

Final Environmental Impact Report Serramonte Del Rey Campus Redevelopment

SCH# 2023060571



Prepared by



In Consultation with



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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 Serramonte Del Rey Campus Redevelopment 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 Daly 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 at the City's Planning Division office located at 333 90th Street, Daly City, CA 94015 on weekdays during normal business

hours. The Final EIR is also available for review on the City's website:

<https://link.edgepilot.com/s/c4d7a134/mxgGDUo1yEKLLB8SOFJHug?u=http://www.dalycity.org/feir>.

Section 2.0 Draft EIR Public Review Summary

The Draft EIR for the Serramonte Del Rey Campus Redevelopment project, dated June 2023, was circulated to affected public agencies and interested parties for a 45-day review period from July 25, 2023 through September 8, 2023. The City of Daly City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability (NOA) of Draft EIR was published on the City's website (<https://www.dalycity.org/1153/8941/Serramonte-Del-Rey-Campus-Redevelopment->) and filed at the County Clerk Recorder's Office on July 25, 2023.
- Notification of the availability of the Draft EIR was mailed to property owners and tenants within a 300 foot radius of the project boundary and other members of the public who had indicated interest in the project;
- The Draft EIR was delivered to the State Clearinghouse on July 25, 2023, 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.dalycity.org/1153/8941/Serramonte-Del-Rey-Campus-Redevelopment->) and at the City's Planning Division office located at 333 90th Street, Daly City, CA 94015.

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 NOA for the Draft EIR was sent to owners and occupants within 300 feet of 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 Coastal Commission
- California Department of Conservation
- California Department of Education
- California Department of Fish and Wildlife
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Fish and Wildlife, Marin Region 7
- California Department of Forestry and Fire Protection
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Transportation, District 4
- California Department of Water Resources
- California Highway Patrol
- California Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California State Lands Commission
- Department of General Services
- Department of Toxic Substances Control
- Office of Historic Preservation
- State Water Resources Control Board, Division of Drinking Water
- State Water Resources Control Board, Division of Drinking Water, District 17
- State Water Resources Control Board, 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 Daly City on the Draft EIR.

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 Daly City are included in their entirety in Appendix A of this document. Comments received on the Draft EIR are listed below. None of the comments raised on the Draft EIR represent new significant information that would warrant recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5(a).

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4.1 Master Responses

A number of comments received during the public circulation of the Draft EIR raised similar concerns and questions; therefore, master responses have been prepared to respond to those common concerns/questions. The master responses address the following topics:

- Master Response 1: Demonstration Garden
- Master Response 2: Regional Housing Needs Allocation
- Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law
- Master Response 4: Project Description
- Master Response 5: Wetlands
- Master Response 6: Recreation
- Master Response 7: Tribal Cultural Resources
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Master Response 1: Demonstration Garden

Several comments claim the demonstration garden on the project site should qualify as a unique or rare resource that should be protected as part of the CEQA process. CEQA does not define when a garden, park, or other recreational facility should be considered a significant resource, which indicates the lead agency has discretion, based on substantial evidence, in deciding whether to treat a recreational facility as a significant resource. In considering whether the demonstration garden should be treated as a protected resource under CEQA, the City considered whether it is a designated recreational use (i.e. included on official public agency maps), a historical resource (associated with important persons or events or designed by a master designer or featuring a unique design), or a unique biological habitat for special status species. Absent these characteristics or associations, a typical community garden, while understood to be a valuable resource to the community who uses it, would not rise to the standard of a protected resource under CEQA. Examples of gardens in the Bay Area that would presumably be considered significant resources under CEQA include the San José Rose Garden (1927), the Tilden Regional Parks Botanic Garden in Berkeley (1940), and the Japanese Tea Garden in San Francisco (1894), in that each is an officially recognized facility with a long, storied history and/or association with important persons or events and have been considered integral, for nearly a century or more, to the community they are located in.

The demonstration garden on the project site is described in Section 2.2.1.1 of the Draft EIR (page 10). The Jefferson Union High School District (JUHSD) created the approximately 0.5 acre garden 20 years ago as a demonstration garden to be used by the adult education building on-site.¹ Students and members of the public who signed up for gardening classes were allowed to use the

¹ October 11, 2023 Ltr. From Jefferson Union High School District.

demonstration garden. JUHSD has not offered gardening classes since 2007. In 2018, an application to list the demonstration garden as a “community garden” was submitted to the San Mateo County Office of Sustainability; however, the application was sent without JUHSD’s knowledge or authorization. The “community garden” designation was removed in 2019 per JUHSD’s request. Since the discontinuation of gardening classes in 2007, the demonstration garden has been used sparingly by members of the public on an informal, unsanctioned basis. Security staff for the garden report an average of two to four people per week visiting the garden, and about half of these individuals visit for durations of 10 minutes or less. In addition, JUHSD has made it clear to the public that use of the demonstration garden is temporary and provisional. For these reasons, the demonstration garden is not an environmental resource that is rare or unique to the region. The Draft EIR has described the garden’s size, history, characteristics, and status so that the public and decision-makers are informed of the loss of the demonstration garden, should the project be approved and implemented.

Master Response 2: Regional Housing Needs Allocation

The proposed project is adding 1,235 residential units to the City, including 20 percent affordable units (13.5 percent low-income and 6.5 percent moderate-income), which is double the City required 10 percent affordable units. Thus, the proposed project would contribute towards the City’s Regional Housing Needs Allocation (RHNA) target for both market-rate and affordable housing. The City’s current RHNA targets are 1,971 market-rate units and 2,867 affordable units). Requiring the project to provide additional affordable units beyond what is required by City’s Inclusionary Housing Ordinance is not relevant to the project’s environmental impacts under CEQA and, therefore, is not discussed in the Draft EIR. Additional information regarding the project and the City’s RHNA targets will be included in the City’s staff report. It is not expected or a requirement that each residential development project would provide a range of units in the precise distribution to match the City’s overall RHNA unit requirements for various income levels and types of units. Some projects will provide the minimum affordable units specified by the City’s Inclusionary Ordinance, while others, including both this project and those projects designed to be 100% affordable housing developments, will exceed the minimum, and the City would monitor implementation of the Housing Element over this RHNA cycle to ensure the various unit income targets are met.

Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law

The project’s compliance with the City’s Inclusionary Housing Ordinance is discussed under Impact LU-2 in Section 3.11 Land Use of the Draft EIR (page 124). The project complies with the Inclusionary Housing Ordinance by providing a 20 percent affordable housing component, which is double the required 10 percent. It also offers units at affordability levels that are deeper than what is required by law, allowing for a more diverse population of project residents than what otherwise might be provided. Further after the publication of the Draft EIR, and in response to community input, it has been clarified that the amount of affordable housing required for the project is 20 percent of all constructed dwelling units. These additional units will be dispersed through all project parcels. The Draft EIR takes into account the inclusion of at least 10 percent affordable units into

its analysis of environmental impacts, and additional required affordable housing was foreseen in the project description. The clarification of a 20 percent affordability component would not cause or increase an environmental impact. The timing and distribution of the affordable units across the project site, however, are not CEQA issues. All project units will be subject to the same restrictions on physical development, including density maximums. Moreover, both the project's market-rate and affordable units will have the same amenities, meaning there would not be any land use incompatibilities or other physical discrepancies that would impact the environment. The City's Inclusionary Housing Ordinance requires that "[t]he quality of design and overall quality of construction of the inclusionary units shall be consistent with the design of all market-rate units in the residential development ... have the same amenities as the market-rate units, including the same access to and enjoyment of common open space and facilities in the residential development." (See City Ordinance Sec. 17.47.100.) The Affordable Housing Agreement for the Project will require that the inclusionary units on Parcels C-F shall be comparable to the other units on Parcels A through F of the Project, in terms of appearances, finishes, and features, and the inclusionary units shall be provided, or have access to, the same neighborhood amenities as the other units on Parcels A through F of the Project (e.g., parks and recreation trails). Assertions that units will be concentrated in a single portion of the project site, and that such units will be inferior in quality when compared to market-rate units, are not based on any facts or evidence in the record.

Some comments suggest that the Parcel B building amenities described in the DEIR must be made available to all residents of the Precise Plan area in order to comply with Health and Safety Code section 17929 (enacted by Assembly Bill 491). This is not required under State law, and does not raise any physical impacts with the potential to affect the environment. Health and Safety Code section 17929 requires that occupants of affordable units within a residential structure must have access to the same entrances, common areas, and amenities of that structure that are available to market rate occupants. (Health and Safety Code § 17929 (a)(1)). All units within the Parcel B development will have similar access and, as explained above, the project will ensure parity across all parcels. Accordingly, buildings on Parcels C-F will have access to the same entrances, common areas, and amenities of that building that are available to market rate occupants of that building, in accordance with Health and Safety Code section 17929. From an environmental standpoint, accessibility of units to a particular entrance, common areas, or amenity would not have any implications regarding emissions, noise, or other environmental topics. Regardless, as explained above, the project will ensure all units in all buildings be situated similarly.

Some commentors suggest that placement of majority of affordable units on a single parcel would violate the Unruh Civil Rights act and Fair Employment Housing Act (Cal. Civil Code § 51; Gov. Code § 12900 et seq), and could interfere with the City's obligation to affirmatively further fair housing under State housing element law and avoid discrimination in any program or activity funded by the state of California. (See Gov. Code §§ 65584(e), 11135). These statutes are designed to prevent discrimination on the basis of recognized protected classes. The laws address important social issues and, as with similar local and other state rules identified above, do not implicate environmental issues under CEQA. Moreover, as stated above, all affordable units will be

comparable to the market-rate units on Parcels A through F of the Project, in terms of appearances, finishes, and features, and the inclusionary units shall be provided, or have access to, the same neighborhood amenities as the other units on Parcels A through F of the Project. There is no basis for any claim that the Project's affordable housing units will discriminate against any person on the basis of a protected class. In addition to avoiding discrimination, the State mandates that cities take further "meaningful actions that, taken together, address significant disparities in housing needs and in access to opportunity." (Gov. Code §§ 65584(e).) The Project helps the City accomplish this by providing affordable housing well in excess of the 10% inclusionary housing requirement imposed under the Daly City Municipal Code, and ensuring the school district's student population, which is the least-funded population in San Mateo County, have better access to educational opportunities. A fundamental objective of the Project is to "advance an innovative land use master plan to attract investment, stabilize District finances, increase funding for student education and attract and retain highly qualified teachers and staff." (Draft EIR, page 18.)

The assertions the commentors make about non-compliance with certain City ordinances or state laws are not environmental in nature, but rather consist of claims pertaining to legal and/or social issues, and are not discussed in the Draft EIR. Such issues are important, nevertheless, and additional information regarding the project's compliance with the Inclusionary Housing Ordinance will be included in the City's staff report.

Master Response 4: Project Description

Several comments contested the adequacy of the project description included in Section 2.2 of the Draft EIR (pages 3-18), specifically the description of the proposed Precise Plan and development on Parcels C-F. Specific development plans for these parcels have not been developed yet; however, the Draft EIR describes the maximum allowed development for each parcel in Table 2.2-1 and the maximum height allowed on each parcel (see page 4 of the Draft EIR). Analysis in the Draft EIR is based on the assumption that the maximum allowed residential units at the site of 1,235, and the maximum allowed commercial uses of 14,000 square feet, will be constructed. This provides the most conservative environmental analysis. In order to complete the Air Quality and GHG Assessment (Appendix C of the Draft EIR) and Noise and Vibration Assessment (Appendix K of the Draft EIR), JUHSD provided assumptions for the number of units to be built on Parcels C-F. Future building placements on Parcels C-F were based on figures provided in the proposed Precise Plan (see Appendix B of the Draft EIR). Based on this project information, the Draft EIR conservatively analyzed the proposed project's impacts on the environment, including development on Parcels C-F, utilizing the maximum development assumptions noted above. Insofar as commenters suggest the development of Parcels C-F must be described in the same detail as Parcel B, such is not required under any law, including CEQA. While development of some portions of the Project site include greater design level detail, the project is a precise plan, meaning it is a zoning entitlement. While the exact buildout of this zoning district has not been designed, the precise plan contains detailed development standards, design guidelines, and other restrictions that provide the decisionmakers with a clear idea of the project's scope and potential impacts on the environment. Further design details for Parcel C-F would not add any meaningful information, including without

limitation because the project, because of its infill location, is exempt from evaluation of its aesthetic impacts under state law.

Master Response 5: Wetlands

Several comments disagreed with the Draft EIR's conclusion that the meadow and arroyo willows on-site do not qualify as state or federally protected wetlands. Checklist question c) under Biological Resources in Appendix G of the CEQA Guidelines specifically asks if a project would have a substantial adverse effect on state or federally protected wetlands. The City, as the Lead Agency, has the discretion, based on substantial evidence, to make a CEQA determination about whether there are wetlands protected under federal or state law on the project site. Other public agencies with independent regulatory authority over wetlands may reach their own, potentially different, conclusions when the project applicant proceeds to seek a determination, permit, or other approval from those agencies later in the development process. But as the Lead Agency, the City may consider thresholds of significance based on environmental standards that other agencies have adopted but which are generally applicable. As discussed under Impact BIO-3 of the Draft EIR (page 67), the City agrees with, and based the Draft EIR's conclusions on, the findings of the Wetland Assessment (Appendix E of the Draft EIR) and the Biological Peer Review (Appendix F of the Draft EIR), both of which constitute substantial evidence as defined by CEQA, that the meadow on-site does not appear to qualify as a jurisdictional wetland; thus, it would not be considered a state or federally protected wetland. However, the City, as CEQA lead agency, is not in the Draft EIR making a jurisdictional determination under the US Clean Water Act, Porter-Cologne Water Quality Control Act, or Fish & Game Code, as those determinations, if the applicant were to proceed to implement the project, will ultimately be made later in the development process by separate public agencies charged with implementing those laws. The U.S. Army Corps of Engineers, the Regional Water Quality Control Board (RWQCB), and California Department of Fish & Wildlife may exert jurisdiction through their own procedural requirements separate from the CEQA process.

In addition, while the Draft EIR concludes that there are no state or federally protected wetlands on-site, the Draft EIR discusses impacts to special-status species, which may be present in the meadow, under Impact BIO-1 of the Draft EIR (pages 64-66).

Master Response 6: Recreation

The Demonstration Garden on the project site is not considered a recreation resource by the City of Daly City, as it is not identified in the City's Park and Open Space Master Plan as a recreational use, and the garden is not being relied upon by the City to meet the recreation needs of the current and planned population of the City, as demonstrated in the General Plan EIR's discussion of the future recreation needs from planned population growth, which omits any discussion of the garden. In addition, as discussed above in Master Response 1, JUHSD never officially sanctioned the public use of the garden, and a very limited number of community members (i.e., two to four) have been using the garden informally and without an expectation such use would be permanent. For these reasons, the garden was not considered a significant, recognized recreational resource and its removal was not considered a significant impact.

The gymnasium on the project site is similarly not considered a recreational resource by the City. The gymnasium is not open to the public for everyday use and current programs utilizing the gym have obtained permission from JUHSD. Specifically, JUHSD has indicated there are two groups who have permission to use its facilities for limited purposes, and that these program operators are allowed on the site on a month-to-month basis, and access is limited to the program operators and the individuals they invite to participate. Moreover, the gymnasium on the site is not relied upon in the City's Parks and Open Space Master Plan as a resource relied upon to meet the City's recreational needs. Finally, similar gymnasiums at public schools and recreational centers exist within the City; therefore, the removal of the gymnasium at the project site would not eliminate or significantly reduce this type of use from the City.

In addition, CEQA requires the Draft EIR to analyze whether a project would cause an increase in the use of existing recreational facilities such that substantial deterioration would occur, or if a project includes recreational facilities, would the construction of those facilities cause adverse impacts on the environment (see Section 3.16.2.1 of the Draft EIR, page 165). As discussed under Impact REC-1, the project proposes new park space for future residents to use and would be required to pay park in-lieu fees to offset recreational demand. Thus, impacts to gymnasiums within the City would be reduced to a less than significant level. As discussed under Impact REC-2, the demolition of the existing gymnasium and construction of new park space on-site would not result in any significant environmental impacts.

Master Response 7: Tribal Cultural Resources

Several comment letters contend that the Demonstration Garden on the project site should be considered a tribal cultural resource; however, these comment letters were not from designated tribal representatives. As discussed in Section 3.3 Cultural Resources (pages 71-77) and 3.18 Tribal Cultural Resources (191-193) in the Draft EIR, a Cultural Resources Study was prepared for the project that did not identify any known tribal cultural resources on-site. In addition, a Sacred Lands File search was requested from the Native American Heritage Commission (NAHC) and results came back negative. The NAHC provided a list of tribes associated with the project area, and those tribes (Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe) were contacted by the City on June 30, 2021 for further consultation, per Assembly Bill (AB) 52 and Senate Bill (SB) 18. The City received no responses from designated tribal representatives; therefore, the City concluded consultation and determined that no known tribal cultural resources exist on-site.

In addition, tribal cultural resources are typically associated with pre-contact history, i.e. resources important to a tribe at the time of the arrival of Europeans, and not sites, features, objects developed by modern society. The Demonstration Garden was constructed in the last 20 years and is a modern day feature, and as such, would not meet the definition of a tribal cultural resource as defined by Section 15064.5 of the CEQA Guidelines. Finally, the Demonstration Garden does not exist in a natural landscape. The entire project site was graded and redeveloped for school uses decades ago, and in fact there is a tennis court and drainage infrastructure underlying at least a

significant portion of the Demonstration Garden. The setting is therefore a disturbed, urban environment. Accordingly, there are no historical, natural facilities, topography, or other features existing within the footprint of the Demonstration Garden.

Master Response 8: Alternatives

Section 7.0 of the Draft EIR (pages 209-216) discusses alternative to the proposed project. As required by CEQA, alternatives to the project should be identified to avoid or substantially lessen any significant effects of the project and still meet the project's basic objective. As discussed throughout the Draft EIR, the proposed project would not result in any significant and unavoidable impacts. The project would only result in less than significant impacts with mitigation incorporated for the following environmental resource areas:

- Air Quality (construction criteria pollutants, TAC health risk)
- Biological Resources (bats, nesting birds)
- Cultural Resources (archaeological resource/human remains)
- Geology and Soils (paleontological resources)
- Hazards and Hazardous Materials (underground/aboveground storage tanks)
- Noise (construction noise)
- Transportation (vehicle miles traveled, construction traffic, pedestrian/bicycle safety, emergency access)
- Tribal Cultural Resources (unknown buried tribal cultural resources)

Of the impacts identified above, any type of development project requiring site/ground disturbance would result in similar impacts related to biological resources, cultural resources, geology and soils, hazards and hazardous materials, and tribal cultural resources. As such, alternatives to lessen these impacts were not considered in the Draft EIR. An alternative to preserve the Demonstration Garden was not included in the Draft EIR as the removal of the garden is not considered an environmental impact (see Master Responses 5, 6, and 7 above), and alternatives related the City's Inclusionary Housing Ordinance and RHNA targets were not included as they are not CEQA impacts (see Master Response 2 and 3 above).

The Draft EIR considered alternatives that could substantially lessen the project's air quality, noise, and vehicle miles traveled (VMT) impacts. Section 7.4.1 of the Draft EIR (211-212) identifies three alternatives that were considered but rejected due to either infeasibility (Location Alternative) or because they would not substantially lessen the project's impact (Mixed-Use Alternative and Reduced Housing Alternative). No other feasible alternatives were identified by the City; therefore, the Draft EIR included the No Project Alternative and the No Project – Existing Zoning Alternative as the only analyzed alternatives. As discussed in Section 7.4.2.2 of the Draft EIR (pages 214-215), the No Project – Existing Zoning Alternative also acted as a reduced development alternative given the total square footage at build-out under existing zoning is anticipated to be 500,000 square feet less than the proposed project.

Federal and State Agencies

A. California Department of Transportation (dated September 6, 2023)

Comment A.1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Serramonte Del Rey Campus Redevelopment 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 Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2023 DEIR.

Project Understanding

This project proposes to redevelop the site of the Jefferson Union High School District office buildings into a mix use development. It would have up to 1,235 units of affordable housing and market-rate rental housing with 14,000 square feet of retail and commercial use space. The project site is located across the on- and off-ramps at Serramonte Blvd.

Response A.1: This is an introductory statement; therefore, no further response is required.

Comment A.2: Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans’ Transportation Impact Study Guide ([link](#)).

The project VMT analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research’s (OPR) Technical Advisory. Per the DEIR, this project is found to have less than significant impacts with mitigation. Caltrans commends the Lead Agency in developing the Transportation Demand Management (TDM) Plan to reduce employee and guest VMT, therefore working towards meeting the State’s goal of a 15-percent reduction. The proposed measures identified in the TDM plan should be documented with annual monitoring reports to demonstrate effectiveness.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, refer to the California Air Pollution Control Officers Association (CAPCOA) Handbook for Analyzing Greenhouse Gas Emission Reductions, Assessing Climate Vulnerabilities, and Advancing Health and Equity ([link](#)).

Response A.2: Mitigation measure MM TRN-2.1 (page 179 of the Draft EIR) requires annual monitoring for the first six years of project occupancy.

Comment A.3: State Projects within Vicinity

The following Caltrans’ projects are planned and included in the State Highway Operation and Protection Program (SHOPP), the State’s “fix-it-first” program that funds the repair, safety improvements, some highway operational improvements, and preservation of the State Highway System (SHS).

County	Route	Post Mile(s)	Target Program	EA	Description	Project Cost (\$K)	Construction Date
SM	1/280	SM R44/R48	2020 SHOPP	0Q440	Install Best Management Practices (Stormwater and Trash Devices) along SM-1 and SM-280 within Significant Trash Generation Area (STGA). This is to meet Caltrans D4 obligations under the Trash Cease and Desist Order (CDO).	7575	2022/23
SM	1	SM 29.034/46.716	Middle Mile Broadband Network	1Y960	Install broadband conduit and fiber optic as part of the Broadband Middle Mile Network.	8540	2024/25

Response A.3: These state highway improvement projects are noted. Both were not listed as cumulative projects in the Draft EIR as the first one involves stormwater and trash management efforts on the state highways and would be completed prior to the construction start of proposed project, and the second one would involve negligible construction. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment A.4: Transportation Impact Fees

Please identify project-generated travel demand and estimate the costs of transit and active transportation improvements necessitated by the proposed project; viable funding sources such as development and/or transportation impact fees should also be identified. We encourage a sufficient allocation of fair share contributions toward multi-modal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT.

Response A.4: The Draft EIR estimates that project would generate 170 new transit users (see page 176 of the Draft EIR). These transit users are expected to use BART and SamTrans routes 24 and 120. The Draft EIR concluded that the additional 170 transit users would not exceed the capacity of existing bus or BART services within the project area; thus, no additional transit improvements are proposed as part of the project. The project would implement mitigation measure MM TRN-2.1, which includes Transportation Demand Management (TDM) strategies to increase mode share. As part of the Development Agreement (DA), the applicant shall pay for and

implement the majority of the off-site improvement identified on page 11 of the Draft EIR: in addition, the applicant shall make two separate cash contributions to the City. One to implement off-site park, bicycle, and/or pedestrian improvements at the City's discretion, and another to help fund the Clarinda Avenue/Highway 1 intersection signalization. The City has determined that these contributions address any project-specific impacts and in fact confer, pursuant to the project's development agreement, community benefits that leave the local circulation network in a condition that is superior when compared to existing conditions.

Comment A.5: Construction-Related Impacts

Potential impacts to the State Right-of-Way (ROW) from project-related temporary access points should be analyzed. Mitigation for significant impacts due to construction and noise should be identified. Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Response A.5: The need for a transportation permit for oversize construction vehicles is noted. Impacts related to construction of the proposed project are discussed throughout the Draft EIR, including potential impacts on State ROWs. MM AIR-2.1 requires the project to implement Bay Area Air Quality Management District's (BAAQMD's) recommended best management practices (BMPs) and additional measures to reduce construction equipment exhaust emissions. MM AIR-2.2 requires the project to meet emissions standards for certain construction equipment. Impacts specific to noise are discussed in Section 3.13 of the Draft EIR (pages 128-148), and MM NOI-1.1 requires that project to develop a construction noise control plan for each construction phase. The Draft EIR includes a specific analysis of the impacts of construction traffic on existing vehicle traffic near the project site (page 180), and MM TRN-3.1 requires the project to prepare and implement a Construction Traffic Management Plan to minimize impacts of project construction on the transportation system. Each of the aforementioned mitigation measures will reduce construction impacts to a less-than-significant level.

Comment A.6: Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Response A.6: The project shall implement mitigation measure MM TRN-3.1, which requires the project to prepare a Construction Traffic Management Plan. The City is open to coordinating with Caltrans on implementation of the plan.

Comment A.7: Lead Agency

As the Lead Agency, the City of Daly City is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share

contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Response A.7: The Draft EIR evaluated impacts on off-site circulation networks, including State facilities, with respect to both CEQA topics (e.g., vehicle miles traveled and safety considerations) and non-CEQA topics (e.g., traffic congestion). This latter category of impact was included for information only. The DEIR determined there would be no impacts to any pertinent portion of the State Transportation Network, and therefore appropriately does not include any mitigation measures that.

Comment A.8: Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Response A.8: As discussed under Impact TRN-1 in Section 3.17 Transportation of the Draft EIR (page 177), all pedestrian facilities improved by the project would be ADA compliant. In addition, the project would implement mitigation measure MM TRN-3.1, which requires the project to provide safe and adequate pedestrian and bicycle access during project construction.

Comment A.9: Encroachment Permit

In Section 3.17, two planned improvements are mentioned involving the intersection of State Route (SR)-1/ Clarinada and of SR-1/ Serramonte Boulevard. Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To obtain information about the most current encroachment permit process and to download the permit application, please visit Caltrans Encroachment Permits ([link](#)).

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Marley Mathews, Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Response A.9: The need for an encroachment permit for work within Caltrans right-of-way is noted. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Regional and Local Agencies

B. San Francisco International Airport (dated August 10, 2023)

Comment B.1: Thank you for notifying the San Francisco International Airport (SFO or the Airport) of the availability of the Draft Environmental Impact Report (DEIR) for the Serramonte Del Rey Campus Redevelopment Project (Proposed Project), located in the City of Daly City (City). We appreciate this opportunity to review and provide comments on the DEIR.

As described in the DEIR, the Proposed Project is located on the south side of Serramonte Boulevard between the intersections of Callan Boulevard/Serramonte Boulevard and St. Francis Boulevard/Serramonte Boulevard on an approximately 22-acre site (Assessor's Parcel Number 091-211-230). The site is occupied by the following land uses: a 1960s-era building containing nonprofit organizations and offices for the Jefferson Union High School District (JUHSD); some temporary buildings; surface parking; and a construction staging area for the JUHSD faculty and staff housing project.

In 1985, the City approved the Serramonte Del Rey Precise Plan (1985 Precise Plan) for a larger 50-acre area that includes the Proposed Project site. Phase I of the 1985 Precise Plan, which covered the 28-acre area to the south of the Proposed Project site, has been implemented, and Phase II allows for the development of up to 175 residential units and approximately 700,000 square feet of office space on the Proposed Project site.

The Proposed Project consists of a new Serramonte Del Rey Precise Plan (2023 Precise Plan) and a specific development project at the northeast corner of the site. The 2023 Precise Plan would replace Phase II of the 1985 Precise Plan; it would divide the Proposed Project site into six parcels and allow for the development of up to 1,235 residential units, approximately 14,000 square feet of retail space, a 1,400-square-foot childcare facility, and various infrastructure improvements. Allowable building heights under the 2023 Precise Plan would range from 77 feet to 150 feet.

The specific development project, which would be on Parcel B at the northeast corner of the site, consists of demolishing the existing temporary education building and surface parking lot and constructing a seven-story building containing 201 residential units and approximately 8,000 square feet of retail space.

Response B.1: This is an introductory comment and restates the proposed project. No further response is required.

Comment B.2: The Proposed Project site is within two Airport Influence Areas (AIAs): Area A – Real Estate Disclosure Area (all of San Mateo County) and Area B – Policy/Project Referral Area (a smaller subarea in the northern part of San Mateo County), as defined by the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP). Within Area A, the real estate disclosure requirements of state law apply (see attachment). A property

owner offering a property for sale or lease must disclose the presence of planned or existing airports within two miles of the property. Within Area B, the Board of Directors of the City/County Association of Governments of San Mateo County, acting as the designated Airport Land Use Commission (ALUC), shall review proposed land use policy actions, including new general plans, specific plans, zoning ordinances, plan amendments and rezonings, and land development proposals (see attachment). The real estate disclosure requirements in Area A also apply in Area B.

The Proposed Project site is located outside of the 65-decibel Community Noise Equivalent Level (CNEL) contour and all safety compatibility zones and, therefore, the Proposed Project would not appear to be inconsistent with the Noise and Safety Compatibility Policies adopted in the SFO ALUCP.

As described in Exhibit IV-17 of the SFO ALUCP (see attachment), the critical aeronautical surfaces at the Proposed Project location are at an elevation of approximately 800 feet above mean sea level (AMSL) as defined from the origin of the North American Vertical Datum of 1988. The elevation of the Proposed Project site is approximately 485 feet AMSL. The maximum building height proposed under the Precise Plan is 150 feet above ground level (AGL), and the height of the Parcel B development project is 85 feet AGL, measured to the top of the elevator penthouse. Both of these heights would be below the height of the lowest critical aeronautical surfaces (315 feet AGL), and the Proposed Project would not appear to be inconsistent with the Airspace Protection Policies of the SFO ALUCP, subject to the issuance of a Determination of No Hazard from the Federal Aviation Administration (see below) for any proposed structures and determinations from the City/County Association of Governments of San Mateo County as the designated ALUC.

Response B.2: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment B.3: This evaluation does not waive the requirement for the Proposed Project sponsor to undergo Federal Aviation Administration airspace review as described in 14 Code of Federal Regulations Part 77 for both (1) the permanent structures and (2) any equipment taller than the permanent structures required to construct those structures.

Response B.3: On September 9, 2021, both the proposed Precise Plan and Parcel B Development Project were reviewed by the San Mateo County Airport Land Use Commission and were approved for consistency with the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport.

Comment B.4: The Airport recommends the following revisions (deletions shown in ~~strikethrough~~ and new text shown in double underline) on page 102 of the DEIR:

~~San Mateo County~~ Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport

Daly City is within the jurisdiction of the ~~San Francisco Airport (SFO) Land Use Plan component of the San Mateo County Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), adopted in December 1996 and updated in 2001~~ November 2012. Established in the ~~CLUP~~ SFO ALUCP are procedures used by the San Mateo City and County Association of Governments (C/CAG) to review land use decisions in the vicinity of San ~~Mateo County airports~~ Francisco International Airport. Airport planning boundaries define where height, noise and safety standards, policies, and criteria are applied to certain proposed land use policy actions.

The Airport recommends the following revisions (deletions shown in ~~striketrough~~ and new text shown in double underline) to the last paragraph on page 104 of the DEIR:

The project site is located within the SFO ~~CLUP~~ ALUCP Airport Influence Area B, which requires projects to be consistent with the goals and policies of the ~~CLUP~~ SFO ALUCP. The project site is approximately five miles northwest from the runway termination point of the San Francisco International Airport, beyond the outer boundary of safety compatibility zones and outside of the Community Noise Equivalent Level (CNEL) noise contours for the airport, as delineated in the ~~CLUP~~ SFO ALUCP.

The text at the bottom of page 128 of the DEIR includes a cross reference to Section 4.10, Land Use, but Section 4.10 does not exist. Furthermore, the Land Use section of the DEIR does not discuss airport land use compatibility issues. The Airport recommends the following revisions (deletions shown in ~~striketrough~~ and new text shown in double underline) to the text at the bottom of page 128 and the top of page 129 of the DEIR:

Comprehensive Airport Land Use Compatibility Plan for the Environs of ~~the~~ San Francisco International Airport

~~As discussed in more detail in Section 4.10 Land Use, t~~The project site is located within the Airport Influence Area (AIA) of the San Francisco International Airport (SFO). Properties within the AIA may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, and odors). The airport/land use compatibility of a proposed development or land use policy action shall be determined by comparing the proposed development or land use policy action with the safety compatibility criteria, noise compatibility criteria, and airspace protection/height limitation criteria in the SFO ALUCP. The site is located outside of the SFO 65 dB CNEL noise contour.

Response B.4: The City agrees with the suggested clarifications to the land use plan name and typos. Please refer to Section 5.0 Draft EIR Text Revisions below for revised text.

C. San Francisco Bay Regional Water Quality Control Board (dated September 8, 2023)

Comment C.1: We have reviewed Draft Environmental Impact Report (DEIR) (State Clearinghouse No. 2023060571) for the Serramonte Del Rey Campus Redevelopment (Project). The Project consists of development of a new approximately 22-acre Serramonte Del Rey Precise Plan and a specific development proposal for the approximately 4.3-acre Parcel B within a portion of the new Precise Plan.

We appreciate the importance of redevelopment projects that include affordable and market-rate rental housing as well as infrastructure improvements. However, we have concerns about the existing wetlands on-site and the corresponding Wetland Assessment provided in Appendix E of the DEIR. Specifically, we are concerned that there has been a wetlands jurisdictional determination made without consultation with the Water Board. Moving forward that jurisdictional determination, without securing Waste Discharge Requirements (WDRs), via the Porter-Cologne Act, from the Water Board, or a concurrence that no state regulated wetlands exist at the site, is not recommended because we do not agree with the assertion made in the DEIR that waters of the State do not exist that the Project site.

Comments on Appendix E, Wetland Assessment

The memo in Appendix E states that the Porter-Cologne Act's jurisdiction does not extend to the site, but the reasons provided in Appendix E are not sufficient to determine whether jurisdictional waters of the State exist at the site. Furthermore, the Water Board, as the agency that issues WDRs, has not been consulted about this jurisdictional determination.

The Water Board does not agree with the basis used in determining whether the on-sites wetlands are waters of the State. The jurisdictional determination made regarding the wetlands on-site is premised on the assumptions that 1) the wetland does not meet the U.S. Army Corps of Engineers' (Corps) three-wetland parameter test, and 2) the wetlands are artificial and transient. First, a jurisdictional wetland determination (JD) does not appear to have been conducted. Instead, the memo in Appendix E references excerpts from the Exhibits therein, which do not make any definitive determinations regarding whether wetlands exist. Both Exhibits in Appendix E were conducted to assess the site drainage. A JD must be conducted to verify whether there are hydric soils, wetland vegetation, and wetland hydrology. Additionally, Procedures for Discharges of Dredged or Fill Material to Waters of the State (Dredge and Fill Procedures) states that only two of the three Corps parameters must be fulfilled to qualify as a State regulated wetland. Second, Appendix E focuses on excerpts from Dredge and Fill Procedures that are taken out of context and misinterprets the terms "transient" and "artificial" regarding regulated waterbodies. For example, seasonal wetlands, intermittent streams, and ephemeral streams, are all transient waterbodies that are waters of the State. Under the Dredge and Fill Procedures, an area is defined as wetland as follows: "An area is wetland if, under normal circumstances, (1) the area has continuous or recurrent saturation of the upper substrate caused by groundwater, or shallow surface water, or both; (2) the duration of such saturation is sufficient to cause anaerobic conditions in the upper substrate; and (3) the area's vegetation is dominated by hydrophytes or the area lacks vegetation."

This definition is further elaborated on in the Dredge and Fill Procedures, but the on-site wetland can still be a water of the State if it was formed from a lack of maintenance over the years and is currently functioning as a wetland without intervention, which appears to be the case on-site. We encourage you to coordinate with the Water Board to further examine the on-site wetlands to verify whether or not State wetlands exist and determine whether WDRs are required to fill the wetlands.

Projects with potential fill-related impacts to State waters, such as the Project, must first demonstrate their design avoids and minimizes those impacts to the extent practicable. As part of the WDRs process, we will require a thorough analysis of all the proposed alternatives, including their long-term indirect effects. The Water Board adopted U.S. Environmental Protection Agency's Section 404(b)(1), "Guidelines for Specification of Disposal Sites for Dredge or Fill Material," dated December 24, 1980, in its Basin Plan and Dredge and Fill Procedures for determining the circumstance under which filling of waters of the State may be permitted. The Section 404(b)(1) Guidelines and Dredge and Fill Procedures prohibit discharges of fill material into waters of the United States and in the case of the Dredge and Fill Procedures, waters of the State, unless a discharge, as proposed, constitutes the least environmentally damaging practicable alternative that will achieve the project purpose. To accomplish this, the Guidelines and Procedures sequence the order in which proposals must be approached: 1) Avoid - avoid impacts to waters; 2) Minimize – once impacts have been avoided to the maximum extent practicable, modify the project to minimize impacts to waters; and 3) Compensate – once impacts have been fully minimized, compensate for unavoidable impacts to waters.

