

MEMORANDUM

DATE: March 1, 2022

To: Shannon Allen, Principal Planner/Contract Planner

FROM: Theresa Wallace, AICP, Principal
Matthew Wiswell, AICP, Senior Environmental Planner

SUBJECT: 388 Vintage Park Drive Project Environmental Impact Report - Response to Comments

This document has been prepared to respond to comments received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 388 Vintage Park Drive Project (project). The Draft EIR identifies the likely environmental consequences associated with development of the proposed project and recommends mitigation measures to reduce potentially significant impacts. This Response to Comments (RTC) Document provides responses to comments on the Draft EIR and makes revisions to the Draft EIR, as necessary, resulting from those comments or to clarify or correct material in the Draft EIR. This document, together with the Draft EIR, constitutes the Final EIR for the proposed project.

ENVIRONMENTAL REVIEW PROCESS

According to the California Environmental Quality Act (CEQA), lead agencies are required to consult with public agencies having jurisdiction over a proposed project and to provide the general public with an opportunity to comment on the Draft EIR.

On July 21, 2021, the City of Foster City (City) circulated a Notice of Preparation (NOP) notifying responsible agencies and interested parties that an EIR would be prepared for the proposed project and indicated the environmental topics anticipated to be addressed in the EIR. An Initial Study was circulated with the NOP. The NOP was mailed to public agencies, organizations, and individuals likely to be interested in the potential impacts of the proposed project. A scoping session was held as a public meeting before the Planning Commission on August 12, 2021, to solicit feedback regarding the scope and content of the EIR. Comments received by the City on the NOP were considered during preparation of the Draft EIR.

The Draft EIR was made available for public review on December 17, 2021 and was distributed to local and State responsible and trustee agencies. The Draft EIR and an announcement of its availability were posted electronically on the City's website at: [388 Vintage Park Drive Project Page](https://www.fostercity.org/search/Community%20Development%20Major%20Projects%20or%20388%20Vintage%20Park%20Drive) [https://www.fostercity.org/ search Community Development Major Projects or 388 Vintage Park Drive] and a paper copy was also made available at City Hall and the Foster City Public Library. The

Notice of Availability (NOA) for the Draft EIR was provided to all individuals and organizations who made a written request for notice and to property owners within a 500-foot radius of the project site, filed with the San Mateo County Clerk, and posted at the project site.

The CEQA-mandated 45-day public comment period ended on January 31, 2022. The City held a public hearing on the Draft EIR with the Planning Commission on January 25, 2022. One member of the public spoke, requesting union labor be utilized for project construction. This comment does not pertain to the adequacy of the CEQA analysis. Planning Commissioners expressed no concerns related to the adequacy of the Draft EIR. The City received a comment letter from one individual.

COMMENTS AND RESPONSES

This section includes a reproduction of the comment letter and responses to each substantive CEQA-related comment. Individual comments within the letter are numbered consecutively. For instance, comment A-1 is the first numbered comment letter in Letter A. A reproduction of the comment letter is provided as an attachment to this memorandum (Attachment A)

Letter A

Peter Banzhaf

February 1, 2022

Response A-1: This comment notes that third row of Table 4.5.E on page 4.5-25 of the Draft EIR incorrectly states that the proposed project would not install fewer on-site parking spaces than required. Table 4.5.E has been revised to state that the proposed project would include fewer on-site parking spaces than required by Chapter 17.62 of the Foster City Municipal Code. Refer to the Revisions and Staff-Initiated Text Changes section of this memorandum for revisions to Table 4.5.E.

Response A-2: This comment states that the Charter Square School should not be included in the cumulative projects list included in Table 4.A on page 4-3 and Table 4.3.F on page 4.3-39 of the Draft EIR.

As described in the second paragraph on page 4-3 of the Draft EIR, the cumulative context for land use development projects includes development at the neighborhood level. While the project site is not located within the immediate vicinity of the Charter Square School, it is likely that users of the proposed project and the Charter Square School would utilize the same roadways and intersections in the immediately vicinity of the project site. Therefore, to provide the most conservative analysis, the Charter Square School was included in the cumulative setting.

As described in Sections 4.1 through 4.9 of the Draft EIR, the proposed project would not result in any cumulative impacts. This comment does not provide evidence that the analysis is inadequate, that there would be any new significant impacts not addressed in the Draft EIR, or that impacts would be substantially more severe than those identified in the Draft EIR.

