

MEMORANDUM

DATE: October 7, 2013

To:
Kohar Kojayan and Curtis Banks
City of Foster City

FROM:
Lynette Dias, AICP
Urban Planning Partners, Inc.

RE: Responses to Comments (RTC) on the 15 Acres Project Draft EIR

This Response to Comments Memorandum (RTC Memo) has been prepared to document that no comments were received on the Draft Environmental Impact Report (Draft EIR) prepared for the proposed 15 Acres project (State Clearinghouse #2012112016). The Draft EIR identifies the likely environmental consequences associated with the implementation of the proposed project, and recommends mitigation measures to reduce potentially significant impacts. This RTC Memo includes: a short description of the environmental review process, an explanation of how the project has been revised since the publication of the Draft EIR and analysis of whether such revisions would trigger recirculation of the Draft EIR, a discussion presenting that no comments were received on the Draft EIR, and staff-initiated text revisions to the Draft EIR to correct or clarify material in the Draft EIR.

This RTC Memo, together with the Draft EIR, constitutes the Final EIR for the 15 Acres project.

A. ENVIRONMENTAL REVIEW PROCESS

According to 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. The City circulated one Notice of Preparation (NOP) that briefly described the proposed project and the environmental topics that would be evaluated in the Draft EIR. The NOP was published on October 30, 2012, and the public comment period for the scope of the EIR lasted from October 30, 2012 to November 30, 2012. The NOP was sent to responsible and trustee agencies, organizations, and interested individuals. The NOP was also sent to the State Clearinghouse.

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A scoping session for the project was held on November 15, 2012 in conjunction with the Planning Commission meeting. Comments received by the City on the NOP at the public scoping meeting were taken into account during the preparation of the EIR. NOP comments were received from two State of California agencies: the Department of Transportation and the Department of Fish and Game. No members of the public provided any written or verbal comments on the NOP. The NOP and comment letters are included in Appendix A of the Draft EIR.

The Draft EIR was made available for public review on May 17, 2013 and distributed to applicable local and State agencies. Copies of the Notice of Availability of the Draft EIR (NOA) were mailed to all individuals previously requesting to be notified of the Draft EIR, in addition to those agencies and individuals who received a copy of the NOP.

The 45-day public comment period for the Draft EIR ended on July 2, 2013. A public hearing was held for the Draft EIR on July 2, 2013. No written comments were received during the comment period and no verbal comments related to the adequacy of the Draft EIR were made at the public hearing.

B. PROJECT REFINEMENTS

After publication of the Draft EIR on May 17, 2013, the project applicants proposed minor refinements to the proposed project. As discussed in more detail below, these changes are not considered “significant new information” as defined in *CEQA Guidelines* Section 15088.5 (Recirculation of an EIR Prior to Certification), because the changes would not result in new or substantially more severe environmental impacts, considerably different mitigation measures or alternatives that the project applicant declines to adopt, or introduce new information into the record indicating that the Draft EIR is fundamentally inadequate. The discussion below provides a brief description of the changes to the project, and a finding that the impacts identified in the Draft EIR would not change as a result of these project modifications.

1. Proposed Refinements

The current General Development Plan (GDP) site plan, which is being considered for approval by the City, includes 418 residential units (200 market rate for sale senior units, 152 assisted and independent living units and 66 affordable senior units) and 33,600 square feet of retail and restaurant uses. The proposed GDP ordinance and Development Agreement would allow up to 3 additional assisted and independent living units for a total of 421 units and an additional 1,400 square feet of commercial for a total of up to 35,000 square feet if adequate parking can be provided as part of the subsequent Specific Development Plan process. The table on the following page highlights the key differences between the project evaluated in the Draft EIR and the current proposal. Revised plans, incorporating the proposed minor refinements to the project are provided as Attachment B to this RTC Memo.

