

**Community Development
Department**

Planning and Housing Division
1017 Middlefield Road
Redwood City, CA 94063



(650) 780-7234

planning@redwoodcity.org
www.redwoodcity.org

NOTICE OF PREPARATION and NOTICE OF PUBLIC SCOPING MEETING

Date: August 25, 2021

To: Responsible Agencies, Trustee Agencies, and Other Interested Parties

Subject: **Notice of Preparation and Scoping Meeting for a Draft Environmental Impact Report for the Proposed 505 E. Bayshore Road Project.**

The City of Redwood City (City), acting as Lead Agency, will prepare a Draft Environmental Impact Report (DEIR) for the 505 E. Bayshore Road Project (project) as identified above and described in the attached materials.

The City is interested in the views of your agency as to the appropriate scope and content of the Draft EIR, as well as any recommended mitigation measures related to responsible and trustee agencies' statutory responsibilities. Please note responsible and trustee agencies will need to use the EIR prepared by the City when considering permits or other approvals required for the project.

The City will consider all comments received in response to the Notice of Preparation (NOP) during the drafting of the EIR. The project location, summary description, a list of potential environmental effects, and the time and location of a public scoping meeting for the project are included. The current project plans may be viewed on-line at: <https://www.redwoodcity.org/city-hall/current-projects/development-projects?id=102>.

Pursuant to the time limits mandated by State law, responses to this Notice of Preparation must be sent to the City at the earliest possible date, but not later than thirty (30) days after receipt of this notice. Please send written comments to the address below by September 24, 2021.

Redwood City Planning Services
Attention: Curtis Banks, Contract Principal Planner
1017 Middlefield Road, Redwood City, California 94063.
(650) 780-7363 | cbanks@redwoodcity.org

Pursuant to CEQA Guidelines section 15082(c), notice is hereby given that the City of Redwood City will conduct a public **Scoping Meeting** on Thursday, September 16, 2021 at 3 pm. as a Zoom Teleconference accessible at the following: **Zoom Meeting ID 959 9436 1157**

Curtis Banks, Contract Principal Planner

August 20, 2021

Date

**Notice of Preparation for an Environmental Impact Report for the City of Redwood City
505 E. Bayshore Road Project**

Date of Distribution: August 25, 2021

Introduction

The purpose of an Environmental Impact Report is to inform decision-makers and the general public of the environmental impacts of a proposed project that an agency (in this case, the City of Redwood City) may implement or approve. The EIR process is intended to: (1) provide information sufficient to evaluate a project and its potential for significant impacts on the environment; (2) examine methods (e.g., project-specific mitigations, uniformly applied development regulations) for avoiding or reducing significant impacts; and (3) consider alternatives to the proposed project.

In accordance with CEQA, the Draft EIR will include the following:

- A summary of the project, its potential significant environmental impacts, and mitigations required to avoid or reduce those significant impacts;
- A project description;
- A description of the existing environmental setting, potential environmental impacts, and mitigations for the project;
- Alternatives to the proposed project; and
- Other environmental consequences of the project, including
 - (1) growth-inducing effects
 - (2) significant unavoidable impacts
 - (3) irreversible environmental changes
 - (4) cumulative impacts, and
 - (5) effects found not to be significant.

Project Location

The 2.54-acre project site is located at 505 E. Bayshore Road in Redwood City. The site is currently developed with several corrugated metal warehouse buildings and outdoor storage facilities associated with an existing industrial facility. The remainder of the site is an undeveloped vacant lot. The site is bordered by E. Bayshore Road to the west, a car dealership to the south, an unoccupied former movie theater property to the east, and Smith Slough and Bair Island to the north. Please refer to Figures 1-3 for maps showing the project location and surrounding context.

Project Description

The project proposes to demolish the existing development on the site to construct 56 townhouses, of which 51 would be base density units and five would be bonus density units. Eight of the units would be sold at moderate below market levels. The townhouses would consist of two-, three-, and four-bedroom units, ranging from roughly 1,200 square feet to roughly 1,700 square feet of livable space. Each unit would include, at minimum, a two-car garage. The units would be divided between nine buildings which would be three-story wood-framed structures on top of at-grade concrete foundations.