Summary

We are supportive of the Project's intent, but the determination regarding jurisdictional waterbodies at the Project site must be made by the Water Board. The arguments for why the wetlands on-site are not considered waters of the State is insufficient, and a JD must be conducted, and the Water Board must be consulted about potentially jurisdictional features to determine whether WDRs are needed. We look forward to hearing from and working on this Project as it moves forward. If you have any questions, please do not hesitate to reach out.

Response C.1: Please refer to Master Response 5: Wetlands above.

Organizations, Businesses, and Individuals

D. Nancy Lacsamana (dated July 30, 2023)

Comment D.1: pg 161

Serramonte condominiums/ Daly City is noted as being in the Brisbane School district. It is not. location 525-595 Serramonte Blvd. on table 3.0-1

Response D.1: The Serramonte Condominiums project is located within the Jefferson Elementary School District. This error has been corrected. Please refer to Section 5.0 Draft EIR Text Revisions for corrected discussion.

E. Sabrina Brennan (dated July 31, 2023)

Comment E.1: Please provide a current draft of the SOR development agreement. Based on the DEIR it appears the JUHSD project has changed since the City Council last discussed it at a public meeting. We would like to know what's included in the development agreement. Please also provide the time line for completing the development agreement.

Response E.1: The development agreement is in draft form as it is being negotiated between the City and applicant. The off-site improvements contemplated in the development agreement are described in the Draft EIR Section 2.2.2.1., and the EIR has been written to cover the development agreement as one of the discretionary actions required for the project. The terms under negotiation do not involve physical improvements, but concern legal terms regarding risk allocation and other non-tangible issues. There is no potential for these negotiations to alter the physical scope of the project and affect the project's environmental analysis.

Comment E.2: I noticed that the links provided in NOP letters are not working in the DEIR. Please provide working links here:<https://link.edgepilot.com/s/38461664/bBzNCQrJdkCXS4pt-hPSzA?u=https://www.dalycity.org/DocumentCenter/View/7812/Appendix-ANOP-Comments?bidId%3D>.

I mean the links included in various NOP letters are not working, they are published here: <https://link.edgepilot.com/s/38461664/bBzNCQrJdkCXS4pt-hPSzA?u=https://www.dalycity.org/DocumentCenter/View/7812/Appendix-A-NOPComments?bidId%3D>.

The public should be able to click on working links provided in NOP letters. It appears you stripped out all the links so we cannot read the letters as they were intended by the sender.

Response E.2: Links in the NOP letters on the City's website were fixed.

Comment E.3: The links appear to be working now.

Are you planning to include letters from the NAACP, other organizations and individuals?

Link to Sierra Club Letters:

<https://link.edgepilot.com/s/cffab6ee/csUuYiF8BkmXPnlroHo1WA?u=https://www.communitygardenalliance.org/sierra-club-letters>

Link to NAACP Letters:

https://link.edgepilot.com/s/4547fa78/MbR_Btrfn0GwUUU4G5b5Uw?u=https://www.communitygardenalliance.org/naacp-letters

Link to Pacifica Social Justice Letter:

<https://link.edgepilot.com/s/f91f3444/nm5Xdq9mYU6tqDI4Mcm0sg?u=https://www.communitygardenalliance.org/pacifica-social-justice>

Response E.3: The Sierra Club letter mentioned in the comment above is included in Appendix A of the Draft EIR. The two other letters from the NAACP and Pacifica Social Justice were sent a year after the initial NOP period between May 7, 2021 and June 7, 2021; therefore, they are not included in Appendix A, but are part of the public record for the project. None of the above letters include comments about the Draft EIR as they were written before the Draft EIR was circulated; therefore, no further response is required.

F. Grassetti Environmental Consulting (dated August 21, 2023)

Comment F.1: Grassetti Environmental Consulting (GEC) is submitting this comment letter on the Serramonte Del Rey Project Draft EIR on behalf of Pacifica Social Justice. As GEC's Principal, I have reviewed the document and offer comments on three issue areas: Project Description, Inclusionary Housing, and Alternatives. My experience includes over 40 years of preparing, reviewing, and teaching about the California Environmental Quality Act (CEQA) processes and documents. My qualifications are attached to this letter.

As detailed below, the DEIR is deficient in fully and accurately describing the project, its analysis of inclusionary housing policy conformance, and the range of alternatives considered in the document. In addition, the DEIR fails to correctly describe and characterize the use of, and potential impacts on, the approximately 1-2-acre community garden on the project site.

Response F.1: This is an introductory comment that summarizes the comment letters main concerns. Please refer to the responses below regarding specific issues raised by comment letter.

Comment F.2: Discussion

Project Description Issues

An “accurate, stable, and finite project description” “is the sine qua non of an informative and legally sufficient EIR.” (Save Our Capitol! v. Department of General Services (2023) 87 Cal.App.5th 655, 673.). Further, The project description shouldn’t supply extensive detail beyond that needed to evaluate the project’s environmental impacts, but should contain a sufficient degree of analysis to allow decisionmakers to make an informed decision intelligently considering environmental consequences; impact evaluation needn’t be exhaustive, and is reviewed in light of what is reasonably feasible, with courts looking not for perfection, but adequacy, completeness, and a good faith effort at full disclosure. (Tiburón, at 738, 726; CEQA Guidelines, §§ 15124, 15151.)

The DEIR’s Project Description describes in detail an entirely unrelated project (the District Offices Project – Figure 2.2-6) yet fails to identify any potential development plans on Areas C-F of the project site. That said, the hydrology section includes impervious/pervious surface calculations down to the exact square foot. Similarly, the noise analysis identifies each specific piece of equipment and duration of operation for each of the project phases.

Response F.2: The JUHSD District Office and Adult Education site plan shown on Figure 2.2-6 of the Draft EIR was included to disclose that the existing demonstration garden would be replaced at JUHSD’s new adult education building. The proposed Precise Plan is described in Section 2.2.1 of the Draft EIR (pages 3-10) and development plans for Parcels C-F are shown in Table 2.2-1 of the Draft EIR (page 4). The post-construction impervious/pervious surfaces calculations are based on preliminary open space, infrastructure, and building layouts provided by the applicant. Construction equipment identified in the air quality and noise analyses are based on CalEEMod defaults for the proposed project type (e.g., residential, commercial), size, and acreage. The project applicant provided the anticipated construction phasing and duration of the project. Please also refer to Master Response 4: Project Description above.

Comment F.3: The Precise Plan is available on the District’s website (https://www.juhsd.net/site/handlers/filedownload.ashx?moduleinstanceid=5196&dataid=8067&FileName=Serramonte%20Del%20Rey%20Precise%20Plan_Draft%20Precise%20Plan.pdf) yet it is not described in the DEIR, which includes only the parcel plan (Figure 2.2-5) and Area B plans from the Precise Plan. The DEIR fails to show even the most basic development plans other than for Areas A and B – no access improvements, no infrastructure improvements, no general site layout, no maximum building heights, nothing.

Response F.3: Please refer to Master Response 4: Project Description above.

Comment F.4: Further, the Precise Plan shows most of the trees surrounding the site being retained (see, for example, Figures 3.4, Street Frontage, and 4.2, Vehicular Circulation in the Precise Plan). In fact, the Precise Plan states,

“A distinguishing feature of the Precise Plan are the hillsides to the west and east of the plan area which contain numerous trees, all trees planted as part of development of District property. Trees range from young to mature, are in varying health and are densely planted. The intent is to care for the hillside wooded areas to reduce fire hazards, enhance existing vegetation and promote urban forestry. A tree succession plan for aging mature trees will guide the replacement of existing trees over time due to age or fire vulnerability. Removed trees will be replaced with a diverse plant ecology governed by the area’s unique coastal/Mediterranean climate including evergreen and deciduous species.”

However, the EIR analyses appear to assume that most of the existing trees (and the community garden) will be removed. Similarly, the visual simulations contained in the Precise Plan also show them being removed. The DEIR Project Description is mute on the topic. These contradictions and lack of detail in the DEIR result in an unstable Project Description, which is inadequate for the environmental analysis.

Response F.4: The proposed Precise Plan does not include detailed site plans for Parcels C-F; therefore, the number of trees to be removed or preserved is currently unknown, but will be defined as applications for specific buildings are filed for each parcel. Specific tree removal and planting details are available for the Parcel B Development Project and is described in Section 2.2.2.2 of the Draft EIR (page 16). The Draft EIR assumes some tree removal will be necessary to construct the proposed project and impacts related to tree removal are discussed under Impact BIO-5 in Section 3.4 Biological Resources of the Draft EIR (page 68). As described in the Draft EIR, pursuant to Municipal Code Chapter 12.40 – Urban Forestry, the City does not regulate the removal of trees except those within the public right-of-way, therefore the removal of trees on the school campus would not conflict with a local tree preservation policy. The Draft EIR further describes that the project is committed to replacing any removed trees at a 2:1 ratio.

It is not clear what visual simulation the comment is referring to; however, on page 19 of Appendix B (draft Precise Plan) to the Draft EIR, a visual simulation shows the proposed project with the existing trees transparent in order to provide a better understanding of the project. The project does not propose to remove all existing trees surrounding the site.

Comment F.5: Failure to Accurately Consider the Land Use Impacts of the Community Garden and Groves of Mature Trees Surrounding the Site.

A review of comments submitted to the City in response to the Notice of Preparation and prior to that time indicates that the Community Garden that has occupied a portion of Parcel D for decades is an important land use. Representatives of the Native American community have also stated that it is important as a cultural resource (<https://www.change.org/p/juslyn-manalo-save-mystic-community-garden>), and over 4,000 community members have identified it as a unique and valued

land use. Yet the DEIR fails entirely to accurately characterize this land use and therefore fails to correctly identify the significance of its loss. The proposed extirpation of the garden represents a significant land use impact.

Response F.5: Please refer to Master Response 1: Demonstration Garden, Master Response 5: , Master Response 6: Recreation, and Master Response 7: Tribal Cultural Resources above regarding impacts related to removal of the Demonstration Garden.

Comment F.6: The EIR blindly uses only the Initial Study Checklist as its significance criteria. However, the Courts have ruled that even if a project impact is not identified in the Checklist questions, it must be considered (see: Protect the Historic Amador Waterways v. Amador Water Agency, 116 Cal.App.4th 1099, 2004). Therefore, loss of important land uses also should be considered as a land use impact, as it is a physical impact on the environment. In this case, there is substantial evidence on the record that the garden comprises a unique and highly valued community open space, cultural, and educational resource. The EIR must fully identify and consider the land use, cultural, educational, and agricultural value of the garden and forest of mature trees surrounding the site, and the significance of their loss as a land use impact. Further, as discussed below, one or more alternatives that preserve the garden must be added to the EIR.

Response F.6: Please refer to Master Response 1: Demonstration Garden, Master Response 6: Recreation, Master Response 7: Tribal Cultural Resources, and Master Response 8: Alternatives above. Impacts related to agriculture and trees are discussed in Sections 3.2 and 3.4 of the Draft EIR.

Comment F.7: Failure to Adequately Consider Wetlands Habitats

The DEIR states (p.67):

While the Biological Resource Assessment identifies the presence of wetland features, it does not reach a definitive conclusion about the meadow qualifying as a jurisdictional wetland and recommends a formal wetland delineation be performed prior to project implementation to allow the US Army Corp and/or the Regional Water Quality Control Board to determine whether to assert jurisdiction over the meadow as a wetland. The Biological Peer Review, however, agrees with the findings of the Wetland Assessment and concludes that the meadow would not qualify as a jurisdictional wetland under the Clean Water Act or Porter-Cologne Act.

CEQA does not care about legal definitions of jurisdictional wetlands. It cares about the habitat values afforded by the wetlands. The DEIR finds no impact on wetlands solely on the basis of legal administrative classifications. Please revise to address the impacts associated with the actual habitats.

Response F.7: Please refer to Master Response 5: Wetlands above.

Comment F.8: Project Non-Conformance with RHNA and City Inclusionary Housing Ordinance

As noted in numerous comments on the NOP, including comments from the City’s Director of Economic and Community Development, Housing and Community Development Supervisor, and Housing Coordinator (Memo from the above to the Mayor, Affordable Housing Community, and Councilmember Glenn Sylvester, November 15, 2021) the project fails to conform with the City’s inclusionary housing ordinance:

The affordable housing proposed by JUHSD for the Serramonte Del Rey site is not strictly consistent with the terms of the City’s Inclusionary Housing Ordinance in two ways:

1. The City’s Inclusionary Housing Ordinance requires that affordable units are phased in at the same time as market rate units. Subsequent to the development of housing for District staff on Parcel A, the JUHSD proposal envisions completion of 201 market rate units on Parcel B before any affordable housing units for the general public are developed. The result of this phasing is that the 20 inclusionary units required from the 200 units developed on Parcel B, would be delayed for an estimated two years until the 100 affordable units are Parcel C are constructed.
2. The City’s Inclusionary Housing Ordinance requires that affordable units are physically distributed equally through a development. In the JUHSD proposal, the majority of the affordable units would be concentrated on one of six parcels.

The EIR must address this non-conformance, which brings the project further into conflict with its own objectives, discussed above.

Further, the project would do nothing to achieve, the City’s compliance with its RHNA objectives. According to RHNA Plan, Daly City is allocated a total of 4,838 total housing units. This includes 1,336 very-low-income units, 769 low-income units, 762 moderate-income units, and 1,971 above-moderate-income units. The proposed project’s minimal provision of affordable units makes it nearly impossible for the City to achieve its overall RHNA requirement of about 43% very-low and low-income units. The project’s 1235 units comprise about 26 % of the 4838 total units, but it proposes to provide only 6% of the required affordable units. This means that future residential development in the City would be required to exceed 50% affordable units in order to meet its RHNA/Housing Element requirements. Table HE 49a in the Draft Housing Element shows this shortfall. Instead of helping the City meet its RHNA requirements, the project further impedes this. The EIR should describe conformance with the RHNA/Housing Element this would be achieved.

Response F.8: Please refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment F.9: Project Objectives Deficiencies

Project objectives inform, in part, the selection of project alternatives. Alternatives are intended to reduce potentially significant project impacts while achieving most of the project objectives (Guidelines Section 15126.6 (a)). One of the project objectives is to maximize affordable housing, yet, as discussed above, the project includes the minimum number of affordable units per the City's Inclusionary Housing ordinance, fails to comply with the unit distribution and timing components of that ordinance, and substantially impedes the City's compliance with its own RHNA requirements. Further, as detailed above, the project makes it nearly impossible for the City to achieve its RHNA affordable housing requirements. In this case, the project does not meet its own objective.

Response F.9: The project objectives are defined by the applicant JUHSD's goals for the proposed project. The objective the commenter appears to be referring to is to "Maximize the number of new high-quality market-rate and affordable housing units as a well-designed, economically feasible, urban residential neighborhood with sufficient density to create a safe, active neighborhood, with development phasing subject to market conditions that provides flexibility with the sequence of construction of buildings, open space, streets, and infrastructure." (page 210). The project provides 20 percent affordable units, twice the City's minimum requirement that 10 percent of the units be affordable, therefore, the comment is incorrect in stating the project provides the minimum amount of affordable housing, and would not contribute to the City's RHNA goals. Please also refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment F.10: Inadequate Range of Alternatives

The project includes only the no-project alternative, with variants for existing conditions and future development conditions. It then identifies the latter no-project alternative variant as the CEQA-mandated environmentally superior alternative. Per CEQA Guidelines Section 15126.6(e)(2), the two variants comprise the CEQA-mandated No Project Alternative. This minimal range of alternatives fails to meet CEQA's requirement of a reasonable range of potentially feasible alternatives that may reduce project impacts and meet most of the project objectives (Guidelines Section 15126.6(a)). Project-related impacts to vehicular emissions, noise, VMT, biological resources, and land use (i.e., impacts from removal of the community park and non-conformance with the RNHA) must be considered in selecting alternatives. At a minimum, given the potential land use and plan non-conformance issues discussed above, one or more alternatives that preserve the community garden (i.e. no development or reduced development in Parcel D), preserve the mature trees surrounding the property, and meet the City's Inclusionary Housing Ordinance and RNHA affordable housing mandates must be included.

Response F.10: Please refer to Master Response 8: Alternatives above.

Comment F.11: In addition, the City of Daly City is highly unbalanced in terms of jobs/housing, with under 0.5 jobs/resident. This means that residents need to travel longer distances to their jobs,

resulting in relatively high VMT levels. A project alternative that included a larger employment component (and also preserved the garden and trees) would further reduce project impacts, and should be added to the EIR.

Response F.11: Section 7.4.1.2 of the Draft EIR (page 212) considers but rejects a mixed-use alternative that included 230,000 square feet of office space and 1,035 residential units. This alternative would result in the same VMT per resident as the proposed project and result in a higher VMT per employee than the countywide threshold; thus, creating a new VMT impact compared to the proposed project. For these reasons, such an alternative would not be environmentally superior, and would not reduce project impacts as suggested by the commentator, and was rejected in the Draft EIR.

Comment F.12: Impermissible Environmentally Superior Alternative

CEQA further requires that an EIR to identify an environmentally superior alternative “among the other alternatives” if the no-project alternative is otherwise the environmentally superior alternative to the project (Guidelines section 15126.6(e)(2)). In this case there are no other alternatives from which to pick. One or more actual “environmentally superior” alternatives must be developed and analyzed in the EIR.

Response F.12: The environmentally superior alternative is picked from among the range of analyzed alternatives. As discussed in Master Response 8: Alternatives above, the City considered but rejected three alternatives and only found two alternatives to be feasible. The Draft EIR concludes the No Project Alternative, which assumes the site remains in its current condition, is the environmentally superior alternative. However, as noted in the comment, CEQA requires that when the No Project Alternative is determined to be the environmentally superior alternative, that an environmentally superior alternative be identified. Thus, the Draft EIR identifies the No Project – Existing Zoning Alternative, which assumes development of the site as allowed under current plans and policies and considering available infrastructure, as the ‘next best’ environmentally superior alternative. This alternative does not assume the site remains in its current condition, as opposed to the No Project -No Development alternative which retains the site as is. Developing the site in accordance with the existing zoning would be environmentally superior to the proposed project, for the reasons provided in Draft EIR Section 7.4.2.2.

Comment F.13: Conclusions

It is my professional opinion, supported by the facts summarized above, that the DEIR is inadequate to meet basic CEQA requirements, particularly with respect to its treatment of project alternatives. In addition, the project fails to meaningfully contribute to the City’s RHNA affordable housing

allocation as described in the City's Draft Housing Element. The City should revise and re-circulate the DEIR for the statutory 45-day minimum review period.

Response F.13: This is a concluding statement that references issues that were raised in prior comments, and were each responded to previously in detail; therefore, no further response is required.

G. Anonymous 1 (dated September 1, 2023)

Comment G.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

- Where the community grows herbs, fruits and vegetables
- It is home to over 100 trees and many different animals, birds, butterflies
- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response G.1: This comment advocates for preservation of the demonstration garden and does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Master Response 1: Demonstration Garden. The comment also expresses an opinion about cultural resources, but does not raise any issues about the adequacy of the Draft EIR analysis of such resources. Please refer to Master Response 1: Demonstration Garden, Master Response 6: Recreation, Master Response 7: Tribal Cultural Resources above.

Comment G.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response G.2: As discussed under Impact AIR-2 and Impact AIR-3 in Section 3.3 Air Quality of the Draft EIR (pages 38-50), air quality impacts as a result of project construction would be below BAAQMD thresholds for construction period emissions and health risk with implementation of mitigation measures MM AIR-2.1 through MM AIR-2.3 and MM AIR-3.1, and the construction of the project would therefore have a less than significant impact on air quality. This analysis conservatively

assumed a six-year construction period, since compressing the total construction activity into a shorter period of time results in higher daily emissions than if the project were built over a longer period of time. Accordingly, assuming six years rather than fifteen years overstates the construction emissions, making the analysis in the Draft EIR inherently conservative. (page 41). While implementation of the campus redevelopment could take as long as 15 years, there would not be continuous heavy construction activity over that time, and emissions would be expected to be at a lower daily emission level than forecast in the Draft EIR. As each phase is implemented, there would be periods of intense construction activity specific to that phase for that portion of the site.

As discussed under Impact NOI-1 in Section 3.13 Noise of the Draft EIR (pages 135-141), the proposed project's construction noise could exceed ambient noise levels by five dBA or more; however, construction noise levels would not exceed the significance thresholds of 90 dBA Leq at any residential land uses or 100 dBA Leq at any commercial land uses surrounding the project site. In addition, the project shall implement mitigation measure MM NOI-1.1, which requires the project to implement additional best management practices to further reduce construction noise to a less than significant level.

H. Anonymous 2 (dated September 1, 2023)

Comment H.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

- Where the community grows herbs, fruits and vegetables
- It is home to over 100 trees and many different animals, birds, butterflies
- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response H.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment H.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response H.2: Please refer to Response G.2: above regarding air quality and noise impacts.

I. Anonymous 3 (dated September 1, 2023)

Comment I.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

- Where the community grows herbs, fruits and vegetables
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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response I.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment I.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response I.2: Please refer to Response G.2: above regarding air quality and noise impacts.

J. Anonymous 4 (dated September 1, 2023)

Comment J.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

- Where the community grows herbs, fruits and vegetables

- It is home to over 100 trees and many different animals, birds, butterflies
- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response J.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment J.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Save the garden!

Response J.2: Please refer to Response G.2: above regarding air quality and noise impacts.

K. Chloe Costa Amado (dated September 1, 2023)

Comment K.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response K.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment K.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways

- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response K.2: Please refer to Response G.2: above regarding air quality and noise impacts.

L. Christina Francisco (dated September 1, 2023)

Comment L.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response L.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment L.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

I personally have been enjoying the garden since I moved in 2019. The welcoming vibe is amazing. Keep the good work Erick your work makes the difference.

Response L.2: Please refer to Response G.2: above regarding air quality and noise impacts.

M. Casey Quon (dated September 1, 2023)

Comment M.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response M.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment M.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

This is a great environment.

Response M.2: Please refer to Response G.2: above regarding air quality and noise impacts.

N. Catherine Van Etten (dated September 1, 2023)

Comment N.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response N.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment N.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Please don't destroy this environmental gem.

Response N.2: Please refer to Response G.2: above regarding air quality and noise impacts.

O. Eduardo Silva Amado (dated September 1, 2023)

Comment O.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response O.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment O.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response O.2: Please refer to Response G.2: above regarding air quality and noise impacts.

P. Erick Campbell (dated September 1, 2023)

Comment P.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

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Response P.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment P.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response P.2: Please refer to Response G.2: above regarding air quality and noise impacts.

Q. Javier Lopez (dated September 1, 2023)

Comment Q.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

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- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response Q.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment Q.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Save the Garden!

Response Q.2: Please refer to Response G.2: above regarding air quality and noise impacts.

R. Kerry Quendens-Bonham (dated September 1, 2023)

Comment R.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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Response R.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment R.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

My dogs and I enjoy relaxing in the gorgeous park when I get home from work. It's a shame that someone wants to ruin this awesome park.

Response R.2: Please refer to Response G.2: above regarding air quality and noise impacts.

S. Monica Costa Amado (dated September 1, 2023)

Comment S.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

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Response S.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment S.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response S.2: Please refer to Response G.2: above regarding air quality and noise impacts.

T. Monica Bidegain (dated September 1, 2023)

Comment T.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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Response T.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment T.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

I love the garden, it's a place where I find myself, when I need to lose myself! TO PLANT A GARDEN IS TO BELIEVE IN TOMORROW. SAVE THIS GARDEN.

Response T.2: Please refer to Response G.2: above regarding air quality and noise impacts.

U. Matthew Piccardo (dated September 1, 2023)

Comment U.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response U.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment U.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Daly City resident for 49 years.

Response U.2: Please refer to Response G.2: above regarding air quality and noise impacts.

V. Patrick Robertson (dated September 1, 2023)

Comment V.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response V.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment V.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

I've been coming to this beautiful garden for the past 15 years. I've seen a beautiful place grow. Kids growing...

How much money is really enough... When you need to get away from the work where do you go... Come by the garden with your lunch and some music and enjoy the real garden experience.

Response V.2: Please refer to Response G.2: above regarding air quality and noise impacts.

W. Shasta Student 1 (dated September 1, 2023)

Comment W.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response W.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment W.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response W.2: Please refer to Response G.2: above regarding air quality and noise impacts.

X. Shasta Student 2 (dated September 1, 2023)

Comment X.1: I am a resident of the Serramonte Ridge Apartments and will be greatly affected by the destruction of the Community Garden and the 15-year timeline in construction of this phased development.

Please SAVE The Garden

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- It is home to over 100 trees and many different animals, birds, butterflies
- The location has special significance and recognition for Native Ohlone Indians
- It is an area that is shared and respected by people from all over Daly City along with students at Shasta High School by peacefully being in Nature

Response X.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Response G.1 above.

Comment X.2: The Long Construction Timeline

- Last over 15 years? This is not fair to our community for quality of living.
- Air Quality with the fog and dust will linger on our cars and walkways
- Constant Noise of Construction on weekdays 8-5pm with many of us working remotely or trying to get day sleep for those of us who work in the service industry?

I understand that this is the Environmental Review of the Project --- but my health and Safety living and renting thru this project development should be a consideration.

Response X.2: Please refer to Response G.2: above regarding air quality and noise impacts.

Y. Andrew Sielen (dated September 3, 2023)

Comment Y.1: My family and I moved to Daly City in 2020, we bought a house in Westlake and we plan on making it our forever home. One disappointment though is that this city does not seem to invest in community spaces and the school district is hostile to the community. Locking its gates to families who would benefit from some extra space for their kids to run around (and in the case of Westlake, the neighborhood was specifically built around the elementary school grounds as a park for neighborhood children, now it is just locked up and only used by the school a couple times a year) and now looking to destroy the only community garden in the city.

It is important to me that my son has exposure to where our food comes from, community gardens are a great opportunity to show him this. We have been attempting to grow vegetables in our backyard (photos attached) and frequent the seed bank at Westlake Library. Our foggy weather makes this difficult and we would benefit from a meeting ground such as this garden where we can meet and learn from our neighbors who have been doing this for years.

The school district has already taken out other community space when they decided to develop the land next to Westmoor High. Don't let them take this one away also. They are not a private corporation, and they should be accountable to us the tax payers. It is great we are building so much more housing, but without the community, we are just housing people who may live here but spend their lives in our neighbor cities like SF or South City. Let's make our city a place to thrive.

This city has so much promise, great neighbors and community but it needs some new energy, taking away these spaces is going in the wrong direction. We don't want to go in the direction of SF.

As my family and I establish our roots in this city, we look forward to getting more engaged.

Response Y.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Z. Emma Hartung (dated September 4, 2023)

Comment Z.1: I am writing to comment on the Serramonte Del Rey Redevelopment DEIR and to urge you to oppose the demolition of Daly City's only community garden. The DEIR makes it clear that this project would have detrimental impact to local habitat that is already severely limited by negatively impacting foliage, wetlands, wildlife habitat and the creek. This community garden is a resource that is crucial to the local community. I hope that Daly City will reflect on these negative impacts found and act swiftly to preserve the garden in recognition of the critical environmental and social resources that it provides.

Response Z.1: Please refer to Master Response 1: Demonstration Garden above.

Further, as discussed in Section 3.4 Biological Resources of the Draft EIR (pages 54-70), the project would result in a less than significant impact on special-status species through implementation of mitigation measures MM BIO-1.1 and MM BIO-1.2. In addition, the Draft EIR concluded, based on biological studies, that there is substantial evidence that there are no wetlands or riparian areas on the project site that are protected under federal or state law. Please refer to Master Response 5: Wetlands above.

AA. Melissa Kallstrom (dated September 6, 2023)

Comment AA.1: Visualize the place that you go that brings you peace and helps calm your mind and soul, the Daly City Community Garden is that place for me and many people and their families. This garden is the only community garden in Daly City which has less than 5% of the urban canopy of trees that cover our city (Excellence, 2020). This unique garden is located across from the Jefferson High School District building and is part of the Serramonte Del Rey Campus Development. This only green space includes over 100 redwood trees, 100 fruit trees, and native trees that include Douglas Firs, Madrones, Buckeyes, Live Oak, White Oak, Catalina, and Ironwood trees.

Response AA.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Master Response 1 above.

Comment AA.2: The Mission Blue Butterfly has also found a home in our garden and because of habitat loss in response to land degradation as a result of housing and retail development, this beautiful species is almost extinct and, on the Fish and Wildlife website is categorized in red as endangered (Endangered Species, 2023). I have seen these butterflies' multiple times in the garden with Erik, the caretaker. What will happen to the ecosystem if the small piece of land is destroyed to build more apartments which are for market rate and more retail stores, has the city noticed that retail industry has taken a financial hit which will just be more stores that are empty, once the development is finished. Daly City residents will also not be able to afford to live in these for market rate apartments and the affordable housing that we are promised is under the requirements of percentage that is necessary. They will also have one building out of the five that will house all the affordable housing, that should be considered discrimination.

Response AA.2: Please refer to Response DD.6: below, and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment AA.3: I have lived at the Serramonte Ridge Apartments since January 2015, and I have been going to the garden soon after I moved in. My son attends Summit Shasta High School, he started his freshman year at Shasta High School in 2020 during Covid and the garden became our sanctuary since we could not leave our apartment. He currently is a senior and is in his last year of high school. Throughout the time that we lived at Serramonte Ridge, together we planted potatoes, sun flowers, peas, green beans, beets, rosemary, and sage. I am a single mom, and this food source helps with our food expenses. People from the community that go to the garden, leave with fresh fruit, vegetables, and herbs that are completely free and so fresh, garden to table.

The garden is a place for kids of all ages to go and spend time with friends and family, this is especially important for high school kids. My son goes and hangs out with friends or works in the garden, he has helped build fences, learned about landscaping, and even has a plot where he has planted different types of lettuce. It puts my mind at ease knowing that he is in the garden and not out running the streets causing trouble. Shasta High School also has a plot for the students to grow a variety of plants, vegetables, and herbs. This opportunity gives them hands on learning that they will take with them long after graduation. Global warming is a threatening presence, and the youngest generations are dealing with how to help, and the garden will teach them the importance of ecology and conservation.

Change.org has a petition of over 4,500 signatures of people agreeing to Daly City's need of this community garden, mother nature has an amazing resilience to the harm humans have caused but the time to help her is of extreme importance for all things living. Nature is a healing spiritual resource for anyone that can enjoy the magic and the healing nature of places like the Daly City Community Garden. The earth has an adaptable nature but if all of nature has been turned into developments of apartments and office space with an area on top of a parking garage, that does not have the resource of over twenty years of growth in that location, and nature will not have the ability to heal itself or us. I request that you read this letter and all the letters you receive, in the Daly City Community Garden. It might open your mind and the minds of the people that are in

support of this development. Instead of following the dollar signs, listen to the community that is seeing the signs that this earth will not be able to continue in its destruction.

Thank you for your time working with us and for reading my letter.

Response AA.3: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Master Response 1 above.

BB. Catalina Gomes (dated September 6, 2023)

Comment BB.1: My name is Catalina Gomes and I am a descendant of the Ramaytush people from Timigtac Village site near Calera Creek. I am writing to express the need to protect the Daly City Community Garden which is situated nearby the land my ancestors lived. There has been a long Indigenous history on that land - most of which has been obscured, erased, and violently destroyed. Given the historical context and what little remains, it is of the utmost importance that this garden not also be destroyed for the benefit of a private development opportunity.

Response BB.1: The demonstration garden has no relationship to the pre-contact tribal habitation of the area, as the demonstration garden is a recent, modern feature installed by the JUHSD, as discussed in Master Response 7: Tribal Cultural Resources above.

Comment BB.2: Being the only community garden in Daly city, it provides much needed green space (most of which is rapidly disappearing) while also acting as a food source for people who are food compromised. Filled with native trees, established fruit trees, soil that has been built over years, and a diverse array of wildlife that has built complex interspecies relationships, replacing this would certainly not be achievable with a few raised beds as it would take decades to replace the mature trees that would be destroyed by this proposed development.

Response BB.2: Please refer to Master Response 1: Demonstration Garden above.

Comment BB.3: Daly City is in great need of an urban forest. There are several other phases of this project that could take place without the destruction of this vital, thriving, living asset to the community! Not only as a green oasis, in an urban setting, but also as a place of cultural relevance. As the site of decades, if not thousands of years of Indigenous ceremonies. I am hopeful that you take advantage of this opportunity to protect this garden that is of great value to the community at large!

Response BB.3: There is no evidence to suggest the site of the demonstration garden was used for pre-contact Native American ceremonies, as the site had been a sloping hillside prior to the extensive grading that was completed to construct the school campus. Please refer to Master Response 7: Tribal Cultural Resources above.

This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

CC. Cossart-Daly Law, A.P.C. (dated September 7, 2023)

Comment CC.1: Cossart-Daly Law, A.P.C. represents the Loma Prieta Chapter of the Sierra Club (“Sierra Club”) with respect to the Serramonte Del Rey Campus Redevelopment Draft Environmental Impact Report.

The Loma Prieta Chapter of the Sierra Club offers local members and supporters opportunities to actively contribute to the environmental work of the Sierra Club, which promotes the responsible use of the earth’s ecosystems and resources, and aims to protect and restore the quality of the natural and human environment. Sierra Club has a strong interest in addressing the environmental and environmental justice impacts of development projects, including the proposed Serramonte Del Rey Campus Redevelopment in Daly City (the “Project”). Cossart-Daly Law, A.P.C. submits the following comments on the Draft Environmental Impact Report (“DEIR”) on Sierra Club’s behalf.

The Project is a massive undertaking that will result in significant environmental impacts. In order to construct the Project, the City of Daly City (“City”) developed an approximately 22- acre Serramonte Del Rey Precise Plan (“Precise Plan”) unique to the Project, as well as a specific development proposal for an approximately 4.3-acre Parcel B within a portion of the Precise Plan. (DEIR p. iv.)

The Project, as proposed, would include a project site area with “up to” 1,235 units of affordable and market-rate rental housing. (DEIR p. iv.) Affordable housing would primarily be segregated into Parcels A and C. (DEIR Appendix A, p. 14; Jefferson Union High School District, The Serramonte Del Rey Neighborhood, available at <https://serramontedelrey.org/masterplan/>.) The Project would also include “up to” 14,000 square feet of retail or commercial use area. (Ibid.) 22 acres of the Project site would be used to construct “up to” 1,113 units of affordable and market- rate rental housing, in addition to the 122 currently-existing units on Parcel A. (Ibid.) It would also include the construction of a mixed-use building with 201 residential units and approximately 8,000 square feet of retail space including two levels of parking on a 4.3 acre portion of the site. (Ibid.) There is a long standing Community Garden, a wetland, many trees, and greenspace, including a meadow, located on the Project site. (DEIR, pp. 10, 67, Figs. 2.2-5, 3.4-1.) The Community Garden and a majority of the parcel’s green space is located on Parcel F. (See DEIR Fig. 2.2-5.) According to the DEIR, “[t]he proposed Precise Plan would remove the existing garden and use the space as a construction staging area until Parcel F is fully developed with up to 400 units and 6,000 square feet of retail uses.” (DEIR, p. 10.) This would result in the destruction of the Community Garden, the wetland, and a majority, if not all, of the green space located around the Community Garden.

This Project will create significant environmental impacts, and thus requires a careful, complete and thorough environmental analysis under the California Environmental Quality Act (“CEQA”). “CEQA was enacted to advance four related purposes: to (1) inform the government and public about a proposed activity’s potential environmental impacts; (2) identify ways to reduce, or avoid,

environmental damage; (3) prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible; and (4) disclose to the public the rationale for governmental approval of a project that may significantly impact the environment.” (Union of Medical Marijuana Patients, Inc. v. City of San Diego [“Union of Medical Marijuana Patients”] (2019) 7 Cal.5th 1171, 1184, citing California Building Industry Assn. v. Bay Area Air Quality Management Dist. (2015) 62 Cal.4th 369, 382.) “CEQA embodies a central state policy to require state and local governmental entities to perform their duties ‘so that major consideration is given to preventing environmental damage.’” (Union of Medical Marijuana Patients, supra 7 Cal.5th at 1185, citing Friends of the Eel River v. North Coast Railroad Authority (2017) 3 Cal.5th 677, 711- 712.)

