

# ATTACHMENT J

**Date:** October 4, 2019

**To:** Honorable Members of the Board of Supervisors

**From:** Sylvia M. Gallegos, Deputy County Executive  
Jacqueline R. Onciano, Director, Department of Planning and Development

**Subject:** **Staff Responses to Planning Commission Requests from the June 27, 2019 Public Hearing relating to the Stanford University General Use Permit Application**

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This memorandum responds to requests made by the Planning Commission at its public hearing on June 27, 2019, in conjunction with the Commission's 7-0 vote to forward a favorable recommendation to the Board on the Stanford University General Use Permit application. The Planning Commission requested that the Administration provide additional staff analysis regarding certain conditions of approvals recommended by the Administration and topics discussed by the Commission, to be forwarded to the Board of Supervisors as part of the Board's consideration of the General Use Permit application.

## 1. **Transportation and Traffic**

### a. **Reverse Commute Trips and Average Daily Trips**

- **Planning Commission Request:** Provide a detailed analysis regarding the specific figures and assumptions showing how the 2% and 3% threshold numbers were chosen for reverse commute and average daily traffic and how Stanford University could be meet this requirement.
  - **Administration Response:** The County's traffic consultant, AECOM, has prepared three memos regarding Reverse Commute, Average Daily Trips (ADT), and Transportation Demand Management (TDM), which are attached to the October 8, 2019 staff report as **Attachments P, Q and R** and that provide further analysis of the traffic standards and the feasibility of compliance by Stanford. The Administration has further modified the recommended conditions of approval that address reverse commute and ADT to provide a more refined and deliberative approach that addresses these traffic impacts. These revised conditions allow for the Reverse Commute and ADT trip standards to be implemented based on Reverse Commute and ADT Management Plans submitted by Stanford and approved by the Planning Commission prior to Phase 2. Rather than suspending development as in the previous conditions, a

Deficiency Plan would be required if the trip standards were exceeded for two out of three years. Once a Deficiency Plan is in place, further trip standard exceedances would result in a public hearing where the Planning Commission may suspend development.

- **Planning Commission Request:** An analysis on the ramifications of violating the reverse commute trip standards and the ADT standards and how to address intersection improvements as identified in the Final EIR.
  - **Administration Response:** The recommended conditions of approval specify the consequences of exceeding the reverse commute trip and ADT traffic standards. (See Conditions F.2 and F.3.) The conditions of approval are designed to ensure that Stanford does not create new vehicle trips associated with reverse commute and ADT that would worsen traffic congestion and could necessitate traffic intersection improvements. The EIR mitigation measures identify fair-share fees that would be paid by Stanford for traffic improvements for impacts related to peak commute and reverse commute trips.
  
- **Planning Commission Request:** Identify the nexus for who is responsible for the generation of the trips; especially reverse commute direction and why Stanford should be responsible for the reverse commute of a non-Stanford employee that lives on the Stanford campus.
  - **Administration Response:** Housing constructed on the Stanford campus is for students, faculty/staff, or other workers along with their household members. The EIR identified that housing constructed on the Stanford campus could create new reverse commute vehicle trips that could increase traffic congestion. The Community Plan treats the total on-campus population to be the direct result of the development allowed under the Community Plan and the GUP (*Source: Stanford Community Plan references to population growth and persons per household; pages 14, 20 and 26*). As a result, all policies that implement that development must consider the total population, and this includes persons employed by Stanford and persons associated with a Stanford employee and living on campus. This is the case for traffic impacts as well as parks, public safety and the provision of other services.

- **Planning Commission Request:** With respect to reverse commute trips and ADT, consider hybrid approach of EIR mitigations for the first half of development and then study the impacts and trends and then establish the triggers.
  - **Administration Response:** In response to the Planning Commission’s request and comments made at the public hearing, the Administration has modified the Reverse Commute and ADT conditions and is recommending revised Conditions of Approval, which are dated 10/8/2019 and included as **Attachment I**.
  
