# Final Environmental Impact Report

# 505 E. Bayshore Road Project

Prepared by

Redwood City California Founded 1867

In Consultation with

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ENVIRONMENTAL CONSULTANTS & PLANNERS

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# TABLE OF CONTENTS

# SECTION 1.0 INTRODUCTION

This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the 505 E. Bayshore Road project.

## 1.1 PURPOSE OF THE FINAL EIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City of Redwood City and any Responsible Agencies in making decisions regarding the project.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

(1) The Final EIR has been completed in compliance with CEQA;
(2) The Final EIR was presented to the decision-making body of the lead agency, and that the decision-making body reviewed and considered the information contained in the final EIR prior to approving the project; and
(3) The Final EIR reflects the lead agency's independent judgment and analysis.

## 1.2 CONTENTS OF THE FINAL EIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

a) The Draft EIR or a revision of the Draft;
b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
c) A list of persons, organizations, and public agencies commenting on the Draft EIR;
d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
e) Any other information added by the Lead Agency.

## 1.3 PUBLIC REVIEW

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the EIR. The Final EIR and all documents referenced in the Final EIR are available for public review on the City's website: https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=102

# SECTION 2.0 DRAFT EIR PUBLIC REVIEW SUMMARY

The Draft EIR for the 505 E. Bayshore Road project, dated September 2022, was circulated to affected public agencies and interested parties for a 45-day review period from September 21, 2022, through November 7, 2022. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City's website https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=102 and in the San Mateo Daily Journal;
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse on September 21, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- Copies of the Draft EIR were made available on the City's website (https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=102)

# SECTION 3.0 DRAFT EIR RECIPIENTS

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOC for the Draft EIR was sent to owners and occupants adjacent to the project site and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- California Air Resources Board
- California Department of Fish and Wildlife, Bay Delta Region 3 and Marin Region 7
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Toxic Substances Control
- California Department of Transportation, District 4, Division of Aeronautics and Division of Transportation Planning
- California Department of Water Resources
- California Highway Patrol
- Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California State Lands Commission
- Office of Historic Preservation
- San Francisco Bay Conservation and Development Commission
- San Francisco Bay Regional Water Quality Control Board, San Francisco Bay Region 2
- State Water Resources Control Board, Division of Drinking Water District, Division of Drinking Water District 17, and Division of Water Quality

# SECTION 4.0 RESPONSES TO DRAFT EIR COMMENTS

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of Redwood City on the Draft EIR. This section also summarizes and addresses verbal comments related to the Draft EIR received at the Planning Commission hearing on October 4, 2022.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of Redwood City are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below.

**Comment Letter and Commenter** **Page of Response**

## FEDERAL AND STATE AGENCIES

### A. California Department of Transportation (November 7, 2022)

**Comment A.1:** Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 505 E. Bayshore Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2022 DEIR.

Project Understanding
The project proposed to demolish the existing development on the site to construct 56 townhouses, of which 51 would be base density units and five would be bonus density units. The project is located near the Whipple Avenue exit along US-101.

Multimodal Transportation
Caltrans commends the City's dedication of funds to bicycle and pedestrian improvements, including auxiliary complete street elements such as a public shoreline trail segment with observation decks. This project supports the State's goals to reduce greenhouse gas emissions and improve multimodal transportation options for land use development. Caltrans encourages coordination with the County to provide funds for the Class I bike path proposed along East Bayshore Road and on the potential Blomquist Street extension between Whipple Avenue and Seaport Boulevard. The DEIR notes that the project will address pedestrian deficiencies in the area such as the lack of sidewalks along the project frontage and along nearby buildings on East Bayshore Road. Please coordinate with the County to determine the largest possible extent that fair share contributions could provide for complete and connected pedestrian accessibility in the vicinity, to ameliorate these current pedestrian infrastructure deficiencies.

> **Response A.1:** The comment acknowledges that the project would improve multimodal transportation options in the project area and discusses potential funding mechanisms and amounts for infrastructure projects. The recommendations in the comment related to funding mechanisms and amounts for infrastructure improvements will be considered by the project applicant and the City but are not required to reduce environmental impacts to a less than significant level.

**Comment A.2:** Though access for residents and emergency vehicles is the primary objective, please ensure that any driveways facing East Bayshore Road are consolidated and widths minimized to the best extent possible (noted that current plans show one driveway). In the future, East Bayshore Road may be improved with a Class IV bikeway or a Class I path in order to upgrade Bay Trail access; excessive width or quantity of driveways inhibits this goal by degrading user experience on these paths and increasing conflict points with vehicles. The project's design of frontage along East Bayshore Road should similarly consider and accommodate the possibility of such future bicycle/pedestrian facilities. Such consideration would support Redwood City's General Plan policy BE-26.10.

> **Response A.2:** The project includes only one driveway located on E. Bayshore Road, thus minimizing the number of driveways to the maximum extent feasible. The

driveway would be 24 feet wide and would be free and clear of any obstructions to optimize sight distance, thereby ensuring the exiting vehicles can see pedestrians on the sidewalk and bicycles traveling along E. Bayshore Road. Additionally, as described in mitigation measure MM TRN-1.1 in the Draft EIR, the project would be required to design on-street improvements in a manner that incorporates planned bicycle lanes on E. Bayshore Road, consistent with the recommendation in the comment. For these reasons, as described in Table 3.17-1 of the Draft EIR, the project would be consistent with General Plan Policy BE-26.10.

**Comment A.3:** Consider incorporating a designated parking area for shared micromobility devices into the project. For example, creating a dedicated space for residents and visitors to the townhouses to lock a shared scooter or e-bike for some hours would encourage use of these non-polluting modes, and increase the visibility of such alternatives to residents, visitors, and Bay Trail users alike. Due to the proximity of this project to expansive outdoor trails and nature preserves, encouraging access via micromobility would also help overcome the inadequate pedestrian experience in the vicinity through non-vehicular modes. This could be considered as part of the TDM measures provided by the project, as well as in support of Redwood City's General Plan policy BE-26.6.

**Response A.3:** As described in Table 3.17-1 of the Draft EIR, the project would be consistent with General Plan Policy BE-26.6. Although the recommendations in the comment are not required to reduce environmental impacts to a less than significant level, a pad for micromobility devices has been incorporated into the project design.

**Comment A.4:** Hydrology
According to the Federal Emergency Management Agency (FEMA) Flood Panel 06081C031F Map, the site location is within a 100-year flood zone with adjacent areas within the 500-year flood zone. According to the DEIR, the proposed development will not increase the inundation of flood waters in the area. Caltrans encourages the City to coordinate with and obtain concurrence by local agencies with jurisdiction and authority of this project, such as the San Mateo County Flood Control District, to account for sea-level rise.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

**Response A.4:** As described in Section 2.2.1.4 of the Draft EIR, the current site elevation, which is approximately seven feet above mean sea level, would be increased to three feet above the Federal Emergency Management Agency (FEMA) base flood elevation of 10 feet (for a site elevation of approximately 13 feet above mean sea level) in order to protect from flooding and future sea level rise. The recommendations in the comment will be considered by the project applicant and the City but are not required to reduce environmental impacts to a less than significant level.

**Comment A.5:** Thank you for allowing Caltrans the opportunity to provide comments on the 505 E. Bayshore Road Project. Please see the attached letter for our comments related to CEQA and if you

have any questions please contact the Caltrans Local Development Review team at LDIGR-D4@dot.ca.gov.

Additionally, Caltrans has the following questions, comments, and recommendations related to the local transportation (non-CEQA) analysis:

Were the Existing Conditions obtained from the 2018-2019 traffic counts based solely on the counts? Traffic demand volumes, not counts, should be used for Existing Conditions and all project-generated trips should be added to the existing traffic demand volumes and the future forecasted scenario traffic demand volumes. If only count volumes were used for analysis, all scenarios will need to be re-run with demand volume inputs. Caltrans recommends providing updated LOS and delay for all scenarios.

**Response A.5:** With the adoption of SB 743 and the implementing CEQA Guideline 15064.3, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. The Redwood City Transportation Analysis Manual requires preparation of a Local Transportation Analysis to analyze non-CEQA transportation issues, including local transportation operations, intersection level of service, site access and circulation, and neighborhood transportation issues such as pedestrian and bicycle access and recommend transportation improvements. While the City requires the preparation of a Local Transportation Analysis, the analysis is not a requirement of CEQA. As a result, this comment does not raise any issues related to the project's environmental impacts. Regardless, responses to the questions raised in this comment and the comments below are provided for informational purposes. These responses were developed with the assistance of Hexagon Transportation Consultants, who prepared the Transportation Analysis for the project contained in Appendix J to the Draft EIR.

With one exception, all of the study intersections operate well below capacity which indicates that the traffic counts reflect the actual traffic demand volumes. The exception is the intersection of Veterans Boulevard and Woodside Road (SR 84), which operates at LOS F during the PM peak hour. The Synchro default parameters were adjusted at this intersection to ensure that the calculated intersection delay and LOS realistically represent existing traffic conditions as observed in the field.

**Comment A.6:** Caltrans recommends providing the sim-traffic queueing analysis results for all of the on/off-ramps for the different scenarios which should include 95% queues and lengths of ramp storage. The following should be evaluated for the ramps:

- On-ramp storage capacity evaluations to determine if on-ramp queues are spilling back to the city streets.
- Off-ramp storage capacity evaluation to determine if off-ramp queues are spilling back onto mainline freeway.
- Storage capacity evaluations for all of the turning movements at the intersections.

**Response A.6:** The proposed project would only add minimal trips (less than 10 per hour) to the freeway ramps; therefore, a storage capacity analysis of freeway ramps is not necessary. Instead, the study documents the trips added by the proposed project to the freeway ramps for informational purposes only.

A queuing analysis at study intersections was not conducted because the project would add less than 10 peak-hour trips to all turning movements and would have an insignificant effect on intersection operations.

**Comment A.7:** Caltrans recommends that all study intersections be analyzed in Synchro/Sim-Traffic not just Synchro given the close proximity of some of the intersections.

**Response A.7:** With the exception of the Veterans Boulevard and Woodside Road (SR 84) intersection, vehicle queues are not expected to spill back from one intersection to the next upstream intersection. Thus, most of the study intersections would not be substantially affected by the adjacent intersections. At the intersection of Veterans Boulevard and Woodside Road (SR 84), the Synchro analysis parameters were adjusted to reflect the effect of queuing from adjacent intersections. Thus, the Synchro LOS analysis results, which show the Veterans/Woodside intersection would operate at LOS F during the PM peak hour under all scenarios, accurately reflect the effects of the close intersection spacing at this location.

## B. Department of Toxic Substances Control (October 31, 2022)

**Comment B.1:** I represent the Department of Toxic Substances Control (DTSC) reviewing the Draft Environmental Impact Report (DEIR) for the 505 E. Bayshore Road Project.

The project site is currently a cleanup site under the oversight of San Francisco Bay Regional Water Quality Control Board (RWQCB); however, this is not discussed in the DEIR. The DEIR even discusses nearby RWQCB sites but does not discuss the cleanup site on the project site itself. It would be helpful to note, for example, that RWQCB has approved the Site Cleanup Plan. Similarly, mitigation measure HAZ-1.1 discusses how the SMP is to be reviewed by relevant oversight agencies. Presumably, RWQCB would be the relevant regulatory agency to review this document, which should be noted in the DEIR. Please feel free to reach out if you have any questions or concerns.

**Response B.1:** The Draft EIR relied upon Phase I and Phase II Environmental Site Assessments (ESAs) for information regarding existing hazardous materials contamination on and adjacent to the site (refer to Appendices F and G of the Draft EIR). While these reports described the existing polychlorinated biphenyl (PCB) contamination on the site, at the time of the reports were completed (2019), the project site was not listed as a cleanup site under the oversight of San Francisco Bay Regional Water Quality Control Board. As a result, the site's current status as a cleanup site under the oversight of the RWQCB was omitted from the Draft EIR.

As mentioned in the comment, the project site is in a cleanup program overseen by the San Francisco Bay RWQCB with a site status of "Open & Interim Remedial

Action as of 4/6/2021". As discussed in Section 3.9.1.2 of the Draft EIR, PCB contamination is present in soils on the site. The cleanup program is being implemented to remediate this contamination that was disclosed in the Draft EIR. The text of the Draft EIR has been revised to accurately describe the site's status as a cleanup site under the oversight of the RWQCB and to clarify that the mitigation for the identified impact associated with the existing PCB contamination shall be implementation of the cleanup program under RWQCB's oversight (refer to Section 5.0 of this Final EIR for a list of EIR text revisions). This revised text is intended to clarify the analysis of project's impacts already included in the Draft EIR in response to the above comment and does not represent substantial new information that would require recirculation of the Draft EIR.

## REGIONAL AND LOCAL AGENCIES

### C. San Francisco Bay Conservation and Development Commission (November 10, 2022)

**Comment C.1:** Thank you for the opportunity to comment on the City of Redwood City's Planning Department's Draft Environmental Impact Report (DEIR) for the Proposed 505 East Bayshore Road Project (Project), State Clearinghouse Number 2021080447, Notice of Availability dated September 24, 2022.

The San Francisco Bay Conservation and Development Commission (BCDC or Commission) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on information, analyses, and findings in the DEIR that are relevant to BCDC's jurisdiction and authority. The Commission has not reviewed the DEIR; the following comments are provided by staff based on the San Francisco Bay Plan (Bay Plan) as amended through May 2020 and the McAteer-Petris Act (MPA).

Project Description Summary
Applicants. Regis Homes Bay Area, LLC (developer), and Alan B. Forrest and Adeline Forrest Revocable Trust (property owner)

Project. From our review of the project description, we understand that Regis Homes Bay Area proposes to redevelop a 2.5-acre light-industrial site into a residential project with 56 for-sale residential townhomes, 20 of which would be located in three buildings facing the bayfront. The remaining 36 units would be in six buildings that are perpendicular to the bayfront buildings. These nine buildings would be three-story wood-framed structures on top of at-grade concrete foundations. In total, the buildings would provide 89,674 square feet of gross floor area. The buildings would reach maximum heights of 38 feet and would be setback at least 29 feet from the northern property line, 10 feet from the eastern property line, and 11 feet from the southern and western property lines. The project proposes 28,714 square feet of common open space, including an amenity area for residents on the eastern portion of the site.

The overall grade of the site would be elevated five to seven feet above the existing grade to raise the project above the flood zone elevation of +10 feet NAVD88. The soil would be held back with a retention wall adjacent to the embankment of the tidal ditch on the north side of the project. The current site plan proposes to keep the development mostly outside the U.S. Army Corps of Engineers (Army Corps) jurisdiction (aka "line of biological importance"), including a proposed retention wall and cantilevered walkways to avoid habitat impacts and permits from the Army Corps.

The project would also include a dedicated shoreline public access easement.

The project proposes a variety of improvements that would enhance public access to the Bay. These improvements include a roughly 33-foot wide public access easement from the shoreline to the edge of buildings along the shoreline, a new 14-foot-wide shoreline bike/pedestrian boardwalk with overlooks, seating and other amenities, and a new 10-foot wide sidewalk connection to the Bair Island Bike Path and Bay Trail Trailhead at Bair Island along East Bayshore Road. The discussion

below provides greater detail with respect to 505 E. Bayshore's proposed public access improvements.

1. Bike/Pedestrian Shoreline Trail: The Project would include 14-foot-wide shoreline path (10-foot-wide paved with two 2-foot-wide shoulders) that runs along the entire length of the northern edge of project site with a decorative guardrail. The trail proposes to connect East Bayshore Road on the west to the proposed trail at 557 East Bayshore Road SyRes project. At East Bayshore Road, the trail is proposed to connect with the proposed sidewalk, discussed below, which would lead to the Bair Island Trailhead. To accommodate three cantilevered outlooks, the 14-foot-wide trail is proposed to curve around the seating and overlooks. Bollard lighting is proposed to provide pedestrian-scale path illumination for trail users.

2. Sidewalk Connection to Bair Island Trailhead: The Project would increase the width of the existing 98-foot-long, 6-foot-wide sidewalk that connects to the Bair Island Trailhead to 8 to 10 feet. This improved connection would also include a new 2-foot-wide shoulder on the side closest to the shoreline and, on the side closest to vehicular traffic, raised planters for safety. The proposed sidewalk connection would include an improved shoulder along East Bayshore Road, and an ADA-accessible sidewalk ramp to the crosswalk at the Whipple Avenue interchange.

3. Overlooks: The shoreline trail proposal includes three overlook nodes. Two overlooks, each 160 square feet (approximately 6 feet by 24 feet), propose to cantilever over the retaining wall with bench seating and interpretive signage. The third overlook at the east end of the property proposes to include an observation telescope (150 square feet).

4. Shoreline Trail Landing: At the western end of the shoreline path where the path meets East Bayshore Road, the Project would place a shoreline trail landing and walkway, which has been designed to partially cantilever over the shoreline in the tidal ditch. This change would effectively widen the entrance to the trail and create a straight visual line down the shoreline pathway. In an effort to encourage public use of the Shoreline Trail Landing, the Project would introduce amphitheater style stairs to connect the landing and the adjacent East Bayshore Road sidewalk and remove the corner planters. The 693-square-foot trail landing area is proposed to be located at the western entrance of the shoreline trail, opening to the north. The patio would include a large wood deck with seating, a picnic table, bike parking, a water fountain, way-finding signage, and a dog waste station. The landing area would be separated from the adjacent sidewalk by planting and an accent wall with a monument sign, which allows for the site to slope down to the existing grade at the street.

5. Parking: The Project proposes five public street parking spaces along Bayshore Road. The project proponent would work with Redwood City to implement parking time restrictions to ensure turnover and availability for those looking to use the nearby Bay Trail and paths.

6. Paseos: Two 15- to 28-foot-wide paseos are proposed to connect the upland buildings to the shoreline trail, terminating at the two central overlooks. These connections propose to provide a physical and visual line of sight to the bayfront from the other side of the parcel.

II. BCDC's Role

The McAteer-Petris Act of 1965 "empowers the Commission to issue or deny permits, after public hearings, for any proposed project that involves placing fill, extracting materials or making any substantial change in use of any water, land or structure" within its jurisdiction (California Government Code (CGC) § 66604). Note that "substantial change in use" includes projected changes to the type of use as well as intensity of use, e.g., substantial increase or decrease in population density or occurrence of an activity.

Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the confluence of the San Joaquin and Sacramento Rivers and includes tidal areas up to mean high tide, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands; and certain waterways that are tributaries to the Bay. A part of the 505 E. Bayshore project is within BCDC's 100-foot shoreline band jurisdiction. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety, and welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan.

The Bay Plan also designates certain shorelines and waterways by priority use categories, in an effort to reserve areas with characteristics that support particular important and difficult-to reproduce activities. The proposed project is immediately south of Bair Island Ecological Reserve, a Bay Plan-designated Wildlife Refuge Priority Use Area.*

* BCDC, San Francisco Bay Plan (May 2020 edition), PDF page 137.

III. THE PROPOSED AND BCDC POLICIES

Generally speaking, the Commission's permitting process attempts to balance development with natural resource conservation and maximum feasible public access. The Bay Plan policies listed in this letter are not exhaustive. Our intention is to identify a selection of relevant policies which the DEIR has not already acknowledged or considered in all applicable contexts. The entirety of the Bay Plan and all relevant laws and policies are used to determine permit requirements of projects by BCDC.

> **Response C.1:** The comment includes a summary of the project description in the Draft EIR and a discussion of BCDC jurisdiction and policies. This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

**Comment C.2:** A. COMMENTS ON THE DEIR

Staff has prepared the following comments on the contents of the DEIR. Comments are focused on providing points of information related to BCDC policies and procedures cited in the DEIR, comments on analyses and findings related to resources under BCDC's authority, comments on the overall analysis presented in the DEIR in terms of CEQA requirements, and notes on additional information that will be expected from the Project proponents as part of BCDC's permitting process. We begin by providing comments regarding concerns that consistently occurred throughout DEIR (see "1. General Comments"). We placed these comments at the beginning of this section so as to avoid repeating them further below. After sharing our general comments, we discuss specific Bay

Plan policies of relevance to the proposed project and the adequacy of DEIR analysis with respect to BCDC policies.

1. General Comments. In general, we note the absence of references to BCDC Bay Plan policies in any of the regulatory settings of the 20 DEIR environmental impact subsections, except for the Aesthetics sub-section (3.1). CEQA Guidelines Section 15124(d)(1)(a) and (c) states the DEIR shall list policies of agencies that are expected use the EIR in their decision making. We request each sub-chapter within the Environmental Setting, Impacts and Mitigation (Section 3.0) reference the Bay Plan policies referred to below.

**Response C.2:** The comment refers to CEQA Guidelines Section 15124(d)(1)(a) and (c), stating that this this section requires EIRs to list policies of agencies expected to use the EIR in their decision-making. The actual text of the CEQA guidelines is slightly different than what is stated in the comment. The text of the section cited in the comment, which pertains to the required contents of the Draft EIR's project description, is reproduced below:

> 15124. PROJECT DESCRIPTION
> The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.
> …
> (d) A statement briefly describing the intended uses of the EIR.
> (1) This statement shall include, to the extent that the information is known to the Lead Agency,
> (A) A list of the agencies that are expected to use the EIR in their decision making, and
> …
> (C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

In compliance with Section 15124 of the CEQA Guidelines, Section 2.4 of the Draft EIR identifies the BCDC as an agency expected to use the EIR in its decision-making and lists the Shoreline Band Permit as a related environmental review and consultation requirement applicable to the project. As addressed in further detail in Response C.8, below, a discussion of the project's consistency with relevant BCDC Bay Plan policies has been added to the EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment C.3:** We also note a general lack of detailed narrative on how specific physical improvements of the proposed project cause specific environmental changes. CEQA Guidelines Section 15126.2 states "... Direct and indirect significant effects of the project on the environment

shall be clearly identified and described, giving due consideration to both the short-term and long-term effects."

**Response C.3:** The comment does not include examples of where the Draft EIR failed to specify how physical improvements proposed by the project cause environmental changes. The project description in Section 2.2 of the Draft EIR thoroughly describes the proposed development activities, and each subsection within Section 3.0 of the Draft EIR analyzes the environmental impacts resulting from those development activities. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.4:** Moreover, there is lack of how underlying quantitative or other kinds of analyses support DEIR conclusions.

