighborhoods would likely result in secondary environmental impacts. For example, shifting students from Escondido Elementary or Nixon Elementary to Barron Park Elementary would require students to cross Page Mill Road, exacerbating traffic impacts (and the attendant noise, greenhouse gas, and air quality impacts) and creating safety concerns by increasing the potential for traffic accidents involving pedestrians. The Recirculated Draft EIR claims that PAUSD could "reactivate" other existing school sites or use school properties leased to other providers, including the Ventura site, to meet the demand created by new students. (Recirculated Draft EIR p. 2-161.) As an initial matter, the Ventura site is not owned by PAUSD, and the EIR should be corrected to reflect this fact. Furthermore, none of the sites or schools listed in the Recirculated Draft EIR are located in the neighborhoods where new development is proposed. Even if it were feasible to use sites identified in the Recirculated Draft EIR, assigning children to schools outside of their neighborhoods would result in the same increase in traffic, noise, greenhouse gas, and air quality impacts discussed above. Despite these

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facts, the Recirculated Draft EIR makes no effort to address these secondary impacts, even though case law makes clear that "these types of impacts to the nonschool physical environment are caused *indirectly* by the project and should be considered in the EIR." (*Chawanakee Unified School Dist.* 196 Cal.App.4th at 1029.)

8 cont.

Similarly, the Recirculated Draft EIR makes no effort to address how development fees would be used or analyze the environmental effects associated with developing new PAUSD facilities that would be required to serve Stanford's development. In order to maintain PAUSD neighborhood enrollment standards, for every 400-500 new elementary students generated by Stanford, PAUSD would need to construct an additional neighborhood school, with each school requiring a three to four-acre site. New schools would need to be carefully sited to ensure they serve neighborhoods where they are needed and maintain effective classroom sizes in accordance with BP 7110, but their development would be sure to influence traffic patterns, increasing vehicle miles traveled throughout the City and associated impacts such as greenhouse gas emissions and air quality. However the Recirculated Draft EIR ignores the secondary potential environmental impacts associated with this new development that would be needed as a direct result of Stanford's development.

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In addition to failing to discuss the indirect environmental effects of the project or the alternatives, the Recirculated Draft EIR ignores Stanford's impact on PAUSD's ongoing operations. Using the conservative student generation rate of 0.98 discussed above, the 2,892 additional units created under Additional Housing Alternative A would result in 2,834 additional students enrolling in PAUSD (nearly twice as much as the Recirculated Draft EIR discloses). The cost of educating these additional students generated by Stanford's development would exceed $51 million per year, maintaining PAUSD's current expenditure per student. PAUSD is a "basic aid" school district, and so it get very limited state funding; its operations are essentially funded directly by property taxes in Palo Alto. Much of Stanford's development is on land that is exempt from paying property tax, yet the EIR and other project documentation is silent regarding how PAUSD and the people of Palo Alto can be expected to educate the incoming students created by Stanford's development while maintaining the level of excellence for which PAUSD is known.

Therefore, the EIR must be revised to include analysis of the project's environmental effects and recirculated so that the public has the opportunity to consider and comment on the development's full range impacts.

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As demonstrated throughout this letter, the Recirculated Draft EIR does not yet provide a legally adequate analysis of the project's or the alternatives' environmental effects. The EIR must be revised to clarify what Stanford intends to develop, disclose the full nature of the project's impacts, and include legally adequate mitigation for those impacts.

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We hope that the EIR can be revised to address these concerns and recirculated so that decision-makers and the public can understand the true impacts of the Stanford's proposal before deciding to support its approval.

11 cont.

Thank you for your consideration.

Very truly yours,

KAREN M. TIEDEMANN

cc: Palo Alto Unified School District Board of Trustees
Dr. Don Austin, Superintendent

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6.2.2.2 Responses to Comments from Goldfarb & Lipman LLP

RO-Goldfarb-1 These introductory comments are acknowledged.

RO-Goldfarb-2 These general comments are acknowledged. Responses to specific comments on the adequacy of the environmental analysis are provided below.

RO-Goldfarb-3 Stanford is not proposing to construct off-campus housing needed to accommodate off-campus housing demand as part of its Project. Rather, the need for off-campus housing to meet off-campus housing demand is an indirect impact of the proposed Project, as fully described in the Draft EIR's discussion of Impact 5.12-1.

The comment also mischaracterizes the text on page 2-7 of the Recirculated Portions of Draft EIR. This text does not say that "Stanford proposes to develop some unspecified amount of affordable housing within one-half mile of 'any major transit stop . . . in the Bay Area." Rather, the text states: "With respect to affordable housing, Stanford proposes that affordable housing impact in-lieu payments made under the proposed 2018 General Use Permit would support development of affordable housing within one-half mile of any major transit stop or a high-quality transit corridor in the Bay Area." Thus, Stanford is simply proposing that the County consider expanding the potential use of in-lieu affordable housing fees it collects from Stanford beyond the current 6-mile radius. Please also see Master Response 10: Affordable Housing, Topic 5: Geographical Distribution of Affordable Housing Funds.

The Recirculated Portions of Draft EIR in Impact 5.17-1 recognizes that off-campus housing demand would contribute to the regional long-term demand for housing in the Bay Area. It is likely that various Bay Area jurisdictions will respond to this regional, long-term demand by approving new market rate and affordable housing projects proposed by private developers. Construction of those housing developments will, in turn, result in environmental impacts, and those environmental impacts, in part, could be characterized as indirect environmental impacts of the 2018 General Use Permit even though their nature and extent cannot be determined. As Impact 5.17-1 states, "[f]or purposes of this EIR, the impacts associated with the demand for off-site housing units are being analyzed as indirect impacts of the Project."