Comparison of GDP Evaluated in the Draft EIR and Current Proposal

Land Use	GDP/Project from the Draft EIR (units/acres or sf)	Proposed GDP/Project (units/acres or sf)	Net difference
Site Area	15 acres	15 acres	0
Residential			
Market Rate For Sale Senior	196	200	+4
Assisted & Independent Living ¹	152	134-155	-18 to +3
Affordable Senior	66	66	0
Total	414	400-421	-14 to +7
Commercial			
Neighborhood Retail ²	70,000	25,00 to 35,000	-45,000 to -35,000
Public Open Spaces			
Town Square/Plaza/Central Promenade	37,000	42,530	+5,530
Shell Blvd. Gathering Area	17,500	21,250	+3,750
Total	54,500	63, 780	+9,280
Parking	788	810	+22

Notes.

- ¹ The GDP site plan currently shows 152 units but the proposed Ordinance and Development Agreement allow up to 155 units.
- ² The GDP site plan currently shows 33,600 square feet of commercial space but the proposed Ordinance and Development Agreement allow up to 35,000 square feet.

The proposed GDP project numbers listed above increase the maximum housing units by 7 for up to 421 units, but the commercial space has been decreased to allow only a maximum of 35,000 square feet. The proposed open space has also been increased by 9,280 square feet and the total parking has been increased by 22 spaces.

The revised plans also include the following exhibits:

- **Height Plan (8/26/13)** – All of the building heights on this plan are at least 5 feet lower than the project considered in the Draft EIR.
- **Perimeter Streets Setback Plan (04/16/13)** – All of the setbacks proposed on this plan are equal to or greater than the project considered in the Draft EIR with one exception. The above ground setback for the Garden Type A residential unit building adjacent to Shell Boulevard decreased from 50 feet to 48 feet.
- **Interior Streets Setback Plan** – All of the interior street setbacks shown on this plan are consistent with the project considered in the Draft EIR.
- **Site Plan** – There are no substantial differences between the currently proposed plan and the project considered in the Draft EIR other than the change in the total number of units.

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2. Relationship to the Draft EIR Findings

Urban Planning Partners reviewed the modified GDP (site plan and text of GDP ordinance and Development Agreement) and found that the proposed changes to the project would not trigger any of the following which could require recirculation of the Draft EIR according to Section 15088.5

(Recirculation of an EIR prior to Certification) of the CEQA Guidelines:

1. A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
2. A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
3. A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the environmental impacts of the project, but the project's proponents decline to adopt it.
4. The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

A summary of the relationship of the proposed revisions to the Draft EIR findings is provided below.

The modified GDP is within the scope of the project evaluated in the Draft EIR and would not trigger any new significant or significantly greater impacts. The Draft EIR considered the following topics.

- A. Land Use
- B. Transportation and Circulation
- C. Air Quality
- D. Noise
- E. Geology, Soils, and Seismicity
- F. Hydrology and Water Quality
- G. Biological Resources
- H. Hazards and Public Safety
- I. Public Services, Utilities, and Recreation
- J. Aesthetics and Shade and Shadow
- K. Wind
- L. Global Climate Change
- M. Cultural and Paleontological Resources

The most substantive change that could result in new or more severe impacts is the slight increase in total residential units (up to 7 additional units). However, this increase is off-set by the reduction in commercial space from a maximum of 70,000 square feet to a maximum of 35,000 square feet. The topics most likely to be affected by such a change are the topics that include quantitative analysis based on the project increase in traffic that would result from the project. These include Transportation and Circulation, Air Quality, and Noise.

The trip generation table on the following page evaluates the proposed GDP site plan with a maximum of 418 units and 33,600 square feet of commercial. However, given the net decrease in daily trips (548)

compared to the project evaluated in the Draft EIR, it is clear that the addition of three additional assisted and independent living units and 1,400 square feet of commercial would fall well within the vehicle trips analyzed in the Draft EIR and the increase from 414 (max units assumed in the Draft EIR) to either 418 or 421 units would not result in any new or a substantial increase in the severity of any traffic or transportation related impacts.