**Response C.4:** The comment does not include examples of where the Draft EIR failed to support conclusions with underlying analysis. Where relevant, the Draft EIR describes the methodology used to determine the project's impacts, and each impact conclusion in the Draft EIR is supported by substantial evidence. For example, in Section 3.3 Air Quality, the Draft EIR lists BAAQMD's quantitative thresholds for air quality impacts and describes how the California Emissions Estimator Model (CalEEMod) was used to calculate the projects emissions for comparison against those thresholds to determine the project's impacts. Similarly, in Section 3.17 Transportation, the Draft EIR lists relevant quantitative VMT thresholds adopted by the City and then compares the project's VMT, which was calculated using modeling methodology recommended by the City and C/CAG, against those thresholds to determine the project's impacts. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.5:** Related to this, the narrative generally fails to reference specific pages of specific appendices. This makes it very difficult to verify the thoroughness and adequacy of the analyses leading to and including project impact conclusions, particularly with respect to the policy areas of concern to BCDC. CEQA Guidelines Section 15148 states "The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR."

**Response C.5:** The CEQA Guidelines section referenced in the comment includes the following sentences immediately preceding the sentence cited in the comment: "Preparation of EIRs is dependent upon information from many sources, including engineering project reports and many scientific documents relating to environmental features. These documents should be cited but not included in the EIR." The City interprets this language in the CEQA Guidelines to apply to technical reports not included as Appendices to the EIR. CEQA Guideline 15147 provides that appendices to the main body of an EIR are part of the EIR. As a result, citing specific page numbers in Appendices to the EIR is not required under CEQA. Generally, information in the Appendices to the Draft EIR was either summarized in detail or repeated verbatim in the text of the Draft EIR. As a result, references to page numbers in Appendices are not needed because the text of the Draft EIR includes the

relevant analysis from those Appendices. The comment does not include specific examples of where the lack of page number citations prevented the commenter from completing a meaningful review of the analysis in the Draft EIR. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.6:** While the water quality analysis distinguishes between project construction impacts and project build-out impacts, the DEIR generally fails to do so in other chapters where such a distinction should be made, such as the sub-sections on Biological Resources (3.4) and Hazards\Hazardous Materials (3.9) (see CEQA Guidelines Section 15146: "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy").

**Response C.6:** Impacts related to both construction and build-out/operation of the project are disclosed throughout the Draft EIR. The comment does not provide any examples where the Draft EIR fails to analyze the impacts of the project, be they related to construction or build-out/operation. The comment merely states that the Draft EIR does not always explicitly indicate whether the impacts are resulting from construction or build-out/operation. CEQA does not require impacts to be explicitly categorized as either construction impacts or build-out/operational impacts, it just requires an analysis of impacts resulting from the project as a whole. The Draft EIR adequately analyzed the impacts of the project as required by CEQA.

The comment specifically mentions Sections 3.4 and 3.9 of the Draft EIR as examples where impacts are not distinguished between construction impacts and build-out impacts. Regarding Section 3.4 Biological Resources, impacts related to construction activities are clearly identified. The word "construction" is used 58 times in the discussion of impacts to biological resources. Additionally, impacts related to build-out and operation are also either clearly identified or can be easily inferred. For example, Section 3.4.2.1 includes a lengthy discussion of impacts related to bird collisions with the proposed buildings, clearly indicating an impact related to build-out of the project (refer to pages 63-66 of the Draft EIR). Similarly, Mitigation Measures BIO-2.1, MM BIO-2.2, MM BIO-2.3, MM BIO-6.1, and MM BIO-6.2 include measures to be implemented following construction and during project operation. As another example, Section 3.9 Hazards and Hazardous Materials of the Draft EIR discusses the use of small quantities of hazardous materials for cleaning supplies and landscape maintenance, which are clearly related to operation of the project, not construction. Similarly, Section 3.9 includes a lengthy discussion of emergency evacuation and emergency access to the site, which are also clearly related to build-out/operation and not construction. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.7:** We also request that the Final EIR analyze impacts stemming from improvements along Whipple Avenue/ East Bayshore Road connections to the Bay Trail and Bair Island. While

these improvements are outside of the project 505 E. Bayshore project area they are an important part of the project improvements and benefits.

**Response C.7:** It is not clear what improvements the comment is referencing. Project improvements on E. Bayshore include new sidewalks, Class II bicycle lanes and parking along the project's E. Bayshore Road frontage. These improvements would increase access to the existing Bay Trail. The impacts resulting from proposed project activities, including these improvements, are analyzed in the Draft EIR.

**Comment C.8:** 2. Land Use Planning. The Final EIR should refer to the Bay Plan and McAteer-Petris Act when considering the proposed project's consistency with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Bay Plan establishes policies for development and resource conservation within BCDC's jurisdiction, covering public access; the protection of Bay resources, including fish, other aquatic organisms, and wildlife; water quality; climate change; fills; shoreline protection; water-related uses; appearance, design, and scenic views; and mitigation.

With the above in mind, we note that sub-Section 3.11 ("Land Use and Planning") concludes less than significant impacts with respect to LU-2 ("The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect"). In CEQA Guidelines Appendix G, LU-2 is expressed accordingly: "Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect" (underline added). Given that part of the Project would occur within BCDC's 100-foot-shoreline band jurisdiction, BCDC should be considered "an agency with jurisdiction over the project." Thus, with respect to Appendix G's reference to an "agency with jurisdiction over the project" such as BCDC, we request that each of the sub-sections within Section 3.0 of the Final EIR refers to BCDC policies discussed below.

**Response C.8:** A description of the BCDC Bay Plan and McAteer-Petris Act has been added to the text of the EIR (please refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

The comment requests that the EIR include a discussion of consistency with BCDC Bay Plan policies identified throughout the comment letter. A discussion of the project's consistency with relevant policies mentioned in the comment letter has been added to the text of the EIR (please refer to Section 5.0 of this Final EIR for a list of EIR text revisions). As shown in the added text, the project would be consistent with relevant BCDC Bay Plan policies.

It should be noted that the CEQA checklist question referenced in the comment requires an EIR to determine whether a project would conflict with applicable policies "…adopted for the purpose of avoiding or mitigating an environmental impact." Several of the policies identified in the comment letter are not considered policies adopted for the purpose of avoiding or mitigating an environmental impact

and are therefore not included in the analysis in the EIR. These policies are listed below.

- Environmental Justice and Social Equity Policy No. 3 addresses community outreach in the context of environmental justice and social equity, which is not an environmental impact under CEQA.
- Environmental Justice and Social Equity Policy No. 4 addresses the analysis of disproportionate impacts to certain communities in the context of environmental justice and social equity. Disproportionate impacts are not required to be considered under CEQA.
- Public Access Policy No. 5 addresses community involvement in the design process for public access facilities, which is not an environmental impact under CEQA.
- Public Access Policy No. 7 addresses the mechanism by which the BCDC prefers public access to the Bay be guaranteed, which is not an environmental impact under CEQA.
- Recreation Policy No. 1 addresses BCDC's priorities for the provision of water-oriented recreational facilities such as marinas, launch ramps, beaches, and fishing piers. The policy does not pertain to environmental impacts to recreational facilities under CEQA.
- Recreation Policy No. 4 addresses the types of recreational facilities encouraged by the BCDC, which is not an environmental impact under CEQA.

**Comment C.9:** 3. Biological Resources. Relevant Bay Plan policies that apply to Biological Resources subsection are as follows. Bay Plan Fish, Aquatic Organisms, and Wildlife Policy No. 1 states, "[T]o assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Similarly, Tidal Marshes and Tidal Flats Policy No. 1 states, "[T]idal marshes and tidal flats should be conserved to the fullest possible extent, and that projects substantially harming these areas should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative." Tidal Marshes and Tidal Flats Policy No. 3 encourages siting and designing of projects to either avoid or minimize adverse impacts on tidal habits. Public Access Policy No. 4 states, in part, that "[p]ublic access should be sited, designed and managed to prevent significant adverse effects on wildlife."

According to sub-Section 3.4 (Biological Resources) of the DEIR, the project would include cantilevered sections of the proposed bike and pedestrian trail, which would cross over 0.04 acres of muted tidal marsh habitat. Although this habitat may receive some light, shading from the cantilevered structures would result in long-term degradation of this habitat, particularly pickleweed in which sensitive species such as salt marsh harvest mice, salt marsh wandering slews, and Alameda song sparrows are known to congregate. The DEIR addresses project-caused impacts to salt marsh harvest mice and salt marsh wandering slews in Impact BIO-3 ("Project activities may result in the injury or mortality of salt marsh harvest mice and salt marsh wandering shrews") and BIO-5 ("The project would result in the permanent loss of muted tidal marsh habitat, which is potential habitat for

salt marsh harvest mice and salt marsh wandering shrews"), with each impact including a corresponding set of mitigation measures. With respect to BIO-5's mitigation measures, please elaborate as to why the proposed compensatory Mitigation Measure 5.1 ("conservation bank") "does not necessarily need to be approved for salt marsh harvest mouse mitigation as long as it provides suitable habitat for the species in an area expected to support the species (e.g., the San Francisco Bay Tidal Wetlands Bank in Redwood City would be appropriate)."

**Response C.9:** The language in the Draft EIR referenced in the comment relates to the use of conservation banks for the purpose of mitigating impacts to sensitive habitat. The intent of the language is to indicate that the key factor determining which conservation banks are acceptable is whether the bank provides suitable habitat for salt marsh harvest mouse, not whether the bank is officially approved by the CDFW for the explicit purpose of mitigating for impacts to salt marsh harvest mouse. Some conservation banks may be available for use by the project that provide habitat that is suitable for salt marsh harvest mouse even though they are not officially approved by the CDFW for the explicit purpose of salt marsh harvest mouse mitigation. For example, the San Francisco Bay Tidal Wetlands Bank in Redwood City, as listed in the Draft EIR and the comment above, is not officially approved for salt marsh harvest mouse mitigation by the CDFW even though the habitat created by the Bank would be suitable for salt marsh harvest mouse. By purchasing credits at such a conservation bank, habitat suitable for salt marsh harvest mouse would be created, thus mitigating the project's impacts. The language of Mitigation Measure MM BIO-5.1 has been revised to be more clear (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment C.10:** In addition, please elaborate on the process by which the Habitat Mitigation and Monitoring Plan would be reviewed by which state, regional, and or local agency.

**Response C.10:** The Habitat Mitigation and Monitoring Plan (HMMP) identified in Mitigation Measure BIO-5.1 would be reviewed and approved by the City prior to issuance of building permits for the portions of the project impacting muted tidal marsh habitat. The language of Mitigation Measure MM BIO-5.1 has been revised to clarify this review process (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment C.11:** 4. Recreation. Relevant recreation legislation and Bay Plan policies are as follows. Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, Bay Plan Public Access Policy No. 2 states in part that: "…maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline." Bay Plan Recreation Policy No. 1 emphasizes, in part, a broad set of water-oriented programs for people of all races, cultures, ages and income levels. Bay Plan Public Access Policy No. 8 states in part that: "… improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent...." Consistent with Recreation Policy No. 1 and Public Access Policy 8 emphases on inclusion, Environmental Justice and Social Equity Policy 3 states, in part, "Equitable,

culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects…"

Other relevant policies that implicate the project's proposed recreational programs and activities, such as shoreline paths and seating area, include Public Access Policy No. 6, which states that "public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding." Public Access Policy No. 7 states in part that "whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed… Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby."

In sub-Section 3.16, the analysis of Impact REC-1 states that the proposed development would "provide "28,714 square feet of common open space and 2,879 square feet of private open space (31,593 square feet total), which would reduce the usage of existing parks and recreational facilities" (DEIR 182). In accordance with CEQA Guidelines Section 15146, we would request additional specificity as to which existing parks and recreational facilities that Impact REC-1 is referring, particularly given the close-proximity of the project to the existing Bay Trail and to Bair Island and its trails. It is not clear why residents, guests of residents, and others utilizing the expanded shoreline trail resulting from 505 E. Bayshore and 557 E. Bayshore projects would not only utilize recreational opportunities afforded with the common open space area but also use the existing nearby Bay Trail and Bair Island trails.

> **Response C.11:** In addition to listing BCDC Bay Plan policies related to recreation, the comment refers to a statement in the Draft EIR regarding the usage of existing parks and recreational facilities by future residents, employees, and patrons of the project. The intent of the statement in the Draft EIR was to indicate that the inclusion of 28,714 square feet of common open space would reduce the extent to which future residents of the project would utilize existing off-site parks and recreational facilities in general due to the provision of similar amenities on-site, thereby reducing the project's contribution to any substantial physical deterioration of existing parks or recreational facilities. It was not intended to suggest that future residents of the project would not utilize the Bay Trail and other trails on Bair Island due to the provision of on-site recreational facilities. The Draft EIR determined that payment of assessed park impact fees in accordance with Chapter 18 of the City's Municipal Code would contribute to the installation, acquisition, construction, and improvement of existing recreational resources, ensuring the project would not cause substantial physical deterioration of these facilities. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.12:** It is also worth noting that, when constructed, the Project's shoreline path will connect with proposed shoreline path of the project (557 E. Bayshore Road) immediately to the east of 557 E. Bayshore Road. This connection allows for a seamless shoreline path connecting the project's path with where E. Bayshore Road and Whipple Avenue meet, which is also a connection point toward the western end of the existing Bay Trail on the PG&E levee, as well as to Bair Island. Moreover, there is an informal dirt path from the north-eastern corner of 557 E. Bayshore Road to the

existing Bay Trail on the PG&E levee. Conceivably, 505 E. Bayshore residents, guests of residents, and visitors would be able to use a newly-formed path that would loop around the tidal ditch, with the shoreline paths of 557 E. Bayshore and 505 E. Bayshore constituting the segment of the loop south of the tidal ditch, and the existing Bay Trail the segment of the loop north of the tidal ditch. We request that the FEIR further analyze impacts to the existing Bay Trail resulting from more users, so as to understand appropriate mitigation measures.

**Response C.12:** Although the Draft EIR analyzes the project's impacts to recreational facilities in general, text has been added to the EIR to specifically address potential impacts to the Bay Trail (please refer to Section 5.0 of this Final EIR for a list of EIR text revisions). While the project would construct pedestrian/bicycle infrastructure that would increase access to the Bay Trail in the future with the completion of other nearby development projects, and would potentially increase use of the Bay Trail by placing housing in close proximity to the Bay Trail, the increased use of the Bay Trail by residents of the project would represent a small fraction of the overall use of the Bay Trail. It is assumed that the portion of the Bay Trail near the project site was constructed in accordance with the Bay Trail Design Guidelines and Toolkit, which requires the Bay Trail to be constructed in a manner that would accommodate the expected future level of use when the Bay Trail system is fully completed. As a result, increased use of the Bay Trail resulting from the project would not result in or accelerate substantial physical deterioration of the facility. The comment does not provide evidence that the project would result in significant impacts to recreational facilities, including the Bay Trail.

**Comment C.13:** BCDC is concerned that there is no discussion in the DEIR about sea level rise adaptation for these public access and recreational amenities, particularly those bordering the shoreline and tidal ditch. The proximity of the proposed pathway and corresponding set of decks and overlooks to the shoreline/tidal ditch and Smith Slough suggests that these recreational facilities would be among the first areas to experience sea level rise impacts. If the degradation or loss of these public recreation areas negatively affects the ability of residents and visitors to use the provided park space, it is possible they will choose to utilize other recreation areas in the City of Redwood City. The concern here is that if the City loses the recreation space that was dedicated to mitigate the impacts of residential development, commensurate with the new population, the City would therefore need new park space to replace the space that was lost, the loss of which makes the City fall even more below resident-to-park area performance standards. Moreover, the loss of park space here might result in impacts to existing spaces elsewhere in the City. Therefore, sea level rise should be incorporated into the analysis for impact REC-1.

**Response C.13:** As described in Section 2.2.1.7 of the Draft EIR, the current site elevation, which is approximately seven feet above mean sea level , would be increased to three feet above the Federal Emergency Management Agency (FEMA) base flood elevation of 10 feet (for a site elevation of approximately 13 feet above mean sea level) in order to protect from flooding and future sea level rise. The comment suggests that future sea level rise may result in residents of the project utilizing other parks and recreational facilities in Redwood City because nearby recreational facilities may become inaccessible. As described in Section 3.15.2.1 of the Draft EIR, the project would be required to pay the assessed park impact fees

mandated by Municipal Code Chapter 18, funds which will be used for the installation, acquisition, construction and improvement of park improvements listed in the Impact Fee Project List, including the acquisition of land necessary for such improvements. The Draft EIR determined that payment of assessed park impact fees would ensure the project would not cause substantial physical deterioration of parks and recreational facilities. This conclusion would remain valid regardless of which specific parks and recreational facilities within the City would be utilized by residents of the project.

**Comment C.14:** 5. Hydrology And Water Quality. Relevant BCDC policies with respect to proposed project include Bay Plan Climate Change Policy No. 2., which states, in part, "A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment." Climate Change Policy No. 3. States that if a risk assessment determines that a project could pose a risk to public safety or ecosystem services, the project should be resilient to mid-century and if the Project would last beyond mid-century, it should be adaptable to end-of-century sea level rise projections, including storms. In addition, Public Access Policy No. 6 states that "public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding." Policy No. 7 states in part that "whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed… Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby." Bay Plan Water Quality Policy No. 3 states new projects are required to be "sited, designed, constructed, and maintained to prevent or […] minimize the discharge of pollutants in the Bay" by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices.

As we did not see a risk assessment along the lines of Climate Change Policy No. 2 and No. 3 in the set of technical appendices, we recommend that the FEIR include a recommendation that the project proponent produces a risk assessment per BCDC policies. If such a document has already been produced, we request that it be included in the final EIR as an appendix. We appreciate the fact that this section includes a sub-section on "flooding, tsunami, and seiche" (DEIR 144), but for purposes of BCDC's process, we request the final EIR include analyses on the order found in a sea level rise risk assessment, especially in an effort to understand the resilience of certain public access improvement BCDC might require. While HYD-2 discusses impacts to groundwater with respect to supply and recharge, we further request the final EIR analyze the resilience of the proposed project with respect to how SLR affects groundwater levels. We request such an analysis because the DEIR indicates the presence of certain pollutants (hydrocarbons, VOCs, and metals) in the ground (DEIR 116).

**Response C.14:** The comment cites BCDC Bay Plan policies related to sea level rise. The California Supreme Court in a December 2015 opinion (California Building Industry Association [CBIA] v. Bay Area Air Quality Management District) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In terms of flooding,

including flooding related to sea-level rise, the relevant question under CEQA is not whether the project would be subject to flooding and sea level rise, but whether the project would risk release of pollutants due to project inundation or whether the project would impede or redirect flood flows. As discussed in Section 3.10.2.1 of the Draft EIR, the project would not risk release of pollutants due to project inundation, nor would it impede or redirect flood flows due to the tidal nature of flooding in the area. It should be noted that the project proposes to raise the elevation of the site to 13 feet above sea level, providing substantial protection against flooding and future sea level rise.

The comment requests that the Final EIR require the project to complete a sea level rise risk assessment in accordance with BCDC Bay Plan Climate Change Policies 2 and 3. As described above, sea level rise in and of itself is not considered a CEQA impact, and a formal assessment of the risk of sea level rise to the project is not required as part of the CEQA process. As a result, there is no nexus to require this risk assessment under CEQA. The BCDC may, however, require the project to complete a risk assessment in accordance with its policies as part of the BCDC Shoreline Band Permit process.

The comment also requests that the Final EIR analyze the resilience of the proposed project with respect to how sea level rise affects groundwater levels. As discussed above, the effects of sea level rise are generally considered an impact of the environment on the project, and are therefore not considered impacts under CEQA. The comment does not indicate how the project may result in an impact on the environment as a result of sea level rise and its potential effect on groundwater levels. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.15:** 6. Hazards And Hazardous Materials. Bay Plan Water Quality Policy No.1 states, “Bay water pollution should be prevented to the greatest extent feasible. The Bay’s tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality.” And, Bay Plan Water Quality Policy No. 3 states new projects are required to be “sited, designed, constructed, and maintained to prevent or […] minimize the discharge of pollutants in the Bay” by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices.

The analysis provided in support of the "less than significant" conclusion for the first project impact ("HAZ-1”: “The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.”) discusses impacts once the project is built and occupied. Given the emphasis on construction in Water Quality Policy 3, we appreciate the fact that the DEIR discusses HAZ-1 impacts with respect to construction and operational phases of the project.

**Response C.15:** The comment refers to BCDC Bay Plan policies related to water quality and the discharge of pollutants into the Bay. Similar to the BCDC Bay Plan, the Draft EIR discusses the potential for construction activities to result in the release of hazardous materials in the context of water quality and discharge from the site. As

described in Section 3.10.2.1 of the Draft EIR, the project would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the NPDES General Construction Permit prior to commencement of construction. The NPDES General Construction Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related discharges.

Construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act. Therefore, construction of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor exacerbate any existing hazardous condition, resulting in a less than significant impact. This text has been added to the EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions). This additional text is intended to clarify the analysis of project impacts already included in the Draft EIR in response to the above comment and does not represent substantial new information that would require recirculation of the Draft EIR.

**Comment C.16:** 7. Geology And Soils. Bay Plan Safety of Fill Finding No. 1 states, "To reduce risk of life and damage to property, special consideration must be given to construction on filled lands in San Francisco Bay. " The analysis in the DEIR's geology and soils section relates to issue areas that BCDC will consider in permitting the Project, including the safety and stability of the site in light of the site preparation and filling work required for the Project's construction; the potential for erosion and implications for the long-term stability, safety, and usability of the proposed public access and open space amenities; and the potential for any erosion to affect biological resources and/or water quality in riparian, wetland, and or Bay habitats present at the site.

In sub-section 3.7, the DEIR reports that impacts with respect to project impact GEO-3 ("The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.") are "less than significant". We are aware that the project at 505 East Bayshore Road proposes to address settlement and subsidence concerns with ground improvements underneath the townhomes via 20-foot to 30-foot-long concrete-filled drill displacement columns. We request the final DEIR specifically discuss the adequacy of these columns with respect to the impacts enumerated in this section. We further request an analysis as to the potential for soil subsidence and settlement with respect to 505 E. Bayshore's shoreline path and associated landscape, overlooks, and decks.