As explained herein, the DEIR mischaracterizes the Project setting, relies on an unstable Project description, and does not provide an adequate analysis or mitigation for impacts to Biological Resources, Recreation, or Land Use. Most importantly, the DEIR alternatives analysis is insufficient because it does not include nor adopt an alternative that would disperse affordable housing throughout the Project and preserve the Community Garden, wetland, and surrounding green space. Please remedy these deficiencies as outlined and requested below in order to ensure that the environmental review documents for the Project comply with CEQA.

Response CC.1: This is an introductory comment and restates the proposed project. The comment raises general concerns regarding the Draft EIR that are the subject of more detailed comments that follow, for which responses are provided. No further response is required.

Comment CC.2: I. The DEIR’s Description of the Project Site is Inaccurate, As it Mischaracterizes the On-Site Community Garden, Wetland, and Greenspace.

According to the CEQA Guidelines, an EIR must correctly describe the environmental setting for the project. (14 Cal Code Regs § 15125(a), (c); San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus (1994) 27 Cal. App. 4th 713, 726 [voiding EIR for failure to contain accurate site description].) The description of the environmental setting should include “the area in which significant effects would occur either directly or indirectly as a result of the project.” (Id. at § 15360.) These existing physical conditions “will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant.” (See Neighbors for Smart Rail v Exposition Metro Line Constr. Auth. (2013) 57 C4th 439, 448, Communities for a Better Env’t v South Coast Air Quality Mgmt. Dist. (2010) 48 C4th 310, 320.) “[S]pecial emphasis should be placed on environmental resources that are rare or unique to the region and that would be affected by the project.” (14 Cal Code Regs §15125(c).) “The purpose of this requirement is to give the public and decision makers the most accurate and understandable picture practically possible of the project’s likely near-term and long-term impacts.” (Id. at §15125(a).) Courts and lead agencies “must interpret the Guidelines to afford the fullest possible protection to the environment.” (Kings County Farm Bureau v. City of Hanford (1990) 221 Cal.App.3d 692, 720.)

Environmental conditions must be described as they exist. (Id. at §15125(a).) Including a correct and pertinent description of existing environmental resources is critical for a DEIR to comply with CEQA. (See *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (1994) 27 Cal. App. 4th 713, 726; *Sierra Watch v County of Placer* (2021) 69 Cal. App. 5th 86; *League to Save Lake Tahoe Mtn. Area Preservation Found. v County of Placer* (2022) 75 CA5th 63, 97.) Without correct and comprehensive information of environmental resources that will be potentially impacted, the lead agency cannot correctly assess significant impacts nor what measures, if any, could mitigate these impacts. (See *ibid.*)

As described herein, the DEIR mischaracterizes the Project site. It states that no sensitive plant or animal species have been observed onsite, when several endangered or special status species have been observed on and around the Community Garden, wetland, and open space located on Parcel F. (Compare DEIR p. 61, 62 with Exhibit A, Althouse and Meade, Inc. Correspondence, pp. 2-4.) The DEIR indicates that there is a wetland onsite, but fails to describe how this wetland may or may not support riparian habitat, what it entails, and what wetland- specific species exist on site. (Compare DEIR, p. 59 with Exhibit A, Althouse and Meade, Inc. Correspondence, pp. 2-4.)

Response CC.2: The issues raised by the comment concerning the environmental conditions on the site are based on detailed comments provided by another party who commented on the Draft EIR, for which responses have been provided below. Please refer to Response DD.4: through Response DD.9: below regarding wetlands and special-status species.

Comment CC.3: The DEIR also does not adequately describe the Community Garden. The Biological Resources Environmental Setting only briefly mentions the Community Garden, and does not discuss its function or importance in supporting sensitive species. (See DEIR, p. 59 [“although native plant species are present in the Demonstration Garden as a result of being planted by gardeners...”]). But, as further explained herein, the Community Garden and the surrounding trees and open space serve as important habitat for sensitive species, an important wildlife corridor, and important urban “green space [which] supports a diverse array of nesting habitat with varied vegetation strata to support cavity-, ground-, shrub-, and canopy-nesting birds.” (See Exhibit A, Althouse and Meade, Inc. Comment Letter, p. 10.)

Response CC.3: The issues raised by the comment concerning the biological habitat value of the demonstration garden are based on detailed comments provided by another party who commented on the Draft EIR, for which responses have been provided below. Please refer to Response DD.2: and Response DD.13: below regarding sensitive natural communities and wildlife movement corridors.

Comment CC.4: What’s more, the DEIR downplays the important recreational, historic, and community functions of the Community Garden. The DEIR’s only full description of the Community Garden states:

There is an approximately 0.5-acre school demonstration garden located in the southwest corner of the Precise Plan area. This garden was started 20 years ago and used by JUHSD for adult education as a demonstration garden. In 2019, the garden was listed as a “community garden” by the County of San Mateo; however, the listing occurred without the knowledge or permission of JUHSD leadership, and therefore the garden was removed from the list. (DEIR, p. 10.)

The Community Garden has not been used as a “demonstration garden,” as claimed by the DEIR, but has existed as a community garden, open to the public, for an extended period of time. (See Exhibit B, video from CBS Bay Area, Daly City Housing Development Squeezing out Beloved Community Garden, available at <https://www.cbsnews.com/sanfrancisco/news/daly-city-housing-development-plans-squeezing-out-beloved-community-garden/?intcid=CNM-00-10abd1h>; see also Exhibit C, Petition, Help Save Daly City’s Only Community Garden.) Residents of the Serramonte Ridge Apartment Homes, adjacent to the Project Site, have used the Community Garden since the construction of Serramonte Ridge in the 1980s. (See Figure 3.17-1; Serramonte Ridge Renters Association September 26, 2021 Comment Letter, available at <https://static1.squarespace.com/static/52a4b6b8e4b020f5799aacd9/t/623f69221e2f0172f42a9e8/1648322851095/Serramonte+Ridge+Renters+Association+Letter+to+City+of+Daly+City+v.3.pdf>.) The DEIR, likewise, does not discuss or disclose that the Community Garden is Daly City’s only community garden, or that the Community Garden provides a unique space which permits community members to grow culturally relevant foods, provides access to gardening for those who would not otherwise have it, and provides on open space for indigenous community members to hold religious ceremonies. (See Exhibit C, Petition, Help Save Daly City’s Only Community Garden; Sierra Club August 12, 2021 Comment Letter, available at <https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/loma-prieta/chapter/conservelatters/Letter%20to%20David%20Canepa%208.13.21.pdf>.)

Response CC.4: Please refer to Master Response 1: Demonstration Garden above.

Comment CC.5: As discussed herein, removal of the Community Garden will result in significant impacts to habitat for sensitive and endangered species and on recreation. Because the DEIR mischaracterizes the Community Garden, it does not analyze the removal of the Community Garden as having a significant impact on Biological Resources, and does not provide appropriate mitigation for such impacts.

Response CC.5: Please refer to Response DD.2: below regarding sensitive natural communities and Response DD.3: through Response DD.9: below regarding special-status species. In addition, please refer to Master Response 6: Recreation above.

Comment CC.6: If the City adopts the DEIR without updating the description and analysis of the wetland, open space, and Community Garden, it will violate CEQA. In order to comply with CEQA, please update the DEIR to accurately reflect the function, history, and use of the Community Garden, and conduct adequate studies on and identify the sensitive species that currently exist

within the wetland, open space, and Community Garden. Please also characterize the impact of removing the Community Garden on biological resources as significant, and fashion mitigation and/or an alternative that preserves the Community Garden space, wetland, and open space in Parcel F as discussed in this correspondence's Alternatives discussion, in order to avoid significant environmental impacts.

Response CC.6: Please refer to Master Response 1: Demonstration Garden, Master Response 6: Recreation, and Master Response 8: Alternatives above. In addition, please refer to Response DD.2: below regarding sensitive natural communities and Response DD.3: through Response DD.9: below regarding special-status species.

Comment CC.7: II. The DEIR Does Not Include an Accurate or Finite Project Description.

"Only through an accurate view of the project may affected outsiders and public decision-makers balance the proposal's benefit against its environmental cost, consider mitigation measures, assess the advantage of terminating the proposal (i.e., the 'no project' alternative), and weigh other alternatives in the balance." (County of Inyo v. City of Los Angeles (1977) 71 Cal.App.3d 185, 192-193 ["County of Inyo"].) "An accurate, stable and finite project description is the sine qua non of an informative and legally sufficient EIR." (Id. at p. 193 [italics omitted].)

The Project description is anything but finite or stable. The Project includes both "the development of a new approximately 22-acre Serramonte Del Rey Precise Plan" and "a specific development proposal for the approximately 4.3-acre Parcel B within a portion of the new Precise Plan." (DEIR, p. iv.) The majority of the Project description does not designate specific plans, numbers of buildings to be constructed, or other relevant information for the Project. Most of the Project description hedges as to what the Project will actually include. For example, the Precise Plan would permit "up to" a certain amount of units, "up to" a certain amount of retail/commercial uses on several parcels. (DEIR, p. iv.) Likewise, except for Parcels A and B, the Project would allow "up to" or a "maximum" of a certain number of units on each individual parcel. (Id. at pp. 3-4.) The DEIR explains that Parcels C-F "may" provide retail/commercial space. (Id. at p. 4.) The Precise Plan, appended in Appendix D, provides development guidelines, but does not provide more clarity or information on specifically what will be developed on the Project site, including what type of development will be constructed, when and if additional facilities will be constructed, etc.

As the DEIR relies on a nebulous Project description, it does not and cannot provide an accurate analysis of the Project's impacts to Biological Resources, Land Use, Traffic and Circulation, Global Climate Change, Air Quality, or a complete discussion of Project alternatives. Please update the DEIR to provide a specific number, square footage, size, and location of facilities and buildings that will be included in the Project, and reflect how this data alters the evidence, project impacts, mitigation and alternatives in a Recirculated DEIR.

Response CC.7: Please refer to Master Response 4: Project Description above.

Comment CC.8: III. The DEIR’s Conclusions Regarding Biological Resources Are Based on Insufficient Research and Analysis, and thus Are Not Supported by Substantial Evidence.

When conducting an environmental impact analysis, an agency’s findings must be supported by evidence in the record. (Cal. Code Civ. Proc. § 1094.5 [providing that agency findings must be supported by record evidence]; Cal. Pub. Resources Code § 21168 [applying the Section 1094.5 standard to CEQA actions].) An agency’s failure to do so constitutes an abuse of discretion and must be reversed by a reviewing court. (See *ibid.*)

A. A. The DEIR’s conclusion that there are no sensitive natural communities onsite is not supported by substantial evidence.

The DEIR asserts that there are no sensitive natural communities, including riparian or wetland communities, present within the project site. (DEIR, p. 59.) This is not based on substantial evidence, or an accurate description of the wetland habitat. The DEIR does not adequately describe nor provide any study of such wetland habitat, though the DEIR mentions a wetland, community group Community Garden Alliance has provided evidence of a wetland onsite, and, according to expert biologists from Althouse and Meade, Inc., the Native Arroyo Willow thickets “clearly indicates that surface and shallow groundwater is present in sufficient quantities to support hydrophytic plants.” (See DEIR, p. 67; Exhibit A, Althouse and Meade, Inc. Correspondence, p. 3; See Community Garden Alliance, Wetland, available at <https://www.communitygardenalliance.org/wetland> [videos of wetland onsite].) Expert Biologists Ms. Guttilla and Mr. Magney explain “[w]etland habitats are documented as present onsite,” and provide numerous significant wetland functions. (Id. at p. 4.) The DEIR likewise states “The Biological Resource Assessment (see Appendix D), Biological Peer Review (see Appendix F), and Wetland Assessment (see Appendix E) all agree that the approximately 865 square foot meadow in the southwest corner of the project site appears to contain wetland features.” (DEIR, p. 67.)

Yet the DEIR fails to conduct any study of the wetland because they claim that any such wetland must be manmade. However, “While the recent Supreme Court decision about Clean Water Act jurisdiction may have eliminated U.S. Army Corps of Engineers (Corps) jurisdiction on the wetlands onsite, wetland habitat is still present and represents a sensitive habitat that provides numerous functions (Brinson 19931, Brinson et al. 19952) and would be considered significant.” (Exhibit A, Althouse and Meade, Inc. Correspondence, p. 4.) “[A]ll wetland habitats, including willow wetlands, in California are considered sensitive habitats because they have been reduced in area by over 90% and because they provide habitat for a wide variety of native species of wildlife.” (Exhibit A, Althouse and Meade, Inc. Correspondence, p. 3.) As such, the DEIR should characterize this area as a sensitive natural community, accurately state that the Project will impact such a natural community, and mitigate such impacts by relocating proposed construction and development away from the wetland.

Response CC.8: Please refer to Master Response 5: Wetlands above and Response DD.2: below regarding sensitive natural communities.

Comment CC.9: B. The DEIR findings that there are no sensitive, threatened, or endangered plant or animal species on site is not supported by substantial evidence.

The DEIR's conclusion that there are no sensitive, threatened, or endangered plant or animal species on site, and therefore, that the Project will not have significant biological resources impacts is not supported by the evidence, and is based upon incomplete biological analyses. (See Exhibit A, Althouse and Meade, Inc. Correspondence.) The DEIR's botanical surveys do not provide sufficient evidence to support a finding that there are no impacts to sensitive, threatened, or endangered plant or animal species on site. The DEIR's timed botanical surveys occurred outside the bloom period for native plants known to occur onsite and found in wetland and riparian communities. (Id. at p.3) It does not appear that DEIR biologists reviewed "sensitive plant species listed in CNDDDB and CNPS rare plant inventory to determine if they would be in bloom during January, April, and June site visits to proposed project site." (Ibid.) Without the analysis, outlined herein and in Ms. Gutilla and Mr. Magney's comment letter, the DEIR cannot accurately conclude that there are no sensitive plant species on site.

Likewise, the DEIR states that the Project will not have significant impacts on special status wildlife. (DEIR, p. 64.) But the DEIR's biological surveys were incomplete and did not target specific sensitive species likely to occur on site. The DEIR's "April and June field surveys were focused on the willow and meadow habitats. It does not appear that seasonal surveys for plants or wildlife were conducted to detect all potential plant or wildlife species that could occur onsite." (See Description in Exhibit A, Althouse and Meade, Inc. Correspondence, p. 13.) The Biological Resources Analysis mentions only a few species, and lacks "any lists of plants or wildlife observed onsite." (See *ibid.*) Without a list of species observed, the public and decisionmakers have no means to determine if the field surveys were sufficient. (Ibid.) DEIR biologists also did not conduct field studies specific to the Western Bumble Bee, Mission Blue Butterfly, special status mollusks, and red-legged frog, which, as described in Ms. Gutilla and Mr. Magney's letter, are likely to occur onsite. (See analysis in Exhibit A, Althouse and Meade, Inc. Correspondence, pp. 4-9.) Without such studies, the DEIR cannot accurately represent that such species are not present onsite. In addition, the DEIR mischaracterizes the Western Bumble Bee as having no protection status and states that it does not have habitat onsite. (Id. p. 62.) This is incorrect. "California Fish and Game Commission elevated its status, and the status of three other bumble bee species to be candidates as Endangered under the California Endangered Species Act since 2019," and suitable habitat for such species occurs at the Project site. (See Exhibit A, Althouse and Meade, Inc. Correspondence, p. 4.) The DEIR's conclusion that the Project will not have significant impacts on special status wildlife, therefore, is not supported by substantial evidence.

In fact, the evidence demonstrates that sensitive species exist, or have a high probability of existing onsite in the Community Garden, the wetland, and the open space located on and around Parcel F. (Compare DEIR Fig. 3.4-1 with 2.2-5.) A plethora of Mission Blue Butterflies, which are on the Federal Endangered Species list, have been observed onsite; the site is rife with its host plant, *Lupinus albifrons*; and Mission Blue Butterfly are known to be present within a mile of the Project site. (Exhibit A, Althouse and Meade, Inc. Correspondence, p. 5; Exhibit D, California Department of

Fish and Wildlife, Threatened or Endangered Species Animal Species List; Garden Alliance Member Photos of Mission Blue Butterflies, available at <https://spaces.hightail.com/space/Rnj8vgpFV0/files#pageThumbnail-1>.) The site is also within the range of the California red-legged frog, which likewise are listed on the California Endangered Species List, and riparian habitat is present. (Exhibit A, Althouse and Meade, Inc. Correspondence, p. 5; Exhibit D California Department of Fish and Wildlife, Threatened or Endangered Species Animal Species List.) Special-status mollusks are also likely to occur on the Project site. (Id. p. 5, Table 3.) Community Garden Alliance volunteers have observed numerous species in and around the Community Garden which are candidates for, or included on, California and Federal threatened or endangered species, including the California Monarch Butterflies, Mission Blue Butterflies, Garter snakes, Bald Eagles, and Mountain Lions. (See Exhibit A, Althouse and Meade, Inc. Correspondence, Table 2.)

As such, destruction of the Community Garden, wetland, and surrounding greenspace on Parcel F will result in destruction of the habitat (whether man made or naturally occurring) for and harm to sensitive species and would result in a significant impact such species.

Response CC.9: Please refer to Response DD.3: through Response DD.9: below regarding special-status species.

Comment CC.10: C. The DEIR's conclusion that the Project will not significantly interfere with wildlife corridors is not supported by substantial evidence.

What's more, contrary to the conclusions of the DEIR, destruction of this habitat will significantly interfere with wildlife corridors. (See description in Exhibit A, Althouse and Meade, Inc. Correspondence, p. 13.) According to Ms. Guttilla and Mr. Magney:

that wildlife corridor function of open space/green belts in urban settings becomes significantly more important as natural habitats are reduced to disparate islands across the landscape. Keeping only mature trees on edge of property reduces cover for wildlife, making them vulnerable to predation, increased risk of collisions with vehicles, and pets. Increased infrastructure and resulting lighting and associated noise interferes with bat foraging activity and nocturnal wildlife. It reduces breeding and foraging habitat. (Ibid.)

The elimination of this greenspace will result in significant impacts to wildlife in an area with already limited open space and safe wildlife passages. The DEIR's conclusion that the Project will not impact wildlife corridors, therefore, is not supported by substantial evidence.

Response CC.10: Please refer to Response DD.13: below regarding wildlife movement corridors.

Comment CC.11: D. The DEIR's does not provide appropriate, effective mitigation for impacts to nesting birds and special species bats.

As described in Ms. Guttilla and Mr. Magney’s correspondence, the DEIR’s conclusions that the Project would have a less than significant impact on nesting birds and bats with mitigation are also not supported by the evidence. (See Exhibit A, Althouse and Meade, Inc. Correspondence, pp. 10-12.) What’s more, the mitigation provided in the DEIR is insufficient.

An agency “shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures,” and must have a monitoring program to ensure the implementation of mitigation. (Cal. Pub. Resources Code, § 21081.6 (a) and (d).) “The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded.” (California Clean Energy Committee v. City of Woodland (2014) 225 Cal.App.4th 173, citing Federation of Hillside & Canyon Associations v. City of Los Angeles (2000) 83 Cal.App.4th 1252, 1260-1261, Cal. Pub. Resources Code, § 21002.1(b) [emphasis in original].)

The DEIR provides that construction and demolition can proceed with no restrictions outside of nesting season and if there are no active nests identified during a construction survey period. (Id. at pp. 10-12.) As birds build nests outside of the typical nesting season and often do so on and around active construction sites, the DEIR’s mitigation should be updated, as described in Ms. Guttilla and Mr. Magney’s correspondence to protect nesting birds. (Ibid.) Likewise, the DEIR’s mitigation to protect special status bats should be updated per Ms. Guttilla and Mr. Magney’s recommendations. (See id. at p. 12-13.)

Response CC.11: Please refer to Response DD.11: and Response DD.12: below regarding the suggested revisions to the Draft EIR’s mitigation measures.

Comment CC.12: E. In order to comply with CEQA, the DEIR must be amended to recognize and mitigate the Project’s significant impacts to Biological Resources.

Please conduct additional studies, consistent with the recommendations outlined herein and in Ms. Guttilla and Mr. Magney’s correspondence, updated the DEIR to reflect the presence of sensitive species on site, update the DEIR’s conclusions to recognize significant impacts to sensitive natural communities as well as sensitive plant and animal species, and provide mitigation that would preserve the Community Garden, greenspace, and wetland habitat.

Response CC.12: The specific issues raised by Ms. Guttilla and Mr. Magney are addressed below in Responses DD.1 through DD.20.

Comment CC.13: IV. The DEIR’s Conclusion that the Project Will Not Have a Significant Impact on Recreation Is Not Supported by the Evidence.

The DEIR concludes the Project will have a less than significant impact on Recreation is also not supported by the evidence. (DEIR, pp. 165-166.) The Community Garden provides unique

recreational resources to the City of Daly City. The Community Garden on site is the only community garden in Daly City. (Exhibit [Petition].) According to the Community Garden Alliance:

Community gardens function as ecological green space, a gathering place for neighbors, as well as a place for solitude, reflection and study. They also make a positive contribution to the community by reducing food insecurity, providing access to culturally relevant foods, promoting healthier eating through education programs, and providing access to gardening for those who otherwise could not have a garden, such as families with young children, the elderly, recent immigrants, multifamily dwellers, and or the homeless. (Ibid.)

The record is full of letters and comments from citizens espousing the unique recreational value of the Community Garden and imploring the City not to destroy such a valued resource. (See e.g. Sept. 3, 2023 Email to Michael Van Lonkhuyzen from Andrew Sielen.) A recent Petition to save the Community Garden garnered more than 4,000 signatures because of the unique, important recreational value the Community Garden provides. (Exhibit [Petition].)

The DEIR suggests that it will mitigate the loss of the Community Garden with a small set of raised planter beds off site. (See DEIR p. 10 [“JUHSD is providing raised planter beds at their new adult education building located at 123 Edgemont Drive...”].) The DEIR does not discuss this alternative in any additional detail, except to show approximately six raised garden beds in an extremely small space off site. (Id. Fig. 2.2-6.)

The proposed off site garden beds will not provide the public with the same resources nor recreational opportunities as the existing Community Garden, and are insufficient mitigation for the destruction of such an important resource. (Compare DEIR, Figure 2.2-6 with Photos of Garden, available at <https://spaces.hightail.com/space/Rnj8vvgpFV0/files#pageThumbnail-1>.) The raised beds are not located adjacent to greenspace, will not provide habitat for sensitive species, will not permit community gardeners to cultivate plants, will not provide sufficient space for indigenous religious ceremony, and will not provide the same recreational opportunity as the existing space. Please update the DEIR to reflect that the removal of the Community Garden will have significant impacts to recreation, and provide mitigation and/or an alternative which preserves the Community Garden.

Response CC.13: Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation above.

Comment CC.14: V. The DEIR Fails to Analyze Relevant Land Use Plans, Policies, and Regulations, and Therefore, Its Conclusion that the Project Will Not Have Significant Land Use Impacts is Not Supported by the Evidence.

The DEIR concludes that the Project will have less than significant impacts on relevant land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental

effect. (DEIR, p. 123.) Yet, in its analysis, it incorrectly asserts that the Project complies with the City's Inclusionary Housing Ordinance and ignores relevant land use policies. (See DEIR.)

The Project does not comply with the Inclusionary Housing Ordinance, which, as explained in the DEIR, mitigates negative effects on the environment. (DEIR, p. 124.) In Project proposals, the City has indicated that affordable housing units will be separated from the rest of the Project. (See November 15, 2021 Memorandum to the Mayor, Affordable Housing Committee, and Councilmember Glenn Sylvester.) Though the Precise Plan asserts that affordable housing will be "mixed throughout the site," it indicates that an "affordable housing development is planned... at the southeast corner of the Plan Area." (DEIR Appendix B, p. 14.) The Project website shows "workforce housing" segregated onto Parcel C. (Jefferson Union High School District, The Serramonte Del Rey Neighborhood, available at <https://serramontedelrey.org/masterplan/>.) If the Project, in fact, will segregate all or the majority of low income housing onto specific parcels, away from the rest of the Project, this should be explicitly noted in the DEIR. (See Discussion of CEQA Requirements for an Accurate Description of the Project, above.)

If the Project in fact segregates such housing, the Project will fail to comply with the Inclusionary Housing Ordinance. The Inclusionary Housing Ordinance was enacted to "provide for integration of low- and moderate-income households with households in market-rate neighborhoods." (Daly City Municipal Code ["DCMC"] § 17.47.010(c).) The Ordinance mandates: "[M]ultifamily Inclusionary Units shall be located so as not to create a geographic concentration of Inclusionary Units within the Residential Development." (DCMC § 17.47.100 (A).) Such a conflict constitutes a significant land use impact. Please update the DEIR to reflect and mitigate this impact by dispersing the low-income housing throughout the Project, and/or fashion a project alternative that would do so.

Response CC.14: Please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above. The location of affordable housing within the project in no way implicates an environmental impact, beyond those impacts already disclosed in the DEIR related to the construction and occupancy of the units planned for the site. Nothing provided in the comment supports the claim that the specific location of affordable units within the site (i.e. dispersal among several buildings or concentration within one or more buildings) would translate to a change in the nature or severity of any particular environmental impacts, such as to biological resources, noise, air pollution, water demand, energy use, vehicle trips, etc., beyond what is disclosed in the Draft EIR. An affordable unit, whether located on any particular portion of the site (e.g. Parcel B-F), would result in the same impacts as disclosed in the Draft EIR.

Comment CC.15: As the Project would segregate low-income housing from market-rate housing, it would also impermissibly discriminate against Black, Latino, and Indigenous residents. (See accord NAACP's June 10, 2022 and October 6, 2022 Letters to Daly City Mayor, available at <https://www.communitygardenalliance.org/naacp-letters/>.) Empirical evidence demonstrates that Black, Latino, and Indigenous families have lower income, less wealth, and are more likely to be

extremely low-income, and thus are more likely to utilize affordable housing. Black, Latino, and Indigenous households “are more likely than white households to be extremely low-income renters.” (Exhibit E, National Low Income Housing Coalition, Racial Disparities Among Extremely Low Income Renters (Apr. 2019).) Because of decades of racist policies and practices, “[f]or every \$1 that white families earn, Black families earn \$0.60 and Latino families earn \$0.52.” (Exhibit F, Public Policy Institute of California Fact Sheet, Income Inequality in California (March 2023); see also Exhibit E, National Low Income Housing Coalition, Racial Disparities Among Extremely Low Income Renters (Apr. 2019).) The data also demonstrates that Black and Latino families have significantly less wealth than white families. According to the U.S. Department of the Treasury, “the median white family had \$184,000 in wealth in 2019 compared to just \$38,000 and \$23,000 for the median Hispanic and Black families, respectively.” (See Exhibit G, U.S. Department of the Treasury, Racial Differences in Economic Security: The Racial Wealth Gap (Sept. 2022); see also Exhibit H, de Costa, Pedro, Economic Policy Institute, Housing Discrimination Underpins The Staggering Wealth Gap Between Blacks and Whites (Apr. 2019).) As Black, Latino, and Indigenous people are more likely to utilize affordable housing, and the Project, as proposed, would segregate affordable housing from market rate housing, the Project would, therefore, segregate Black, Latino, and Indigenous residents in the Serramonte Del Rey Development.

Approval of the Project thus would enable the Project to discriminate on the basis of race and ethnic background, and violates General Plan Policy HE-16, which provides that the City must “[p]revent housing discrimination based on age, race, religion, sex, ethnic background, or familial status, and work...”

Likewise, if the City approves the Project, it would fail to comply with General Plan Task HE-16.1. General Plan Task HE-16.1 mandates: “[t]he City shall assist in the implementation and enforcement of State and federal fair housing and civil rights laws.” State Civil Rights laws, including the Unruh Civil Rights Act and Fair Employment and Housing Act (“FEHA”) prohibit discrimination on the basis of race, color, or ancestry in housing. (See Cal. Civil Code § 51; Gov. Code §§ 12900 et seq.) This would also contravene the City’s obligation to affirmatively further fair housing, and the prohibition on discrimination in any program or activity funded by the state of California. (See Gov. Code §§ 65584(e), 11135.)⁶ If the City were to approve the Project, it would permit the violation of the Unruh Civil Rights Act and FEHA and would contravene Government Code sections 11135 and 65584. The City, therefore, would thus fail to comply with General Plan Task HE-16.1.

Response CC.15: Economic and socioeconomic topics are not considered CEQA issues unless they are a result of environmental impacts caused by a project. The commentor specifically references General Plan Policy HE-16 and the associated General Plan Task HE-16.1. General Plan Policy HE-16 is a housing element policy directing the City to prevent housing discrimination in accordance with State law and does not constitute a land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Therefore, it does not need to be analyzed under the Draft EIR. Furthermore, as discussed above in Response CC.14 and in Master Response 3: Inclusionary Housing Ordinance and

State Affordable Housing Law, the specific location of affordable units within the project would not translate to any change in the nature or severity of the project's environmental impacts, therefore, the Draft EIR does not include discussion of economic or social impacts. For discussion of the Project's compliance with State law, please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law. A footnote in commentor's letter cites several studies regarding the environmental impacts that may result from the siting of housing in certain areas. To the extent the commenter suggests that future project users will be exposed to significant impacts, CEQA statutes and cases are clear that impacts on future project users are not properly subject to CEQA review in these circumstances. Nevertheless, for informational purposes, the Draft EIR fully analyzed health risks, including impacts on future project users, and determined impacts would be less-than-significant after mitigation. Specifically, the Draft EIR demonstrates that future project users will not be exposed to significant environmental impacts, and that ambient health risks are orders of magnitude below the local air district's risk thresholds. For instance, surrounding pollution sources are estimated to have PM_{2.5} concentrations of 0.04 µg/m³ (compared to a threshold of 0.8 µg/m³); a hazard index of <0.04 (compared to a threshold of 10.0); and a cancer risk of 10.64 per million (compared to a threshold of 100 per million). (Draft EIR, page 51). To the extent Parcel C may have a greater share of affordable units, it is important to note that Parcel C sits farther from the nearest highway and gas station, which are located to the north of the project site and nearest to Parcel B's market-rate units (which, like the remainder of future project users, have been studied and shown not to experience any substantial exposure above local air district thresholds). Commentor has not demonstrated any environmental impact of the project that has not already been addressed and analyzed in Chapters 3.3 and 3.8 discussing Air Quality and Greenhouse Gas Emissions respectively.

Comment CC.16: The Project also does not comply with Daly City General Plan Policy LU-18, which provides:

Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potentially significant effects.

Despite this Policy, as discussed herein, the Project will significantly disrupt the natural environment – it will destroy the Community Garden, as well as essential urban habitat for sensitive species, resulting in significant environmental effects. (DEIR, p. 10.) The Project also fails to take all reasonable measures to prevent such effects. The Project, therefore, would have significant land use impacts.

The DEIR, however, does not recognize these inconsistencies with the City's Ordinance, City General Plan, and state law as significant impacts. The DEIR's finding that the Project would not result in

significant land use impacts, therefore, is not supported by substantial evidence. What’s more, because the DEIR fails to recognize such impacts, it fails to provide legally-required mitigation measures or alternatives to mitigate such impacts.

As such, in order to comply with CEQA, please update the DEIR to analyze the land use inconsistencies discussed above, provide mitigation for these inconsistencies including dispersing affordable housing throughout the Project, and update the DEIR’s alternatives analysis to account for these significant impacts.

Response CC.16: As discussed throughout the Draft EIR and in Response CC.1: through Response CC.15:, the project would comply with General Plan Policy LU-18 because the project would not result in any significant, unavoidable impacts to the natural or urban environment and all necessary mitigations have been identified to reduce impacts to less than significant levels. Please also refer to Master Response 1: Demonstration Garden.

Comment CC.17: VI. The DEIR Alternatives Analysis Does Not Sufficiently Examine Nor Adopt Alternatives That Would Mitigate Project Impacts.

The CEQA alternatives analysis has been described by the California Supreme Court as the “core of an EIR.” (Citizens of Goleta Valley v. Board of Supervisors (1990) 52 Cal.3d 553, 564.) An EIR must include a sufficient range of alternatives to permit a reasoned choice between alternatives and foster public participation. (Cal. Code Regs., tit. 14, § 15126.6(f); Bay Area Citizens v. Association of Bay Area Gov’ts (2016) 248 Cal. 4th 477.) CEQA provides a “substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures” that can lessen the environmental impact of proposed projects. (Mountain Lion Foundation v. Fish & Game Com. (1997) 16 Cal.4th 105, 134, citing Pub. Resources Code § 21081 [emphasis added].) “Without meaningful analysis of alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 404 [“Laurel Heights”]; Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1350.)

A lead agency’s ability to comply with this mandate is predicated on a clear analysis of correct findings of a project’s impacts and a feasible set of project objectives. An EIR’s review of project alternatives must analyze alternatives “which are capable of avoiding or substantially lessening any significant effects of the project.” (Cal. Code Regs., tit. 14, § 15126.6(b).) It’s very purpose is to identify ways to reduce or avoid significant environmental impacts. (Laurel Heights, supra, 47 Cal.3d at 403.) In order to achieve this purpose, the EIR must correctly identify project impacts.

Yet the Project alternatives analysis, as drafted, does not adequately assess whether alternatives would avoid or substantially lessen significant Project effects, because the DEIR incorrectly identifies a number of impacts – including impacts to biological resources, recreation, and land use

– as less than significant. The DEIR’s alternatives analysis, therefore, does not sufficiently examine whether the alternatives listed would mitigate or avoid such impacts. (See DEIR, pp. 209.)

For this reason, the DEIR does not consider alternatives that would mitigate substantial land use, recreation, and biological resources impacts. (DEIR, pp. 211-215.) Sierra Club and the Daly City Community Garden Alliance have repeatedly requested that the City require the Developer to mass the buildings closer to Serramonte Boulevard; convert the Community Garden into a public park, in order to preserve it; continue to permit public use of the Community Garden; and disperse affordable housing throughout the Project. (See Sierra Club September 8, 2021 Daly City City Council Letter, available at https://www.sierraclub.org/sites/www.sierraclub.org/files/sce-authors/u18061/Daly%20City%20Council%20Letter%20on%20SDR%20GPU%20and%20SDM%2091321_9.8.21.pdf ; Sierra Club Board of Supervisors August 13, 2021 Letter, available at [https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/loma-prieta chapter/conservelatters/Letter%20to%20David%20Canepa%208.13.21.pdf](https://www.sierraclub.org/sites/www.sierraclub.org/files/sce/loma-prieta%20chapter/conservelatters/Letter%20to%20David%20Canepa%208.13.21.pdf).) An alternative that does so would avoid significant land use biological resources and recreation impacts, and would conform with the Inclusionary Housing Ordinance, the General Plan, and relevant civil rights laws. Yet the DEIR does not identify any such alternative nor make any effort to mitigate significant land use and biological resources impacts related to the segregation of affordable housing or the destruction of the Community Garden, wetland, and greenspace. (DEIR, pp. 211-215.)

Though CEQA “compels government... to mitigate... adverse effects through the imposition of feasible mitigation measures or through the selection of feasible alternatives,” the DEIR does not select a feasible alternative which would mitigate the significant biological resources, recreation, and land use impacts discussed in this correspondence. (Sierra Club v. State Board of Forestry (1994) 7 Cal.4th 1215, 1233, see also Pub. Resources Code § 21002.)

Adoption of the DEIR without substantive changes to the Alternatives analysis would violate CEQA. Please update the DEIR to both articulate and select an alternative that would preserve the Community Garden and surrounding greenspace, and disperse affordable housing throughout the Project, as articulated herein.

Response CC.17: Please refer to Master Response 8: Alternatives above. Please also refer to Response F.12. Please also refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law.

Comment CC.18: VII. Conclusion

For the foregoing reasons, Daly City will violate CEQA if they adopt the DEIR and the Project without substantial changes. Please update the Project and the DEIR to adequately address the issues raised in these comments, then recirculate a revised DEIR with the information and analysis requested herein.

Pursuant to Section 21092.2 of the Public Resources Code and Section 65092 of the Government Code, please notify Sierra Club of all CEQA actions and notices of any public hearings concerning this Project, including any action taken pursuant to California Planning and Zoning Laws. In addition, pursuant to Public Resources Code section 21167(f), please provide a copy of each Notice of Determination issued by the City or any other public entity in connection with this Project, and add Sierra Club to the list of interested parties in connection with this Project. Please send all notices by email to Gladwyn d'Souza at godsouza@mac.com and Sabrina Brennan at sabrina@dfm.com. If email is unavailable, by U.S. Mail to Sabrina Brennan, 165 La Grande Avenue, Moss Beach, California 94038.

Thank you for your careful attention to these important matters.

Response CC.18: Please refer to the responses regarding the commenter's concerns above. Based on these responses, the Draft EIR does not require recirculation.