Although assumptions can be made regarding the locations of future off-campus housing, these assumptions are speculative. CEQA does not require the EIR to discuss impacts that are too speculative for evaluation. The demand for off-site housing is an economic and social effect of a project. CEQA provides that such economic and social impacts should be considered to the extent it is foreseeable that they indirectly will result in physical environmental impacts. Such indirect environmental impacts should only be

evaluated in an environmental impact report if they are reasonably foreseeable. On the other hand, indirect environmental impacts that are speculative need not be analyzed in an EIR. See, e.g., *National Parks & Conservation Association v. County of Riverside* (1996) 42 Cal.App.4th 1505, 1520 (project description for landfill need not include future materials recovery facilities whose location was not known, and that would be approved by other public agencies); CEQA Guidelines Section 15145.

The sufficiency of an EIR is reviewed in light of what is reasonably feasible. CEQA Guidelines Section 15151. An EIR is not required to predict environmental consequences when future development is unspecified and uncertain. See *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 1032. A lead agency can make reasonable assumptions based on substantial evidence about future conditions without guaranteeing that those assumptions will remain true. *Id*. at 1036.

The Draft EIR (page 5.12-17) estimates that the demand for housing generated by full buildout of the proposed 2018 General Use Permit will exceed the on-campus housing that Stanford has proposed to provide by approximately 2,425 units. Based upon substantial evidence that includes forecasts prepared by the Association of Bay Area Governments, the Draft EIR determines that the demand for off-site housing due to the 2018 General Use Permit is expected to be subsumed within the overall expected demand for over 500,000 new units in the Bay Area over the next two decades. The demand for off-site housing associated with Stanford's growth is expected to be broadly distributed throughout the Bay Area: roughly 52 percent in Santa Clara County, 27 percent in San Mateo County, 10 percent in Alameda County, 8 percent in San Francisco, and the remaining 3 percent in other areas. See Draft EIR pages 5.12-17 through 20; Recirculated Portions of Draft EIR page 2-7. Within each county, this increment in housing demand might be felt among many individual cities and unincorporated areas. See Draft EIR Table 5.12-11.

Data and analytic methods do not exist to forecast with a reasonable level of certainty the specific locations, configurations and types of new housing projects that might be approved and constructed in the Bay Area over the next 20 years in response to the expected region-wide demand for such housing. As a result, it is not feasible to quantify the environmental impacts that might result from development of this housing, and any attempt to characterize them beyond the general information that has been provided in the Draft EIR and Recirculated Portions of Draft EIR would be speculative. Further, because it is also not possible to forecast which of the particular future housing projects in the region might absorb the 2018 General Use Permit's off-site housing demand, the indirect environmental effects that might be associated with this housing demand are even more remote and speculative. Every new housing

development in the Bay Area conceivably could house Stanford affiliates. The specific environmental impacts that might be associated with new housing that would absorb the off-site housing demand generated by the 2018 General Use Permit are not quantified in the Draft EIR or the Recirculated Portions of Draft EIR because it is not feasible to do so.

Under these circumstances, it was appropriate for the Draft EIR to make reasonable assumptions based on substantial evidence about where off-campus housing might be located, and to present a general discussion of what the impacts of such housing might be. Impact 5.17-1 discusses two indirect environmental impacts generally likely to be associated with future housing development in the Bay Area. The Recirculated Portions of Draft EIR observes that the potential impacts of developing housing in "the cities of Palo Alto, Menlo Park, and Mountain View provide a representative analysis of the indirect impacts that would more broadly occur among the Bay Area jurisdictions." In other words, Section 5.17-1 summarizes the expected indirect impacts of new housing development, in general, in these three jurisdictions as typifying indirect impacts of the development of new housing in the many other Bay Area jurisdictions that could be affected by future regional housing demand, including Stanford-generated housing demand. See Recirculated Portions of Draft EIR at page 2-12. The discussion, which is based upon EIRs prepared by these cities for their recent general plan updates, identifies two types of significant indirect environmental impacts – impacts to air quality and transportation – and explains that those impacts should be common to other jurisdictions where housing growth will occur. The discussion of Impact 5.17-1 does not attempt to quantify or analyze other potential environmental impacts of future housing developments because such an evaluation would not be feasible given the absence of information relating to the location, type, and configuration of such housing developments. The impacts of such future housing developments can only be identified and assessed if and when specific projects are proposed, and that evaluation has to be based on their specific characteristics, and conducted by the jurisdictions considering them for approval at that time. Such impacts are necessarily site- and project-specific, and an analysis of such impacts cannot reasonably be undertaken removed from such a context. Further, although Impact 5.17-1 generally discusses impacts associated with population growth in these communities, sufficient data and analytic methods do not exist to reliably predict how much of this population and associated housing growth would be indirectly "caused" by the proposed Project. It is important to note that every jurisdiction in the Bay Area that considers approving new housing projects during the life of the 2018 General Use Permit will be required by law to evaluate the environmental impacts specific to those projects and impose all feasible mitigation measures for any significant environmental impacts that are identified. This is equally true for any affordable housing that might be supported through the County-Administered Stanford Affordable Housing

Fund. Any jurisdictions that consider applications for such housing will be required to comply with CEQA by evaluating the environmental impacts of those projects and imposing all feasible mitigation measures for any significant impacts that are identified.

RO-Goldfarb-4 As explained in the Recirculated Portions of Draft EIR (page 1-1), the purpose for including Housing Alternatives A and B was to help the public and County decision makers understand the environmental implications of requiring Stanford to provide higher levels of on-campus housing to partially or fully satisfy the Project's housing demand.