An internal roadway would provide access to E. Bayshore Road. A public trail would be constructed along the northern boundary of the site, providing access between E. Bayshore Road and a planned public trail

segment to be located on the adjacent property to the east, expanding and enhancing public access along the shoreline. Please refer to Figure 4 - Site Plan, which shows the proposed development.

Required Project Approvals

- 1) CEQA Compliance (project-specific EIR)
- 2) General Plan Amendment from Commercial Regional to Mixed Use – Waterfront Neighborhood.
- 3) Rezoning from CG (General Commercial) to MUWF (Mixed Use Waterfront).
- 4) Affordable Housing Plan
- 5) Application of State Density Bonus Law
- 6) BCDC Shoreline Band Permit for shoreline improvements
- 7) ALUC (San Carlos Airport) Consistency Review (for rezoning)
- 8) Ministerial permits (e.g., demolition, grading, building, certificates of occupancy)

Potential Environmental Impacts of the Project

The EIR will identify the significant environmental effects anticipated to result from development and operation of the project as proposed. The EIR will include the following specific environmental categories as related to the proposed project:

1. Aesthetics

The EIR will describe the existing visual setting of the project area and the visual changes that are anticipated to occur as a result of the proposed project. The EIR will also discuss possible light and glare issues from the proposed development. Mitigation measures will be identified for significant impacts, as warranted.

2. Agricultural and Forestry Resources

The EIR will describe the project's impact (if any) on existing farmland, forest land, and timberland.

3. Air Quality

The EIR will address the regional air quality conditions in the Bay Area and discuss the proposed project's impacts to local and regional air quality by comparing construction and operational emissions to relevant thresholds. Impacts associated with exposure of future residents of the project to toxic air contaminant (TAC) emissions from existing sources in the project area will be discussed in the context of the project's consistency with relevant City policies related to exposure of residents to potential hazards. Mitigation measures will be identified for significant impacts, as warranted.

4. Biological Resources

The project site is developed with several corrugated metal warehouse buildings and outdoor storage facilities. The remainder of the site is an undeveloped vacant lot. Vegetation on the site is limited to sparse trees and shrubs on the site boundary. The site is, however, adjacent to Smith Slough and associated wetland habitats. The EIR will provide a discussion of impacts to special-status species and sensitive/regulated habitats. The analysis will also include a discussion of potential bird strikes. Mitigation measures will be identified for significant impacts, as warranted.

5. *Cultural Resources*

The project site is adjacent to Smith Slough which was historically tidal marshland. The EIR will address the potential for prehistoric and/or historic artifacts to be found on-site.

6. *Energy*

The EIR will address energy usage on-site and proposed design measures to reduce energy consumption. Mitigation measures will be identified for significant impacts, as warranted.

7. *Geology and Soils*

The project site is in one of the most seismically active regions in the United States. The EIR will discuss the possible geological impacts associated with seismic activity and the existing soil conditions on the project site. Mitigation measures will be identified for significant impacts, as warranted.

8. *Greenhouse Gas Emissions*

The EIR will address the proposed project's contribution to global greenhouse gas (GHG) emissions. Proposed design measures to reduce energy consumption, which in turn would reduce GHG emissions, will be discussed, as will the project's consistency with applicable plans adopted at the state, regional, and local level to reduce GHG emissions. Mitigation measures will be identified for significant impacts, as warranted.

9. *Hazards and Hazardous Materials*

The EIR will summarize known hazardous materials on and adjacent to the project site and will address the potential for the proposed project to result in hazardous materials impacts. The project's compatibility with the San Carlos Airport will be discussed, both in terms of proposed building heights and placement of residential uses in the vicinity of an airport. Mitigation measures will be identified for significant impacts, as warranted.

10. *Hydrology and Water Quality*

Based on the Federal Emergency Management Agency (FEMA) flood insurance rate maps, the project site is located in Zone AE, which is a 100-year flood zone with a base flood elevation of 10 feet. The EIR will address the possible flooding issues on the site, as well as the potential for sea level rise to impact the site. The EIR will also address the effectiveness of the storm drainage system and the project's effect on stormwater quality consistent with the requirements of the Regional Water Quality Control Board. Mitigation measures will be identified for significant impacts, as warranted.

