



DATE: PLANNING COMMISSION MEETING OF APRIL 24, 2019

TO: THE PLANNING COMMISSION

FROM: STEPHANIE DAVIS, AICP, SENIOR PLANNER

SUBJECT: ATHERTON GENERAL PLAN UPDATE – DISCUSSION ON THE INITIAL STUDY/MITGATED NEGATIVE DECLARATION, MITIGATION MONITORING AND REPORTING PROGRAM AND THE 2019 GENERAL PLAN UPDATE.

PLANNING COMMISSIONERS – PLEASE BRING YOUR HARD COPY OF THE GENERAL PLAN UPDATE PROJECT IS/MND AND DRAFT 2019 GENERAL PLAN TO THE MEETING

RECOMMENDATION:

It is recommended that the Planning Commission receive a report, discuss the Initial Study/Mitigated Negative Declaration, which includes a Mitigation Monitoring and Reporting Program and the draft 2019 General Plan Update and provide direction to staff.

BACKGROUND:

In June 2015, as part of the Town Budget review process, the City Council approved budget for an update the Town’s General’s Plan (less the Housing Element). The direction was for the update to make basic, non-comprehensive revisions to text, graphics, images, clarify and/or enhance various Town policy directives, incorporation of other Town adopted Master Plans, and not a “full ground-up” update of the General Plan.

From December 2017 to December 2018, Planning Staff presented administrative draft updates to each of the five General Plan Elements being updated to the Planning Commission in a study session format at public meetings. The intent was to obtain preliminary feedback from the Commission and the community. No formal action was taken, nor was any decision made by the Planning Commission. The Commission and community gave Planning staff direction on suggested further enhancements/refinements to consider.

On February 13, 2019 the Town held a community wide workshop to present the Administrative Draft of the General Plan update, answered questions, and receive further comments and feedback, in which 14 members of community, including one member from the Fire Board attended, as well as 3 City

Council members. Community comments were primarily focused on matters related to safety matters along the train corridor, the Town Wide traffic study, Bicycle and Pedestrian Master Plan, traffic and traffic enforcement, and effectiveness of Police Department. None of the community comments or questions were determined by staff to necessitate revisions to the Draft 2019 General Plan. At the Workshop, the Mayor directed staff to evaluate Airport Noise in the General Plan Update.

The Planning Commission is required by the Atherton Municipal Code and California Government Code to hold a public hearing for consideration of amendments to the General Plan. Per state land use law, the Planning Commission is the official recommending body to the City Council on the 2019 General Plan Update.

At tonight's meeting, the Planning Commission will not be asked to take any action/provide a formal recommendation to the City Council. A future meeting date, the Commission will conduct a formal public hearing on the 2019 General Plan, and the associated, prepared environmental document (Initial Study/Mitigated Negative Declaration) and consider adoption of a resolution recommending that the City Council adopt (or not) both prepared documents.

ANALYSIS:

Initial Study/Mitigated Negative Declaration (IS/MND)

CEQA, or the California Environmental Quality Act, is a statute that requires state and local agencies to identify the significant environmental impacts of their actions and to avoid or mitigate those impacts, if feasible. A public agency must comply with CEQA when it undertakes an activity defined by CEQA as a "project." The 2019 General Plan Update itself is the defined "Project" studied under CEQA.

In compliance with CEQA, the Town prepared an Initial Study (IS) to evaluate any potential environmental impacts the Project may have and identify any associated mitigation measures that could reduce identified impacts to a level of insignificance. Conclusions drawn from the IS identified measures that mitigate potential impacts of the Project to a less than significant level, thus a Mitigated Negative Declaration (MND) was prepared.

The nature of the Project – being a long-term planning document as opposed to a specific development project – allows the prepared IS/MND as a program-level environmental document, which includes analysis that provides a foundation for subsequent environmental review for future projects. Essentially a program-level environmental document, such as the one prepared for the 2019 General Plan Update, generally looks at the broad policy of the planning document and does not address potential site-specific impacts of the individual projects that may fall within the planning document. A project-level environmental document generally focuses on the environmental changes caused by a development project, including planning, construction, and operation. No specific development projects are proposed at this time or analyzed herein. Future projects within the Town would be subject to the appropriate project-level environmental review and permitting by the Town.

Impacts to the topics of Air Quality, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Utilities/Service Systems were identified, however, associated mitigation measures were identified to reduce the potential impacts to a less than significant level. As noted above, given the nature of the Project as a comprehensive long-range planning document, the identified mitigation measures would be implemented through any future new development. These mitigation measure have been incorporated into a Mitigation Monitoring and Reporting Program (MMRP) which is part of the IS/MND and was formulated to summarize the mitigation measures and identify associated monitoring and timing requirements (Attachment 2).