**Response C.16:** Under CEQA, a lead agency may rely on compliance with building code requirements and the implementation of design-level recommendations in a

geotechnical investigation to conclude that a project would not result in significant impacts related to geological hazards [Oakland Heritage Alliance v. City of Oakland (2011) 195 Cal.App.4th 884]. As a condition of approval, the project shall prepare a design-level geotechnical investigation in compliance with the requirements of the SHMA and CBC. The project shall implement the recommendations of the design-level geotechnical investigation, which would reduce impacts to expansive soils to a less than significant level. Appendix E includes preliminary estimates of settlements that were used to inform the analysis in the Draft EIR. Estimates from Appendix E shall be confirmed in the design-level geotechnical report completed under the condition of approval. The design-level geotechnical report will analyze the project as a whole, including the proposed bike and pedestrian trail to be constructed along the site's northern boundary. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.17:** 8. Appearance, Design, And Scenic Views. While the DEIR references Bay Plan Appearance, Design, and Scenic View policies that are at the heart of maintaining the beauty of the Bay and waterfront, further analysis is required with respect to how the project alters views. In sub-Section 3.1, the DEIR concludes that there are no impacts with respect to AES-1 ("The project would not have a substantial adverse effect on a scenic vista"). No adverse effects on scenic vista occur because "construction of the project would not substantially alter views of the Bay from the Bayshore Freeway" (DEIR 25). We request the FEIR analyze the adequacy by which the proposed paseos – including any activities or programs that would occur within the paseo viewsheds – between the residential structures along the shoreline promote views through the project site toward the Bay.

**Response C.17:** As described in Section 3.1.2.1 of the Draft EIR, scenic vistas in the City are located in the southern and western portions of the City within the hillside neighborhoods. The project site is located in the west central portion of the City and, therefore, is not located within a scenic vista. As a result, the project would not affect a scenic vista. The Draft EIR supplements this conclusion by discussing how the site is currently developed with several corrugated metal warehouse buildings and outdoor storage facilities which partially block views of the Bay from the Bayshore Freeway. The Bayshore Freeway is mentioned in the Draft EIR because it is the most heavily used public vantage point in the project area from which the project site and the San Francisco Bay are both visible.

The comment requests an analysis of whether the proposed "paseos" adequately promote views through the project site toward the Bay. While the term "paseo" is not used in the Draft EIR, it is assumed that the comment is referring to internal pedestrian walkways providing access for residents to the proposed trail along the northern boundary of the site. These walkways are oriented in a north/south direction. The adjacent property to the south of the site is currently developed with structures that block views of the Bay from the south. As a result, these pathways do not enhance views of the Bay through the project site. However, the project includes an internal roadway oriented in an east/west direction. This roadway would provide views through the site looking east from E. Bayshore Road to a greater extent than existing conditions.

As described previously, the site does not currently provide substantial views of the Bay from public vantage points south of the site due to intervening structures and vegetation. Structures and vegetation proposed by the project would result in similar conditions and would not result in a substantial change of views of the Bay from public vantage points in the project vicinity, resulting in a less than significant impact under CEQA. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.18:** 9. Cultural And Tribal Resources. The Bay Plan includes policies with respect to Environmental Justice and Social Equity, the first guiding principle of which is to "recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region." Bay Plan Public Access Policy No. 5 states that public access should embrace "local multicultural and indigenous history and presence." And, Bay Plan Recreation Policy No. 4 states that parks should emphasize historical and cultural education and interpretation. We note that sub-Section 3.5 ("Cultural Resources") concludes no or less than significant impacts with respect to CUL-1 ("The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5") and CUL-2 ("The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5"). In the first instance, the analysis in support of these conclusions refers to "historical" and "cultural" resources as buildings, while in the second, these resources are referenced in the context of artifacts or human remains (DEIR 83-85). We further note sub-Section 3.18 ("Tribal Cultural Resources") approaches tribal cultural resources in a similar fashion, focusing on archaeological artifacts and human remains. However, CEQA Guidelines 15064.5 ("Determining Significance of Impacts to Archaeological and Historical Resources") provides a more-expansive view as to what constitutes "historical", including "area", "place", "events", or "heritage." We request the FEIR, at a minimum, research, document, and list the possible tribes and their respective eras that have interacted with the project site and surrounding area.

**Response C.18:** As described in Section 3.18.2 of the Draft EIR, for the purpose of determining the significance of the project's impact on tribal cultural resources, the Draft EIR analyzed whether the project would cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. As described in Section 3.18.1.2 of the Draft EIR, no known tribal cultural resources are present on the site, as it was historically undeveloped marsh land prior to placement of fill. On October 11, 2021, the City sent letters to tribes identified by the Native American Heritage Commission (NAHC) as culturally affiliated with the project area informing them of the project. The letters requested any information available regarding the presence of tribal cultural resources on the site. Tribes contacted included the Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, and the Ohlone Indian Tribe. No responses were received. The analysis of Cultural and Tribal Cultural Resources in the Draft

EIR is adequate under CEQA. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.19:** 10. Environmental Justice And Social Equity. The State of California defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." In 2019, the Commission adopted Environmental Justice and Social
While environmental justice is not necessarily identified as a distinct resource area in and of itself to be analyzed under Appendix G of the CEQA Guidelines, many of the DEIR's topic areas touch on issues of environmental justice. Environmental Justice and Social Equity Policy 4 states: "If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed." BCDC identified issues related to environmental justice in our above comments on tribal cultural resources and public access and recreation.

IV. Conclusion
Once again, thank you for providing BCDC an opportunity to comment on the 505 E. Bayshore Project. We hope these comments aid you in preparing the FEIR. If you, or the project proponent, have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at (415) 352-3622 or via email anthony.daysog@bcdc.ca.gov.

**Response C.19:** As acknowledged in the comment, the topics of environmental justice and social equity are not currently considered environmental impacts under CEQA. To the extent impact areas required to be analyzed under CEQA are relevant to the topics of environmental justice and social equity, the impacts of the project are adequately analyzed in the Draft EIR and/or are addressed in this Final EIR. The comment does not provide evidence refuting the analysis in the Draft EIR, and no further response is needed.

## ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

### D. Citizens Committee to Complete the Refuge (November 7, 2022)

*Refer to Comment Letter D in Appendix A of this Final EIR/Responses to Comments document for photos included with this comment letter*

**Comment D.1:** Citizens Committee to Complete the Refuge appreciates the opportunity to provide comments on the September 2022 Draft Environmental Impact Report (DEIR) for the 505 East Bayshore Road Project (Project). Our organization submitted scoping comments in response to the Notice of Preparation of an Environmental Impact Report (NOP) for the Project on September 21, 2021.

Citizens Committee to Complete the Refuge (Citizens Committee) has an ongoing interest in wetlands protection, restoration and acquisition. Our efforts have led to the establishment and expansion of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), including the addition of 1600 acres at Bair Island in Redwood City. We have taken an active interest in Clean Water Act, Endangered Species Act and California Environmental Quality Act regulations, policies and implementation at the local, state and national levels, demonstrating our ongoing commitment to wetland issues and protection of Refuge wildlife and habitats.

The proposed Project is in close proximity to the waters, mudflats and tidal marsh of the Refuge, and directly adjacent to a muted tidal channel with wetland vegetation. These areas include "sensitive natural communities" for which impacts must be considered and evaluated under CEQA, and they provide habitat for special status and other wildlife species, including resident and migratory shorebirds and waterfowl. Restoration of Inner Bair Island back to tidal marsh is well underway and the Refuge anticipates that populations of federal and state endangered Ridgway's Rail and salt marsh harvest mouse (both state fully protected species), already present at the Bair Island unit, will be increasing in this nearby area. Our comments regarding the DEIR will focus primarily on the adequacy of analysis and mitigation for impacts to Biological Resources, including the adequacy of Project Alternatives considered.

Existing Conditions
The DEIR and associated Appendix C Biological Resources Report (Appendix C) includes a factual error/omission as outlined below that must be correct in the Final EIR (FEIR).

Sensitive Natural Communities in the Vicinity of the Project
Figure 4. CNDDB-Mapped Records of Special-Status Plants on page 26 in the DEIR Appendix C shows a map indicating the location of "special-status plant species" and "sensitive natural communities" in the vicinity of the Project site. One of the CDFW-designated sensitive natural communities is Northern Coastal Salt Marsh. This map does not reflect current conditions as it does not reflect the restoration activities that have been ongoing for over a decade. The map incorrectly shows no tidal marsh on Inner Bair Island, and tidal marsh only outboard of the perimeter levees on Middle and Outer Bair Islands.

Additionally, there is no Northern Coastal Tidal Marsh depicted along the unnamed slough (a branch of Smith Slough) on the other side of the Bay Trail.

Additionally, the description of Inner Bair Island on page 24 in Appendix C also fails to accurately describe the current extent of tidal marsh, referring to the "…large areas of ruderal grassland" and "seasonally ponded wetlands".

To restore these diked islands back to tidal marsh, the U.S. Fish and Wildlife Service breached the levees surrounding Middle and Outer Bair Islands a number of years ago, and the perimeter levee on Inner Bair Island was breached in December 2015. With the reestablishment of tidal flow, pickleweed has become established throughout the marsh plain on all three islands, and cordgrass, Grindelia, alkali-heath and sea lavender are now present on Inner Bair Island. The Refuge is located approximately 100 feet from the project property line and is currently used extensively by a great variety of water birds, including migratory shorebirds, and other wildlife.

Due to the close proximity, and the potential for impacts from the Project on this Sensitive Natural Community and associated wildlife (i.e. bird strikes, shadowing, outdoor lighting, domestic animals, etc.) the FEIR must accurately depict the baseline conditions of the areas immediately adjacent to the proposed project and describe the location and extent of Northern Coastal Salt Marsh in the vicinity of the Project site.

> **Response D.1:** The City acknowledges that tidal salt marsh habitat matching CDFW's definition of Northern Coastal Salt Marsh is present on Inner Bair Island, as described in the comment. However, this habitat is not located on or immediately adjacent to the project site, and it is located far enough from the project that it will not be impacted directly, or indirectly (e.g., by lighting, shading, water-quality impacts, or other effects), by the project. As discussed in Section 3.4.2.1 of the Draft EIR, impacts on tidal marsh habitat located on and directly adjacent to the project site can potentially occur due to its close proximity to project activities, unlike the Northern Coastal Salt Marsh present on Inner Bair Island. These include impacts due to shading (Draft EIR pages 58 and 68-69), impacts on water quality (Draft EIR page 59), impacts due to the spill of lighting (Draft EIR pages 61-63), impacts due to collisions by birds that use this habitat (Draft EIR pages 63-66), impacts due to disturbance of salt marsh harvest mice and salt marsh wandering shrews (Draft EIR pages 66-67), and impacts on wildlife movement through this habitat (Draft EIR page 74). All of these impacts are addressed in Section 3.4.2.1 of the Draft EIR, which explains either why impacts are less than significant or describes mitigation necessary to reduce impacts to less-than-significant levels.

**Comment D.2:** Unidentified Bird Strike Hazard/Inadequate Analysis and Mitigation
The DEIR (Page 65) states: "Furthermore, architectural features that are known to pose collision hazards to birds, such as large expanses of glass, transparent glass corners, and freestanding glass walls or railings, are absent from the proposed buildings."

Avoiding glass corners is a key safety feature in Standards for Bird-Safe Buildings which states, "windows installed perpendicularly on building corners are dangerous because birds perceive an unobstructed route to the other side." (Standards for Bird-Safe Buildings. July 14, 2011, Pg. 6)

Several illustrations within the Site Plans for the proposed project appear to clearly show transparent glass corners both along the bay side of the proposed buildings as well as interior areas.

The DEIR fails to identify and analyze bird strike hazards from this architectural feature; this must be analyzed and avoidance or mitigation measures for the impacts must be identified in the EIR.

> **Response D.2:** As discussed on page 65 of the Draft EIR, A number of architectural features of the proposed buildings reduce their overall collision risk to birds. The facades of the nine planned rowhouse units include opaque wall panels with somewhat limited areas of glazing, and much of the glazing is visually disrupted by overhangs, metal railings, and mullions. These features increase the visibility of the buildings to birds, allowing birds to perceive them as solid structures to be avoided. The comment refers to "several illustrations within the Site Plans for the proposed project appear to clearly show transparent glass corners both along the bay side of the proposed buildings as well as interior areas." These windows would be treated with bird-safe glazing, ensuring any potential impacts associated with bird strikes would be less than significant. The text of the EIR has been revised to include the proposed glazing in the project description (please refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment D.3:** Inadequate Analysis of Shadow Impacts/Unsubstantiated Conclusions on Impacts to Sensitive Natural Community

In our response to the 2021 NOP, Citizens Committee specifically called out our concerns regarding potential shadow impacts to natural Bay habitats because of the close proximity of the residential buildings to adjacent muted tidal wetlands, and to the tidal marsh, mudflats and slough waters in the nearby unnamed slough in the Wildlife Refuge. Due to the height and close proximity of the proposed buildings, afternoon shadows could extend into these sensitive habitats. The area that could be impacted by shadowing includes Northern Coastal Salt Marsh with pickleweed, a marsh plant that is known to be intolerant of shade. The location of the buildings would be near the SF Bay Trail which the DEIR (pg. 52) describes as an area with, "…extensive areas of marsh habitat that support robust populations of marsh-associated wildlife species…"

The DEIR states, "Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)" (DEIR pg. 72).

In the absence of a shadow study specifically for impacts to the muted tidal marsh channel and the tidal marsh in the unnamed slough, this conclusion is unsubstantiated. With the close proximity of the buildings (only 29 feet from the edge of the property), the FEIR must include information from a shadow analysis specifically for these sensitive natural areas. The criteria used to determine whether any shade impacts from the buildings are significant must be clearly articulated.

Additionally, the shadow analysis must take into account not only the proposed apartment building height of 38 feet (Project Plans, Sheet A4.10), but also the height of the fill needed to obtain a site elevation 13 feet above mean sea level (DEIR pg. 5), for a total of 51 feet above sea level. This is particularly important because the tidal marsh areas are essentially at sea level.

The shadow analysis must not be improperly deferred to an administrative review at the time of city permitting. The DEIR is flawed. CEQA requires a project level EIR to identify all significant impacts and associated mitigations prior to project approval.

**Response D.3:** The response to Comment D.3 was prepared with the assistance of H.T. Harvey & Associates, the biologists who prepared the Biological Resources Report contained in Appendix C to the Draft EIR.

To address this comment, a shadow study was prepared for the project in January 2023 by DAHLIN, the project architects. The shadow study utilized architectural modeling software that takes into account the height of the future buildings on the site, as well as the increased elevation of the project site following redevelopment. H.T. Harvey & Associates utilized the results of this study to assess the effects of shading of the new project buildings on adjacent habitats relative to existing conditions.

Under existing conditions, the shadow study indicates that one existing building shades the westernmost end of the drainage ditch along the northern boundary of the project site. Shading from this building does not extend into the unnamed tidal slough, located north of the San Francisco Bay Trail from the project site. Otherwise, only a small amount of shading from the project site's higher elevation, relative to the elevation of the marsh along the drainage ditch immediately to the north, occurs under existing conditions.

Under proposed conditions, the existing building will be demolished and several new buildings will be constructed at least 29 feet south of the muted tidal drainage ditch. The 29-foot distance between the new buildings and the tidal habitat to the north reduces the potential for shadows from these buildings to shade tidal habitats. However, the proposed buildings will be taller than the existing building, and hence will cast longer shadows. The shadow study indicates that these buildings will shade the drainage ditch along the northern boundary of the project site at certain times of year. However, shading from these buildings will not extend into the unnamed tidal slough, located north of the San Francisco Bay Trail from the project site, and the project will not shade any National Wildlife Refuge lands.

Because shadows from the existing and future buildings do not extend into the unnamed tidal slough located north of the San Francisco Bay Trail, no impacts will occur within associated tidal habitats along the slough due to shading by the proposed buildings.

The shadow study indicates that for the majority of the calendar year, shading of the drainage ditch immediately north of the project site due to the proposed buildings will be similar to existing conditions. At the Spring Equinox and Fall Equinox, slightly more shading will occur in some areas (due to construction of the new buildings) while less shading will occur in other areas (due to the demolition of the existing building). Overall, the total shading of the drainage ditch will be of very similar extent to existing conditions in the spring and fall.

At the Summer Solstice, shading of the drainage ditch by the future project buildings will be less extensive compared to existing conditions, resulting in a small net benefit to vegetation along this ditch.

At the Winter Solstice, the proposed buildings will result in an increase in shading of the habitat along the tidal drainage ditch compared to existing conditions. Currently, the existing building located along the top of bank shades the westernmost portion of the drainage ditch in the winter. Under proposed conditions, shading in the winter would extend along the entire length of the drainage ditch adjacent to the site. However, this increased shading would not occur during the peak growing season of plants along the ditch, and hence will have no substantive impact on the health or extent of this vegetation. Further, as discussed in Section 4.3 of the Draft EIR, the quality of the habitat along this ditch is low due to its limited extent and isolation from more extensive tidal habitats to the north. Should any sensitive species, such as salt marsh harvest mice, occur in this habitat, their populations would already be relatively low. Therefore, the impact of increased winter-season shading by the proposed project on habitat and wildlife species along the drainage ditch would be extremely limited.

In conclusion, no shading impacts will occur along the unnamed tidal slough located north of the San Francisco Bay Trail. Shading by the proposed project along the tidal drainage ditch, located south of the San Francisco Bay Trail, will be similar to or less extensive compared to existing conditions for 75 percent of the calendar year, including the peak spring and summer growing seasons. The project will result in increased shading of the drainage ditch during the winter season compared to existing conditions. However, because this increased shading will not affect the peak growing season, and because the habitat quality along the ditch is very low, the effects of this shading on the habitat and any sensitive species that occur there will be extremely limited. Thus, this impact is less than significant under CEQA.

The text of the EIR has been revised to include the above analysis, as well as the shadow study that it is based upon (refer to Section 5.0 of this Final EIR for a list of EIR text revisions). No new significant impacts or impacts of greater severity have been identified, and this additional text does not represent substantial new information that would require recirculation of the Draft EIR.

**Comment D.4:** Significant Shading Impact from Cantilevered Trail Nodes/Observation Decks on Tidal Marsh Habitat

The DEIR states:…cantilevered sections of the proposed bike and pedestrian trail will cross over 0.04 acre of muted tidal marsh habitat. Although this habitat may receive some light, shading from the cantilevered structures would result in long-term degradation of this habitat, which provides potential foraging habitat for salt marsh harvest mice and salt marsh wandering shrews. (pg. 68- emphasis added)

The resulting "permanent loss of muted tidal marsh habitat" from shadowing is identified as a significant impact (Impact BIO-5 on pg. ix), and the DEIR states on page 225 that "Eliminating the cantilevers structures would avoid the impact to muted tidal marsh habitat."

The DEIR then states: "removing the cantilevered portions of the trail may require a reduction to the width of the trail in some locations, which could result in inconsistencies with BCDC requirements for trail design." (pg. xix), suggesting this as a valid reason to retain the features, in spite of identified significant impacts to tidal marsh that could be avoided. As shown in the excerpt below, Site Plan documents appear to show that no reduction in trail width would result from removing nodes. The DEIR is flawed in that it has clearly stated that the proposed cantilevered structures will have adverse impacts on habitat that supports federal and state listed species, and has failed to adequately demonstrate why these impacts cannot be avoided.

**Response D.4:** As described in Section 3.4.2.1 of the Draft EIR, the cantilevered sections of the proposed trail would result in impacts to 0.04 acre (or roughly 1,742 square feet) of muted tidal marsh habitat due to shading. Mitigation Measure MM BIO-5.1, which requires compensatory mitigation to create new habitat to replace the impacted habitat, is included in the Draft EIR to reduce the impact to a less than significant level.

The comment cites discussions in the Draft EIR regarding a project alternative that would eliminate the cantilevered portions of the trail to avoid the impact to the 0.04 acre of muted tidal marsh habitat. This alternative is included in the Draft EIR for consideration by the decision-makers (refer to Section 7.4.2.2 of the Draft EIR). The conclusion of the analysis of this alternative in the Draft EIR states that the "Implementation of the Design Alternative – Removal of Cantilevered Portions of the Public Trail would avoid the need to mitigate impacts to muted tidal marsh habitat. All other impacts of the project would remain the same." The decision-makers may select this alternative over the originally proposed project design when deciding whether to approve the project. The comment's assertion that the Draft EIR failed to demonstrate how impacts to the 0.04 acre of muted tidal marsh could be avoided is, therefore, inaccurate.

The language in the Draft EIR pertaining to the reduced width of the trail and its consistency with BCDC requirements for trail design, as cited in the comment, is part of the Draft EIR's analysis of this project alternative. The language is not provided as a reason to retain the cantilevered sections of the trail, but is merely included as a potential outcome resulting from this project alternative.

**Comment D.5:** Predator Perches: Inadequate Analysis/Unsubstantiated Conclusion on Impacts to Wildlife

On page 70, the DEIR states that, "…existing trees, light poles, and buildings currently provide perches for raptors on the project site. Relative to baseline conditions, the construction of the project is not expected to result in a substantial increase in the predation by raptors of small mammal species inhabiting adjacent tidal marsh habitats, or to affect regional populations of these small mammal species. (Less than Significant Impact)"

This conclusion is not supported by the information provided in the DEIR. Relative to baseline conditions, "The project would removal all 10 existing trees on the site and plant approximately 157 replacement trees." (pg. 5), a substantially greater number of trees than existing conditions. The number of proposed buildings would be increase from 4 to 9, and it is unclear how many light poles

would be installed on the project, since the lighting and photometric plans have not been submitted to the City for review (DEIR pg. 28).

Given the substantial increase in the number of trees, buildings, and possibly light poles, and the close proximity of these features to sensitive habitats, the DEIR statement that this aspect of the proposed project would have less than significant impacts is unsubstantiated. In addition to small mammals, avian predators such as ravens, crows and raptors can adversely impact resident and migratory shorebirds using nearby tidal marsh and mudflat habitat, causing loss of eggs from nests and mortality.