DRAFT EIR REVISIONS AND STAFF-INITIATED TEXT CHANGES

Subsequent to the publication of the Draft EIR, the project sponsor provided clarification regarding the size of each floor in the proposed building. The project sponsor has indicated that the ground floor would be approximately 28,484 square feet in size, which would consist of 24,218 square feet of space for the parking garage and 4,246 square feet of building space, the second floor would be approximately 32,340 square feet of R&D office use, the third floor would be approximately 32,725 square feet of R&D office use, and the fourth floor would be approximately 26,620 square feet of R&D office use. In total, the proposed building would be approximately 124,395 square feet in size, with approximately 95,931 square feet of R&D office use. Revisions to the Draft EIR have been made to reflect this clarification. Added text is indicated with double underlined text. Text deleted from the Draft IS/MND is shown in ~~strikeout~~. These revisions to the proposed project would not result in any new or substantially more severe significant environmental impacts not already identified in the Draft EIR, as further detailed at the end of this section.

The third paragraph on page 1-1 of the Draft EIR is revised as follows:

The proposed project would result in the demolition of the existing restaurant building and construction of an approximately 124,395~~120,164~~-square-foot, four-story (68-foot-tall, excluding a mechanical penthouse and associated equipment that would reach 80 feet) office building including a ground-level parking podium and surface parking totaling 210 vehicle parking spaces, as well as associated open space, circulation and loading, and infrastructure improvements.

The third and fourth paragraphs on page 2-1 of the Draft EIR are revised as follows:

The proposed project would result in the redevelopment of the project site with a 124,395~~120,164~~-square-foot, four-story office building, which would include a ground-level parking podium and surface parking, as well as associated open space, circulation and loading, and infrastructure improvements. The proposed building would be a maximum of 68 feet in height, excluding a mechanical penthouse and associated equipment that would reach 80 feet.

The proposed building would be a “B occupancy” research and development (R&D) office use that would include three levels of occupied space above a single-level of ground floor parking. The proposed building would be at the center of the project site. The second and third floors of the proposed building would each be approximately 32,340~~33,000~~ and 32,725 square feet in size, whereas the fourth floor would be approximately 26,620~~27,000~~ square feet. A total of 95,931 square feet of R&D space is proposed, approximately 50 percent of which would be laboratory space and 50 percent would be office space, distributed evenly throughout each floor. It is anticipated that 213 employees would be accommodated on the project site.

The last paragraph on page 3-13 (and first paragraph on page 3-14) of the Draft EIR is revised as follows:

The proposed project would result in the demolition of the existing restaurant building and construction of a 124,395~~120,164~~-square-foot, four-story (68-foot-tall, excluding a mechanical

penthouse and associated equipment that would reach 80 feet) office building including a ground-level parking podium and surface parking totaling 210 vehicle spaces, as well as associated open space, circulation and loading, and infrastructure improvements.

The third paragraph on page 3-14 of the Draft EIR is revised as follows:

The second and third floors of the proposed building would each be approximately ~~32,340~~33,000 and 32,725 square feet in size, while the fourth floor would be approximately ~~26,620~~27,000 square feet. A total of 95,931 square feet of R&D space is proposed, approximately 50 percent of which would be laboratory space and 50 percent would be office space, distributed evenly throughout each floor. The mechanical penthouse would occupy approximately 20,000 square feet on the rooftop. The penthouse would be screened in metal cladding and would only be accessible to facility management and engineers.

The last paragraph on page 4.1-6 of the Draft EIR is revised as follows:

The project site is in northeastern Foster City. Development surrounds the project site by on all four sides, including a commercial building within an associated parking lot to the north, Vintage Park Drive to the east, Chess Drive to the south, and a Home Depot warehouse and associated parking lot to the west. The proposed project would result in the redevelopment of the project site with a ~~124,395~~120,164-square-foot, four-story office building that would include three levels of occupied space above a single level of ground-floor parking. The proposed project would not alter the through travel lanes on Vintage Park Drive or Chess Drive and would not impede access to the site or to adjacent uses.

The fourth paragraph on page 4.2-8 of the Draft EIR is revised as follows:

The proposed project would result in the demolition of the existing building on the project site and the construction of a ~~124,395~~120,164-square-foot, 4-story (68-foot-tall, excluding a mechanical penthouse and associated equipment that would reach 80 feet) office building. The proposed project would retain the existing vegetation along Vintage Park Drive and replace existing trees on the project site, both of which would screen the proposed building.

The third paragraph on page 4.3-20 of the Draft EIR is revised as follows:

As described in Chapter 3, Project Description, of this EIR, development of the proposed project would result in the demolition of the existing restaurant building and construction of a ~~124,395~~120,164-square-foot, four-story office building including a ground-level podium and surface parking totaling 210 vehicle spaces, as well as associated open space, circulation and loading, and infrastructure improvements. A total of 95,931 square feet of R&D space is proposed, approximately 50 percent of which would be laboratory space and 50 percent would be office space, distributed evenly throughout each floor.