The conclusion of the prepared IS/MND was that the Project (i.e. the 2019 General Plan Update) would not have a significant effect on the environment, with incorporation of specified mitigation. The prepared IS/MND associated with the 2019 General Plan Update was circulated for public review in accordance with CEQA for a minimum of 20 days. To date, no public comment has been received.

2019 General Plan

The General Plan is the long-term, comprehensive planning document that covers many aspects of the Town including development, preservation and safety, and is intended to guide the growth of the Town for the future. The Town's General Plan is divided into six elements. Each element contains background information that has been collected and analyzed to establish goals and policies that are intended to guide development and Town actions in a particular manner working to achieve the Town's long-term vision.

The intent of the General Plan Update is to comply with the minimum guidelines prescribed by the State Office of Planning and Research (OPR) adopted 2017 General Plan Guidelines, as well as to update some existing policies, data references, and maps within the 2002 General Plan to reflect current conditions and Town policies. The General Plan Update does not authorize any specific development project, other form of land use approval of any kind, public facilities, or capital facilities expenditures or improvements to be developed. Although the General Plan Update includes changes and additions to the goals, objectives, and policies to achieve consistency with current state and local regulations and address the current practices of the Town, the majority of the General Plan continues those goals, objectives, policies, implementation measures, and standards in the current General Plan. It is important to note the no changes to any land uses are being proposed as part of the Update.

Subsequent to the Planning Commission study sessions conducted from December 2017 to December 2018 which evaluated each Element individually, a final, comprehensive draft 2019 General Plan has been compiled which includes revisions as directed by the Commission in the prior study sessions, as well as formatted to include a cover page, Table of Contents, Introduction, and list of Report Preparers and References (Attachment 3).

A summary of the direction received at the prior Planning Commission study sessions is provided below:

- Circulation Element -New sections were added discussing the Emergency Operations Plan and Evacuation Routes, as well as discussion on the Planning Commission annual review of private school master plans, traffic congestion and flow issues and how they should be evaluated and addressed to assure that impacts on the circulation system are not excessive. New supporting policies were also added:

Policy CIR-1.16: The emergency evacuation routes established in this General Plan Element are El Camino Real, Middlefield Road, Marsh Road, Alameda de las Pulgas, Atherton Avenue/Fair Oaks Lane and Valparaiso Avenue.

Policy CIR-5.3: During the annual review of private school master plans, the Planning Commission should evaluate and address traffic congestion and flow issues to assure that impacts on the circulation system are not excessive.

- Community Safety – New text was added regarding Dam Inundation upon conference with Cal Water Staff to address emergency gate entrance at the end of Reservoir Road through the Cal Water property adjacent to Bear Gulch Reservoir connecting to Moore Road, noting that Cal Water maintains a 24/7 presence at the Bear Gulch site and that emergency contact to Cal Water is provided.

Additional text was also added under discussion of the “Emergency Operations Plan” to include discussion on the Town’s Hazard Mitigation Strategies (HMS) (the Town’s Local Hazard Mitigation Plan), the Town’s current policy regarding its “Evacuation Plan & Emergency Siren” that provides information about the Walsh Road emergency siren and evacuation routes in the event of a fire or flood, increased public outreach, and discussion on the Atherton Disaster and Preparedness Team (ADAPT) a Police Department sponsored emergency preparedness and action program as well as other preparedness resources for the community.

Regarding criminal activity, the Planning Commission asked if any consideration on policy regarding criminal activity given Atherton demographics of population with higher valued properties and /or public/prominent public figures as residents could/should be considered. The Community Safety element deals primarily with natural and man-made disasters and staff finds that criminal activity may be more appropriately addressed by the Police Department and their law enforcement and public safety policies and procedures.

When the Commission conducted the study session which discussed the draft Circulation Element in 2018, the Town was underway in preparing a Town wide local traffic flow / long range planning solutions study (“Town Wide Traffic Study”). This study has since been completed. Revisions to the Circulation Element were made to street classifications and/or adopted circulation policies identified as important for Town eligibility for potential, future state, federal and/or other transportation and circulation funding sources, for consistency with the completed Town Wide Traffic Study and are reflected in Attachment 3, Draft 2019 General Plan.