**Response D.5:** Section 3.4.2.1 of the Draft EIR acknowledges that "(c)onstruction of the project would provide potential perching sites for raptors within trees, on light posts, and on buildings within the project site. Raptors are likely to perch on the new buildings when hunting for prey, which may include salt marsh harvest mice and salt marsh wandering shrews that inhabit tidal marsh habitats to the north." As mentioned in the comment, the Draft EIR then goes on to explain that even though the project would provide potential perching sites for raptors, perching sites are already present on the site. As a result, the project would not result in a substantial increase in predation of small mammal species inhabiting adjacent tidal marsh habitat, nor would it affect regional populations of these species.

The precise number of perching sites provided by the proposed project is not the key question when determining the project's impact. The key question is whether the project would result in a substantial increase in predation that would affect the regional populations of protected mammal species. Adequate perching sites are present on the project site under existing conditions that allow raptors to prey on protected mammal species inhabiting nearby habitats. It is not the case that the project area is so saturated with raptors that all existing perching sites on the project site are simultaneously occupied by raptors, and any additional perching sites introduced by the proposed project would result in a substantial increase in the number of raptors utilizing the site for predation. Because raptors are territorial, it is unlikely that a substantial number of individual raptors would use the project site for predation. Instead, a small number of individual raptors or raptor pairs whose territory overlaps with the site would utilize the site for predation. This would occur regardless of the number of individual perching sites on the project site, meaning the construction of the project would not substantially increase the number of raptors utilizing the site for predation. As a result, the project would not result in a substantial increase in predation of small mammal species inhabiting adjacent tidal marsh habitat, nor would it affect regional populations of these species.

**Comment D.6:** Selection of Appropriate Landscape Trees as Mitigation for Avian Predator Roosting/Nesting Impacts

Landscape trees vary in their suitability to serve as perching or nesting sites for avian predators. With respect to existing tree species present on the site, there is currently a very limited number of variety of trees. For the trees proposed for planting, the DEIR provides no criteria for the selection of tree species to ensure there is no increase in perching/nesting sites for predatory birds. An example of

suitable tree species for planting adjacent to bay wetland habitats is attached (See Attachment: Pacific Shores Center Tree Suitability Index).

Additionally, the cover of the DEIR shows Canary Island palm trees planted adjacent to the muted tidal channel along the north side of the proposed project; however, the DEIR Landscape Plan (Figure 2.0-6) does not call for this tree species anywhere on site. As CCCR stated in our response to the NOP, this species is known to be used for roosting and nesting Barn Owls which are avian predators. This tree species should not be included in the planting plan.

The FEIR must provide an adequate analysis of the impacts from the substantial increase in the number of predator perches/potential nesting sites on the project property that will be in close proximity to tidal marsh listed species and other wildlife. Appropriate measures should be evaluated and required.

**Response D.6:** Please refer to Response D.5 above, which discusses the issue of predation from raptors. As described in the Draft EIR and in Response D.5, although the project would increase the number of perching sites on the project site, the project would not result in a substantial increase in predation of small mammal species inhabiting adjacent tidal marsh habitat, nor would it affect regional populations of these species. As a result, the selection of specific tree species to be planted on site, as suggested in the comment, is not required to reduce any impacts to a less than significant level. The replacement trees proposed by the project would be planted in accordance with the City's tree protection ordinance (Chapter 35 of the Redwood City's Municipal Code). The City does not have policies regarding the species of replacement trees to be planted.

**Comment D.7:** Project Alternatives
According to the DEIR, the CEQA Guidelines specify that the EIR should identify alternatives which "would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project." (pg. xvi, emphasis added)

In the section "Project Alternatives Considered for Further Analysis", the DEIR includes two alternatives that reduce impacts to biological resources: the Design Alternative and the Reduced Scale Alternative.

Design Alternative – Removal of Cantilevered Portions of Public Trail (pg. 224)
According to the DEIR, "This project alternative would redesign the proposed public trail to eliminate any cantilevered structures overhanging the muted tidal marsh habitat. The cantilevered structures are primarily associated with two "nodes" intended as observation areas or other passive recreational use by trail users, as well as a small portion of the trail itself near the project's western boundary (refer to Figures 2.0-4 and 3.4-1). Eliminating the cantilevers structures would avoid the impact to muted tidal marsh habitat… This alternative would still meet all project objectives, but would reduce passive recreational opportunities for users of the trail by eliminating areas for resting, gathering, and viewing the San Francisco Bay."

In addition to our previous comment that the DEIR fails to demonstrate how removal of the proposed cantilevered portion of the public trail would result in a reduction in trail width, it should be noted

that the existing Bay Trail is easily accessible according to the Site Plan, and has a large observation/seating area directly across the muted tidal channel from the project for resting, gathering and viewing the Bay.

**Response D.7:** As described in Response D.4, the language in the Draft EIR pertaining to the reduced width of the trail and its consistency with BCDC requirements for trail design is part of the Draft EIR's analysis of the Design Alternative - Removal of Cantilevered Portions of Public Trail. The language is not provided as a reason to retain the cantilevered sections of the trail, but is merely included as a potential outcome resulting from this project alternative. It should be noted that the Draft EIR states that this alternative *could* require a reduction in trail width, not that it *would* require a reduction in trail width. A redesign of the trail without the cantilevered sections may be able to achieve the same trail width as the proposed project, although adjacent buildings on the site may need to be reoriented since the trail would need to be shifted to the south in the direction of the proposed buildings.

The information in the comment regarding amenities provided by the existing Bay Trail in the vicinity of the site is noted but requires no response as it does not pertain to the environmental impacts of the project.

**Comment D.8:** Reduced Scale Alternative (pg. 225)
The DEIR describes this alternative as follows: The City's Transportation Analysis Manual identifies the screening threshold for multi-family residential projects as roughly 20 units. Reducing the scale of the project to 20 or fewer units, therefore, would place the project below the City's screening threshold, avoiding the need to mitigate the project's VMT impacts. … Because less space would be needed to accommodate the lower number of proposed units, reducing the scale of the project would likely allow for a redesign of the proposed public trail in a manner that would remove the need for cantilevering, therefore avoiding the impact to 0.04 acre (or roughly 1,742 square feet) of muted tidal marsh habitat. (emphasis added)

The DEIR concludes: "In addition to the No Project – No Development Alternative, the Reduced Scale Alternative would be environmentally superior to the project as it would avoid the need to mitigate the project's VMT impacts and may also avoid impacts to 0.04 acre of muted tidal marsh." (pg. 227, emphasis added)

The DEIR is flawed in proposing a Reduced Scale alternative that it can reject from the onset. The Reduced Scale alternative appears to utilize a reduction in the number of housing units (64% fewer units) that far exceeds that required to stay under the VMT "threshold of significance" of 10.5 for residential uses. Additionally, the DEIR fails to identify other reductions in impacts to biological resources that could occur with this alternative from possibly pulling the development footprint back from the muted tidal channel.

**Response D.8:** As described in Section 7.4.2.3 of the Draft EIR, the Reduced Scale Alternative is based on the level at which the project would no longer result in significant VMT impacts. VMT is not based on the number of trips a project generates, but instead the length of those trips. To determined VMT impacts from

residential projects, VMT is calculated per resident and then compared to the City's per-resident VMT threshold. As a result, merely reducing the number of units does not by itself reduce the project's VMT per resident in relation to the threshold of significance. However, as described in the Draft EIR, the Redwood City Transportation Analysis Manual identifies certain projects that would be assumed to have a less than significant VMT impact based on suggestions from the State of California's Office of Planning and Research (OPR) Technical Advisory (December 2018, pages 13-15). "Small projects", defined as generating 150 or fewer average daily vehicle trips, can be assumed to result in a less than significant VMT impact. The City's Transportation Analysis Manual identifies the screening threshold for multi-family residential projects as roughly 20 units. Reducing the scale of the project to 20 or fewer units, therefore, would place the project below the City's screening threshold, avoiding the need to mitigate the project's VMT impacts. As a result, this represents the minimum reduction in the number of units that would result in a less than significant VMT impact that does not require mitigation, which was the intent of this specific project alternative.

Additionally, the comment is incorrect that the Draft EIR failed to identify other reductions in impacts to biological resources that could occur with this alternative from possibly pulling the development footprint back from the muted tidal channel. The following text is included in the discussion of this alternative in the Draft EIR: "Because less space would be needed to accommodate the lower number of proposed units, reducing the scale of the project would likely allow for a redesign of the proposed public trail in a manner that would remove the need for cantilevering, therefore avoiding the impact to 0.04 acre (or roughly 1,742 square feet) of muted tidal marsh habitat."

**Comment D.9:** Consideration of a More Limited "Reduced Scale" Alternative
An alternative exists that would meet the basic project purpose to a significantly greater degree, while substantially avoiding and minimizing the project's adverse impacts on the environment. This alternative must be analyzed.

**Response D.9:** As described in Section 7.1 of the Draft EIR, Section 15126.6(b) of the CEQA Guidelines states that the discussion of alternatives in an EIR shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. Section 15126.6(a) of the CEQA Guidelines states that an EIR shall describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project and evaluate the comparative merits of the alternatives. An EIR need not consider every conceivable alternative to a project. Rather it must consider a reasonable range of potentially feasible alternatives that will foster informed decision making and public participation. The lead agency is responsible for selecting a range of project alternatives for examination and must publicly disclose its reasoning for selecting those alternatives. There is no ironclad rule governing the nature or scope of the alternatives to be discussed other than the rule of reason. The Draft EIR included five project alternatives, including four that

would reduce impacts on biological resources, representing a reasonable range of alternatives in accordance with the CEQA guidelines. The City is not required to analyze the specific project alternative recommended in the comment.

**Comment D.10:** By reducing the project by 6 specific units, the trail and Buildings 7-9 could be pulled back from the top of the bank of the tidal channel by approximately 16 feet, eliminating the permanent loss of tidal marsh.

**Response D.10:** It should be noted that the Draft EIR incudes multiple alternatives that would avoid the permanent loss of muted tidal marsh habitat that would result from the originally proposed project. It should also be noted that the Draft EIR identifies mitigation that would require the project to create similar habitat elsewhere to compensate for the loss of habitat on the project site, thereby resulting in no net loss of habitat in the region (refer to Mitigation Measure MM BIO-5.1).

**Comment D.11:** This would also minimize project construction activities occurring below and within the bank of the muted tidal channel, activities that could impact endangered salt marsh harvest mice and salt marsh wandering shrew.

**Response D.11:** Minimal construction activities are proposed within or below the bank of the drainage ditch, and only in locations that do not contain sensitive habitat. The project's impacts to the muted tidal marsh habitat are a result of shading from cantilevered sections of the proposed trail, not from direct impacts associated with construction activities. The purpose of the cantilevers is to avoid the need for construction to occur within the drainage ditch that may impact sensitive habitat and species. The Draft EIR includes mitigation measures to ensure impacts to sensitive habitat and species during construction are less than significant (refer to Mitigation Measures MM BIO-3.1 through BIO-3.4).

**Comment D.12:** Additionally, other impacts from the project on habitat and wildlife, including artificial lighting and shadowing from buildings, would be reduced.

A tidal marsh buffer could be created by removing a "C" unit from Buildings 1 – 6. This would shorten the length of these buildings and allow Buildings 7 – 9 to move back, without changing the basic building designs, landscape plan or open space areas.

Other benefits of this proposed alternative include: Accommodating public seating/viewing areas and eliminating any possible issues with trail width; opportunity for continuation of the 557 East Bayshore native plant habitat strip along the new bay trail; reduction in project VMT, making TDM requirements easier to meet.

Avoidance of adverse impacts to jurisdictional waters and wetlands, sensitive natural communities, and endangered species habitat must be the highest priority for bayfront projects, especially on sites in close proximity to the Refuge. This project should not set a precedent for encroaching on wetlands.

**Response D.12:** The recommendations in this comment and the previous comments regarding potential elements of an alternative project design are noted. As described in Response D.9, the Draft EIR adequately analyzed project alternatives in accordance with the CEQA guidelines, and no further analysis of alternatives is required.

**Comment D.13:** Importance of an Effective Mitigation Monitoring and Reporting Plan (MMRP) Due to the proximity of wetlands and wildlife to the project site, including sensitive habitats and listed species, the Final Environmental Impact Report should include an associated MMRP that is detailed and effective to ensure the actual implementation of mitigation measures is well-documented and enforced. Assigned oversight by City departments should be clearly specified for each mitigation measure.

Additionally, contact information should be available for designated City and property owner representatives who will be responsible for ensuring that the continuing, operation mitigation measures are maintained/enforced in case problems or impacts arise. Specifically, the MMRP should clearly indicate which department within the City will be responsible for ensuring compliance with each of the mitigation measures. These mitigation measures include: MM BIO-6.1: Prohibit Outdoor Cats and Off-Leash Dogs and MM BIO-6.2: Food Waste Management

Thank you for the opportunity to provide comments on the DEIR for the 505 East Bayshore Road Project.

**Response D.13:** An MMRP for the project will be adopted by the City in accordance with Section 15097 of the CEQA Guidelines. For each mitigation measure included in the Draft EIR, the MMRP will identify which agency and/or department is responsible for oversight of mitigation compliance.

### E. Pacific Gas and Electric Company (September 28, 2022)

*Refer to Comment Letter E in Appendix A of this Final EIR/Responses to Comments document for Attachments 1 and 2 included with this comment letter.*

**Comment E.1:** Thank you for submitting the 505 E Bayshore Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E

Service Planning: https://www.pge.com/en_US/business/services/buildingand-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

**Response E.1:** The comment describes PG&E procedures for work related to electric and gas infrastructure. This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

### F. Pacific Gas and Electric Company (October 12, 2022)

**Comment F.1:** Thank you for giving us the opportunity to review the subject plans. The proposed Bayshore Townhomes Project is within the same vicinity of PG&E's existing facilities that impact this property.

PG&E operates underground gas distribution facilities, in addition to overhead electric distribution facilities currently serving this property in the areas of planned development. Please contact PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require prior to any demolition or new construction.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at alexa.gardea@pge.com.

**Response F.1:** The comment describes PG&E procedures for work related to electric and gas infrastructure. This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

## VERBAL COMMENTS RECEIVED DURING PUBLIC MEETINGS

### G. Comments Received During the Planning Commission Hearing on October 4, 2022

Below is a list of verbal comments received during the hearing. The comments have been summarized and paraphrased.

**Comment G.1:** Concerns regarding emergency access and emergency evacuation, including during construction of the project, given that there is only one roadway leading to the project area.

> **Response G.1:** A detailed analysis of emergency access and evacuation is included in Section 3.9.2.1 of the Draft EIR. The emergency access and evacuation analysis focuses on emergency response in the event of a natural disaster or other environmental condition. CEQA does not require an analysis of emergency access and evacuation due to personal medical emergencies as no environmental concerns are implicated. The analysis evaluated several emergency scenarios and their implications for site access, including the potential need for evacuation. Based on an evaluation of the likelihood and severity of the potential emergency scenarios, the applicable and appropriate evacuation/people management options for each scenario, the available evacuation routes, and estimated evacuation times, the City departments responsible for preparing for and responding to emergency events have determined that adequate emergency response and emergency evacuation can be achieved at the project site and in the surrounding area.
>
> Regarding the specific issue of vehicles potentially blocking roadways, the City requires all projects to prepare and submit a Construction Logistics Plan for review and approval. The Construction Logistics Plan for the project would include requirements for maintaining pedestrian, bicycle, and vehicle access to the surrounding area at all times during construction. Furthermore, brief road closures or blockages do not create significant environmental impacts.

**Comment G.2:** Concerns over pedestrian access and pedestrian safety in relation to both the project site and nearby existing and proposed trail facilities.

> **Response G.2:** As described in Section 3.17.2.1 of the Draft EIR, the project would improve the pedestrian environment in the project area by providing new sidewalks along the project's E. Bayshore Road frontage, and through connections between the site and the Bay Trail. As further described in the Draft EIR, due to adequate site distances from the proposed project driveway, the project would not substantially increase transportation-related hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses.

**Comment G.3:** Concerns over sea level rise and associated flooding on the site and in the surrounding area, including during king tide scenarios. Related concerns regarding impacts of sea level rise on infrastructure serving the site.

**Response G.3:** Please refer to Response C.14 for a detailed discussion of this topic.

**Comment G.4:** Concerns of the project's VMT and the effectiveness of TDM measures identified in the Draft EIR, including concerns over whether infrastructure and connectivity exists in the project area that would support the VMT reduction assumed to be achieved by the TDM measures.

**Response G.4:** As described in Appendix J to the Draft EIR, the San Mateo County and Santa Clara County (C/CAG) travel forecasting model was used to estimate the daily project generated VMT, and the Bay Area Air Quality Management District (BAAQMD) TDM Tool was used to estimate the reduction in VMT that could be expected from the proposed TDM measures. The analysis of project VMT, including VMT reduction from proposed TDM measures, was completed in accordance with standard methodology accepted by the City. As described in mitigation measure MM TRN-2.1, there will be ongoing monitoring of the effectiveness of TDM Program. If TDM plan monitoring results show trip reduction targets are not being met, the TDM plan shall be updated to identify replacement and/or additional feasible TDM measures to be implemented. The updated TDM plan shall be subject to the same approvals and monitoring requirements listed in MM TRN-2.1.

**Comment G.5:** Questions regarding how the future extension of Blomquist Street may affect project VMT and overall VMT in the project area.

**Response G.5:** Hexagon Transportation Consultants, the firm who prepared the Transportation Analysis for the project, was consulted when preparing the response to this comment. It is expected that the Blomquist Extension would have little effect on the Countywide VMT since it would be a local roadway with relatively low capacity. However, it would likely reduce the baseline VMT for the project area east of US 101 since it would provide another route for vehicles to access this area, including vehicles associated with the proposed project, and thus reduce the lengths of some trips. For example, vehicles from Bair Island area developments that approach and depart the area to and from the south on US 101 currently have to travel north to access US 101 via Whipple Avenue. The Blomquist Extension would reduce the length of these vehicle trips by allowing them to travel in a more direct route via the US 101/Woodside Road interchange. The Blomquist Extension would also provide a more direct route for vehicles traveling to and from Downtown Redwood City and provide a new Class I bike path connection between Whipple Avenue and Seaport Boulevard encouraging multimodal transportation. Thus, the Blomquist Extension is expected to reduce VMT in the project area.

# SECTION 5.0 DRAFT EIR TEXT REVISIONS

This section contains revisions to the text of the 50 E. Bayshore Road Project Draft EIR dated September 2022. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 4 Section 2.2.1, the first paragraph of the section is **REVISED** as follows:

The project proposes to demolish the existing development on the site to construct 56 townhouses, of which 51 would be base density units and five would be bonus density units. Eight of the units would be sold below market rate at a price affordable to a moderate income household (80 percent to 120 percent of the area median income). The townhouses would consist of two-, three-, and four-bedroom units, ranging from roughly 1,200 square feet to roughly 1,700 square feet in size. The units would be divided between nine buildings which would be three-story wood-framed structures on top of at-grade concrete foundations. In total, the buildings would provide 89,674 square feet of gross floor area. The buildings would reach maximum heights of 38 feet and would be setback at least 29 feet from the northern property line, 10 feet from the eastern property line, and 11 feet from the southern and western property lines. Windows on the northern facades of the buildings facing the San Francisco Bay would be treated with bird-safe glazing to reduce the potential for bird strikes. The project proposes 28,714 square feet of common open space, including an amenity area for residents on the eastern portion of the site. The proposed site plan is shown on Figure 2.0-4. Building elevations for the proposed project are shown on Figure 2.0-5.

Page 68 Section 3.4.2.1, the first paragraph of Mitigation Measure MM BIO-5.1 is **REVISED** as follows:

Compensatory Mitigation. For permanent impacts to 0.04 acre of muted tidal marsh, the project applicant will provide compensatory migration for impacts to habitat of the salt marsh harvest mouse. Mitigation may be satisfied through project-specific conservation and management of suitable habitat occupied by these species and/or the purchase of credits at a conservation bank that ~~has been approved by the City and CDFW~~ provides suitable habitat for salt marsh harvest mouse. The conservation bank does not necessarily need to be approved by the CDFW for salt marsh harvest mouse mitigation as long as it provides suitable habitat for the species in an area expected to support the species (e.g., the San Francisco Bay Tidal Wetlands Bank in Redwood City would be appropriate). The project proponent shall submit proof of purchase of mitigation credits to the Director of the Community Development and Transportation Department for review and approval prior to issuance of grading permits.

Page 69 Section 3.4.2.1, the final paragraph of Mitigation Measure MM BIO-5.1 is **REVISED** as follows:

~~If compensatory mitigation is provided through a purchase of mitigation credits, the project applicant will purchase the credits from a conservation bank in consultation with the appropriate resource agencies prior to commencement of project construction.~~ The HMMP shall be submitted to the Director of the Community Development and Transportation Department for review and approval prior to issuance of building permits for the portions of the project impacting muted tidal marsh habitat.

Page 73 Section 3.4.2.1, the following text is **ADDED** at the end of the page:

To determine potential impacts resulting from shadows created by the proposed residential buildings, a shadow study was prepared for the project in January 2023 by DAHLIN, the project architects. The shadow study utilized architectural modeling software that takes into account the height of the future buildings on the site, as well as the increased elevation of the project site following redevelopment. H.T. Harvey & Associates, the project biologists, utilized the results of this study to assess the effects of shading of the new project buildings on adjacent habitats relative to existing conditions.

Under existing conditions, the shadow study indicates that one existing building shades the westernmost end of the drainage ditch along the northern boundary of the project site. Shading from this building does not extend into the unnamed tidal slough, located north of the San Francisco Bay Trail from the project site. Otherwise, only a small amount of shading from the project site's higher elevation, relative to the elevation of the marsh along the drainage ditch immediately to the north, occurs under existing conditions.

Under proposed conditions, the existing building will be demolished and several new buildings will be constructed at least 29 feet south of the muted tidal drainage ditch. The 29-foot distance between the new buildings and the tidal habitat to the north reduces the potential for shadows from these buildings to shade tidal habitats. However, the proposed buildings will be taller than the existing building, and hence will cast longer shadows. The shadow study indicates that these buildings will shade the drainage ditch along the northern boundary of the project site at certain times of year. However, shading from these buildings will not extend into the unnamed tidal slough, located north of the San Francisco Bay Trail from the project site, and the project will not shade any National Wildlife Refuge lands.

