

August 13, 2019

Dear City Council Members and Planning and Transportation Commissioners:

At the August meeting of Palo Alto Neighborhoods, our membership voted to request formally that the Final Castilleja Environment Impact Report (FEIR) include — as required by law — the impacts of other significant developments as part of the cumulative impact of Castilleja's expansion plans. The Draft EIR excludes this important analysis.

Specifically, the California Environmental Quality Act (CEQA) requires that an EIR specifically include the cumulative impacts of a project (see Section 15130 <http://resources.ca.gov/ceqa/guidelines/art9.html>; see also Section 15355. <http://resources.ca.gov/ceqa/guidelines/art20.html>):

"When analyzing the cumulative impacts of a project under 15130 (b)(1)(A), the Lead Agency is required to discuss not only approved projects under construction and approved related projects not yet under construction, but also unapproved projects currently under environmental review with related impacts or which result in significant cumulative impacts."

Of the many projects currently planned in and around Palo Alto, two will have particularly severe impacts:

1. The Stanford Medical Center project is nearing completion. Therefore, any traffic analysis must be adjusted by projected increases from the Stanford Medical Center. As some of the increased traffic from the Stanford Medical Center will travel along Embarcadero Road, a roadway also impacted by the Castilleja project, the impacts of these projects are clearly and cumulatively quite considerable.
2. The new Stanford University General Use Permit (GUP) is currently under consideration by Santa Clara County. This will increase traffic from Stanford University along Embarcadero Road as well. Again, the impacts of the new GUP are clearly and cumulatively quite considerable. The DEIR and the analysis provided by the consultants point to the projects' significant impacts on Palo Alto. Certainly, the GUP must be included in Castilleja's EIR. (See <https://www.cityofpaloalto.org/civicax/filebank/documents/63291>; DEIR, page 47; and Hexagon Transportation Consultants analysis of the DEIR, page 65.)

Oddly enough, Stanford is never mentioned in Castilleja's DEIR. (Please see: <http://cityofpaloalto.org/civicax/filebank/documents/72444>.) Castilleja is situated on Embarcadero just blocks from Stanford, yet no impact will ensue? Is there no need to consider the possibly hundreds of extra car trips likely caused by Stanford's expansion? Castilleja will be accommodating more cars than ever in its proposed new garage. Those cars will have to arrive at and leave from campus somehow. As reported in the Weekly and elsewhere, the City is asking Stanford to pay millions of dollars in fees to mitigate the impacts of the GUP. (Please see: <https://www.paloaltoonline.com/news/2019/02/05/palo-alto-seeks-more-influence-on-stanford-expansion>.)

What are the historical trends of traffic congestion on Embarcadero? If it has been getting more congested over past decades, has the study projected what the congestion will be like in 10, 20, and 30 years, all of which are relatively short compared to the lifetime of Castilleja and other traffic producers in this part of Palo Alto?

While we have specifically cited the traffic impacts, we request all cumulative impacts be considered for these three projects taken together. If the Stanford GUP and the Stanford GUP FEIR are approved before the preparation of the Castilleja FEIR, then the Castilleja FEIR can consider the approved Stanford University General Use Permit. Otherwise, the Castilleja FEIR must consider the highest impacts of any of the alternatives considered in the Stanford DEIR, including its recirculation.

Additionally, the CEQA analysis of the Castilleja project, as stipulated by law and affirmed by the courts, must not be segmented. Please see section 15378(a) where "'Project' means the whole of an action." So

even if the Castilleja project is constructed incrementally, it must be considered for purposes of CEQA as one project.

Which of the dozens of construction projects in the pipeline at any one time should be included in a DEIR? Again CEQA offers guidance:

"This analysis should include a discussion of projects under review by the Lead Agency and projects under review by other relevant public agencies, using reasonable efforts to discover, disclose, and discuss the other related projects. The cumulative impact analysis requires a discussion of projects with related cumulative impacts which required EIRs, Negative Declarations, or were exempt from CEQA. (See: *San Franciscans for Reasonable Growth v. City and County of San Francisco*, (1984) 151 Cal. App. 3d 61.) The court in SFFRG took note of the problem of where to draw the line on projects undergoing environmental review since application of new projects are constantly being submitted. A reasonable point might be after the preparation of the draft EIR. Additional project information could be included in the final EIR if cumulative impacts were originally analyzed in the draft EIR and if the new project information doesn't warrant the preparation of a subsequent or supplemental EIR as required by Section 15162 of the Guidelines."

Another concern we have is that the additional traffic on Embarcadero will rule out a major grade-crossing option currently being studied by the City, namely the possibility of partly closing Churchill at Alma. That closure could have a significant benefit for the safety of students at Palo Alto High School. While no DEIR is yet available for the closure and the City may not opt to pursue that option, we think it's appropriate for the DEIR to address whether any additional traffic will be diverted by a Churchill closure onto Embarcadero, including trips associated with the projected Castilleja growth. The cumulative impacts would further contribute to traffic problems on Embarcadero and thus reduce or remove the possibility to close Churchill. Again, that option is currently being analyzed by the City.

We believe it is vitally important that the inadequate and incomplete Castilleja DEIR include these additional projects and address these additional concerns we have put before you.

As our elected leaders and public servants, we trust you and rely on you to uphold the laws which protect and guide us and which must apply equally to all of us.

Thank you.

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