

# Final Environmental Impact Report

## 557 East Bayshore Road Project



December 2022

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## **SECTION 1.0 INTRODUCTION**

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This document, together with the Draft Environmental Impact Report (Draft EIR), constitutes the Final Environmental Impact Report (Final EIR) for the 557 East Bayshore Road project.

### **1.1 PURPOSE OF THE FINAL EIR**

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final EIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the project intended to reduce or eliminate significant environmental impacts. The Final EIR is intended to be used by the City 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 is available for review on the City's website: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=67>.

## **SECTION 2.0     DRAFT EIR PUBLIC REVIEW SUMMARY**

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The Draft EIR for the 557 East Bayshore Road project, dated August 2022, was circulated to affected public agencies and interested parties for a 45-day review period from August 11, 2022 through September 26, 2022. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City’s website (<https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=67>) and in the San Mateo Daily Journal;
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the project;
- The Draft EIR was submitted to the State Clearinghouse on August 11, 2022, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft EIR); and
- A copy of the Draft EIR was made available on the City’s website (<https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=67>).

## **SECTION 3.0     DRAFT EIR RECIPIENTS**

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

- California Air Resources Board
- California Department of Boating & Waterways
- California Department of Fish and Wildlife, Region 3
- California Department of Toxic Substances Control
- California Department of Transportation, District 4
- Native American Heritage Commission
- San Francisco Bay Conservation and Development Commission
- San Francisco Bay Regional Water Quality Control Board

## **SECTION 4.0      RESPONSES TO DRAFT EIR COMMENTS**

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In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of Redwood City on the Draft EIR. This section also summarizes and addresses verbal comments related to the Draft EIR received at the Planning Commission hearing on September 6, 2022.

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

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## FEDERAL AND STATE AGENCIES

### A. California Department of Transportation (September 23, 2022)

**Comment A.1:** Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 557 E. Bayshore Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2022 DEIR.

#### Project Understanding

The project proposes to construct two five-story multifamily residential buildings with 480 apartment units on the northern portion of the site and a 151,423 square-foot (sf) fitness center that consists of a 97,101 sf indoor gym and 54,322 sf for outdoor fitness center uses on the southeastern portion of the site. The southwestern portion of the site would be developed with a paved parking area. All existing improvements on the site would be removed to accommodate the proposed development. The project is adjacent to US-101.

#### Vehicle Miles Traveled (VMT) and Operational 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](#)).

Caltrans' acknowledges that the project Vehicle Miles Travelled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Due to increased amount of projected VMT in this Project, the VMT impacts are found to be Less than Significant with Mitigation through an implemented Transportation Demand Management program, as indicated in the environmental document.

Please clarify if the existing volumes presented in Table 12 are based off counts or demand. V/C should be demand volume over capacity. If a Synchro/ Sim-Traffic analysis was performed, please provide the sim-traffic queueing analysis results for all of the on/off-ramps for the different scenarios which should include 95% queues and lengths of ramp storage. The following should be evaluated for the ramps:

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

Given the close the proximity of some of the intersections, Caltrans recommends that the study intersections be analyzed in Synchro/Sim-Traffic. Please provide the reports from this analysis.

**Response A.1:** Pursuant to Senate Bill (SB) 743 and CEQA Guidelines Section 15064.3, the CEQA metric for transportation impacts is Vehicle Miles Traveled (VMT). Traffic related metrics such as vehicle delay (or Level of Service [LOS]) and storage capacity at intersections and freeway ramps are not impacts under CEQA. The comment refers to Table 12 of Appendix G to the Draft EIR, which describes

LOS at freeway ramps near the project site. This table is included in Appendix G for informational and planning purposes only and is not relevant to the analysis of project's impacts under CEQA. Further, the requested evaluation of storage capacity at on and off-ramps and intersections is not relevant to the analysis of the project's impacts under CEQA. As a result, this comment does not raise any issues related to the project's environmental impacts. Regardless, responses to the questions raised in the comment are provided below for informational purposes. These responses were developed with the assistance of Hexagon Transportation Consultants, who prepared the Transportation Analysis for the project contained in Appendix G to the Draft EIR.

The freeway ramp volumes contained in Table 12 of the Transportation Analysis were obtained from the Harbor View Draft EIR (January 2019). These counts were produced by Fehr & Peers, a transportation consulting firm, and were originally derived from counts. Both observations and counts indicate that the existing ramp volumes are well below capacity, thus the count volumes are expected to equal the demand volume at these locations.

An analysis of queuing on freeway ramps was not included in the Transportation Analysis for the proposed project. With one exception, all freeway ramps are expected to operate at LOS C or better, thus the capacity of the freeway ramps is not expected to result in queues that adversely affect traffic operations on the freeway mainline or city streets. One freeway ramp in the project vicinity, the northbound off-ramp to westbound Woodside Road, is expected to operate at LOS D both without and with the project. The US 101/SR 84 (Woodside Road) Interchange Improvement Project would create a flyover from northbound US 101 to Veterans Boulevard that would remove the Veterans Boulevard and Woodside Road intersection. Thus, queues on this off ramp are not expected to extend back to the freeway mainline. The Transportation Analysis recommends that the project pay a fair-share contribution to the US 101/SR 84 (Woodside Road) Interchange Improvement Project.

An evaluation of turning-movement storage capacity at the study intersections is presented in Tables 13 and 14 of the Transportation Analysis. Improvements that would address queue storage deficiencies were identified at the following intersections:

- Veterans Boulevard and Whipple Avenue
- Veterans Boulevard and Maple Street
- Veterans Boulevard and Woodside Road

The study intersections were analyzed using the Synchro software. The intersection of Veterans Boulevard and Woodside Road is affected by queues from nearby intersections during the PM peak hour, thus the Synchro default parameters at this intersection were adjusted to ensure intersection delay and LOS reflect field observations. The other study intersections all operate at LOS C or better and are not affected by queue spillback from adjacent intersections so a simulation analysis with Sim-Traffic is not necessary to accurately reflect intersection operations.



**Comment A.2:** Mitigation Strategies

In addition to the bike and pedestrian needs identified by the mentioned Citywide Transportation Plan, the Caltrans District 4 Bike Plan (2018) and District 4 Pedestrian Plan (2021) identify the need for Class II bike lanes and pedestrian crossing improvements at the Whipple Avenue/US 101 interchange. Furthermore, the Bike Plan identifies the need for Class IV bikeways along SR 82 (El Camino Real) within biking distance of the project location, while the Pedestrian Plan identifies this same stretch of SR 82 and the Maple Street/US 101 interchange for pedestrian improvements. The project should anticipate and account for such future improvements by substantively improving the existing nearby bike and pedestrian infrastructure.

**Response A.2:** As described in Section 3.17.2.1 of the Draft EIR, the project would add Class II bicycle lanes along the project frontage on East Bayshore Road. The project would improve bicycle facilities in the project vicinity and would not conflict with any programs, plans, ordinances, or policies addressing bicycle lanes. Additionally, the project would improve the pedestrian environment by providing new sidewalks along the project's East Bayshore Road frontage, and through connections between the site and the Bay Trail when neighboring properties redevelop. As a result, the project would not conflict with any programs, plans, ordinances, or policies addressing pedestrian facilities.

**Comment A.3:** The proposed site is near the Bay Trail and Bair Island, both important regional and local recreational trails which would benefit from greater access. The project should consider creating tie-ins to the trail, signage and wayfinding, crossing improvements at the nearby intersections, bike lanes along adjoining streets, and/or other improvements in coordination with the City, SamTrans, and Caltrans. The possibility of a future transit route serving Bair Island should be discussed with SamTrans.

**Response A.3:** As described throughout the Draft EIR, the project includes a new public walkway along the eastern boundary of the site that will eventually be connected to the Bay Trail when neighboring properties develop. The recommendations in the comment will be considered by the project applicant and the City, but are not required to reduce environmental impacts to a less than significant level.

**Comment A.4:** Caltrans strongly supports the project's proposed 228 bicycle parking spaces and commends the proposal for 44 spaces beyond the required City minimum. Consider implementing a mix of both Class I and Class II bike storage in high-visibility areas, available to visitors, employees, and residents alike. Incorporating higher security bike storage helps encourage mode shift to biking, while locating such storage in the public space communicates that alternative forms of transportation are available and valued.

**Response A.4:** As described in the comment, the project exceeds relevant bicycle parking requirements. The recommendations in the comment will be considered by the project applicant and the City, but are not required to reduce environmental impacts to a less than significant level.

**Comment A.5:** Caltrans supports the recommendations on page viii of the TIA, Appendix G. Caltrans encourages the City and SamTrans to coordinate on improvements for pedestrians, bicyclists, and transit in this area.

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.5:** Page viii of Appendix G to the Draft EIR includes a summary of recommendations contained in the Transportation Analysis completed for the project. Recommendations that are either required by City policy, such as payment of a fair-share contribution toward nearby infrastructure improvement projects and compliance with parking requirements, or are needed to reduce impacts to a less than significant level, such as Transportation Demand Management (TDM) measures to reduce VMT, would be implemented by the project. Additional recommendations, such as encouraging the City to improve bicycle and transit facilities in the general project area and improving internal vehicle circulation within the project site, will be considered by the project applicant and the City, but are not required to reduce environmental impacts to a less than significant level.

**Comment A.6:** Transportation Impact Fees

Caltrans supports the proposed Fair Share contribution to the US-101/SR-84 Interchange Improvement Project. We encourage any further allocations 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.6:** As described in Section 3.17 of the Draft EIR, the project would result in less than significant transportation impacts, including cumulative impacts, with implementation of identified mitigation measures. The recommendations in the comment will be considered by the project applicant and the City, but are not required to reduce environmental impacts to a less than significant level.

**Comment A.7:** Lead Agency

As the Lead Agency, the City of Redwood 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:** All required information regarding project mitigation is provided in detail in Draft EIR and in the Mitigation Monitoring or Reporting Program (MMRP) prepared for this project, consistent with CEQA requirements. The MMRP contains reporting and compliance requirements, including implementation responsibilities and lead agency monitoring.

**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:** This comment is acknowledged. The project would be required to comply with all relevant regulations, including ADA standards and bicycle/pedestrian access requirements.

**Comment A.9:** Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right of Way (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](mailto:D4Permits@dot.ca.gov).

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/trafficoperations/ep/applications>.

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

**Response A.9:** This comment is acknowledged. The project would be required to comply with all relevant Caltrans requirements related to encroachment permits.

## REGIONAL AND LOCAL AGENCIES

### B. San Mateo County Airports (September 12, 2022)

*Refer to Comment Letter B in Appendix A of this Final EIR for the attachment included with this comment letter.*

**Comment B.1:** We understand that the City of Redwood City is in the process of reviewing a development plan at 557 East Bayshore Road for mixed-use development, including 480 residential units, approximately one mile from the runway at the San Carlos Airport (Airport). While all of Bair Island is impacted by overflights from the Airport, the proposed development site is significantly impacted due to its location directly under the flight path for low altitude landing aircraft. Any future residents at 557 East Bayshore will be subject to constant disturbance from low-altitude aircraft arrivals/overflights.

Aircraft noise disturbance is a significant issue for Redwood City residents. Currently, 85-percent of noise complaints received by the Airport are from Redwood City residents. Of those Redwood City residents filing noise complaints, 82-percent live in the Bair Island neighborhood. Over the past few years, the County has funded aircraft noise studies, outreach to residents in Redwood City and other communities impacted by aircraft noise, new staff positions, consultant studies, and implementation of its Aircraft Noise Management Program (Program). We are pleased that the Program has begun to make a positive impact for residents living near the Airport. However, the Program's success is entirely dependent on land use surrounding the Airport remaining "compatible" in accordance with the Airport Land Use Compatibility Plan (ALUCP) adopted by Redwood City in 2015.

Attached are flight tracks from September 1-7, 2022, showing 799 low-altitude aircraft arrivals, directly over 557 East Bayshore Road in Redwood City. Due to the expected impact of 800+ low altitude flights per week, the County requests that Avigation Easements be recorded on any residential units constructed at 557 East Bayshore to help make future owners aware of the presence of frequent daily aircraft overflights. In addition, the County requests additional aircraft overflight notifications for all residential and commercial tenants.

We appreciate your partnership in outreach and communication with Redwood City residents, current and future, to avoid unexpected disturbance from constant aircraft overflights.

**Response B.1:** As described in Section 3.13.2.1 of the Draft EIR, the San Carlos Airport is a public airport located about 1.3 miles northwest of the project site. According to the 2035 noise contours for the airport, which are included in the Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport, the project site falls outside the 60 dBA CNEL noise contour. While aircraft flyovers may at times be audible at the outdoor use areas on the project site, noise levels due to aircraft would not exceed 60 dBA CNEL, and therefore, both the exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. This is a less than significant impact.

Additionally, because the project site is outside of the 60 dBA noise contour and is not located beneath any applicable airspace protection surfaces, Avigation

Easements, as requested in the comment, are not required according to the Comprehensive Airport Land Use Plan (CLUP) for San Carlos Airport. However, this request will be considered by the project applicant and the City. Regarding the comment's request for overflight notifications for future tenants, the project site is located within the Airport's Overflight Notification Zone and, therefore, would be required to comply with all ALUC/C/CAG and CLUP requirements for overflight notifications.

### **C. San Francisco Bay Conservation and Development Commission (September 26, 2022)**

**Comment C.1:** Thank you for the opportunity to comment on the City of Redwood City's Planning Department's Draft Environmental Impact Report (DEIR) for the Proposed 557 East Bayshore Road (Syufy Site) Project (Project), State Clearinghouse Number 2017072047, Notice of Availability dated August 11, 2022.

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

#### **I. PROJECT DESCRIPTION SUMMARY**

Applicants. SyRes Properties LLC and VillaSport LLC

Project. From our review of the project description, we understand that SyRes Properties LLC and VillaSport LLC propose to redevelop a 14.36-acre project site with a 480-unit multi-family development that includes a fitness center and public access amenities. The project site currently includes an approximately 70,000-square-foot shuttered movie theater complex that is surrounded by 1,140 surface parking spaces.

The applicant proposes to build the 480 residential units within two five-story buildings, with Building A containing 222 units and Building B containing 258 units. The residential buildings would provide a variety of amenities, including an outdoor pool, spa, fitness center, barbeque areas, club house, business lounge, and recreational lounge. All amenities would be located on the first floor of each building. The two residential buildings will be separated by a 60-foot-wide and 350-foot-long paseo that provides a visual and physical connection to the shoreline and the San Francisco Bay from East Bayshore Road.

Internal to the residential buildings, two five-story wrapped parking structures would provide 783 parking spaces, 614 of which would be dedicated to residents and 169 for fitness club members, as well as 160 long-term bicycle storage spaces. Of the existing 1,140 surface parking spaces, 801 would be removed and 339 at-grade parking spaces would be retained, for a net decrease in parking of approximately 20 spaces.

South of the residential buildings and adjacent to East Bayshore Road, the project would construct a two-story fitness center with 97,101 square feet of indoor uses and 51,209 square feet of outdoor uses. The building would be two stories and 48 feet in height. The fitness center would include two indoor swimming pools, two outdoor swimming pools, a basketball court, a childcare center, a spa, multiple exercise studios, and an indoor/outdoor café. The publicly-accessible paseo would connect the fitness center to the shoreline.

## II. BCDC'S ROLE

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

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

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

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

## III. THE PROPOSED AND BCDC POLICIES

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

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

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

Staff has prepared the following comments on the contents of the DEIR. Comments are focused on providing points of information related to BCDC policies and procedures cited in the DEIR,

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

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

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

15124. PROJECT DESCRIPTION

The description of the project shall contain the following information but should not supply extensive detail beyond that needed for evaluation and review of the environmental impact.

...

(d) A statement briefly describing the intended uses of the EIR.

(1) This statement shall include, to the extent that the information is known to the Lead Agency,

(A) A list of the agencies that are expected to use the EIR in their decision making, and

...

(C) A list of related environmental review and consultation requirements required by federal, state, or local laws, regulations, or policies. To the fullest extent possible, the lead agency should integrate CEQA review with these related environmental review and consultation requirements.

In compliance with Section 15124 of the CEQA Guidelines, Section 2.4 of the Draft EIR identifies the BCDC as an agency expected to use the EIR in its decision making and lists the Shoreline Band Permit as a related environmental review and consultation requirement applicable to the project. However, as addressed in further detail in Response C.7, below, a discussion of the project’s consistency with relevant BCDC Bay Plan policies has been added to the EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment C.3:** We also note a general lack of detailed narrative on how specific physical improvements of the proposed project cause specific environmental changes. CEQA Guidelines Section 15126.2 states “... Direct and indirect significant effects of the project on the environment shall be clearly identified and described, giving due consideration to both the short-term and long-term effects.”

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

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

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

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

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



repeated verbatim in the text of the Draft EIR. As a result, references to page numbers in Appendices are not needed because the text of the Draft EIR includes the relevant analysis from those Appendices. The comment does not include specific examples of where the lack of page number citations prevented the commenter from completing a meaningful review of the analysis in the Draft EIR. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

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

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

The comment specifically mentions Sections 3.4 and 3.9 of the Draft EIR as examples where impacts are not distinguished between construction impacts and build-out impacts. Regarding Section 3.4 Biological Resources, impacts related to construction activities are clearly identified. The word “construction” is used 63 times in the discussion of impacts to biological resources. Additionally, impacts related to build-out and operation are also either clearly identified or can be easily inferred. For example, Section 3.4.2.1 includes a lengthy discussion of impacts related to bird collisions with the proposed buildings, clearly indicating an impact related to build-out of the project (refer to pages 66-71 of the Draft EIR). Similarly, Mitigation Measures BIO-1.19, MM BIO-1.20, and MM BIO-2.1 include measures to be implemented following construction and during project operation. As another example, Section 3.9 Hazards and Hazardous Materials of the Draft EIR discusses the use of small quantities of hazardous materials for landscape maintenance and pool cleaning, which are clearly related to operation of the project, not construction. Similarly, Section 3.9 includes a lengthy discussion of emergency evacuation and emergency access to the site, which are also clearly related to build-out/operation and not construction. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.7:** 2. Land Use Planning. The Final EIR should refer to the Bay Plan and McAteer-Petris Act when considering the proposed project’s consistency with land use plans, policies, or regulations adopted for the purpose of avoiding or mitigating an environmental effect. Bay Plan establishes policies for development and resource conservation within BCDC’s jurisdiction, covering public access; the protection of Bay resources, including fish, other aquatic organisms, and wildlife; water quality; climate change; fills; shoreline protection; water-related uses; appearance, design, and scenic views; and mitigation.

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

**Response C.7:** A description of the BCDC Bay Plan and McAteer-Petris Act has been added to the text of the EIR (please refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

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

It should be noted that the CEQA checklist question referenced in the comment requires an EIR to determine whether a project would conflict with applicable policies “...adopted for the purpose of avoiding or mitigating an environmental impact.” Several of the policies identified in the comment letter are not considered policies adopted for the purpose of avoiding or mitigating an environmental impact, and are therefore not included in the analysis in the EIR. These policies are listed below.