Because shadows from the existing and future buildings do not extend into the unnamed tidal slough located north of the San Francisco Bay Trail, no impacts will occur within associated tidal habitats along the slough due to shading by the proposed buildings.

The shadow study indicates that for the majority of the calendar year, shading of the drainage ditch immediately north of the project site due to the proposed buildings will be similar to existing conditions. At the Spring Equinox and Fall Equinox, slightly more shading will occur in some areas (due to construction of the new buildings) while less shading will occur in other areas (due to the demolition of the existing building). Overall, the total shading of the drainage ditch will be of very similar extent to existing conditions in the spring and fall.

At the Summer Solstice, shading of the drainage ditch by the future project buildings will be less extensive compared to existing conditions, resulting in a small net benefit to vegetation along this ditch.

At the Winter Solstice, the proposed buildings will result in an increase in shading of the habitat along the tidal drainage ditch compared to existing conditions. Currently, the existing building located along the top of bank shades the westernmost portion of the drainage ditch in the winter. Under proposed conditions, shading in the winter would extend along the entire length of the drainage ditch adjacent to the site. However, this increased shading would not occur during the peak growing season of plants along the ditch, and hence will have no substantive impact on the health or extent of this vegetation. Further, as discussed in Section 4.3 of the Draft EIR, the quality of the habitat along this ditch is low due to its limited extent and isolation from more extensive tidal habitats to the north. Should any sensitive species, such as salt marsh harvest mice, occur in this habitat, their populations would already be relatively low. Therefore, the impact of increased winter-season shading by the proposed project on habitat and wildlife species along the drainage ditch would be extremely limited.

In conclusion, no shading impacts will occur along the unnamed tidal slough located north of the San Francisco Bay Trail. Shading by the proposed project along the tidal drainage ditch, located south of the San Francisco Bay Trail, will be similar to or less extensive compared to existing conditions for 75 percent of the calendar year, including the peak spring and summer growing seasons. The project will result in increased shading of the drainage ditch during the winter season compared to existing conditions. However, because this increased shading will not affect the peak growing season, and because the habitat quality along the ditch is very low, the effects of this shading on the habitat and any sensitive species that occur there will be extremely limited. Thus, this impact is less than significant under CEQA.

Page 74 The following figures are **ADDED** to the page:

Figure 3.4-2: Existing and Proposed Shadow Conditions - Spring Equinox

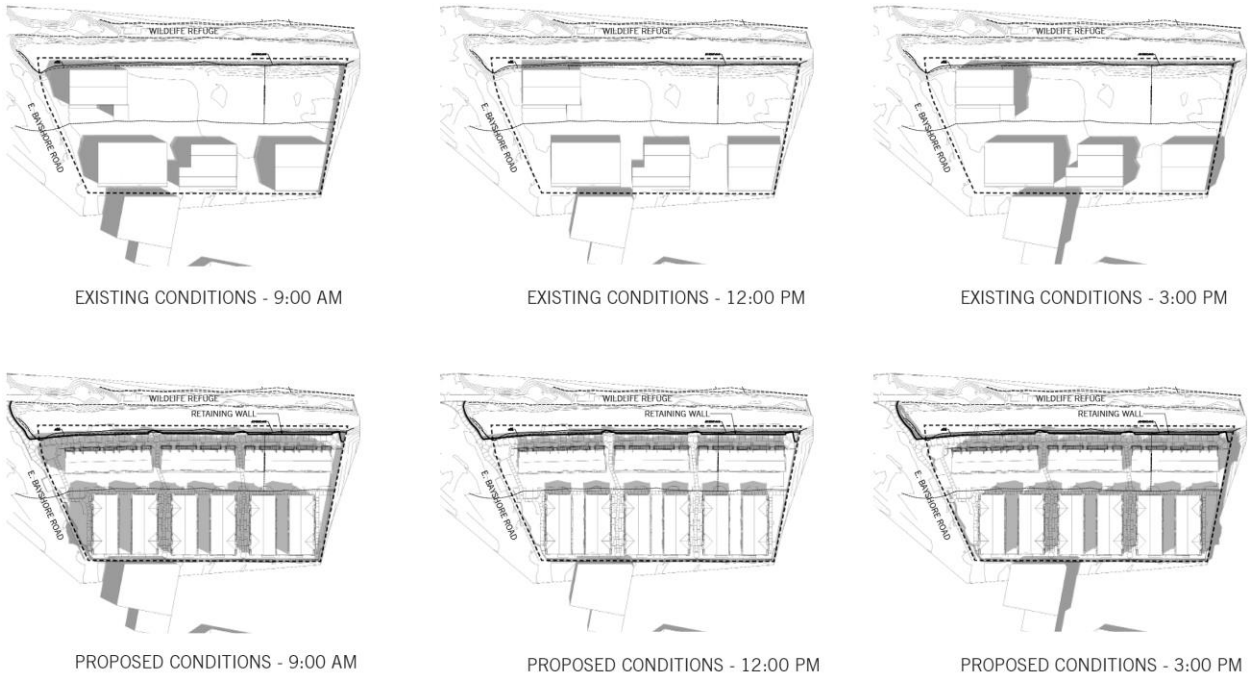
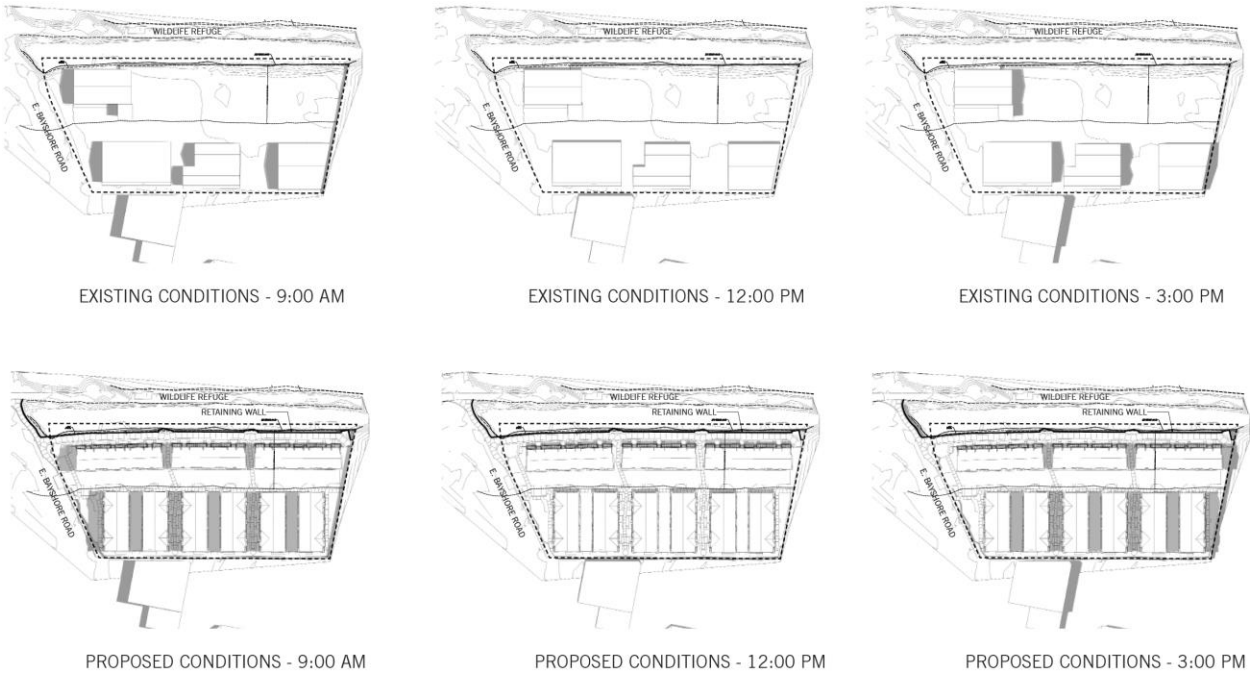



Figure 3.4-3: Existing and Proposed Shadow Conditions - Summer Solstice



Page 75 The following figures are **ADDED** to the page:

Figure 3.4-4: Existing and Proposed Shadow Conditions - Fall Equinox

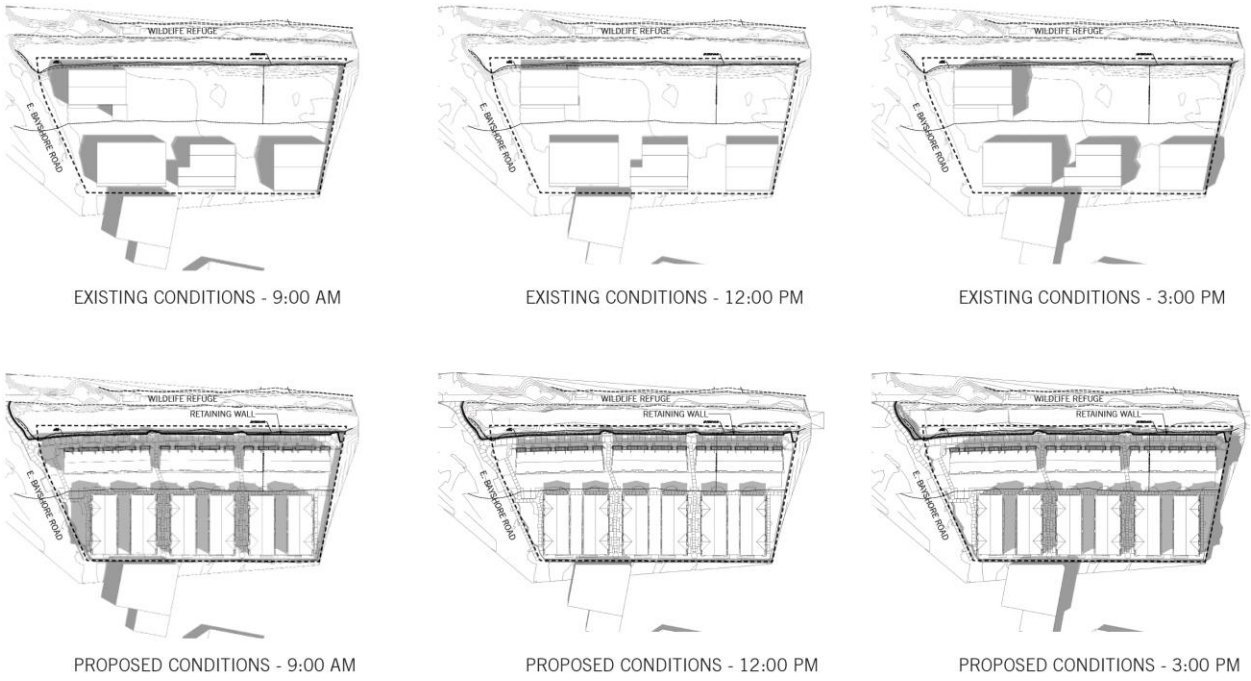
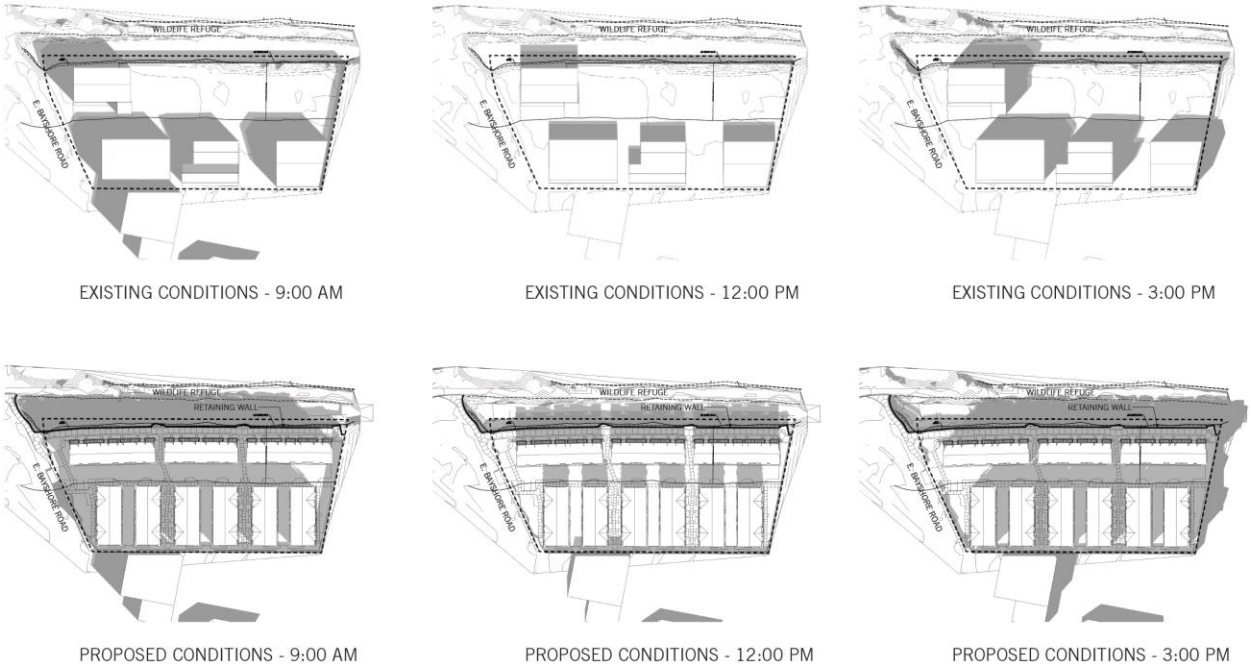



Figure 3.4-5: Existing and Proposed Shadow Conditions – Winter Solstice



Page 116 Section 3.9.1.2, the following paragraph is **ADDED** at the end of the page:

**Regional Water Quality Control Board Open Case**

As discussed above, polychlorinated biphenyl (PCB) contamination is present in soils on the site. The project site is in a cleanup program overseen by the San Francisco Bay RWQCB, with a site status of "Open & Interim Remedial Action as of 4/6/2021". A Site Cleanup Plan was submitted to the RWQCB on March 1, 2022, and the RWQCB reviewed and approved the Site Cleanup Plan on March 11, 2022.

Page 119 Section 3.9.2.1, the following text is **ADDED** as the first paragraph in the discussion under Impact HAZ-1:

Construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in accordance with applicable laws and regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act. Therefore, construction of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor exacerbate any existing hazardous condition, resulting in a less than significant impact.

Page 119 Section 3.9.2.1, the text under Impact HAZ-1 is REVISED as follows:

**Impact HAZ-1:** The project could expose construction workers to hazardous materials associated with contaminated fill on the site.

**Mitigation Measures:** The following mitigation measure would reduce hazardous materials impacts to a less than significant level:

**MM HAZ-1.1:** The project applicant shall implement the Site Cleanup Plan that was approved by the RWQCB on March 11, 2022. The remedial actions required by the Site Cleanup Plan shall be completed under the oversight of the RWQCB. Implementation of the Site Cleanup Plan shall be documented in a Site Cleanup Plan Implementation Report. The Site Cleanup Implementation Report shall document all the PCB mitigation activities completed for the site, including the transfer of PCB impacted material on-site, placement of clean imported fill material above PCB material, and waste storage and disposal. The Site Cleanup Implementation Report shall be submitted to the Director of Community Development & Transportation prior to the issuance of Occupancy Permits.

**MM HAZ-1.2:** The project applicant shall complete a Cap Construction Completion Report documenting the construction sequence that was followed to construct a cap over the soil. The Cap Construction Completion Report shall document that the cap was constructed in general conformance to Toxic Substances Control Act (TSCA) requirements set forth in the Site Cleanup Plan, 40 CFR 761.61(a)(7), and 40 CFR 264.310(a), and will include drawings showing the cap thickness across the site. The Cap Construction Completion Report shall be submitted to the RWQCB and Director of Community Development & Transportation for review and approval prior to the issuance of Occupancy Permits.

**MM HAZ-1.3:** The project applicant shall prepare a Cap Maintenance Plan to ensure the cap integrity is maintained throughout the life of the development. The plan shall include annual cap inspections to be performed by an individual approved by the RWQCB. Cap inspections shall consist of walking the site and evaluating surface material above the cap. Surface material shall be visually inspected for the following:

- Erosion of surface features and cap soil that exposes existing soil beneath the cap
- Evidence of excavation or other surface disturbance which may penetrate through the cap and expose existing soil beneath the cap.

Any significant disturbances observed in the surface material and soft TSCA cap which could potentially result in a breach to the cap exposing existing underlying soil shall be repaired within 72 hours of discovery. The Cap Maintenance Plan shall be submitted to the RWQCB and Director of Community Development & Transportation for review and approval prior to the issuance of Occupancy Permits.

~~Prior to the issuance of a demolition permit and before any substantial ground disturbance, the applicant shall hire a qualified environmental professional to prepare a Site Management Plan (SMP) for the project site. The SMP, and any remedial actions required as part of it, shall be implemented by the applicant and its contractors to the satisfaction of the relevant oversight agencies (City of Redwood City Fire Department, San Francisco Bay Regional Water Quality Control Board (RWQCB), and/or San Mateo County or State Department oversight agency, or other appropriate agency having jurisdiction) to ensure sufficient~~

~~minimization of risk to human health and the environment is completed. At a minimum, the SMP shall:~~

1. ~~Establish minimum requirements for worker training and site-specific health and safety plans, to protect the general public and workers in the construction area (note: these requirements and all previous environmental sampling results shall be provided by the applicant to all contractors, who shall be responsible for developing their own construction worker health and safety plans and training requirements).~~

2. ~~Establish appropriate site-specific cleanup targets for site soils that are protective of human health and the environment, based on the proposed future land uses(s). At a minimum, these targets shall be equal to, or more protective than the RWQCB ESLs for Residential Use; or in the case of contaminants that have naturally occurring background levels that exceed the residential ESLs, the target shall be equal to, or more protective than, the regional background level for that contaminant.~~

3. ~~Identify and implement measures such as excavation, containment, or treatment of the contaminated soils to achieve the plan's cleanup targets, and/or to provide protection of future site users from exposure to remaining soil (if any) that exceed the plan's clean-up targets, including:~~

    a. ~~Description of post-excavation confirmation sampling requirements. If residual contamination remains at the site above the site-specific cleanup targets, include appropriate controls, including institutional controls where and if necessary, to assure that activities by future users do not expose them to unacceptable health and safety risks. Such controls may include, but are not limited to, visual barriers over contaminated soil, followed by a cap of clean soil or hard surface materials; operation and maintenance protocols for any disturbance of contaminated soils; and recording of deed restrictions, such as activity and use limitations, with the San~~

Mateo County Recorder's Office to assure that the remedy is maintained.

b. If excavated soils are to be reused on-site, characterization shall be undertaken to determine that such materials do not exceed the established cleanup targets for the site, or that such reused materials are subject to appropriate controls, as described in the bullet point above for addressing residual contamination.
c. If excess materials are off-hauled, waste profiling of the material shall be completed and documented. Materials classified as nonhazardous waste shall be transported under a bill of lading. Materials classified as hazardous waste shall be transported under a hazardous waste manifest. All materials shall be disposed of at an appropriately licensed landfill or facility.

d. Trucking operations shall comply with the California Department of Transportation and any other applicable regulations, and all trucks shall be licensed and permitted to carry the appropriate waste classification. The tracking of dirt by trucks leaving the project site shall be minimized by cleaning the wheels on exiting and cleaning the loading zone and exit area as needed.

4. Establish procedures for dewatering of construction excavations and/or dewatering of excavated sediments prior to off-hauling (if required), consistent with federal, state, and local regulations, specifying methods of water collection, handling, transport, treatment, discharge, and disposal for all water produced by dewatering activities.

5. Identify measures to protect future site users from contact with contaminants in groundwater. Such measures may include operation and maintenance protocols for any disturbance of groundwater, and recording of deed restrictions, such as activity and use limitations, with the San Mateo County Recorder's Office to assure that the implemented remedy(ies) is maintained.

~~6. Include contingency measures to address unanticipated conditions or contaminants encountered during construction and development activities. The contingency measures shall establish and describe procedures for responding in the event that unanticipated subsurface hazards or hazardous material releases are discovered during construction, including appropriately notifying nearby property owners, schools, and residents, and following appropriate site control procedures. Control procedures would include, but not be limited to further investigation; and if necessary, remediation of such hazards or releases, including off-site removal and disposal, containment, or treatment. If unanticipated subsurface hazards or hazardous material releases are discovered during construction, the contingency measures addressing unknown contaminants shall be followed. The contingency measures shall be amended as necessary if new information becomes available that could affect implementation of the measures.~~

Page 122 Section 3.9.2.1, the text under Impact HAZ-1 is REVISED as follows:

The ~~In~~ import and placement of clean fill on the site ~~to raise elevations above the flood zone~~ to raise the site elevation above the flood zone will increase the vadose zone and allow low detections of petroleum VOCs to attenuate and degrade.

Page 123 Section 3.9.2.1, the text under Impact HAZ-4 is REVISED as follows:

~~As discussed in Section 3.9.1.2, the project site is not included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 (i.e., the Cortese List). (No Impact)~~ According to State Water Resource Control Board GeoTracker, the project site is in a cleanup program overseen by the San Francisco Bay RWQCB, with a site status of "Open & Interim Remedial Action as of 4/6/2021". The RWQCB oversees site investigation and cleanup of unregulated discharges adversely affecting the State's waters. As discussed in Section 3.9.1.2, the project site consists of polychlorinated biphenyl (PCB) contamination in the soil. As discussed under Impact HAZ-1, the project would include mitigation measures to ensure any contaminated soils and groundwater on-site would be properly managed during construction so as to not expose construction workers, the public, or the environment to hazardous materials. **(Less than Significant Impact with Mitigation)**

Page 145 Section 3.11.2.1, the following text is **ADDED** as the third paragraph in the discussion under Impact LU-2:

The project is subject to the requirements of the BCDC Bay Plan. The project's consistency with relevant Bay Plan policies adopted for the purpose of avoiding or mitigating an environmental effect are discussed in Table 3.11-1, below. As shown in the table, the project is consistent with relevant Bay Plan policies.