11. *Land Use*

The City of Redwood City's General Plan designates the project site as Commercial Regional, and the site is zoned CG – Commercial General. The project proposes a General Plan Amendment to Mixed Use – Waterfront Neighborhood and a rezoning to MUWF (Mixed Use Waterfront). The site is located in a developed urbanized area adjacent to Smith Slough and Bair Island to the north, E. Bayshore Road to the west, commercial land uses and Highway 101 to the south, and commercial land uses to the east.

The EIR will describe the existing land uses adjacent to and within the project area. Land use impacts that would occur as a result of the proposed project will be analyzed, including the consistency of the project with the City's General Plan and zoning code and compatibility of the proposed and existing land uses in the project area. The effect of the project on the City's jobs/housing balance will also be analyzed along with the project's potential interface with San Carlos Airport. Mitigation measures will be identified for significant impacts, as warranted.

12. Noise and Vibration

The existing noise environment on-site is created primarily by traffic on Highway 101 and E. Bayshore Road. The EIR will discuss the potential for the project to result in an increase in noise, including temporary construction noise. Noise levels generated by the project will be evaluated for consistency with applicable standards and guidelines in the City. Impacts associated with exposure of future residents of the project to noise from existing sources in the project area will be discussed in the context of the project's consistency with relevant City policies related to exposure of residents to excessive noise levels. Mitigation measures will be identified for significant impacts, as warranted.

13. Mineral Resources

The EIR will describe if the project would result in the loss of availability of a known mineral resource or locally-important mineral resource recovery site.

14. Population and Housing

The EIR will discuss the potential for the project to induce substantial growth in the area or displace substantial numbers of houses or residents.

15. Public Services

Implementation of the proposed project will increase the permanent resident population of the City and will result in an increased demand on public services, including police and fire protection, schools, parks and recreational facilities, and libraries. The EIR will address the availability of public facilities and service systems and the potential for the project to require the construction of new facilities. Mitigation measures will be identified for significant impacts, as warranted.

16. Recreation

The EIR will describe the available recreational facilities in the project vicinity and the potential for the project to require the expansion or construction of new recreational facilities and/or substantially accelerate the deterioration of those facilities.

17. Transportation

The EIR will describe the existing transportation network serving the project area and will evaluate the project's impacts to vehicle miles traveled (VMT) as well as the transportation network (e.g., impacts on transit, bicycle, and pedestrian facilities). Due to the limited number of ingress/egress points in the project area, potential impacts related to emergency access and evacuation will also be analyzed.

18. *Tribal Cultural Resources*

The EIR will identify whether tribal cultural resources have been identified in the area, per Assembly Bill 52. Mitigation measures will be identified for significant impacts, as warranted.

19. *Utilities*

Implementation of the proposed project may result in a demand for utilities greater than the demand of the existing on-site development. The EIR will examine the impacts of the project on utilities such as water, sanitary sewer, storm drains, and solid waste management. Mitigation measures will be identified for significant impacts, as necessary.

20. *Wildfire*

The proposed project is located within an urbanized area of Redwood City. The EIR will discuss if the proposed project would impact or exacerbate wildfire risk and/or impair emergency response.

21. *Alternatives*

The EIR will examine alternatives to the proposed project including a “No Project” alternative and one or more alternative development scenarios depending on the impacts identified. Alternatives discussed will be chosen based on their ability to reduce or avoid identified significant impacts of the proposed project while achieving most of the identified objectives of the project.