With respect to mitigating the potential environmental effects associated with off-campus housing demand (either from the proposed Project or Housing Alternatives A and B), the County can only commit to and enforce feasible mitigation measures that are within its responsibility and jurisdiction. However, the County is highly unlikely to be the lead agency for housing projects in other jurisdictions. Mitigation Measure 5.17-1 recognizes the legal requirement that all cities and counties that consider and approve new housing must comply with CEQA's mitigation requirements, and this is so for both developments that might absorb some of the housing demand associated with the 2018 General Use Permit as well as any housing that might be supported by an affordable housing fund to which Stanford contributes. Specific mitigation measures cannot be proposed in this EIR for undefined future housing projects that may be considered and approved in the future by any number of Bay Area jurisdictions, in currently unknown locations. For this reason, Mitigation Measure 5.17-1 recognizes that the agencies that consider and approve such projects in the future can and should require mitigation for their impacts, as they are required to do by CEQA. In this instance, the County in its CEQA findings may properly find that those measures are within the responsibility and jurisdiction of another agency, and that such measures can and should be adopted by such other agency. CEQA Guidelines Section 15091(a)(2).

The discussion of Impact 5.17-1 recognizes that, given uncertainties in the specific location and type of off-campus housing, it is also uncertain if feasible mitigation would exist to reduce all significant environmental impacts to a less-than-significant level. Further, the County cannot require or guarantee that the numerous potential local governments with jurisdiction over off-campus housing projects would implement mitigation measures that are proposed by the County or are included in or required by those jurisdictions' General Plan EIRs. For these reasons, the impact was determined to be significant and unavoidable.

Please also see response to Comment RO-Goldfarb-3, above.

RO-Goldfarb-5 The proposed Project was not revised by the Recirculated Portions of Draft EIR. Stanford is not proposing to construct off-campus housing needed to accommodate off-campus housing demand as part of its Project. Rather, the need for off-campus housing to meet off-campus housing demand is an indirect impact of the proposed Project, as fully described in the Draft EIR's discussion of Impact 5.12-1. Please see Response to Comment RO-Goldfarb-3, above.

The County has determined that the additional housing alternatives evaluated in the Recirculated Portions of the Draft EIR are potentially feasible, although they would not necessarily meet all of the project objectives. The CEQA treatise, *Practice Under the California Environmental Quality Act*,[1] explains the differing factors that come into play at different stages in the environmental review process:

> *Feasibility of alternatives is considered at two stages in the process and differing factors come into play at each stage. When selecting alternatives for an EIR, the lead agency's task is to identify a range of alternatives that will satisfy basic project objectives while reducing significant impacts. Alternatives that are not at least "potentially feasible" are excluded at this stage because there is no point in studying alternatives that cannot be implemented or that will not succeed. [Citations.] In contrast, at the project approval stage, it is up to the agency's decisionmakers to weigh the relative advantages and disadvantages of the project and the alternatives examined in the EIR. The result is a decision either to approve the project or adopt one of the alternatives. The agency makes this decision after weighing environmental factors together with the entire range of legal and policy considerations relevant to the action on the project. A decision to reject the alternatives in favor of the project is referred to as a determination that the alternatives are found to be infeasible. [Citations.]*

At the project approval stage of the process, whether the alternatives are fully consistent with all of the project objectives is not of primary concern. Nor is there any requirement under CEQA to disclose the acceptability to a project applicant of project alternatives or other development scenarios. The purpose of providing the additional housing alternatives is to assist the public and decision makers in understanding the environmental implications of constructing higher levels of housing on the Stanford campus, and to allow the County the option to select one of these alternatives at the conclusion of the CEQA process. Please also see responses to comments RA-PA-4, RA-PA-12, RO-Goldfarb-3, and RO-Goldfarb-4.

1 Kostka et. al., *Practice Under the Environmental Quality Act* (Continuing Education of the Bar 2d Edition 2017), Section 15.09 at. p. 15-16.

The format of the Recirculated Portions of Draft EIR fully complies with CEQA Guidelines requirements. CEQA Guidelines Section 15088.5(c) provides that if a Draft EIR revision is limited to a few chapters or portions of the EIR, the lead agency need only recirculate the chapters or portions that have been modified. Revised Table 7-4 on page 2-472 compares the impacts of the proposed Project with the impacts of the additional housing alternatives.

RO-Goldfarb-6 Please refer to Master Response 12: Public Schools, Topic 1: Student Generation Rate and Enrollment Forecasts which explains why the 0.50 student generation rate is considered conservative for use in the Draft EIR and Recirculated Portions of Draft EIR.

RO-Goldfarb-7 As discussed in Draft EIR, Recirculated Portions of the Draft EIR, and further, in Master Response 12: Public Schools in this Response to Comments Document, there are specific state statutory provisions pertaining to school impacts and mitigation that preempt local requirements.[2] These specific statutory provisions provide "the exclusive methods of considering and mitigating impacts on school facilities,"[3] and are "deemed to provide full and complete school facilities mitigation."[4] Consequently, the County does not have authority to require Stanford to pay additional fees, dedicate land, or comply with any other requirements associated with increased school enrollment.

Nevertheless, the EIR analyzes all reasonably foreseeable impacts of the Project on the physical environment, including in the vicinity of PAUSD schools, and mitigates any significant environmental impacts to the extent feasible. Based on information in the EIR, and supplemental PAUSD enrollment forecast information, sufficient capacity in PAUSD elementary, middle and high school categories would likely exist to accommodate new students that would be generated by either the proposed Project or the additional housing alternatives over the course of the proposed 2018 General Use Permit.