DD. Althouse and Meade, Inc. (dated September 7, 2023)

Comment DD.1: Per your request the Biological Resources section of the Draft Environmental Impact Report (DEIR) was reviewed by Althouse and Meade, Inc. (A&M) Principal Biologist David Magney and Senior Biologist Darcee Guttilla.

David Magney is a California Certified Consulting Botanist (#0001), ISA Certified Arborist (#WE-4746), approved biological consultant for Santa Barbara, Ventura, Los Angeles, and San Luis Obispo Counties, and has served as an Expert Witness for the U.S. Department of Justice on an EPA wetlands violation case in Santa Barbara County. He has extensive knowledge and experience with the biological resources of California and the Bay Area. Mr. Magney also serves as the Rare Plant Program Manager for the California Native Plant Society (CNPS). He is also researching the flora of Ventura County and has authored several publications on biological resources. Mr. Magney is the chair of the California Board of Certification, serving in that capacity since its inception in 2015. His resume is attached to establish his expertise and experience in biological resource issues.

Darcee Guttilla is a Certified Wildlife Biologist® with 28 years of experience as a field biologist in California. Ms. Guttilla possesses the expertise and qualifications to expertly evaluate the quality and completeness of biological resource assessment reports. She holds a M.S. in Biology from California State University, Fullerton and a B.S. in Zoology from the University of California, Santa Barbara, demonstrating her strong educational foundation in the biological sciences. Ms. Guttilla's experience includes obtaining recovery permits from USFWS to conduct activities with federally threatened and endangered species such as the California tiger salamander and California red-legged frog. She has worked as an authorized biologist on multiple projects involving these protected species across several California counties. Ms. Guttilla has demonstrated application of ecological principles for the sound management of rare and sensitive species and habitats. With her extensive experience conducting field surveys of various taxa, managing habitats, and implementing protocols to avoid and minimize impacts to sensitive species, Ms. Guttilla has the expertise to

evaluate the thoroughness and scientific rigor of biological assessments to ensure complete disclosure of potential project impacts and effectiveness of proposed mitigation measures. Ms. Guttilla's combination of educational background, regulatory experience, and applied skills make her exceptionally qualified to review and critique biological resource reports.

A&M generally finds the assessment of biological resources inadequate in fully characterizing the conditions of the biological resources of the project site and failing to properly identify sensitive resources that should either be avoided or mitigated to a less-than-significant level. Details of our review are provided below.

Policy LU-18 Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potentially significant effects.

Response DD.1: This is an introductory comment that summarizes the comment letters main concerns. Please refer to the responses below regarding specific issues raised by comment letter.

Comment DD.2: DEIR Page 59, Sensitive Natural Communities, states that there are “No riparian, native grassland, valley oak woodland, or other sensitive natural communities are present withing the project site” but claims that the “Demonstration Garden” is of planted species therefore does not qualify as a sensitive natural community. However, it is stated that there are “two separate stands of native arroyo willow” onsite. The DEIR claims that the site has been significantly disturbed in the past and that the biologists did not find a natural stream that these Arroyo Willow thickets to not meet the definition of a sensitive natural community.

(see Appendix A for Photo 1. Blue Butterfly from the community garden site).

This conclusion as at least two flaws in logic. First, because the project biologists did not find a natural water source does not mean that one is not present. If fact, natural seepage is documented by the Daly City Community Garden Alliance as present, with standing and flowing water from the adjacent slopes to the west that ponds onsite as a result of a clogged drainage system. The fact that Arroyo Willow thickets have become established onsite clearly indicates that surface and shallow groundwater is present in sufficient quantities to support hydrophytic plants. Furthermore, the presence of an unmaintained drainage system is also evidence of a need to convey surface water, presumably at least in part from the seeps found onsite. Second, all wetland habitats, including willow wetlands, in California are considered sensitive habitats because they have been reduced in area by over 90% and because they provide habitat for a wide variety of native species of wildlife.

Response DD.2: The comment relies on documentation provided by the Community Garden Alliance to make the statement that natural seepage is present. The photos and videos provided by the Community Garden Alliance were taken during the wet

season during a wetter than normal period of time. During the 14 days prior to the date the photographs and videos were taken (January 9, 2023), 11.2 inches of rain occurred, and on January 9, 1.2 inches of rain occurred (Deters 2023). The presence of standing or flowing water in and of itself is not necessarily indicative of the presence of aquatic features, particularly during a wetter than normal period of time during the wet season.

While arroyo willow (*Salix lasiolepis*) often does occur in wetlands, it is a phreatophyte (has a deep taproot) and as such is able to access ground water below the depth necessary to meet wetland criteria. Arroyo willows frequently occur in upland positions in the San Francisco Bay Area, and the presence of arroyo willow in and of itself does not indicate wetland conditions. For example, at the mapped arroyo willow thicket closest to the demonstration garden, the understory is dominated by ivy (*Hedera sp.*) and upright veldt grass (*Ehrharta erecta*), both of which are indicative of upland conditions. The presence of an understory dominated by perennial upland species indicates that the arroyo willow is not behaving as a hydrophyte.

As described in the Draft EIR, the meadow is a man-induced feature, resulting from deferred maintenance of the project site's drainage system. The comment makes the presumption that the hillside seepage is natural in origin but does not provide a scientific basis to support that presumption. Documentation provided in support of the Draft EIR provides substantial evidence demonstrating that the presence of water on the hillside is present entirely as a result of human-induced modifications to the landscape (see Appendix E of the Draft EIR). The value of this wetted area is entirely linked to human activity, i.e., the drainage system could be more frequently maintained at any time, causing the hydrologic conditions to support a wetland to cease to exist. The fact that the existence of this feature is dependent on human action and that JUHSD could decide to more frequently maintain the drainage system at any time were factors leading to the determination in the Draft EIR that the meadow is not a sensitive natural community.

The comment's claim that all wetland habitat in California should be considered sensitive natural communities is misleading. Sensitive habitat is based on regulations and jurisdiction, with each jurisdiction having different criteria for what is considered sensitive habitat, and it is not the case that all arroyo willow thickets in the state are treated as sensitive, regardless of the circumstances. As discussed above and in Master Response 5: Wetlands, the Draft EIR concluded that the meadow does not appear to qualify as a jurisdictional wetland and, therefore, would not be considered sensitive habitat under CEQA.

Comment DD.3: Special Status Plants

Seasonally timed botanical surveys are found to be insufficient with site visitations occurring only in January, April, and June 2021. The bloom period for perennial herb, Water Star Grass (*Heteranthera dubia*) is July-August. This species is found in wetland and riparian communities, which are known to occur onsite.

There is also no mention of visitation to botanical reference sites for sensitive plant species listed in CNDDDB and CNPS rare plant inventory to determine if they would be in bloom during January, April, and June site visits to proposed project site. These are important resources that the project biologist needs to examine to determine which special-status species have potential to occur on the project site.

(See Appendix A for Table 1. Vascular Plants Identified From Community Garden Photographs (1/9/23))

A thorough floristic survey needs to be conducted of the project site, indicating which plants were planted versus naturally occurring, not just assuming all plants were planted.

Response DD.3: It is standard practice and consistent with California Department of Fish and Wildlife (CDFW) botanical survey guidelines to first evaluate a site and determine whether it has the potential to support special-status plant species. If it is determined that a site does have the potential to support special-status plant species, then floristic surveys are appropriate, including visits to reference sites. If it is determined that a site is unlikely or has no potential to support special-status plant species, floristic surveys are not required, and visits to reference sites are not needed.

Based on numerous site visits conducted by two biological consulting firms, the project site does not have the potential to support special-status plant species, and therefore floristic surveys were not necessary. The site has a long history of significant land disturbance and is surrounded urban development, which were factors used as a basis for the Draft EIR concluding that the project site does not contain any special-status plant species.

The comment states that water star grass (*Heteranthera dubia*) has the potential to occur at the Project site because suitable habitat is present. However, water star grass, which was last documented in the San Francisco Bay Area in 1879, occurs in alkaline, still, slow-moving, usually slightly eutrophic waters in marsh and swamp habitat, and such habitat is absent from the project site. The wetted area on-site is a small, isolated, shallow, seasonally inundated depression that is dominated by annual herbs and that formed incidentally due to deferred infrastructure maintenance in a highly altered landscape. It is not suitable habitat for this species.

Comment DD.4: Wetland Habitats

Wetland habitats are documented as present onsite. While the recent Supreme Court decision about Clean Water Act jurisdiction may have eliminated U.S. Army Corps of Engineers (Corps) jurisdiction on the wetlands onsite, wetland habitat is still present and represents a sensitive habitat that provides numerous functions (Brinson 1993, Brinson et al. 1995) and would be considered significant. These functions can be measured by using a Hydrogeomorphic Assessment Methods (HGM) model that allows for an objective and holistic approach to measuring wetland functionality (Hruby 1999). A regional HGM model for riverine wetlands was developed for the California central coast (Lee et al. 1996) and could be applicable here.

Impacts to wetland habitats need to either be avoided or fully mitigated. A permit from the California Department of Fish and Wildlife (CDFW) pursuant to Section 1600 et seq. will be required for any alteration of the wetland habitats onsite.

Response DD.4: No HGM Regional Guidebook has been developed for the region in which the project site occurs (i.e. the site is not located within the California Central Coast region for which the suggested HGM model was developed, and therefore inapplicable to the site). Regardless, the wetted area has low value for the reasons stated above in Response DD.2: above, and impacts to it are less than significant. The value of this wetted area is entirely linked to human activity, i.e., the drainage system could return to more frequent maintenance at any time, causing the wetland to cease to exist. The fact that the existence of this feature is dependent on human action and that JUHSD could decide to more frequently maintain the drainage system at any time were factors leading to the determination in the Draft EIR that the loss of the meadow is a less than significant impact. A less than significant impact does not require mitigation under CEQA. In addition, California Fish and Game Code Section 1600, et seq. requires a permit from CDFW only when a project would “substantially divert or obstruct the natural flow of, or substantially change or use any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake.” There are no water ways like rivers, streams, or lakes present on the site that would trigger CDFW jurisdiction. Please also refer to Master Response 5: Wetlands above.

Comment DD.5: Special-status Wildlife

The DEIR on Page 62 states that no special-status wildlife species were observed onsite. It further states that the Western Bumble Bee (*Bombus occidentalis occidentalis*) has no protection status; however, the California Fish and Game Commission elevated its status, and the status of three other bumble bee species to be candidates as Endangered under the California Endangered Species Act since 2019. Suitable habitat for Western Bumble Bee does occur onsite (shrublands, chaparral, gardens, and urban parks) and is known from northern Mexico to central British Columbia. The DEIR’s statement that “range of the western bumble bee, which is not a protected species under federal or state law but is being closely monitored due to declines in numbers and distribution over the past two decades, does not encompass the project site” is inaccurate. Suitable habitat for the

Western Bumble Bee is indeed present. For example, A&M biologists just found Crotch Bumble Bee (*Bombus crotchii*), a species also given candidate status under the California Endangered Species Act, on a site in the upper Salinas River Valley that no one considered suitable for it. Field surveys need to be conducted specifically for bumble bees to determine if they are present or not.

Response DD.5: The fact the commentor observed another type of bee on a different site in another part of the state is not at all indicative of the potential for the western bumble bee to be present on the subject site. Historically, western bumble bee (*Bombus occidentalis*) was distributed broadly throughout the western United States (Hatfield et al. 2015). In California, western bumble bee is thought to be largely extirpated from low elevation sites and is restricted to the Northern Coast and Sierra Nevada Ranges (Hatfield et al. 2015, Bumble Bee Watch 2023). This species has not been encountered during recent bumble bee surveys conducted along the California coast (Bumble Bee Watch 2023). For these reasons, western bumble bee is unlikely to be present at the project site and does not need to be surveyed for.

Comment DD.6: Mission Blue Butterfly is known from approximately 1 mile from the project site as reported in the CNDDDB. Daly City Community Garden Alliance members have reported seeing hundreds of Mission Blue Butterfly individuals onsite and its host plant, *Lupinus albifrons*, occurs onsite. Protocol level surveys for the Mission Blue Butterfly should be conducted before any conclusive statements can be made about its potential presence onsite and how impacts to it can be avoided.

Response DD.6: The Mission blue butterfly (*Icaria icarioides missionensis*) persists in small populations in San Francisco, San Mateo and Marin Counties. The majority of the remaining Mission blue butterflies are found on San Bruno Mountain in San Mateo County, located in close proximity to the project site. This species inhabits coastal chaparral and coastal grasslands in the fog belt of the coastal range from 690 to 1,180 feet elevation. Three species of lupine serve as larval food plants: silver lupine (*Lupinus albifrons*), summer lupine (*L. formosus*), and many colored lupine (*L. littoralis* var. *variicolor*). Adults feed on hairy false golden aster (*Heterotheca villosa*), blue dicks (*Dipterostemon capitatus*), and seaside buckwheat (*Eriogonum latifolium*) (Black and Vaughan 2005).

The comment states that Community Garden Alliance members have reported seeing “hundreds” of Mission blue butterflies on the project site. The Community Garden Alliance includes photographs and videos of a blue butterfly (Family Lycaenidae) taken on January 9, 2023 (Community Garden Alliance 2023). The photos and videos were analyzed by WRA. The dots on the ventral side of the wing of Mission blue butterflies are circular, with a white ring or halo around them. In contrast, the dots on the ventral side of the wings of the butterfly in the Community Garden Alliance video are irregular dashes with no ring. Based on this video, the

blue butterflies observed by Community Garden Alliance members are Pacific azures (*Celastrina echo*), and not Mission blue butterflies. Pacific azures are common butterflies that are widely distributed throughout the San Francisco Bay Area and utilize numerous host plants. Therefore, the photographs submitted by the Daly City Community Garden Alliance do not provide evidence that Mission blue butterflies occur within the project site.

The comment asserts that a Mission blue butterfly occurrence is documented in the California Natural Diversity Database approximately 1 mile from the project site, but WRA was unable to locate an occurrence record within 1 mile of the project site. The nearest documented occurrence in the CNDDDB is approximately 1.8 miles south of the project site, at Milagra Ridge. Mission blue butterfly is also known from San Bruno Mountain, approximately 2 miles east of the project site. However, most Mission blue butterflies only travel short distances (up to 1.2 miles) around known population centers. Adult butterflies would have to cross miles of urban development to reach the Project site from the closest known population area, which is unlikely to occur.

The comment also reports that the host plant of the Mission blue butterfly, silver bush lupine, occurs within the project site. Several Community Garden Alliance photos depict lupines occurring around the Project site, including a shrub lupine species and several annual and/or perennial herbaceous species. WRA revisited the project site on September 26 and October 5, 2023. All shrub lupine species observed, including those in the Community Garden Alliance photos, are coastal bush lupine (*Lupinus arboreus*). A small grouping of a few herbaceous lupines was observed within the garden, and no herbaceous lupines were observed outside of the garden. Because of late-season phenology, the herbaceous lupine could not be identified to species, but based on the combination of observable vegetative characteristics (such as an erect habit, leaflets that are glabrous adaxially and sparsely hairy abaxially, petioles greater than 12 inches long, overall plant height of 40 inches) it can conclusively be determined that the lupine present is not any of the Mission blue butterfly host plant species. Some of the herbaceous lupines in the Community Garden alliance photos could not be located, but it is assumed that these were annual species, because the perennial lupine species that are known from San Mateo County would retain their foliage and still be evident at the time of the site visit. No annual lupines are host plants for the Mission blue butterfly. Therefore, although lupines are present within the project site, none are suitable host plants for Mission blue butterfly. Further, in the event a few host plants were found in the demonstration garden, the low number of host plants coupled with being surrounded by urban development would not be enough to sustain a Mission blue butterfly population. Thus, the demonstration garden would not be considered critical habitat for a special-status species.

After reviewing background materials and conducting a site visit, the photographs and video taken by the Community Garden Alliance do not provide evidence of Mission blue butterfly occurring within the project site. Furthermore, based on dispersal barriers and the lack of host plant species, Mission blue butterfly is unlikely to occur within the project site.

Comment DD.7: California red-legged frog (*Rana draytonii*; CRLF) has a 2019 CNDDDB record within two miles of proposed project site. U.S. Fish and Wildlife Service Revised Guidance on Site Assessment and Field Surveys for the California red-legged frog (2005) does not require a site assessment if not within 1-mile of known location; however, the proposed project site is within the current range of California red-legged frog (<https://www.fws.gov/species/california-red-legged-frog-rana-draytonii>), within the Colma Creek watershed (<https://www.flowstobay.org/data-resources/maps/watershed-map/>), and less than one mile to from Colma Creek (which runs parallel with State Highway 82). This should warrant, at minimum, targeted nocturnal eyeshine surveys when water is present and nocturnal eyeshine surveys during rain events when CRLF move over upland habitat. The above USFWS guidance (2005 file:///C:/Users/darceeg/Downloads/CRF- Survey-Guidance%20Aug2005_FINAL%20(1).pdf) also provides optimal periods for detection of all life stages of CRLF.

Response DD.7: There is no potential breeding habitat on the site for California red legged frog, there are no suitable breeding ponds in proximity to the project site, and there are no suitable aquatic movement corridors between areas containing suitable breeding habitat and the project site. The project site is within the Colma Creek watershed, but it is surrounded by major roads and located greater than 1 mile west of Colma Creek. The land between the project site and Colma Creek is completely developed, with development types including residential, commercial, industrial, cemeteries, and the Interstate 280 freeway. The remainder of the site is surrounded by dense urban development. These barriers preclude dispersal by California red-legged frog (*Rana draytonii*) into the project site. As such, there is no potential for California red-legged frog to occur in the project site, and surveys for this species are not necessary.

Comment DD.8: A species list provided by community garden volunteers identified numerous species of wildlife.

Response DD.8: The species list by the community includes five special-status or potentially special-status species: Mission blue butterfly, Monarch butterfly (*Danaus plexippus* pop. 1), gartersnake (*Thamnophis* sp.), bald eagle (*Haliaeetus leucocephalus*), and mountain lion (*Puma concolor*).

Mission Blue Butterfly: Please refer to Response DD.6: above.

Monarch Butterfly: The monarch butterfly is found throughout the United States, southern Canada, and Central America. It also occurs in parts of South America and other continents. In North America, this species spends spring and summer months breeding and foraging across much of its range. The monarch butterfly generally uses milkweed (*Asclepias spp.*) for both breeding and nectaring, although nectar may also be obtained from a variety of additional plant species. From August to October, adult monarchs west of the Rocky Mountains will migrate to winter roost sites located along the California coast. At roost sites, monarchs will congregate in thousands or millions on a tree or group of trees. Western monarchs prefer overwintering habitat comprised of a relatively dense grove of trees with some understory, located near water and nectar sources and protected from the wind by topographic landforms or trees. Winter roost sites are often on south, southwest, or west facing slopes which may provide more favorable temperature regimes and wind protection. Monarch butterflies typically arrive in mid-October to overwintering sites along the California coast and remain until late February or March.

The project site is located approximately one mile from the coast, in the monarch overwintering zone. No monarch overwintering sites have been recorded at or in the vicinity of the Project site. Due to the highly urban nature of the site, it is unlikely that clusters of overwintering monarchs would have been overlooked. The Project site contains north-, east- and west-facing sloped hillsides dominated by Monterey pine (*Pinus radiata*), on the northern, eastern, and western borders. The canopy ranges from open to moderately dense. The understory contains areas dominated by annual grasses, as well as moderate to dense shrub cover.

In California, monarchs have been documented using Monterey pine stands as overwintering sites. Potential nectar plants for overwintering monarchs, such as coyote brush (*Baccharis pilularis*), were observed in the understory of the Monterey pines at the project site. Therefore, while the project site does not host a monarch overwintering site, it is possible that migrating monarchs may utilize the site as a transitory roost site while traveling to established overwintering sites to the north or south. However, the project site does not provide a unique value to monarchs as they could use the area similarly to the way they could use landscaped areas in any nearby neighborhood or park. Monarch butterfly presence is incidental at the project site and the project site does not provide habitat that significantly supports biological functions of the species.

Gartersnake: San Francisco gartersnake has no potential to occur at the project site. It is associated with perennially inundated areas such as ponds, and such habitat is absent from the project site. The wetted area in the project site is a small, shallow, isolated, seasonally inundated depression and does not provide suitable habitat for this species. San Francisco gartersnake can sometimes travel along waterways such

as streams, but the nearest stream is greater than one mile east of the project site. No other special-status gartersnake species have potential to occur at the project site.

Bald Eagle: Bald eagles require large areas of open space for foraging and are commonly associated with open bodies of water such as lakes and rivers. Such habitats are absent from the project site and vicinity.

Mountain Lion: The wooded areas along the western and eastern boundaries of the project site have limited value as a low-quality pass-through corridor for mountain lions, and these areas will be retained by the project. These corridors do not provide sustained habitat for mountain lion, and they do not provide high value connectivity for mountain lions because they do not facilitate movement between larger areas of open space. The corridors would facilitate movement between and through urbanized areas, which cause potential for human-lion interactions that are not favorable to the sustainability of mountain lion populations.

Comment DD.9: This is followed by a list of native terrestrial mollusks (snails and slugs) that are known to occur from San Mateo County, some of which could occur onsite. Some of these are endemic to the region and quite rare, and should be surveyed for and assessed for project-related impacts.

Response DD.9: None of the terrestrial mollusk species listed in Table 3 of the comment letter are special-status, as indicated in the table. Surveys for non-special-status species are not required under CEQA, as the removal of habitat for those species would not constitute a significant impact.

Comment DD.10: Table 2 is an example of what should have been provided in Environmental Collaborative's report. Besides direct observations made during the seasonal field surveys, other sources of evidence should be accessed, such as from individuals using the project site and from records posted on Calflora and iNaturalist websites.

(see Appendix A for Table 2. Species List Reported From The Community Garden Volunteers Onsite (8/27/23) and Table 3. Terrestrial Snails Known from San Mateo County)

Response DD.10: The Biological Resources Report prepared for the Draft EIR (see Appendix D of the Draft EIR) includes a summary of special-status wildlife on page five and provides a table of special-status species found on the CNDDDB database in Appendix B to the report. Calflora and iNaturalist databases provide similar information to the CNDDDB database; however, the information supplied on those platforms comes from many individuals and requires additional verification of the contributors. The two expert biologists relied upon by the City in preparing the Draft EIR concluded that referencing these databases was not necessary for this project.

Comment DD.11: Nesting Birds

BRA page 6, paragraph 2 states, 'No evidence of any bird nesting was observed during the field reconnaissance surveys; however, nesting bird surveys are not described in methods section, yet page 15 of BRA Discussion 1) Less than Significant Impact with Mitigation Incorporated, states, 'There was no evidence of any bird nesting on the site during the field reconnaissance survey conducted in January 2021.' Yet in the same paragraph, the author references bird nesting season as February 1 to August 31. This suggests that the biologist did not perform seasonally appropriate nesting bird surveys. It should be clear that not noticing nesting activity is not equivalent to seasonally-timed multiple negative targeted nesting bird surveys. Nesting birds are often intentionally inconspicuous to avoid nest depredation, so it could very easily be the case that nests would not be encountered if targeted surveys were not performed.

Photos provided in the BRA and by Community Garden volunteers demonstrate this remnant parcel of green space supports a diverse array of nesting habitat with varied vegetation strata to support cavity-, ground-, shrub-, and canopy-nesting birds. The importance of this open space to native wildlife is critical even if habitat composition is not pristine native or sensitive habitat. Open spaces landlocked by urban sprawl are important to conserving native species.

BRA page 6 states, 'The intensity of human activity on the developed portion of the site limits the likelihood of any bird nesting, although there remains a remote potential for nests in the limited landscaping and existing structures. Although no evidence of active nests was observed during the field reconnaissance surveys, new nests of more bird species could be established in the future in advance of project construction. Preconstruction surveys are typically performed in advance of vegetation removal or building demolition where occupation by nesting birds is considered possible.'

These assumptions are flawed for the following reasons:

- 1) different bird species have varying tolerances to human activity;
- 2) birds are known to nest in human-occupied urban and suburban areas, on homes, porches and yards, and in active construction sites.
- 3) 14 days is too large of a time span for nesting preconstruction surveys as birds, namely house finches, can build a complete nest and lay an egg in one day.
- 4) Birds build nests on active construction sites so monitoring for nesting birds is necessary if construction overlaps with nesting season to dissuade or prevent nests from being built and if active nests are encountered, they must be properly buffered and protected until chicks successfully fledge.
- 5) A mechanism must be in place that contractors are held accountable for violations for Migratory Bird Treaty Act and Fish & Game Code violations. Include provisions for punishments for violations of these regulations.

DEIR Mitigation Measures page 65

Mitigation Measure Bio-1.1 is inadequate at protecting nesting birds and bats.

MM BIO-1.1 states,

- If construction is initiated during the non-breeding season (September 1 to January 31), then vegetation removal, building demolition and other construction may proceed with no restrictions.

Nesting birds are protected if they are nesting, which includes activities in selecting and building a nest. Some birds like hummingbirds and owls begin nesting in January, and some birds have double clutches or failed and reneest attempts that extend nesting past the typical nesting season window. Neither of these scenarios would preclude protection of nesting birds. Therefore, any time birds are actively nesting, even during construction activities, the nesting birds shall be protected. The statement “without restrictions” should be struck out of measure.

The language in this mitigation measure does not adequately protect bats. In addition to text about birds, address that this measure could impact bats, refer to MM BIO-1.2 for more information.

- If initial building demolition, vegetation removal, and construction is proposed during the nesting season (February 1 to August 31), a focused survey for nesting raptors and other native birds shall be conducted by a qualified biologist within 14 days prior to the onset of construction in order to determine whether any active nests are present on the site and surrounding area within 250 feet of proposed construction. The survey shall be reconducted any time construction has been delayed or curtailed for more than 14 days during the nesting season.

As stated above, 14 days is too long of a lag time between survey date and construction initiation. If the contractor needs an advance window to mobilize for construction initiation, it is recommended to perform a minimum of nesting bird surveys every other day until construction is initiated.

- If no active nests are identified during the construction survey period, then building demolition, vegetation removal, and other construction may proceed with no restrictions.

The text “without restrictions” should be struck out of measure. As stated above, birds build nests in and around active construction sites. Replacement text should include “A full-time qualified biological monitor is recommended to ensure nesting birds are dissuaded or prevented from building nests in the active construction zone, and active nests that become established are protected. This includes nests built in remaining habitat that may be impacted by construction activities. A qualified biologist shall determine the appropriately sized nest buffer to protect birds based on nest location, visual barriers, and birds’ tolerance to human and construction activity. The biologist has the authority to stop work if construction activities are believed to cause distress to nesting birds until an alternative can be found. Alternatives may include installation of visual blinds and/or reduced access to designated areas of the construction site until chicks fledge.

Response DD.11: The Draft EIR recognizes active nests are protected any time they are present and that nesting birds could be present on-site during the nesting season. Species that have the potential to occur at the project site are known to nest within the nesting bird season (February 1 to August 31). These windows have been established to encompass nesting events including double clutches and re-nest attempts. If nests are observed during surveys completed within the nesting season, mitigation measure MM BIO-1.1 would protect nests even if nesting continues beyond the end of the season. Surveys outside of the nesting bird season are not recommended because while birds can nest outside of that period of time, the possibility of impacts to nesting birds during this time period is negligible.

As the comment points out, the project site does not consist of “pristine native” or sensitive habitat; thus, the replacement of this habitat would not be considered significant. In addition, the project would provide additional open space and landscaping on-site that could be used by urban adapted birds for nesting.

A 14-day preconstruction survey window is the standard survey window used by the City of Daly City for projects in Daly City and provides sufficient time to avoid nesting birds during construction activities. Conducting surveys every other day has diminishing returns and would not significantly increase the likelihood of detecting a nesting bird compared to the 14 day window. In addition, 14 days was deemed appropriate by the two expert biologists relied upon by the City in preparing the Draft EIR. Further, a biological monitor is only needed in cases where sensitive habitats require oversight by that monitor. As discussed above in Response DD.2: through Response DD.9:, the project site does not contain any sensitive habitat for special-status species; thus, a biological monitor is not required.

Mitigation for avoiding impacts to bats is discussed below in Response DD.12.:

Comment DD.12: DEIR Mitigation Measure BIO 1.2 page 66

Adequate measures shall be taken to avoid roosting by special-status bat species because of tree removal and building demolition, specifically:

- ‘To the extent feasible, any tree removal or trimming that is deemed necessary by a certified arborist to maintain tree health shall be conducted outside of the bat maternity season (i.e. generally avoiding tree removal or trimming April through October.’.

Additional text recommended: Prior to removal of any trees greater than 20-inches DBH, a qualified biologist shall inspect trees deemed for removal and surrounding trees for cavities and sloughing bark, guano and urine staining, conduct acoustic surveys (>10 days winter and > 3 days summer), and emergence surveys and prepare and submit a report of findings to CDFW and Daly City Natural Resources Manager. If bats are found in tree cavities, the biologist shall coordinate with CDFW preparation and implementation of a CDFW-approved bat exclusion plan that includes a sufficient

number of appropriately sized and placed supplemental bat housing/bat boxes to accommodate the number of displaced bats.

- ‘Building demolition shall, to the extent feasible, be conducted outside of the bat maternity season (i.e. generally avoiding demolition April through October).’

Alternate text recommended: Building demolition shall, to the extent feasible, be conducted outside of the bat maternity season (i.e. generally avoiding demolition April through October). To avoid impacts to bats roosting in tight spaces, siding, crawl spaces, and attics of buildings, a qualified biologist shall conduct preconstruction bat emergence surveys and inspect entire building interior (including crawl spaces/ attics/chimney) and exterior for bat sign (e.g. guano, insect carapaces) prior to building demolition. The biologist shall prepare and submit a report of findings to CDFW and Daly City Natural Resources Manager. If bats are found in buildings, the biologist shall coordinate with CDFW preparation and implementation of a CDFW-approved bat exclusion plan that includes a sufficient number of appropriately sized and placed supplemental bat housing/bat boxes to accommodate the number of displaced bats.

- ‘If tree removal, trimming, or building demolition occurs within bat maternity season (i.e. generally April through October), a pre-construction bat roost assessment shall be conducted by a qualified biologist at least 14 days and no more than 30 days prior to tree removal or building demolition to determine if bats roosts are present that may be impacted by project activities.’

Comment: a more conservative survey window may be required to adequately perform all three preconstruction surveys trees/building inspection, emergence survey, and acoustic surveys. Caltrans has extensive bat mitigation measures that can be adapted for this project.

<https://dot.ca.gov/-/media/dot-media/programs/environmental-analysis/documents/env/caltrans-bat-mitigation-guide-a11y.pdf>

Response DD.12: The purpose of mitigation measure MM BIO-1.2 is to avoid potentially significant impacts to bats, including to active maternity roosts, which the current measure achieves. If determined necessary by the biologist, the pre-construction bat roost assessment will cover both buildings and potentially suitable trees scheduled for impact, i.e., demolition in and removal/trimming respectively. Potential bat roost substrates will be searched for and noted by the biologist. Potential roosts will be investigated directly by the biologist (e.g., using a bore camera, among other methods) to determine if bats and/or signs of bat occupation are present, and if so which species. If no potential roosts are found, then no additional measures or avoidance would be warranted. If determined necessary by the biologist, emergence surveys will be performed to determine roost occupancy; acoustic surveys may also be performed to support bat species identification if warranted. A report summarizing the methods and results of the habitat assessment

and roost survey (the latter if needed), and any associated recommendations, will be provided to the City for review.

CDFW would be contacted if needed, for example if disturbance to an active maternity roost or roost of special-status species is necessary to accommodate the project and avoidance otherwise within the context of MM BIO-1.2 is not feasible. Please refer to Section 5.0 Draft EIR Text Revisions for revisions to MM BIO-1.2 requiring CDFW contact.

Comment DD.13: DEIR Page 68 Impact BIO-4 The project would not interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites. (Less than Significant Impact)

We counter that wildlife corridor function of open space/green belts in urban settings becomes significantly more important as natural habitats are reduced to disparate islands across the landscape. Keeping only mature trees on edge of property reduces cover for wildlife, making them vulnerable to predation, increased risk of collisions with vehicles, and pets. Increased infrastructure and resulting lighting and associated noise interferes with bat foraging activity and nocturnal wildlife. It reduces breeding and foraging habitat.

Response DD.13: The slopes on the western and eastern sides of the project site are the result of historical grading, and after grading, they were planted with Monterey pines. These areas have been unmaintained and have subsequently developed an understory of primarily weedy species. These forested slopes will be retained by the project, although a tree succession plan for aging mature trees will guide the replacement of existing trees over time due to age or fire vulnerability. For wildlife corridors to function, they need to connect areas of larger open space where the life cycles of species can be completed. The area surrounding the project site is completely developed, with development types including residential, commercial, industrial, cemeteries, and the Interstate 280 freeway. The small, narrow areas on the margins of the project site are situated in a dense, urban context and have limited value as a potential stepping stone corridor, primarily for winged species. This limited wildlife corridor value will be retained by the project.

Comment DD.14: DEIR Page 68 Impact BIO-6: The project would not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. (No Impact)

While the community garden does not have any habitat conservation plan or natural community conservation plan, or other local plan, the garden has been in place for decades and portions of it have provided important habitat for wildlife in an urban environment. Preserving this small part of

the project site would retain the important biological resources currently using this area but would not adversely impact the goals of the redevelopment of the larger site.

Response DD.14: This comment notes retaining the garden would preserve whatever habitat value it currently provides. As discussed in the Draft EIR, the two biological reports supporting the Draft EIR, and in prior responses above, the garden does not provide critical habitat for special-status species, and therefore its removal with the project would not constitute a significant impact. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment DD.15: DEIR Page Cumulative Impacts Impact BIO-C: ‘The project would not result in a cumulatively considerable contribution to a cumulatively significant biological resources impact. (Less than Significant Cumulative Impact with Mitigation Incorporated)’

We disagree with this assessment. In addition to habitat loss from Parcel F and surrounding area, and a significant reduction in habitat quality for remaining habitat, there is the added impact of significant increase in light pollution extending several stories into the skyline, with all of the added noise, vehicles, light pollution, air pollution, and congestion associated with 1,457 new residences and 32,00 SF of commercial/retail space to an already impacted, populous area. The pen space and landscape plan proposes to provide an ecologically sterile, grass park which is a poor choice for water conservation in the face of rising temperatures and drought. Landscaping with native, local drought tolerant species would be a vast improvement.

Response DD.15: Cumulative impacts take into account baseline conditions in combination with the future site conditions and known reasonably foreseeable future projects. The baseline condition within and surrounding the project site is one of dense urban development which already contains significant sources of noise, light, and other human-induced disturbance. The project site itself is currently developed and has been subject to substantial historical disturbance, with existing conditions that are sources of light, noise, and other human disturbance such that it does not closely resemble its original ecological condition or provide any substantial habitat for biological resources. Redevelopment of the project site will not substantially change these baseline conditions on its own or in combination with other reasonably foreseeable projects in the vicinity.

Comment DD.16: Environmental Collaborate Biological Resources Assessment

A Environmental Collaborative biologist conducted reconnaissance level surveys of the project site on 14 January, 5 April, and 16 June 2021. The April and June field surveys were focused on the willow and meadow habitats. It does not appear that seasonal surveys for plants or wildlife were conducted to detect all potential plant or wildlife species that could occur onsite.

The BRA lacks any lists of plants or wildlife observed onsite. Only a few species are mentioned in the text, which is insufficient. Botanical surveys should be floristic in nature to ensure that all plants that are considered sensitive (statewide or locally) are detected. The reviewer has no means to determine if the field surveys were sufficient since there are no lists of what was observed.

Response DD.16: Please refer to Response DD.3: regarding special-status plant surveys. Similarly, if a site is determined to not contain suitable habitat for special-status wildlife species, then no additional surveys for special-status wildlife species are necessary.

Comment DD.17: Cultural and Social Significance of Open Space

From a cultural and social perspective, this open space supports a vital community garden that adds intrinsic cultural and educational value as a gathering place for the local community and provides a means to grow produce, connect with nature, and each other.

Response DD.17: The comment expresses an opinion about the significance of the demonstration garden. Please refer to Master Response 1: Demonstration Garden, Master Response 6: Recreation, and Master Response 7: Tribal Cultural Resources above.

Comment DD.18: Conclusion

Based on our assessment of the methods and conclusions presented in the DEIR and supporting documents, the assessment of impacts on biological resources at the project site are inadequate and failed to follow specific methods and to identify potentially significant adverse impacts to those resources.