- Environmental Justice and Social Equity Policy No. 3 addresses community outreach in the context of environmental justice and social equity, which is not an environmental impact under CEQA.
- Environmental Justice and Social Equity Policy No. 4 addresses the analysis of disproportionate impacts to certain communities in the context of environmental justice and social equity. Disproportionate impacts are not required to be considered under CEQA.

- Public Access Policy No. 5 addresses community involvement in the design process for public access facilities, which is not an environmental impact under CEQA.
- Public Access Policy No. 7 addresses the mechanism by which the BCDC prefers public access to the Bay be guaranteed, which is not an environmental impact under CEQA.
- Recreation Policy No. 1 addresses BCDC’s priorities for the provision of water-oriented recreational facilities such as marinas, launch ramps, beaches, and fishing piers. The policy does not pertain to environmental impacts to recreational facilities under CEQA.
- Recreation Policy No. 4 addresses the types of recreational facilities encouraged by the BCDC, which is not an environmental impact under CEQA.

**Comment C.8:** 3. Biological Resources. Relevant Bay Plan policies that apply to Biological Resources subsection are as follows. Bay Plan Fish, Aquatic Organisms, and Wildlife Policy No. 1 states, “[T]o assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay’s tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.” Similarly, Tidal Marshes and Tidal Flats Policy No. 1 states, “[T]idal marshes and tidal flats should be conserved to the fullest possible extent, and that projects substantially harming these areas should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative.” Tidal Marshes and Tidal Flats Policy No. 3 encourages siting and designing of projects to either avoid or minimize adverse impacts on tidal habits. Public Access Policy No. 4 states, in part, that “[p]ublic access should be sited, designed and managed to prevent significant adverse effects on wildlife.”

According to sub-Section 3.4 (Biological Resources) of the DEIR, the project would result in a “permanent loss of 0.1 acre of ruderal ditch bank grassland habitat that provides potential high-tide refugial and foraging habitat” and “temporary impacts on 0.3 acre of this habitat” (DEIR page 72). These impacts would occur to protect certain wildlife species (Salt Marsh Harvest Mouse and Salt Marsh Wandering Slew)(DEIR page 71).

**Response C.8:** Responses to Comment C.8, as well as Comments C.9 and C.10 below, were prepared with the assistance of H.T. Harvey & Associates, the biologists who prepared the Biological Resources Report contained in Appendix C to the Draft EIR.

To clarify the statements made in this comment, the Draft EIR states that the project would “...remove all vegetation within the 0.4-acre area of ruderal ditch bank grassland habitat on the site, grade 0.1 acre of this area and convert it to a developed area, and replant 0.3 acre of this area with landscape vegetation that is native to California.” As a result, the “...project would result in the permanent loss of 0.1 acre of ruderal ditch bank grassland habitat that provides potential high-tide refugial and foraging habitat for salt marsh harvest mice and salt marsh wandering shrews, and

temporary impacts on 0.3 acre of this habitat.” The Draft EIR does not state that these impacts would occur to protect wildlife species, as stated in the comment.

**Comment C.9:** The DEIR supports these impacts by writing, "...although the overall habitat area will be slightly smaller, the improved quality of the vegetative community will be higher and will provide more suitable refugial and foraging habitat for salt marsh" species, as compared to the current habitat (DEIR page 75).

As one mitigation, sub-Section 3.4 includes mitigation measure MM BIO-1.17 (“Planting of High Tide Refugial Habitat”), which states:

No trails or hardscape features shall be constructed within the 0.3-acre temporary impact area (as depicted on Figure 3.4-1) below the top of the bank of the muted tidal drainage ditch; a low (i.e., two to three foot tall) fence and signage shall be installed along the southern edge of this area to exclude people and dogs from this area (page 75).

The discussion of MM BIO-1.17 does not include sufficient evidence or analysis in support of the conclusion warranting permanent loss of 0.1 acre of ruderal ditch bank grassland and temporary impacts on 0.3 acres of the same area. We request that the final EIR provide in-depth analysis with respect enhancing the habitat with appropriate restoration planting palette that can support productive habitat. To this end, we request the final EIR analyze whether mitigation measure MM BIO-1.3 (“Preservation or Creation and management of a Mitigation Population”) is a vehicle by which such alternative planting palettes could be analyzed as part of the final EIR.

**Response C.9:** The comment discusses Mitigation Measure MM BIO-1.17, and states that “...MM BIO-1.17 does not include sufficient evidence or analysis in support of the conclusion warranting permanent loss of 0.1 acre of ruderal ditch bank grassland and temporary impacts on 0.3 acres of the same area.” MM BIO-1.17 is identified in the Draft EIR in the context of impacts to 0.4 acre of ruderal ditch bank grassland along the northern boundary of the site. The project would temporarily impact 0.3 acre of this area in order to replant it with native species as part of a habitat restoration effort. The intent of MM BIO-1.17 is to reduce project impacts on high tide refugial habitat for salt marsh harvest mice and salt marsh wandering shrews to less-than-significant levels under CEQA. The conclusion of a less than significant impact in the Draft EIR is supported by substantial evidence from qualified biologists demonstrating that mitigation measures included in the project would reduce impacts to a less-than-significant level (refer to Section 3.4.2.1 and Appendix C of the Draft EIR). The comment provides no evidence refuting this analysis and conclusion.

The comment also discusses Mitigation Measure MM BIO-1.3, the intent of which is to provide mitigation for impacts to Congdon’s tarplant, if this species is present. The comment suggests that MM BIO-1.3 could be used a model for selecting alternative planting palettes in the area addressed by MM BIO-1.17. It is unclear why alternatives planting palettes would be necessary, and the comment provides no evidence in support of this suggestion. MM BIO-1.17 includes plant species that are

appropriate for salt marsh harvest mice and salt marsh wandering shrews as determined by qualified biologists.

**Comment C.10:** We note that the area where MM BIO-1.17 would apply is within the BCDC shoreline band jurisdiction and is a designated BCDC-required public access area, the requirements of which include the paths, plantings, and trees depicted in Photo 6 (DEIR page 52) and Photo 10 (DEIR page 55). Given the importance of this area to BCDC, in accordance with Section 21153(b) (“the lead agency may provide . . . range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth”), we request that the final EIR include in-depth analyses with respect to range of alternatives to the chosen approach described in MM BIO-1.17, which we believe would impose major restrictions that are not compatible with BCDC public access requirements.

Above all, we believe the mitigation measure would impose restrictions to an area that already contains required public access: in particular, the area labeled as “temporary impact zone” already includes required public access and required planting. The final EIR must reflect the fact the project proponent cannot prohibit access into this area without consulting with our agency. Nor can the project proponent construct fencing to prohibit access to an area that currently includes required public access.

**Response C.10:** The comment refers to potential inconsistencies between Mitigation Measure MM BIO-1.17 and BCDC’s requirements for public access to the Bay. The following text from BCDC’s Public Access Design Guidelines for the San Francisco Bay (BCDC, 2005) is relevant to the proposed project:

As defined by BCDC’s law, the McAteer-Petris Act, every proposed development should provide “maximum feasible public access, consistent with a proposed project.” Public access areas should be designed, constructed and maintained to reflect this purpose.

“Public access” includes physical public access to and along the shoreline of the Bay and visual public access (views) to the Bay from other public spaces. Physical improvements may include waterfront promenades, trails, plazas, play areas, overlooks, parking spaces, landscaping, site furnishings and connections from public streets to the water’s edge. Visual access can be achieved through thoughtful site planning and design, including roadway layout, building siting and massing and use of intrinsic opportunities at the site, such as natural grade changes and shoreline variations, to enhance Bay sight lines and views.

Due to the nature of the San Francisco Bay and the numerous types of development that occur along its shoreline, the amount and quality of public access that is “consistent with the project” will likely vary with each development. In projects that cannot provide on-site public access due to safety or use conflicts, including significant adverse effects on wildlife, inlieu public access near the site may be appropriate.

As described throughout the Draft EIR, the project proposes a public access trail along the northern boundary of the site. The comment refers to a 0.3-acre area directly adjacent to the proposed public access trail. Access to this area would be restricted in order to ensure successful habitat restoration, as described in Mitigation Measure MM BIO-1.17. As stated in the BCDC's Guidelines, "(i)n projects that cannot provide on-site public access due to safety or use conflicts, including significant adverse effects on wildlife, inlieu public access near the site may be appropriate." This is also reflected in the BCDC Bay Plan Public Access Policy No. 2, which states that "...maximum feasible access to and along the waterfront... should be provided in and through every new development in the Bay or on the shoreline... except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on Bay natural resources. In these cases, in lieu access at another location preferably near the project should be provided." The BCDC Guidelines and Bay Plan take into account the potential for public access to have adverse effects on wildlife in some locations and allows for inlieu public access near the site when appropriate. In the case of the proposed project, public access to the Bay is still provided on the site in the form of the proposed public access trail, with the exception of a 0.3-acre area that would be utilized for habitat restoration. Allowing public access to this 0.3-acre area would render it unsuitable as habitat, resulting in significant adverse effects on wildlife per the language in the BCDC's Guidelines.

The proposed public access trail is consistent with the BCDC's Guidelines. It includes several features explicitly identified by the BCDC, such as "...waterfront promenades, trails, plazas, play areas, overlooks, parking spaces, landscaping, site furnishings and connections from public streets to the water's edge." The project would not reduce public access to the Bay. Instead, the project would enhance public access to the Bay through its proposed public access trail and associated features and amenities, consistent with BCDC requirements.

The comment requests that the Final EIR reflect the fact that the project cannot prohibit access to the 0.3-acre area discussed above without first consulting with the BCDC. As described in Section 2.4 of the Draft EIR, the project is subject to the BCDC's Shoreline Band Permit process. As a result, any restricting of access to the proposed habitat restoration area would be completed in consultation with the BCDC as part of the permitting process. To account for a scenario where the BCDC does not approve the proposed fencing as part of the Shoreline Band permit process, additional mitigation language allowing for off-site compensatory mitigation has been added to the text of the EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment C.11:** 4. Recreation. Relevant recreation legislation and Bay Plan policies are as follows. Section 66602 of the McAtter-Petris Act states, in part, "that maximum feasible public access, consistent with a proposed project, should be provided." Furthermore, Bay Plan Public Access Policy No. 2 states in part that: "...maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the

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

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

In sub-Section 3.16, the analysis of Impact REC-1 states that the proposed development would “provide 151,941 square feet of common open space...and an athletic club and spa, which would reduce the usage of existing parks and recreational facilities.” In accordance with CEQA Guidelines Section 15146, we would request additional specificity as to which existing parks and recreational facilities that Impact REC-1 is referring, particularly given the close-proximity of the project to the existing Bay Trail and to Bair Island and its trails. It is not clear why residents and non-resident members of the fitness center would not only utilize recreational opportunities afforded with the common open space area and the members-only gym but also use the existing Bay Trail and Bair Island trails.

**Response C.11:** In addition to listing BCDC Bay Plan policies related to recreation, the comment refers to a statement in the Draft EIR regarding the usage of existing parks and recreational facilities by future residents, employees, and patrons of the project. The intent of the statement in the Draft EIR was to indicate that the inclusion of 151,941 square feet of common open space along with an athletic club and spa in the project would reduce the extent to which future residents, employees, and patrons of the project would utilize existing off-site parks and recreational facilities in general due to the provision of similar amenities on-site, thereby reducing the project’s contribution to any substantial physical deterioration of existing parks or recreational facilities. It was not intended to suggest that future residents, employees, and patrons of the site would not utilize the Bay Trail and other trails on Bair Island due to the provision of on-site recreational facilities. The Draft EIR determined that payment of assessed park impact fees in accordance with Chapter 18 of the City’s Municipal Code would contribute to the installation, acquisition, construction, and improvement of existing recreational resources, ensuring the project would not cause substantial physical deterioration of these facilities. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.12:** It is also worth noting that, when constructed, the project's shoreline path will connect with proposed shoreline path of the project (505 E. Bayshore Road) immediately to the west of 557 E. Bayshore Road, allowing for a seamless shoreline path connecting the project with where E. Bayshore Road and Whipple Avenue meet, which is also a connection point toward the western end of the existing Bay Trail on the PG&E levee, as well as to Bair Island. Moreover, there is an informal dirt path from the north-eastern corner of 557 E. Bayshore Road to the existing Bay Trail on the PG&E levee. Conceivably, residents, fitness club-member, and visitors would be able to use a newly-formed path that would loop around the tidal ditch, with the shoreline paths of 557 E. Bayshore and 505 E. Bayshore constituting the segment of the loop south of the tidal ditch, and the existing Bay Trail the segment of the loop north of the tidal ditch. We request that the final EIR further analyze impacts to the existing Bay Trail, so as to understand appropriate mitigation measures.

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

**Comment C.13:** BCDC is concerned that there is no discussion in the DEIR about sea level rise adaptation for these public access and recreational amenities, particularly those bordering the shoreline and tidal ditch. The proximity of the proposed pathway and corresponding set of decks and overlooks to the shoreline\tidal ditch and Smith Slough suggests that these recreational facilities would be among the first areas to experience sea level rise impacts. If the degradation or loss of these public recreation areas negatively affects the ability of residents and visitors to use the provided park space, it is possible they will choose to utilize other recreation areas in the City of Redwood City. Therefore, sea level rise should be incorporated into the analysis for Impact REC-1.

**Response C.13:** As described in Section 2.2.1.7 of the Draft EIR, to protect the project from flooding and sea level rise, the project site (including the proposed trail along the northern boundary) would be raised three feet above the FEMA flood elevation of 10 feet, meaning the site would be at least 13 feet above sea level. The comment suggests that future sea level rise may result in residents, employees, and patrons of the site utilizing other parks and recreational facilities in Redwood City because nearby recreational facilities may become inaccessible. As described in



Section 3.15.2.1 of the Draft EIR, the project would be required to pay the assessed park impact fees mandated by Municipal Code Chapter 18, funds which will be used for the installation, acquisition, construction and improvement of park improvements listed in the Impact Fee Project List, including the acquisition of land necessary for such improvements. The Draft EIR determined that payment of assessed park impact fees would ensure the project would not cause substantial physical deterioration of parks and recreational facilities. This conclusion would remain valid regardless of which specific parks and recreational facilities within the City would be utilized by residents, employees, and patrons of the project.

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

As we did not see a risk assessment along the lines of Climate Change Policy No. 2 and No. 3 in the set of technical appendices, we request that the final EIR include a requirement that the project proponent produces a risk assessment per BCDC policies. If such a document has already been produced, we request that it be included in the final EIR as an appendix. While HYD-2 discusses impacts to groundwater with respect to supply and recharge, we further request the final EIR analyze the resilience of the proposed project with respect to how SLR affects groundwater levels.

**Response C.14:** The comment cites BCDC Bay Plan policies related to sea level rise. The California Supreme Court in a December 2015 opinion (California Building Industry Association [CBIA] v. Bay Area Air Quality Management District) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project’s future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. In terms of flooding, including flooding related to sea-level rise, the relevant question under CEQA is not whether the project would be subject to flooding and sea level rise, but whether the project would risk release of pollutants due to project inundation or whether the project would impede or redirect flood flows. As discussed in Section 3.10.2.1 of the Draft EIR, the project would not risk release of pollutants due to project inundation,

nor would it impede or redirect flood flows due to the tidal nature of flooding in the area. It should be noted that the project proposes to raise the elevation of the site to 13 feet above sea level, providing substantial protection against flooding and future sea level rise.

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

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

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

The analysis provided in support of the "less than significant" conclusion for the first project impact ("HAZ-1": “The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.”) discusses impacts once the project is built and occupied. Given the emphasis on construction in Water Quality Policy 3, we request further analysis with respect to range of impacts stemming from how pollutants and hazardous materials are used, managed, and disposed of during the construction phase of the project, so that we can better understand how the tidal marsh areas and other parts of the project within the shoreline band are affected, or not. We note that the DEIR’s hydrology sub-section divides its analysis between project construction impacts and impacts at buildout.

**Response C.15:** The comment refers to BCDC Bay Plan policies related to water quality and the discharge of pollutants into the Bay. Similar to the BCDC Bay Plan, the Draft EIR discusses the potential for construction activities to result in the release of hazardous materials in the context of water quality and discharge from the site. As described in Section 3.10.2.1 of the Draft EIR, the project would be required to prepare a Storm Water Pollution Prevention Plan (SWPPP) in compliance with the

NPDES General Construction Permit prior to commencement of construction. The NPDES General Construction Permit includes requirements for training, inspections, record keeping, and, for projects of certain risk levels, monitoring. The general purpose of the requirements is to minimize the discharge of pollutants and to protect beneficial uses and receiving waters from the adverse effects of construction-related discharges.

Construction of the project would involve the temporary use of hazardous substances in the form of paint, adhesives, surface coatings and other finishing materials, and cleaning agents, fuels, and oils. All materials would be used, stored, and disposed of in consumer quantities and in accordance with applicable laws and regulations such as the Resource Conservation and Recovery Act (RCRA), Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Hazardous Materials Release Response Plans and Inventory Law, and the Hazardous Waste Control Act. Therefore, construction of the project would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials, nor exacerbate any existing hazardous condition. The impact would be less than significant. This text has been added to Section 3.9 Hazardous Materials in the Draft EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions). This additional text is intended to clarify the analysis of project impacts already included in the Draft EIR in response to the above comment and does not represent substantial new information that would require recirculation of the Draft EIR.

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

In sub-section 3.7, the DEIR reports that impacts with respect to project impact GEO-3 (“The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.”) are “less than significant”. In its analysis, the DEIR concludes “The geological unit and soil foundation on the site have the stability to support the construction of commercial or residential structures. Therefore, construction of the proposed project would not result in site instability. As identified in Impact GEO-1, the incorporation of design level geotechnical recommendations and compliance with the measures mandated by the SHMA and CBC would render site instability during a seismic event less than significant.” It is not clear as to what the DEIR means with respect to “design level geotechnical recommendations” and compliance with SHMA and CBC mandates. We request the DEIR clarify this in the final EIR, particularly with respect geologic and soils conditions and mitigations related to building areas and common areas, including toward the shoreline. We are aware that the project at 505 East Bayshore Road proposes to address settlement and subsidence concerns with ground improvements underneath the townhomes via 20-foot to 30-

foot-long concrete-filled drill displacement columns. We request the final DEIR discuss whether 557 E. Bayshore is considering similar approaches to dealing with settlement and subsidence matters, particularly as these matters relate to the buildings and to the shoreline paths and associated landscape, overlooks, and decks.