22. *Significant Unavoidable Impacts*

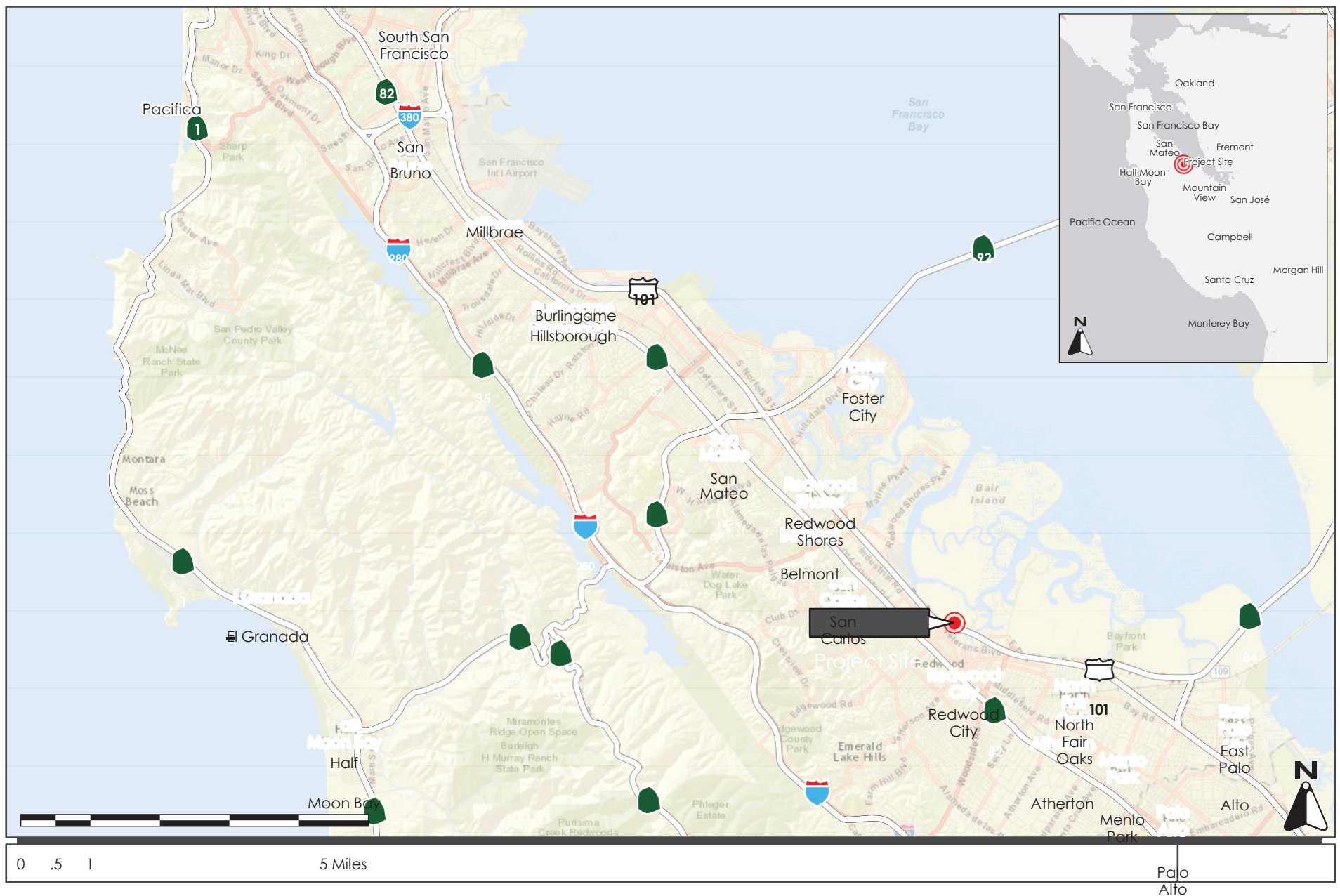
The EIR will identify those significant impacts that cannot be avoided, if the project is implemented as proposed.

23. *Cumulative Impacts*

The EIR will include an analysis of potentially significant cumulative impacts of the project when considered with other past, present, and reasonably foreseeable future projects in the development area.

24. *Other Required Sections*

In conformance with the CEQA Guidelines, the EIR will also include the following sections: 1) growth-inducing impacts, 2) significant irreversible environmental changes, 3) references and organizations/persons consulted, and 4) EIR authors.