Appropriate seasonal field surveys must be conducted before conclusions about the presence or absence of sensitive resources can be made. The project site does contain sensitive resources, such as wetland habitats, which should either be protected or mitigated, preferably onsite.

An alternative could be to just avoid areas with wetlands and wildlife habitat, which would avoid many if not all potentially significant impacts to those resources.

Please contact us if you have any questions or require further information.

Response DD.18: This is a concluding statement that references issues that were raised in prior comments, and were each responded to previously in detail; therefore, no further response is required.

EE. Pacifica Social Justice (dated September 7, 2023)

Comment EE.1: Pacifica Social Justice (PSJ) is submitting the following comments regarding the Serramonte Del Rey Project Draft EIR (DEIR). These comments are a supplement to the comments submitted on behalf of PSJ by Grassetto Environmental Consulting (attached) which address many issues regarding the content of the DEIR.

PSJ believes that the project DEIR is deficient in addressing many required items and also does not address adverse impacts that PSJ and other community members have raised in public meetings and in written communications to Daly City and the Jefferson Unified High School District (JUHSD). Pacifica is particularly impacted by this project because the two High Schools in Pacifica are part of the JUHSD, and it is JUHSD land which is proposed to be converted to this private use.

The project proposed by JUHSD involves land previously used as a public high school, and which currently houses community recreational programs, a head start program, and a community garden.

Response EE.1: This is an introductory comment and restates the proposed project. No further response is required.

Comment EE.2: The property is part of the unceded ancestral homeland of the Ramaytush Ohlone peoples. Although the DEIR claims to address the 22-acre project site, divided into five remaining parcels (B-F) the only specific development plan provided is for the 4.3 acre Parcel B. Parcel A contains 122 units of newly constructed workforce housing, of which 12 are considered below market rate.

Although the DEIR and attachments include environmental modelling that purports to address various phases of the project as well as when the project is occupied, no specifics are provided that can be used to evaluate the impacts and mitigation measures mentioned in the DEIR. Several specific features of this site must be taken into account in the development of each parcel and may affect the results of any modelling.

PSJ has asked for development plans for Parcels C-F and the basis for modelling impacts of construction and use and was told the information is not available, and the only option was to raise the questions in the context of comments on the DEIR. So we hereby renew our request for the development plans for Parcels C-F. We do not believe that Daly City is acting with due diligence in considering approval of an EIR that does not contain relevant information about the development and use of the site.

Response EE.2: Please refer to Master Response 4: Project Description above.

Comment EE.3: Grassetto Environmental Consulting has addressed many issues not addressed in the DEIR, including the existing wetlands at the community garden site, and the impact destruction

of the garden will have on biological diversity, and sensitive species. The following are additional specific comments on the DEIR.

Response EE.3: Responses to the issues raised by Grassetto Environmental Consulting were provided previously, please refer to responses to Comment Letter F, above.

Comment EE.4: A. Section 3.11 Land Use and Planning
Section 3.11.2.1 states:

“The proposed project would comply with the City’s Inclusionary Housing Ordinance (Chapter 17.47 of the City’s Municipal Code), which requires 10 percent of rental units to be low-income units. According to the Ordinance, a lack of new affordable units will have a substantial negative impact on the environment because: (1) housing will have to be built elsewhere, far from employment centers and therefore commutes will increase, causing increased traffic and transit demand and consequent noise and air pollution; and (2) City businesses will find it more difficult to attract and retain the workers they need. Affordable housing policies contribute to a healthy job and housing balance by providing more affordable housing close to employment centers. The proposed project would construct housing within the City of Daly City and it aligns with the City’s Inclusionary Housing Ordinance in providing at least 10 percent affordable housing”

Non-Compliance with Daly City Inclusionary Housing Ordinance (Municipal Code Chapter 17.47)

The DEIR correctly identifies the importance of compliance with the Inclusionary Housing Ordinance in reducing environmental impacts of the project, such as increased noise and air pollution due to increased traffic and transit demand. However, it incorrectly states that the project as described complies with that ordinance. The project as described violates the ordinance in four important ways:

- 1) Inclusionary Housing Units must be provided at an Affordable Rent to households whose annual income does not exceed Low Income (17.47.070), however the plan includes middle income as well as low-income units in the 10 percent of planned units indicated as “affordable.”
- 2) Inclusionary Housing Units must be built at the same time as other units, and for phased projects, must be proportionately built at the same time (17.47.090), however no inclusionary units are planned for Parcel B, which is the only Parcel to be developed in the next two years, and the only parcel for which a specific Plan is proposed.
- 3) Inclusionary Housing Units must be “dispersed” throughout the residential development (17.47.100), however, no inclusionary units are proposed for Parcel B, and according to the “Precise Plan” on the JUHSD website, 100 of the 111 of the required affordable units are to be located in the Parcel C building. (see Appendix A for Table 1 Aggregate BMR Units Developed Per Phase)

- 4) Inclusionary Housing Units must have “the same amenities as the Market-Rate Units, including the same access to and enjoyment of common open space and facilities in the Residential Development” (17.47.100), however the DEIR description of Parcel B includes “Open space serving the residents of the building would include both the ground floor terrace and the roof terrace, up to 20 private balconies for individual units, and an approximately 20,300 square-foot courtyard located on the roof of the parking deck of the mixed-use building which includes amenities such as a hot tub, fire pit, lounge furniture, and an outdoor kitchen.” [emphasis added]. No similar representation is made for the building in Parcel C, which will be predominantly below market rate.

Response EE.4: Please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above. In addition, the excerpted Draft EIR text in the comment notes the project would provide at least 10 percent affordable housing. Since publication of the Draft EIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment EE.5: Non-Compliance with the California Education Code and Government Code

This project proposed by the JUHSD would convert this public resource into private use. The JUHSD has not shown, despite repeated requests, how it has complied with requirements of the California Education Code, Section 176459, referring to Government Code Section 54220 to first offer surplus lands resulting from school closure for the purpose of low-income housing and for park and recreational purposes, nor has it shown how it was made available to specified park and recreation departments (Education Code Section 17459).

This is antithetical to the stated legislative purpose,

GC 54220(a) The Legislature reaffirms its declaration that housing is of vital statewide importance to the health, safety, and welfare of the residents of this state and that provision of a decent home and a suitable living environment for every Californian is a priority of the highest order. The Legislature further declares that there is a shortage of sites available for housing for persons and families of low and moderate income and that surplus government land, prior to disposition, should be made available for that purpose.

(b) The Legislature reaffirms its belief that there is an identifiable deficiency in the amount of land available for recreational purposes and that surplus land, prior to disposition, should be made available for park and recreation purposes or for open-space purposes...

In summary, the project as only partially described in the DEIR creates a negative impact on land use policy, by not providing significant low-income housing in this major development. This will have a negative environmental impact by forcing people to live further from work and social services, therefore increasing commute times, traffic, vehicle miles per day, air pollution and noise. It will also have a negative impact on communities of northern San Mateo County by limiting diversity in housing.

Response EE.5: As property owner, it is the obligation of the JUHSD to demonstrate compliance with the California Education Code and Government Code regarding surplus lands, and not a CEQA issue for the City of Daly to demonstrate in the Draft EIR; therefore, the process by which the JUHSD has satisfied the referenced state codes is not discussed in the Draft EIR. The Draft EIR evaluates the project as proposed by the JUHSD as applicant for development of the site.

Comment EE.6: B. Section 3.14 Population and Housing
Non-Compliance with Residential Housing Needs Allocation and Daly City Housing Element

As discussed in the attached letter from Grasseti Environmental Consulting, the DEIR does not address the proposed project compliance with the Residential Housing Needs Allocation. The DEIR states that the Daly City 2023-2031 RHNA “includes 1,336 very low income units, 769 low income units, 762 moderate income units, and 1,971 above moderate income units...” The 1235 proposed units addressed in the DEIR would constitute more than 25 percent of the 4838 units addressed in Daly City’s RHNA, but would provide only 6 percent of the affordable units required. This creates an unrealistic pressure on other proposed housing projects in Daly City to provide housing for lower income residents, and is likely to make Daly City non-compliant with the RHNA.

Response EE.6: Please refer to Master Response 2: Regional Housing Needs Allocation above.

Comment EE.7: The DEIR does not consider the impact of the loss of the community garden on the community and the environment in the area. Daly City is the largest city in San Mateo County, and is the 9th most densely populated city in the country. According to the Daly City City Manager, “Daly City is truly an impervious, concrete jungle. The urban canopy is estimated to cover less than 5% of the land area. Vegetation that does exist is largely introduced ornamentals and invasive species.” (<https://www.dalycity.org/319/Project-Green-Space#:~:text=As%20the%20largest%20city%20in,introduced%20ornamentals%20and%20invasive%20species.>)

The proposed project is located between two freeways and adjacent to major streets. The community garden provides a rare break in this neighborhood. The DEIR does not adequately address the loss of this community resource. The lawns and plantings mentioned in the DEIR are not equivalent to the established trees of the garden and the ecosystem that currently exists.

The “defensive architecture” recently constructed at the garden by the JUHSD, including fencing, removal of benches, and locking the gates for most hours, and security patrols, have already diminished the community use of the space. The assessment regarding the environmental impact of turning this beloved community garden into a dump for removed construction materials for most of the decade of construction, should be based on the value that the garden has provided over its decades of existence, and on the resource it can be, if not buried under tons of removed concrete and other construction debris.

Response EE.7: Please refer to Master Response 1: Demonstration Garden, Master Response 6: Recreation, and Master Response 7: Tribal Cultural Resources above.

Comment EE.8: Section 7.0 Alternatives

CEQA requires the DEIR to evaluate alternatives to the proposed plan that may lessen significant impacts. The DEIR analyzes only the proposed project, and provides only a “no build” alternative. The DEIR does not analyze other alternatives, including alternatives that have been addressed by the affected community, which would include maintaining the existing community garden, conformance with Daly City’s Housing Element/RHNA and the Daly City Inclusionary Housing Ordinance, maintenance of existing community resources including recreational facilities and trees, changes to planned density, and improved community access.

Another alternative proposed by community members and not discussed in the DEIR is return of this “surplus” public land to the Raymatush Ohlone, who are the historic and rightful owners of the land.

Response EE.8: Please refer to Master Response 8: Alternatives above. In addition, the comment is incorrect in stating the Draft EIR only considers a ‘no build’ alternative, when the Draft EIR includes discussion of developing the campus under the current Planned Development zoning district covering the site, which is a scenario that also involves substantial new development. The suggested alternative of disposing of the campus to a Native American tribe is not presented in the Draft EIR because it would not achieve the project objectives related to development of substantial housing on the site (in support of the City’s Housing Element) and generation of revenues to support the JUHSD’s finances. Moreover, the project site is not a natural landscape but was completely regraded and redeveloped decades ago. The Draft EIR evaluated the potential impacts of the project on cultural resources and determined impacts would be less than significant. The actions proposed by the commenter are not necessary to cure any environmental impact, and imposition of such a condition would not be legally feasible as it would violate laws that include, among others, the Mitigation Fee Act. Further, the project complies with all local, state, and federal law, and no alternative requiring compliance with such is therefore necessary.

FF. Debbie Santiago (dated September 7, 2023)

Comment FF.1: Please see 2 attached PDF files that include my petition and a few comments made by some of the 4,542 people who signed it.

Please include all the photos and videos I linked to in the petition as comments on the DEIR, including the historic photos, recent photos and wetland photos and videos.

Let me know if you have any questions.

Response FF.1: Please refer to Appendix B Draft EIR Comment Letter Attachments for full printouts of the petition and signers comments. This comment and the petitioners comments do not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

GG. NAACP (dated September 8, 2023)

Comment GG.1: The NAACP San Mateo Housing Committee has reviewed the Serramonte Del Rey Draft Environmental Impact Report (DEIR) and we provide the following comments:

DEIR is Incomplete

The DEIR Project Description provides a detailed account of an unrelated project, the Jefferson Union High School District Offices Project (Figure 2.2-6), but surprisingly omits any mention of development plans for Parcels C-F within the project site. The Precise Plan is available on the school district's website however it's not described in the DEIR, which only includes the parcel plan (Figure 2.2-5) and Area B plans from the Precise Plan. The DEIR lacks essential development details, neglecting to provide even the most fundamental aspects of the plan. Specifically, there are no provisions for access improvements, infrastructure enhancements, a comprehensive site layout, or other critical information for areas beyond Parcels A and B.

Response GG.1: Please refer to Master Response 4: Project Description above.

Comment GG.2: Separate and Unequal Apartment Buildings

During the Daly City Planning Commission meeting and Daly City Council meetings, JUHSD Trustees introduced the Precise Plan and discussed the project at length on behalf of JUHSD and responded to questions from Planning Commissioners and Councilmembers. The Trustees' presentations left no room for doubt, as they clearly conveyed that all BMR apartment units, excluding those already constructed within a separate teacher housing project, would be consolidated into a single building. However, the Trustees' statements were inconsistent with information provided in the Precise Plan, which states the following on page 14:

"Diversity of Housing. Affordable and market rate rental housing is mixed-throughout the site. 122 units of affordable housing for JUHSD Faculty and Staff, which includes very-low, low, and moderate-income rental dwelling units, are at the corner of Serramonte Boulevard and Entry Drive. A second affordable housing development is planned along East Drive, at the southeast corner of the Plan Area. The balance of affordable housing is spread throughout the three other residential development sites."

Response GG.2: As discussed in Response CC.14: above, the precise location of affordable units across the 22-acre site, whether dispersed among several parcels or clustered within one or two parcels, would not alter, compared to what is disclosed in the Draft EIR, the nature or severity of the environmental impacts that would

result from the construction or occupancy of those units, provided the total number of units within the project area remains consistent with the parameters on which the DEIR analysis was conducted set by the Precise Plan (see Draft EIR page 3). Rather, the location and distribution of affordable housing units within the site is a planning issue, and not related to the project's environmental impacts. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. See Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment GG.3: DEIR is Deficient by Omission and the Project is Non-Conforming

The omission of Areas C-F in the DEIR has created a situation where conflicting information regarding income segregation within the project remains unresolved. Clustering all BMR units within a single building within a multi-building apartment complex is not only inconsistent with Daly City's Inclusionary Housing Ordinance 1423 but also is non-conforming to AB 491 the 'Affordable and Market Rate Units' law signed by Governor Newsom on September 28, 2021. Such concentration of BMR units isolates them and fails to demonstrate a commitment to 'Affirmatively Furthering Fair Housing'(AFFH).

Response GG.3: Please refer to Response GG.2: and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment GG.4: Is the Project Within the Law?

Economic segregation and the resulting racial segregation within a project on public lands may violate federal, state, local laws, ordinances, codes, and policies.

- Education Code: ARTICLE 4. Sale or Lease of Real Property [17455 - 17484]

Response GG.4: Please refer to Response EE.5: above regarding the education code. This comment is not related to the DEIR's analysis of the project's environmental impacts, and instead focuses on economic and social issues beyond the purview of CEQA.

Comment GG.5: Government Sponsored Segregation

Established in 1909, the NAACP has a storied legacy of opposing government-sponsored segregation. Such practices contradict the principles of equality, perpetuate social, and economic disparities, and inflict adverse consequences upon individuals, communities, and society at large. They are universally acknowledged as a violation of human rights and a formidable impediment to the realization of inclusive and equitable societies.

Response GG.5: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment GG.6: Noncompliant with City’s Inclusionary Housing Ordinance

In 2022, this Committee sent two letters to Daly City Councilmembers expressing our concerns about JUHSD’s plan to impose government-sponsored economic segregation on public lands within the Serramonte Del Rey project. Economic segregation is particularly worrisome, given that only a minimal 10% allocation has been designated for affordable apartments within the project. Additionally, the School District's strategy of concentrating all 111 affordable/low-income units within a single "poor door" building while distributing 1002 market-rate apartments across four other buildings does not comply with the city's Inclusionary Housing Ordinance and can be expected to perpetuate low socioeconomic status and racial segregation.

Response GG.6: Please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment GG.7: Preserve Public Uses and Keep Public Land Public

The significant impact of losing public amenities due to the project's transition to a 100% private lease of public land has not been adequately addressed in the DEIR. The project should prioritize the preservation of public uses. Any project on public land should make every effort to maintain, preserve, improve, or offer equivalent like-for-like replacements for existing public uses.

The public uses of the site include the almost 2-acre community garden that’s open to the public, the school, and the gymnasium. Residents in affected neighborhoods endure adverse living conditions and encounter obstacles in accessing healthy environments, leading to inferior health outcomes and shorter lifespans. Low-income and Environmental Justice Communities of Concern (EJOC) bear an unequal burden of pollution from industrial and transportation sources, resulting in detrimental health outcomes.

Response GG.7: Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation above regarding loss of the garden and recreational uses. The conversion of public lands to private leases is not an environmental issue addressed through CEQA and, therefore, is not discussed in the Draft EIR.

Comment GG.8: The profound and often unjust health and social consequences resulting from the challenges posed by COVID-19 and climate change have underscored the importance of providing ample outdoor access through parks and community gardens. Preserving public amenities for public use within a project of this scale is imperative. The proposed Serramonte del Rey project converts public land to private use without adequately compensating for the amenities that will be lost.

The City should implement a Growth Management Policy mandating that neighborhood-scale developments such as Serramonte Del Rey provide sufficient public facilities and amenities including parks and community gardens, with the goal of enhancing the overall environmental

quality and living standards in Daly City. The project is marketed as a transit-oriented development, yet it fails to contribute to air quality improvements or offer access to equivalent public open space.

- There should be a project alternative with higher density that does not segregate housing and recreational amenities by income, preserves public access, and retains the community garden in its current location as a park. This alternative would align with public goals to promote public uses, improve air quality, enhance public health and safety, and avoid the segregation of lower-income groups.
- The project area, as is typical for Daly City, poses significant challenges for pedestrians and cyclists when it comes to accessibility and transit connectivity. The 15-year phased construction of a pedestrian and bike trail further exacerbates this issue and it should be corrected.

Response GG.8: Please refer to Master Response 8: Alternatives above regarding selection of alternatives. As discussed in Section 3.17 Transportation under Impact TRN-3 of the Draft EIR (pages 180-181), the project would be required to implement mitigation measure MM TRN-3.1 during construction. Implementation of this mitigation measure would ensure pedestrians and bicyclists would have safe access to and around the project site during project construction. Furthermore, as discussed under Impact TRN-1 in Section 3.17 Transportation of the Draft EIR (page 177), all pedestrian facilities improved by the project would be ADA compliant. With respect to the assertion that the project's environmental review should evaluate a higher density project "that does not segregate housing and recreational amenities," please see Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law. The project violates no local, state, or federal laws.

Comment GG.9: Preserving Public Uses Such as Community Gardens and Parks

JUHSD is the owner of the 22-acre project site, which is a public asset. However, the current project plans privatize recreational amenities that play a crucial role in promoting health and wellness. This approach could leave low-income residents in unhealthy situations, depriving them of access to essential public spaces. Notably, the site currently houses a nearly two-acre community garden and orchard, which serves multiple vital functions. It improves air quality, increases access to fresh food, bolsters food security, educates residents about healthier dietary habits, promotes physical activity through gardening, reduces the risk of obesity and related health issues, supports mental well-being, offers relaxation, contributes to biodiversity, provides wildlife habitat, features a variety of plant species including native plants, boasts diverse trees and shrubs, including redwoods and fruit trees, and even includes a seasonal creeks and wetland. Furthermore, the garden plays a role in erosion control, natural flood prevention, and water quality improvement. It is also a critical component of climate change adaptation and resilience. The presence of children's toys within the garden underscores its widespread community use, essentially functioning as a park and food forest. Regrettably, if the project proceeds as currently conceived, all these valuable public benefits stand to be lost.

Response GG.9: This comment speaks to retaining current site features and amenities, and does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation above regarding loss of the garden and recreational uses.

Comment GG.10: Income Segregated Recreational Amenities and Incomplete Trail Access:

The amenities listed in DEIR section 2.2.2.2 Open Space and Landscaping (Exhibit B) include recreational facilities situated on public land, which should be accessible to all tenants and the public, as noted in the Oct 4, 2021 JUHSD Real Property Advisor Committee Report.

“Open Space” should be accessible to everyone and not restricted to private use.

Parcel B's recreational amenities encompass a rooftop hot tub, fire pit, and an outdoor kitchen, with the likelihood of a shared restroom facility for tenants utilizing the rooftop recreational amenities. Equivalent recreational facilities are not specified for the other Parcels. How will the public and tenants access the rooftop recreation area? Will they need a code or a key for access? Who will be responsible for providing access?

Why haven't the recreational amenities on Parcel B, which are categorized as “Open Space and Landscaping,” been located in a way that ensures accessibility for all tenants and the public?

Response GG.10: This comment pertains to the design of the project and access to certain open space and recreational features included in the project, and does not relate to the project's environmental effects nor raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please also refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above for a discussion of Parcel B's amenities.

Comment GG.11: The project area, as is typical for Daly City, poses significant challenges for pedestrians and cyclists when it comes to accessibility and transit connectivity. The project area, as is typical for Daly City, poses significant challenges for pedestrians and cyclists when it comes to accessibility and transit connectivity. A complete trail must be constructed concurrently with Parcel B development to ensure a safe route is available for all residents, students, and medical office workers traveling from Serramonte to Hickey.

DEIR 2.2.2.2 Open Space and Landscaping (page 16)

The proposed Parcel B development project would include three components of open space to be used by the public: 1) approximately 22,300 square-foot public park that would include a large grass area and playground; 2) the first phase of the recreational trail (approximately 6,800 square feet) that would be located in the southeast corner of Parcel B; and 3) open space for public use at the retail plaza (approximately 7,000 square feet) facing the new entry road (see Figure 2.2-10). Open space serving the residents of the building would include both the ground floor terrace and the roof

terrace, up to 20 private balconies for individual units, and an approximately 20,300 square-foot courtyard located on the roof of the parking deck of the mixed-use building which includes amenities such as a hot tub, fire pit, lounge furniture, and an outdoor kitchen. The open space reserved for residential use plus the retail open space for public use at Parcel B would exceed the City's requirement for open space of 150 square feet per unit and is consistent with the proposed Precise Plan.

Response GG.11: Please refer to Response GG.8: above regarding bicycle and pedestrian safety.

Comment GG.12: Significant Impact: Lack of Affordable Housing

It's certain that only a limited number of Daly City residents will be able to afford rents at the new SDR apartment complex. The historical consequences of redlining have had a generational impact, leading to significantly reduced household equity and making it much more challenging for affected families to afford housing in the Bay Area, as noted in the Daly City 2023-2031 Housing Element.

53% of Daly City's households do not meet the 'moderate' level average median income (AMI). However this project is seeking to build 90% of its units for market rate rentals. This will effectively lock-out those coming from historically redlined communities, and keep them from becoming beneficiaries of the Serramonte del Rey housing development.

The project proposes only 10% of the units as 'low' income BMR units, the absolute minimum under the City's inclusionary Housing Ordinance (adopted in 2018). Jarringly, 42% of Daly City's RHNA allocation for 2023-2031 is required to be in the 'low' or 'very-low' income housing categories, far beyond what's being proposed. Under this scenario, low income residents will continue to be displaced to far away places while we wait for other projects to pick-up the slack with higher allocations of affordable units. (See Exhibit A)

Limiting the affordable housing component to just 10% while prioritizing market-rate units over a more balanced approach will perpetuate unaddressed historical inequities and sustain the legacy of redlining. Failing to actively address segregation contributes to the entrenchment of racism. With 90% market-rate housing SDR is perpetuating racial segregation as the prevailing development model in Daly City, in direct contradiction with the principles outlined in Daly City's own Housing Element. To correct historic patterns of segregation the project proponents should be committed to a significantly higher proportion of affordable housing units, going beyond the inclusionary minimum and using the RHNA target as a goal.

DEIR 3.11.2.1 Project Impacts (page 124)

According to the Ordinance, a lack of new affordable units will have a substantial negative impact on the environment because: (1) housing will have to be built elsewhere, far from employment centers and therefore commutes will increase, causing increased traffic and transit demand and consequent noise and air pollution; and (2) City businesses will find it more difficult to attract and retain the

workers they need. Affordable housing policies contribute to a healthy job and housing balance by providing more affordable housing close to employment centers.

Response GG.12: Please refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above. In addition, the comment notes the project would provide at least 10 percent affordable housing. Since publication of the DEIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment GG.13: Significant Impact: Low-Income Tenants Parcel C Denied Access to Emergency Services

The Head Start program offers affordable childcare services, and it's worth noting that all Below Market Rate (BMR) apartments are situated in Parcel C. Given this, it raises a valid question as to why an emergency generator is not being provided for Parcel C.

DEIR Emergency Generators (page 142)

Emergency generators are proposed to be located on Parcels B, D, E, and F. Generators would be located either in the basement or on the ground floor.

Response GG.13: This comment expresses a concern that power will not be distributed to any residential structure on Parcel C in the event of an emergency because the DEIR identifies emergency generators as being located on Parcels B, D, E and F. Use of or lack of emergency generators in a residential building to protect from power outages is not considered an impact under CEQA, nor is there any legal requirement under any framework to include a generator on any specific portion of the project site. However, four generators were assumed in the DEIR and their placement was based on conservative factors, including proximity to residential receptors. For instance, Parcels E and F are located adjacent to apartment buildings. Accordingly, generator assumptions were made to ensure the environmental analysis was conservative to account for the noise and emissions resulting from routine generator testing and maintenance.

Comment GG.14: Economic Segregation and Racial Segregation are Intertwined

Economic segregation occurs when individuals or families with lower incomes are confined to certain neighborhoods, or a single building within a multi-building development, due to affordability constraints. This pattern often results in racially homogeneous housing, as people of similar economic backgrounds often share similar racial backgrounds. Consequently, concentrating lower income families in separate buildings creates racially homogeneous social networks that limit access

to educational and employment opportunities. This is a self-perpetuating cycle that sustains economic disparities, economic segregation, and racially segregated housing.

Response GG.14: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment GG.15: Socioeconomic Status

Socioeconomic status (SES) encompasses not just income but also educational attainment, financial security, and subjective perceptions of social status and social class. SES can encompass quality of life attributes as well as the opportunities and privileges afforded to people within society. The relationship between SES, race, and ethnicity are intertwined. Research has shown that in terms of socioeconomic stratification, race and ethnicity often play significant roles in determining a person's SES. Communities affected by low SES, driven by factors like income-based housing segregation, share common experiences, such as limited economic development, substandard health conditions, and fewer educational opportunities. Persistent low SES has been identified as a contributing risk factor that disproportionately affects communities of color residing in income-segregated housing.

Response GG.15: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment GG.16: Social-Spatial Segregation

In addition to the project's socioeconomic segregation, there is the problem of social-spatial segregation. Currently, funding has not been allocated to establish a connection between the pedestrian and bike trail and the BMR building, thereby depriving underserved children of a safe route to and from school. Social-spatial segregation is also apparent by the absence of a rooftop Jacuzzi spa for families in the affordable building, while it is provided to market-rate tenants on Parcel B. The proposed plans raise concerns of income-based discrimination, as emergency generators are exclusively installed in all market-rate buildings, with no provision for the low-income building. Additionally, placing an income segregated daycare center on Parcel C underscores its stigmatization as an income segregated area of the development.

In conclusion, we firmly believe that the residents of Daly City would benefit from a denser project that does not segregate income groups into a separate building. The project should prioritize improving public access and providing more public amenities. Lastly, we advocate for the preservation of the existing community garden.

Response GG.16: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required. Please also refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above for a discussion of Parcel B's amenities.

Comment GG.17: Please include the following documents and videos in their entirety as comments on the DEIR:

1. Two NAACP letters dated October 6, 2022, and June 10, 2022
2. May 2023 - City of Daly City Housing Element 2023-2031
3. AB 491 Ward, CA Poor Door Law approved by Governor Sept 28, 2021
4. Civil Rights in America: Racial Discrimination in Housing report from the National Parks Service, U.S. Department of the Interior and National Historic Landmark Program
5. Oct 4, 2021, JUHSD Real Property Advisor Committee Report
6. 'Affirmatively Furthering Fair Housing' - The Fair Housing Act requires HUD and its recipients of federal financial assistance to do more than simply not discriminate; they must take meaningful actions to overcome patterns of segregation and foster inclusive communities.
7. Education Code: ARTICLE 4. Sale or Lease of Real Property [17455 - 17484]
8. Video of Daly City Council Meeting January 10, 2022
9. American Psychological Association's publication on Ethnic and Racial Minorities & Socioeconomic Status
10. How American racism is rooted in residential segregation, Berkeley News, by Ivan Natividad
11. Why Bay Area neighborhoods are still racially segregated, Berkeley News, by Ivan Natividad
12. Redlining's Legacy of Inequality: \$212,000 Less Home Equity, Low Homeownership Rates For Black Families, Redfin News, by Dana Anderson
13. April 25, 2022 - JUHSD RFP FAQ for BMR Developer: Parcel C
14. Jul 29, 2021, How Daly City Became One of the Most Densely Populated Cities in the Country, KQED, by Amanda Stupi
15. Jun 28, 2020, Un-forgetting the segregationist history of Palo Alto (and Daly City, and San Francisco, and...) by Charles Russo / Palo Alto Online & TheSixFifty.com
16. October 4, 2021, The Legacy of Redlining in the Bay Area: Explained, NBC Bay Area
17. June 9, 2022, 'The Moms of Magnolia Street' Documentary, NBC Bay Area Investigative Unit

Response GG.17: Please refer to Appendix B Draft EIR Comment Letter Attachments for full printouts. The additional documents provided do not raise specific issues about the adequacy of the Draft EIR; therefore, no further response is required.

HH. Daly City Community Garden Alliance (dated September 8, 2023)

Comment HH.1: The Daly City Community Garden Alliance is submitting the following comments regarding the Serramonte Del Rey Project Draft EIR.

This statement applies to each of our comments:

We address the following issues by category within the draft Environmental Impact Report (DEIR). CEQA provides a "substantive mandate that public agencies refrain from approving projects for which there are feasible alternatives or mitigation measures" that can lessen the environmental impact of proposed projects. (Mountain Lion Foundation v. Fish & Game Com. (1997) 16 Cal.4th 105, 134, citing Pub. Resources Code § 21081 [emphasis added].) "Without meaningful analysis of

alternatives in the EIR, neither the courts nor the public can fulfill their proper roles in the CEQA process.” (Laurel Heights Improvement Assn. v. Regents of University of California (1988) 47 Cal.3d 376, 404 [“Laurel Heights”]; Preservation Action Council v. City of San Jose (2006) 141 Cal.App.4th 1336, 1350.)

The cumulative impacts of this project have not been studied by this DEIR as we show in the following sections resulting in significant impacts to community, public health, and the environment. The DEIR should be redone.

Response HH.1: Please refer to the responses regarding the commenter’s concerns below. Based on these responses, the Draft EIR does not require recirculation.

Comment HH.2: Section 7.0 Alternatives

The DEIR does not analyze other alternatives, including alternatives that have been addressed by the affected community, which would include:

CEQA requires the DEIR to evaluate alternatives to the proposed plan that may lessen significant impacts. The DEIR only analyzes the proposed project, and provides only a “no build” alternative. The DEIR does not analyze other alternatives, including alternatives that have been addressed by the affected community, which would include:

- Maintaining the existing community garden by massing a taller development closer to Serramonte.
- Conformance with Daly City’s Housing Element/RHNA
- Conformance with Daly City Inclusionary Housing Ordinance
- Maintenance of existing community resources including recreational facilities and trees as pollution barriers
- Improved community access for the public and residents to all buildings
- Changes to planned density to improve community access to open areas as proposed in numerous community letters some of which are cited here.
- Have the property acquired by the state for 30x30 restorations as proposed by the Sierra Club under N-EO-82-20 to council March 9th, 2020.
- Return of this “surplus” public land to the Raymatush Ohlone

We request that our comments be added to the Draft Environmental report.

Response HH.2: Please refer to Master Response 8: Alternatives above.

Comment HH.3: In Summary: We addressed the following sections within the DEIR.

3.1 Aesthetics

- The DEIR is deficient in not recognizing the role of trees and community gardens as cultural aesthetic resources to neighbors and tribal groups. It also degrades the views by paving over green public spaces, privatizing the space and filling in space with toxic materials like astro turf that will leach PFAS into humans and water runoff.

3.2 Agriculture and Forestry Resources

- The DEIR is deficient in not addressing the lists of trees, plants provided in the petition started by Debbie Santiago and should be redone or recognize the garden as Urban Agriculture addressing food insecurity in the neighborhood, as depicted by comments to Daly City on this project. The DEIR needs to be redone.

3.3 Air Quality

- **Tree Removal and Highway Vegetative Barriers**
The deficiency of the DEIR to address known threats to public health and the natural environment via a feasible functioning Vegetative Highway Barrier and how this affects every community in Daly City needs to be addressed given its location within the dirty air of three freeways, 1, 35, 280 and one major road, Serramonte Blvd.

3.4 Biological Resources

- The current plan destroys the natural Habitat area of the Garden and causes a significant impact that is not studied in this DEIR. For example the Trees, Plants, Animals were not inventoried in the DEIR but have been provided to the City and JUHSD by the Garden community. This deficiency needs to be corrected since it is in contradiction to the Daly City 2030 General Plan.

3.5 Cultural Resources

- The DEIR is deficient because it does not look at tribal resources like medical and cultural plants, sacred space, the presence of the garden as the availability of open space to the community, and access to the gymnasium as cultural resources that will be lost to the community.

3.6 Energy

- The DEIR ignores the impact from increased energy use in two ways, first by only studying Phase A and B instead of the entire project as required by CEQA and two by ignoring the feasible solutions proposed in comments on this project. The DEIR should be redone to study the impact of the entire project.

3.7 Geology and Soils

- We support the concerns raised in a letter from the Sierra Club to this EIR.

3.8 Greenhouse Gas Emissions

- The project increases greenhouse gasses, vehicle miles traveled, and dirty air quality, all which should be reduced according to the California Air Resource Board 2022 Scoping Plan

under SB32. The DEIR says VMT cannot be mitigated to a less than significant level for air quality, vehicle miles traveled, and greenhouse gasses despite the feasible means of doing so that we provided. However the VMT calculated is not correct because it is only based on Phase A and B requiring the DEIR to be redone.

3.10 Hydrology and Water Quality

- The EIR should be redone to correctly analyze the impact of runoff and dangers to the community in an era of increased atmospheric river runoff as Congressman Kevin Mullin says here from paving over the garden and increasing roads through the project.

3.11 Land Use and Planning

- The DEIR has stated that the 90 percent market rate housing proposed for this site is compliant with law and policy. This statement is incorrect. The plan violates both the Daly City Inclusionary Housing Ordinance, and is not consistent with the Residential Housing Needs Allocation (RHNA) and therefore the draft Daly City Housing Element. The DEIR should be redone.
- The DEIR is deficient in not looking at the significant harms from the loss of public lands to privatization that could have been feasibly preserved and should be redone.

3.13 Noise

- The DEIR is deficient because no mitigation measures on construction noise references Shasta High School.

3.14 Population and Housing

- The DEIR states that the RHNA “includes 1,336 very low income units, 769 low income units, 762 moderate income units, and 1,971 above moderate income units...” The 1235 proposed units addressed in the DEIR would constitute more than 25 percent of the 4838 units addressed in Daly City’s RHNA, but would provide only 6 percent of the affordable units. This creates unrealistic pressure on housing in Daly City to provide housing for lower income residents.

3.16 Recreation

- The Draft EIR does not recognize that current Recreation is provided on site with the Gymnasium for 2 major established groups. The DEIR should be redone to correct this deficiency.

3.17 Transportation

- The project design has ignored feasible solutions that we provided to the planning commission on this project and not studied the entire project as required by CEQA to properly inform policy makers. In doing so the DEIR provides unsubstantiated reliance on TDM to ignore major health impacts from dirty air due to declining transit and the development of the project with upper income residences that do not take transit.

3.18 Tribal Cultural Resources

- The EIR is deficient in not preserving the garden as a cultural resource of native practitioners who lack access to sacred spaces as public spaces are privatized and should be redone. In addition the DEIR by not consulting with the Ramaytush Ohlone significantly omits a known source who could directly establish Historical Resource information for which the DEIR should be redone.
- The DEIR is also deficient in not pursuing a feasible strategy to mass the project near Serramonte and achieve multiple public policy goals mentioned in this document while preserving the garden for community health.

3.19 Utilities and Service Systems

- The DEIR is deficient in discriminately not feasibly protecting low income tenants from the effect of power outages such as the Public Safety Power Shutdowns.
- See also the comment under Energy.