**Response C.16:** Under CEQA, a lead agency may rely on compliance with building code requirements and the implementation of design-level recommendations in a geotechnical investigation to conclude that a project would not result in significant impacts related to geological hazards [Oakland Heritage Alliance v. City of Oakland (2011) 195 Cal.App.4<sup>th</sup> 884]. As discussed in Section 3.7.1.1 of the Draft EIR, the Seismic Hazards Mapping Act (SHMA) requires that agencies only approve projects in seismic hazard zones following site-specific geotechnical investigations to determine if the seismic hazard is present and identify measures to reduce earthquake-related hazards. The California Building Code (CBC) also requires that a site-specific geotechnical investigation report be prepared for most development projects to evaluate seismic and geologic conditions such as surface fault ruptures, ground shaking, liquefaction, differential settlement, lateral spreading, expansive soils, and slope stability. The geotechnical investigation completed on the project site determined that soil conditions on the site could support the construction of residential and commercial structures. The report included multiple options for potential foundation systems that would adequately support structures and other improvements on the site and would avoid impacts related to settlement and subsidence. These options are examples of design-level geotechnical recommendations that would ensure site stability during seismic events. Additionally, Chapter 18 of the CBC includes specific requirements for structural foundations to ensure stability during seismic events. The project would be required to comply with all applicable provisions in the CBC, including those listed in Chapter 18. The precise geotechnical engineering strategies to be implemented during construction for each component of the project, as requested in the comment, need not be identified in the EIR. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.17:** 8. Appearance, Design, And Scenic Views. While the DEIR references Bay Plan Appearance, Design, and Scenic View policies that are at the heart of maintaining the beauty of the Bay and waterfront, further analysis is required with respect to how the project alters views. In sub-Section 3.1, the DEIR concludes that there are no impacts with respect to AES-1 (“The project would not have a substantial adverse effect on a scenic vista”). No adverse effects on scenic vista occur because “The proposed project would not interrupt views of the Bay because the scenic viewshed is located directly alongside the Bayfront and the project does not propose any improvements in this area.” We request the Final EIR analyze views from different stations in the project site, such as how views toward the bay would be altered from the vantage point of an individual standing in the middle of parking lot looking north, or from the southern-most edge along E. Bayshore Road. We further request analysis as to the adequacy by which the proposed paseo – including any activities or programs that would occur within the paseo – between the two residential structures promotes views through the project site toward the Bay.

**Response C.17:** As described in Section 3.1.2.1 of the Draft EIR, scenic vistas in the City are located in the southern and western portions of the City within the hillside neighborhoods. The project site is located in the west central portion of the City and, therefore, is not located within a scenic vista. As a result, the project would not affect a scenic vista. The Draft EIR supplements this conclusion with the text referenced in the comment, which discusses how the primary vantage point for views of the Bay in the project area is directly alongside the Bayfront north of the site. This is because views of the Bay from public vantage points along U.S. 101 and E. Bayshore Road adjacent to the project site to the south are obscured by existing vegetation and structures.

The comment requests an analysis of views of the Bay from vantage points within the project site. The project site is private property, and CEQA does not require an analysis of a project's effects on views from private property. The comment also requests an analysis of whether the proposed paseo adequately promotes views through the project site toward the Bay. As described previously, the site does not currently provide substantial views of the Bay from public vantage points south of the site due to intervening structures and vegetation. Structures and vegetation proposed by the project would result in similar conditions and would not result in a substantial change of views of the Bay from public vantage points in the project vicinity. The proposed paseo mentioned in the comment provides pedestrian and bicycle access to the proposed trail on the southern boundary of the site, and functions as an extension of the proposed access roadway from E. Bayshore Road. The access roadway and paseo would provide a clear line of site from E. Bayshore Road to the Bay, which is currently lacking, and would therefore enhance views of the Bay from public vantage points in the project vicinity. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

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

**Response C.18:** As described in Section 3.18.2 of the Draft EIR, for the purpose of determining the significance of the project’s impact on tribal cultural resources, the Draft EIR analyzed whether the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. As described in Section 3.18.1.2 of the Draft EIR, no known tribal cultural resources are present on the site, as it was historically undeveloped marsh land prior to placement of fill. On January 15, 2021, the City sent letters to tribes identified by the Native American Heritage Commission (NAHC) as culturally affiliated with the project area informing them of the project and the results of the Sacred Lands Search. The letters requested any information available regarding the presence of tribal cultural resources on the site. Tribes contacted included the Amah Mutsun Tribal Band of Mission San Juan Bautista, Costanoan Rumsen Carmel Tribe, Indian Canyon Mutsun Band of Costanoan, Indian Canyon Mutsun Band of Costanoan, Muwekma Ohlone Indian Tribe of the SF Bay Area, and The Ohlone Indian Tribe. The City received one response on February 2, 2021 from the Amah Matsun Tribal Band which did not include any information indicating that a known tribal cultural resource is located on the site. The analysis of Cultural and Tribal Cultural Resources in the Draft EIR is adequate under CEQA. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment C.19:** 10. Environmental Justice And Social Equity. The State of California defines environmental justice as “the fair treatment of people of all races, cultures, and incomes with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies.” In 2019, the Commission adopted Environmental Justice and Social Equity findings and policies into the Bay Plan (BPA 2-17), as well as Resolution 2019-07 to uphold a set of Environmental Justice and Social While environmental justice is not necessarily identified as a distinct resource area in and of itself to be analyzed under Appendix G of the CEQA Guidelines, many of the DEIR’s topic areas touch on issues of environmental justice. Environmental Justice and Social Equity Policy 4 states: “If a project is proposed within an underrepresented and/or identified vulnerable and/or disadvantaged community, potential disproportionate impacts should be identified in collaboration with the potentially impacted communities. Local governments and the Commission should take measures through environmental review and permitting processes, within the scope of their respective authorities, to require mitigation for disproportionate adverse project impacts on the identified vulnerable or disadvantaged communities in which the project is proposed.” BCDC identified issues related to environmental justice in our above comments on tribal cultural resources and public access and recreation.

#### IV. Conclusion

Once again, thank you for providing BCDC an opportunity to comment on the 557 E. Bayshore Project. We hope these comments aid you in preparing the final EIR. If you, or the applicant, have any questions regarding this letter or the Commission’s policies and permitting process, please do not hesitate to contact me at (415) 352-3622 or via email [anthony.daysog@bcdc.ca.gov](mailto:anthony.daysog@bcdc.ca.gov).

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

## ORGANIZATIONS, BUSINESSES, AND INDIVIDUALS

### **D. Alex Melendrez, Peninsula & South Bay Organizing Manager, YIMBY Action (September 20, 2022)**

**Comment D.1:** YIMBY Action is pleased to support the proposed project at 557 East Bayshore Road. This infill housing project would convert the vacant former movie theater site with 480 units of mixed-income housing and a sport club. This project will help address our citywide housing shortage and in particular, our need for more homes and recreational amenities east of 101. In particular, its inclusion of 21 very low income affordable units, 21 low income units, and 43 moderate income units will contribute to the City's RHNA goals as articulated in the City's recently-adopted Housing Element.

We encourage the Planning Commission to support the project without delay, so these vital units can come online as quickly as possible.

YIMBY Action is a network of pro-housing activists fighting for more inclusive housing policies. Our vision is an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

The Bay Area's severe housing shortage is causing skyrocketing homelessness and poverty, crippling our economy, and leading to debilitating commutes that exacerbate our global climate crisis. These impacts fall disproportionately on our city's low-income workers and families, and disproportionately deny communities of color access to opportunity. If we strive to be a society that advances racial and class justice, we must do more to ensure abundant housing in our region. This project will help address the housing shortage and ensure a welcoming Bay Area where everyone can thrive.

**Response D.1:** This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

### **E. Amanda Jones (August 30, 2022)**

**Comment E.1:** My name is Amannda Jones. I live in the One Marina community near the new projected project on Bayshore Road. I am reaching out with a couple of concerns & questions regarding the demolition & ultimately development of the new housing complex.

We were notified that there is also housing going up on the other side of our marina, and that the ONLY road that allows us access to 101 or any other street not on the East side of the 101 of Whipple, is going to be extended to this complex. With this being said, there are going to be 2 new communities going up while there is still ONLY 1 road in and out – not to mention it is a 1 lane road. Many community members are concerned about traffic jams, but I am coming from a place of more urgent concern.

I and several women in my community are pregnant, and need 24/7 access out of our area to get to doctors appointments and hospitals. In the event of an emergency, if there is only 1 road available (like there is now) and there are construction trucks blocking the road there are going to be serious



implications. Since moving here in 2019, I have already experienced being stuck several times due to road closures from a burst fire hydrant, car accident, moving trucks blocking cars in, etc. I am VERY concerned that adding in this project will increase the risk of the residents in One Marina and other community residents off of the Whipple exit being stuck in the event of an emergency.

Does Redwood City have a plan in place to account for this? I strongly believe that the road should not be allowed to be closed, blocked, or made unavailable in any case due to the possibility of medical emergency.

**Response E.1:** A detailed analysis of emergency access and evacuation is included in Section 3.9.2.1, pages 119-132, of the Draft EIR. The emergency access and evacuation analysis focuses on emergency response in the event of a natural disaster or other environmental condition. CEQA does not require an analysis of emergency access and evacuation due to personal medical emergencies as no environmental concerns are implicated. The analysis evaluated several emergency scenarios and their implications for site access, including the potential need for evacuation. Based on an evaluation of the likelihood and severity of the potential emergency scenarios, the applicable and appropriate evacuation/people management options for each scenario, the available evacuation routes, and estimated evacuation times, the City departments responsible for preparing for and responding to emergency events have determined that adequate emergency response and emergency evacuation can be achieved at the project site and in the surrounding area.

Regarding the specific issue of vehicles potentially blocking roadways, the City requires all projects to prepare and submit a Construction Logistics Plan for review and approval. The Construction Logistics Plan for the project would include requirements for maintaining pedestrian, bicycle, and vehicle access to the surrounding area at all times during construction. Furthermore, brief road closures or blockages do not create significant environmental impacts.

#### **F. San Carlos Airport Association (September 25, 2022)**

**Comment F.1:** The San Carlos Airport Association represents pilots, tenants and members of the community around San Carlos Airport. We have reviewed the draft Environmental Impact Report for the proposed residential development at 557 E. Bayshore Road, which is about ¾ mile from and directly aligned with the runway at San Carlos Airport.

The Airport Association has grave concerns about the incompatibility of the proposed project with the busy airport and the noise generated by aircraft landing on runway 30 and taking off from runway 12. These aircraft will, by necessity, pass directly over the subject property just a few hundred feet above it. The project sits near the corner of the airport traffic pattern and will be impacted by aircraft noise from most landing aircraft as well as from aircraft departing to the south/southeast. It is hard to imagine a less compatible use than residential at the proposed site.

As a result, the San Carlos Airport Association must reluctantly oppose the proposed project because of the certainty that residents in this project would be adversely impacted by aircraft noise on a daily basis.

However, in the event that Redwood City's Planning Commission decides to approve this project despite its incompatible use, it is imperative that Aviation Easements and/or impact Notices be recorded against the residential units to be constructed, in order to make future owners aware of the presence of frequent aircraft overflights. Additionally, we request a Condition of Use requiring that all residential and commercial tenants of the property receive notifications of aircraft overflights prior to lease signing/renewal.

It is essential that future residents and commercial tenants of the proposed development, if approved, be well informed about aircraft overflights in order to avoid unexpected and undesired conflicts over noise.

Thank you for considering our views.

**Response F.1:** Please refer to Response B.1. While aircraft flyovers may at times be audible at the outdoor use areas on the project site, noise levels due to aircraft would not exceed 60 dBA CNEL, and therefore, both the exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. This is a less than significant impact. The recommendations in the comment will be considered by the project applicant and the City, but are not required to reduce environmental impacts to a less than significant level.

**G. Diego A. Zambrano (August 19, 2022)**

**Comment G.1:** I'm a Stanford Law School professor, proud Latino resident of Redwood City, and a homeowner. I strongly and vehemently support the construction at SYUFY 557 E BAYSHORE RD. Increasing density around the Redwood City downtown is a no-brainer. First on the environmental side: We know from a wealth of studies that increasing density lowers carbon emissions and helps fight climate change. By allowing riders to live near a Caltrain station, a dense downtown area (including this site) would strike a blow against car usage and carbon generation. Switching from a personal car to mass transit is one of the best things people can do to reduce their carbon emissions. Building more housing makes that easier, and it's a large part of the reason that pro-housing policies are also climate policies. The current use of the site represents a ridiculous misuse of a key piece of land. Its mostly a parking lot right now. That is an environmental problem not something to preserve. For the sake of the environment, allow this project to move forward.

Second on the housing affordability side: there is a massive housing shortage in California. We need more housing construction immediately. Study and after study shows that building more housing (market rate or otherwise) lowers rents and makes homes affordable.

Third on the economic growth and innovation side: current regulations are a huge impediment to economic growth and innovation. Allowing this project forward would promote a denser Redwood City. A study by economists Chang-Tai Hsieh of the University of Chicago and Enrico Moretti of Stanford found that If land use regulations in New York and the Bay Area were set equal to the median U.S. city, GDP would be nearly 10 percent higher translating into an additional \$8,775 in average wages for all American workers.

Fourth the Villa sport would provide incredible amenities for our downtown area that we all love.

Fifth more housing here would reduce displacement of Redwood City communities. NIMBYs fail to understand this — building more housing actually REDUCES displacement of existing communities. When looking at the actual impact of building more homes, a recent paper from UC Berkeley found that building more homes is one of the top strategies to prevent displacement because it absorbs new people moving to the area and allows existing residents to keep their homes rather than compete against newcomers.

Sixth continuing to densify the downtown would make Redwood City a cosmopolitan hub and a vibrant place to live. What's there not to like? More restaurants, more people from around the world moving here, more diversity of jobs, etc. It's a no brainer.

I strongly urge that this project move forward immediately. Stop dragging this out. Let the the SYUFY site construction project begin. NOW. Not in three years. We need the housing. We need the density to fight climate change. Do not use over broad environmental regulations to stop a project that would actually strike a blow against climate change. Move forward faster!

**Response G.1:** This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

#### **H. Citizens Committee to Complete the Refuge (September 26, 2022)**

*Refer to Comment Letter H in Appendix A of this Final EIR for photos included with this comment letter*

**Comment H.1:** Citizens Committee to Complete the Refuge appreciates the opportunity to provide comments on the August 2022 Draft Environmental Impact Report (DEIR) for the 557 East Bayshore Road Project (Project). Our organization submitted scoping comments in response to the August 2017 Notice of Preparation of an Environmental Impact Report (NOP) for the Project, and again in response to the second Project NOP issued in July 2019.

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

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

## Existing Conditions

The DEIR and associated Appendix C Biological Resources Report (Appendix C) include several factual errors/omissions as outlined below that should be corrected in the Final EIR.

### 1) Muted Tidal Marsh

In the following excerpts from the discussion on the muted tidal channel located immediately adjacent to the Project, both the DEIR and Appendix C fail to include cordgrass (*Spartina foliosa*) in the list of existing marsh vegetation. Appendix C specifically states that it is not present in this habitat for wildlife, even though this species of salt marsh vegetation is widespread throughout the tidal channel and is plainly visible in Photo 7 on page 22 of Appendix C, and Photo 10 on page 55 of the DEIR.

Vegetation. “Muted tidal marsh vegetation within the ditch is located along the banks of the ditch above the permanently inundated areas (Photos 6 and 7). This vegetation consists of dense, narrow stands of erect, herbaceous, native, salt-tolerant hydrophytes (water-dependent plants), including alkali heath (*Frankenia salina*), salt grass (*Distichlis spicata*), pickleweed (*Salicornia pacifica*), hardstem bulrush (*Schoenoplectus acutus*), and fat hen (*Atriplex prostrata*).” (DEIR p.56; Appendix C p. 21)

Wildlife. “The narrow extent of the muted tidal marsh habitat on the project site and lack of tall, dense marsh vegetation and grasses (e.g., cordgrass [*Spartina foliosa*]) limits the value of this habitat to marsh-associated wildlife species.” (Appendix C p. 22)

The recent photo below shows the great extent of *Spartina foliosa* in the muted tidal channel.

The DEIR should provide an accurate description of this adjacent CWA jurisdictional wetland that could be directly impacted from construction, grading and landscaping activities associated with the Project.

**Response H.1:** Responses to comments contained in this comment letter were prepared with the assistance of H.T. Harvey & Associates, the biologists who prepared the Biological Resources Report contained in Appendix C to the Draft EIR.

As stated in Appendix C to the Draft EIR, “(t)he narrow extent of the muted tidal marsh habitat on the project site and lack of tall, dense marsh vegetation and grasses (e.g., cordgrass [*Spartina foliosa*]) limits the value of this habitat to marsh-associated wildlife species.” While a small amount of cordgrass (*Spartina foliosa*) is indeed present in the muted tidal drainage ditch, it is not present in sufficient quantity or density to constitute the “tall, dense marsh vegetation and grasses” which would provide habitat to marsh-associated wildlife species. It is the professional judgment of H.T. Harvey & Associates that, due to the extremely limited extent of this vegetation along the narrow drainage ditch, the value of this habitat to wildlife is extremely limited despite the presence of cordgrass at this location. For example, this cordgrass does not provide suitable habitat for species such as the California Ridgway’s rail that might use cordgrass where it occurs in greater expanses within

fully tidal areas. The City agrees with this position, which is supported by substantial evidence in the record. The presence of a small amount of cordgrass does not change the analysis or conclusions in the Draft EIR. The text of Appendix C has been revised to make it clear that the overall lack of tall, dense marsh vegetation and grasses is the determining factor when considering the value of the habitat to marsh-associated species, not whether the specific species of cordgrass is present (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment H.2:** 2) Sensitive Natural Communities in the Vicinity of the Project

Figure 4. CNDDDB-Mapped Records of Special-Status Plants on page 25 in Appendix C shows a map indicating the location of “special-status plant species” and “sensitive natural communities” in the vicinity of the Project site. One of the CDFW-designated sensitive natural communities is Northern Coastal Salt Marsh. This map does not reflect current conditions as it does not reflect the restoration activities that have been ongoing for over a decade. The map incorrectly shows no tidal marsh on Inner Bair Island, and tidal marsh only outboard of the perimeter levees on Middle and Outer Bair Islands. Additionally, there is no Northern Coastal Tidal Marsh depicted along the unnamed slough (a branch of Smith Slough) on the other side of the Bay Trail.

Additionally, the description of Inner Bair Island on page 23 in Appendix C also fails to accurately describe the current extent of tidal marsh, referring to the “...large areas of ruderal grassland” and “seasonally ponded wetlands”.

To restore these diked islands back to tidal marsh, the U.S. Fish and Wildlife Service breached the levees surrounding Middle and Outer Bair Islands a number of years ago, and the perimeter levee on Inner Bair Island was breached in December 2015. With the reestablishment of tidal flow, pickleweed has become established throughout the marsh plain on all three islands, and cordgrass, Grindelia, alkaliheath and sea lavender are now present on Inner Bair Island. Inner Bair Island, located less than 200 feet from the Project property line, is currently used extensively by a great variety of water birds, including migratory shorebirds, and other wildlife.

Due to the close proximity, and the potential for impacts from the Project on this Sensitive Natural Community and associated wildlife (i.e., bird strikes, outdoor lighting, domestic animals, etc.) the DEIR should accurately depict and describe the location and extent of Northern Coastal Salt Marsh in the vicinity of the Project site.