During the Planning Commission study sessions, the Town’s Public Works Department undertook a separate project of preparing a Green Infrastructure (GI) Workplan. The GI Workplan addresses the

Town's requirement, based on state legislation, to address pollutants in stormwater runoff from its municipal storm drains and will outline how the Town will shift from traditional "gray" storm drain infrastructure – which channels runoff directly into receiving waters without treatment – to a more resilient and sustainable "green" storm water system that captures, stores and treats stormwater before channeling it to receiving waters. A technical consulting firm was retained by the Town to prepare the GI Work plan which is required to be adopted by June 2019. The firm recently reviewed the draft 2019 General Plan and provided a series of comments / questions related to the purpose, intent, and implementation of the GI Work Plan. Staff is currently working to evaluate these comments/questions and integrate into the 2019 General Plan as appropriate and will present (any) additional revisions to the Planning Commission at a future meeting date. As with other Town adopted Master Plans, such as the Bike and Pedestrian Master Plan and the Town wide Traffic Study, staff wants to assure that the General Plan goals, policies and actions are internally consistent.

ENVIRONMENTAL IMPACT:

An IS/MND associated with the 2019 General Plan Update Project was circulated for public review in accordance with the California Environmental Quality Act. The Planning Commission will be required to consider the IS/MND as part of its future, formal deliberations on this Project.

The IS/MND was circulated for public review for 20 days from April 4 through April 24, 2019 as required by CEQA. Notice of the document's availability was posted in the Almanac newspaper, on the Town's Website and at the San Mateo County Recorder's office. The IS/MND was made available to the public at Town Hall, the Library, Post Office Permit Center, and on the Town's website. As of the date of this staff report distribution, April 18, 2019, Staff has received no public comments on the environmental document.

/s/ Stephanie Davis

Stephanie Davis, AICP, Senior Planner

Attachments:

1. 2019 General Plan Update Project, Draft Initial Study/Mitigated Negative Declaration – *hard copies distributed to the Planning Commission.* Available online: http://www.ci.atherton.ca.us/DocumentCenter/View/6354/GPU-IS_MND-Final-Draft-4419
2. 2019 General Plan Update Project, Draft Initial Study/Mitigated Negative Declaration Mitigation Monitoring and Reporting Program (MMRP)
3. Administrative Draft - 2019 General Plan– *hard copies distributed to the Planning Commission.* Available online: <http://www.ci.atherton.ca.us/DocumentCenter/View/6238/MASTER-ADMIN-DRAFT-GP>

Town of Atherton

2019 General Plan Update Project

DRAFT
MITIGATION MONITORING AND
REPORTING PROGRAM

Prepared by:
Town of Atherton
Planning Department
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April 2019

Section 21081.6 of the Public Resources Code requires a Lead Agency to adopt a “reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment” (Mitigation Monitoring Program [MMP], §15097 of the *CEQA Guidelines* provides additional direction on mitigation monitoring or reporting). The Town of Atherton is the Lead Agency and the project sponsor for the 2019 General Plan Update IS/MND project and is therefore responsible for enforcing and monitoring most of the mitigation measures in this mitigation monitoring program.

The Draft IS/MND was prepared to address the potential environmental impacts of the proposed project. Where appropriate, this document identified project design features or recommended mitigation measures to avoid or to mitigate identified potential impacts to a level where no significant impact on the environment would occur. This MMRP is designed to monitor implementation of the mitigation measures identified for the project in the Draft IS/MND.

The MMRP for the 2019 General Plan Update Project will be in place throughout all phases of the project. The project sponsor shall be responsible for implementing all mitigation measures unless otherwise noted. The Town’s existing planning, engineering, review and inspection processes will be used as the basic foundation for the MMRP procedures and will also serve to provide the documentation for the reporting program.

Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
AIR QUALITY			
<p>Impact: Dust and emissions resulting from construction, demolition and earth-moving activities from projects developed pursuant to the General Plan Update.</p>	<p>Mitigation Measure AIR-1: In order to reduce impacts on air quality resulting from construction, future new developments shall implement the following measures:</p> <p>Basic Construction Management Practices. The Project shall demonstrate proposed compliance with all applicable regulations and operating procedures prior to issuance of demolition, building or grading permits, including implementation of the following BAAQMD “Basic Construction Mitigation Measures”.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered two times per day. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • Idling times shall be minimized either by shutting equipment off when not in use or reducing the maximum idling time to 5 minutes (as required by the California airborne toxics control measure Title 13, Section 2485 of California Code of Regulations [CCR]). Clear signage shall be provided for construction workers at all access points. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer’s specifications. All equipment shall be checked by a 	<p>Prior to issuance of building permits and during construction of each project</p>	<p>Town of Atherton and construction contractor</p>