Response HH.3: This comment is a summary of the more specific comments below. Please refer to the responses below regarding each environmental resource area.

Comment HH.4: Comments:

3.1 Aesthetics

- The DEIR is deficient in not recognizing the role of trees and community gardens as cultural aesthetic resources to neighbors and tribal groups. It also degrades the views by paving over green public spaces, privatizing the space and filling in space with toxic materials like astro turf that will leach PFAS into humans and water runoff.

Trees protect the community from extreme heat. The loss of trees is a hallmark of redlining and lower income areas. Community gardens are recognized as open space by the California Natural Resource Agency (page 31). They are essential to community food security, empowerment, and safe gathering public space. Replacing green spaces with privatized asphalt, concrete and buildings is recognized by the public as the loss of aesthetics and views.

Response HH.4: Please refer to Master Response 1: Demonstration Garden above.

As discussed in Section 3.1 Aesthetics under Impact AES-1 of the Draft EIR (page 27), the project site is located on an infill site within a transit priority area. Per SB 743, aesthetic impacts of residential and mixed-use projects in transit priority areas shall not be considered significant impacts. Thus the Draft EIR concluded that the project would not result in any significant aesthetic impacts. As described in the Draft EIR, pursuant to Municipal Code Chapter 12.40 – Urban Forestry, the City does not regulate the removal of trees except those within the public right-of-way, therefore the removal of trees on the school campus would not conflict with a local tree preservation policy. The Draft EIR further describes that the project is committed to replacing any removed trees at a 2:1 ratio.

Comment HH.5: 3.3 Air Quality

Tree Removal and Highway Vegetative Barriers

The DIER on pages 25 through 29 of Appendix C on Air Quality indicate that the development will have a significant impact on the HVBs (Highway Vegetative Barriers) which improve air quality adjacent to major roads, the surrounding natural environment and to public health. The project is located within three freeways, HWY 1, 35, and 280 and a major road, Serramonte. The overlay and footprint of the project site and parcels A-E indicate a majority of the trees and undergrowth on the perimeters of parcels A-D would be removed. These areas appear on the aerial photos to be heavily populated with dense stands of trees and undergrowth that would provide an effective pollution barrier for the residents. These barriers also likely provide some protection to residents living outside the project area from exposures to toxic and carcinogenic particulate matter and gaseous air contaminants from traffic emissions, both cars and trucks. Currently there aren't many gaps in the barrier. But the existing gaps could be feasibly filled with a few transplanted trees and plants by the developer, the city public works, or even a community youth conservation corps. The City of San Jose has the San Jose Conservation Corps. But it could be feasibly established with fees from new projects to safeguard public health. Additionally, the DEIR ignores the impact of air pollution in two ways, first by only studying Phase A and B instead of the entire project as required by CEQA and by ignoring the threat to public health without any reference to the existence of the pollution barrier that could be feasibly retained or the public health and environmental impacts of tree removal to public health, welfare, and the environment. The existing trees should be feasibly integrated into the early design of the development- if the project proponent took the impacts of air quality seriously as they have been mandated to do so. In California, sources other than tailpipes are the dominating source of traffic emissions, which will not be fixed by a trend toward electric vehicles, thus endangering public health.

The deficiency of the DEIR for this project is in not addressing known threats to public health and the natural environment and how this affects every community in Daly City, needs to be addressed.

Response HH.5: The comments statement that the air quality and greenhouse gas assessment (Appendix C of the Draft EIR) only evaluates partial construction of the proposed project is incorrect. The air quality analysis evaluates the full buildout of the proposed project (i.e., 1,235 residential units, 14,000 square feet of commercial uses, and 2,400 square foot childcare facility). As shown in Table 3.3-4 through Table 3.3-9 of the Draft EIR, the proposed project would not exceed the Bay Area Air Quality Management District (BAAQMD) thresholds for air quality impacts with implementation of mitigation measures MM AIR-2.1 through MM AIR-2.3 and MM AIR-3.1. Thus, the project would not result in any significant air quality impacts and adequately addresses air quality concerns under CEQA. As noted in the prior response, and described in the Draft EIR, pursuant to Municipal Code Chapter 12.40 – Urban Forestry, the City does not regulate the removal

of trees except those within the public right-of-way, therefore the removal of trees on the school campus is not within the City's discretion. The Draft EIR further describes that the project is committed to replacing any removed trees at a 2:1 ratio. Specific development plans exist for Parcel B, and the Draft EIR in Section 2.2.2.2 explains the project would preserve the mature trees along the perimeter of Parcel B and replace the trees that are determined to be in poor condition by a certified arborist. The project proposes to plant 82 new trees throughout Parcel B.

Comment HH.6: Air Quality Shasta High School

Pg 46 Construction Toxic Air Contaminants

As stated: the maximum annual PM_{2.5} concentration from construction was shown to occur on the first floor at the Summit Shasta High School adjacent to the southern boundary of the project. (as seen in Figure 3.3-1) and was estimated to be 0.29 ug/m³. This is not acceptable for the 400 students and additional staff in Shasta High School. This is +0.02 Hazard index as shown on 3.3-6.pg 46 . For impacts from the project see Table 3.3.-3 Project Consistency with Applicable 2017 BAAQMD Cap Control Measure Pg 40. The DEIR is inconsistent in not reducing PM_{2.5} to healthy levels.

Response HH.6: As shown in Table 3.3-6 of the Draft EIR, the PM_{2.5} concentration of 0.29 ug/m³ and hazard index of 0.02 are below the BAAQMD thresholds of 0.3 ug/m³ and 1.0, respectively. Further, the project would be required to implement mitigation measures MM AIR-2.1 through MM AIR-2.3, which would further reduce PM_{2.5} concentrations to 0.11 ug/m³ and the hazard index to less than 0.01. Thus, during construction, students at Shasta High School would not be exposed to significant levels of PM_{2.5}.

Comment HH.7: [Clarification: Average start age of High School Students in the US is 14 which is under age 16. DEIR indicates age 16 is middle school and that is incorrect.]

Response HH.7: It is unclear what the comment is referring to, as the Draft EIR does not state age 16 is middle school. The Draft EIR, on page 34, only states that the California Air Resources Board (CARB) identified children under the age of 16 as sensitive receptors.

Comment HH.8: Developer states that “the project shall recycle and/or salvage for reuse a minimum of 60 percent of nonhazardous construction and demolition waste, consistent with Chapter 15.64” This statement is not factually correct, since a permanent gymnasium, administration buildings and former classrooms, and concrete on the entire surface of the project will need to be removed. Where and how will this be reused in the building of multi-story housing? There is no substantiation/explanation shown to prove this statement. The DEIR is deficient in not substantiating the claim that 60% of nonhazardous material will be recycled.

Response HH.8: Recycling and salvage of construction and demolition waste does not necessarily mean reuse in the proposed project's construction. Demolition waste may be sent to recycling centers for reuse in other projects. Neither Chapter 15.64 of the Daly City Municipal Code nor the 2017 BAAQMD CAP require that the project identify which future projects any salvaged material will be used for. The Draft EIR's analysis of project consistency with 2017 BAAQMD CAP is sufficient.

Comment HH.9: 3.4 Biological Resources

As mentioned on page 58 and 59 of the DEIR as quoted from the Daly City 2030 General Plan:

The general plan includes policies for the purpose of avoiding or mitigating impacts resulting from development projects within the City. The following policies are specific to biological resources and are applicable to the proposed project.

Policy LU-17 Ensure that private development is responsible for providing any on-or-off-site improvements related to and/or mitigating the impacts it causes.

Policy LU-18 Development activities shall not be allowed to significantly disrupt the natural or urban environment and all reasonable measures shall be taken to identify and prevent or mitigate potentially significant effects.

- These two policies speak to the heart of the issue of the Destruction of the Garden –a 0.8 acre of over 100 trees, plants and animals living in this habitat.
- This significantly disrupts the natural environment and no reasonable measures are being taken to on or off site improvements or mitigating since it is total destruction.
- The current plan destroys the natural Habitat area of the Garden and causes a significant impact that is not studied in this DEIR. For example the Trees, Plants, Animals were not inventoried in the DEIR but have been provided to the City and JUHSD by the Garden community. This deficiency needs to be corrected

Response HH.9: Please refer to Response DD.2: and Response DD.3: through Response DD.9: above regarding sensitive natural communities and special-status species.

Comment HH.10: 3.6 Energy

The DEIR ignores the impact from increased energy use in two ways, first by only studying Phase A and B instead of the entire project as required by CEQA and by ignoring the feasible solutions proposed in comments on this project. Thus impact 3.6.2 on page 86 is false.

Response HH.10: Please refer to Response HH.5: above regarding evaluation of buildout of the project. The annual project energy demand values presented in Draft EIR Table 3.6-1 are based on full buildout of the Precise Plan.

Comment HH.11: The feasible solutions left out of the DEIR despite pointing to them in scoping comments to the planning commission dated 6/7/21 (point 7 through 11) are

- Require all electric passive buildings per the recently adopted reach code to reduce greenhouse gasses over the lifetime of the units.
- The site should function as an island-able microgrid during grid instability such as Public Service Power Shutdowns.
- Design in recycled waste water treated on site by designing a living building to reduce reliance on public funding of infrastructure. Example: Salesforce Tower in San Francisco uses a water recycling system to treat gray water and black water from the building, reducing the need for 30,000 gallons of freshwater a day.
- Design in car share service to reduce parking at the rate of one per 20 as presently utilized in Austin, TX. All parking spots should provide electric charging stations.
- Add carshare and electric micro mobility hubs.
- Add an electric shuttle through SamTrans to connect other destinations such as school and transit hubs.
- Reduce the parking to 0.5 unbundled spaces per unit because of the shuttle and the 10-minute headway bus on Serramonte to achieve Transit Oriented Development status. The parking should be unbundled in a structure that is a park once and walk neighborhood. Unbundling reduces parking needs by about $\frac{1}{3}$ according to MTC and reduces cost by about 20% which would benefit the residents of this structure. Unbundling would also improve transit use.

Response HH.11: As discussed in Section 3.6 Energy under Impact EN-1 of the Draft EIR (pages 82-83), the proposed project would comply with City Ordinance 1448, which requires all new residential buildings to be all electric. In addition, the project would be built to Title 24 and CalGreen standards to reduce energy use. Based on these requirements, the Draft EIR concluded that operation of the proposed project would not result in a wasteful use of energy. The various measures the comment suggests the project could employ are noted, however, the Draft EIR evaluates the project as proposed, and in light of the regulations, policies, and programs that are applicable. The additional measures provided in the comment can be considered by the JUHSD and the City decision-makers when acting on the project entitlements, however, they are not necessary to reduce significant energy impacts of the project, and do not need to be analyzed in the Draft EIR.

Comment HH.12: 3.8 Greenhouse Gas Emissions VMT

This DEIR is deficient in reducing VMT (Vehicle Miles Traveled) to reduce air and water pollution and greenhouse gasses. A significant impact is reported by the DEIR despite the feasible solution we provided to reduce VMT in our letter dated 8/3/21. The impacts are caused by the subdivision map employed which encourages driving and does not improve transit usage or bicycling and walking.

The DEIR claims substantial impacts from VMT, despite us pointing out this likelihood in our scoping comment to the planning commission dated 6/7/21 (point 1a, line 2.). The DEIR claims that the project is expected to result in almost 2 million driving miles (page 82). Our calculation (1800 cars x 25.2 daily mile/day x 260 work days) shows 11.8M miles. There is a large discrepancy here which spills over into how greenhouse gasses (GHG) are calculated. The GHG will be 11.8M miles times 20 lbs of CO₂/g divided by Avg m/g 27 (page 8) divided by 2000 = 4370 Tons of CO₂ annually from the project and 437037 gallons of gasoline consumed annually. The significant discrepancy exists even if we only count one car per unit which would reduce both the 11.8M miles, 4370 Tons of CO₂, and 437037 gallons by a 1/3 each.

Response HH.12: The comment incorrectly calculates the project's VMT number using Table 3.6-1 in the Draft EIR. The comment calculates the existing uses annual VMT number by multiplying 75,000 gallons of gasoline by 25.4 miles per gallon (mpg), which equates to approximately two million VMT annually by the existing campus uses. The Draft EIR estimates the project would generate an annual VMT of 18.6 million, which is found by multiplying the project's annual gasoline usage of 734,326 gallons of gasoline by 25.4 mpg. This number is far greater than the VMT number suggested by the commentor.

Comment HH.13: According to the DEIR, the number of 2M miles the project causes, has a significant impact on the countywide threshold (page 82). According to the California Air Resource Board (CARB) Scoping Plan 2022, Mobile Source Scenario page 105, projects should be reducing VMT by 15% by 2050 or 0.6%/year. This significant impact occurs despite the feasible solution we provided to reduce VMT in our letter dated 8/3/21 which states that

6. Require that the project be designed as a 5-minute neighborhood. This means all necessary services and public transit should be located within five minutes – schools, daycare, full grocery store, pharmacy, and BART station to ensure a low Vehicle Miles Traveled neighborhood. There should be a single u-shaped street through the project on which the bus that currently runs on Serramonte goes through the project to be transit oriented.

Response HH.13: As discussed in Response HH.12: above, the commenter incorrectly calculates the project's VMT. The VMT analysis discussed in Section 3.17 Transportation under Impact TRN-2 of the Draft EIR (pages 178-180), accurately shows that with implementation of mitigation measures MM TRN-2.1, the project would reduce VMT to 15 percent below the Countywide and Regionwide average, and therefore, as judged on a per capita basis consistent with state Office of

Planning and Research technical guidance, project VMT would be less than significant.

Comment HH.14: Also on page 105 in Mobile Source, CARB says about the consequences of the subdivision map on VMT:

Meanwhile, growth in VMT, where it involves or incentivizes land conversion, impedes California's ability to store carbon and maintain resilient ecosystems and the life-sustaining resources they provide, including clean air and water, food, and fiber. (MS 105)

Which we also address in the 8/3/21 letter in item 4

Require that 50% of the site be preserved as a public park with the project facing the park not the freeway. Require that the park include the existing 20-year-old community garden.

People are driving mostly pickup trucks and SUVs, especially those who choose to live in new developments. The average fuel economy for these vehicles is below 20 mpg as low as 15mpg. On page 106 of the Mobile Source CARB says

Without additional policy intervention, VMT may continue to rise. California needs to re-envision its built environment in a way that reduces the number and length of trips people make, as well as make walking, biking, transit, and other mobility options become more viable.

Our 8/3/21 letter provides feasible means of "re-envisioning the built environment". Item 9 asks for the feasible and cheap "intervention" of car share and micro mobility to reduce parking and consequently also reduce VMT and Item 10 asks for an electric shuttle connection to BART. Our letter asks that the project be improved:

Please build a better project that decreases greenhouse gasses (GHG) and air pollution by preventing the increase in Vehicle Miles Traveled (VMT).

Response HH.14: Please refer to Response HH.13: above regarding VMT reduction.

Comment HH.15: On page 179 the DEIR says the mitigation measure for significantly increasing VMT is TDM (Transportation Demand Management). Any management proposal requires reporting and verification (MRV). Neither of the latter two are provided via independent sources. Instead the DEIR on 179 calls for self certification by the property owner with no examples of where this has been successfully implemented in San Mateo County to meet the goal of reducing VMT. An independent MRV would help the county meet the CARB goal since currently VMT is increasing 1% per year according to MTC since 2010 in the county.

The two strategies strongly correlated with reducing VMT are pricing (not included in the project) where good alternatives exist (which the DEIR says does) and reducing highway capacity (by

converting lanes to bus only, carpool etc.) which the region has not done- thus should be leading the project to reduce emissions by eliminating parking and putting in alternatives such as car share and a functioning network of bike share which it doesn't do.

Response HH.15: Mitigation measure MM TRN-2.1 includes the following requirement for reporting results to the City, "The results of the monitoring program and travel surveys shall be submitted to the City for review and approval. If the program VMT reduction goals are met in the first six years, annual monitoring and surveys shall be suspended. If the program's VMT reduction goals are not satisfied, site management shall prepare and submit for City approval a Corrective Action Plan. The Corrective Action Plan shall detail the additional TDM measures to be implemented on site and their expected travel/mode split reduction. Additional annual travel surveys and driveway counts shall be conducted for the two years following the implementation of the Corrective Action Plan to determine if the program's VMT reduction goals are satisfied". This mitigation measure includes a clear performance standard and a menu of TDM provisions that have been proven effective, including, without limitation, the study prepared by CAPCOA entitled Quantifying Greenhouse Gas Mitigation Measures Report, incorporated herein by this reference. Further measures identified by the commenter do not appear to be necessary, but they are not precluded by MM TRN-2.1, which allows for the inclusion of additional TDM strategies. The Draft EIR's mitigation is, therefore, as designed, effective and feasible, and satisfies CEQA.

In addition, potential TDM strategies include car share and bike share programs as mentioned in the comment.

Comment HH.16: Both VMT and emissions are increasing and the ability to meet CARB climate targets are decreasing because vehicle sizes are getting bigger leading to further decreases in walking and biking because unlike the feasible solution we outlined in our letter to the planning commission the DEIR is about a project that is "primarily vehicle-centered rather than human-centered." <https://theconversation.com/ever-larger-cars-and-trucks-are-causing-a-safety-crisis-on-us-street-s-heres-how-communities-can-fight-back-206382>

The project increases greenhouse gasses, vehicle miles traveled, and dirty air quality, all which should be reduced according to the California Air Resource Board 2022 Scoping Plan under SB32. The DEIR says VMT cannot be mitigated to a less than significant level for air quality, vehicle miles traveled, and greenhouse gasses despite the feasible means of doing so that we provided.

Response HH.16: The Draft EIR does not say VMT cannot be mitigated to a less than significant level. As discussed in Section 3.17 Transportation under Impact TRN-2 of the Draft EIR (pages 178-180), the project, with implementation of mitigation measures MM TRN-2.1, would reduce VMT to 15 percent below the Countywide and Regionwide average and result in a less than significant VMT impact. The Draft EIR

also concluded that air quality and greenhouse gas emissions impacts would be less than significant with mitigation measures incorporated.

Comment HH.17: 3.10 Hydrology and water quality

The general plan provision RME-9 on page 114 to reduce stormwater impact from transit proximity is also wrong. First of all the DEIR only analyzes Parcel A and B. Even at the wrong reduced value it finds a significant impact from increased VMT. Second, the DEIR shows no improvement in transit use. And third the project is filling the stormwater mitigations sites like the community garden with hardscape, roads to traverse the project, and grass whose compacted soil increases runoff. To decrease runoff the project should be feasibly increasing vegetation cover by expanding the size of the garden and doubling the density near Serramonte as we explained in our letter to the planning commission. The EIR should be redone to correctly analyze the impact of runoff and dangers to the community in an era of increased atmospheric river runoff as Congressman Kevin Mullin says here from paving over the garden and increasing roads through the project.

Response HH.17: Please refer to Response HH.5: above regarding the Draft EIR's approach in evaluating buildout of the project.

The proposed project would implement mitigation measure MM TRN-3.1, which requires the project to implement a TDM plan to increase transit use and alternative modes of transit by project residents.

As discussed in Section 3.10 Hydrology and Water Quality under Impact HYD-1 of the Draft EIR (pages 117-118), the project would provide a large retention basin on Parcel B to capture stormwater from the project site. This retention basin would ensure that stormwater discharge from the project site, at full buildout during a 10-year storm event, would match pre-construction conditions and not increase stormwater runoff from the project site. Like all new development in the Bay Area, the project is subject to the requirements of the Municipal Regional Permit provisions governing construction and post-construction water quality and stormwater management, as discussed in Draft EIR Section 3.10 (pages 112-121), which serve to reduce the project's impact to hydrology and water quality to less than significant levels.

Comment HH.18: Section 3.11.1 Land Use

Preserving Public Uses Such as Community Gardens and Parks

The DEIR does not look at the losses to the community from privatizing public space. JUHSD owns the 22-acre project site which is public. The project looks to privatize recreational amenities that support health and wellness leaving low income residents in unhealthy situations without access to public space. It currently includes a well-used almost two acre community garden and orchard that improves air quality, increases access to fresh food, improves food security, improves dietary habits

through education, increases fruit and vegetable intake, increases physical activity through garden maintenance activities, reduces the risk of obesity and obesity-related diseases, improves mental health, promotes relaxation, provides needed biodiversity, includes hundreds of plant species including native plants, provides wildlife habitat, includes trees and shrubs of different densities and heights giving birds a places of retreat and safety, includes a number of redwood trees and fruit trees, the garden includes a seasonal wetland, reduces erosion from runoff, provides natural flood control, improves water quality and serves as a vital component of effective adaptation and resilience to climate change. Children’s toys within the garden point to widespread community use and the functioning of the garden like a park. All the public benefits will be lost with the project as currently conceived.

Not keeping public resource uses feasible results in significant equity issues such as nature-deficit disorder which contributes to a diminished use of the senses, attention difficulties, conditions of obesity, and higher rates of emotional and physical illnesses. Research also suggests that the nature-deficit weakens ecological literacy and stewardship of the natural world, resulting in apathy in the face of climate change disasters such as wildfires, sea level rise, and extreme heat which Daly City needs to counter. Accordingly, we support increasing community gardening opportunities on public lands in Daly City. Preserving public uses such as community gardens and parks serves public needs, safety, and recreation. The DEIR is deficient in not looking at the significant harms from the loss of public lands to privatization that could have been feasibly preserved and should be redone.

Response HH.18: Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation. Public agencies regularly dispose of surplus public property to private entities for development. The conversion of public lands to private leases is addressed through the CEQA process by evaluating and disclosing the environmental impacts (e.g. air quality, noise, water usage, cultural resources, etc.) that would result from the proposed new use, however, the fact that a project involves a public property being conveyed to, and developed by, a private use is not in and of itself an environmental impact, and, therefore, is not discussed in the Draft EIR.

Comment HH.19: Section 3.11.2 Land Use

Impact 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. (Less than Significant Impact)

Section 3.11.2 states that the project would not conflict with any land use plan, policy or regulation. The report states (page 124) “The proposed project would comply with the City’s Inclusionary Housing Ordinance (Chapter 17.47 of the City’s Municipal Code), which requires 10 percent of rental units to be low-income units.” The report states that the Daly City Inclusionary Housing Ordinance is intended to address negative environmental impacts, by requiring construction of units for very low and low income households. Failure to follow the ordinance would have the

following negative environmental impacts “(1) housing will have to be built elsewhere, far from employment centers and therefore commutes will increase, causing increased traffic and transit demand and consequent noise and air pollution; and (2) City businesses will find it more difficult to attract and retain the workers they need.” Affordable housing policies contribute to a healthy job and housing balance by providing more affordable housing close to employment centers.

In California, cities must develop plans to meet Residential Housing Needs Allocation (RHNA) plans for the community. In the Daly City Housing Element submitted in June 2023, during the period 2023-2031, Daly City is required to plan for 4838 units of which 1336 are very low income (to include 50 percent extremely low income), and an additional 769 are to be low income, and 762 are moderate income. According to the DEIR, the SDR project will provide only 10 percent “affordable” units (i.e. very low, low and moderate income), approximately 120 units of the approximately 1235 units planned for this project. None of the units are included in Plot B, which is the only part of the project specifically addressed in the DEIR.

The Daily City Inclusionary Housing ordinance requires that low and very low income units be constructed at the same time as other units, and be physically distributed throughout the development. This apparent non-compliance with City law was pointed out in the attached November 15 2021 memorandum from the City’s Director of Economic and Community Development, Housing and Community Development Supervisor, and Housing Coordinator.

As pointed out in the attached August 21 letter from Grasseti Environmental Consulting, this project will also make it extremely difficult for Daly City to achieve the RHNA allocation of low and very low income housing. The DEIR should be revised to reflect that this project is not in compliance with current land use policy and law.

Response HH.19: Please refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above. In addition, the excerpted Draft EIR text in the comment notes the project would provide at least 10 percent affordable housing. Since publication of the DEIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment HH.20: 3.13 Noise

Shasta High School was not included in the table 3.13-6 on Noise Levels for Monthly test of the Emergency Generators.

Response HH.20: The receptors listed in Table 3.13-6 were chosen to provide a range of distances from the proposed emergency generators. Shasta High School is directly south of Parcel C, which was not assumed to have an emergency generator. The school is, however, approximately 100 feet south of Parcel D, which would fall within the ranges identified in the table. Moreover, receptors of the apartment

complexes, located directly south of Parcels E and F (and thus situated similarly as the high school students), were considered in evaluating noise impacts, and no significant noise impacts were identified. For informational purposes, impacts were even evaluated on project users, some of whom would be located as close as 60 feet to a generator and, even in these circumstances, no significant impacts were identified. Thus, noise impacts to the high school are accounted for. The Draft EIR concluded that emergency generator testing would not exceed ambient noise levels at any nearby sensitive receptors; therefore, the impact would be less than significant (see page 143 of the Draft EIR).

Comment HH.21: Operational Noise: Noise Impact Shasta High School pg 135 and Construction Noise pg 135

As stated: this type of construction equipment could generate noise ranging from 70 to 90 dBA at a distance of 50 feet.

Table 3.13-4 indicates that the South School (Shasta) is 290 ft from Parcel C/D. Parcel C is next to Shasta so not clear on what is the actual distance from noise generating construction equipment to receptors at Shasta, but some portions of the school may be closer than 290 feet. Since construction is planned M-F 8:00 to 5:00 weekdays, which are also scheduled school hours, more information should be specifically provided for Shasta High School on noise impact. Current impact is projected as 77 dBA during demolition and grading.

Excessive ambient noise levels interfere with classroom communication and learning. The American National Standards Institute recommends that ambient noise in a “core learning space” not exceed 35 dBA (not including noise generated by classroom activities). Insufficient information is provided regarding the outdoor-indoor transmission characteristics of the school building, but projected source noise levels indicate that the school will be significantly impacted. Mitigation measures providing 5 dBA reduction, presumably at the source, do not ensure that noise levels are maintained below recommended levels at the school. Given the long time-line for construction at the site. The EIR does not provide a sufficient analysis of noise impacts, and there is no assurance that the mitigation measures will produce sufficient reduction in noise at the school.

No mitigation measures on construction noise references Shasta High School. Pg 140-141.

Response HH.21: The distances stated in Table 3.13-4 are measured from the center of each parcel to the nearest sensitive receptor. As discussed in Section 3.13 Noise under Impact NOI-1 of the Draft EIR (page 140), the threshold for noise impacts during construction is 90 dBA L_{eq} at residential land uses (which threshold is also used for classrooms) or 100 dBA L_{eq} at commercial land uses surrounding the project site. These thresholds and modeling from the center of the parcels are based on the Federal Transit Administration’s Transit Noise and Vibration Impact Assessment Manual. As shown in Table 3.13-4, noise levels would not exceed these thresholds;

however, the project would still be required to implement mitigation measure MM NOI-1.1 to further reduce construction noise. For these reasons, the Draft EIR concluded that the project would not result in significant construction noise impacts. For informational purposes, additional noise modeling was done to estimate noise levels at Shasta High School for the particular periods when construction equipment would be used at the southern property line of Parcel C, representing the most intense noise exposure for the school. Three phases of construction were modeled; grading/excavation, building exterior, and building interior. Construction noise levels were calculated utilizing the FTA’s General Construction Noise Assessment method in which the two noisiest pieces of construction equipment per phase were assumed to operate immediately adjacent to Shasta High School. The FTA has set a General Assessment Daytime Construction noise criterion of 90 dBA $L_{eq(1-hr)}$ for residential land-use, which is an appropriate threshold to apply to classroom activities. As shown in the table below, construction noise from equipment located 30 feet from Shasta High School would not exceed the 90 dBA $L_{eq(1-hr)}$ threshold. While the mitigation measures outlined in MM NOI-1.1 would reduce construction noise impacts to a less than significant level, an additional mitigation measure to construct a temporary noise barrier between Parcel C and Shasta High School was added to further reduce noise levels (please refer to Section 6.0 Draft EIR Text Revisions).

Phase	Construction Equipment	South Shasta High School (30 feet)
		$L_{eq(1-hr)}$
Grading/Excavation	Grader Dozer	87
Building - Exterior	Forklift Backhoe	81
Building - Interior	Air Compressor (2)	81

The American National Standards Institute’s 35 dBA recommendation for schools is intended to assist schools in designing new, and renovating existing, class rooms. In this 35 dBA recommendation, background noise refers to transportation noise such as aircraft, road vehicles, and trains, HVAC systems and other building services and utilities operating simultaneously, and plumbing equipment operating at their noisiest conditions. It does not apply to temporary construction noise; therefore, it was appropriately not used as a threshold in the Draft EIR for evaluation of the effects of construction noise.

Comment HH.22: 3.14 Population and Housing

The Daly City Community Garden Alliance agrees with the NAACP DEIR letter.

Redlining makes it likely that there will be very few African Americans who will be able to afford to rent in the SDR. By limiting the affordable housing component to only 10%, and keeping the majority of the project market rate, this project ensures that historical inequities will be unaddressed in changing segregations legacies of redlining as required by the housing element and general plan. The project by preventing more diversity through affordability entrenches the racism that Donald Trump has been dog whistling through our contemporary politics and enters it in concrete. It's ironic that the era of redlining started in Daly City in Westlake as Richard Rothstein documents in Color Of Law (pages 73-90) and this project casts redlining into concrete by the JUHSD by not even meeting the RHNA that Sierra Club outlined in its letter to Daly City dated February 17th 2022. The letter also outlines a solution to increase affordability in line with the RHNA failures and feasibly mass taller buildings near Serramonte to feasibly remove cost burdens to residents from transportation. Additional cost burdens from utilities can be reduced by feasibly making the project a microgrid of batteries and solar panels including on a taller south and west facing vertical surface as Sierra Club outlined in its letter to the planning commission dated August 3rd 2021. Through pricing and 90% market rate housing SDR ensures that racial segregation remains the de facto developmental model in Daly City. The EIR should be corrected to integrate housing as recommended by the general plan and housing element.

Response HH.22: Economic and socioeconomic topics are not considered CEQA issues; therefore, the Draft EIR does not include discussion of them. In addition, since publication of the Draft EIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment HH.23: 3.16 Recreation

Demonstration Garden 2.2.1.1

1) The Garden has been maintained for +20 years by public community members and not JUHSD. The land is surplus public land, not private property. It is a community garden that is located on the perimeter of the property with a hillside of full grown trees with a water inlet. Serramonte HS was closed 42 years ago. The Community Garden Alliance, Sierra Club, NAACP, Gay Shame, Pacifica Social Justice groups have clearly stated at all public meetings with JUHSD and the City of Daly City that the public has been in control of the Garden to grow vegetables, fruits and herbs. JUHSD has only disputed that the land was on school property and “provides limited access for members of the public” 2.2.1.1 pg 20.

The Impact is Significant (total destruction) and should be reviewed as a separate alternative to have no construction and remain as a public garden.

Response HH.23: Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation above.

Comment HH.24: Existing Conditions

The Draft EIR does not recognize that current Recreation is provided on site with the Gymnasium for 2 major established groups. Year round basketball games are played at the gymnasium by Hundreds of youth and adults for the CYO and Homenetmen.

Although it is stated pg 165 “that the project proposes to pay in-lieu fees to offset recreational demand for parkland not provided by the proposed project” –the loss to the community of the gymnasium has not been factored in.

This is a Significant impact to the Community that has not been addressed. From the Executive Board of Homenetmen one of two major renters of the gymnasium: Homenetmen is a non-profit organization and has been renting out the Serramonte Del Rey gym since 1997. The usage of the gym is for basketball practices for our 10-12 teams along with 2 other organizations from PBL and BullDawgs. The gym is also used for the OYAA Greek League. Hundreds of community members take part in basketball games and practices throughout the year. We have at least 30-40 games excluding practices. The facility is also used for Youth Scout purposes. It has been quite difficult to find and rent a gym and offices as a new home for our organization.

Response HH.24: Please refer to Master Response 6: Recreation above.

Comment HH.25: Pg. 164. “The nearest park(s) to the project site are Gellert Park located approximately 800 feet southeast of the project site.” That designation is not correct as Gellert Park is not a Park. It has a library and ballfields but it is not a park. It cannot be ADA accessed until the corner of the clubhouse and tennis courts or .8 mile or 4,224 feet.

Access is due to no stairs from the corner of Hickey and Callan and could be a recommendation as part of the Development agreement.

Response HH.25: The statement that Gellert Park is not in fact a park is without basis. Gellert Park is a City owned and maintained park listed in the City’s Parks and Open Space Master Plan.

As discussed in Section 2.2.2.1 of the Draft EIR (page 11), the City and applicant are in discussions about additional off-site improvements, including improved access to Gellert Park. However, as the commentor notes, Gellert Park currently has a designated access point for ADA access. The location of Gellert Park’s ADA accessible entrance does not alter or impact the Draft EIR’s analysis of the project’s impact on recreation.

Comment HH.26: Parcel B Open “Public” Space portion of Development Project—not visible or easily accessible to public

The Parcel B area includes what little green space is being proposed for the public as indicated as Overlook Park (large grass area and playground). Figure 2.2-8

2.2.2.2 Open Space and Landscaping

There is no public access to the park unless you walk the recreational trail around the frontage of Serramonte Blvd and the 73.5 foot high Parcel B building. It is not visible to the public.

2.2.2 Does not indicate any public parking spaces other than reserved for retail customers and leasing, with and the remainder reserved for residential parking. No ADA parking is indicated for either the public park or playground. By isolating this park within the development, lack of access from Callan Blvd and lack of public parking, creates a privatized, not public space, as is claimed in the DEIR. or public parking this is not public open space but privatizing for the development residents. This does not meet public space or access guidelines.

Response HH.26: The proposed park on Parcel B would be built in accordance with City standards. While the park would not, due to slope, have direct visibility from Serramonte Boulevard, the park would have visibility and public access via sidewalks and recreational trails . It is noted the existing demonstration garden is not visible from Serramonte Boulevard, yet the community is aware of its existence. Parking on the project site and for Parcel B will be provided in accordance with City Code for a project of this type.

Comment HH.27: Transportation

Market rate housing doesn't support transit.

The DEIR claims that the project will function as a Transit Oriented Development (TOD) . According to University of California Davis for National Center for Sustainable Transport (NCST) TOD is meant to change transit patterns to reduce air quality and greenhouse gasses impacts on society.

Research indicates that compact, mixed-use, mixed-income development located near transit can serve to reduce driving and associated harmful emissions, meaning TOD could help support state sustainability goals. (page iii). Many localities in California also support TOD goals, for reasons that include revitalization of downtown areas, mobility and accessibility improvements for residents, and provision of workforce housing. Now is a critical time to consider which planning and policy “packages” can be most effective in inducing TOD, and this research project helps address that question.

There are a number of factors that lead to ineffective TOD by the project. The DEIR admits ineffective TOD in a circular fashion, it says:

Implementation of the proposed project (including the Parcel A development project) would introduce 3,403 net new residents to the project site in comparison with planned development levels (refer to the discussion in Section 3.14.2.1 under Impact POP-1) and would generate approximately 170 new transit users.

The footnote 84 explains that the transit usage expected is no more than the region produces with its standard, i.e. non TOD, development pattern:

84 Assumes five percent of residents use public transit. Source: U.S. Census Bureau. Commuting by Public Transportation in the United States: 2019. April 2021.

There are a number of feasible reasons why the project fails which we explained in various comment letters on the project to the project proponents.

The apartments proposed by Serramonte Del Rey are going to rent for an average of \$3000/- per month according to Zillow. That is \$36,000 per year. According to the 30 percent rule the income of the renter's will exceed \$120,000/-. People in this income bracket, renting from this project, based on the current subdivision map, will not use transit in general and buses in particular. See American Public Transportation Association report on who uses transit page 36 and 37. Page 37 on transit use by household income shows significantly declining transit use by income. Page 36 of use by mode shows higher income users prefer rail to bus.

Note that lower income people tend to use transit but they only make up 10% of this project. Therefore 90% of this project will be contributing to public problems of air, water and GHG pollution, congestion, and increased VMT by driving instead of taking transit. These impacts are the opposite of what is required from public goals under SB32, SB 375 (40% reduction against a baseline of 1990 levels by 2030) and SB743 (using Vehicle Miles Traveled (VMT) analysis instead of Level Of Service to gauge lifetime impacts from the project due to transportation.)

Response HH.27: It is incorrect to state residents of market rate housing do not use transit. The Draft EIR conservatively relies on the estimate that five percent of residents would regularly rely on transit, as reported by the U.S. Census Bureau. In addition, since publication of the Draft EIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment HH.28: This DEIR fails to acknowledge the long term decline in transit on the project because of the project's auto oriented development patterns. The Mercury News noted in 2010 that Samtrans would enact service cuts because of deficits caused by lower ridership. The service cuts were coming on top of service cuts enacted in 2009. San Mateo Daily Journal reported additional cuts in 2017. This year transit operators in the Bay Area are facing a huge fiscal cliff and additional service cuts.