**Response H.2:** The City acknowledges that tidal salt marsh habitat matching CDFW’s definition of Northern Coastal Salt Marsh is present on Inner Bair Island. However, this habitat is not located on or immediately adjacent to the project site, and it is located far enough from the project that it will not be impacted directly, or indirectly (e.g., by lighting, shading, water-quality impacts, or other effects), by the project. Northern Coastal Salt Marsh also occurs along the southern edge of the unnamed tidal slough approximately 60 feet north of the site, north of the Bay Trail. As discussed in Section 3.4.2.1 of the Draft EIR, impacts on this habitat can potentially occur due to its close proximity to the project site, unlike the Northern Coastal Salt Marsh present on Inner Bair Island. These include impacts on water quality (Draft EIR page 62), impacts due to the spill of lighting (Draft EIR page 65),

impacts due to collisions by birds that use this habitat with glazing (Draft EIR pages 66–71), impacts due to disturbance of salt marsh harvest mice and salt marsh wandering shrews (Draft EIR pages 71–73), and impacts on wildlife movement through this habitat (Draft EIR page 79). All of these impacts are addressed in Section 3.4.2.1 of the Draft EIR, which explains either why impacts are less than significant or describes mitigation necessary to reduce impacts to less-than-significant levels.

**Comment H.3:** Inadequate Analysis/Unsubstantiated Conclusion on Shadow Impacts

In our response to both the 2017 and 2019 NOPs, Citizens Committee specifically called out our concerns regarding potential shadow impacts to natural Bay habitats from the height of the two apartment buildings.

The DEIR states: “Due to the 80-foot setback between the proposed buildings and the future California-native landscape area along the muted tidal drainage ditch, shading impacts of these buildings on potential habitat for salt marsh harvest mice and salt marsh wandering shrews would be negligible, and impacts of the project on this habitat due to shading are less than significant.” (DEIR pg. 72).

We have several concerns regarding this statement:

1) The DEIR provides no evidence that a shade analysis was performed to support the conclusion that shading will be less than significant on the “landscape area”.

2) The “future California-native landscape area” only refers to the area on the proposed Project site. The DEIR does not address the potential for shadow impacts on the existing Northern Coastal Salt Marsh, a California Department of Fish and Wildlife sensitive natural community, located directly adjacent to the Project to the north. Pickleweed, the dominant vegetation in the muted tidal channel (Appendix C page 40) and in the tidal marsh in the unnamed slough next to the Bay Trail, is known to be shade intolerant (Conservation Plant Characteristics for *Salicornia virginica*, USDA Natural Resources Conservation Service, <https://adminplants.sc.egov.usda.gov/java/charProfile?symbol=SAVI>).

The DEIR states, “Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)” (DEIR pg.76).

In the absence of a shadow study specifically for the muted tidal marsh channel and the tidal marsh in the unnamed slough, this conclusion is also unsubstantiated. The DEIR must include information from a shadow analysis specifically for these sensitive natural areas, and clearly articulate the criteria used to determine whether any shade impacts from the two apartment buildings are significant.

The shadow study must take into account not only the apartment building height of 55 feet (Figure 2.0-5 Building Elevations page 11 DEIR), but also the height of the fill needed to obtain an elevation 10 feet above mean sea level for the FEMA base flood elevation, plus an additional three feet above

that for sea level rise: (“The flood elevation listed for the portion of the site within Zone AE is ten feet above mean sea level. The portion of the site in Zone AE ranges in elevation from zero to five feet above mean sea level.”, and “The current site elevation would be increased by three feet above the FEMA base flood elevation to protect from flooding and sea level rise.” DEIR page 140). This is particularly important because the tidal marsh areas are essentially at sea level.

**Response H.3:** Shade and shadow calculations provided by the engineers and architects responsible for project design were utilized in the analysis of biological impacts in the Draft EIR and Appendix C. The calculations were based on proposed project characteristics including site elevation, building locations, and building dimensions. Anticipated shading at noon on June 21 and December 21 were calculated. Shade from the proposed buildings would extend only a few feet within areas mapped as ruderal ditch bank grassland at noon on December 21, the day when shadows are the longest, and would not extend into areas mapped as muted tidal marsh. Based on this information, no impacts on marsh habitat are expected to occur as a result of shading from the new buildings, and the impacts of shading of the ruderal ditch bank grassland habitat are expected to be minimal. Shading from the buildings would not result in a substantial change in the plant community or habitat quality. The shading calculations utilized in the analysis have been added to the text of Appendix C of the EIR (refer to Section 5.0 of this Final EIR for a list of EIR text revisions).

**Comment H.4:** Unidentified Bird Strike Hazard/Inadequate Mitigation

Figure 3.4-2 Point of Highest Risk for Bird Collisions on page 69 in the DEIR identifies the area along the north side of “Building A” facing the Bay as an area that presents the “highest risk for bird collisions”. Yet within this area, the Project’s Landscaping Plan (DEIR Figure 2.0-6, page 12) calls for two, five-foot tall “Glass Pool Fences” with nearby landscape plants in areas on both sides of the glass barriers. Based on the scale bar provided in the figure, each of these glass fences appear to be about 30 feet long.

The incorporation of large glass fences with landscape plants on either side, located within the designated high-risk bird collision area appears to create an unacceptable and unnecessary hazard to birds that has not been identified or mitigated in the DEIR. Bird-safe building design recommendations call for glass fences to be avoided. (Bird Friendly Building Design, American Bird Conservancy 2015; Standards for Bird-Safe Buildings, San Francisco Planning Department 2011).

On the northern side of the pool, the Landscaping Plan calls for a five-foot tall metal fence. Replacing the glass fencing with metal fencing would entirely eliminate this specific bird collision hazard.

If the fence material is not modified, the DEIR must include how the hazard from the glass fences will be mitigated.

**Response H.4:** Mitigation Measure BIO-1.11 in the DEIR requires the following: “Avoid free-standing clear glass walls, skywalks, transparent building corners, glass enclosures (e.g., greenhouses) on rooftops, and balconies with unbroken glazed

segments 24 square feet and larger where feasible. If any such features are included in the façade areas of Buildings A and B indicated in red on Figure 3.4-2, all glazing used in any such features shall be 100 percent treated.”

Thus, if free-standing glass walls or railings are included in the project design surrounding the pool, these features are required to be 100% treated with a bird-safe glazing treatment. The bird-safe glazing treatment will reduce the potential for and frequency of bird collisions with such features. With the implementation of this measure, potential impacts due to bird collisions with these features will be reduced to less-than-significant levels under CEQA.

**Comment H.5:** Importance of Effective Mitigation Monitoring and Reporting Plan (MMRP)

Due to the proximity of wetlands and wildlife to the project site, including sensitive habitats and listed species, the Final Environmental Impact Report should include an associated MMRP that is detailed and effective to ensure the actual implementation of mitigation measures is well-documented and enforced.

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

MM BIO-1.18: Development of Integrated Invasive Weed Management Program for Maintenance of the Landscaping Along the Muted Tidal Ditch

MM BIO-1.19: Prohibit Outdoor Cats and Off-Leash Dogs

MM BIO-1.20: Food Waste Management

Thank you for the opportunity to provide comments on the DEIR for the 557 East Bayshore Road Project.

**Response H.5:** An MMRP for the project will be adopted by the City in accordance with Section 15097 of the CEQA Guidelines. For each mitigation measure included in the Draft EIR, the MMRP will identify which agency and/or department is responsible for oversight of mitigation compliance.

**I. Jeri Richardson-Daines (September 22, 2022)**

**Comment I.1:** My name is Jeri Richardson-Daines and I am a long-time resident of Redwood City. For many years now, we have seen properties that add value to our community demolished and replaced with high-end, expensive apartments built in their place. We've lost our bowling alley, Malibu, roller rink and other family oriented activities; however I also understand that building housing is important, especially as we continue to add more jobs. Redwood City continues to struggle especially with affordable housing units. Being in real estate, I am continuing to see people leave our area because they simply can no longer afford living here. I like the project that is being presented at 557 E. Bayshore Road. I like that it provides both market rate and the much needed affordable housing. Although I liked the theater that was there MANY years ago, we've since seen



that property turn into an eyesore with a bunch of parked cars being stored there. I'm also happy to see that they are proposing a beautiful athletic facility that families can enjoy and that they will open up access to our shore line with some new bay trail. I support the conclusions of the DEIR which has been in process for many years with the paid professionals finding no significant impacts. This project is a Win-Win for Redwood City and I whole-heartedly endorse it! Let's not let this opportunity slip away.

**Response I.1:** This comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

**J. Jim Crampton, Bair Island Neighborhood, Co-Chair (September 6, 2022)**

**Comment J.1:** You might recall that we first met when you were running for City Council. We, of course, were disappointed that you did not win. On the other hand, I am pleased that you are now Chairman of the City Planning Commission. In that regard I want, in advance of Tuesday's Public Hearing, to share some of my concerns about the Syufy Development that is being proposed for the Bair Island Neighborhood and is on Tuesday's agenda.

My primary concern is that the project includes a Fitness Center for which I feel there will be very limited interest from the residents of Bair Island. At the same time, the commercial component of the project does not address the types of commercial facilities which are much needed in our community. Let me address these issues more thoroughly below:

**Fitness Center**

Demand - looking at the structure of our current Bair Island Neighborhood, 65 % of our current residences' facilities include pools and fully equipped fitness centers. For the remainder, there are numerous fitness centers nearby. In addition, Planet Fitness will soon be opening a new fitness center adjacent to the Sports Basement store. This will only be a 5–10 minute walk for our remaining residents. And to the extent that the project investors want to include fitness center functionality in their residential buildings, this could be easily accomplished without building a massive fitness center that would likely be heavily dependent on customers living outside our neighborhood and thereby having a potentially significant impact on traffic.

In previous sessions with the developer, we were frequently reminded that this fitness center would provide a unique opportunity for families with school age children to participate in classes, competitive activities, etc. at this facility We tried to explain to them that there are almost no families with school age children living in our neighborhood and therefore this facility will be of little interest to them. This is because there are no schools nearby in our "Island Community" and therefore, when the children of our residents reach school age, they tend to move out. I don't think the developer personnel were interested in hearing or believing this!

**Response J.1:** The comment discusses the potential demand for the proposed fitness center, stating that the demographics in the surrounding area may result in patrons from outside the neighborhood travelling to the project site to utilize the fitness center. As discussed in Response A.1, pursuant to SB 743 and CEQA Guidelines Section 15064.3, the CEQA metric for transportation impacts is VMT. Traffic related metrics such as vehicle delay (or LOS) and storage capacity at intersections and

freeway ramps are not impacts under CEQA. Although the increased traffic mentioned in the comment would not be considered an environmental impact, the VMT of patrons utilizing the proposed fitness center is relevant to the analysis of the project's impacts as analyzed in the Draft EIR.

Section 3.17 of the Draft EIR analyzes the project's VMT, including the VMT of the proposed fitness center. As described in Appendix G to the Draft EIR, the San Mateo County and Santa Clara County (C/CAG) travel forecasting model was used to estimate the daily VMT associated with the project. Travel Analysis Zones (TAZs) and transportation network connectors were refined to better represent how the project will connect to the roadway system, and land use inputs were updated for the "with Project" scenarios to match the expected trip generation. To provide a complete picture of the effects of the project on daily VMT, the analysis looked at the project-generated VMT for each component of the proposed mixed-use development independently, taking credit for internal capture, and applying the significance criteria for each land use type. As acknowledged in the Draft EIR and in Appendix G, the project's relatively remote location on the east side of US 101 next to the Bay in an area lacking bicycle and transit connectivity results in a project generated VMT rate that is higher than the average Countywide VMT rate for both the proposed residential and fitness center uses. The Draft EIR identifies mitigation in the form of Transportation Demand Management (TDM) measures to reduce VMT associated with the fitness center to a less than significant level (refer to Mitigation Measure MM TRN-2.1). The analysis of VMT in the Draft EIR was completed utilizing standard methodology accepted by C/CAG and the City of Redwood City which accounts for varying travel distances of future patrons and employees of the proposed fitness center. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

**Comment J.2:** Environmental consideration - equally big concerns are the impact of the Fitness Center on water and power requirements. The Fitness Center layout calls for four large swimming pools, two of them outside. The requirement to initially fill the pools as well as deal with ongoing water evaporation would appear to be an environmental disaster in today's world of water shortages. In addition, there would be significant power requirements to keep the pools warm.

**Response J.2:** As described in Section 3.19 of the Draft EIR, a Water Supply Assessment (WSA) was completed for the project by the Redwood City Public Works Services Department (refer to Appendix H to the Draft EIR). The WSA included project-specific calculations of the project's water demand that accounted for the water demand associated with the proposed fitness center, including the proposed pools. The WSA determined that adequate water supply is available to serve the project.

The project's energy impacts are evaluated in Section 3.6 of the Draft EIR. Estimates of the project's energy consumption are included in Table 3.6-1. The estimates are derived from the California Emissions Estimator Model (CalEEMod), which is the standard model used to estimate air quality and GHG emissions from development projects in California (refer to Appendix B-1 for project-specific modeling data).

Energy consumption from the proposed pools was specifically included in the modeling. The Draft EIR determined that energy consumption associated with the project, including the proposed pools, would not result in significant environmental impacts.

**Comment J.3:** In addition, the two outdoor pools are located within 100 yards of Highway 101. This does not seem like a good place for people gathered at or near the pool to deal with the fumes emitted by passing cars as well as the noise.

**Response J.3:** The comment discusses the potential exposure of patrons of the proposed fitness center to air quality emissions and noise associated with U.S. 101. The California Supreme Court in a December 2015 opinion (California Building Industry Association [CBIA] v. Bay Area Air Quality Management District) confirmed that CEQA, with several specific exceptions, is concerned with the impacts of a project on the environment, not the effects the existing environment may have on a project's future users or residents unless the project risks exacerbating those environmental hazards or risks that already exist. The Court stated, "In light of CEQA's text, statutory structure, and purpose, we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment – and not the environment's impact on the project – that compels an evaluation of how future residents or users could be affected by exacerbated conditions." The exposure of future patrons of the proposed project to air quality emissions and noise from U.S. 101 would be considered an impact of the environment on the project, and thus would not be considered an impact under CEQA.

**Comment J.4:** Opportunity to provide the Neighborhood with useful commercial facilities – most of us when we first moved into the Bair Island Neighborhood soon realized that we were living on more of an island, devoid of commercial facilities, than we at first anticipated. Yes, any basic need like a bottle of milk, bread, etc. required us to get in our car and drive a significant distance over and past Highway 101 to take care of our needs. Some of our feelings of isolation were resolved when the Hwy 101 Undercrossing was finished and we could now bike or hike into downtown Redwood City. We are hopeful that, in lieu of the Fitness Center, the Syufy Project could include some "useful facilities" that would allow us to satisfy some of our more basic needs right here in the Bair Island Neighborhood. These might include things such as:

- 7-11 type of store – an ideal solution would be something like the Ideal Store located at 3375 E Bayshore Rd in Redwood City, where basic needs, including produce, would be available
- Nice, but informal, restaurant - where people could gather to eat / drink without having to drive outside the neighborhood
- Day Care center – for families with young (non-school-age) children
- Pet Care center – for the many families with dogs

Rick, I'm concerned that, if the Fitness Center is built, it could become a financial disaster and could become a blight to our neighborhood. I'm hopeful that your team when evaluating this project would take into account the wants / desires of your citizens as well as the visions of a potential developer when reviewing this project. And if this developer is not able to adapt to these suggestions, then maybe they should sell out to someone who would.

**Response J.4:** The comment discusses potential alternative land uses on the project site and the economic viability of the proposed fitness center. The comment does not raise any concerns with the Draft EIR or its analysis of the project; therefore, no further response is required.

**Comment J.5:** I should also mention that I have attached a copy of the memo that I forwarded previously to the city in 2019 about this project. This document is also "buried" in the Appendices for this project on the City's website. It addresses other concerns such as traffic which I have not mentioned here. And yes the traffic situation has gotten potentially worse after the recent Hwy 101 Improvement project narrowed some of East Bayshore Road alongside the Syufy development. I, my wife, and some of our concerned neighbors look forward to attending and participating at Tuesday's hearing. In the meantime, please feel free to contact me (650-701-4837) if there is anything further about this project you might care to discuss.

Thanks in advance for your professional attention to this project.

**Response J.5:** The comment refers to a memo that was submitted by the commentor to the City in July 2019 as a response to the Notice of Preparation (NOP) for the Draft EIR, which was circulated to the public in July and August 2019. The memo is included in Appendix A to this Draft EIR. The City considered all comments received in response to the NOP during preparation of the Draft EIR. To the extent the traffic issues raised in the commentor's memo are relevant to CEQA (see Response J.1 for a detailed discussion of CEQA requirements related to transportation impacts), they are addressed in Section 3.17 of the Draft EIR.

**K. Kelly Ringer Radetich (September 17, 2022)**

**Comment K.1:** I welcome the thoughts of new construction on Bair Island but do NOT think all the apartments and athletic club is the way to go.

I'm a resident in One Marina and we have only a two lane highway with only one way in and out of our Bair Island community. Many times it is obstructed with large trucks delivering vehicles to the car lots. If we add 480 more residents on Bair Island and a Sports Villa how will we survive the traffic to get on and off Bair Island?

There was a emergency once on the 101 and our whole street was closed off and no one could go home or leave their home on Bair Island. Limits on roadway access to and from Bair Island limits that amount of residents that should be built here. We already have townhomes (on agenda) being built where the steel company sits now.

Blu Harbor apartments has pool and work out facility for their residents. Building a Villa Sport will bring more traffic from other areas to use as well and more traffic for the 480 added residents. (Potentially up to 1000 more cars a day on our 2 lane highway).

Kindly reconsider the best use of this area with the least amount of traffic. Blomquist extension should be done before anymore additions are added in order to mitigate traffic.

Your time and attention to this matter is greatly appreciated.

**Response K.1:** The comment raises concerns regarding access to and from the site as well as increased traffic in the project area. Please refer to Response E.1 for a discussion of site access, and Response J.1 for a discussion of increased traffic. As demonstrated in Responses E.1 and J.1, the analysis in the Draft EIR adequately addresses the environmental impacts of the project in these areas. Therefore, this comment does not provide new information that would change the analysis already disclosed in the Draft EIR.

**L. Mark Boslet (September 19, 2022)**

**Comment L.1:** Thank you for the opportunity to comment on the proposed 557 East Bayshore Road project. I am a long-time Redwood City resident and a neighbor of the site.

Underlying my comments is the belief that the site is inappropriate for residential development, especially on the scale proposed by the project. My belief is borne out by the recently prepared EIR. I have detailed my concerns below:

A) First and most important is my concern about emergency access and resident safety. It is clear to me neighborhood safety and emergency access to the community will be degraded by the project in the event of a substantial calamity. The EIR fails to address these concern.

**Response L.1:** As discussed in Response E.1, a detailed analysis of emergency access and evacuation is included in Section 3.9.2.1, pages 119-132, of the Draft EIR. The analysis evaluated several emergency scenarios and their implications for site access, including the potential need for evacuation. Based on an evaluation of the likelihood and severity of the potential emergency scenarios, the applicable and appropriate evacuation/people management options for each scenario, the available evacuation routes, and estimated evacuation times, the City departments responsible for preparing for and responding to emergency events have determined that adequate emergency response and emergency evacuation can be achieved at the project site and in the surrounding area.