	<p>certified mechanic and determined to be running in proper condition prior to operation.</p> <ul style="list-style-type: none">• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.		
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CULTURAL RESOURCES			
Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
Impact: To reduce impacts on Historic Resources	<p>Mitigation Measure CUL-1: Historic Resources protection measures</p> <p>In order to reduce impacts on historic resources, future new developments shall implement the following measure: In the event a future specific project is proposed that may have the potential to cause a significant adverse change in the significance of a historic resource, the Town shall require an evaluation of the resource by a qualified professional. The evaluation shall be conducted according to the Secretary of the Interior's Standards for evaluation of historic resources. Project specific mitigation measures shall be included and implemented in accordance with the Secretary's Standards.</p>	Prior to issuance of a building permit	Town of Atherton
Impact: To reduce impacts on Archaeological and/or Paleontological Resources	<p>Mitigation Measure CUL-2: Archaeological Resources protection measures</p> <p>In order to reduce impacts on archaeological resources, future new developments shall implement the following measure: In the event that subsurface archaeological and/or paleontological resources are encountered during the course of grading and/or excavation, all development shall temporarily cease within 25 feet of the find until the Town's Planning Department is contacted and a qualified archaeologist or paleontologist assesses the resources and makes recommendations for their disposition. Construction activities could continue in areas more than 25 feet away. If any findings are determined to be significant by the archeologist, they shall be subject to scientific analysis; duration/disposition of archaeological specimens as agreed to by the Native American community, land owner, and the Town. This report would be filed with the Northwest Information Center.</p>	Upon discovery of an archaeological and/or paleontological resource	Town of Atherton
HYDROLOGY AND WATER QUALITY			
Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party

<p>Impact: Erosion and sedimentation resulting from construction and earth-moving activities from projects developed pursuant to the General Plan Update.</p>	<p>Mitigation Measure HYD-1: In order to reduce impacts related to erosion and sedimentation, future new developments shall implement the following measures: Erosion and sedimentation control measures.</p> <ul style="list-style-type: none"> • Schedule grading and excavation work for dry weather only. • Stabilize all denuded areas, install and maintain temporary erosion controls (such as erosion control fabric or bonded fiber matrix) until vegetation is established. • Seed or plant vegetation for erosion control on slopes or where construction is not immediately planned. • Protect storm drain inlets, gutters, ditches, and drainage courses with appropriate BMPs, such as gravel bags, fiber rolls, berms, etc. • Prevent sediment from migrating offsite by installing and maintaining sediment controls, such as fiber rolls, silt fences, or sediment basins. • Keep excavated soil on the site where it will not collect into the street. • Transfer excavated materials to dump trucks on the site, not in the street. • Contaminated Soils • If any of the following conditions are observed, test for contamination and contact the Regional Water Quality Control Board: <ul style="list-style-type: none"> ○ Unusual soil conditions, discoloration, or odor. ○ Abandoned underground tanks. ○ Abandoned wells ○ Buried barrels, debris, or trash. 	<p>Prior to issuance of a building permit</p>	<p>Town of Atherton</p>
<p>Impact: Potential flooding from Bear Gulch Reservoir Dam Failure</p>	<p>Mitigation Measure HYD-1: In order to reduce impacts related to dam failure inundation, future new developments shall implement the following measures by the dam owner in compliance with SB 92 (2017): Dam failure prevention measures</p> <ul style="list-style-type: none"> • Submit Dam Failure Inundation Maps to the CA Department of Water Resources in accordance with the DWR schedule. 	<p>Currently and every 10 years thereafter</p>	<p>California Water Service Company (Dam owner)</p>

	<ul style="list-style-type: none"> • Submit an Emergency Action Plan to the California Office of Emergency Services subsequent to submittal of the Dam Failure Inundation Maps. • Submit updated plans and maps every 10 years. • Coordinate the Emergency Action Plans with the affected local governments. 		
NOISE			
Environmental Impacts	Mitigation Measures	Time Frame/Monitoring Milestone	Responsible Monitoring Party
Expose people in project area to excessive noise levels	<p>In order to reduce noise impacts, future new developments shall implement the following measure:</p> <p>Recognizing that aircraft and any associated issues thereto are federally regulated, the Town will work with nearby communities and other interested agencies to bring about a reduction of noise levels by private, military, public and commercial airplanes and helicopters.</p>	Prior to issuance of a building permit.	Town of Atherton