REGIONAL MAP

FIGURE 1

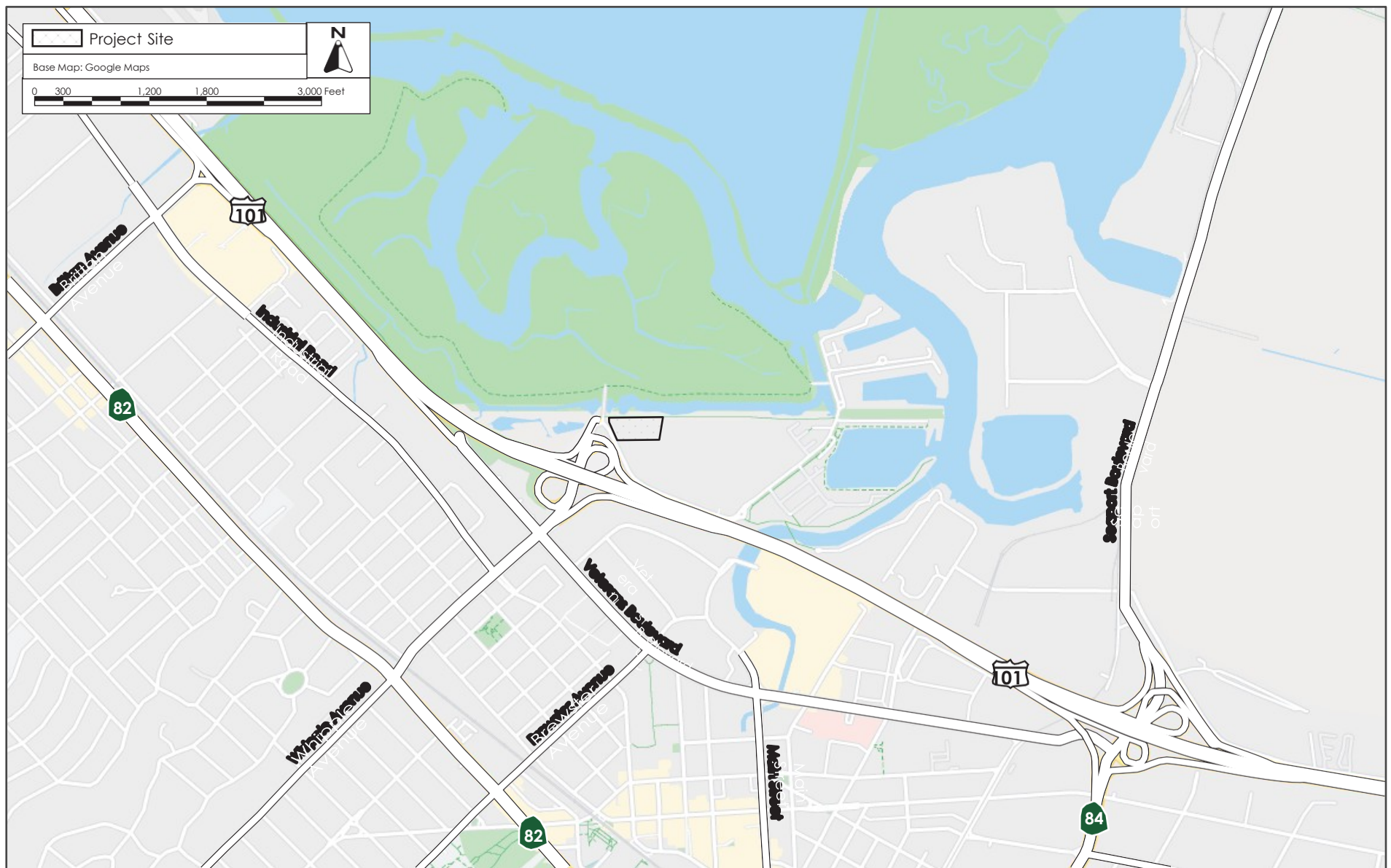


FIGURE 2



Source: Dahlin Group Architecture, June 25, 2021.

SITE PLAN

FIGURE 4

California Department of Transportation

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



September 22, 2021

SCH #: 2021080447
GTS #: 04-SM-2021-00382
GTS ID: 24107
Co/Rt/Pm: SM-101-6.52

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

Re: 505 E. Bayshore Road Project Notice of Preparation (NOP)

Dear Curtis Banks:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 505 E. Bayshore Road Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the August 2021 NOP.