**Comment L.2:** It should be noted that the neighborhood has a single two-lane road accessing more than 800 residences and additional commercial properties, including car dealers and local business establishments. In 2003 when the nearby Marina Shores Village project was proposed, an EIR completed for that project determined the neighborhood had room for another 750 new dwelling units. The Marina Shores Village project was eventually completed in scaled down form and under

the name One Marina. Since this construction, the Blu Harbor project of 402 units was completed, leaving the cap at a maximum of 348.

The limit on new housing was calculated to assure adequate emergency vehicle access and evacuation safety in the event residents need to flee their homes.

**Response L.2:** The analysis in the 2003 Marina Shores Final EIR is discussed on page 118 of the Draft EIR. The threshold of significance for emergency access impacts in the 2003 Final EIR was whether the addition of project traffic would cause or exacerbate existing traffic level of service (LOS) F operations on Bair Island Road, East Bayshore Road, or Whipple Avenue in an emergency situation. For the purposes of the analysis, an emergency situation was defined as a situation where the entire Bair Island Road area needs to be evacuated in 30 minutes. The Draft EIR goes on to state on page 139 that “(w)ith the adoption of SB 743 and the implementing CEQA Guideline 15064.3, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA. As such, the City will not use the threshold of significance from the 2003 Final EIR for the project.” The Draft EIR for the proposed project completed a detailed analysis of the project’s impacts related to access during an emergency situation using a methodology that does not rely on the outdated LOS metric and determined that, based on an evaluation of the likelihood and severity of the potential emergency scenarios, the applicable and appropriate evacuation/people management options for each scenario, the available evacuation routes, and estimated evacuation times, the City departments responsible for preparing for and responding to emergency events have determined that adequate emergency response and emergency evacuation can be achieved at the project site and in the surrounding area.

**Comment L.3:** The EIR completed for 557 E. Bayshore Road largely ignores this concern and when it does address it, its arguments are inadequate and weak. First it says there are no sufficient benchmarks for it to use to analyze emergency evacuation procedures. Please read below from the report:

“There is no established threshold of significance under CEQA for what would constitute an adequate emergency evacuation time. The threshold used in the 2003 Final EIR was based on an assumption that an emergency would require evacuation of the project area in 30 minutes, which is not supported by research, empirical evidence, or common understanding of evacuations. The 2003 Final EIR also used LOS F as the standard for determining whether the project had a significant impact on the ability to evacuate in an emergency. With the adoption of SB 743 and the implementing CEQA Guideline 15064.3, automobile delay, as described solely by level of service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.”

**Response L.3:** This comment refers to text from the Draft EIR explaining why the analysis in the 2003 Final EIR cannot be relied upon to analyze the proposed project’s impacts related to site access in an emergency scenario. The comment

provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment L.4:** Then it goes on to claim the because of the lack of a benchmark, the inference can be made that the project will have no significant impact. Please read from the report again:

“In short, there are no adopted emergency response or evacuation plans with which the project, including the adjacent construction of housing on the property at 505 E. Bayshore Road, could interfere simply by being constructed and occupied.”

**Response L.4:** As described on page 129 of the Draft EIR, in the area of emergency evacuation, there are two CEQA checklist questions that are relevant to the discussion:

- Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Hazards and Hazardous Materials)
- Would the project result in inadequate emergency access? (Transportation)

The comment includes an excerpt of text in the Draft EIR that is responding to the first checklist question regarding the project’s impacts to adopted emergency response and emergency evacuation plans. The Draft EIR accurately states that there are no adopted emergency response or evacuation plans with which the project could interfere simply by being constructed and occupied. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment L.5:** Then it goes on to say that despite this inference of no significant impact, it assumes one lane of traffic will be open, should emergency vehicle access be required and should some impact be likely. It reverses itself and offers no reasoning for its assumption. Please read below:

“Even in the emergency scenarios evaluated above, it was assumed that at least one lane of traffic would remain open for emergency response vehicles to access the site. As a result, the project cannot be said to result in inadequate emergency access.”

**Response L.5:** The comment includes an excerpt of text from the Draft EIR describing an assumption that emergency responders (i.e., police department, fire department, etc.) would maintain at least one open lane to provide access to the site during an emergency. This is standard operating procedure during an emergency and is a reasonable assumption. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment L.6:** Then the analysis goes on to use the 30 minutes measure it dismissed earlier in its discussion. Please read below:

“In the unlikely event that the entire project area needs to be evacuated as quickly as possible, the project would increase project area ETEs by approximately 20 to 30 minutes depending on the scenario. The estimated time it would take to evacuate the project area with the project after

receiving an evacuation order would be between 110 minutes to 175 minutes, as shown in Table 3.9-6. An increase to ETEs, however, does not necessarily create a safety risk. As discussed above, evacuations can be implemented in advance of an impending hazard, can be targeted to only portions of the project area, and can be phased to prioritize evacuation of those portions of the project area based on risk.”

**Response L.6:** The comment is incorrect that the Draft EIR used 30 minutes as a metric to determine impacts. The text from the Draft EIR excerpted in the comment is describing the results of an analysis that estimated evacuation times during various emergency scenarios both with and without the project. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment L.7:** Finally it returns to the claim that immediate evacuation would be unlikely and that it has no way to compare what a good evacuation benchmark should be. In short it ignores safety and emergency access concerns. Please read below:

“As a result, an adequate emergency response in the project area is unlikely to require immediate and complete evacuation in a short amount of time. Additionally, due to the variability and unpredictability of emergency scenarios, and the range of required emergency responses to those scenarios, there is no established evacuation time benchmark applicable to the project area against which the estimated evacuation times could be compared.”

As I pointed out above, the analysis provided in the EIR is weak and inadequate. I fear Redwood City would be opening itself up to potential litigation should a worst case scenario occur and this poorly conceived report be approved and on file for aggrieved residents to review.

**Response L.7:** The Draft EIR does not ignore safety and emergency access concerns, as asserted in the comment. As described previously, the Draft EIR includes a thorough analysis of emergency evacuation and emergency access impacts on pages 118-132. The analysis in the Draft EIR is based on studies completed by specialists in the field of transportation and emergency response management (refer to Appendices I-1 and I-2). The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

**Comment L.8:** B) Second, it should be noted that traffic is a growing concern in the neighborhood. At rush hour the ability to get into and out of the neighborhood by car already is difficult. This is especially true at the Highway 101-Whipple Ave. interchange and at the Veterans Blvd. traffic light. The new Bayshore Road development will intensify the difficulties and lower the quality of life for all who must navigate them.

**Response L.8:** As discussed in further detail in Response J.1, increased traffic and vehicle delay is not considered an environmental impact under CEQA.

**Comment L.9:** C) Third, the site is directly under the final approach pattern for large commercial aircraft landing at San Carlos Airport. These aircraft are frequent, low flying and loud. They are only about 300 feet off the ground as they pass over the site of the proposed project. Residents will complain about the flights and rightly so.



**Response L.9:** Please refer to Response B.1 for a detailed discussion of noise associated with the San Carlos Airport. While aircraft flyovers may at times be audible at the outdoor use areas on the project site, noise levels due to aircraft would not exceed 60 dBA CNEL, and therefore, both the exterior and interior noise levels resulting from aircraft would be compatible with the proposed project. This is a less than significant impact.

**Comment L.10:** D) Finally, the project proposes using a tidal creek on the north side of the project as a drainage ditch. In my opinion this is an inappropriate use of San Francisco Bay. Please see the following passage from the report acknowledging this impact.

“The project would be designed to avoid direct impacts to the muted tidal marsh habitat on the site, as all temporary and permanent project impacts are limited to areas above the high tide line in the drainage ditch, as shown in Figure 3.4-1. However, water quality in the muted tidal drainage ditch could be impacted by construction activities on the project site. Bank erosion and sedimentation are potential effects of disturbance associated with construction within the ditch banks. Construction activities located outside of the ditch may cause erosion and sedimentation, indirectly impacting the plant and animal species that occur in muted tidal marsh habitat in the drainage ditch. In the absence of protective measures, these impacts would be significant due to the ecological importance and sensitivity of muted tidal marsh habitats and species that inhabit the drainage ditch. Implementation of BMPs and compliance with standard permit conditions as described in Section 3.10 Hydrology and Water Quality to avoid and minimize impacts to water quality would reduce project impacts on wetlands to a less than significant level. (Less than Significant Impact)”

In my opinion, the project should be required to create a significant setback from the tidal creek so that no impact will take place.

Thank you for the opportunity to comment on this EIR.

**Response L.10:** The comment incorrectly characterizes an area bordering the site to the north as a “tidal creek”. As described in Section 3.4 and Appendix C of the Draft EIR, an existing muted tidal drainage ditch is located north of the site. The text from the Draft EIR excerpted in the comment describes how the project includes measures to ensure water quality and wetland areas in the drainage ditch are not significantly impacted by the project. The comment provides no evidence refuting the analysis in the Draft EIR, and no further response is needed.

#### **M. Pacific Gas and Electric Company (September 7, 2022)**

*Refer to Comment Letter M in Appendix A of this Final EIR for Attachments 1 and 2 included with this comment letter.*

**Comment M.1:** Thank you for submitting the 557 E Bayshore Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/buildingand-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/buildingand-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

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

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

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

## VERBAL COMMENTS RECEIVED DURING PUBLIC MEETINGS

### N. Comments Received During the Planning Commission Hearing on September 6, 2022

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

**Comment N.1:** Suggestion of a residential-only alternative to the proposed project.

**Response N.1:** As described in Section 7.1 of the Draft EIR, Section 15126.6(b) of the CEQA Guidelines states that the discussion of alternatives in an EIR shall focus on alternatives to the project or its location which are capable of avoiding or substantially lessening any significant effects of the project. The only impact specifically attributable to the commercial component of the project is VMT associated with the proposed fitness center. Mitigation was identified to reduce the fitness center VMT to an acceptable level (refer to Mitigation Measure MM TRN-2.1). As a result, a residential-only alternative would not avoid or substantially lessen any significant environmental impacts.

**Comment N.2:** Suggestion that a different commercial use be considered instead of the fitness center.

**Response N.2:** Please refer to response N.1. While a different commercial use may result in more or less VMT than the proposed fitness center, it would not avoid or substantially lessen any significant environmental impacts.

**Comment N.3:** Suggestion to reduce overall parking by allowing shared parking between the residential and commercial uses.

**Response N.3:** As described in Section 3.17.2.1 of the Draft EIR, the project includes transportation demand management (TDM) measures that would reduce project VMT to a less than significant level. A reduction in parking on the site is not needed to avoid significant environmental impacts. Parking impacts are not environmental impacts for the purposes of CEQA.

**Comment N.4:** Concerns over increased traffic related to the fitness center.

**Response N.4:** Please refer to Response A.1 for a detailed discussion of this topic.

**Comment N.5:** Concerns regarding emergency access and emergency evacuation, including during construction of the project, given that there is only one roadway leading to the project area.

**Response N.5:** Please refer to Response E.1 for a detailed discussion of this topic.

**Comment N.6:** Concerns over water supply in relation to the water demand of the project, especially the fitness center.

**Response N.6:** Please refer to Response J.2 for a detailed discussion of this topic.

**Comment N.7:** Concerns over the adequacy of bicycle parking and electric vehicle parking.

**Response N.7:** The project would be required to provide bicycle and electric vehicle parking in accordance with the requirements of the City's Municipal Code and Reach Codes.

**Comment N.8:** Concerns over sea level rise and associated flooding on the site.

**Response N.8:** Please refer to Response C.13 for a detailed discussion of this topic.

**Comment N.9:** Concerns of the project's VMT and the effectiveness of TDM measures identified in the Draft EIR. The effectiveness of unbundled parking was specifically questioned in the context of the relative lack of nearby transit facilities.

**Response N.9:** As described in Appendix G to the Draft EIR, the San Mateo County and Santa Clara County (C/CAG) travel forecasting model was used to estimate the daily project generated VMT, and the Bay Area Air Quality Management District (BAAQMD) TDM Tool was used to estimate the reduction in VMT that could be expected from the proposed TDM measures, including unbundled parking. The analysis of project VMT, including VMT reduction from proposed TDM measures, was completed in accordance with standard methodology accepted by the City.

**Comment N.10:** Concerns regarding the placement of pools near U.S. 101 due to vehicle emissions.

**Response N.10:** Please refer to Response J.3 for a detailed discussion of this topic.

**Comment N.11:** Questions regarding how the future extension of Blomquist Street may affect project VMT and overall VMT in the project area.

**Response N.11:** Hexagon Transportation Consultants, the firm who prepared the Transportation Analysis for the project, was consulted when preparing the response to this comment. It is expected that the Blomquist Extension would have little effect on the Countywide VMT since it would be a local roadway with relatively low capacity. However, it would likely reduce the baseline VMT for the project area east of US 101 since it would provide another route for vehicles to access this area, including vehicles associated with the proposed project, and thus reduce the lengths of some trips. For example, vehicles from Bair Island area developments that approach and depart the area to and from the south on US 101 currently have to travel north to access US 101 via Whipple Avenue. The Blomquist Extension would reduce the length of these vehicle trips by allowing them to travel in a more direct route via the US 101/Woodside Road interchange. The Blomquist Extension would also provide a more direct route for vehicles traveling to and from Downtown Redwood City and provide a new Class I bike path connection between Whipple Avenue and Seaport Boulevard encouraging multimodal transportation. Thus, the Blomquist Extension is expected to reduce VMT in the project area.

## SECTION 5.0 DRAFT EIR TEXT REVISIONS

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This section contains revisions to the text of the 557 East Bayshore Road Project Draft EIR dated August 2022. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page 75 Section 3.4.2.1, the following text is **ADDED** to the end of mitigation measure MM BIO-1.17:

Compensatory Mitigation. If the planting of high tide refugial habitat within the muted tidal drainage ditch is determined to be infeasible, the project shall provide compensatory mitigation for permanent impacts to 0.3 acre of muted tidal marsh, which is considered potential habitat for the salt marsh harvest mouse and salt marsh wandering shrew. The compensatory mitigation shall be satisfied through the purchase of credits at a conservation bank that provides suitable habitat for these species. The conservation bank does not necessarily need to be approved specifically for these two mammal species as long as it provides suitable habitat for the species, in an area expected to support these species (e.g., the San Francisco Bay Tidal Wetlands Bank in Redwood City would be appropriate). The project proponent shall submit proof of purchase of mitigation credits to the Community Development and Transportation Department for review and approval prior to issuance of grading permits.

Page 116 Section 3.9.2.1, the following text is **ADDED** as the second paragraph in the discussion under Impact HAZ-1:

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

Page 143 Section 3.11.1.1, the following text is **ADDED** to the end of the section:

### San Francisco Bay Plan

The Bay Conservation and Development Commission (BCDC) is authorized by the McAteer-Petris Act to analyze, plan, and regulate San Francisco Bay and its shoreline. BCDC implements the San Francisco Bay Plan (Bay Plan) and regulates filling and dredging in the Bay, its sloughs and marshes, and certain creeks and their

tributaries. BCDC jurisdiction includes the waters of the bay as well as a shoreline band that extends inland 100 feet from the high tide line. Any fill, excavation of material, or substantial change in use within BCDC jurisdiction requires a permit from BCDC.

Page 145

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

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

<b>Table 3.11-1: Project Consistency with Relevant BCDC Bay Plan Policies</b>	
<b>Policy</b>	<b>Description of Project Consistency</b>
<u><b>Climate Change Policy No. 2:</b> When planning shoreline areas or designing larger shoreline projects, a risk assessment should be prepared by a qualified engineer and should be based on the estimated 100-year flood elevation that takes into account the best estimates of future sea level rise and current flood protection and planned flood protection that will be funded and constructed when needed to provide protection for the proposed project or shoreline area. A range of sea level rise projections for mid-century and end of century based on the best scientific data available should be used in the risk assessment. Inundation maps used for the risk assessment should be prepared under the direction of a qualified engineer. The risk assessment should identify all types of potential flooding, degrees of uncertainty, consequences of defense failure, and risks to existing habitat from proposed flood protection devices.</u>	<u><b>Consistent.</b> As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it addresses impacts of the project on the environment as required under CEQA.</u>
<u><b>Climate Change Policy No. 3:</b> To protect public safety and ecosystem services, within areas that a risk assessment determines are vulnerable to future shoreline flooding that threatens public safety, all projects—other than repairs of existing facilities, small projects that do not increase risks to public safety, interim projects and infill projects within existing urbanized areas—</u>	<u><b>Consistent.</b> As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it addresses impacts of the project on the environment as required under CEQA.</u>

<p><u>–should be designed to be resilient to a mid-century sea level rise projection. If it is likely the project will remain in place longer than mid-century, an adaptive management plan should be developed to address the long-term impacts that will arise based on a risk assessment using the best available science-based projection for sea level rise at the end of the century.</u></p>	
<p><b><u>Fish, Aquatic Organisms, and Wildlife Policy No. 1:</u></b> <u>To assure the benefits of fish, other aquatic organisms and wildlife for future generations, to the greatest extent feasible, the Bay’s tidal marshes, tidal flats, and subtidal habitat should be conserved, restored and increased.</u></p>	<p><b><u>Consistent.</u></b> <u>As described in Section 3.4 Biological Resources, the project would not result in impacts to muted tidal marsh habitat, but would result in permanent impacts to 0.1 acre and temporary impacts to 0.3 acre of ruderal ditch bank grassland habitat. Implementation of Mitigation Measure MM BIO-1.17 would provide more suitable refugial and foraging habitat for salt marsh harvest mice and salt marsh wandering shrews compared to the current habitat.</u></p>
<p><b><u>Public Access Policy No. 2:</u></b> <u>In addition to the public access to the Bay provided by waterfront parks, beaches, marinas, and fishing piers, maximum feasible access to and along the waterfront and on any permitted fills should be provided in and through every new development in the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area, or other use, except in cases where public access would be clearly inconsistent with the project because of public safety considerations or significant use conflicts, including unavoidable, significant adverse effects on Bay natural resources. In these cases, in lieu access at another location preferably near the project should be provided. If in lieu public access is required and cannot be provided near the project site, the required access should be located preferably near identified vulnerable or disadvantaged communities lacking well-maintained and convenient public access in order to foster more equitable public access around the Bay Area.</u></p>	<p><b><u>Consistent.</u></b> <u>The project proposes a public access trail consistent with this policy. As described in Section 3.4 Biological Resources, the project would not result in significant impacts to biological resources with implementation of identified mitigation measures.</u></p>