Vehicle Trip Generation Comparison Table

Land Use	Trip Generation for Project in the Draft EIR (units/acres or sf)		Trip Generation for Proposed GDP/Project (units/acres or sf)		Net difference	
	Amount (units/sf)	Daily Trips	Amount (units/sf)	Daily Trips	Amount (units/sf)	Daily Trips
Residential (max)	414	1,070	418	1,110	+4	+40
Commercial (max)						
Office (includes internalization reduction)	30k	232	0	0	-30k	-232
Neighborhood Retail	16.4k	700	13.6k	580	-2.8k	-120
Restaurant (quality)	11.6k	1,043	9k	810	-2.6k	-233
Restaurant (high turnover)	12k	1,526	11k	1,399	-1k	-127
<i>Internalization reduction</i>		-338		-214		+124
TOTAL	70k	3,163	33.6k	2,575	-36.4k	-588
TOTAL	--	4,233	--	3,685	--	-548

Given the significant reduction in overall trips, it can also be concluded that none of the analyses in air quality or noise that relate to traffic volumes would be adversely impacted by the project revisions. The analyses related to sensitive receptors would remain unchanged or incrementally less as the footprint of the project has not moved closer to any of the sensitive uses/receptors. In fact, in some places the setback of the project has increased (see discussion below). As a result, the proposed project revisions would not result in any new or a substantial increase in the severity of any noise or air quality impacts compared to those identified in the Draft EIR.

As discussed above under the Proposed Refinements subsection, the site plan and building bulk, mass and height have not substantially changed and where minor changes have been incorporated, the changes have generally lessened the scope of the project. For example, the maximum height of all the buildings has been reduced by a minimum of 5 feet and the building footprints are almost identical with the exception of the assisted living building which initially was a smaller footprint and 10 feet taller. The footprint now encompasses a larger area and the portion of the site that was previously proposed as a

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stand-alone retail structure (retail C in Draft EIR Figure III-2), combining two buildings into one. The portions of the ground floor that were initially proposed for retail are still proposed to be retail and although the two buildings will now be one, varied heights are proposed to ensure the building's mass is differentiated. None of the proposed changes have the potential to modify the Draft EIR findings relative to significant impacts or mitigation measures for any of the topics considered in the Draft EIR. Additionally, none of the changes would trigger the need for new or different mitigation.

C. NO COMMENTS RECEIVED ON DRAFT EIR

No written comments from the public were received during the public review period for the Draft EIR from May 17, 2013 until July 2, 2013.

No local or State agencies provided comments on the Draft EIR during the public review period. One letter was received from the Governor's Office of Planning and Research, State Clearinghouse and Planning Unit. This letter confirmed that no State agencies submitted comments, and acknowledged that the Draft EIR complied with the State Clearinghouse review requirements, pursuant to CEQA. This letter is provided with this RTC Memo as Attachment A.

No verbal comments were received from the public at the public hearing held for the Draft EIR on July 2, 2013. Members of the Planning Commission discussed the Draft EIR and indicated that they had no comments regarding its adequacy. Planning Commissioners confirmed their judgment that the Draft EIR adequately analyzed the potential environmental impacts associated with the 15 Acres project. Therefore, no responses are necessary, and no text revisions were made in response to comments on the Draft EIR.

D. TEXT REVISIONS

This RTC Memo presents specific revisions to the text of the Draft EIR that were initiated by City staff for the purpose of clarifying material in the Draft EIR. Where revisions to the main text are called for, the page and paragraph are noted, followed by the appropriate revision. Added text is indicated with underlined text. Deletions to text in the Draft EIR are shown with ~~strikeout~~. Page numbers correspond to the page numbers of the Draft EIR. Revisions presented in this RTC Memo do not significantly alter the conclusions or findings of the Draft EIR.

Page 24 has been amended as follows:

Install solar powered or light emitting diodes (LED) outdoor lighting systems or other energy efficient lighting.