**Table 3.11-1: Project Consistency with Relevant BCDC Bay Plan Policies**

| Policy | Description of Project Consistency |
|---|---|
| **Climate Change Policy No. 2:** When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices. | **Consistent.** As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it addresses impacts of the project on the environment as required under CEQA. |
| **Climate Change Policy No. 3:** To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas––should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to | **Consistent.** As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it addresses impacts of the project on the environment as required under CEQA. |

| | |
|---|---|
| address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century. | |
| **Fish, Aquatic Organisms, and Wildlife Policy No. 1:** To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased. | **Consistent.** As described in Section 3.4 Biological Resources, the project would not directly impact (e.g., through grading, fill, or other direct means) any aquatic or tidal marsh habitat but would result in impacts to 0.04 acre of muted tidal marsh habitat from shading of cantilevered structures. Implementation of Mitigation Measure MM BIO-5.1 would reduce impacts due to habitat loss to a less than significant level. |
| **Public Access Policy No. 2:** In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use, except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on Bay natural resources. In these cases, in lieu access at another location preferably near the project should be provided. If in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area. | **Consistent.** The project proposes a public access trail consistent with this policy. As described in Section 3.4 Biological Resources, the project would not result in significant impacts to biological resources with implementation of identified mitigation measures. |
| **Public Access Policy No. 4:** Public access should be sited, designed and managed to prevent significant adverse effects on wildlife. | **Consistent.** As described in Section 3.4 Biological Resources, the project would not result in significant impacts to wildlife with implementation of identified mitigation measures. |

| | |
|---|---|
| **Public Access Policy No. 6:** Public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding. | **Consistent.** As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it is relevant under CEQA. |
| **Public Access Policy No. 8:** Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public's safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally-relevant icon-based signage. | **Consistent.** The project proposes a public access trail consistent with this policy. As described in Section 3.4 Biological Resources, the project would not result in significant impacts to biological resources with implementation of identified mitigation measures. |
| **Tidal Marshes and Tidal Flats Policy No. 1:** Tidal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative. | **Consistent.** As described in Section 3.4 Biological resources, the project would result in indirect impacts to 0.04 acre of muted tidal marsh habitat due to shading. Implementation of Mitigation Measure MM BIO-5.1 would reduce impacts due to habitat loss to a less than significant level by requiring the creation of replacement habitat. |
| **Tidal Marshes and Tidal Flats Policy No. 2:** Any proposed fill, diking, or dredging project should be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats, and designed to minimize, and if feasible, avoid any harmful effects. | **Consistent.** The project would not include fill, diking, or dredging in tidal marshes or tidal flats. |
| **Water Quality Policy No. 1:** Bay water pollution should be prevented to the greatest extent feasible. The Bay's tidal | **Consistent.** As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts |

| | |
|---|---|
| marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses. | related to water quality or waste discharge. The project includes measures such as preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent the discharge of pollutants into the Bay. |
| **Water Quality Policy No. 3:** New projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted and effective best management practices, especially where water dispersion is poor and near shellfish beds and other significant biotic resources. | **Consistent.** As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to water quality or waste discharge. The project includes measures such as preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent the discharge of pollutants into the Bay. |

Page 182 Section 3.16.2.1, the following text is **ADDED** as the second paragraph in the discussion under Impact REC-1:

Although the project would construct pedestrian/bicycle infrastructure that would increase access to the Bay Trail in the future with the completion of other nearby development projects and would increase use of the Bay Trail by placing housing in close proximity to the Bay Trail, the increased use of the Bay Trail by residents, employees, and patrons of the project would represent a small fraction of the overall use of the Bay Trail. It is assumed that the portion of the Bay Trail near the project site was constructed in accordance with the Bay Trail Design Guidelines and Toolkit, which requires the Bay Trail to be constructed in a manner that would accommodate the expected future level of use when the Bay Trail system is fully completed. As a result, increased use of the Bay Trail resulting from the project would not result in or accelerate substantial physical deterioration of the facility.

# Appendix A: Draft EIR Comment Letters

**Comment Letter A**

CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

**California Department of Transportation**

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

November 7, 2022

SCH #: 2021080447
GTS #: 04-SM-2021-00456
GTS ID: 24107
Co/Rt/PM: SM/101/6.522

Curtis Banks, Contract Principal Planner
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063

**Re: 505 E. Bayshore Road Project Draft Environmental Impact Report (DEIR)**

Dear Curtis Banks:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 505 E. Bayshore Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the September 2022 DEIR.

**Project Understanding**

The project proposes to demolish the existing development on the site to construct 56 townhouses, of which 51 would be base density units and five would be bonus density units. The project is located near the Whipple Avenue exit along US-101.

**Multimodal Transportation**

Caltrans commends the City's dedication of funds to bicycle and pedestrian improvements, including auxiliary complete streets elements such as a public shoreline trail segment with observation decks. This project supports the State's goals to reduce greenhouse gas emissions and improve multimodal transportation options for land use development. Caltrans encourages coordination with the County to provide funds for the Class I bike path proposed along East Bayshore Road and on the potential Blomquist Street extension between Whipple Avenue and Seaport Boulevard.

The DEIR notes that the project will address pedestrian deficiencies in the area such as the lack of sidewalks along the project frontage and along nearby buildings on East Bayshore Road. Please coordinate with the County to determine the largest possible extent that fair share contributions could provide for complete and connected

pedestrian accessibility in the vicinity, to ameliorate these current pedestrian infrastructure deficiencies.

Though access for residents and emergency vehicles is the primary objective, please ensure that any driveways facing East Bayshore Road are consolidated and widths minimized to the best extent possible (noted that current plans show one driveway). In the future, East Bayshore Road may be improved with a Class IV bikeway or a Class I path in order to upgrade Bay Trail access; excessive width or quantity of driveways inhibits this goal by degrading user experience on these paths and increasing conflict points with vehicles. The project's design of frontage along East Bayshore Road should similarly consider and accommodate the possibility of such future bicycle/pedestrian facilities. Such consideration would support Redwood City's General Plan policy BE-26.10.

Consider incorporating a designated parking area for shared micromobility devices into the project. For example, creating a dedicated space for residents and visitors to the townhouses to lock a shared scooter or e-bike for some hours would encourage use of these non-polluting modes, and increase the visibility of such alternatives to residents, visitors, and Bay Trail users alike. Due to the proximity of this project to expansive outdoor trails and nature preserves, encouraging access via micromobility would also help overcome the inadequate pedestrian experience in the vicinity through non-vehicular modes. This could be considered as part of the TDM measures provided by the project, as well as in support of Redwood City's General Plan policy BE-26.6.

**Hydrology**

According to the Federal Emergency Management Agency (FEMA) Flood Panel 06081C031F Map, the site location is within a 100-year flood zone with adjacent areas within the 500-year flood zone. According to the DEIR, the proposed development will not increase the inundation of flood waters in the area. Caltrans encourages the City to coordinate with and obtain concurrence by local agencies with jurisdiction and authority of this project, such as the San Mateo County Flood Control District, to account for sea-level rise.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email LDR-D4@dot.ca.gov.

Sincerely,

MARK LEONG
District Branch Chief
Local Development Review

c: State Clearinghouse

| | |
|---|---|
| **From:** | Pratt, Katherine@DOT on behalf of LDR D4@DOT |
| **To:** | CD-Curtis Banks |
| **Cc:** | state.clearinghouse@opr.ca.gov |
| **Subject:** | 505 E. Bayshore Road Project - Caltrans Comments |
| **Date:** | Monday, November 7, 2022 11:36:56 AM |
| **Attachments:** | 505 E. Bayshore Road Project DEIR Comments.pdf |



Hello Curtis,

Thank you for allowing Caltrans the opportunity to provide comments on the 505 E. Bayshore Road Project. Please see the attached letter for our comments related to CEQA and if you have any questions please contact the Caltrans Local Development Review team at LDIGR-D4@dot.ca.gov.

Additionally, Caltrans has the following questions, comments and recommendations related to the local transportation (non-CEQA) analysis:

- Were the Existing Conditions obtained from 2018-2019 traffic counts based solely on the counts? Traffic demand volumes, not counts, should be used for Existing Conditions and all project-generated trips should be added to the existing traffic demand volumes and the future forecasted scenario traffic demand volumes. If only count volumes were used for analysis, all scenarios will need to be re-run with demand volume inputs. Caltrans recommends providing updated LOS and delay for all scenarios.
- Caltrans recommends providing the sim-traffic queueing analysis results for all of the on/off-ramps for the different scenarios which should include 95% queues and lengths of ramp storage. The following should be evaluated for the ramps:
    - On-ramp storage capacity evaluations to determine if on-ramp queues are spilling back to the city streets
    - Off-ramp storage capacity evaluation to determine if off-ramp queues are spilling back onto mainline freeway
    - Storage capacity evaluations for all of the turning movements at the intersections
- Caltrans recommends that all study intersections be analyzed in Synchro/Sim-Traffic not just Synchro given the close the proximity of some of the intersections.

Sincerely,

Katie Pratt
Transportation Planner
Caltrans D4
(510) 852-5324

**Comment Letter B**

**From:** Roman, Isabella@DTSC
**To:** CD-Curtis Banks
**Subject:** 505 E. Bayshore Road Project DEIR Comment
**Date:** Monday, October 31, 2022 6:53:34 PM



Hello,

I represent the Department of Toxic Substances Control (DTSC) reviewing the Draft Environmental Impact Report (DEIR) for the 505 E. Bayshore Road Project.

The project site is currently a cleanup site under the oversight of San Francisco Bay Regional Water Quality Control Board (RWQCB); however, this is not discussed in the DEIR. The DEIR even discusses nearby RWQCB sites, but does not discuss the cleanup site on the project site itself. It would be helpful to note, for example, that RWQCB has approved the Site Cleanup Plan. Similarly, mitigation measure HAZ-1.1 discusses how the SMP is to be reviewed by relevant oversight agencies. Presumably, RWQCB would be the relevant regulatory agency to review this document, which should be noted in the DEIR.

Please feel free to reach out if you have any questions or concerns.

Sincerely,

**Isabella Roman** (she/her/hers)
Environmental Scientist
Site Mitigation and Restoration Program
(510)-540-3879
Isabella.Roman@dtsc.ca.gov
Department of Toxic Substances Control
700 Heinz Avenue, Berkeley, California 94710
California Environmental Protection Agency

San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

Submission: November 10, 2022

City of Redwood City
Planning Department
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063
ATTN: Curtis Banks, Contract Principal Planner

**SUBJECT: BCDC Comments for Draft Environmental Impact Report– 505 East Bayshore Road Project (former Alan Steel and Supply Company Site)(SCH # 2021080447)**

Dear Mr. Banks,

Thank you for the opportunity to comment on the City of Redwood City's Draft Environmental Impact Report (DEIR) for the Proposed 505 East Bayshore Road Project (Project), State Clearinghouse Number 2021080447, Notice of Availability dated September 24, 2022.

The San Francisco Bay Conservation and Development Commission (BCDC or Commission) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on information, analyses, and findings in the DEIR that are relevant to BCDC's jurisdiction and authority. The Commission has not reviewed the DEIR; the following comments are provided by staff based on the San Francisco Bay Plan (Bay Plan), as amended through May 2020, and the McAteer-Petris Act (MPA).

## I. PROJECT DESCRIPTION SUMMARY

**Applicants.** Regis Homes Bay Area, LLC (developer), and Alan B. Forrest and Adeline Forrest Revocable Trust (property owner)

**Project.** From our review of the project description, we understand that Regis Homes Bay Area proposes to redevelop a 2.5-acre light-industrial site into a residential project with 56 for-sale residential townhomes homes, 20 of which would be located in three buildings facing the bayfront. The remaining 36 units would be in six buildings that are perpendicular to the bayfront buildings. These nine buildings would be three-story wood-framed structures on top of at-grade concrete foundations. In total, the buildings would provide 89,674 square feet of gross floor area. The buildings would reach maximum heights of 38 feet and would be setback at least 29 feet from the northern property line, 10 feet from the eastern property line, and 11 feet from the southern and western property lines. The project proposes 28,714 square feet of common open space, including an amenity area for residents on the eastern portion of the site.

The overall grade of the site would be elevated five to seven feet above the existing grade to raise the project above the flood zone elevation of +10 feet NAVD88. The soil would be held back with a retention wall adjacent to the embankment of the tidal ditch on the north side of the project. The current site plan proposes to keep the development mostly outside the U.S. Army Corps of Engineers (Army Corps) jurisdiction (aka "line of biological importance"), including a proposed retention wall and cantilevered walkway to avoid habitat impacts and permits from the Army Corps. The project would also include a dedicated shoreline public access easement

The Project proposes a variety of improvements that would enhance public access to the Bay. These improvements include a roughly 33-foot-wide public access easement from the shoreline to the edge of buildings along the shoreline, a new 14-foot-wide shoreline bike/pedestrian boardwalk with overlooks, seating and other amenities, and a new 10-foot-wide sidewalk connection to the Bair Island Bike Path and Bay Trail Trailhead at Bair Island along East Bayshore Road. The discussion below provides greater detail with respect to 505 E. Bayshore's proposed public access improvements.

1. **Bike/Pedestrian Shoreline Trail**: The Project would include 14-foot-wide shoreline path (10-foot-wide paved with two 2-foot-wide shoulders) that runs along the entire length of the northern edge of project site with a decorative guardrail. The trail proposes to connect East Bayshore Road on the west to the proposed trail at the 557 East Bayshore Road SyRes project. At East Bayshore Road, the trail is proposed to connect with the proposed sidewalk, discussed below, which would lead to the Bair Island Trailhead. To accommodate three cantilevered overlooks, the 14-foot-wide trail is proposed to curve around the seating and overlooks. Bollard lighting is proposed to provide pedestrian-scale path illumination for trail users.
2. **Sidewalk Connection to Bair Island Trailhead**: The Project would increase the width of the existing 98-foot-long, 6-foot-wide sidewalk that connects to the Bair Island Trailhead to 8 to 10 feet. This improved connection would also include a new 2-foot-wide shoulder on the side closest to the shoreline and, on the side closest to vehicular traffic, raised planters for safety. The proposed sidewalk connection would include an improved shoulder along East Bayshore Road, and an ADA-accessible sidewalk ramp to the crosswalk at the Whipple Avenue interchange.
3. **Overlooks**: The shoreline trail proposal includes three overlook nodes. Two overlooks, each 160 square feet (approximately 6 feet by 24 feet), propose to cantilever over the retaining wall with bench seating and interpretive signage. The third overlook at the east end of the property proposes to include an observation telescope (150 square feet).

4. **Shoreline Trail Landing**: At the western end of the shoreline path where the path meets East Bayshore Road, the Project would place a shoreline trail landing and walkway, which has been designed to partially cantilever over the shoreline in the tidal ditch. This change would effectively widen the entrance to the trail and create a straight visual line down the shoreline pathway. In an effort to encourage public use of the Shoreline Trail Landing, the Project would introduce amphitheater style stairs to connect the landing and the adjacent East Bayshore Road sidewalk, and remove the corner planters. The 693-square-foot trail landing area is proposed to be located at the western entrance of the shoreline trail, opening to the north. The patio would include a large wood deck with seating, a picnic table, bike parking, a water fountain, way-finding signage, and a dog waste station. The landing area would be separated from the adjacent sidewalk by planting and an accent wall with a monument sign, which allows for the site to slope down to the existing grade at the street.
5. **Parking**: The Project proposes five public street parking spaces along Bayshore Road. The project proponent would work with Redwood City to implement parking time restrictions to ensure turnover and availability for those looking to use the nearby Bay Trail and paths.
6. **Paseos:** Two 15- to 28-foot-wide paseos are proposed to connect the upland buildings to the shoreline trail, terminating at the two central overlooks. These connections propose to provide a physical and visual line of sight to the bayfront from the other side of the parcel.

## II. BCDC'S ROLE

The McAteer-Petris Act of 1965 "empowers the Commission to issue or deny permits, after public hearings, for any proposed project that involves placing fill, extracting materials or making any substantial change in use of any water, land or structure" within its jurisdiction (California Government Code §66604). Note that "substantial change in use" includes projected changes to the type of use as well as intensity of use, e.g., substantial increase or decrease in population density or occurrence of an activity.

Generally, BCDC's jurisdiction over San Francisco Bay extends from the Golden Gate to the confluence of the San Joaquin and Sacramento Rivers and includes tidal areas up to mean high tide, including all sloughs, and in tidal marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands; and certain waterways that are tributaries to the Bay. A part of the 505 E. Bayshore project is within BCDC's 100-foot shoreline band jurisdiction. The Commission can grant a permit for a project if it finds that the project is either (1) necessary to the health, safety, and welfare of the public in the entire Bay Area, or (2) is consistent with the provisions of the McAteer-Petris Act and the Bay Plan.

The Bay Plan also designates certain shorelines and waterways by priority use categories, in an effort to reserve areas with characteristics that support particular important and difficult-to-

reproduce activities. The Project is immediately south of Bair Island Ecological Reserve, a Bay Plan-designated Wildlife Refuge Priority Use Area.[4]

# III. THE PROPOSED AND BCDC POLICIES

Generally speaking, the Commission's permitting process attempts to balance development with natural resource conservation and maximum feasible public access. The Bay Plan policies listed in this letter are not exhaustive. Our intention is to identify a selection of relevant policies which the DEIR has not already acknowledged or considered in all applicable contexts. The entirety of the Bay Plan and all relevant laws and policies are used to determine permit requirements of projects by BCDC.

## A. COMMENTS ON THE DEIR

Staff has prepared the following comments on the contents of the DEIR. Comments are focused on providing points of information related to BCDC policies and procedures cited in the DEIR, comments on analyses and findings related to resources under BCDC's authority, comments on the overall analysis presented in the DEIR in terms of CEQA requirements, and notes on additional information that will be expected from the Project proponents as part of BCDC's permitting process. We begin by providing comments regarding concerns that consistently occurred throughout DEIR (see "1. General Comments"). We placed these comments at the beginning of this section so as to avoid repeating them further below. After sharing our general comments, we discuss specific Bay Plan policies of relevance to the proposed project and the adequacy of DEIR analysis with respect to BCDC policies.

### 1. GENERAL COMMENTS

In general, we note the absence of references to BCDC Bay Plan policies in any of the regulatory settings of the 20 DEIR environmental impact sub-sections, except for the Aesthetics sub-section (3.1). CEQA Guidelines Section 15124(d)(1)(a) and (c) states the DEIR shall list policies of agencies that are expected use the EIR in their decision making. We request each sub-chapter within the Environmental Setting, Impacts and Mitigation (Section 3.0) reference the Bay Plan policies identified below.

We also note a general lack of detailed narrative on how specific physical improvements of the proposed project cause specific environmental changes. CEQA Guidelines Section 15126.2 states "... Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects." Moreover, there is lack of how underlying quantitative or other kinds of analyses support DEIR conclusions. Related to this, the narrative generally fails to reference specific pages of specific appendices. This makes it very difficult to verify the thoroughness and adequacy of the analyses leading to and including project impact conclusions, particularly with respect to the policy areas of concern to BCDC. CEQA Guidelines Section 15148 states "The EIR shall cite all documents used in its preparation including, where possible, the page and section number of any technical reports which were used as the basis for any statements in the EIR."

While the water quality analysis distinguishes between project construction impacts and project build-out impacts, the DEIR generally fails to do so in other chapters where such a distinction should be made, such as the sub-sections on Biological Resources (3.4) and Hazards\Hazardous Materials (3.9) (see CEQA Guidelines Section 15146: "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR. (a) An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan or comprehensive zoning ordinance because the effects of the construction can be predicted with greater accuracy").

We also request that the Final EIR analyze impacts stemming from improvements along Whipple Avenue \ East Bayshore Road connections to the Bay Trail and Bair Island. While these improvements are outside of the project 505 E. Bayshore project area they are an important part of the project improvements and benefits.

## 2. LAND USE PLANNING

The Final EIR should refer to the Bay Plan and McAteer-Petris Act when considering the proposed project's consistency with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. The Bay Plan establishes policies for development and resource conservation within BCDC's jurisdiction, covering public access; the protection of Bay resources, including fish, other aquatic organisms, and wildlife; water quality; climate change; fills; shoreline protection; water-related uses; appearance, design, and scenic views; and mitigation.

With the above in mind, we note that sub-Section 3.11 ("Land Use and Planning") concludes less than significant impacts with respect to LU-2 ("The project would not cause a significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect"). In CEQA Guidelines Appendix G, LU-2 is expressed accordingly: "Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect" (underline added). Given that part of the Project would occur within BCDC's 100-foot-shoreline band jurisdiction, BCDC should be considered "an agency with jurisdiction over the project." Thus, with respect to Appendix G's reference to an "agency with jurisdiction over the project" such as BCDC, we request that each of the sub-sections within Section 3.0 of the Final EIR refers to BCDC policies discussed below.

## 3. BIOLOGICAL RESOURCES

Relevant Bay Plan policies that apply to Biological Resources sub-section are as follows. Bay Plan Fish, Aquatic Organisms, and Wildlife Policy No. 1 states, "[T]o assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay's tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased." Similarly, Tidal Marshes and Tidal Flats Policy No. 1 states, "[T]idal marshes and tidal flats should be conserved to the fullest possible extent, and that projects substantially

harming these areas should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative." Tidal Marshes and Tidal Flats Policy No. 3 encourages siting and designing of projects to either avoid or minimize adverse impacts on tidal habits. Public Access Policy No. 4 states, in part, that "[p]ublic access should be sited, designed and managed to prevent significant adverse effects on wildlife."

According to sub-Section 3.4 (Biological Resources) of the DEIR, the project includes part of a muted tidal marsh along the northern boundary of the project site that the Army Corps in 2021 had delineated as within the waters of the United States (DEIR page 56). The Final EIR (FEIR) must also refer to the fact that even before the Army Corp's 2021 delineation, BCDC, in 2015, issued a jurisdictional determination in which the state agency concluded that the muted tidal marsh ditch is subject to tidal action through a culvert that runs from Smith Slough beneath the levee. The ditch also contains well-established, healthy marsh vegetation including pickleweed, salt grass, and gum-plant, as well as intertidal mudflat. It is important for the FEIR to refer to BCDC's 2015 jurisdictional determination.