The EIR concludes that the Project and additional housing alternatives would not result in a substantial adverse project or cumulative impact associated with the provision of new or altered public school facilities, the construction of which would cause significant environmental impacts, and consequently, the impact was determined to be less than significant. Consequently, there is no basis for analyzing impacts of potential future school construction, or secondary impacts associated with the speculative potential for PAUSD to reassign students to another school or schools, based on policy (as opposed to physical capacity) reasons. The EIR does, however, discuss potential options the PAUSD has for accommodating future students, and acknowledges that any potential

2 Government Code Sections 65995, 65996. Section 65996(b) prohibits cities and counties from denying approvals of land use projects on the basis of inadequate school facilities.
3 Government Code Section 65996(a).
4 Government Code Section 65996(b).

expansion and/or construction undertaken by PAUSD would be subject to environmental review under CEQA.

RO-Goldfarb-8 It would be speculative to assume that student growth associated with Housing Alternatives A and B would necessitate increases in the number of students crossing City of Palo Alto streets. Please see Response to Comment RO-Goldfarb-7, above, Master Response 12: Public Schools, and Master Response 13: Transportation and Traffic, Topic 10: Bicycle and Pedestrian Analysis.

Regarding the comment that the Ventura site is not owned by PAUSD, the comment is acknowledged. Please see Chapter 2 in this Response to Comments Document for clarifying text that PAUSD maintains an agreement with the City of Palo Alto that allows PAUSD the right to repurchase the Ventura site for educational purposes. This revision does not change any conclusions in the EIR.

RO-Goldfarb-9 Please refer to Response to Comment RO-Goldfarb-7, above. CEQA does not require the County to engage in speculation regarding how PAUSD might use the school impact fees it collects. Regardless, the EIR concludes that the Project (see Impacts 5.15-4 and 5.15-7) and additional housing alternatives (see Section 7.4.4, Impacts 7A.13-4 and 7A.13-7 for Additional Housing Alternative A; and Section 7.4.5 Impacts 7B.13-4 and 7B.13-7 for Additional Housing Alternative B) would not result in a substantial adverse project or cumulative impact associated with the provision of new or altered public school facilities, the construction of which would cause significant environmental impacts, and consequently, the impact was determined to be less than significant. Accordingly, no significant Project or cumulative impacts to traffic, air quality or greenhouse gas associated with a new or expanded school are identified in the EIR.

RO-Goldfarb-10 As discussed in Master Response 12: Public School, Topic 1: Student Generation Rate and Enrollment Forecasts, the use of a 0.50 student generation rate for the Project and additional housing alternatives is conservative and appropriate for use in this EIR. Accordingly, the EIR conservatively estimates a PAUSD student enrollment increase of 1,446 students for Additional Housing Alternative A. Please also see response to comment RO-Goldfarb-9.

The County acknowledges that lost property tax revenues can substantially affect local jurisdictions and school districts, including the County. Property tax assessment methods are governed by state law and, together with school district budget issues, are not within the scope of environmental review under CEQA.

None of the issues identified this letter, or County responses to this letter, constitute significant new information that would trigger Draft EIR recirculation under CEQA Guidelines Section 15088.5(a). Thus, recirculation of the Draft EIR on the issues raised by the comments is not warranted. See also Master Response 4: Environmental Review Process, Topic 2: EIR Recirculation.

RO-Goldfarb-11 As discussed in the responses above, the Draft EIR and Recirculated Portions of the Draft EIR adequately disclose all significant environmental impacts associated with the proposed Project and additional housing alternatives. Further, as discussed above, recirculation of the Draft EIR on the issues raised by the comments is not warranted.

Recirculated DEIR Comments

Stanford Coalition for Planning an Equitable 2035 (SCoPE 2035)

July 26th, 2018

The Stanford Coalition for Planning an Equitable 2035 is a group of students that have been advocating for equitable outcomes from the General Use Permit (GUP) process. The group has been working with SEIU 2007, the labor union on campus that represents directly employed workers. SCoPE has primarily advocated for equitable outcomes in the areas of housing, transportation, labor provisions, and GHG emissions.

The Stanford Coalition for Planning an Equitable 2035 (SCoPE 2035) has reviewed the recirculated analysis for the two additional Housing Alternatives. While we are very encouraged by the serious consideration of alternatives that will create more housing options for staff and workers on campus, we are concerned by some of the assumptions and conclusions made in the updated report that may skew public perception and the future evaluation of these alternatives. We have provided our comments and concerns below.

1

Sincerely,

SCoPE 2035

1) **The updated transportation impact analysis relies on aggregated trip generation rates and questionable assumptions that lead to misleading VMT calculations.**

First, much of our concern with the analysis stems from the method used to extrapolate trip counts for staff and students that are moved to campus under the two Housing Alternatives. This applies both to the trip generation rates during peak commute periods used to determine local traffic impacts (see Table 2-1 Recirculated Appendices ALT-TIA pg. 6) and the daily trip generation rates used to determine VMT impacts (see Recirculated Appendices ALT-VMT pg. 3). In the former, faculty and staff are given the same peak hour rates of 0.430 during the AM peak hour and 0.450 during the PM peak hour, while in the latter, faculty, staff, and post docs are all given the same daily trip generation of 7.89 per day. These numbers will almost surely yield an inaccurate picture of the impacts under the two Housing Alternatives. The majority of the shifted population will be staff members, while the surveyed population used to derive the trip generation rates were likely predominantly faculty. We suspect that there are a number of reasons why staff may have different travel behaviors from faculty, including income and work hour flexibility differences. Therefore, we believe that disaggregation of trip generation rates is necessary.