<p><b><u>Public Access Policy No. 4:</u></b> <u>Public access should be sited, designed and managed to prevent significant adverse effects on wildlife.</u></p>	<p><b><u>Consistent.</u></b> <u>As described in Section 3.4 Biological Resources, the project would not result in significant impacts to wildlife with implementation of identified mitigation measures.</u></p>
<p><b><u>Public Access Policy No. 6:</u></b> <u>Public access should be sited, designed, managed and maintained to avoid significant adverse impacts from sea level rise and shoreline flooding.</u></p>	<p><b><u>Consistent.</u></b> <u>As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to flooding. This analysis would apply to potential flooding from future sea level rise to the extent it is relevant under CEQA.</u></p>
<p><b><u>Public Access Policy No. 8:</u></b> <u>Public access improvements provided as a condition of any approval should be consistent with the project, the culture(s) of the local community, and the physical environment, including protection of Bay natural resources, such as aquatic life, wildlife and plant communities, and provide for the public’s safety and convenience. The improvements should be designed and built to encourage diverse Bay-related activities and movement to and along the shoreline, should provide barrier free access for persons with disabilities, for people of all income levels, and for people of all cultures to the maximum feasible extent, should include an ongoing maintenance program, and should be identified with appropriate signs, including using appropriate languages or culturally-relevant icon-based signage.</u></p>	<p><b><u>Consistent.</u></b> <u>The project proposes a public access trail consistent with this policy. As described in Section 3.4 Biological Resources, the project would not result in significant impacts to biological resources with implementation of identified mitigation measures.</u></p>
<p><b><u>Tidal Marshes and Tidal Flats Policy No. 1:</u></b> <u>Tidal marshes and tidal flats should be conserved to the fullest possible extent. Filling, diking, and dredging projects that would substantially harm tidal marshes or tidal flats should be allowed only for purposes that provide substantial public benefits and only if there is no feasible alternative.</u></p>	<p><b><u>Consistent.</u></b> <u>The project would not impact tidal marshes or tidal flats.</u></p>
<p><b><u>Tidal Marshes and Tidal Flats Policy No. 2:</u></b> <u>Any proposed fill, diking, or dredging project should be thoroughly evaluated to determine the effect of the project on tidal marshes and tidal flats,</u></p>	<p><b><u>Consistent.</u></b> <u>The project would not include fill, diking, or dredging in tidal marshes or tidal flats.</u></p>



<p><u>and designed to minimize, and if feasible, avoid any harmful effects.</u></p>	
<p><b><u>Water Quality Policy No. 1:</u></b> <u>Bay water pollution should be prevented to the greatest extent feasible. The Bay’s tidal marshes, tidal flats, and water surface area and volume should be conserved and, whenever possible, restored and increased to protect and improve water quality. Fresh water inflow into the Bay should be maintained at a level adequate to protect Bay resources and beneficial uses.</u></p>	<p><b><u>Consistent.</u></b> <u>As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to water quality or waste discharge. The project includes measures such as preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent the discharge of pollutants into the Bay.</u></p>
<p><b><u>Water Quality Policy No. 3:</u></b> <u>New projects should be sited, designed, constructed and maintained to prevent or, if prevention is infeasible, to minimize the discharge of pollutants into the Bay by: (a) controlling pollutant sources at the project site; (b) using construction materials that contain nonpolluting materials; and (c) applying appropriate, accepted and effective best management practices, especially where water dispersion is poor and near shellfish beds and other significant biotic resources.</u></p>	<p><b><u>Consistent.</u></b> <u>As described in Section 3.10 Hydrology and Water Quality, the project would not result in significant impacts related to water quality or waste discharge. The project includes measures such as preparation and implementation of a Storm Water Pollution Prevention Plan (SWPPP) to prevent the discharge of pollutants into the Bay.</u></p>

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

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

Appendix C Page 22, the first sentence of the first paragraph is REVISED as follows:

The narrow extent of the muted tidal marsh habitat on the project site and lack of tall, dense marsh vegetation and grasses (e.g., cordgrass [*Spartina foliosa*]) limits the value of this habitat to marsh-associated wildlife species.

Appendix C Page 56, the text of the second paragraph is REVISED as follows:

Due to the 80-foot setback between the proposed buildings and the future California-native landscape area along the muted tidal drainage ditch, shading impacts of these buildings on potential habitat for salt marsh harvest mice and salt marsh wandering shrews will be negligible, and impacts of the project on this habitat due to shading are less than significant under CEQA (refer to Figures 7 and 8 below).

Figure 7: Shading at Noon on June 21



Figure 8: Shading at Noon on December 21



## **Appendix A: Draft EIR Comment Letters**

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## California Department of Transportation

DISTRICT 4  
OFFICE OF REGIONAL AND COMMUNITY PLANNING  
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660  
[www.dot.ca.gov](http://www.dot.ca.gov)



September 23, 2022

SCH #: 2017072047  
GTS #: 04-SM-2017-00452  
GTS ID: 7199  
Co/Rt/Pm: SM/101/6.447

Ryan Kuchenig, Senior Planner  
City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94063

### **Re: 557 East Bayshore Road + Draft Environmental Impact Report (DEIR)**

Dear Ryan Kuchenig:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 557 E. Bayshore Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2022 DEIR.

#### **Project Understanding**

The project proposes to construct two five-story multifamily residential buildings with 480 apartment units on the northern portion of the site and a 151,423 square-foot (sf) fitness center that consists of a 97,101 sf indoor gym and 54,322 sf for outdoor fitness center uses on the southeastern portion of the site. The southwestern portion of the site would be developed with a paved parking area. All existing improvements on the site would be removed to accommodate the proposed development. The project is adjacent to US-101.

#### **Vehicle Miles Traveled (VMT) and Operational 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](#)).

Caltrans' acknowledges that the project Vehicle Miles Travelled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Due to increased amount of projected VMT in this Project, the VMT impacts are found to be *Less than Significant with Mitigation* through an implemented Transportation Demand Management program, as indicated in the environmental document.

Please clarify if the existing volumes presented in Table 12 are based off counts or demand. V/C should be demand volume over capacity. If a Synchro/ Sim-Traffic analysis was performed, please provide the sim-traffic queueing analysis results for all of the on/off-ramps for the different scenarios which should include 95% queues and lengths of ramp storage. The following should be evaluated for the ramps:

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

Given the close the proximity of some of the intersections, Caltrans recommends that the study intersections be analyzed in Synchro/Sim-Traffic. Please provide the reports from this analysis.

### **Mitigation Strategies**

In addition to the bike and pedestrian needs identified by the mentioned Citywide Transportation Plan, the Caltrans District 4 Bike Plan (2018) and District 4 Pedestrian Plan (2021) identify the need for Class II bike lanes and pedestrian crossing improvements at the Whipple Avenue/US 101 interchange. Furthermore, the Bike Plan identifies the need for Class IV bikeways along SR 82 (El Camino Real) within biking distance of the project location, while the Pedestrian Plan identifies this same stretch of SR 82 and the Maple Street/US 101 interchange for pedestrian improvements. The project should anticipate and account for such future improvements by substantively improving the existing nearby bike and pedestrian infrastructure.

The proposed site is near the Bay Trail and Bair Island, both important regional and local recreational trails which would benefit from greater access. The project should consider creating tie-ins to the trail, signage and wayfinding, crossing improvements at the nearby intersections, bike lanes along adjoining streets, and/or other improvements in coordination with the City, SamTrans, and Caltrans. The possibility of a future transit route serving Bair Island should be discussed with SamTrans.

Caltrans strongly supports the project's proposed 228 bicycle parking spaces and commends the proposal for 44 spaces beyond the required City minimum. Consider implementing a mix of both Class I and Class II bike storage in high-visibility areas, available to visitors, employees, and residents alike. Incorporating higher security bike storage helps encourage mode shift to biking, while locating such storage in the

public space communicates that alternative forms of transportation are available and valued.

Caltrans supports the recommendations on page viii of the TIA, Appendix G. Caltrans encourages the City and SamTrans to coordinate on improvements for pedestrians, bicyclists, and transit in this area.

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](#)).

### **Transportation Impact Fees**

Caltrans supports the proposed Fair Share contribution to the US-101/SR-84 Interchange Improvement Project. We encourage any further allocations 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.

### **Lead Agency**

As the Lead Agency, the City of Redwood 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.

### **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.

### **Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' Right of Way (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

Ryan Kuchenig, Senior Planner  
September 23, 2022  
Page 4

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](mailto:D4Permits@dot.ca.gov).

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

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

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse





**Airports Division**  
620 Airport Way, Suite 10  
San Carlos, CA 94070  
650-573-3700  
[airports@smcgov.org](mailto:airports@smcgov.org)

September 12, 2022

Ryan Kuchenig  
Senior Planner, City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94063

Dear Ryan:

***Re: Proposed Residential Development at 557 East Bayshore Road in Redwood City***

We understand that the City of Redwood City is in the process of reviewing a development plan at 557 East Bayshore Road for mixed-use development, including 480 residential units, approximately one mile from the runway at the San Carlos Airport (Airport). While all of Bair Island is impacted by overflights from the Airport, the proposed development site is significantly impacted due to its location directly under the flight path for low altitude landing aircraft. Any future residents at 557 East Bayshore will be subject to constant disturbance from low-altitude aircraft arrivals/overflights.

Aircraft noise disturbance is a significant issue for Redwood City residents. Currently, 85-percent of noise complaints received by the Airport are from Redwood City residents. Of those Redwood City residents filing noise complaints, 82-percent live in the Bair Island neighborhood. Over the past few years, the County has funded aircraft noise studies, outreach to residents in Redwood City and other communities impacted by aircraft noise, new staff positions, consultant studies, and implementation of its Aircraft Noise Management Program (Program). We are pleased that the Program has begun to make a positive impact for residents living near the Airport. However, the Program's success is entirely dependent on land use surrounding the Airport remaining "compatible" in accordance with the Airport Land Use Compatibility Plan (ALUCP) adopted by Redwood City in 2015.

Attached are flight tracks from September 1-7, 2022, showing 799 low-altitude aircraft arrivals, directly over 557 East Bayshore Road in Redwood City. Due to the expected impact of 800+ low altitude flights per week, the County requests that Avigation Easements be recorded on any residential units constructed at 557 East Bayshore to help make future owners aware of the presence of frequent daily aircraft overflights. In addition, the County requests additional aircraft overflight notifications for all residential and commercial tenants.

We appreciate your partnership in outreach and communication with Redwood City residents, current and future, to avoid unexpected disturbance from constant aircraft overflights.

Sincerely,

A handwritten signature in black ink, appearing to read "Gretchen Kelly". The signature is written in a cursive style and is positioned above the printed name.

Gretchen Kelly  
Interim Deputy Director of Public Works – Administration & Airports

Enc: Flight tracks - aircraft arrivals over 557 East Bayshore (SEP 1-7, 2022)

Cc: Supervisor Warren Slocum – District 4, County of San Mateo  
Ann M. Stillman – Director of Public Works  
Carol Ford – San Carlos Airport Pilots Association



# San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600 fax 888 348 5190  
State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

September 26, 2022

City of Redwood City  
Planning Department  
City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94063  
ATTN: Ryan Kuchenig, Senior Planner

**SUBJECT: BCDC Comments for Draft Environmental Impact Report– 557 East Bayshore Road (Syufy Site)(SCH # 2017072047)**

Dear Mr. Kuchenig:

Thank you for the opportunity to comment on the City of Redwood City’s Planning Department’s Draft Environmental Impact Report (DEIR) for the Proposed 557 East Bayshore Road (Syufy Site) Project (Project), State Clearinghouse Number 2017072047, Notice of Availability dated August 11, 2022.

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

## I. PROJECT DESCRIPTION SUMMARY

**Applicants.** SyRes Properties LLC and VillaSport LLC

**Project.** From our review of the project description, we understand that SyRes Properties LLC and VillaSport LLC propose to redevelop a 14.36-acre project site with a 480-unit multi-family development that includes a fitness center and public access amenities. The project site currently includes an approximately 70,000-square-foot shuttered movie theater complex that is surrounded by 1,140 surface parking spaces.





Ryan Kuchenig,  
DEIR comments - 557 E. Bayshore Road

Page 2  
September 26, 2022

The applicant proposes to build the 480 residential units within two five-story buildings, with Building A containing 222 units and Building B containing 258 units. The residential buildings would provide a variety of amenities, including an outdoor pool, spa, fitness center, barbeque areas, club house, business lounge, and recreational lounge. All amenities would be located on the first floor of each building. The two residential buildings will be separated by a 60-foot-wide and 350-foot-long paseo that provides a visual and physical connection to the shoreline and the San Francisco Bay from East Bayshore Road.

Internal to the residential buildings, two five-story wrapped parking structures would provide 783 parking spaces, 614 of which would be dedicated to residents and 169 for fitness club members, as well as 160 long-term bicycle storage spaces. Of the existing 1,140 surface parking spaces, 801 would be removed and 339 at-grade parking spaces would be retained, for a net decrease in parking of approximately 20 spaces.

South of the residential buildings and adjacent to East Bayshore Road, the project would construct a two-story fitness center with 97,101 square feet of indoor uses and 51,209 square feet of outdoor uses. The building would be two stories and 48 feet in height. The fitness center would include two indoor swimming pools, two outdoor swimming pools, a basketball court, a childcare center, a spa, multiple exercise studios, and an indoor/outdoor café. The publicly-accessible paseo would connect the fitness center to the shoreline.

## II. BCDC'S ROLE

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

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

The Bay Plan also designates certain shorelines and waterways by priority use categories, in an effort to reserve areas with characteristics that support particular important and difficult-to-reproduce activities. The proposed project is immediately south of Bair Island Ecological Reserve, a Bay Plan-designated Wildlife Refuge Priority Use Area.<sup>1</sup>

### III. THE PROPOSED AND BCDC POLICIES

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

#### A. COMMENTS ON THE DEIR

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

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

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

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

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

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

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

According to sub-Section 3.4 (Biological Resources) of the DEIR, the project would result in a “permanent loss of 0.1 acre of ruderal ditch bank grassland habitat that provides potential high-tide refugial and foraging habitat” and “temporary impacts on 0.3 acre of this habitat” (DEIR page 72). These impacts would occur to protect certain wildlife

species (Salt Marsh Harvest Mouse and Salt Marsh Wandering Slew)(DEIR page 71). The DEIR supports these impacts by writing, "...although the overall habitat area will be slightly smaller, the improved quality of the vegetative community will be higher and will provide more suitable refugial and foraging habitat for salt marsh" species, as compared to the current habitat (DEIR page 75). As one mitigation, sub-Section 3.4 includes mitigation measure MM BIO-1.17 ("Planting of High Tide Refugial Habitat"), which states:

*No trails or hardscape features shall be constructed within the 0.3-acre temporary impact area (as depicted on Figure 3.4-1) below the top of the bank of the muted tidal drainage ditch; a low (i.e., two to three foot tall) fence and signage shall be installed along the southern edge of this area to exclude people and dogs from this area (page 75).*

The discussion of MM BIO-1.17 does not include sufficient evidence or analysis in support of the conclusion warranting permanent loss of 0.1 acre of ruderal ditch bank grassland and temporary impacts on 0.3 acres of the same area. We request that the final EIR provide in-depth analysis with respect enhancing the habitat with appropriate restoration planting palette that can support productive habitat. To this end, we request the final EIR analyze whether mitigation measure MM BIO-1.3 ("Preservation or Creation and management of a Mitigation Population") is a vehicle by which such alternative planting palettes could be analyzed as part of the final EIR.

We note that the area where MM BIO-1.17 would apply is within the BCDC shoreline band jurisdiction and is a designated BCDC-required public access area, the requirements of which include the paths, plantings, and trees depicted in Photo 6 (DEIR page 52) and Photo 10 (DEIR page 55). Given the importance of this area to BCDC, in accordance with Section 21153(b) ("the lead agency may provide . . . range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth"), we request that the final EIR include in-depth analyses with respect to range of alternatives to the chosen approach described in MM BIO-1.17, which we believe would impose major restrictions that are not compatible with BCDC public access requirements.

Above all, we believe the mitigation measure would impose restrictions to an area that already contains required public access: in particular, the area labeled as "temporary impact zone" already includes required public access and required planting. The final EIR must reflect the fact the project proponent cannot prohibit access into this area without consulting with our agency. Nor can the project proponent construct fencing to prohibit access to an area that currently includes required public access.

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



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

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

In sub-Section 3.16, the analysis of Impact REC-1 states that the proposed development would "provide 151,941 square feet of common open space...and an athletic club and spa, which would reduce the usage of existing parks and recreational facilities." In accordance with CEQA Guidelines Section 15146, we would request additional specificity as to which existing parks and recreational facilities that Impact REC-1 is referring, particularly given the close-proximity of the project to the existing Bay Trail and to Bair Island and its trails. It is not clear why residents and non-resident members of the fitness center would not only utilize recreational opportunities afforded with the common open space area and the members-only gym but also use the existing Bay Trail and Bair Island trails.

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

BCDC is concerned that there is no discussion in the DEIR about sea level rise adaptation for these public access and recreational amenities, particularly those bordering the shoreline and tidal ditch. The proximity of the proposed pathway and corresponding set of decks and overlooks to the shoreline\tidal ditch and Smith Slough suggests that these recreational facilities would be among the first areas to experience sea level rise impacts. If the degradation or loss of these public recreation areas negatively affects the ability of residents and visitors to use the provided park space, it is possible they will choose to utilize other recreation areas in the City of Redwood City. Therefore, sea level rise should be incorporated into the analysis for Impact REC-1.

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

As we did not see a risk assessment along the lines of Climate Change Policy No. 2 and No. 3 in the set of technical appendices, we request that the final EIR include a requirement that the project proponent produces a risk assessment per BCDC policies. If such a document has already been produced, we request that it be included in the final EIR as an appendix. While HYD-2 discusses impacts to groundwater with respect to supply and recharge, we further request the final EIR analyze the resilience of the proposed project with respect to how SLR affects groundwater levels.

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

The analysis provided in support of the "less than significant" conclusion for the first project impact ("HAZ-1": "The project would not create a significant hazard to the public or the environment through routine transport, use, or disposal of hazardous materials.") discusses impacts once the project is built and occupied. Given the emphasis on construction in Water Quality Policy 3, we request further analysis with respect to range of impacts stemming from how pollutants and hazardous materials are used, managed, and disposed of during the construction phase of the project, so that we can better understand how the tidal marsh areas and other parts of the project within the shoreline band are affected, or not. We note that the DEIR's hydrology sub-section divides its analysis between project construction impacts and impacts at buildout.

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

In sub-section 3.7, the DEIR reports that impacts with respect to project impact GEO-3 ("The project would not be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse.") are "less than significant". In its analysis, the DEIR concludes "The geological unit and soil foundation on the site have the stability to support the construction of commercial or residential structures. Therefore, construction of the proposed project would not result in site instability. As identified in Impact GEO-1, the incorporation of design level geotechnical recommendations and compliance with the measures mandated by the SHMA and CBC would render site instability during a seismic event less than significant." It is not clear as to what the DEIR means with respect to "design level geotechnical recommendations" and compliance with SHMA and CBC mandates. We request the DEIR clarify this in the final EIR, particularly with respect geologic and soils conditions and mitigations related to building areas and common areas, including toward the shoreline. We are aware that the project at 505 East Bayshore Road proposes to address settlement and subsidence concerns with ground improvements underneath the townhomes via 20-foot to 30-foot-long concrete-filled drill displacement columns. We request the final DEIR discuss whether 557 E. Bayshore is considering similar approaches to dealing with settlement and subsidence matters, particularly as these matters relate to the buildings and to the shoreline paths and associated landscape, overlooks, and decks.