According to sub-Section 3.4 (Biological Resources) of the DEIR, the Project would include cantilevered sections of the proposed bike and pedestrian trail, which would cross over 0.04 acres of muted tidal marsh habitat. Although this habitat may receive some light, shading from the cantilevered structures would result in long-term degradation of this habitat, particularly pickleweed in which sensitive species such as salt marsh harvest mice, salt marsh wandering slews, and Alameda song sparrows are known to congregate. The DEIR addresses project-caused impacts to salt marsh harvest mice and salt marsh wandering slews in Impact BIO-3 ("Project activities may result in the injury or mortality of salt marsh harvest mice and salt marsh wandering shrews") and BIO-5 ("The project would result in the permanent loss of muted tidal marsh habitat, which is potential habitat for salt marsh harvest mice and salt marsh wandering shrews"), with each impact including a corresponding set of mitigation measures. With respect to BIO-5's mitigation measures, please elaborate as to why the proposed compensatory Mitigation Measure 5.1 ("conservation bank") "does not necessarily need to be approved for salt marsh harvest mouse mitigation as long as it provides suitable habitat for the species in an area expected to support the species (e.g., the San Francisco Bay Tidal Wetlands Bank in Redwood City would be appropriate)." In addition, please elaborate on the process by which the Habitat Mitigation and Monitoring Plan would be reviewed by which state, regional and or local agency.

## 4. RECREATION

Relevant recreation legislation and Bay Plan policies are as follows. Section 66602 of the McAteer-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, Bay Plan Public Access Policy No. 2 states in part that: "…maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline."

Bay Plan Recreation Policy No. 1 emphasizes, in part, a broad set of water-oriented programs for people of all races, cultures, ages and income levels. Bay Plan Public Access Policy No. 8

states in part that: "… improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent...." Consistent with Recreation Policy No. 1 and Public Access Policy 8 emphases on inclusion, Environmental Justice and Social Equity Policy 3 states, in part, "Equitable, culturally-relevant community outreach and engagement should be conducted by local governments and project applicants to meaningfully involve potentially impacted communities for major projects…"

Other relevant policies relevant to the project's proposed recreational programs and activities, such as shoreline paths and seating area, include Public Access Policy No. 6, which states that "public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding." Public Access Policy No. 7 states in part that "whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed… Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby."

In sub-Section 3.16, the analysis of Impact REC-1 states that the proposed development would provide "28,714 square feet of common open space and 2,879 square feet of private open space (31,593 square feet total), which would reduce the usage of existing parks and recreational facilities" (DEIR 182). In accordance with CEQA Guidelines Section 15146, we would request additional specificity as to which existing parks and recreational facilities that Impact REC-1 is referring, particularly given the close-proximity of the project to the existing Bay Trail, and to Bair Island and its trails. It is not clear why residents, guests of residents, and others utilizing the expanded shoreline trail resulting from 505 E. Bayshore and 557 E. Bayshore projects would not only utilize recreational opportunities afforded with the common open space area but also use the existing nearby Bay Trail and Bair Island trails.

It is also worth noting that, when constructed, the Project's shoreline path will connect with proposed shoreline path of the project (557 E. Bayshore Road) immediately to the east of 505 E. Bayshore Road. This connection allows for a seamless shoreline path connecting the project's path with where E. Bayshore Road and Whipple Avenue meet, which is also a connection point toward the western end of the existing Bay Trail on the PG&E levee, as well as to Bair Island. Moreover, there is an informal dirt path from the north-eastern corner of 557 E. Bayshore Road to the existing Bay Trail on the PG&E levee. Conceivably, 505 E. Bayshore residents, guests of residents, and visitors would be able to use a newly-formed path that would loop around the tidal ditch, with the shoreline paths of 557 E. Bayshore and 505 E. Bayshore constituting the segment of the loop south of the tidal ditch, and the existing Bay Trail the segment of the loop north of the tidal ditch. We request that the FEIR further analyze impacts to the existing Bay Trail resulting from more users, so as to understand appropriate mitigation measures.

BCDC is concerned that there is no discussion in the DEIR about sea level rise adaptation for these public access and recreational amenities, particularly those bordering the shoreline and tidal ditch. The proximity of the proposed pathway and corresponding set of decks and overlooks to the shoreline\tidal ditch and Smith Slough suggests that these recreational facilities would be among the first areas to experience sea level rise impacts. If the degradation or loss of these public recreation areas negatively affects the ability of residents and visitors to use the provided park space, it is possible they will choose to utilize other recreation areas in the City of Redwood City. The concern here is that if the City loses the recreation space that was dedicated to mitigate the impacts of residential development, commensurate with the new population, the City would therefore need new park space to replace the space that was lost, the loss of which makes the City fall even more below resident-to-park area performance standards. Moreover, the loss of park space here might result in impacts to existing spaces elsewhere in the City. herefore, sea level rise should be incorporated into the analysis for Impact REC-1.

## 5. HYDROLOGY AND WATER QUALITY

Relevant BCDC policies with respect to proposed project include Bay Plan Climate Change Policy No. 2., which states, in part, "A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment." Climate Change Policy No. 3. states that if a risk assessment determines that a project could pose a risk to public safety or ecosystem services, the project should be resilient to mid-century and if the Project would last beyond mid-century, it should be adaptable to end-of-century sea level rise projections, including storms. In addition, Public Access Policy No. 6 states that "public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding." Policy No. 7 states in part that "whenever public access to the Bay is provided as a condition of development, on fill or on the shoreline, the access should be permanently guaranteed… Any public access provided as a condition of development should either be required to remain viable in the event of future sea level rise or flooding, or equivalent access consistent with the project should be provided nearby." Bay Plan Water Quality Policy No. 3 states new projects are required to be "sited, designed, constructed, and maintained to prevent or […] minimize the discharge of pollutants in the Bay" by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices.

As we did not see a risk assessment along the lines of Climate Change Policy No. 2 and No. 3 in the set of technical appendices, we recommend that the FEIR include a recommendation that the project proponent produces a risk assessment per BCDC policies. If such a document has already been produced, we request that it be included in the final EIR as an appendix. We appreciate the fact that this section includes a sub-section on "flooding, tsunami, and seiche" (DEIR 144), but for purposes of BCDC's process, we request the final EIR include analyses on the order found in a sea level rise risk assessment, especially in an effort to understand the resilience of certain public access improvement BCDC might require. While HYD-2 discusses impacts to groundwater with respect to supply and recharge, we further request the final EIR analyze the resilience of the proposed project with respect to how SLR affects groundwater

levels. We request such an analysis because the DEIR indicates the presence of certain pollutants (hydrocarbons, VOCs, and metals) in the ground (DEIR 116.

## 6. HAZARDS AND HAZARDOUS MATERIALS

Bay Plan Water Quality Policy No.1 states, “Bay water pollution should be prevented to the greatest extent feasible. The Bay’s tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality.” And, Bay Plan Water Quality Policy No. 3 states new projects are required to be “sited, designed, constructed, and maintained to prevent or […] minimize the discharge of pollutants in the Bay” by controlling pollutant sources at the project site, using appropriate construction materials, and applying best management practices.

The analysis provided in support of the "less than significant" conclusion for the first project impact ("HAZ-1”: “The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.”) discusses impacts once the project is built and occupied. Given the emphasis on construction in Water Quality Policy 3, we appreciate the fact that the DEIR discusses HAZ-1 impacts with respect to construction and operational phases of the project.

## 7. GEOLOGY AND SOILS

Bay Plan Safety of Fill Finding No. 1 states, “To reduce risk of life and damage to property, special consideration must be given to construction on filled lands in San Francisco Bay. “ The analysis in the DEIR’s geology and soils section relates to issue areas that BCDC will consider in permitting the Project, including the safety and stability of the site in light of the site preparation and filling work required for the Project’s construction; the potential for erosion and implications for the long-term stability, safety, and usability of the proposed public access and open space amenities; and the potential for any erosion to affect biological resources and/or water quality in riparian, wetland, and or Bay habitats present at the site.

In sub-section 3.7, the DEIR reports that impacts with respect to project impact GEO-3 (“The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse”) are “less than significant”. We are aware that the project at 505 East Bayshore Road proposes to address settlement and subsidence concerns with ground improvements underneath the townhomes via 20-foot to 30-foot-long concrete-filled drill displacement columns. We request the final DEIR specifically discuss the adequacy of these columns with respect to the impacts enumerated in this section. We further request an analysis as to the potential for soil subsidence and settlement with respect to 505 E. Bayshore’s shoreline path and associated landscape, overlooks, and decks.

## 8. APPEARANCE, DESIGN, AND SCENIC VIEWS

While the DEIR references Bay Plan Appearance, Design, and Scenic View policies that are at the heart of maintaining the beauty of the Bay and waterfront, further analysis is required with respect to how the project alters views. In sub-Section 3.1, the DEIR concludes that there are

no impacts with respect to AES-1 ("The project would not have a substantial adverse effect on a scenic vista"). No adverse effects on scenic vista occur because "construction of the project would not substantially alter views of the Bay from the Bayshore Freeway" (DEIR 25). We request the FEIR analyze the adequacy by which the proposed paseos – including any activities or programs that would occur within the paseo viewsheds – between the residential structures along the shoreline promote views through the project site toward the Bay.

## 9. CULTURAL AND TRIBAL CULTURAL RESOURCES

The Bay Plan includes policies with respect to Environmental Justice and Social Equity, the first guiding principle of which is to "recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region." Bay Plan Public Access Policy No. 5 states that public access should embrace "local multicultural and indigenous history and presence." And, Bay Plan Recreation Policy No. 4 states that parks should emphasize historical and cultural education and interpretation.

We note that sub-Section 3.5 ("Cultural Resources") concludes no or less than significant impacts with respect to CUL-1 ("The project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5") and CUL-2 ("The project would not cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5"). In the first instance, the analysis in support of these conclusions refers to "historical" and "cultural" resources as buildings, while in the second, these resources are referenced in the context of artifacts or human remains (DEIR 83-85). We further note sub-Section 3.18 ("Tribal Cultural Resources") approaches tribal cultural resources in a similar fashion, focusing on archaeological artifacts and human remains. However, CEQA Guidelines 15064.5 ("Determining Significance of Impacts to Archaeological and Historical Resources") provides a more-expansive view as to what constitutes "historical", including "area", "place", "events", or "heritage." We request the FEIR, at a minimum, research, document, and list the possible tribes and their respective eras that have interacted with the project site and surrounding area.

## 10. ENVIRONMENTAL JUSTICE AND SOCIAL EQUITY

The State of California defines environmental justice as "the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies." In 2019, the Commission adopted Environmental Justice and Social Equity findings and policies into the Bay Plan (BPA 2-17), as well as Resolution 2019-07 to uphold a set of Environmental Justice and Social

While environmental justice is not necessarily identified as a distinct resource area in and of itself to be analyzed under Appendix G of the CEQA Guidelines, many of the DEIR's topic areas touch on issues of environmental justice. Environmental Justice and Social Equity Policy 4 states: "If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the

Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed." BCDC identified issues related to environmental justice in our above comments on tribal cultural resources and public access and recreation.

## IV. Conclusion

Once again, thank you for providing BCDC an opportunity to comment on the 505 E. Bayshore Project. We hope these comments aid you in preparing the FEIR. If you, or the project proponent, have any questions regarding this letter or the Commission's policies and permitting process, please do not hesitate to contact me at (415) 352-3622 or via email anthony.daysog@bcdc.ca.gov.

Sincerely,

TONY DAYSOG

Shoreline Development Permit Analyst

cc. State Clearinghouse

[1] BCDC, San Francisco Bay Plan (May 2020 edition), PDF page 137

# Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose, CA 95153 Tel: 650-493-5540 cccrrefuge@gmail.com www.bayrefuge.org


November 7, 2022

Curtis Banks, Contract Principal Planner
City of Redwood City
1017 Middlefield Road
Redwood City, CA 04063

*Via email:* cbanks@redwoodcity.org

RE: Comments on Draft Environmental Impact Report for the 505 East Bayshore Road Project

Dear Mr. Banks,

Citizens Committee to Complete the Refuge appreciates the opportunity to provide comments on the September 2022 Draft Environmental Impact Report (DEIR) for the 505 East Bayshore Road Project (Project). Our organization submitted scoping comments in response to the Notice of Preparation of an Environmental Impact Report (NOP) for the Project on September 21, 2021.

Citizens Committee to Complete the Refuge (Citizens Committee) has an ongoing interest in wetlands protection, restoration and acquisition. Our efforts have led to the establishment and expansion of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge), including the addition of 1600 acres at Bair Island in Redwood City. We have taken an active interest in Clean Water Act, Endangered Species Act and California Environmental Quality Act regulations, policies and implementation at the local, state and national levels, demonstrating our ongoing commitment to wetland issues and protection of Refuge wildlife and habitats.

The proposed Project is in close proximity to the waters, mudflats and tidal marsh of the Refuge, and directly adjacent to a muted tidal channel with wetland vegetation. These areas include "sensitive natural communities" for which impacts must be considered and evaluated under CEQA, and they provide habitat for special status and other wildlife species, including resident and migratory shorebirds and waterfowl. Restoration of Inner Bair Island back to tidal marsh is well underway and the Refuge anticipates that populations of the federal and state endangered Ridgway's Rail and salt marsh harvest mouse (both state fully protected species), already present at the Bair Island unit, will be increasing in this nearby area.

Our comments regarding the DEIR will focus primarily on the adequacy of analysis and mitigation for impacts to Biological Resources, including the adequacy of Project Alternatives considered.

**Existing Conditions**

The DEIR and associated *Appendix C Biological Resources Report* (Appendix C) includes a factual error/omission as outlined below that must be corrected in the Final EIR (FEIR).

Sensitive Natural Communities in the Vicinity of the Project

*Figure 4. CNDDB-Mapped Records of Special-Status Plants* on page 26 in the DEIR Appendix C shows a map indicating the location of "special-status plant species" and "sensitive natural communities" in the vicinity of the Project site. One of the CDFW-designated sensitive natural communities is Northern Coastal Salt Marsh. This map does not reflect current conditions as it does not reflect the restoration activities that have been ongoing for over a decade. The map incorrectly shows no tidal marsh on Inner Bair Island, and tidal marsh only outboard of the perimeter levees on Middle and Outer Bair Islands. Additionally, there is no Northern Coastal Tidal Marsh depicted along the unnamed slough (a branch of Smith Slough) on the other side of the Bay Trail.


Excerpt from Appendix C, *Figure 4, CNDDB-Mapped Records of Special-Status Plants*, which incorrectly shows no Northern Coastal Salt Marsh on Inner Bair Island in the vicinity of the Project. The Project location is identified by a yellow dot on the map.

Additionally, the description of Inner Bair Island on page 24 in Appendix C also fails to accurately describe the current extent of tidal marsh, referring to the *"…large areas of ruderal grassland"* and *"seasonally ponded wetlands"*.

To restore these diked islands back to tidal marsh, the U.S. Fish and Wildlife Service breached the levees surrounding Middle and Outer Bair Islands a number of years ago, and the perimeter levee on Inner Bair Island was breached in December 2015. With the reestablishment of tidal flow, pickleweed has become established throughout the marsh plain on all three islands, and cordgrass, *Grindelia,* alkali-heath and sea lavender are now present on Inner Bair Island (see photo below). The Refuge is located approximately 100 feet from the Project property line and is currently used extensively by a great variety of water birds, including migratory shorebirds, and other wildlife.

Photo of an area on Inner Bair Island in close proximity to the Project showing extensive tidal marsh vegetation. (June 2021, M. Leddy)

Due to the close proximity, and the potential for impacts from the Project on this Sensitive Natural Community and associated wildlife (i.e., bird strikes, shadowing, outdoor lighting, domestic animals, etc.) the FEIR must accurately depict the baseline conditions of the areas immediately adjacent to the proposed project and describe the location and extent of Northern Coastal Salt Marsh in the vicinity of the Project site.

**Unidentified Bird Strike Hazard/Inadequate Analysis and Mitigation**

The DEIR (Page 65) states: "*Furthermore, architectural features that are known to pose collision hazards to birds, such as large expanses of glass, transparent glass corners, and freestanding glass walls or railings, are absent from the proposed buildings*."

Avoiding glass corners is a key safety feature in Standards for Bird-Safe Buildings which states, "*windows installed perpendicularly on building corners are dangerous because birds perceive an unobstructed route to the other side*." (Quote and photo below from the San Francisco Planning Department. 2011. Standards for Bird-Safe Buildings, July 14, 2011, Pg. 6.)

.

*A Market Street building with a transparent corner may lead birds to think the tree is reachable by flying through the glass.*

Several illustrations within the Site Plans for the proposed project appear to clearly show transparent glass corners both along the bay side of the proposed buildings as well as in interior areas.



Excerpt from Sheet A5.3 6 Unit Rowtown 2

<u>The DEIR fails to identify and analyze bird strike hazards from this architectural feature; this must be analyzed and avoidance or mitigation measures for the impacts must be identified in the EIR.</u>

**Inadequate Analysis of Shadow Impacts/Unsubstantiated Conclusions on Impacts to Sensitive Natural Community**

In our response to the 2021 NOP, Citizens Committee specifically called out our concerns regarding potential shadow impacts to natural Bay habitats because of the close proximity of the residential buildings to adjacent muted tidal wetlands, and to the tidal marsh, mudflats and slough waters in the nearby unnamed slough in the Wildlife Refuge. Due to the height and close proximity of the proposed buildings, afternoon shadows could extend into these sensitive habitats. The area that could be impacted by shadowing includes Northern Coastal Salt Marsh with pickleweed, a marsh plant that is known to be intolerant of shade. The location of the buildings would be near the SF Bay Trail which the DEIR (pg. 52) describes as an area with, "…*extensive areas of marsh habitat that support robust populations of marsh-associated wildlife species…"*

The DEIR states, ***"Impact BIO-2:*** *The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS.* ***(Less than Significant Impact with Mitigation Incorporated)"*** (DEIR pg.72).

In the absence of a shadow study specifically for impacts to the muted tidal marsh channel and the tidal marsh in the unnamed slough, this conclusion is unsubstantiated. With the close proximity of the buildings (only 29 feet from the edge of the property), the FEIR must include information from a shadow analysis specifically for these sensitive natural areas. The criteria used to determine whether any shade impacts from the buildings are significant must be clearly articulated.

Additionally, the shadow analysis must take into account not only the proposed apartment building height of 38 feet (Project Plans, Sheet A4.10), but also the height of the fill needed to obtain a site elevation 13 feet above mean sea level (DEIR pg. 5), for a total of 51 feet above sea level. This is particularly important because the tidal marsh areas are essentially at sea level.

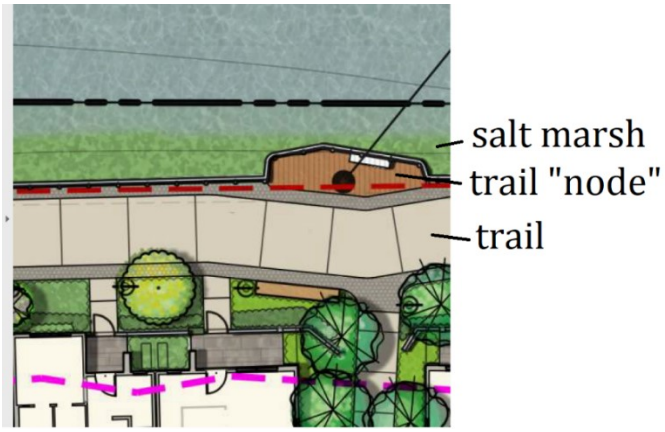
The shadow analysis must not be improperly deferred to an administrative review at the time of city permitting. The DEIR is flawed. CEQA requires a project level EIR to identify all significant impacts and associated mitigations prior to project approval.

Significant Shading Impact from Cantilevered Trail Nodes/Observation Decks on Tidal Marsh Habitat

The DEIR states: *...cantilevered sections of the proposed bike and pedestrian trail will cross over 0.04 acre of muted tidal marsh habitat. Although this habitat may receive some light, shading from the cantilevered structures would result in long-term degradation of this habitat, which provides potential foraging habitat for salt marsh harvest mice and salt marsh wandering shrews.* (pg. 68-emphasis added)

The resulting "permanent loss of muted tidal marsh habitat" from shadowing is identified as a significant impact (Impact BIO-5 on pg. ix), and the DEIR states on page 225 that *"Eliminating the cantilevers structures would avoid the impact to muted tidal marsh habitat."*

The DEIR then states: "*removing the cantilevered portions of the trail may require a reduction to the width of the trail in some locations, which could result in inconsistencies with BCDC requirements for trail design*." (pg. xix), suggesting this as a valid reason to retain the features, in spite of identified significant impacts to tidal marsh that could be avoided. As shown in the excerpt below, Site Plan documents appear to show that no reduction in trail width would result from removing the nodes. The DEIR is flawed in that it has clearly stated that the proposed cantilevered structures will have adverse impacts on habitat that supports federal and state listed species, and has failed to adequately demonstrate why these impacts cannot be avoided.




Excerpt from L1.01, Schematic Landscape Plan.
The trail width would not decrease with the removal of the node.

**Predator Perches: Inadequate Analysis/Unsubstantiated Conclusion on Impacts to Wildlife**

On page 70, the DEIR states that, "…*existing trees, light poles, and buildings currently provide perches for raptors on the project site. Relative to baseline conditions, the construction of the project is not expected to result in a substantial increase in the predation by raptors of small mammal species inhabiting adjacent tidal marsh habitats, or to affect regional populations of these small mammal species. (Less than Significant Impact)"*

This conclusion is not supported by the information provided in the DEIR. Relative to baseline conditions, *"The project would remove all 10 existing trees on the site and plant approximately 157 replacement trees."* (pg. 5), a substantially greater number of trees than existing conditions. The number of proposed buildings would be increased from 4 to 9, and it is unclear how many light poles would be installed on the project, since the lighting and photometric plans have not been submitted to the City for review (DEIR pg. 28).