2

Second, we are concerned about some of the assumptions made in the VMT calculations. It is puzzling that the same HBO and HBW trip lengths are used for students, staff, and faculty,

3

despite drastically different travel behaviors between the groups. While Palo Alto is perhaps geographically the closest comparison to determine these figures from the 2012 California Household Transportation Survey, there are seemingly many differences in travel needs, particularly among staff members. In addition, it seems strange that the HBW adjustment for residential VMT applies only to graduate and undergraduate students, and not to staff, faculty, or post docs. We recommend that the Stanford Transportation Survey be used to determine similar adjustments for these other categories.

3 cont.

Third, the comparison with the other project alternatives presented in the analysis creates misleading conclusions. In particular, it suggests that the FO alternative will increase residential VMT by 15%, while the HO alternative will increase residential VMT by 9% (Recirculated DEIR ALT-VMT pg. 9). This is not a fair comparison, however, because these scenarios include the VMT from non-Stanford members living in Stanford residences, which were not accounted for in the initial analysis. It must be underscored that both of these alternatives will certainly *decrease* regional VMT. While under these alternatives Stanford will take on some of the VMT that would otherwise be attributed to other jurisdictions, on the whole there will be transportation and greenhouse gas benefits from these alternatives. Although we recognize that proximity to transit exempts the project from this VMT analysis in the first place, these analysis results still weigh heavily in the public discussion, and it is important that this context not be forgotten.

4

2) Contrary to claims made in the recirculated DEIR, the two housing Alternatives would be in line with the goals of the GUP project.

The DEIR claims that “Additional Housing Alternative A would fail to achieve the primary project objective to develop the campus in a manner that reflects Stanford’s historical growth rates and the growth assumptions in Stanford’s approved Sustainable Development Study”, presumably referring to the following project objective from the General Use Permit Application:

> “Enable Stanford to meet its needs to accommodate increasing enrollment and balance academic and academic support space growth with student housing growth by authorizing new and expanded student housing units/beds at a growth rate from 2018 through 2035 that is consistent with Stanford’s historic annual growth rate for student housing, not including the unique Escondido Village Graduate Student Residences Project.”

5

First, we notice that this project objective is centered around student housing units/beds and says nothing about faculty, staff, or worker housing. Given that the University already plans to build enough units to house undergraduates and most graduate students, the additional units required by Housing Alternative A would primarily be for faculty, staff, and workers. We fail to

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understand how providing additional housing for these populations expands the student housing growth rate beyond historical growth rates.

However, if the intended spirit of the project objective is not properly reflected in the General Use Permit Application and the University hopes to keep all housing growth rates constant, we would like to note that this project objective then comes into conflict with other project objectives. Specifically:

> Continue to implement the policies of the Stanford Community Plan, including policies promoting compact urban development, housing, single-occupant vehicle trip reduction, resource conservation, and health and safety.
>
> Continue to allow Stanford flexibility to develop its lands within a framework that minimizes potential negative effects on the surrounding community ("flexibility with accountability").

The new **significant and unavoidable** impact 5.17-1 discussed in the Recirculated Draft states that "Under the proposed Project, the construction and/or operation of off-site housing would result in off-site environmental impacts." The County finds that the 2018 General Use Permit is expected to result in demand for 2,425 off-site housing units, generating significant air, transportation, and greenhouse gas impacts in surrounding jurisdictions. Furthermore, though housing market impacts are not legally required to be studied under CEQA, it is reasonable to say that the additional demand for off-site housing units will further exacerbate the housing crisis, causing further negative impacts as rising prices push Bay Area residents out surrounding communities. Therefore, allowing the 2018 General Use Permit to move forward as is conflicts with Stanford's stated desire to "promot[e] compact urban development, housing, single-occupant vehicle trip reduction, resource conservation, and health and safety" and "develop its lands within a framework that minimizes potential negative effects on the surrounding community". 5 cont.

Along these lines, we fail to understand what the County means when it says:

> "This alternative also would also not fully achieve the following more specific project objectives to: continue to allow Stanford flexibility to develop its lands within a framework that minimizes potential negative effects on the surrounding community; enable Stanford to meet its needs to accommodate increasing enrollment and balance academic and academic support space growth with student housing growth by authorizing new and expanded student housing units/beds at a growth rate from 2018 through 2035 that is consistent with Stanford's historic annual growth rate for student housing, not including the unique Escondido Village Graduate Student Residences Project; and prioritize use of

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campus lands within unincorporated Santa Clara County for academic and academic support facilities, student housing, and faculty housing,"

5 cont.

We urge the County to clarify which of the clauses listed it is specifically referring to and provide reasoning as why.

Finally, with regards to the Stanford University Sustainable Development Study growth rates: the Sustainable Development Study examines hypothetical development under three growth rates, with the more aggressive rate being 5 million square feet of development between 2018 and 2035. Housing Alternative A would add an additional 2.5 million square feet of development in addition to the planned 2.275 million square feet. Therefore, even with the additional units of Housing Alternative A, the University would still fall within the range of growth studied by the Sustainable Development Study.

If this is not the case, we would also like it noted that the Sustainable Development Study explicitly states that: "This Study is not a development proposal. It is a planning exercise required by the Stanford Community Plan that sets the stage for ongoing dialogue that will continue to shape campus growth as development proceeds under the General Use Permit and as additional development is considered in the future. Actual development proposals will continue to be evaluated for their environmental and policy impacts by the County of Santa Clara." The intention of the Study is to confirm that Stanford is following the requirements set by the 2000 GUP, not to inform or bind the 2018 GUP. We encourage that the County follow the guidelines set in the Development Survey, evaluating the General Use Permit on its "environmental and policy impacts".

6

3) At a broader level, we are concerned that the updated analysis will lead the public to a false choice between housing and transportation impacts.