The current development pattern that Serramonte Del Rey is utilizing is driving transit out of business.

Response HH.28: As discussed under Impact TRN-1 in Section 3.17 Transportation of the Draft EIR (pages 176-177), the project would improve access to transit in the project area and would not conflict with a program, plan, ordinance or policy regarding transit services. Future residents can be expected to use transit when their destination can be readily accessed using transit, such as utilizing nearby Colma BART for work trips to major employment centers such as Downtown San Francisco.

Comment HH.29: According to CCAG, slide 6, we must reduce VMT by shifting to other modes to meet CA goals in SB375 and SB743. According to RMI we must reduce VMT by 20% before the end of the decade to meet Paris. This subdivision layout should be returned because it's designed to fail.

Similar project layouts in San Mateo have not delivered the promised transit usage- See for example Bay Meadows in City of San Mateo which not only resulted in declining transit use but also contributed to increasing driving, leading to the expansion of 101 and the adjacent slip lanes because “when you continue to load the system, it starts to break down.”

Impacts can be avoided if possible mitigations are adopted, within the subdivision map, also mentioned in our letter to planning commission:

- A. the buildings should be massed closer to the street, without parking and (if possible) on a U bus travel loop to reduce time needed to catch a bus.
- B. The U street should be for the Serramonte bus, a shuttle to major stops like BART and school, car and bike share, employer shuttles, and delivery to shorten trip times.
- C. Parking allowed should be unbundled and located in a park once and walk location to encourage people not to own cars and create a safer walking environment that would decrease vehicle miles traveled. The parking can be further reduced like the City of Austin by replacing 20 spots with one car share spot.

Response HH.29: Please refer to Response HH.13: above regarding VMT reduction.

Comment HH.30: Samtrans bus use has been low compared to other agencies and has been steadily decreasing. See Metropolitan Transportation Agency report titled “How much are Bay Area residents relying on Transit” chart titled “Historical trend for daily transit ridership by operator” which shows Samtrans as poorly used and slightly declining for two decades. Overall transit use has declined by 11% in the same period.

Displacement also impacts transit use as the UCLA study says, primarily bus users, who are low income, are displaced for rail users. Long term transit use declines. Thus SamTrans bus service continues its long term decline with rising rents which in turn increases driving.

Worse, low income people who used to take the bus are part of an outmigration to far away places like Modesto where they commute from in older cars increasing VMT, bad AQ, and adding to the congestion which will be produced by this project.

The project proponent and Brookwood have not submitted any case studies to show why displacement and declining transit will not continue and the EIR has ignored this fact in trumpeting the dataless and unverified narrative of TOD.

These substantial impacts to dirty air, greenhouse gas increase, transit sustainability and displacement can be avoided with feasible measures that we recommend in our letter to the planning commission such as:

- A. Increasing the total of affordable housing in the project to reduce displacement and increase transit use.

- B. There should be no parking or motor vehicles allowed in the development to increase the number of users committed to transit. This is an ideal location to eliminate parking because there are no adjacent streets for spillover. It will also significantly lower the cost of the construction and will result in lower rents and perhaps more units. San Francisco, Oakland, and other cities do projects without parking if located on transit and bike routes. No parking within the development will increase transit use because automobiles ownership decreases transit use. California Transit Association reported that transit use declined as auto ownership increased caused by “the shift of lower-income riders moving into owned automobiles” primarily due to displacement.
- C. Lower overall rents due to no parking will increase people likely to take transit.
- D. Increasing usefulness of transit to users at the site by reducing trip time via a U bus street and shuttles will make transit more viable.

Response HH.30: Please refer to Response HH.28: above regarding declining transit use. In addition, since publication of the Draft EIR, it has been clarified the project would provide 20 percent affordable units. See Section 5.0 Draft EIR Text Revisions below.

Comment HH.31: 3. Prior to the Covid19 Pandemic, bicycle, walking and transit use had not increased in Daly City, see Transportation, while drive alone remained the dominant commute mode. The DEIR is wrong to assume that “proximity to transit” and “pedestrian and bicycle facilities” will not waste energy (Page 83). The conclusion of Impact EN-1 is wrong and should be corrected with a redone EIR to avoid conflict with the CARB Scoping Plan of 2022, SB 375 and Plan Bay Area 2050 (page 94) to reduce VMT (significant impact from the study of only Parcel A and B) and GHG (improperly calculated by not considering the entire project as we show above). In addition the inability to reduce air pollution by not reducing VMT for the whole project (not studied in this EIR) will conflict with CEQA Air Quality Guidelines since the numbers on page 93 should be based on SB32 and not on AB32, another serious deficiency which should be corrected in a redone EIR. When we checked with Michael he said that the DEIR would comply with the CARB 2022 Scoping Plan which is based on SB32 (to meet the more aggressive target of 40 percent below 1990 levels by 2030- page 1). The DEIR does none of the recommendations on page 1 and 2 to decrease reliance on cars, install renewables like solar and batteries, electrifying everything, and aggressively reducing fossil fuel use.

Response HH.31: Please refer to Response HH.5: above regarding evaluating buildout of the project, Response HH.11: regarding energy use, and Response HH.13: regarding VMT reduction. Project GHG emissions were calculated and per capita emissions would be well below the threshold of significance derived from the state’s SB 32 GHG reduction target, as presented in Draft EIR Table 3.8-1.

Comment HH.32: The DEIR assumes no increased use of transit (page 176) since only 170 of 3403 residents or 5% will use transit which is a substantial decrease of the pre covid transit mode share. That means that car friendly patterns of VMT increase, air pollution increase, and greenhouse gas

increase, will continue in direct contradiction to the CARB 2022 Scoping Plan as this study from UC Davis says is likely. The DEIR is wrong to assume that current transit usage will persist. Instead they are more likely to continue declining, aligning with regional plans like SB375 and that covid patterns will persist leading to further declines in transit unless the CARB recommendations are followed. By not following our recommendations to mass the project closer to Serramonte in a taller more cohesive project not segregated by income the project proponents are ensuring that air quality will deteriorate, green house gases will increase, and transit other social goods will fail. Other proven strategies mentioned in this UCLA paper, to increase transit use by pricing driving (unbundled parking, road charges, priced parking) and making transit free do not exist in Daly City thus requiring a redone EIR.

This paper which we mentioned earlier, says that transit is declining because transit users are being displaced by rising property and rental prices to cheaper locations like Tracy where transit is so bad that they have to buy a car. Rising car ownership and gentrification/displacement is leading to the decline in transit. The DEIR does not acknowledge the impact of increased rents increasing car ownership from its 90% new market rate housing on the city and region thus requiring a redone EIR to correct the transportation analysis by looking at current conditions mentioned earlier and studying the entire project as required by CEQA to inform policymakers.

The project design has ignored feasible solutions that we provided to the planning commission on this project and not studied the entire project as required by CEQA to properly inform policy makers. In doing so the DEIR provides unsubstantiated reliance on TDM to ignore major health impacts from dirty air due to declining transit and the development of the project with upper income residences that do not take transit.

Response HH.32: Please refer to Response HH.5: regarding evaluating buildout of the project, Response HH.15: regarding implementation of a TDM plan, and Response HH.28: regarding declining transit use. The project would not displace any housing from the site, nor is there evidence provided that the project, by providing market-rate units for 80 percent of the development and 20 percent affordable, would lead to an increase in rents generally within Daly City or the region. Rents and housing prices are high in the region due to a lack of housing supply generally (both market rate and affordable), and increasing the supply of housing for all income levels would help alleviate housing prices, not exacerbate them.

Comment HH.33: Transit DEIR page 164

Safety of Shasta Students walking to/from Serramonte Blvd

Policy CE-16 Daly City 2030 General Plan

Where are the “Safe Routes to School” action points for Shasta HS? No mention is made on the walk safety for students at Shasta High School maneuvering through the development during construction to the bus stops at St Francis and Serramonte Blvd. (Parcel F which is the current walk route of the students to the front of Parcel A will be a crossing zone of soil movement and staging equipment).

The recreational perimeter trail should be built all inclusive from Parcel B to Parcel C at the start of development of Parcel B to ensure a “Safe Route To School” to/from the bus stop.

Response HH.33: As discussed in Section 3.17 Transportation under Impact TRN-3 of the Draft EIR (pages 180-181), the project would be required to implement mitigation measure MM TRN-3.1, which requires preparation a Construction Traffic Management Plan. Implementation of this mitigation measures would ensure pedestrians and bicyclists, including Shasta High School students, would have safe access to and around the project site during project construction.

Comment HH.34: 3.18 Tribal Cultural Resources

Sacred Space and access to Native Foods and Medicines

Native Americans have been violently dispossessed and exterminated from the land (A Paradise Of Blood by Howard T. Weir; The Other Slavery by Andres Resendez) Through the boarding schools our culture has sought to displace them from their origin stories, diets, and healthy living conditions (An Indigenous People’s History Of The United States by Roxanne Dunbar Ortiz.) The resultant scattered survivors have had their health traumatized by homelessness, poverty, boarding schools, and state sanctioned violence in programs of environmental injustice (As Long As Grass Grows by Dina Gilio-Whitaker.) But the peoples have gathered in cities like Daly City and managed to propagate their culture from seeds and medicines to sacred places (See petition started by Debbie Santiago.) The garden functioned as a safe space where the diaspora could gather, celebrate their survival, tell stories, show Americans that indigenous still live off the land, and in celebrating the changing of the seasons, and harvesting food and medicines in sustainable ways, interact with the great spirits.

What’s especially galling is that the project is taking place on the unceded home land of the Ramaytush Ohlone. Once more this project maliciously raises the ugly head of settler colonialists to violently disrupt the indigenous relationship to the land.

- The project, in paving over the garden, looks to displace and degrade the assembled diaspora, and eliminate their presence from the landscape, that provided the tribes with sustenance in food medicine and shelter from the pollution.
- The DEIR is deficient in not preserving the garden as a cultural resource of native practitioners, who lack access to sacred spaces, as public spaces are privatized, and should be redone.
- The DEIR is also deficient in not pursuing a feasible strategy to mass the project near Serramonte and achieve multiple public policy goals mentioned earlier in this document and preserving the garden for community health.

From the Sierra Club’s NOP Letter on June 7

5a. Religious, cultural, and spiritual significance of the area to Tribes be ascertained prior to the EIR for the purpose of protecting, or mitigating impacts to, cultural places by contacting the relevant groups.

5b. As mentioned earlier Indigenous people within the garden community farm native plants for herbal and spiritual needs, a use that should be preserved.

Debbie Santiago letter to the City Council on June 6, 2021, It's attached to the Draft EIR:

The Jefferson Union High School only wants us to see the new grassland of where they want to put generic plants. We have agreed to look at the area. But lots of the plants, fruit and veggies plants will not survive the transferring and replanting. Especially when their employees are not giving the love, the attention and not a lot of water to keep surviving. We still need to save the Bog (swamp area) Coffee Tree, indigenous plants, herbs and all the different fruits and vegetables. With all these wonderful qualities, these plants and herbs bring in the dears, the butterflies, the bumblebees and other Bees to make Honey and Hummingbirds that help cultivate each plant to survive.

Response HH.34: Please refer to Response DD.3: through Response DD.9:, regarding special-status species, and Master Response 7: Tribal Cultural Resources above.

Comment HH.35: Historic Resources: Impact Discussion DEIR pg 75 confirms location:

“However, based on the site’s proximity to a historic freshwater source and the historic occupation of Daly City and the project site by the Ohlone/Costanoan people, the Cultural Resources Study identified a moderate sensitivity for subsurface archaeological resources to be encountered.”

The Garden has been identified by community members as a meeting spot for the Ramaytush Ohlone tribe members to have spiritual meetings. JUHSD recognized these members and had meetings to discuss an alternative spot with the representative but provided no contact information to the City or consultants to contact them directly. The Draft EIR is deficient to not contact known sources directly to establish Historical Resource information for which the DEIR should be redone.

Response HH.35: Please refer to Master Response 7: Tribal Cultural Resources above.

Comment HH.36: 3.19 Utilities and Service Systems

Emergency Generators DEIR pg 142 Parcel C Omissions

As stated:“ Emergency Generators are proposed to be located on Parcels B, D, E and F.”

Why is Parcel C –which the Developer has called the “affordable” Building in discussions with prospective builders not going to get a generator? This is the same building that the Head Start building is planned for. Why is this building being excluded? The Sierra Club letter to the Planning Commission showed that all the buildings could be feasibly protected from power outages by being

designed as microgrids for which there is considerable money available in the Inflation Reduction Act and through the state's SGIP program. The DEIR is deficient in discriminately not feasibly protecting low income tenants from the effect of power outages such as the Public Safety Power Shutdowns.

Response HH.36: Please refer to Response GG.13: above.

Comment HH.37: Please attached the following 20 documents, petition, photos and videos as our additional comments on the DEIR:

1. July 21, 2023 - Community Garden Alliance NOP Comment Letter
2. Feb 7, 2022 - Community Garden Alliance Letter
3. Daly City Housing Element
4. June 7, 2021 - Daly City Planning Division Notice of Preparation Letter (NOP)
5. August 3, 2021 - Daly City Planning Commission Letter
6. August 13, 2021 - San Mateo County Board of Supervisors / David Canepa Letter
7. September 8, 2021 - Daly City Council Letter
8. February 17, 2022 - Daly City Council Letter
9. March 9, 2022 - Daly City Council Letter
10. Sept 7, 2023 - Draft EIR Letter
11. Petition to Save Daly City's Only Community Garden
12. Serramonte Del Rey Precise Plan
13. October 4, 2021 - JUHSD Real Property Advisory Committee 7-11 Report
14. 2018 City of Daly City Inclusionary Housing Ordinance
15. May 2023 - City of Daly City Housing Element 2023-2031
16. April 25, 2022 - JUHSD RFP FAQ for BMR Developer: Parcel C
17. State and Federal Endangered Species List
18. Wetland & Seasonal Creek Photos and Videos
19. Historic Photos
20. Garden Photos

Please let us know if you have any questions regarding our comments.

Response HH.37: Please refer to Appendix B Draft EIR Comment Letter Attachments for full printouts. The additional documents provided do not raise specific issues about the adequacy of the Draft EIR; therefore, no further response is required.

II. Nancy Lacsamana (dated September 8, 2023)

Comment II.1: Recreation for the Serramonte Del Rey project as well as the need to address inaccuracies shown in the existing conditions 3.16.1.2.

Location:

The Project is bordered by housing on 3 sides and a cemetery on the East side. The DEIR has failed to convey that not only has the current location lost Recreation with the destruction of the garden but also the closure of the Gymnasium. The proposed Precise Plan has not noted the loss in Daly City recreation for tournament and community recreation for hundreds of athletes of various ages.

Response II.1: Please refer to Master Response 6: Recreation above.

Comment II.2: 3.16 Recreation

3.16.1.2 Existing Conditions

Omissions and Inaccuracies

- The full-size-year-round gymnasium is not mentioned.
- Gellert Park access is over 0.8 mile from the project vs 800 feet as stated in the dEIR. The physical location may be 800 feet but there is a steep hillside at the corner of Hickey and Callan. Gellert has a library, baseball fields, community room, tennis park. Gellert Park is not a park.
- The Garden is a publicly accessible community garden and is mislabeled as a Demonstration Garden. It provides recognized recreation benefits that are well documented. The issues and value of the Garden has been covered by the following letters from NAACP, Community Garden Alliance, Pacifica Social Justice, Sierra Club and community members.

Response II.2: Please refer to Master Response 1: Demonstration Garden and Master Response 6: Recreation. Please refer to Response HH.25: regarding Gellert Park.

Comment II.3: Gymnasium current ramifications of loss

The gymnasium was the home to over 500 community members especially children in basketball tournaments, practices, physical and scout activities. I was in this gym as a parent at least 5 times while my son was on a public middle school basketball team and there were over 50 people at each event. Practices have been held during the week and games every weekend.

The Gymnasium was leased out* to two different large organizations who have a well-known and respected reputation in youth sports and activities.

- CYO ---Catholic Youth Organization that allows public and private school basketball programs.
- Homenetmen --a long established Armenian community group who has for 24 years at this location for basketball and scout programs.

*Please find attached the following email from Tina confirming the lease to these 2 major organizations. Please print and include into the comments.

Please find attached the following email from Vahan Derounian and the frustration with having been at this location for over 24 years and having to relocate the recreational facility with no assistance or options from the JUHSD. Please print and include into the comments.

It is undeniable that the planned destruction of the gym has impacted basketball programs and access to physical recreation for hundreds of students and it was not included in the DEIR.

Response II.3: Please refer to Master Response 6: Recreation above.

Comment II.4: Project Recreation need go forward

It is very clear that the 3,403 new residents are going to need recreation in the project and the Serramonte Del Rey project will not provide these residents adequate recreation.

3.16.2.1 Project Impacts

The Parcel B Development project includes a privately owned, publicly accessible park, a recreational trail, and a public retail plaza, totaling approximately 0.8 acre, which would partially off-set demand on nearby recreational facilities. (Project will pay difference in lieu fees.)

Overlook Park's location cannot be seen from Serramonte Blvd

The publicly accessible park or Overlook Park cannot be seen or accessed directly by the public without walking the Recreational Trail. Parcel B side bordering Callan is on a steep hillside bordered with mature trees. From the West view, Parcel B Building at 75 Feet tall and will obstruct any downhill view of the park. There are no shown ADA parking or public parking spots other than for retail. Although this does create open space parkland it is most probably going to be used by the residents of the Parcel B and future building of ParcelC-F and not the public outside of the development.

Response II.4: Please refer to Response HH.26: above.

Comment II.5: 3.16.2.2 Cumulative Impacts

IMPACT REC-C: The project would not result in a cumulatively considerable contribution to a cumulatively significant recreation impact.

In Summary, the DEIR does not consider the impact of the loss of the Gymnasium and Garden, and the isolation of the Overlook Park from public view. The DEIR has failed to adequately convey these even more significant negative impacts in Recreation for this project.

Response II.5: A cumulative impacts refers to the combined effects of multiple projects affecting the same resource or causing similar impacts within a defined geography. Here, the comment refers to several alleged impacts of the project, and not cumulative impacts from multiple other projects occurring in the vicinity of the project. Please refer to Master Response 6: Recreation above.

JJ. Erick Campbell (received September 8, 2023)

Comment JJ.1: I have been a resident at Serramonte Ridge for over 8 years and counting. I am also the caretaker of the "garden" at Serramonte Del Rey. I am writing you today express my concern

with the 1 and a half acres located at the far end of the Serramonte Del Rey Campus. Known as the garden. My first concern is what is at stake here! This land is not only a green space, but an urban forest with over 100 native trees including over 25 California coast redwoods not the aptos blues either. Also Douglas fir, buckeyes, madrones, live oaks, white oak, California coffee berries, bay leave, elderberries, Monterey pines, Catalina ironwoods. According to project Green Space of Daly City this City “DC” has only 127 redwoods in its entirety. If that is the case then that would mean this green space has almost 20% of all the redwood trees in the whole city. How can this be to hire a crew to cut down 100 native trees in a city with less than 5% of a urban canopy just to dump their concrete and dirt on it is completely crazy. JUHSD are a bunch of lies as well. JUHSD has been trying to destroy this garden for years now and are for some reason willing to waste millions of our taxpayers money on things like security of the garden over a quarter of a million a year for 24 hours 7 days a week security that just sleeps in their cars and are always rude. One was fired for smoking dope at work in their car. JUHSD has 24 acres of property. They have promised a new garden with double the space, but if that were the case why would they even get rid of this one it doesn't make any sense. Also, before JUHSD built their housing for teachers they cut down 120 trees to build. They promised to replace 90 of them. As of today they have planted 6 cypress and commercial landscaping, not one native plant. This greenspace is also the only filter on the whole campus. It works as a rain garden filtering all the rain water mixing with the sludge of the road. JUHSD has not reached out to the communities about anything. Their one in control was fired from a different school district for taking funds. How she got this job I don't know, but she is not honest. I have had many teachers from the new housing for JUHSD say they love the garden and that they won't let them have plants in the building so they bring their plants here to plant. Why is this so hard for them to get JUHSD to do the right thing. They have wasted so much on the security cameras only to show pictures of coyotes. JUHSD has done nothing but try to make the garden into a bad place. How can corruption exist so freely. Why should this greenspace be wiped out just because these crooks lied and gave away land that is not private property but public land to the blynn corps without any feedback from the public. We are not trying to stop their buildings. Just trying to save this little plot of goodness. Thank you for your time.

Response JJ.1: The existing conditions on the site, including the demonstration garden, have been documented in the Draft EIR, including assessments by professional biologists. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

KK. Nick Occhipinti (dated September 8, 2023)

Comment KK.1: This letter is being provided as public comment/input in reference to the Draft Environmental Impact Report (DEIR) of the proposed and yet-unapproved Serramonte Del Rey Campus Redevelopment Project. This input is based on my experience as a former Board Trustee of the Jefferson Union High School District and lifelong resident of Daly City. As the sole trustee in opposition to this project, given the multitude of its problems and misdirection from its inception, I speak from a perspective both informed by and grounded in direct involvement with reviewing this project since before its conceptualization, and a critical lens of its impact upon our school district

community, public education funding and the larger scope of its engagement of environmental law, housing policy and urban development. An Environmental Impact Report (EIR) should center and elevate the issues relevant to mitigating and eliminating harmful impacts to our environment; this DEIR completely, and intentionally fails to do this. Daly City's current role in navigation of urban development in San Mateo County compels a careful and acutely responsive approach to public policy, particularly with respect to public education, housing and infrastructure, and with a critical engagement of diversity, equity and inclusion in its policymaking. Any EIR under consideration at this level demands a clear professional and legal obligation to provide adequate research for its development, respect and careful attention to detail. It is the purpose of this letter to identify these fundamental and critical areas of need in this project, as well as its implications for future projects of any scale in the City of Daly City, San Mateo County and cities across the Bay Area moving forward.

Accordingly, this project - the largest housing project ever proposed in our city and North San Mateo County, requires due diligence in its evaluation and should not be fast-tracked under the pressure of private interests - which in this case have demonstrated a clear intent to silence the input of local community members, at the expense of one of the lowest-funded public school districts here in the SF Bay Area. Education is a human right, and housing is a human right; our schools are not for sale. I continue to extend my strongest recommendation and advising to public officials and city planning staff that this project, with its many clearly unethical and ambiguously legal and financial issues, be halted and completely redrawn at this point. With that, the public input process for this project and its DEIR should be restarted, with a more transparent, accountable and responsible engagement of public comment and input, and in step with the guidance of local, state and federal public agencies.

As the SF Bay Area begins to reimagine itself at the outset of an endemic stage of a global pandemic, local cities have the responsibility and opportunity to step back and consider the relevant and essential needs of our communities. It is incumbent upon public agencies and the public officials leading the duties of governance to research, reflect and seek consultation from other public institutions, nonprofit agencies and, most importantly, their constituents, the communities that they represent. Every city is different - and Daly City's role in both San Mateo County, as well as the city directly adjacent to San Francisco - requires a departure from the problematic and discriminatory practices and abuses of public policy of the past, glaringly apparent in the development of San Mateo County for generations.

As a new generation of voices, leaders and community here in Daly City and San Mateo County, the test of our leadership will be to see what we are actually willing to do to make a change in how we see our community: is it simply for sale to the highest bidder - or do we value our culture, community and have any vision for our cities that goes beyond what we have seen for years? We should ask ourselves, and each other:

What do we want to see as the future of our city?

What do our students want to see as the future of their schools?

What should our streets look like?

What role can the malls play in public service to our community?
Where are our public murals?
How can we ensure that our public libraries remain open to the public seven days of the week?
How can we open up our brand new, outdoor school athletic fields and theaters to the public for community use in an accessible, organized and responsible way?
How can we build on the strength of our community's cultural diversity and provide spaces to celebrate that throughout the year?
How can we finally begin to acknowledge and honor our Native, Indigenous community here on Ramaytush Ohlone Land in a respectful, substantive and meaningful way?
What is our city and county doing to promote and protect our environment, and in response to climate change?
What will our city look like if we never answer these questions?
What can our city be if we start to actually listen to the voices of our youth, elders, families and community, and engage them in a way that sees them the way we want to see our city?

If we are the change that we want to see in our community and world, then we have to accept that this change means that we have to change the way we do business - and public policy. If that begins anywhere in Daly City, it begins in Serramonte.

Response KK.1: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.2: The Serramonte Del Rey Development Project Draft EIR is littered with flaws throughout its 200+ page draft report. In an honest assessment of its contents, it is actually more questionable than the previously reviewed SDR Precise Plan. It should have included and made adjustments to this plan, based on the multitude of critical public comment provided on public record at live public meetings of the Daly City City Council and the Jefferson Union High School District. Instead, it appears to be a blueprint pushed by luxury developers with little to no regard for providing sufficient affordable housing or reasonable community benefits. It is the responsibility - and stated explicitly in our oath as public officials and employees - of our public agencies to act in the public interest, not the private interest. This DEIR falls painfully short of that. The list of infrastructural, environmental and community-based concerns is long and detailed, and has been voiced and cited on public record over the course of years by community member input - including many local high school students and generations of alumni, a petition of nearly 5,000 community members signing in support to Help Save Daly City's Only Community Garden on Ohlone Land and Territory and several community-based organizations, nonprofit and civil rights agencies, not limited to but including designated representatives of our local Native American / Indigenous community, the Daly City Community Garden Alliance, the Sierra Club Loma Prieta Chapter and the NAACP San Mateo Branch #1068.

Response KK.2: The comment states that the Draft EIR contains flaws, but does not provide examples of the stated flaws, and cites no specific pages or conclusions reached in the Draft EIR. Thus, no further response can be given.

Comment KK.3: An immediate list of concerns that arise from the inception of this development, and continue to remain unaddressed, include:

- Logistics for building 1,235 apartments and creating parking, all on a public school site seem both inappropriate, oversized and completely negligent of the historic and projected environmental impacts facing Daly City and its surrounding area, including: pollution, lack of public green space and open space, extremely limited urban canopy and endangerment of local wildlife and remaining trees protecting the area (Daly City also continues to lack adoption of public policy regarding any substantive Heritage Tree Ordinance or formulated Urban Forest Plan protecting or promoting preservation and positive support of our local environment, as modeled by other cities our size, throughout the Bay Area and state of CA)

Response KK.3: This comment speaks generally to impacts regarding pollution, lack of open space, urban tree canopy, and wildlife, but does not raise any specific issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.4: - The net green space and open space numbers listed by the DEIR about this development are incorrect and misleading, given the net loss of green/open spaces resulting from the destruction of Westmoor Park, the office park development that this SDR DEIR is predicated, and effectively directly linked to; the projected net green space and open space should be reassessed and redrawn to include provision for those areas and services lost to these projected developments (preservation and promotion of existing Community Garden at SDR, indoor basketball gym and athletic facilities, space for community organizations and sports leagues, local martial arts programs nonprofit agencies, and auditorium/gallery/event center, etc.)

Response KK.4: JUHSD's adult education and district office project at 123 Edgemont Drive was approved as a separate project by the JUHSD Board of Director's in August 2021 and its recreational impacts were disclosed as part of the environmental review process. Construction of the JUHSD adult education and district office project is not contingent on approval of the proposed project.

Please refer Master Response 6: Recreation above in regard to recreational impacts.

Comment KK.5: - No justifiable need for additional Retail space in what is in fact the largest concentrated retail complex in the SF/San Mateo County Peninsula (Serramonte)

Response KK.5: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.6: - Language in Precise Plan/DEIR projecting "to create a neighborhood" in an existing neighborhood is both grossly misleading, and insulting; Daly City's neighborhood is defined largely by its residential housing and population density, including historically low-income multi-unit apartment buildings located directly across the street from SDR, as well as the new JUHSD

workforce housing, and the Serramonte Ridge apartment development previously built (and currently losing affordable units) already located at Serramonte Del Rey.

Response KK.6: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.7: - Problematic, discriminatory prioritization of luxury/market-rate apartments and extremely limited affordable housing units - which are also planned to be segregated from the market-rate buildings, in a repeated, blatant attempt to appeal a violation of longstanding civil rights law (also cited by the NAACP)

Response KK.7: Please refer to Master Response 2: Regional Housing Needs Allocation and Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.8: - The DEIR for the Serramonte Del Rey Development Project is also still in violation of the city's own housing ordinance, which mandates that affordable housing units be included, and not segregated from the market-rate/luxury housing buildings by isolating them in a separate building; this is a violation of federal, state and even local civil rights / housing law and should not be allowed "exception" for any reason, or aggressive lobbying by private industry and real estate lobbyists

Response KK.8: Please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above.

Comment KK.9: - The DEIR and SDR Development Project altogether neglects addressing the housing crisis at its actual needs: affordable housing and addressing homelessness and the needs of unhoused and low-income community enduring a high cost of living in the Bay Area, extremely high rent, possible eviction and ongoing financial hardship in our current economy.

Response KK.9: Please refer to Master Response 2: Regional Housing Needs Allocation above.

Comment KK.10: - The DEIR is informed by false statements made by JUHSD Board Members on record at live High School District Board meetings, constituting an intentional, concerted effort to misrepresent, isolate, exclude and disregard the contributions of the designated representatives of our local Native / Indigenous community to a public project impacting green space, open space and the environment, the largest of its scale proposed in decades in Daly City and North San Mateo County; no approval of this project's planning has ever been expressed by the Native community involved in any stage of the development the SDR Project and its EIR.

Response KK.10: Please refer to Master Response 7: Tribal Cultural Resources regarding the City's compliance with obligations to consult under AB 52 and SB 18 with tribes culturally affiliated with the project area. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.11: - Lack of good faith communication and collaboration reflected in the current DEIR - requested explicitly on public record, at City Council Meetings as a prerequisite of continued consideration of this SDR Development Project through the EIR process – has defined the pattern of the JUHSD's efforts to fast-track this project; this has included attempts to silence and exclude designated local Native / Indigenous leaders, community member input, and inclusion of critical public feedback, as well as active lobbying by JUHSD members of local public agencies and civil rights organizations to stop submitting letters of public input throughout the EIR process.

Response KK.11: Please refer to Response KK.10: above. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.12: While cities across the state like San Francisco, Oakland, San José and Los Angeles have undertaken initiatives to address the multiple overlapping crises of housing, poverty, unemployment and drugs facing our cities today with more critical and innovative approaches, Daly City and San Mateo County continue to hedge on social and economic measures stuck in the past. That past is more than problematic. It is riddled with both inequity and a lack of imagination or inclusion. Best practices in urban planning, aligned with policy directives at the state and federal level, mandate a justifiable accounting of housing and urban development, underscored by state law, CEQA, and ranging from consideration of environmental and community based impacts to Native Land Rights and Public Land Use law, its community benefits and clearly designated restrictions.

At the core of this SDR DEIR Proposal is a controversial pattern of approval for unaffordable housing development at the expense of public resources, including public schools, recreational and Environmentally protected green spaces. Daly City can do better - we have to - not only for our community, but for our county. There are many other cities facing deep inequities in a lack of affordable housing and cost of living in San Mateo County, and while Daly City is the largest among them - it yet faces the greatest disparities in being able to support our majority immigrant, renter and diverse, low-income community, even when it comes to use of public school funding, public land use and apparently, even publicly-funded housing developments. This project is estimated to take 10-15 years and continues to fail to address any of these issues with due diligence. There is no justifiable proposal of any separate-but-equal public policy - in education, housing or any aspect of society - and glaring issues like this compel a complete, immediate reassessment and revision of this project. That vision must be based on sound legal and ethical, best practices in policymaking - and should begin its ultimate development with the community.

Response KK.12: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.13: There is no complete or majority consensus over the highly controversial and incomplete DEIR Proposal for the Serramonte del Rey Development project. Nobody voted on this project despite its highly controversial and questionable appropriation of public school bond money to kickstart its development. This has yet to adequately address or negotiate the many disputed issues and discrepancies of this EIR process cited over the course of two years by numerous and ongoing public comments made by local residents, youth, public officials, nonprofit and public agencies and community-based organizations, including local Native / Indigenous leaders, high school and college students, alumni, teachers, the Daly City Community Garden Alliance, and our local chapters of the Sierra Club and the NAACP.

Response KK.13: The Draft EIR was prepared to inform a forthcoming decision by the City of Daly City regarding the requested land use entitlement applications. The Draft EIR is not a proposal, but rather evaluates the proposed project, and the information is to be considered by the decision-makers as they act on the pending application. This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.14: Recommendations to specific changes to this DEIR can be found in additional public comment, input and letters submitted by the community noted here, in addition to a serious reconsideration of our city's adherence, commitment and alignment with federal housing policy and Affirmatively Furthering Fair Housing (AFFH), which should be centered as a central, guiding tenet in the formulation of Daly City's Housing Element. Daly City's application of AFFH should be assessed in alignment with the City and County of San Francisco, with which it shares a strong overlap and affinity with respect to demography, geography, and urban development and housing conditions. Disparities highlighted by US Census data, as well as that provided by the County of San Mateo Human Services Agency, are in the City of Daly City's Housing Element as well - but often stop short of a full accounting of the housing issues and solutions being considered - and require stronger transparency, outreach, and engagement of community for public input.

Response KK.14: Please refer to Master Response 3: Inclusionary Housing Ordinance and State Affordable Housing Law above. This comment does not raise any specific issues about the adequacy of the Draft EIR; therefore, no further response is required.

Comment KK.15: As a city leading San Mateo County with high profile demographic indicators and status across socioeconomic and political considerations, Daly City should be looking to larger city, state and national profiles of best practices and innovative reimagining of housing and urban development. To center our city's Housing Element around housing goals projected by this SDR DEIR will fail to consider the past and present state of our city and effectively provide a critical analysis of our own community's express needs. This would be a failure to learn from the inequity

of the devastating legacy of Urban Renewal policy that has led to our current crises demanding housing, social and environmental justice today. Federal policy derived from the Green New Deal and local people's proposals have provided a template both for next generation public policy and the public process of civic and community engagement. Public comment is essential to public policy. Our community's voices are vital to ensuring that governance is indeed diverse, equitable and inclusive - and those voices will continue to redefine what our cities need as we move into another election cycle with so many critical issues facing our country at stake. It is my hope and strong encouragement that we take this opportunity in reviewing the DEIR to engage the real issues at the heart of this development in Serramonte - and Daly City altogether - to reflect, renegotiate and reimagine housing and urban development in our city, county and the state of California forward together.

Response KK.15: This comment does not raise any issues about the adequacy of the Draft EIR; therefore, no further response is required.

LL. Sabrina Brennan (dated September 8, 2023)

Comment LL.1: Please see the link below for images of Mission Blue butterflies at the Daly City Community Garden located at the Serramonte Del Rey project site. I have seen Mission Blue butterflies many times, over the years, at the Daly City Community Garden.

Here's a link:

<https://link.edgepilot.com/s/62c53fff/HQEcg7UYHkOkYASrBoxXrQ?u=https://chng.it/RrrVx8CJGZ>

Happy to provide more photos if you need them.

Response LL.1: Please refer to Response DD.6: above.

Section 5.0 Refinements to the Precise Plan

Since the completion of the Draft EIR, there have been small refinements to the Precise Plan that the applicant, the Jefferson Union High School District, has made in response to feedback from the City and the community. The City has reviewed these refinements and finds, as documented below, that none of these refinements have resulted in any new significant environmental impacts not analyzed in the Draft EIR; any substantial increases in the severity of environmental impacts already analyzed in the Draft EIR; or any feasible project alternative or mitigation measure capable of reducing any significant environmental impacts that is considerably different from those alternatives already analyzed in the Draft EIR. Accordingly, the refinements to the Precise Plan do not require recirculation of the Draft EIR.

Many of the refinements to the Precise Plan concern the administrative process that future developments in the project area must undergo in order to receive necessary approvals and permits from the City. These administrative changes do not impact the physical layout, buildout, or timing of the project, and therefore will not have any impacts on the physical environment.