- **Planning Commission Request:** Explore the opportunity for in-lieu fees instead of 2% and 3% triggers to mitigate the impact monetarily.
  - **Administration Response:** The Final EIR Mitigation Measures and Conditions of Approval require payment of a fair-share payment for exceedance of commute and reverse commute trips over a defined standard. The Administration has determined that there is no nexus to establish charging an additional fee in the conditions of approval in order to limit traffic impacts. Any additional fee charged must be calculated on an estimated cost to alleviate those impacts associated with substantially worsening traffic congestion and such costs are not known. The goal of the recommended traffic standards is to avoid traffic impacts to the greatest extent possible.

**b. Motor Vehicle/Construction Worker Parking**

- **Planning Commission Request:** Analysis of the need and potential to allow on-site recreational vehicles parking on the Stanford Campus for use by construction workers.
  - **Administration Response:** There is no evidence in the record supporting a requirement that temporary recreational vehicle parking be provided as housing for construction workers as a condition of approval. Stanford has not proposed in their General Use Permit application the ability to install temporary recreational vehicles on site as housing for construction workers during construction.

- **Planning Commission Request:** The Planning Commission recommended a new condition requiring the extension of transportation benefits from the Transportation Demand Management program to all workers at Stanford (Caltrain passes, VTA passes, etc.).
  - **Administration Response:** The GUP establishes clear traffic performance standards that must be achieved. The GUP does not dictate specific strategies to achieve the performance measures. State law precludes the County from requiring a TDM program for Stanford. Therefore, staff is not recommending these suggested new conditions.
  
- **Planning Commission Request:** Ensure the annual transportation survey reaches all classes of workers, including third party and contracted workers to ensure accurate data and a wider swath of workers and employees are receiving benefits that allow them to take transit as opposed to driving.
  - **Administration Response:** The annual transportation survey conducted by Stanford is a voluntary effort related to their overall Transportation Demand Management program. The GUP establishes clear traffic performance standards that must be achieved. The GUP does not dictate specific strategies to achieve the performance measures. State law precludes the County from requiring a TDM program for Stanford. As a result, staff is not recommending these suggested new conditions.

## 2. Special Events

- **Planning Commission Request:** Reduce the special event size from 10,000 to 5,000 persons and requiring special event permit and traffic management plan based on its relative impact on traffic.
  - **Administration Response:** Following this feedback from the Planning Commission regarding special events, the Administration has modified **Condition G** so that special events are characterized as an Academic event or Non-Academic **event** expected to meet or exceed 5,000 persons and are defined as a Large Event (formerly referred to as a “Special Event”). In conformance with County ordinance requirements, only Non-Academic Large Events that are occurring outside of a structure are required to obtain an event permit from the County. All large events are

subject to a Large Event Traffic Management Plan. See recommended Conditions of Approval dated 10.8.2019 for **Condition G – Large Events**.

- **Planning Commission Request:** Public notification of special events to be extended from five (5) days to 14 days.
  - **Administration Response:** Staff’s recommendation is to extend public notification for Large Events from five (5) days to ten (10) days. See staff’s recommended Conditions of Approval dated 10.8.2019 for **Condition G**.
- **Planning Commission Request:** Explore a hybrid condition that does not require permits for smaller events but would allow for traffic management, and then require a permit for events for 10,000 people or more.
  - **Administration Response:** Staff’s recommendation is to consider any Academic or Non-Academic event expected to meet or exceed 5,000 persons as a Large Event. Academic and Non-Academic Large Events have distinct requirements intended to streamline the process for permitting the events. Large Academic Events do not require any further permitting from the County but do require Stanford to submit a Traffic Management Plan. Large Non-Academic Events do require further permitting from the County if the event does not occur in a lawfully constructed structure; all other Non-Academic Events solely require a Traffic Management Plan. See staff’s recommended Conditions of Approval dated 10.8.2019 for **Condition G**.

### 3. Housing

#### a. Employee Housing

- **Planning Commission Request:** Explore protection for employees who leave their employment with Stanford so they don’t automatically lose their housing.
  - **Administration Response:** The Administration finds that there is not sufficient information in the public record regarding this issue to necessitate County action through the GUP.

- **Planning Commission Request:** Option to allow for housing credits for construction workers housed in recreational vehicles or mobile homes.
  - **Administration Response:** Stanford has not proposed in their General Use Permit application the ability to install temporary recreational vehicles on site as housing for construction workers during construction. Temporary construction worker housing is not within the nexus study definition of faculty, staff and other workers (*Source: April 2018 Affordable Housing Nexus Studies – Attachment C, page 6*). As a result, staff does not recommend providing a housing credit for temporary construction worker housing.
  