Beyond these technical details, it is also important to acknowledge the impact this report has on the larger conversation surrounding the GUP. Stanford is proposing to bring thousands of additional faculty and workers to campus -- that is happening as part of the GUP regardless of whether they build more housing. And right now, Stanford is promising only a fraction of them housing, passing the burden onto local neighborhoods and jurisdictions. The Recirculated DEIR rightfully recognizes this on its own will have significant and unavoidable impacts on our community, let alone the many other impacts that are simply not considered by the DEIR. Without more on-campus housing, Stanford's growth will acutely increase housing demand in local areas: we will see house prices continue to rise. More people will become homeless, be forced to live in their vehicles or to leave town because of untenable rents. Weighing this severe impact against traffic concerns, it certainly appears that having Stanford provide housing to

7

reduce pressure on local communities is the best option. Stanford is an experienced developer with the available land to provide housing for all of its workers, as well as students and faculty. Traffic impacts are important, but they can be mitigated quite easily by bolstering existing TDM programs administered by Stanford. Ultimately, it will be easier for the University to mitigate traffic impacts caused by either of the Housing Alternatives than it will be to mitigate the significant and unavoidable housing impacts caused by the proposed project (5.17-1). 7 cont.

4) Finally, we object strongly to the arguments made by Stanford in response to this updated analysis.

Throughout the public comment process, Stanford University has argued against the two Additional Housing Alternatives. In this letter, we have already addressed Stanford's concerns that fully internalizing housing impacts would increase local traffic (see section 1) and surpass historical student growth rates (see section 2). Here, we will respond to two other arguments made by the University: that additional housing will alter campus character, and that Stanford already does its fair share as an employer.

First, Stanford has said that additional housing will alter campus character by "disrupting" academic activity, displacing recreational facilities, and increasing building density and height. In reality, as stated earlier, Stanford's own inadequate housing policy has already changed the nature of campus and surrounding neighborhoods. Workers battling hours-long commutes or living in RVs on El Camino Real have degraded Stanford's visual appeal, as well as their own health. The University's veiled complaints about higher buildings and increased density are in fact protests against including and adequately providing for all Stanford employees and affiliates. 8

Providing staff, workers, and students with access to housing on campus will enrich our community rather than disrupt it. It will increase opportunities for intergenerational and interdisciplinary learning. This would fulfill the University's mission to foster outstanding and collaborative learning environments, not only for its students but also for faculty and staff.

Second, Stanford has repeatedly argued against fully mitigating its housing impacts by pointing to its current affordable housing contributions. Specifically, they have cited the University's affordable housing fund payments and the fulfillment of Santa Clara County RHNA requirements with Stanford graduate student housing. SCoPE maintains that counting Stanford graduate student residences as low-income units is an inappropriate and misleading practice. These units are only available to Stanford-affiliated graduate students, many of whom are dependents of above-moderate income families despite the fact that they have small earnings while in graduate school. That Stanford now argues these units should exempt them from providing 9

Recirculated DEIR Comments

Stanford Coalition for Planning an Equitable 2035 (SCoPE 2035)

low-income housing for their low-wage workers shows that this is a dangerous policy. Stanford should be required to build units that prioritize its low-income staff and workers, not just graduate students alone.

Additionally, Stanford's current $56 million contribution to local affordable housing falls far short of the $325 million need identified in the County's nexus study. Stanford's current and past contributions to affordable housing should not enable them to escape their ongoing responsibility to mitigate their impact on the local housing market.

9 cont.

6.2.2.3 Responses to Comments from Stanford Coalition for Planning an Equitable 2035 (SCoPE 2035)

RO-SCOPE-1 Due to the lack of specificity in this comment, no specific response is possible. However, please see responses to individual comments, below.

RO-SCOPE-2 The available data collected for the Draft EIR (see Appendix TIA) do not suggest that occupancy of campus housing by staff would result in substantially different trip generation rates compared to occupancy by faculty. Many of the trips generated by faculty/staff residential units would be generated by other family members living in that housing. The faculty/staff housing trip generation rates used in the Draft EIR and Recirculated Portions of Draft EIR are based on data collected from driveways at the existing faculty/staff housing at multiple locations on campus. The data collection for the faculty/staff residential vehicle trip rates included single-family and multi-family units. The Stanford residential daily trip rate falls within the range of residential rates presented in the Institute of Transportation Engineers (ITE) Trip Generation Manual, 9th Edition (ITE, 2012), which identifies trip generation rates for single-family and multi-family housing. Therefore, the data are representative of vehicle trip rates associated with this type of housing, regardless of who occupies the units. ITE recommends using surveyed trips rates when available, which is why the traffic impact and vehicle miles traveled (VMT) analyses in the both the Draft EIR and Recirculated Portions of Draft EIR used the trip rates surveyed on the campus for faculty/staff housing.

RO-SCOPE-3 The Residential Daily VMT analysis accounts for different behavior between faculty/staff and students that live on the Stanford campus. The analysis takes into account the types of trips that would be made internal to the campus and external into the community. In terms of trip lengths, the home-based work (HBW) trip length for Stanford affiliates living on-campus was assumed to be, on average, one mile. For home-based other (HBO) trips, it was assumed that Stanford residents' trip length for non-work trips would be the same as the trip lengths for HBO trips in the surrounding community.