The following refinements to the Precise Plan may concern the physical layout or buildout of the project, but do not trigger the need for further environmental review:

- An increase in maximum building height to 90 feet for Parcels A, B, and C from the previous maximum of 77 feet.
- An increase in the permitted maximum residential units on Parcel C to 152 units from the previous maximum of 125 units; however, the total number of residential units across all parcels still shall not exceed 1,235, meaning that the total number of units within the project, and both its residential density and intensity, remain unchanged.
- Elimination of the second level of parking (below-grade parking) on Parcel B and associated driveway, and a slightly reconfigured ground floor plan to reflect the elimination. Parking for Parcel B residents will be accommodated by installing mechanical lifts in the remaining ground level structure. Retail parking will be accommodated with street parking.
- A refinement of a portion of the of the loop trail path on Parcel C to account for proposed building area.
- Addition of a community garden area to Overlook Park.
- Modification of the Permitted Land Uses Table to reflect the use regulation in the Commercial Mixed Use (CMU) District.
- A modification to the layout of South Access Way to have 26 feet clear for emergency vehicle access by replacing diagonal parking along the street with parallel parking on southside of the street.
- A widening of Parcel C by 9', 4" along its northern boundary, with a corresponding reduction of Parcel D along its southern boundary.

- Widened street sections to incorporate protected, Class IV bike lanes at Entry Drive, North Drive, East Drive, Campus Drive, North and South Access Way; added Class II bike lanes to the existing Campus Drive from the roundabout to Hickey Boulevard.
- Select sidewalk widening, ADA and wood retaining wall improvements on Callan Boulevard sidewalk along portions of the east side of the plan area.
- Establishing a connection between project stormwater infrastructure and the existing 24-inch storm drain at southern plan area that connects to the storm drain line in Callan Boulevard, which functions as a second storm drainage outfall for the project site. Modified storm drainage system to utilize this second outfall.

Below is a table of each modification to the Precise Plan that concerns the physical layout or buildout of the project. For each modification, there is an accompanying analysis of the modification effect on the Draft EIR's analysis of environmental impacts.

Modification	Analysis of Potential Impact
<p>An increase in maximum building height to 90 feet for Parcels A, B and C from the previous maximum of 77 feet.</p>	<p>As discussed in Section 3.1 Aesthetics under Impact AES-1 of the Draft EIR (page 27), the project site is located on an infill site within a transit priority area. Therefore, under Senate Bill 743, aesthetic impacts of the project shall not be considered significant impacts. The Draft EIR concluded that the project would not result in any significant aesthetic impacts, and similarly, any changes to the physical design of the project, including building heights, massing, and layouts will not result in any new significant aesthetic impacts pursuant to State law.</p> <p>The Draft EIR analyzed building heights with respect to Impact HAZ-5, which studied whether the project would result in a safety hazard or excessive noise for people residing or working in the project area given the project's location within an airport use plan. As the Draft EIR notes, the project site is located on terrain that is 200 feet or greater above ground level. As such, the project was already subject to a requirement to file either (a) FAA Form 7460-1, Notice of Proposed Construction or Alteration, with the FAA at least 30 days prior to construction, so that the project can be reviewed for aviation compatibility; or (2) a signed exemption form pursuant to 14 CFR Part 77.9(b) be submitted prior to construction. (Draft EIR page 109). The project will remain</p>

Modification	Analysis of Potential Impact
	<p>subject to this requirement. On July 22, 2021, the Board of Directors of the San Mateo County Airport Land Use Commission determined that the proposed Precise Plan (including the Parcel B Development project) is consistent with the SFO ALUCP and FAR Part 77 regulations. (Draft EIR page 109). This determination was based on an assumption that buildings on Parcel D, E, and F could potentially reach 150 feet in height. Accordingly, an increase of maximum building height for Parcels A, B and C to allow for buildings to reach 90 feet will not be inconsistent with the SFO ALUCP and FAR Part 77 regulations. The increase in height will not result in any new safety hazard for people residing or working in the project area, or any increase in previously identified safety hazards for people working or residing in the project area.</p> <p>Permitted building heights do not factor into or impact analysis of Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials (with the exception of Impact HAZ-5 discussed above), Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>An increase in the permitted maximum residential units on Parcel C to 152 units from the previous maximum of 125 units. However, the total number of residential units across all parcels still shall not exceed 1,235, meaning that the total number of units within the project remains unchanged.</p>	<p>Calculations of the environmental impacts of the project are based on the total project population as a whole (i.e., 1,235 residential units, 14,000 square feet of commercial uses, and 2,400 square foot childcare facility), not the number of units on any particular parcel. The total number of units across the project remains the same as studied under the Draft EIR; therefore this modification will not alter any of the analysis or conclusions in the Draft EIR.</p>

Modification	Analysis of Potential Impact
	<p>The potential for the construction of 27 more units on Parcel C will not have any substantial impact on construction timelines, intensity, or required construction equipment.</p> <p>Furthermore, the Draft EIR's air quality analysis for construction impacts already conservatively assumed a six-year construction period, since compressing the total construction activity into a shorter period of time results in higher daily emissions than if the project were built over a longer period of time. Any lengthening of the construction timeline as a result of longer Parcel C construction will further reduce forecasted environmental impacts.</p> <p>Meanwhile, the inclusion of slightly more units on Parcel C does not alter the conservative assumptions set forth in the health risk assessment, which already assumes the presence of generators near project boundaries that are located near sensitive receptors (e.g., Parcels E and F).</p> <p>Further, any changes to the massing or design of the Parcel C building shall not be considered significant impacts under Senate Bill 743.</p> <p>An increase in maximum permitted units on Parcel C, while still staying within the overall project unit count of 1,235 units upon which the DEIR based its analysis, will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>Elimination of the second level of parking (below-grade parking) on Parcel B and associated driveway, and a slightly reconfigured ground floor plan to reflect the elimination. Parking for Parcel B residents will</p>	<p>Under Senate Bill 743, parking impacts of this project shall not be considered significant impacts.</p>

Modification	Analysis of Potential Impact
<p>be accommodated by installing mechanical lifts in the remaining ground level structure. Retail parking will be accommodated with street parking.</p>	<p>Elimination of below-grade parking on Parcel B will potentially lessen the extent of excavation needed on Parcel B, thereby potentially reducing impacts related to Air Quality emissions from construction, Cultural Resources, Geology and Soils, Hydrology and Water Quality, Noise, and Tribal Cultural Resources.</p> <p>An elimination of below grade parking on Parcel B will have no impact on Agriculture and Forestry Resources, Biological Resources, Energy, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Land Use and Planning, Population and Housing, Public Services, Recreation, Transportation, Utilities and Service Systems, or Wildfire.</p>
<p>A refinement of a portion of the loop trail path on Parcel C to account for proposed the proposed building area.</p>	<p>The loop trail will continue to provide open space and park access for project users, and the project as a whole will continue to provide approximately 6.5 acres of park space. The project will continue to pay in-lieu fees to offset recreational demand for parkland not provided by the proposed project and/or dedicate land pursuant to Daly City Municipal Code Section 16.30.400. Accordingly, this modification will not result in any new or increased recreation impacts.</p> <p>The modification of the loop trail path will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>Addition of a community garden area to Overlook Park.</p>	<p>The addition of a community garden will not impact the size of Overlook Park or access to overlook park. The garden would replace an area previously designed to be grass; thus,</p>

Modification	Analysis of Potential Impact
	<p>there would be no change in anticipated water use. The project as a whole will continue to provide approximately 6.5 acres of park space. The project will continue to pay in-lieu fees to offset recreational demand for parkland not provided by the proposed project and/or dedicate land pursuant to Daly City Municipal Code Section 16.30.400. Accordingly, this modification will not result in any new or increased recreation impacts.</p> <p>The addition of a community garden to Overlook Park will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>Modification of the Permitted Land Uses Table to reflect the use regulation in the Commercial Mixed Use (CMU) District.</p>	<p>The Draft EIR already studies the impact of a General Plan Amendment to change the land use designation of the project site from C-O (Commercial – Office) to C-MU (Commercial – Mixed Use). (Page 3, 124). The actual scope of development, as documented elsewhere herein, is not changing in any significant manner, and the refinement of the General Plan designation, as implemented through virtually the same Precise Plan, is a "paper" change that does not alter the environmental analysis.</p> <p>Accordingly, the modification of the Permitted Land Uses Table to reflect the use regulation in the Commercial Mixed Use (CMU) District will have no effect on the environmental analysis already contained in the Draft EIR.</p>

Modification	Analysis of Potential Impact
<p>A refinement to the layout of South Access Way to have 26 feet clear for emergency vehicle access by replacing diagonal parking along the street with parallel parking on southside of the street.</p>	<p>Under Senate Bill 743, parking impacts of this project shall not be considered significant impacts.</p> <p>Modifying street layout to better accommodate emergency vehicle access will not negatively affect the project's transportation impacts. In fact, the modification is in accordance with MM TRN-4.1, which requires all future development within the project site to provide even surface pavement, appropriate signage, delineation, and other features at all emergency access points and internal roadways to accommodate emergency vehicles.</p> <p>The modification to the layout of South Access Way will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>A widening of Parcel C by 9', 4" along its northern boundary, with a corresponding reduction of Parcel D along its southern boundary.</p>	<p>A small alteration to the boundaries of Parcel C and Parcel D, with no increase in the overall project site, will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Transportation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
<p>Widened street sections to incorporate protected, Class IV bike lanes at Entry Drive, North Drive, East Drive, Campus Drive, North and South Access Way; added Class II bike</p>	<p>Incorporating protected bike lanes on project streets is consistent with the analysis conducted in the Draft EIR, which assumed "new bike lanes and sidewalks [...] throughout the project site." (Page 11, 39). The</p>

Modification	Analysis of Potential Impact
lanes to the existing Campus Drive from the roundabout to Hickey Boulevard.	<p>Transportation analysis of the project assumed that the project would "provide Class I, Class II, and Class III bicycle facilities on interior roadways within the project site" and would therefore comply with General Plan Policies CE-13 and CE-20. Class IV bike lanes provide protection above and beyond the level required under the General Plan, and would remain consistent with those policies.</p> <p>Inclusion of Class IV bike lanes will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>
Select sidewalk widening, ADA, and wood retaining wall improvements on Callan Boulevard sidewalk along portions of the east side of the plan area.	<p>Incorporating improved internal sidewalks is consistent with the analysis conducted in the Draft EIR, which assumed that the project may be required to construct sidewalk improvements on Callan Boulevard. (Page 11).</p> <p>Sidewalk widening, ADA, and wood retaining wall improvements on Callan Boulevard sidewalk will have no effect on the environmental analysis already contained in the Draft EIR. In fact, if proposed in isolation, these improvements would be subject to CEQA exemptions covering improvements to pedestrian networks.</p>
Establishing a connection between project stormwater infrastructure and the existing 24-inch storm drain at southern plan area that connects to the storm drain line in Callan Boulevard, which functions as a second storm drainage outfall for the project site. Modified storm drainage system to utilize this second outfall.	The connection of the project stormwater infrastructure to existing infrastructure entails only de minimis construction activity that would not meaningfully affect the environment compared to the construction impacts already analyzed in the Draft EIR. The project's performance standard still requires that post-project drainage is at or less than pre-project drainage.

Modification	Analysis of Potential Impact
	<p>This stormwater infrastructure refinement will have no impact on Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Energy, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use and Planning, Mineral Resources, Noise, Population and Housing, Public Services, Recreation, Tribal Cultural Resources, Utilities and Service Systems, or Wildfire.</p>

As demonstrated in the foregoing analysis, the refinements to the Precise Plan will not result in any new significant environmental impacts not analyzed in the Draft EIR; any substantial increases in the severity of environmental impacts already analyzed in the Draft EIR; or any feasible project alternative or mitigation measure capable of reducing any significant environmental impacts that is considerably different from those alternatives already analyzed in the Draft EIR; therefore recirculation of the Draft EIR is not required due to these project refinements.

Section 6.0 Draft EIR Text Revisions

This section contains revisions to the text of the Serramonte Del Rey Campus Redevelopment Draft EIR dated June 2023. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page iv **REVISE** the last sentence of the fourth paragraph under Summary of the Project as follows:

The building would include one level of at-grade parking. ~~two levels of parking, with one level of below-grade parking.~~

Page ix, 66 **ADD** the following text to the fourth bullet in mitigation measure MM BIO-1.2:

- If special-status bat species or maternity roosts are detected during these surveys, a qualified biologist shall identify any additional measures required to protect the roosts, such as including avoidance of the roosts until the end of the maternity roosting season. The qualified biologist shall also contact the California Department of Fish and Wildlife (CDFW) and coordinate with CDFW on measures to protect the roosts.

Page xii, 140 **ADD** the following measure after the first bullet to MM NOI-1.1:

MM NOI-1.1: The applicant shall develop a construction noise control plan for each construction phase, including, but not limited to, the following available controls:

- Construct temporary noise barriers, where feasible, to screen stationary noise-generating equipment. Temporary noise barrier fences would provide a 5 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps.
- Construct a temporary noise barrier, where feasible, between Parcel C and Shasta High School to screen noise-generating equipment. Temporary noise barrier fences would provide a 7 dBA noise reduction if the noise barrier interrupts the line-of-sight between the noise source and receptor and if the barrier is constructed in a manner that eliminates any cracks or gaps. To achieve a 7 dBA of noise reduction the temporary barrier shall block line of sight to the top of the Shasta High School building windows.

Page xvi **DELETE** MM TRN-3.2:

~~**MM TRN-3.2:** As part of the Parcel B Development project's final design, details of the Serramonte Boulevard parking garage driveway design would include the following as determined necessary by the City Traffic Engineer:~~

- ~~Measures to prohibit vehicular left turns — either through the installation of a hard concrete median, vertical delineators, or alternative means.~~
- ~~Adequate sight distance — obstructions to sight distance for all users should not be placed adjacent to the driveway and adequate throat distance to the garage entry should be provided accordingly.~~
- ~~Pedestrian and bicycle warning measures — adequate warning measures for pedestrians and bicycles should be provided on Serramonte Boulevard, including the installation of tactile domes on the sidewalk and green hatched bike lane striping on the roadway.~~
- ~~The Parcel B driveway along Serramonte Blvd. shall provide satisfactory separation distance from the intersection of Serramonte Blvd. and Highway 1 on- and off-ramps to address merging and any turning movements.~~
- ~~A separate traffic study shall be conducted to determine if a new traffic signal at the Parcel B driveway is warranted. The results of the study will affect the City’s determination on whether a driveway entry and exit shall be permitted along Serramonte Blvd.~~

Page 3 **REVISE** Table 2.2-1 as follows:

Table 4.1-1: Development Maximum Per Parcel		
Parcel Number	Maximum Residential Units¹	Maximum Retail/Commercial (square feet)³
Parcel A ²	122	0
Parcel B	210	8,000
Parcel C ⁵	125 <u>152</u>	6,000 ⁴
Parcel D	270	6,000
Parcel E	330	6,000
Parcel F	400	6,000

1. Shows maximum residential units per parcel; however, the total amount of residential units across all parcels shall not exceed 1,235 units.

2. Parcel A has been constructed and occupied and was approved under a separate application

3. Parcels C-F may provide retail/commercial space in addition to the 8,000 square feet assumed for Parcel B; however, the total amount across all parcels shall not exceed 14,000 square feet

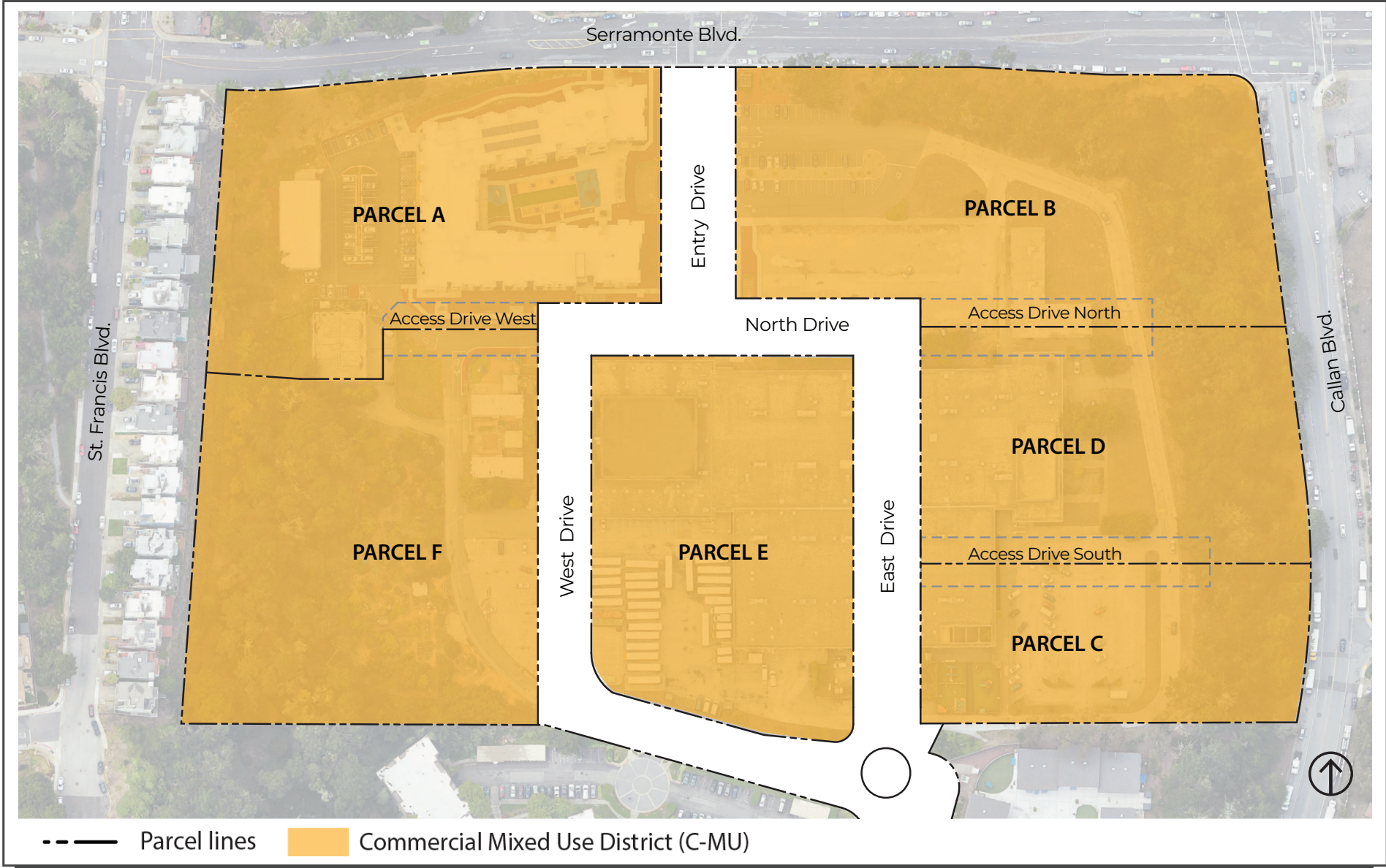
4. Parcel C is permitted to build up to 1,400 square feet of childcare facilities in addition to the overall retail/commercial square footage

5. Parcel C would be subdivided into two parcels (C1 and C2)

Page 3 **REVISE** the second sentence under Table 2.2-1 as follows:

Parcels A, B, and C would have maximum building heights of ~~77~~90 feet, and Parcels D, E, and F would have a maximum building height of 150 feet.

Page 9 **REPLACE** Figure 2.2-5 with the following figure:



PROPOSED PRECISE PLAN PARCELS

FIGURE 2.2-5

Page 10 **ADD** the following text to the last sentence of the second paragraph under Serramonte Del Rey Demonstration Garden:

JUHSD is providing raised planter beds at their new adult education building located at 123 Edgemont Drive, which was approved by the JUHSD Board on August 17, 2021 (see Figure 2.2-6), and at the proposed public park on Parcel B (see Section 2.2.2.2 below).

Page 10 **REVISE** the second paragraph under Parcel B Development Project as follows:

The proposed development would demolish the existing building and surface parking on-site and construct a seven-story (up to 73.5 feet to top of parapet and ~~8586.5~~ feet to top of elevator shaft, see Figure 2.2-9), mixed-use building with 201 residential units and approximately 8,000 square feet of retail space. The building would include ~~two levels~~ one level of ground-floor parking (one level of below-grade parking). A total of 334 parking spaces would be provided, with 301 of the spaces serving the residential units and 33 of the spaces reserved for retail customers and leasing. ~~The lower level of the parking garage would provide 212 parking spaces serving the residential units. An additional 133 parking spaces would be provided on the ground floor, with 43 reserved for retail customers and leasing and the remainder reserved for residential parking.~~

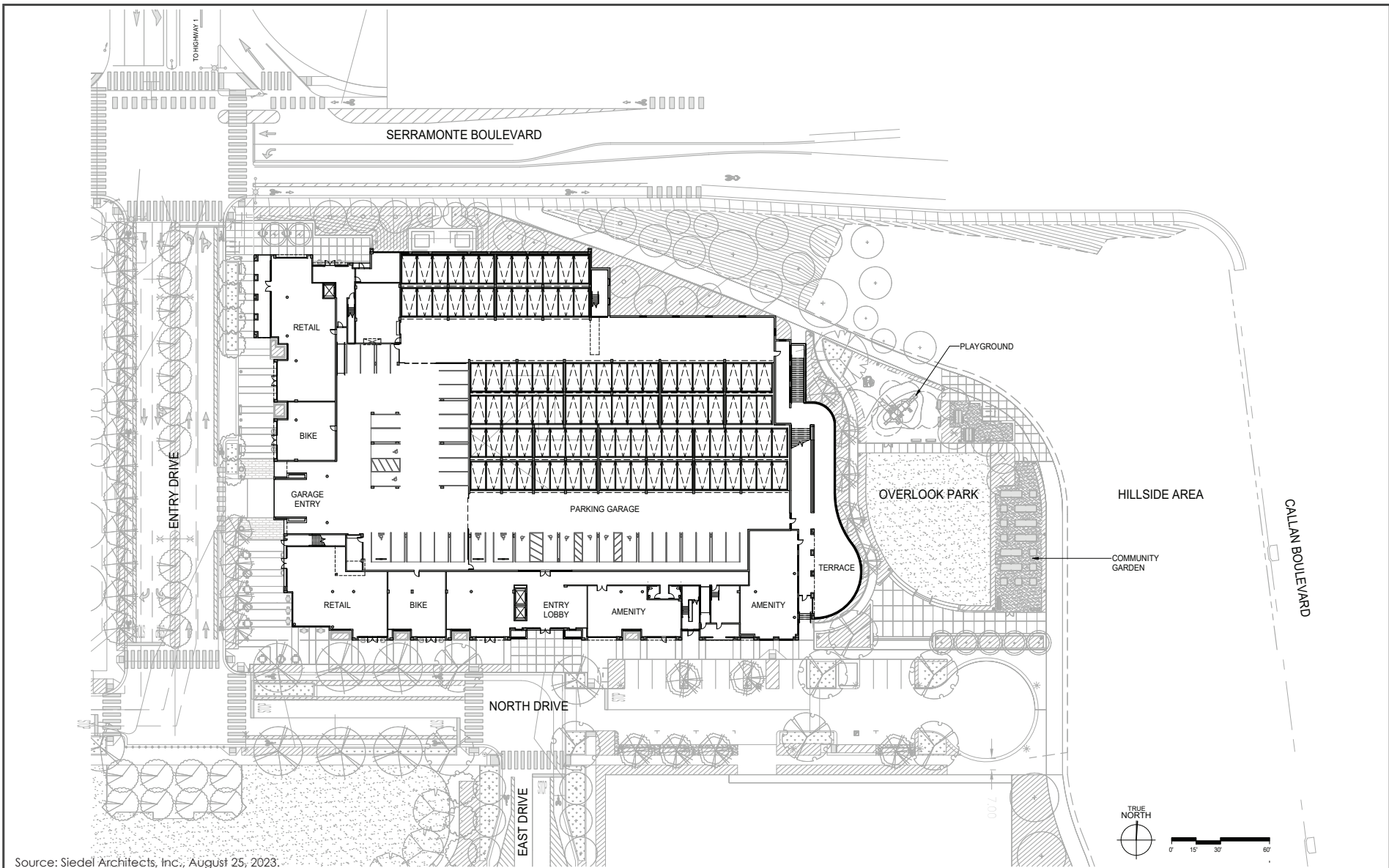
Page 10 **REVISE** the first paragraph under Site Access and Circulation as follows:

Vehicular access to the Parcel B site would be provided via ~~a new driveway and the existing entry drive on Serramonte Boulevard (see Figure 2.2-8).~~ ~~The new driveway would be located east of the existing entry drive and provide direct access to the lower parking level.~~ An entry road would that runs north-south between Parcels A and B from the existing driveway along Serramonte Boulevard. An entrance to the proposed ground-floor parking (~~i.e. the upper level of the parking garage~~) would be located along this new road. A new road serving Parcels A and B would run west-east along the southern boundaries of Parcels A and B. A new multi-use pathway would be constructed around the perimeter of the proposed mixed-use building and Parcel B.

Page 11 **ADD** the following bullet to the bulleted list as follows:

- Hickey Boulevard/Callan Boulevard right-turn lane addition

Page 14 **REPLACE** Figure 2.2-8 with the following figure:



Source: Siedel Architects, Inc., August 25, 2023.

PARCEL B CONCEPTUAL SITE PLAN

FIGURE 2.2-8

REPLACE Figure 2.2-9 with the following figure:



SOUTH ELEVATION (NORTH DRIVE)



WEST ELEVATION (ENTRY DRIVE)

Source: Siedel Architects, Inc., August 25, 2023.

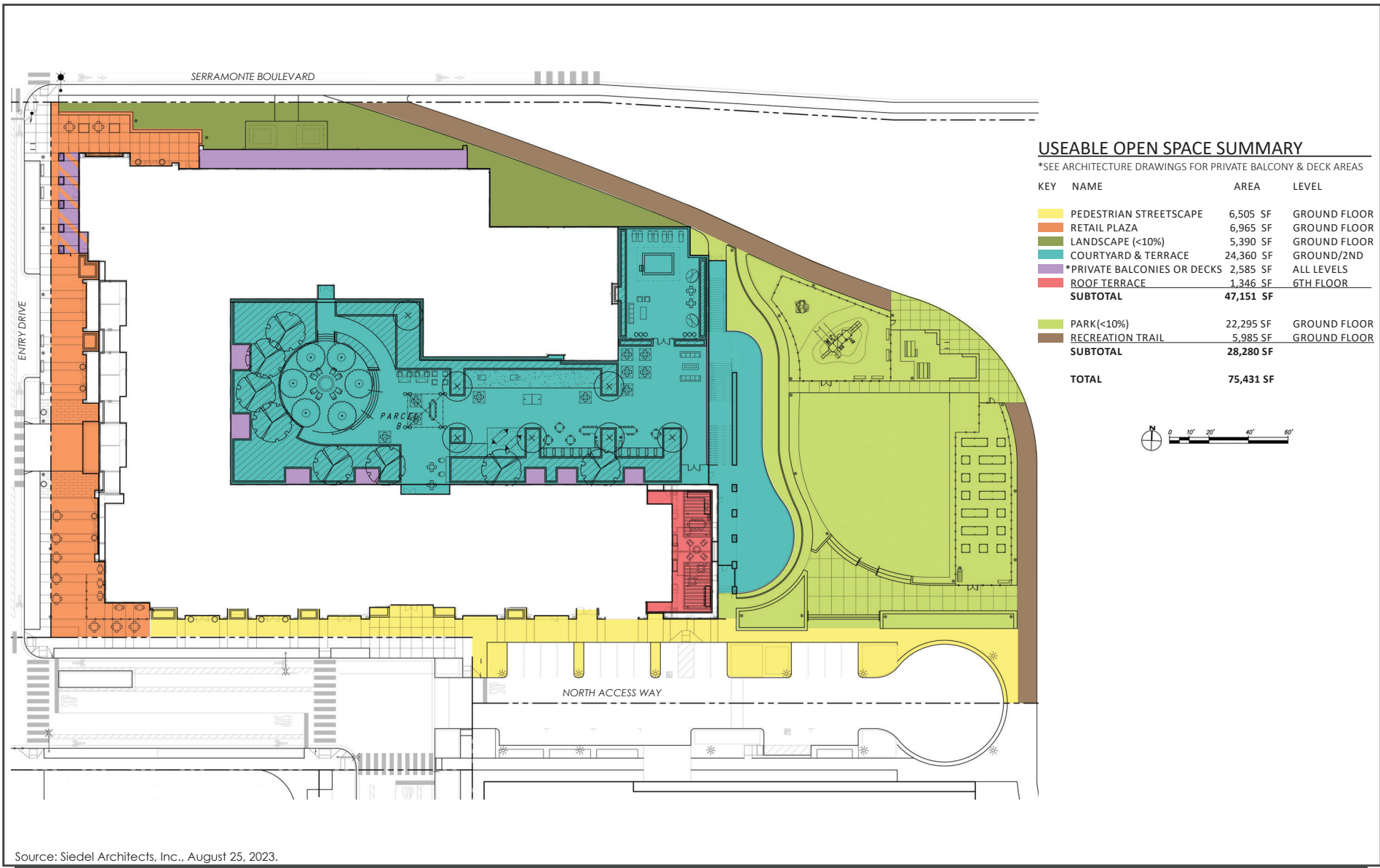
Page 16 **REVISE** the first sentence under Open Space and Landscaping as follows:

The proposed Parcel B development project would include three components of open space to be used by the public: 1) approximately 22,300 square-foot public park that would include a large grass area, ~~and playground, and community garden with raised planter beds~~; 2) the first phase of the recreational trail (approximately 6,800 square feet) that would be located in the southeast corner of Parcel B; and 3) open space for public use at the retail plaza (approximately 7,000 square feet) facing the new entry road (see Figure 2.2-10).

Page 16 **REVISE** the second paragraph under Utility, Drainage, and Off-Site Improvements as follows:

Stormwater would be treated on-site with area drains, drop inlets, manholes, bioretention areas, and below-grade pipes, before being discharged to a 24-inch storm drain lines in Serramonte Boulevard and Callan Boulevard. The project would treat stormwater before entering the city's storm drain system. In addition, an infiltration gallery is proposed to offset an increase in runoff generated from the proposed development.

Page 17 **REPLACE** Figure 2.2-10 with the following figure:



Source: Siedel Architects, Inc., August 25, 2023.

PARCEL B CONCEPTUAL OPEN SPACE PLAN

FIGURE 2.2-10

Page 102 **REVISE** the heading and text of under San Mateo County Comprehensive Airport Land Use Plan as follows:

~~San Mateo County~~ Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport

Daly City is within the jurisdiction of the ~~San Francisco Airport (SFO) Land Use Plan component of the San Mateo County~~ Comprehensive Airport Land Use Compatibility Plan for the Environs of San Francisco International Airport (SFO ALUCP), adopted in ~~December 1996 and updated in 2001~~ November 2012. Established in the ~~CLUP~~ SFO ALUCP are procedures used by the San Mateo City and County Association of Governments (C/CAG) to review land use decisions in the vicinity of ~~San Mateo County airports~~ Francisco International Airport. Airport planning boundaries define where height, noise and safety standards, policies, and criteria are applied to certain proposed land use policy actions.

Page 104 **REVISE** the text under Airport Hazards as follows:

The project site is located within the SFO ~~CLUP~~ ALUCP Airport Influence Area B, which requires projects to be consistent with the goals and policies of the ~~CLUP~~ SFO ALUCP. The project site is approximately five miles northwest from the runway termination point of the San Francisco International Airport, beyond the outer boundary of safety compatibility zones and outside of the Community Noise Equivalent Level (CNEL) noise contours for the airport, as delineated in the ~~CLUP~~ SFO ALUCP.

Page 124 **REVISE** the first sentence of the third paragraph under Impact LU-2 as follows:

The proposed project would construct housing within the City of Daly City and it aligns with the City's Inclusionary Housing Ordinance in providing ~~at least 10~~ 20 percent affordable housing, which is double the required amount.

Page 129 **REVISE** the heading and text under Comprehensive Airport Land Use Compatibility Plan for the Environs of the San Francisco International Airport as follows:

Comprehensive Airport Land Use Compatibility Plan for the Environs of ~~the~~ San Francisco International Airport

~~As discussed in more detail in Section 4.10 Land Use, t~~The project site is located within the Airport Influence Area (AIA) of the San Francisco International Airport (SFO). Properties within the AIA may be subject to some of the annoyances or inconveniences associated with proximity to airport operations (e.g., noise, vibration, and odors). The airport/land use compatibility of a proposed development or land use policy action shall be determined by comparing the proposed development or land use policy action with the safety compatibility criteria, noise compatibility

criteria, and airspace protection/height limitation criteria in the SFO ALUCP. The site is located outside of the SFO 65 dB CNEL noise contour.

Page 159 **ADD** the following text to the third sentence of the first paragraph under Impact PS-4:

The Parcel B Development project includes a public park with a community garden, a recreational trail, and a public retail plaza, totaling approximately 0.8-acre.

Page 161 **REVISE** the first paragraph under Schools as follows:

Only one of cumulative projects from Table 3.0-1 (Serramonte Condominiums) is a residential project that would generate new students and it is located within the ~~Brisbane Elementary School District; therefore, it would not have any impacts on the~~ Jefferson Elementary School District. ~~and Serramonte Condominiums is, however, within the boundary for~~ Jefferson Union High School District. The Serramonte Condominiums project proposes 323 residential units, which would generate approximately 191 new K-8 students and 29 new high school students. Daniel Webster Elementary School currently has an available capacity of 290 students and Fernando Middle School currently has an available capacity of 309 students (see Table 3.15-1). Westmoor High School currently has available capacity of 846 students (see Table 3.15-1) and can easily accommodate the proposed project's and the Serramonte Condominiums project's new high school students.

Page 165 **ADD** the following text to the third sentence under Impact REC-1:

The Parcel B Development project includes a privately owned, publicly accessible park with a community garden, a recreational trail, and a public retail plaza, totaling approximately 0.8-acre, which would partially off-set demand on nearby recreational facilities.

Page 177 **REVISE** the third sentence of the second paragraph under Bicycle and Pedestrian Facilities as follows:

Consistent with General Plan Policies CE-13 and CE-20, the project proposes to provide Class I, Class II, ~~and Class III,~~ and Class IV bicycle facilities on interior roadways within the project site and Class II bicycle facilities along eastbound and westbound Serramonte Boulevard that would improve bicycle access to and from the site.

Page 177 **ADD** the following text to the last sentence under Storm Drainage:

Surface runoff from the project site is collected in area drains and conveyed to a 24-inch storm drain in Serramonte Boulevard and Callan Boulevard that flows to the east.

Page 181-182 **REVISE** the first through third paragraphs under Geometric Design as follows:

As discussed under Impact TRN-1, vehicles would access the project site through a northern access point at the intersection of Serramonte Boulevard and the Highway 1 on-ramps, or through a southern access point accessible from Hickey Boulevard via Campus Drive. ~~The project would also include a right-in/right-out driveway onto Serramonte Boulevard approximately 200 feet east of Entry Drive; this driveway would provide access to the Parcel B garage. Since the driveway to the Parcel B garage as designed would be unsignalized, it could potentially conflict with vehicle, bicycle, and pedestrian traffic on Serramonte Boulevard.~~

Mitigation Measure:

~~**MM TRN-3.2:** As part of the Parcel B Development project's final design, details of the Serramonte Boulevard parking garage driveway design would include the following as determined necessary by the City Traffic Engineer:~~

- ~~● Measures to prohibit vehicular left turns — either through the installation of a hard concrete median, vertical delineators, or alternative means.~~
- ~~● Adequate sight distance — obstructions to sight distance for all users should not be placed adjacent to the driveway and adequate throat distance to the garage entry should be provided accordingly.~~
- ~~● Pedestrian and bicycle warning measures — adequate warning measures for pedestrians and bicycles should be provided on Serramonte Boulevard, including the installation of tactile domes on the sidewalk and green hatched bike lane striping on the roadway.~~
- ~~● The Parcel B driveway along Serramonte Blvd. shall provide satisfactory separation distance from the intersection of Serramonte Blvd. and Highway 1 on- and off-ramps to address merging and any turning movements.~~
- ~~● A separate traffic study shall be conducted to determine if a new traffic signal at the Parcel B driveway is warranted. The results of the study will affect the City's determination on whether a driveway entry and exit shall be permitted along Serramonte Blvd.~~

~~Implementation of MM TRN-3.2 would ensure that vehicles exiting the driveway would have adequate sight distance and would not be able to make illegal left turns which could create hazards for other vehicles, bicycles, and pedestrians. Additionally, MM TRN-3.2 would alert vehicles entering and exiting the driveway of the presence of bicycles and pedestrians. As such, implementation of MM TRN-3.2 would ensure that the proposed driveway does not substantially increase hazards.~~

The project also proposes to construct residential buildings that would each have their own gated parking garages, which residents would be able to access through the use of a keycard or equivalent

technology. Queues at these parking garages could conflict with bicycle and pedestrian facilities if not designed properly.