- **Planning Commission Request:** Restricting residency of housing units constructed by Stanford under the GUP to be limited to Stanford employees.
  - **Administration Response:** Administration does not recommend restricting Stanford housing to Stanford employees because Stanford has indicated its intent in its application to have Stanford employees occupy Stanford constructed housing.

**b. Graduate Student Housing**

- **Planning Commission Request:** Staff evaluate means to ensure graduate student housing rents do not exceed 30% of their income.
  - **Administration Response:** A County-imposed limitation on Stanford graduate student housing rents must be tied specifically to demonstrated impacts of the development under the proposed GUP. Because Stanford is proposing to house 76% of its graduate students and given the unique status of graduate students, it would be difficult to quantify the impact on the regional housing supply due to graduate student housing rents being unaffordable. Given that graduate student housing is being offered and is intended to be occupied, demonstrating it is unaffordable to a share of graduate students as part of an expanded nexus study would likely present difficult technical, conceptual, and data-availability hurdles. Therefore, the Administration does not recommend further evaluating of capping graduate student rents to not exceed 30% of graduate student housing.

- **Planning Commission Request:** Conduct a salary survey evaluating the affordability of and adequacy of childcare facilities.
  - **Administration Response:** The conditions of approval require the preparation of a Municipal Services Study that would include a review of child-care services and facilities.

#### 4. Open Space

##### a. Bird-Safe Design

- **Planning Commission Request:** Include bird-safe building standards, outdoor lighting, and indoor lighting to be incorporated into the conditions of approval.
  - **Administration Response:** The Administration is developing bird-safe design standards for buildings within the unincorporated areas of the county based on current best practices and that are consistent with the requirements adopted by other local jurisdictions. The Administration plans to return to the Board of Supervisors with the standards and related recommendations this fall. If approved, these requirements would be applied to all development, including Stanford projects, when building permits are applied for.

##### b. Trees

- **Planning Commission Request:** Oak preservation and native oaks over 100 years old could be automatically considered heritage trees and thereby require a permit for removal instead of someone requesting it be considered a heritage tree.
  - **Administration Response:** The County Ordinance Code provides the process to determine designated Heritage Trees. Therefore, staff is not recommending any changes to the conditions of approval based on this request.
- **Planning Commission Request:** Woodland oak master plan that provides for adaptation to climate change.
  - **Administration Response:** The protection of the oak woodlands is adequately addressed by the mitigation measures identified in the EIR.

c. **Conservation**

- **Planning Commission Request:** Consider conditions that would potentially trigger the need for a permanent conservation easement to protect the foothills.
  - **Administration Response:** There are robust policies and regulations in place to protect the foothills, including the following: General (Community) Plan land use designation; Corresponding Zoning Ordinance designation; and, Existence of Academic Growth Boundary. The regulations protect the foothills as open space. Any changes to the protection would require a legislative action of the Board of Supervisors and would be subject to community outreach and public hearings to amend. The Stanford Community Plan and County Zoning Ordinance currently protect the foothills from development. The Stanford Community Plan and Zoning Ordinance designate the foothills as Open Space and Field Research or Special Conservation. Development authorized under the GUP will not impact the foothills as Stanford is not proposing any new development in the foothills. All proposed development is limited to lands within the Academic Growth Boundary with the foothills remaining undeveloped. The Administration is not proposing a dedication of an open-space easement for the foothills because the proposed development will not impact the foothills and at this time there is no legal basis for imposing an open-space easement.
  
- **Planning Commission Request:** Consider concrete mechanism to protect the foothills because the existing mechanisms can be changed over time.
  - **Administration Response:** By its terms, Stanford’s GUP application does not contemplate development on the foothills. The existing Community Plan policy framework and Zoning regulations provide a mechanism for protection. As indicated in the June 27, 2019 Planning Commission staff report: The Department finds that the General Plan land use designation, zoning regulations and GUP conditions of approval are sufficient to ensure the long-term protection and retention of the open space areas/Foothills of the Community Plan Area.