Project Understanding

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

Travel Demand Analysis

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

If the project meets the screening criteria established in Redwood City's (City) adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects

that do not meet the screening criteria should include a detailed VMT analysis in the Draft Environmental Impact Report (DEIR), which should include the following:

- VMT analysis pursuant to the City's guidelines. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

Mitigation Strategies

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' *Smart Mobility 2010: A Call to Action for the New Decade*, the proposed project site is identified as a Suburban Community Center where community design is moderate and regional accessibility is variable.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT:

- Increased density;
- Increased location efficiency;
- Increased mixed-use development;
- Increased transit accessibility;
- Integration of affordable housing;
- Orientation of Project towards non-auto corridor;
- Location of project near bicycle network;

- Pedestrian network improvements; and/or
- Bus rapid transit.

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at: <http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf>.

Transportation Impact Fees

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

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 the State 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 the State ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to D4Permits@dot.ca.gov.

To download the permit application and to obtain more information on all required documentation, 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, please contact Nick Hernandez at nick.hernandez@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Sincerely,

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

MARK LEONG
District Branch Chief
Local Development - Intergovernmental Review

c: State Clearinghouse



STATE OF CALIFORNIA

Gavin Newsom, Governor

NATIVE AMERICAN HERITAGE COMMISSION

September 10, 2021

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

Re: 2021080447, 505 E. Bayshore Road Project, San Mateo County

Dear Mr. Banks:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
William Mungary
Paiute/White Mountain
Apache

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

3. Contact the NAHC for:

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:

Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Environmental Planner

cc: State Clearinghouse



Comment Letter #3

CITIZENS COMMITTEE TO COMPLETE THE REFUGE

PO Box 23957 San Jose, CA

www.bayrefuge.org

cccrrefuge@gmail.com

September 21, 2021

Redwood City Planning Services
Attention: Curtis Banks, Contract Principal Planner
1017 Middlefield Road
Redwood City, CA 94063
Via email: cbanks@redwoodcity.org

RE: Response to Notice of Preparation of a Draft Environmental Impact Report for the Proposed
505 East Bayshore Road Project, August 25, 2021

Dear Mr. Banks,

Citizens Committee to Complete the Refuge appreciates the opportunity to respond and provide scoping comments on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 505 East Bayshore Road Project (Project) proposed by applicant Regis Homes Bay Area, LLC.

Citizens Committee to Complete the Refuge (CCCR) 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 Don Edwards San Francisco Bay National Wildlife Refuge (Refuge) and the associated special status and other wildlife species using these sensitive habitats. Inner Bair Island is currently undergoing restoration back to tidal marsh and the Refuge anticipates that populations of federal and state endangered Ridgway's Rail and the Salt Marsh Harvest Mouse, already present at Bair Island, will be increasing in this area. Additionally, elements of the project would be constructed right to the edge of a tidal slough with existing salt marsh vegetation. For these reasons, our scoping comments will focus primarily on Biological Resources.

Project: According to the NOP, the 2.54-acre project site located at 505 E. Bayshore Road in Redwood City is currently developed with several corrugated metal warehouse buildings and outdoor storage facilities associated with an existing industrial facility. The remainder of the site is an undeveloped vacant lot. The site is bordered by E. Bayshore Road to the west, a car dealership to the south, an unoccupied former movie theater property to the east, and Smith Slough and Bair Island to the north.

The project proposes to demolish the existing development on the site to construct 56 townhouses, with each unit including a two-car garage. The units would be divided between nine buildings which would be three-story wood-framed structures on top of at-grade concrete foundations. An internal roadway would provide access to E. Bayshore Road. A public trail would be constructed along the northern boundary of the site, providing access between E. Bayshore Road and a planned public trail segment to be located on the adjacent property to the east, expanding and enhancing public access along the shoreline.

Notification: The Project site property line is approximately 70 feet from the Refuge boundary; however, the NOP includes no reference to the Refuge in the project location or in any graphics or figures. The City should ensure the U.S. Fish and Wildlife Service is notified and provided an opportunity to submit scoping comments on the project, and the Refuge should be included on the recipient list for any future notifications regarding the draft and final EIR and any future study sessions, public meetings and formal hearings for the Project.

Biological Resources

Existing Conditions: The DEIR must provide an accurate description of existing conditions on the Project site as well as adjacent areas that could be impacted by the Project. Maps showing the location of the tidal wetlands directly adjacent to the Project site, and the Refuge tidal marsh, mudflat and slough habitats on Inner Bair Island must be included. Distances from the buildings to the adjacent tidal wetlands and the Refuge should be provided.