Table 4.5.E on page 4.5-25 of the Draft EIR is revised as follows:

<p>Allow for new construction to install fewer on-site parking spaces than required by local municipal building code, if appropriate.</p>	<p>Consistent. The proposed project would not install fewer on-site parking spaces; however, <u>in addition,</u> the proposed project would develop a TDM plan to provide trip reduction measures and reduce vehicle traffic in and around the project site. The TDM measures would encourage employees to use other transportation options and rely less on driving alone, consistent with the intent of this measure.</p>
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The third paragraph on page 4.9-14 of the Draft EIR is revised as follows:

The proposed project would result in the demolition of the existing building on the site and construction of 124,395~~120,164~~ gross square feet of floor area as described in Section 3, Project Description. Although the proposed project does not meet the definition of a “project” as defined by SB 610 and SB 221, a WSA was prepared given EMID’s reliance on the SFPUC as its sole wholesale supplier, and SFPUC’s anticipation of substantial rationing of EMID’s water supply during dry years. The WSA is included in Appendix F. The Foster City City Council approved and adopted the 2020 UWMP in July 2021. The 2020 UMWP included and addressed the proposed project.

The third paragraph on page 5-1 of the Draft EIR is revised as follows:

As described in more detail in Chapter 3, Project Description, the proposed project would involve redevelopment of the project site, which is currently developed with a single-story, approximately 10,120-square-foot vacant commercial building, with an approximately 124,395~~120,164~~-square-foot, four-story office building, including approximately 95,931 square feet of R&D office use, a ground-level parking podium, and surface parking totaling 210 vehicle spaces, as well as associated open space, circulation and loading, and infrastructure improvements.

The third paragraph on page 6-1 of the Draft EIR is revised as follows:

The proposed project consists of the demolition of the existing restaurant building on the project site and the construction of an approximately 124,395~~120,164~~-square-foot office/R&D building. Development of the proposed project would not result in direct population growth within the City, as it would not include residential units.

The environmental impacts associated with these refinements in the project design would be the same as those analyzed in the Draft EIR. As described in Section 4.4, Air Quality, emissions from the construction of the proposed project would be far below the established thresholds. The slight increase in building space (approximately 4,231 square feet, an increase of approximately 4 percent) would not result in a substantial increase in construction-period emissions that in turn would result in any new significant impacts. Similarly, although the Bay Area Air Quality Management District (BAAQMD) does not have established thresholds for construction-period greenhouse gas emissions, the small increase in emissions would also not result in impacts of greater severity related to GHG emissions, which are addressed in Section 4.5, Greenhouse Gas Emissions. Implementation of the

City's standard conditions of approval would continue to ensure that construction-period air quality and GHG emissions are reduced to the extent feasible and that impacts would not occur. Because the increase in construction activity would be minor, no perceptible increase in construction-period noise would occur and the City's standard conditions of approval would continue to ensure that construction-period noise impacts, which are addressed in Section 4.6, Noise, would not occur.

Additionally, the amount of R&D space within the proposed building, the estimated number of employees, and total number of parking spaces would be the same as was evaluated in the Draft EIR. Therefore, the analysis and conclusions for all other environmental issue topics addressed in the Draft EIR would also remain the same and in no case do these revisions result in a greater number of impacts or impacts of a greater severity than those set forth in the Draft EIR.

Attachment: Comment Letter A

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

From: **Peter Banzhaf** <[REDACTED]>
Date: Tue, Feb 1, 2022 at 8:53 PM
Subject: 388 Vintage Park Drive EIR Comments
To: Shannon Allen <sallen@goodcityco.com>
Cc: Benjamin Yu <[REDACTED]>

Hi Shannon,

I realized this evening that I forgot to hit send on our EIR comments email last night. I sincerely apologize for the tardiness of my response. We reviewed the EIR and have two comments.

1. P. 4.5-25 Inconsistency Table. As the Project is seeking a parking reduction, there is a typo on this page that should be removed. The word “not” should be removed to accurately reflect the reduced parking. A-1

2. P. 4.7-11: says that no school is within 0.25 miles, however, the cumulative projects list includes the Charter Square School within 0.25 miles. The Charter School’s address is 1050 Shell Blvd, which is greater than 1.5 miles away from our site and thus should not be listed in the cumulative projects list. A-2

-Peter

Peter Banzhaf

[REDACTED]

[REDACTED]