8. **Appearance, Design, And Scenic Views.** While the DEIR references Bay Plan Appearance, Design, and Scenic View policies that are at the heart of maintaining the beauty of the Bay and waterfront, further analysis is required with respect to how the project alters views. In sub-Section 3.1, the DEIR concludes that there are no impacts

with respect to AES-1 (“The project would not have a substantial adverse effect on a scenic vista”). No adverse effects on scenic vista occur because “The proposed project would not interrupt views of the Bay because the scenic viewshed is located directly alongside the Bayfront and the project does not propose any improvements in this area.” We request the Final EIR analyze views from different stations in the project site, such as how views toward the bay would be altered from the vantage point of an individual standing in the middle of parking lot looking north, or from the southern-most edge along E. Bayshore Road. We further request analysis as to the adequacy by which the proposed paseo – including any activities or programs that would occur within the paseo – between the two residential structures promotes views through the project site toward the Bay.

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

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

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

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

Ryan Kuchenig,  
DEIR comments - 557 E. Bayshore Road

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September 26, 2022

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

#### IV. Conclusion

Once again, thank you for providing BCDC an opportunity to comment on the 557 E. Bayshore Project. We hope these comments aid you in preparing the final EIR. If you, or the applicant, have any questions regarding this letter or the Commission’s policies and permitting process, please do not hesitate to contact me at (415) 352-3622 or via email [anthony.daysog@bcdc.ca.gov](mailto:anthony.daysog@bcdc.ca.gov).

Sincerely,

DocuSigned by:  
*Anthony Daysog*  
A59B04B53CD6453...  
TONY DAYSOG

Shoreline Development Permit Analyst

cc. State Clearinghouse

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<sup>1</sup> BCDC, San Francisco Bay Plan (May 2020 edition), PDF page 137



YIMBY Action advocates for welcoming communities where everyone can thrive.  
yimbyaction.org

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**Planning Commission**

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

*September 20, 2022*

**RE: Support for Syufy Housing**

Dear Honorable Members of the Planning Commission:

YIMBY Action is pleased to support the proposed project at 557 East Bayshore Road. This infill housing project would convert the vacant former movie theater site with 480 units of mixed-income housing and a sport club. This project will help address our citywide housing shortage and in particular, our need for more homes and recreational amenities east of 101. In particular, its inclusion of 21 very low income affordable units, 21 low income units, and 43 moderate income units will contribute to the City's RHNA goals as articulated in the City's recently-adopted Housing Element.

We encourage the Planning Commission to support the project without delay, so these vital units can come online as quickly as possible.

YIMBY Action is a network of pro-housing activists fighting for more inclusive housing policies. Our vision is an integrated society where every person has access to a safe, affordable home near jobs, services, and opportunity.

The Bay Area's severe housing shortage is causing skyrocketing homelessness and poverty, crippling our economy, and leading to debilitating commutes that exacerbate our global climate crisis. These impacts fall disproportionately on our city's low-income workers and families, and disproportionately deny communities of color access to opportunity. If we strive to be a society that advances racial and class justice, we must do more to ensure abundant housing in our region. This project will help address the housing shortage and ensure a welcoming Bay Area where everyone can thrive.

Best regards,

Alex Melendrez

YIMBY Action, Peninsula & South Bay Organizing Manager



## CD-Ryan Kuchenig

---

**From:** Amanda Jones <amandajones@gmail.com>  
**Sent:** Tuesday, August 30, 2022 8:51 PM  
**To:** CD-Ryan Kuchenig  
**Subject:** 557 E. Bayshore Road Demolition & Development

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from amandajones@gmail.com. [Learn why this is important](#)

Hi Ryan,

My name is Amanda Jones. I live in the One Marina community near the new projected project on Bayshore Road. I am reaching out with a couple of concerns & questions regarding the demolition & ultimately development of the new housing complex.

We were notified that there is also housing going up on the other side of our marina, and that the ONLY road that allows us access to 101 or any other street not on the East side of the 101 of Whipple, is going to be extended to this complex. With this being said, there are going to be 2 new communities going up while there is still ONLY 1 road in and out - not to mention it is a 1 lane road. Many community members are concerned about traffic jams, but I am coming from a place of more urgent concern.

I and several women in my community are pregnant, and need 24/7 access out of our area to get to doctors appointments and hospitals. In the event of an emergency, if there is only 1 road available (like there is now) and there are construction trucks blocking the road there are going to be serious implications. Since moving here in 2019, I have already experienced being stuck several times due to road closures from a burst fire hydrant, car accident, moving trucks blocking cars in, etc. I am VERY concerned that adding in this project will increase the risk of the residents in OneMarina and other community residents off of the Whipple exit being stuck in the event of an emergency.

Does Redwood City have a plan in place to account for this? I strongly believe that the road should not be allowed to be closed, blocked, or made unavailable in any case due to the possibility of medical emergency.

Thank you,  
Amanda Jones





Post Office Box 1183 San Carlos, CA 94070 [info@sancarlosairport.org](mailto:info@sancarlosairport.org)

September 25, 2022

Ryan Kuchenig  
Senior Planner, City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 94063

Re: Proposed residential development at 557 E. Bayshore Road

Dear Mr. Kuchenig:

The San Carlos Airport Association represents pilots, tenants and members of the community around San Carlos Airport. We have reviewed the draft Environmental Impact Report for the proposed residential development at 557 E. Bayshore Road, which is about  $\frac{3}{4}$  mile from and directly aligned with the runway at San Carlos Airport.

The Airport Association has grave concerns about the incompatibility of the proposed project with the busy airport and the noise generated by aircraft landing on runway 30 and taking off from runway 12. These aircraft will, by necessity, pass directly over the subject property just a few hundred feet above it. The project sits near the corner of the airport traffic pattern and will be impacted by aircraft noise from most landing aircraft as well as from aircraft departing to the south/southeast. It is hard to imagine a less compatible use than residential at the proposed site.

**As a result, the San Carlos Airport Association must reluctantly oppose the proposed project because of the certainty that residents in this project would be adversely impacted by aircraft noise on a daily basis.**

However, in the event that Redwood City's Planning Commission decides to approve this project despite its incompatible use, it is imperative that Avigation Easements and/or Impact Notices be recorded against the residential units to be constructed, in order to make future owners aware of the presence of frequent aircraft overflights. Additionally, we request a Condition of Use requiring that all residential and commercial tenants of the property receive notifications of aircraft overflights prior to lease signing/renewal.

It is essential that future residents and commercial tenants of the proposed development, if approved, be well informed about aircraft overflights in order to avoid unexpected and undesired conflicts over noise.

Thank you for considering our views.

Very truly yours,  
San Carlos Airport Association

A handwritten signature in cursive script that reads "Carol Ford" followed by a diagonal slash and the initials "CF".

Carol Ford,  
President

cc: Supervisor Warren Slocum, District 4, County of San Mateo

## CD-Ryan Kuchenig

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**From:** CD-Anna McGill  
**Sent:** Friday, August 19, 2022 4:31 PM  
**To:** Diego Zambrano; CD-Ryan Kuchenig  
**Subject:** RE: EIR Comments for SYUFY SITE 557 E BAYSHORE RD

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Hi Diego,

Thank you for your email. I am including Ryan Kuchenig who is now the project planner for the proposal at 557 E. Bayshore Road.

Thanks,  
Anna

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**From:** Diego Zambrano <dazambranoz@gmail.com>  
**Sent:** Friday, August 19, 2022 2:59 PM  
**To:** CD-Anna McGill <amcgill@redwoodcity.org>  
**Subject:** EIR Comments for SYUFY SITE 557 E BAYSHORE RD

You don't often get email from [dazambranoz@gmail.com](mailto:dazambranoz@gmail.com). [Learn why this is important](#)

Hi,

I'm a Stanford Law School professor, proud Latino resident of Redwood City, and a homeowner. I strongly and vehemently support the construction at SYUFY **557 E BAYSHORE RD**. Increasing density around the Redwood City downtown is a no-brainer. **First** on the environmental side: We know from a wealth of studies that increasing density lowers carbon emissions and helps fight climate change. By allowing riders to live near a Caltrain station, a dense downtown area (including this site) would strike a blow against car usage and carbon generation. Switching from a personal car to mass transit is one of the best things people can do to reduce their carbon emissions. Building more housing makes that easier, and it's a large part of the reason that pro-housing policies are also climate policies. The current use of the site represents a ridiculous misuse of a key piece of land. Its mostly a parking lot right now. That is an environmental problem not something to preserve. For the sake of the environment, allow this project to move forward.

**Second** on the housing affordability side: there is a massive housing shortage in California. We need more housing construction immediately. Study and after study shows that building more housing (market rate or otherwise) lowers rents and makes homes affordable.

**Third** on the economic growth and innovation side: current regulations are a huge impediment to economic growth and innovation. Allowing this project forward would promote a denser Redwood City. A study by economists Chang-Tai Hsieh of the University of Chicago and Enrico Moretti of Stanford found that If land use regulations in New York and the Bay Area were set equal to the median U.S. city, GDP would be nearly 10 percent higher translating into an additional \$8,775 in average wages for all American workers.

**Fourth** the Villa sport would provide incredible amenities for our downtown area that we all love.

**Fifth** more housing here would *reduce* displacement of Redwood City communities. NIMBYs fail to understand this — building more housing actually REDUCES displacement of existing communities. When looking at the actual impact of building more homes, a recent paper from UC Berkeley found that building more homes is one of the top strategies to *prevent displacement* because it absorbs new people moving to the area and allows existing residents to keep their homes rather than compete against newcomers.

**Sixth** continuing to densify the downtown would make Redwood City a cosmopolitan hub and a vibrant place to live. What's there not to like? More restaurants, more people from around the world moving here, more diversity of jobs, etc. It's a no brainer.

I strongly urge that this project move forward immediately. Stop dragging this out. Let the the SYUFY site construction project begin. NOW. Not in three years. We need the housing. We need the density to fight climate change. Do not use over broad environmental regulations to stop a project that would actually strike a blow against climate change. Move forward faster!

Best,

Diego A. Zambrano



# Citizens Committee to Complete the Refuge

P.O. Box 23957, San Jose, CA 95153 Tel: 650-493-5540 [cccrrefuge@gmail.com](mailto:cccrrefuge@gmail.com) [www.bayrefuge.org](http://www.bayrefuge.org)

September 26, 2022

Ryan Kuchenig, Senior Planner  
City of Redwood City  
1017 Middlefield Road  
Redwood City, CA 04063  
Via email: [rkuchenig@redwoodcity.org](mailto:rkuchenig@redwoodcity.org)

RE: Comments on Draft Environmental Impact Report for the 557 East Bayshore Road Project

Dear Mr. Kuchenig,

Citizens Committee to Complete the Refuge appreciates the opportunity to provide comments on the August 2022 Draft Environmental Impact Report (DEIR) for the 557 East Bayshore Road Project (Project). Our organization submitted scoping comments in response to the August 2017 Notice of Preparation of an Environmental Impact Report (NOP) for the Project, and again in response to the second Project NOP issued in July 2019.

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

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



## Existing Conditions

The DEIR and associated *Appendix C Biological Resources Report* (Appendix C) include several factual errors/omissions as outlined below that should be corrected in the Final EIR.

### 1) Muted Tidal Marsh

In the following excerpts from the discussion on the muted tidal channel located immediately adjacent to the Project, both the DEIR and Appendix C fail to include cordgrass (*Spartina foliosa*) in the list of existing marsh vegetation. Appendix C specifically states that it is not present in this habitat for wildlife, even though this species of salt marsh vegetation is widespread throughout the tidal channel and is plainly visible in Photo 7 on page 22 of Appendix C, and Photo 10 on page 55 of the DEIR.

**Vegetation.** “Muted tidal marsh vegetation within the ditch is located along the banks of the ditch above the permanently inundated areas (Photos 6 and 7). This vegetation consists of dense, narrow stands of erect, herbaceous, native, salt-tolerant hydrophytes (water-dependent plants), including alkali heath (*Frankenia salina*), salt grass (*Distichlis spicata*), pickleweed (*Salicornia pacifica*), hardstem bulrush (*Schoenoplectus acutus*), and fat hen (*Atriplex prostrata*).” (DEIR p.56; Appendix C p. 21)

**Wildlife.** “The narrow extent of the muted tidal marsh habitat on the project site and lack of tall, dense marsh vegetation and grasses (e.g., cordgrass [*Spartina foliosa*]) limits the value of this habitat to marsh-associated wildlife species.” (Appendix C p. 22)

The recent photo below shows the great extent of *Spartina foliosa* in the muted tidal channel.

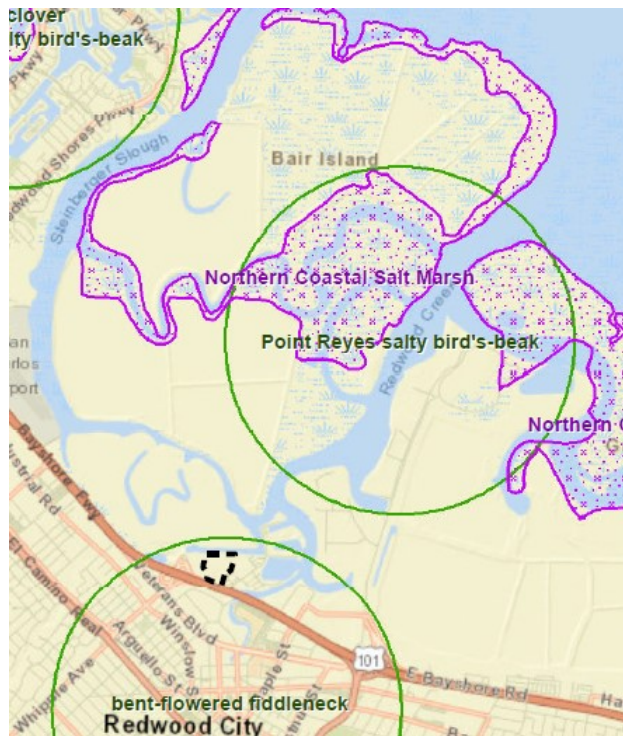


*Spartina foliosa* in the muted tidal channel. Bay Trail is on the right. (9/2022 M. Leddy)

The DEIR should provide an accurate description of this adjacent CWA jurisdictional wetland that could be directly impacted from construction, grading and landscaping activities associated with the Project.

## 2) Sensitive Natural Communities in the Vicinity of the Project

Figure 4. CNDDDB-Mapped Records of Special-Status Plants on page 25 in Appendix C shows a map indicating the location of “special-status plant species” and “sensitive natural communities” in the vicinity of the Project site. One of the CDFW-designated sensitive natural communities is Northern Coastal Salt Marsh. This map does not reflect current conditions as it does not reflect the restoration activities that have been ongoing for over a decade. The map incorrectly shows no tidal marsh on Inner Bair Island, and tidal marsh only outboard of the perimeter levees on Middle and Outer Bair Islands. Additionally, there is no Northern Coastal Tidal Marsh depicted along the unnamed slough (a branch of Smith Slough) on the other side of the Bay Trail.



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

Additionally, the description of Inner Bair Island on page 23 in Appendix C also fails to accurately describe the current extent of tidal marsh, referring to the “...large areas of ruderal grassland” and “seasonally ponded wetlands”.

To restore these diked islands back to tidal marsh, the U.S. Fish and Wildlife Service breached the levees surrounding Middle and Outer Bair Islands a number of years ago, and the perimeter levee on Inner Bair Island was breached in December 2015. With the reestablishment of tidal flow, pickleweed has become established throughout the marsh plain on all three islands, and cordgrass, *Grindelia*, alkali-heath and sea lavender are now present on Inner Bair Island. Inner Bair Island, located less than 200 feet

from the Project property line, is currently used extensively by a great variety of water birds, including migratory shorebirds, and other wildlife.



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

Due to the close proximity, and the potential for impacts from the Project on this Sensitive Natural Community and associated wildlife (i.e., bird strikes, outdoor lighting, domestic animals, etc.) the DEIR should accurately depict and describe the location and extent of Northern Coastal Salt Marsh in the vicinity of the Project site.

### **Inadequate Analysis/Unsubstantiated Conclusion on Shadow Impacts**

In our response to both the 2017 and 2019 NOPs, Citizens Committee specifically called out our concerns regarding potential shadow impacts to natural Bay habitats from the height of the two apartment buildings.

The DEIR states: *“Due to the 80-foot setback between the proposed buildings and the future California-native landscape area along the muted tidal drainage ditch, shading impacts of these buildings on potential habitat for salt marsh harvest mice and salt marsh wandering shrews would be negligible, and impacts of the project on this habitat due to shading are less than significant.”* (DEIR pg. 72).

We have several concerns regarding this statement:



1) The DEIR provides no evidence that a shade analysis was performed to support the conclusion that shading will be less than significant on the “landscape area”.

2) The “*future California-native landscape area*” only refers to the area on the proposed Project site. The DEIR does not address the potential for shadow impacts on the existing Northern Coastal Salt Marsh, a California Department of Fish and Wildlife sensitive natural community, located directly adjacent to the Project to the north. Pickleweed, the dominant vegetation in the muted tidal channel (*Appendix C* page 40) and in the tidal marsh in the unnamed slough next to the Bay Trail, is known to be shade intolerant (Conservation Plant Characteristics for *Salicornia virginica*, USDA Natural Resources Conservation Service, <https://adminplants.sc.egov.usda.gov/java/charProfile?symbol=SAVI>).

The DEIR states, “**Impact BIO-2: The project would not have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the CDFW or USFWS. (Less than Significant Impact with Mitigation Incorporated)**” (DEIR pg.76).

In the absence of a shadow study specifically for the muted tidal marsh channel and the tidal marsh in the unnamed slough, this conclusion is also unsubstantiated. The DEIR must include information from a shadow analysis specifically for these sensitive natural areas, and clearly articulate the criteria used to determine whether any shade impacts from the two apartment buildings are significant.

The shadow study must take into account not only the apartment building height of 55 feet (*Figure 2.0-5 Building Elevations* page 11 DEIR), but also the height of the fill needed to obtain an elevation 10 feet above mean sea level for the FEMA base flood elevation, plus an additional three feet above that for sea level rise: (“*The flood elevation listed for the portion of the site within Zone AE is ten feet above mean sea level. The portion of the site in Zone AE ranges in elevation from zero to five feet above mean sea level.*”, and “*The current site elevation would be increased by three feet above the FEMA base flood elevation to protect from flooding and sea level rise.*” DEIR page 140). This is particularly important because the tidal marsh areas are essentially at sea level.

### **Unidentified Bird Strike Hazard/Inadequate Mitigation**

*Figure 3.4-2 Point of Highest Risk for Bird Collisions* on page 69 in the DEIR identifies the area along the north side of “Building A” facing the Bay as an area that presents the “highest risk for bird collisions”. Yet within this area, the Project’s Landscaping Plan (DEIR *Figure 2.0-6*, page 12) calls for two, five-foot tall “Glass Pool Fences” with nearby landscape plants in areas on both sides of the glass barriers. Based on the scale bar provided in the figure, each of these glass fences appear to be about 30 feet long.

The incorporation of large glass fences with landscape plants on either side, located within the designated high-risk bird collision area appears to create an unacceptable and unnecessary hazard to birds that has not been identified or mitigated in the DEIR. Bird-safe building design recommendations call for glass fences to be avoided. (*Bird Friendly Building Design*, American Bird Conservancy 2015; *Standards for Bird-Safe Buildings*, San Francisco Planning Department 2011).

On the northern side of the pool, the Landscaping Plan calls for a five-foot tall metal fence. Replacing the glass fencing with metal fencing would entirely eliminate this specific bird collision hazard.