Given the substantial increase in the number of trees, buildings, and possibly light poles, and the close proximity of these features to sensitive habitats, the DEIR statement that this aspect of the proposed project would have less than significant impacts is unsubstantiated. In addition to small mammals, avian predators such as ravens, crows and raptors can also adversely impact resident and migratory shorebirds using nearby tidal marsh and mudflat habitat, causing loss of eggs from nests and mortality.

Selection of Appropriate Landscape Trees as Mitigation for Avian Predator Roosting/Nesting Impacts

Landscape trees vary in their suitability to serve as perching or nesting sites for avian predators. With respect to existing tree species present on the site, there is currently a very limited number and variety of trees. For the trees proposed for planting, the DEIR provides no criteria for the selection of tree species to ensure there is no increase in perching/nesting sites for predatory birds. An example of suitable tree species for planting adjacent to bay wetland habitats is attached (See Attachment: Pacific Shores Center Tree Suitability Index).

Additionally, the cover of the DEIR shows Canary Island palm trees planted adjacent to the muted tidal channel along the north side of the proposed project; however, the DEIR Landscape Plan (Figure 2.0-6) does not call for this tree species anywhere on site. As CCCR stated in our response to the NOP, this species is known to be used by roosting and nesting Barn Owls which are avian predators. This tree species should not be included in the planting plan.

The FEIR must provide an adequate analysis of the impacts from the substantial increase in the number of predator perches/potential nesting sites on the project property that will be in close proximity to tidal marsh listed species and other wildlife. Appropriate mitigation measures should be evaluated and required.

**Project Alternatives**

According to the DEIR, the CEQA Guidelines specify that the EIR should identify alternatives which *"would feasibly attain most of the basic objectives of the project but would* ***avoid or substantially lessen*** *any of the significant effects of the project."* (pg. xvi, emphasis added)

In the section "Project Alternatives Considered for Further Analysis", the DEIR includes two alternatives that reduce impacts to biological resources: the Design Alternative and the Reduced Scale Alternative.

Design Alternative – Removal of Cantilevered Portions of Public Trail (pg. 224)

According to the DEIR, "*This project alternative would redesign the proposed public trail to eliminate any cantilevered structures overhanging the muted tidal marsh habitat. The cantilevered structures are primarily associated with two "nodes" intended as observation areas or other passive recreational use by trail users, as well as a small portion of the trail itself near the project's western boundary (refer to Figures2.0-4 and 3.4-1). Eliminating the cantilevers structures would avoid the impact to muted tidal marsh habitat… This alternative would still meet all project objectives, but would reduce passive recreational opportunities for users of the trail by eliminating areas for resting, gathering, and viewing the San Francisco Bay."*

In addition to our previous comment that the DEIR fails to demonstrate how removal of the proposed cantilevered portion of the public trail would result in a reduction in trail width, it should be noted that the existing Bay Trail is easily accessible according to the Site Plan, and has a large observation/seating area directly across the muted tidal channel from the project for resting, gathering and viewing the Bay.

Reduced Scale Alternative (pg. 225)

The DEIR describes this alternative as follows: *The City's Transportation Analysis Manual identifies the screening threshold for multi-family residential projects as roughly 20 units.* ***Reducing the scale of the project to 20 or fewer units****, therefore, would place the project below the City's screening threshold, avoiding the need to mitigate the project's VMT impacts. … Because less space would be needed to accommodate the lower number of proposed units, reducing the scale of the project would likely allow for a redesign of the proposed public trail in a manner that would remove the need for cantilevering, therefore avoiding the impact to 0.04 acre (or roughly 1,742 square feet) of muted tidal marsh habitat.* (emphasis added)

The DEIR concludes: *"In addition to the No Project – No Development Alternative, the Reduced Scale Alternative* ***would be environmentally superior to the project*** *as it would avoid the need to mitigate the project's VMT impacts and may also avoid impacts to 0.04 acre of muted tidal marsh."* (pg. 227, emphasis added)

The DEIR is flawed in proposing a Reduced Scale alternative that it can reject from the onset. The Reduced Scale alternative appears to utilize a reduction in the number of housing units (64% fewer units) that far exceeds that required to stay under the VMT "threshold of significance "of 10.5 for residential uses. Additionally, the DEIR fails to identify other reductions in impacts to biological resources that could occur with this alternative from possibly pulling the development footprint back from the muted tidal channel.

Consideration of a More Limited "Reduced Scale" Alternative

An alternative exists that would meet the basic project purpose to a significantly greater degree, while substantially avoiding and minimizing the project's adverse impacts on the environment. This alternative must be analyzed.

By reducing the project by 6 specific units, the trail and Buildings 7 – 9 could be pulled back from the top of the bank of the tidal channel by approximately 16 feet, eliminating the permanent loss of tidal marsh. This would also minimize project construction activities occurring below and within the bank of the muted tidal channel, activities that could impact endangered salt marsh harvest mice and salt marsh wandering shrew. Additionally, other impacts from the project on habitat and wildlife, including artificial lighting and shadowing from buildings, would be reduced.

A tidal marsh buffer could be created by removing a "C" unit from Buildings 1 – 6. This would shorten the length of these buildings and allow Buildings 7 – 9 to move back, without changing the basic building designs, landscape plan or open space areas.

Other benefits of this proposed alternative include:
- accommodating public seating/viewing areas and eliminating any possible issues with trail width;
- opportunity for continuation of the 557 East Bayshore native plant habitat strip along the new bay trail;
- reduction in project VMT, making TDM requirements easier to meet.

Avoidance of adverse impacts to jurisdictional waters and wetlands, sensitive natural communities, and endangered species habitat must be the highest priority for bayfront projects, especially on sites in close proximity to the Refuge. This project should not set a precedent for encroaching on wetlands.

**Importance of an Effective Mitigation Monitoring and Reporting Plan (MMRP)**

Due to the proximity of wetlands and wildlife to the project site, including sensitive habitats and listed species, the Final Environmental Impact Report should include an associated MMRP that is detailed and effective to ensure the actual implementation of mitigation measures is well-documented and enforced. Assigned oversight by City departments should be clearly specified for each mitigation measure.

Additionally, contact information should be available for designated City and property owner representatives who will be responsible for ensuring that the continuing, operational mitigation measures are maintained/enforced in case problems or impacts arise. Specifically, the MMRP should clearly indicate which department within the City will be responsible for ensuring compliance with each of the mitigation measures. These mitigation measures include:

**MM BIO-6.1:** Prohibit Outdoor Cats and Off-Leash Dogs
**MM BIO-6.2:** Food Waste Management

Thank you for the opportunity to provide comments on the DEIR for the 505 East Bayshore Road Project.

Sincerely,

Gail Raabe

Gail Raabe, Co-Chair
Citizens Committee to Complete the Refuge

Cc: Matthew Brown, USFWS
Ann Spainhower, USFWS

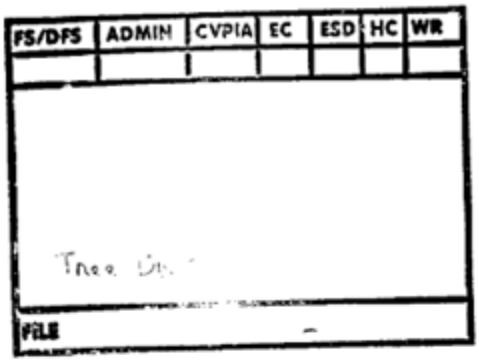
Attachment: Pacific Shores Center Tree Suitability Index

**ATTACHMENT**

LSA Associates, Inc.

*Environmental Analysis*
*Transportation Engineering*
*Biology and Wetlands*
*Habitat Restoration*
*Resource Management*
*Community and Land Planning*
*Landscape Architecture*
*Archaeology and Paleontology*

LSA




June 11, 1998



Dan Bufford
Endangered Species Division
U.S. Fish and Wildlife Service
3310 El Camino Avenue, Suite 130
Sacramento, CA 95821

Subject: Pacific Shores Center, Corps File No. 16783S41, Amendment 2

Dear Dan:

As requested in our telephone conversation of June 11, the following additional conditions will be added to clarify and amend the February 1998 Mitigation and Monitoring Plan for the above referenced project. These issues address your request for leash requirements for dogs, mitigation for reduced project buffer, and acceptable landscaping trees.

**Section 4.2.1 Buffer Zones and Screening (page 4-3 to 4-5).** Appropriate language and/or additional signs will be added to the public access trail to remind trail and other open space users of leash requirements for dogs within open space areas.

**Section 4.2.1 Buffer Zones and Screening (page 4-3 to 4-5) and Section 4.1 Goal of Mitigation (Page 4-2 and 4-3).** As was discussed in our June 8, 1998 letter, we were only able to practicably provide an 85-foot buffer/setback between the trail and the adjacent salt ponds. The 15-foot difference between the available buffer and the requested 100-foot wide setback equates to approximately 1 acre. As mitigation for the reduced buffer, the applicant will provide 22 acres of compensatory wetland restoration as proposed in the mitigation plan. The additional 1 acre of mitigation is included within the proposed 22 acres and balances the impact and mitigation requirements resulting from the ratio calculation error on page 4-3. The revised calculation on page 4-2 and 4-3 will now read:

*A 2:1 ratio is proposed for the fill/loss of 7.1 acres of potentially suitable salt marsh harvest mouse habitat (14.2 acres) and 1: 1 replacement is proposed for the 6.8 acres of the highly degraded wetlands Seaport Boulevard, the roadside ditch, the four outfall locations on non-native soil /fill material on the development site (6.8 acres), and the approximately 1 acre*



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*Pt. Richmond, California 94801*

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*Other offices located in Berkeley*
*Irvine, Riverside and Sacramento*

*of land within the reduced width perimeter buffer between the site and adjacent salt ponds (1 acre)(22 acres total).*

**Section 4.4.2 Project Landscaping (pages 4-4 to 4-9).**

Only high landscape suitability trees will be used for project landscaping. The following trees on the initial plant palette landscaping suitability index meet the Service's criteria based on your facsimile of June 11, 1998:

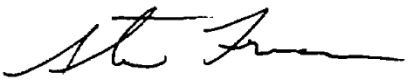
| | | |
|---|---|---|
| *Acacia baileyana* | *Cercis occidentalis* | *Crataegus phaenopyrum* |
| *Feijoa sellowania* | *Geijera parviflora* | *Melaleuca nesophila* |
| *Schinus terebinthifolius* | *Cycas revoluta* | |

As we discussed, some of the Service's suitability changes were in response several apparent discrepancies in tree height between our source, *The Western Garden Book* and your source, *Hortis Third*. Herma Lichtenstein, the project landscape architect, indicated that *Hortis Third* provides information on tree height and growth under ideal conditions (i.e., in the tree's natural habitat/climate). The *Western Garden Book* on the other hand addresses the height and growth form on what is more normal for this region. Actual tree heights will likely be lower at the project site given the local wind and salt spray conditions at this site.

I believe this addresses the items we discussed. If you have any questions or wish to discuss other measures to address the setback issue, please feel free to contact me.

Sincerely,

LSA ASSOCIATES, INC.



Steve Foreman
Project Manager/Wildlife Biologist

cc Peter Brandon
John Sanger
Mark D'Avignon

| FS/DFS | ADMIN | EC | ESD | | WR |
|---|---|---|---|---|---|
| | | | | | |
| FILE | | | | | |

# LSA


*LSA Associates, Inc.*

*Environmental Analysis*
*Transportation Engineering*
*Biology and Wetlands*
*Habitat Restoration*
*Resource Management*
*Community and Land Planning*
*Landscape Architecture*
*Archaeology and Paleontology*


April 28, 1998



Dan Bufford
Endangered Species Division
U.S. Fish and Wildlife Service
3310 El Camino Avenue, Suite 130
Sacramento, CA 95821

MAY 01 1998

Subject: Pacific Shores Center, Corps File No. 16783S41

Dear Dan:

Enclosed is the preliminary tree species plant palette for the Pacific Shores Center Project for your review. The plant list was initially supplied by Merrill and Befu, the project's landscape architectural firm. We have analyzed the list with respect to the landscaping suitability criteria described in Section 4.2.2 on pages 4-7 to 4-9 of the February 1988 Mitigation and Monitoring Plan. As described in the mitigation and monitoring plan, only trees falling into the moderate to high suitability index values would be used for project landscaping. High index value trees would be used for general landscaping. Moderate suitability trees would be used in specific locations such as the screening barrier on the western edge of the site where taller trees are required as mitigation for other environmental affects.

The applicant has also proposed to fund regular monitoring and to implement control measures to eliminate specific problems should such conditions arise in the future (see Section 4.2.3, pages 4-9 to 4-10 of the plan). If you have any questions or require additional information, please feel free to contact me.

Sincerely,

**LSA ASSOCIATES, INC.**

Steve Foreman
Project Manager/Wildlife Biologist

Enclosure

04/28/98(H:\STEVEF\FILES\PSC\BUFFORD1)


*157 Park Place*
*Pt. Richmond, California 94801*

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**Pacific Shores Center**
**Suitability Analysis for Preliminary Landscape Palette**
**Relative to Minimizing Raptor and Raven Nesting Suitability**

| Tree Species | Tree Characteristics[1] | Landscaping Suitability Index[2] |
|---|---|---|
| *Acacia baileyana*<br>Bailey acacia | 20-30 feet; round form; closed dense crown | High |
| *Casuarina stricta*<br>Drooping she-oak | 20-35 feet, oval to dome shaped crown, upright fine branches | Moderate to High |
| *Casurina cunninghamiana*<br>River she-oak | to 70 feet:, oval to dome shaped crown; crown with large branches and openings | Low |
| *Cedrus deodara*<br>Deodar cedar | to 80 feet; pyramidal crown, large horizontal limbs | Very Poor |
| *Cercis occidentalis*<br>Western redbud | 10 to 18 feet; irregular crown; small upright limbs | High |
| *Cornus nuttallii*<br>Western dogwood | to 50 feet; irregular crown; small limb structure; some openings in canopy at maturity | Moderate |
| *Cornus florida*<br>Eastern dogwood | to 20 feet; irregular shape with fine horizontal branches ~~to~~ 40' | High |
| *Crataegus phaenopyrum*<br>Washington hawthorn | to 25 feet; fine limb structure, spreading crown | High |
| *Cupaniopis anacardioides*<br>Carrot wood | to 40 feet; dome shaped form | Moderate |
| *Cupresses arizonica (glabra) pyramidalis*<br>Arizona cypress | to 40 feet; oval, dense compact crown | High to Moderate |
| *Cupresses sempervirens*<br>Italian cypress | to 60 feet; dense, narrow columnar form; upright fine branches ~~to~~ 80' | High |
| *Eucalyptus citriodora*<br>lemon-scented gum | 75 - 100 feet; irregular, open crown | Very Poor |
| *Eucalyptus ficifolia*<br>Red flowering gum | to 40 feet; round-headed tree; compact crown | Moderate |
| *Feijoa sellowiana*<br>Pineapple guava | 18 to 25 feet; round to spreading form; dense crown | High |
| *Fraxinus ornus "Raywood"*<br>Raywood ash | 25 to 35 feet; compact, round headed crown; generally small narrow limbs ~~to~~ 60' | High |
| *Geijera parviflora*<br>Australian willow | 25 to 30 feet; dome shaped crown, with small upswept branches | High |
| *Gleditsia triancanthos*<br>Moraine locust | 35 to 70 feet; spreading, arching branches; open crown | Poor to Low |
| *Koelreuteria paniculata*<br>Goldenrain tree | 20 to 35 feet; spreading form with open branching crown | Low to Moderate |
| *Laurus nobilis*<br>Sweet bay | 12 to 40 feet; compact, broad-based , multistemmed cone-shaped crown | High |

| Tree Species | Tree Characteristics[1] | Landscaping Suitability Index[2] |
|---|---|---|
| *Liquidambar formosa.* Sweet gum | to 25 feet; generally dense cone to pyramidal shaped crown to 120' | High |
| *Lyonothamnus floribundus* Catalina ironwood | 30 to 60 feet; 20 to 40 foot dome-shaped spread | Moderate |
| *Melaleuca neophilia* Pink melaleuca neosplila | 15 to 20 feet, occasionally 30 feet; irregular to round dense crown; can develop heavy gnarled branches if unpruned; branches generally upright | High |
| *Melaleuca quinquenervia* Cajeput tree | 20 to 40 feet; upright, open dome to round crown | Moderate to Low |
| *Nyssa sylvatica* Sour gum | 30 to 50 feet, pyramidal when young to spreading at maturity; short horizontal branches | Poor |
| *Olea europea* European olive | 25 to 30 feet; vase shaped; | Moderate to High |
| *Pinus canariensis* Canary island pine | 60 to 80 feet; pyramidal when young to round crown at maturity; large open branches | Poor |
| *Pittosporum crassifolium* | to 25 feet; dense dome to round crown to 35 | High |
| *Podocarpos gracilor* Fern pine | to 60 feet; oval crown with heavy dense foliage | Low to Poor |
| *Populus nigra* Lombardy poplar | 40 to 100 feet; dense columnar shape with upward reaching branches | Poor to Very Poor |
| *Pyrus calleryana* Bradford pear | 25 to 50 feet; dense, round crown; horizontal branches | Moderate |
| *Quercus agrifolia* Coast live oak | 20 to 70 feet, open round to spreading crown; large horizontal branches | Poor |
| *Schinus terebinthifolius* Pepper tree | to 30 feet; broad, umbrella-shaped crown; dense foliage | High |
| *Ulmus parvifolia* Chinese evergreen elm | 40 to 60 feet; spreading with long, arching to weeping branches | Moderate to High |
| *Umbellularia californica* California bay | 20 to 25 feet in cultivation; dense foliage trunk | Moderate to High (if kept low) |
| *Cycas revoluta* Sago palm | to 10 feet | High |
| *Sygrus (Arecastrum) romanzoffianum* Queen palm | to 50 feet; dense growth of feather-type fronds | Moderate |
| *Washingtonia robusta* Mexican fan palm | to 100 feet | Moderate to Poor |

[1] **Source:** Sunset Western Garden Book. 1988. Lane Publishing Co., Menlo Park, California

[2] **Landscaping Suitability Index**
Trees must possess at least two of the specified characteristics in order to fall within a designated index value. All characteristics refer to trees at maturity. Trees with high landscaping suitability have low potential for raptor and raven nesting and roosting where as trees with poor or very poor landscaping index values have high potential for raven and raptor nesting and roosting.

**High**: 20 to 25 feet or less in height; columnar shape; preponderance of fine limbs; or closed dense crown structure.

**Moderate**: 25 to 50 feet in height; moderate arch in limb structure; or crown with openings consisting of 20 percent on the crown area.

**Low**: 50 to 70 feet in height; fairly horizontal limbs structure; limbs 3 to 5 inches in diameter at trunk; or crown openings of 20 to 30 percent.

**Poor**: 50 to 70 feet in height; fairly horizontal limb structure; limbs >8 inches in diameter at trunk at >50 feet in height; or 50 percent crown area open.

**Very Poor**: >70 feet in height; horizontal limb structure; limbs >8 inches in diameter at trunk at >50 feet in height; crown structure > 50 percent open; or good potential for sentinel perches>70 feet high from nearby trees.

Pacific Gas and Electric Company

**Plan Review Team**
Land Management

PGEPlanReview@pge.com

September 28, 2022

Curtis Banks
City of Redwood City
1017 Middlefield Rd
Redwood City, CA 94063

Ref: Gas and Electric Transmission and Distribution

Dear Curtis Banks,

Thank you for submitting the 505 E Bayshore Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Sincerely,

Plan Review Team
Land Management

**Attachment 1 – Gas Facilities**

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments).

No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch

wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [24/2 + 24 + 36/2 = 54] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 12 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 12 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line ‘kicker blocks’, storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E’s ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4’) in height at maturity may be planted within the easement area.

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

## Attachment 2 – Electric Facilities

It is PG&E's policy to permit certain uses on a case by case basis within its electric transmission fee strip(s) and/or easement(s) provided such uses and manner in which they are exercised, will not interfere with PG&E's rights or endanger its facilities. Some examples/restrictions are as follows:

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as "**RESTRICTED USE AREA – NO BUILDING."**

2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.

3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&'s facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.

4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.

5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.

6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.

7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.

8. Streets and Roads: Access to facilities must be maintained at all times. Street lights may be allowed in the fee strip(s) and/or easement(s) but in all cases must be reviewed by PG&E for proper clearance. Roads and utilities should cross the transmission easement as nearly at right angles as possible. Road intersections will not be allowed within the transmission easement.

9. Pipelines: Pipelines may be allowed provided crossings are held to a minimum and to be as nearly perpendicular as possible. Pipelines within 25 feet of PG&E structures require review by PG&E. Sprinklers systems may be allowed; subject to review. Leach fields and septic tanks are not allowed. Construction plans must be submitted to PG&E for review and approval prior to the commencement of any construction.

10. Signs: Signs are not allowed except in rare cases subject to individual review by PG&E.

11. Recreation Areas: Playgrounds, parks, tennis courts, basketball courts, barbecue and light trucks (pickups, vans, etc.) may be allowed; subject to review of plans. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications.

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (https://www.dir.ca.gov/Title8/sb5g2.html), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 (http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

Contractor shall ensure the protection of PG&E's towers and poles from vehicular damage by (installing protective barriers) Plans for protection barriers must be approved by PG&E prior to construction.

13. PG&E is also the owner of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E's facilities must be reviewed and approved by PG&E to ensure that no impact occurs that may endanger the safe and reliable operation of its facilities.

Pacific Gas and Electric Company®

**Plan Review Team**
Land Management

PGEPlanReview@pge.com

October 12, 2022

Curtis Banks
City of Redwood City
1017 Middlefield Road
Redwood City, CA 94063

Re: Bayshore Townhomes Project
505 E Bayshore Road, Redwood City, CA 94063

Dear Curtis Banks,

Thank you for giving us the opportunity to review the subject plans. The proposed Bayshore Townhomes Project is within the same vicinity of PG&E's existing facilities that impact this property.

PG&E operates underground gas distribution facilities, in addition to overhead electric distribution facilities currently serving this property in the areas of planned development. Please contact PG&E's Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require prior to any demolition or new construction.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

If you have any questions regarding our response, please contact me at alexa.gardea@pge.com.

Sincerely,

alexa gardea

Alexa Gardea
Land Management
916-760-5738