One unique aspect of the Stanford student population is that the majority of their trips off campus would be HBO trips rather than work-related trips. For residents of Palo Alto, 24 percent of the home-based trips are work related, but for students, most trips off-campus would be non-work trips. Therefore, an adjustment factor was applied to reduce the number of HBW trips by students and to increase the number of HBO trips. The HBW trip adjustment applied to graduate and undergraduate students reflects that the majority of student vehicle trips are made off campus for purposes other than work. The distinction between the graduate and undergraduate HBW adjustments reflects that a portion of the graduate students have spouses who work off-campus. Therefore, the specific adjustment for graduate students is based on the proportion of spouses to

graduate students. No similar adjustment was made to the faculty housing since trip generation factors already account for internal and external work trips.

These characteristics are described in the Residential Daily VMT table of Appendix VMT of the Draft EIR. See specifically Appendices A, B, & C of the report. The Residential Daily VMT table includes a note that columns E & F were derived from the relationship of HBW & HBO trips from the California Household Transportation Survey 2012.[5]

Stanford's annual commute survey is primarily a tool to understand commute travel behavior and commute mode preference in order to inform Stanford's transportation demand management programs. Therefore, the survey data were used in the HBW trip VMT analysis. The annual commute survey does not capture the frequency and/or trip length of home-based other trips. The effort to collect this type of data would be extensive due to the number of trip types and potential destinations. Therefore, the analysis relied on the Santa Clara Valley Transportation Authority (VTA) regional travel demand forecasting model for these trip types.

Increasing the number of Stanford Commute Survey questions could reduce the response rate. While survey questions are added from time to time, Stanford vets such additions carefully to ensure it maintains a high response rate.

RO-SCOPE-4 The comparison of the housing alternatives VMT to the proposed Project VMT is an "apples to apples" comparison; that is, spouse trips generated by new housing were included in the VMT estimates for the proposed Project, as well as in the housing alternatives' VMT estimates. It is not known to what extent housing more Stanford workers on the campus would reduce regional VMT. The regional effect would depend on many factors, including the locations of non-Stanford spouse/partner jobs and other demographic and land use changes. The commenter correctly assumes that moving Stanford workers onto the campus would shorten the commute length for the Stanford workers, and some trips by Stanford workers would shift from solo vehicles to alternative modes of transportation. However, many Stanford workers already use transit and other modes to access the campus from off-site locations. Moving an off-campus Stanford worker who bicycles to campus today onto the campus would have no effect on that Stanford worker's VMT. The VMT metric focuses on miles traveled in a vehicle, not the number of miles traveled by foot, bicycle, transit or other alternative modes. Similarly, moving an off-campus Stanford worker who takes Caltrain to the campus today onto the campus would have the potential to remove that worker's first-/last-mile vehicle trip. But the rest of the trip would be the same as it is today, because travel on transit does not count toward the VMT metric.

5 See http://www.dot.ca.gov/hq/tpp/offices/omsp/statewide_travel_analysis/Files/CHTS_Final_Report_June_2013.pdf.

The other factor to consider when looking at HBW trips is the trips made by non-Stanford affiliated household members. While moving a household onto campus shortens the commute length for the Stanford worker, it does not necessarily shorten the commute length for other members of the household. Given the available transportation benefits available to Stanford workers, it would be reasonable for a worker to elect to live near the non-Stanford affiliated spouse's workplace rather than the Stanford affiliated spouse's workplace. The Stanford affiliated spouse could take Caltrain to work, while the non-Stanford affiliated spouse could walk, bicycle, take a local bus, or even drive a short distance. In this scenario, moving the household to the Stanford campus could result in little to no VMT reduction for the Stanford worker, but the non-Stanford affiliated spouse's VMT could increase. If the non-Stanford affiliated spouse's workplace does not provide a connection to Caltrain, the spouse may have to drive from the Stanford campus to his or her workplace, adding more VMT than were reduced by moving the Stanford worker to the campus.

The VMT analysis in the Draft EIR and Recirculated Portions of Draft EIR use information that is reasonably available and reliable. There is a robust data set available to assess changes in HBW trips by Stanford workers, and those data were used to quantify the change in VMT that would result from moving more Stanford workers to on-campus residences. There is not as much data available to assess changes in HBW trips made by other household members, nor is there as much data available to assess changes in HBO trips by Stanford workers and other household members. Where Stanford-specific data were not available, regional survey data have been used to prepare the analysis. The VMT analyses prepared in support of the Project and additional housing alternatives (Appendix VMT and Appendix ALT-VMT) were independently peer reviewed by ESA and AECOM, and the VMT methodology was determined to be reasonable and consistent with industry standards.

RO-SCOPE-5 The comment questions the Recirculated Portions of Draft EIR's analysis of the ability of the additional housing alternatives to achieve the project objectives. Additional Housing Alternatives A and B were included in the Recirculated Portions of Draft EIR for the purpose of comparison and to assist the public and decision-makers in understanding the implications of the construction of higher levels of housing on the Stanford campus, and to allow the County the option to select one of these alternatives at the conclusion of the CEQA process. Thus, these alternatives do not serve the traditional CEQA function and whether they are consistent with Stanford's project objectives is not of paramount concern.

The Recirculated Portions of the Draft EIR does not state or imply that providing additional housing for faculty, staff and workers would expand the student housing growth rate beyond historical growth rate. Rather the Recirculated Portions of the Draft EIR indicates that the additional housing alternatives would exceed Stanford historical growth rate and the assumptions of the Sustainable

Development Study.[6] As such, the Recirculated Portions of Draft EIR accurately concludes that the additional housing alternatives is inconsistent with Stanford's Project objective as it relates to continued growth at historical rates.

The comment also asserts that Stanford's objective of keeping housing growth rates at historical levels is in conflict with Stanford's Project objectives for promoting urban development, housing, single-occupant vehicle trip reduction, resource conservation, and health and safety; and minimizing negative effects on the surrounding community.