If the fence material is not modified, the DEIR must include how the hazard from the glass fences will be mitigated.

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

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

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

**MM BIO-1.18:** Development of Integrated Invasive Weed Management Program for Maintenance of the Landscaping Along the Muted Tidal Ditch

**MM BIO-1.19:** Prohibit Outdoor Cats and Off-Leash Dogs

**MM BIO-1.20:** Food Waste Management

Thank you for the opportunity to provide comments on the DEIR for the 557 East Bayshore Road Project.

Sincerely,



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

Cc: Carin High, CCCR Co-Chair  
Matthew Brown, USFWS  
Ann Spainhower, USFWS

## CD-Ryan Kuchenig

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**From:** Jeri Richardson-Daines <jeriinrc@aol.com>  
**Sent:** Thursday, September 22, 2022 11:55 AM  
**To:** CD-Ryan Kuchenig  
**Subject:** Project at 557 E. Bayshore

You don't often get email from jeriinrc@aol.com. [Learn why this is important](#)

Hi Ryan -

My name is Jeri Richardson-Daines and I am a long-time resident of Redwood City. For many years now, we have seen properties that add value to our community demolished and replaced with high-end, expensive apartments built in their place. We've lost our bowling alley, Malibu, roller rink and other family oriented activities; however I also understand that building housing is important, especially as we continue to add more jobs. Redwood City continues to struggle especially with affordable housing units. Being in real estate, I am continuing to see people leave our area because they simply can no longer afford living here. I like the project that is being presented at 557 E. Bayshore Road. I like that it provides both market rate and the much needed affordable housing. Although I liked the theater that was there MANY years ago, we've since seen that property turn into an eye sore with a bunch of parked cars being stored there. I'm also happy to see that they are proposing a beautiful athletic facility that families can enjoy and that they will open up access to our shore line with some new bay trail. I support the conclusions of the DEIR which has been in process for many years with the paid professionals finding no significant impacts. This project is a Win-Win for Redwood City and I whole-heartedly endorse it! Let's not let this opportunity slip away.

Thank you,

Jeri Richardson-Daines

## CD-Ryan Kuchenig

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**From:** Jim Crampton <jimcrampton38@gmail.com>  
**Sent:** Tuesday, September 06, 2022 10:35 AM  
**To:** BCC-Filip Crnogorac; BCC-Kevin Bondonno; BCC-Isabella Chu; BCC-Jessica Meunier; BCC-Christopher Sturken; CD-Sue Exline; CD-Ryan Kuchenig  
**Cc:** BCC-Rick Hunter  
**Subject:** Fwd: Memo to Rick Hunter regarding the proposed Syufy project  
**Attachments:** July 2019 Letter to Redwood City and Syufy project management regarding Syufy project.pdf

Some people who received this message don't often get email from jimcrampton38@gmail.com. [Learn why this is important](#)

Good morning,

I am forwarding to you the email that I sent yesterday to Rick Hunter. I realize, based on Rick's response, that the primary issue I have addressed in this email will not be the primary topic of tonight's meeting. However, I feel that it is a very critical subject to take into consideration as your commission proceeds in reviewing and deciding on this project.

Thanks in advance for taking the views of the Bair Island residents into consideration as you move forward.

Jim Crampton  
Co-chair Bair Island Neighborhood

----- Forwarded message -----

**From:** Jim Crampton <jimcrampton38@gmail.com>  
**Date:** Mon, Sep 5, 2022 at 4:17 PM  
**Subject:** Memo to Rick Hunter regarding the proposed Syufy project  
**To:** <[rhunter@redwoodcity.org](mailto:rhunter@redwoodcity.org)>

Hi Rick,

You might recall that we first met when you were running for City Council. We, of course, were disappointed that you did not win. On the other hand, I am pleased that you are now Chairman of the City Planning Commission. In that regard I want, in advance of Tuesday's Public Hearing, to share some of my concerns about the Syufy Development that is being proposed for the Bair Island Neighborhood and is on Tuesday's agenda.

My primary concern is that the project includes a **Fitness Center** for which I feel there will be very limited interest from the residents of Bair Island. At the same time, the commercial component of the project does not address the types of commercial facilities which are much needed in our community. Let me address these issues more thoroughly below:

### **Fitness Center**

**Demand** - looking at the structure of our current Bair Island Neighborhood, 65 % of our current residences' facilities include pools and fully equipped fitness centers. For the remainder, there are numerous fitness centers nearby. In addition, Planet Fitness will soon be opening a new fitness center adjacent to the Sports Basement store. This will only be a 5–10 minute walk for our remaining residents. And to the extent that the project investors want to include fitness center functionality in their residential buildings, this could be easily accomplished without building a massive fitness center that would likely be heavily dependent on customers living outside our neighborhood and thereby having a potentially significant impact on traffic.

In previous sessions with the developer, we were frequently reminded that this fitness center would provide a unique opportunity for families with school age children to participate in classes, competitive activities, etc. at this facility. We tried to explain to them that there are almost no families with school age children living in our neighborhood and therefore this facility will be of little interest to them. This is because there are no schools nearby in our "Island Community" and therefore, when the children of our residents reach school age, they tend to move out. I don't think the developer personnel were interested in hearing or believing this!

**Environmental considerations** – equally big concerns are the impact of the Fitness Center on water and power requirements. The Fitness Center layout calls for four large swimming pools, two of them outside. The requirement to initially fill the pools as well as deal with ongoing water evaporation would appear to be an environmental disaster in today's world of water shortages. In addition, there would be significant power requirements to keep the pools warm.

In addition, the two outdoor pools are located within 100 yards of Highway 101. This does not seem like a good place for people gathered at or near the pool to deal with the fumes emitted by passing cars as well as the noise.

**Opportunity to provide the Neighborhood with useful commercial facilities** – most of us when we first moved into the Bair Island Neighborhood soon realized that we were living on more of an island, devoid of commercial facilities, than we at first anticipated. Yes, any basic need like a bottle of milk, bread, etc. required us to get in our car and drive a significant distance over and past Highway 101 to take care of our needs. Some of our feelings of isolation were resolved when the Hwy 101 Undercrossing was finished and we could now bike or hike into downtown Redwood City. We are hopeful that, in lieu of the Fitness Center, the Syufy Project could include some "useful facilities" that would allow us to satisfy some of our more basic needs right here in the Bair Island Neighborhood. These might include things such as:

- **7-11 type of store** – an ideal solution would be something like the **Ideal Store** located at 3375 E Bayshore Rd in Redwood City, where basic needs, including produce, would be available
- **nice, but informal, restaurant** - where people could gather to eat / drink without having to drive outside the neighborhood
- **Day Care center** - for families with young (non-school-age) children
- **Pet Care center** - for the many families with dogs

Rick, I'm concerned that, if the Fitness Center is built, it could become a financial disaster and could become a blight to our neighborhood. I'm hopeful that your team when evaluating this project would take into account the

wants / desires of your citizens as well as the visions of a potential developer when reviewing this project. And if this developer is not able to adapt to these suggestions, then maybe they should sell out to someone who would.

I should also mention that I have attached a copy of the memo that I forwarded previously to the city in 2019 about this project. This document is also “buried” in the Appendices for this project on the City’s website. It addresses other concerns such as traffic which I have not mentioned here. And yes the traffic situation has gotten potentially worse after the recent Hwy 101 Improvement project narrowed some of East Bayshore Road alongside the Syufy development.

I, my wife, and some of our concerned neighbors look forward to attending and participating at Tuesday’s hearing. In the meantime, please feel free to contact me (650-701-4837) if there is anything further about this project you might care to discuss.

Thanks in advance for your professional attention to this project,

Jim Crampton  
Co-chair Bair Island Neighborhood

## CD-Ryan Kuchenig

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**From:** Kelly Radetich <kelly@kellyradetich.com>  
**Sent:** Saturday, September 17, 2022 10:26 AM  
**To:** CD-Ryan Kuchenig  
**Subject:** Syres Properties and VillaSport LLC

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Ryan and Council Members,

I welcome the thoughts of new construction on Bair Island but do NOT think all the apartments and athletic club is the way to go.

I'm a resident in One Marina and we have only a two lane highway with only one way in and out of our Bair Island community. Many times it is obstructed with large trucks delivering vehicles to the car lots. If we add 480 more residents on Bair Island and a Sports Villa how will we survive the traffic to get on and off Bair Island?

There was a emergency once on the 101 and our whole street was closed off and no one could go home or leave their home on Bair Island.

Limits on roadway access to and from Bair Island limits that amount of residents that should be built here. We already have townhomes (on agenda) being built where the steel company sits now.

Blu Harbor apartments has pool and work out facility for their residents. Building a Villa Sport will bring more traffic from other areas to use as well and more traffic for the 480 added residents. (Potentially up to 1000 more cars a day on our 2 lane highway).

Kindly reconsider the best use of this area with the least amount of traffic. Blomquist extension should be done before anymore additions are added in order to mitigate traffic.

Your time and attention to this matter is greatly appreciated.

Sincerely,

[Kelly Ringer Radetich](#)  
CIPS, ABR, SRES, REI  
GOLDEN GATE SOTHEBY'S INTERNATIONAL REALTY  
[kelly@kellyradetich.com](mailto:kelly@kellyradetich.com)  
Office 650.597.1809  
Fax 650.597.1209  
Cell 650.303.9589 or 714.815.8226  
DRE# 01229022

Ryan Kuchenig  
Senior Planner  
1017 Middlefield Road  
Redwood City, CA 94063

RE: Public Comment on EIR for 557 East Bayshore Road project

Dear Mr. Kuchenig:

Thank you for the opportunity to comment on the proposed 557 East Bayshore Road project. I am a long-time Redwood City resident and a neighbor of the site.

Underlying my comments is the belief that the site is inappropriate for residential development, especially on the scale proposed by the project. My belief is borne out by the recently prepared EIR. I have detailed my concerns below:

A) First and most important is my concern about emergency access and resident safety. It is clear to me neighborhood safety and emergency access to the community will be degraded by the project in the event of a substantial calamity. The EIR fails to address these concern.

It should be noted that the neighborhood has a single two-lane road accessing more than 800 residences and additional commercial properties, including car dealers and local business establishments. In 2003 when the nearby Marina Shores Village project was proposed, an EIR completed for that project determined the neighborhood had room for another 750 new dwelling units. The Marina Shores Village project was eventually completed in scaled down form and under the name One Marina. Since this construction, the Blu Harbor project of 402 units was completed, leaving the cap at a maximum of 348.

The limit on new housing was calculated to assure adequate emergency vehicle access and evacuation safety in the event residents need to flee their homes.

The EIR completed for 557 E. Bayshore Road largely ignores this concern and when it does address it, its arguments are inadequate and weak. First it says there are no sufficient benchmarks for it to use to analyze emergency evacuation procedures. Please read below from the report:

“There is no established threshold of significance under CEQA for what would constitute an adequate emergency evacuation time. The threshold used in the 2003 Final EIR was based on an assumption that an emergency would require evacuation of the project area in 30 minutes, which is not supported by research, empirical evidence, or common understanding of evacuations. The 2003 Final EIR also used LOS F as the standard for determining whether the project had a significant impact on the ability to evacuate in an emergency. With the adoption of SB 743 and the implementing CEQA Guideline 15064.3, automobile delay, as described solely by level of



service or similar measures of vehicular capacity or traffic congestion, shall not be considered a significant impact on the environment under CEQA.”

Then it goes on to claim the because of the lack of a benchmark, the inference can be made that the project will have no significant impact. Please read from the report again:

“In short, there are no adopted emergency response or evacuation plans with which the project, including the adjacent construction of housing on the property at 505 E. Bayshore Road, could interfere simply by being constructed and occupied.”

Then it goes on to say that despite this inference of no significant impact, it assumes one lane of traffic will be open, should emergency vehicle access be required and should some impact be likely. It reverses itself and offers no reasoning for its assumption. Please read below:

“Even in the emergency scenarios evaluated above, it was assumed that at least one lane of traffic would remain open for emergency response vehicles to access the site. As a result, the project cannot be said to result in inadequate emergency access.”

Then the analysis goes on to use the 30 minutes measure it dismissed earlier in its discussion. Please read below:

“In the unlikely event that the entire project area needs to be evacuated as quickly as possible, the project would increase project area ETEs by approximately 20 to 30 minutes depending on the scenario. The estimated time it would take to evacuate the project area with the project after receiving an evacuation order would be between 110 minutes to 175 minutes, as shown in Table 3.9- 6. An increase to ETEs, however, does not necessarily create a safety risk. As discussed above, evacuations can be implemented in advance of an impending hazard, can be targeted to only portions of the project area, and can be phased to prioritize evacuation of those portions of the project area based on risk.”

Finally it returns to the claim that immediate evacuation would be unlikely and that it has no way to compare what a good evacuation benchmark should be. In short it ignores safety and emergency access concerns. Please read below:

“As a result, an adequate emergency response in the project area is unlikely to require immediate and complete evacuation in a short amount of time. Additionally, due to the variability and unpredictability of emergency scenarios, and the range of required emergency responses to those scenarios, there is no established evacuation time benchmark applicable to the project area against which the estimated evacuation times could be compared.”

As I pointed out above, the analysis provided in the EIR is weak and inadequate. I fear Redwood City would be opening itself up to potential litigation should a worst case scenario occur and this poorly conceived report be approved and on file for aggrieved residents to review.

B) Second, it should be noted that traffic is a growing concern in the neighborhood. At rush hour the ability to get into and out of the neighborhood by car already is difficult. This is especially true at the Highway 101-Whipple Ave. interchange and at the Veterans Blvd. traffic light. The new Bayshore Road development will intensify the difficulties and lower the quality of life for all who must navigate them.

C) Third, the site is directly under the final approach pattern for large commercial aircraft landing at San Carlos Airport. These aircraft are frequent, low flying and loud. They are only about 300 feet off the ground as they pass over the site of the proposed project. Residents will complain about the flights and rightly so.

D) Finally, the project proposes using a tidal creek on the north side of the project as a drainage ditch. In my opinion this is an inappropriate use of San Francisco Bay. Please see the following passage from the report acknowledging this impact.

“The project would be designed to avoid direct impacts to the muted tidal marsh habitat on the site, as all temporary and permanent project impacts are limited to areas above the high tide line in the drainage ditch, as shown in Figure 3.4-1. However, water quality in the muted tidal drainage ditch could be impacted by construction activities on the project site. Bank erosion and sedimentation are potential effects of disturbance associated with construction within the ditch banks. Construction activities located outside of the ditch may cause erosion and sedimentation, indirectly impacting the plant and animal species that occur in muted tidal marsh habitat in the drainage ditch. In the absence of protective measures, these impacts would be significant due to the ecological importance and sensitivity of muted tidal marsh habitats and species that inhabit the drainage ditch. Implementation of BMPs and compliance with standard permit conditions as described in Section 3.10 Hydrology and Water Quality to avoid and minimize impacts to water quality would reduce project impacts on wetlands to a less than significant level. (Less than Significant Impact)”

In my opinion, the project should be required to create a significant setback from the tidal creek so that no impact will take place.

Thank you for the opportunity to comment on this EIR.

Best,

Mark Boslet  
305 Louis Lane  
Redwood City, CA 94036  
408 888 1014



September 7, 2022

Ryan Kuchenig  
City of Redwood City  
1017 Middlefield Rd  
Redwood City, CA 94063

Ref: Gas and Electric Transmission and Distribution

Dear Ryan Kuchenig,

Thank you for submitting the 557 E Bayshore Rd plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

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

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E Service Planning: [https://www.pge.com/en\\_US/business/services/building-and-renovation/overview/overview.page](https://www.pge.com/en_US/business/services/building-and-renovation/overview/overview.page).
2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.
3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

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

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

Sincerely,

Plan Review Team  
Land Management

## Attachment 1 – Gas Facilities

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

1. **Standby Inspection:** A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.
2. **Access:** At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.
3. **Wheel Loads:** To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe.

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

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

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

4. **Grading:** PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.
5. **Excavating:** Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 12 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch



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

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

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

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

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

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

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

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

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

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



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

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

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

## Attachment 2 – Electric Facilities

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

1. Buildings and Other Structures: No buildings or other structures including the foot print and eave of any buildings, swimming pools, wells or similar structures will be permitted within fee strip(s) and/or easement(s) areas. PG&E's transmission easement shall be designated on subdivision/parcel maps as **"RESTRICTED USE AREA – NO BUILDING."**
2. Grading: Cuts, trenches or excavations may not be made within 25 feet of our towers. Developers must submit grading plans and site development plans (including geotechnical reports if applicable), signed and dated, for PG&E's review. PG&E engineers must review grade changes in the vicinity of our towers. No fills will be allowed which would impair ground-to-conductor clearances. Towers shall not be left on mounds without adequate road access to base of tower or structure.
3. Fences: Walls, fences, and other structures must be installed at locations that do not affect the safe operation of PG&E's facilities. Heavy equipment access to our facilities must be maintained at all times. Metal fences are to be grounded to PG&E specifications. No wall, fence or other like structure is to be installed within 10 feet of tower footings and unrestricted access must be maintained from a tower structure to the nearest street. Walls, fences and other structures proposed along or within the fee strip(s) and/or easement(s) will require PG&E review; submit plans to PG&E Centralized Review Team for review and comment.
4. Landscaping: Vegetation may be allowed; subject to review of plans. On overhead electric transmission fee strip(s) and/or easement(s), trees and shrubs are limited to those varieties that do not exceed 10 feet in height at maturity. PG&E must have access to its facilities at all times, including access by heavy equipment. No planting is to occur within the footprint of the tower legs. Greenbelts are encouraged.
5. Reservoirs, Sumps, Drainage Basins, and Ponds: Prohibited within PG&E's fee strip(s) and/or easement(s) for electric transmission lines.
6. Automobile Parking: Short term parking of movable passenger vehicles and light trucks (pickups, vans, etc.) is allowed. The lighting within these parking areas will need to be reviewed by PG&E; approval will be on a case by case basis. Heavy equipment access to PG&E facilities is to be maintained at all times. Parking is to clear PG&E structures by at least 10 feet. Protection of PG&E facilities from vehicular traffic is to be provided at developer's expense AND to PG&E specifications. Blocked-up vehicles are not allowed. Carports, canopies, or awnings are not allowed.
7. Storage of Flammable, Explosive or Corrosive Materials: There shall be no storage of fuel or combustibles and no fueling of vehicles within PG&E's easement. No trash bins or incinerators are allowed.



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

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

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

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

12. Construction Activity: Since construction activity will take place near PG&E's overhead electric lines, please be advised it is the contractor's responsibility to be aware of, and observe the minimum clearances for both workers and equipment operating near high voltage electric lines set out in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety (<https://www.dir.ca.gov/Title8/sb5g2.html>), as well as any other safety regulations. Contractors shall comply with California Public Utilities Commission General Order 95 ([http://www.cpuc.ca.gov/gos/GO95/go\\_95\\_startup\\_page.html](http://www.cpuc.ca.gov/gos/GO95/go_95_startup_page.html)) and all other safety rules. No construction may occur within 25 feet of PG&E's towers. All excavation activities may only commence after 811 protocols has been followed.

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

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