Special status species and other wildlife currently using the adjacent tidal wetlands and the nearby Refuge should be identified, as well as sensitive sites and habitat suitable for listed species.

All federal, state and regional agencies with jurisdiction over the Project site, the immediately adjacent wetland area, the tidal marsh, mudflats and sloughs in and around Inner Bair Island and the associated listed species and other wildlife that could be impacted should be identified in the DEIR and the basis for their jurisdiction should be provided.

Potential Impacts: The Project site is directly adjacent to tidal wetlands and is approximately 70 feet to the boundary of the Refuge and the slough, tidal marsh and mudflat habitats and associated wildlife found on Inner Bair Island. Many species of resident and migratory birds utilize this area of the Refuge. Small mammals such as the Salt Marsh Harvest Mouse live in tidal marshes, and fish, Leopard Sharks, Bat Rays and Harbor Seals are found in Smith Slough. Potential impacts to biological resources from the Project include the following:

Construction of Public Pathway Directly Adjacent to Tidal Wetland - It is likely that the tidal wetland directly adjacent to the Project's proposed retaining wall/public pathway is jurisdictional under Section 404 of the Clean Water Act. The DEIR would need to identify and analyze any impacts to this tidal slough, associated wetland vegetation, and possible sensitive species, including during construction, and outline required mitigation, monitoring and reporting requirements as appropriate.

Bird strike hazards - Smith Slough and Refuge tidal marsh and levees provide roosting and foraging habitat for thousands of birds, and migratory shorebirds, songbirds and waterfowl traverse the Project area. How will bird strike hazards associated with the new three-story residential buildings be mitigated?

Shadowing - The DEIR must identify and analyze shadow impacts from increased building height. Because of the close proximity of the residential buildings to adjacent wetlands, and to the tidal marsh, mudflats and slough in the Refuge, afternoon shadows could extend into these sensitive sites. The area that could be impacted by shadowing includes pickleweed, a marsh plant that is known to be intolerant of shade.

Light - Artificial night lighting that intrudes into nearby wildlife habitats can be disruptive, and may also result in increased predation on sensitive wildlife. Due to the close proximity to tidal marsh habitat, what lighting design and operational measures would be required in the buildings and for the perimeter outdoor use and landscaped areas to eliminate this impact?

Outdoor areas and litter - Food scraps left in any outdoor common areas and garbage/recycling receptacles could attract nuisance and predatory species such as crows, ravens, gulls, rats, skunks and racoons to the detriment of wildlife in adjacent wetlands and the Refuge. How would this impact be mitigated?

The Project could generate litter that could pollute the tidal marsh and waters of the Refuge endangering wildlife in the immediate area, or get carried with the tides and currents to other locations in Smith Slough and San Francisco Bay. What mitigation measures would be put in place to ensure that the Project does not cause an increase in the amount of litter entering tidal marshes and waters, either from the Project location or from increased use of the nearby existing Bay Trail?

Predator perches/nesting sites – Landscaping trees, the three-story buildings, light poles and other structures and signs associated with the Project could provide perches for predatory birds such as hawks, falcons, crows and ravens. Unsuitable trees could create avian nesting sites in very close proximity to the tidal marsh. This includes palm trees that could provide nesting sites for barn owls. Endangered Ridgway's Rail and Salt Marsh Harvest Mice are especially vulnerable to predators during high tides, when they are more exposed in the higher marsh and on the sides of levees. The DEIR should outline requirements for building and landscape design elements that would mitigate this impact, including placing trees back from marsh areas, and utilization of the Landscape Tree Suitability Index required for the Pacific Shores Center in Redwood City.

Domestic Animals – Residents of the Project's housing units could have outdoor cats and off-leash dogs that could adversely impact wildlife in the Refuge through disturbance and depredation of birds and the endangered Salt Marsh Harvest Mouse. The Project's new public walkway would lead to the existing Bay Trail and the Whipple Avenue entrance to the Refuge. **No dogs, even on leash, are allowed in the Refuge.** Allowing feral cat feeding colonies on the Project site would also impact wildlife. Increased use of the Bay Trail by Project residents walking their dogs could lead to water quality impacts from dog waste on the trail. What mitigation measures, educational outreach or restrictions will be put in place to mitigate these potential impacts from pets?