There is no conflict among project objectives, for the following reasons. On balance, the proposed Project would provide new housing in largely infill areas within the campus and at an overall denser rate than exists now on the campus, thereby promoting urban development and housing; would continue to implement, and in fact expand, transportation demand measures to continue to meet to the No Net New Commute Trips standard, thereby reducing single-occupant vehicle trips; would only development new academic and academic support and housing within the Academic Growth Boundary, thereby respecting designated conservation areas within the campus; and would be required to comply with all applicable health and safety regulations. Furthermore, with implementation of measures proposed as part of the Project, and mitigation measures identified in the Draft EIR, the Project would minimize negative effects on the surrounding community to the extent feasible.

Contrary to the claim made in the comment, the proposed Project would not result in any significant greenhouse gas impacts (see Draft EIR Section 5.7, Impacts 5.7-1 and 5.7-2).

The comment requests clarification on how the additional housing alternatives would not fully achieve a number of specific Project objectives. The first objective cited by the comment is "continue to allow Stanford flexibility to develop its lands within a framework that minimizes potential negative impacts within the surrounding community." As the Recirculated Portions of the Draft EIR discloses, the additional housing alternatives would result in overall greater environmental impacts than the proposed Project. With respect to Additional Housing Alternative A, this would include three new significant and unavoidable air quality impacts related to an additional on-campus residential population and associated increase in daily vehicle trips. Both Additional Housing Alternatives A and B would, to varying degrees, also increase peak-hour vehicle trips and

6 For context, as discussed in the Recirculated Portions of Draft EIR, page 2-475, Additional Housing Alternative A would result in an approximate 81 percent increase in on-campus housing unit/beds over the proposed Project (i.e., increase of 5,699 housing unit/beds versus under this alternative versus 3,150 housing unit/beds increase under the proposed Project). As indicated page 2-476 in the Recirculated Portions of Draft EIR, Additional Housing Alternative B would result an approximate 40 percent increase in on-campus housing unit/beds over the proposed Project (i.e., increase of 4,425 housing unit/beds versus under this alternative versus 3,150 housing unit/beds increase under the proposed Project).

congestion, at the study intersections located closest to the campus, and at freeway segments; and further increase impacts at off-campus public parks. These alternatives would also result in more on-campus construction, and therefore result in greater associated construction-related impacts on the site and site vicinity.

The second objective cited by the comment is: "enable Stanford to meet its needs to accommodate increasing enrollment and balance academic and academic support space growth with student housing growth by authorizing new and expanded student housing units/beds at a growth rate from 2018 through 2035 that is consistent with Stanford's historic annual growth rate for student housing, not including the unique Escondido Village Graduate Student Residences Project." It is noted that the additional housing alternatives would not directly conflict with this Project objective. Consequently, for clarification please see Chapter 2 in this Response to Comments Document which removes text that indicates the additional housing alternatives would not fully achieve this objective. This revision does not change any conclusions in the EIR.

The third objective cited by the comment is: "prioritize use of campus lands within unincorporated Santa Clara County for academic and academic support facilities, student housing, and faculty housing." Stanford prioritizes the use of its campus lands within unincorporated Santa Clara County for academic and academic support facilities, student housing, and faculty housing. While Stanford has constructed housing on its lands for staff and other Stanford affiliates, it has generally has done so in other jurisdictions, outside the campus lands. Consequently, the additional housing alternatives would not fully prioritize the Project's objective to use campus lands within unincorporated Santa Clara County for academic and academic support facilities, student housing, and faculty housing.

RO-SCOPE-6 As noted on pages 1-2 through 1-3 of the Draft EIR, the proposed Project growth corresponds to the 2035 Moderate Growth Scenario of the current Sustainable Development Study. The Moderate Growth Scenario is representative of the actual growth rate at Stanford both from 1960 to 2000, and during the first half of the 2000 General Use Permit period (Sustainable Development Study, page 3). Growth proposed under Additional Housing Alternative A would be closer to the Aggressive Growth Scenario discussed in the Sustainable Development Study. Please also see Master Response 2: Non-Project Planning Processes, Topic 1: Sustainable Development Study.

Please note that in response to public outreach related to the proposed 2018 General Use Permit, and in response to comments received during the public review period for the Draft EIR for the proposed 2018 General Use Permit, the County prepared an SDS Supplement. This document is also described in Master Response 2.

RO-SCOPE-7 The TDM strategies outlined as part of the No Net New Commute Trips standard would apply to the proposed Project and both of the additional housing alternatives. However, as stated on page 2-54 and 2-259 of the Recirculated Portions of Draft EIR, because the housing alternatives would shift a substantial number of commute trips to residential trips, the No Net New Commute Trips standard may not be achieved because TDM measures are not as effective in reducing residential trips, compared to commute trips. As such, the No Net New Commute Trips standard is more likely to be achieved under the proposed Project than the housing alternatives. See Response to Comment RA-SMC-7 for additional detail on the trip-making characteristics of campus residents vs. campus commuters.

The commenter's preference for the additional housing alternatives over the proposed Project is noted and will be considered by County decision-makers prior to a decision on the proposed Project.

Please refer to Master Response 13: Transportation and Traffic, Topic 6: No Net New Commute Trips Standard for further detail on Stanford's TDM programs.

RO-SCOPE-8 The comment regarding Stanford's concerns with the additional housing alternatives is noted.

RO-SCOPE-9 The comments are acknowledged. Please see Master Response 10: Affordable Housing, Topic 6: Regional Housing Needs Assessment Affordable Housing Credit, Topic 4: Process for Distribution of Affordable Housing Funds, and Topic 5: Geographical Distribution of Affordable Housing Funds.

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