Noise and Vibration – Construction of the proposed Project could impact special status species and other wildlife due to disturbance, noise and vibration from construction equipment. Noise associated with ongoing Project-based activities such as building and landscape operations and outdoor activities could disturb nearby wildlife. How will these impacts be mitigated?

With the Inner Bair Island transition to tidal marsh currently well underway, breeding populations of Ridgway's Rail could expand into Inner Bair Island and possibly be present during the years that Project demolition and construction takes place. The rails will abandon their nests if disturbed by loud noises. The DEIR should outline what regulatory agencies must be consulted to ensure any nesting Ridgway's Rail are protected from construction activity impacts.

Recovery and Conservation Plans - The DEIR should document and consider that all of Smith Slough is included in the 2013 U.S. Fish and Wildlife Service *Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California*, which identifies strategies and geographic areas suitable for the recovery of federally listed species such as the Salt Marsh Harvest Mouse and Ridgway's Rail (formerly California clapper rail) in San Francisco Bay. How will the existing suitable habitat for these two endangered species be protected from impacts associated with the Project?

Impacts to wildlife may range from loss of habitat, increased predation, inability to conduct daily functions (roosting, foraging, breeding, nesting, etc.), detrimental expenditures of energy as wildlife move away from repeated disturbance, reduced recruitment, greater distance traveled to roost sites, etc. Potential impacts to wildlife resources must have effective and enforceable mitigation measures proposed in the DEIR.

Hydrology and Water Quality/ Hazardous Materials

The Project site is adjacent to sensitive aquatic and tidal marsh habitats that could be adversely affected by construction activities and stormwater runoff.

Construction and Stormwater Impacts - Construction activities, including fill and grading, could pollute adjacent sensitive sites with excess sediment, and with chemical contamination from construction materials such as concrete, mortar, hydrated lime, fuels and paint. Stormwater run-off from the landscaped areas associated with the Project could carry pesticides and fertilizer. The DEIR must analyze these potential impacts and provide mitigation measures to prevent pollutants from entering Bay waters and adjacent wetlands and impacting sensitive habitat and wildlife.

Sea level Rise - According to the NOP, the DEIR will "address the potential for sea level rise to impact the site". The DEIR must provide adequate information on the proposed measures that will be employed to address flooding from sea level rise specifically, so that the thoroughness of the environmental analysis in the DEIR can be evaluated. Any measures proposed should not impact wetlands or sensitive habitats adjacent to the Project Area.

Additionally, future SLR/flooding impacts to East Bayshore Road, the only access to the Project site,

must be evaluated in the DEIR. During king tides, the existing Alan Steel & Supply area of the Project site already floods from bay waters overflowing the narrow tidal channel that is immediately adjacent to the site on the north (see attached photo). Current extreme tides in combination with storm events should be the basis for determining the level of protection needed as sea level rises, and updated SLR projections should be utilized.

The DEIR should analyze the effectiveness of any proposed measures at various sea level rise scenarios, and consider potential impacts from future modification of these flood protection measures in the event sea level rise exceeds projections. Any future changes to address sea level rise could result in impacts to adjacent wetlands and the public Bay Trail. The DEIR should determine if project buildings should be set further back in order to ensure there would be adequate room to accommodate any necessary future flood protection measures.

Aesthetics

In the Project Site Plan, the three-story residential buildings are located very close to the back property line that faces the Bay Trail and the Refuge. The DEIR should describe and characterize the views from the nearby Refuge bike/pedestrian trail on Inner Bair Island, and the views and visitor experience on the Bay Trail. The Bay Trail and Refuge are locally and regionally important for both Redwood City residents and other visitors. The Project should be compatible with existing building heights in the immediate area and should not diminish the experience of walking or bicycling on these trails.

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

Sincerely,



Gail Raabe
Co-Chair
Citizens Committee to Complete the Refuge

cc: Matthew Brown, SFBNWRC

Photo Attached

Attachment:



King tide on January 10, 2017 in the tidal marsh channel bordering the Project site. East Bayshore Road is in the photo on the right side just before it curves around to Whipple Avenue. The old theater buildings are on the left in the distance. Photo by Matt Leddy DSC_0089