Page 213 has been amended as follows:

The site-specific geotechnical assessment notes that the approximately 6 feet of man-made fill at the site is underlain by up to 40 feet of young Bay Mud overlying 2 to 11 feet of stiffer old Bay Mud, then alluvial deposits, and bed-rock at approximately 200 feet bgs.45 Settlement of the Bay Mud from consolidation

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under the weight of existing fill may be incomplete, and introduction of new loads, such as additional fill, foundations, and buildings would be expected to result in additional settlement. Accordingly, the pile foundation system is recommended by the geotechnical assessment to be designed to accommodate the vertical loads of the structure as well as down-drag loads from settlement of the Bay Mud. Alternatively, light to moderately loaded buildings may be supported on shallow foundation if site mitigation utilizing a surcharge program is implemented. Differential settlement may occur across subsurface features such as buried sloughs, abandoned levees, and/or in areas underlain by non-engineered fill over Bay Mud. If unstable soils are not properly addressed during grading and foundation preparation, structural damage, warping, and cracking of roads, driveways, parking areas and side-walks, and rupture of utility lines may occur.

Page 375 has been amended as follows:

Install solar powered or light emitting diodes (LED) outdoor lighting systems or other energy efficient lighting.

ATTACHMENT A: Letter from the State Clearinghouse

ATTACHMENT B: Revised GDP plans

ATTACHMENT A



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE *of* PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

June 28, 2013

Julie Moloney
City of Foster City
610 Foster City Boulevard
Foster City, CA 94404

Subject: Mixed-Use Senior Residential Project
SCH#: 2012112016

Dear Julie Moloney:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on June 26, 2013, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,

A handwritten signature in black ink that reads "Scott Morgan".

Scott Morgan
Director, State Clearinghouse

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RECEIVED
JUL 01 2013
PLANNING/
CODE ENFORCEMENT

ATTACHMENT A

Document Details Report State Clearinghouse Data Base

SCH# 2012112016
Project Title Mixed-Use Senior Residential Project
Lead Agency Foster City

Type EIR Draft EIR
Description Develop the vacant City-owned property with a mixed-use development consisting of senior citizen housing, retail/office space, and public space. The key project components would include up to 414 senior residential units and up to 70,000 sf of retail/office space within 20 buildings that would range in height from 3 to 6 stories; public open space, and amenities. The residential component would include 196 for-sale residential units, 152 assisted and independent living units, and 66 affordable housing units. The commercial component would consist of up to 40,000 sf of ground floor commercial retail space and up to a total of 30,000 sf of commercial space on the upper floors. The project also includes about 1.25 acres of public open space including a pedestrian promenade and a town square.

Lead Agency Contact

Name Julie Moloney
Agency City of Foster City
Phone 650 286 3225 **Fax**
email
Address 610 Foster City Boulevard
City Foster City **State** CA **Zip** 94404

Project Location

County San Mateo
City Foster City
Region
Lat / Long 37° 33' 31.31" N / 122° 16' 5.34" W
Cross Streets Foster City Boulevard/Civic Center Drive and Shell Boulevard/Balclutha Drive
Parcel No. 094-471-100
Township **Range** **Section** **Base**

Proximity to:

Highways SR 92, US 101
Airports
Railways
Waterways San Francisco Bay
Schools Brewer Island ES
Land Use Vacant/Public Facilities/Semi Public

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Project Issues Aesthetic/Visual; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Geologic/Seismic; Noise; Public Services; Recreation/Parks; Schools/Universities; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Growth Inducing; Landuse; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 3; Office of Historic Preservation; Department of Parks and Recreation; San Francisco Bay Conservation and Development Commission; Office of Emergency Management Agency, California; California Highway Patrol; Caltrans, District 4; Department of Housing and Community Development; Regional Water Quality Control Board, Region 2; Department of Toxic Substances Control; Native American Heritage Commission; State Lands Commission

Date Received 05/13/2013 **Start of Review** 05/13/2013 **End of Review** 06/26/2013

Note: Blanks in data fields result from insufficient information provided by lead agency.

Exhibit B

P-____-13



Heights

Exclusive of potential
7' to 10' of mechanical
aperturancs

Legend

For Sale Housing

- Courtyard Building
12 Units/Building
- Garden Type A
14 Units/Building
- Garden Type B
24 Units/Building

Mixed Use / Commercial

- Assisted Living
- Affordable Senior
- Commercial
- Commercial at
First Floor

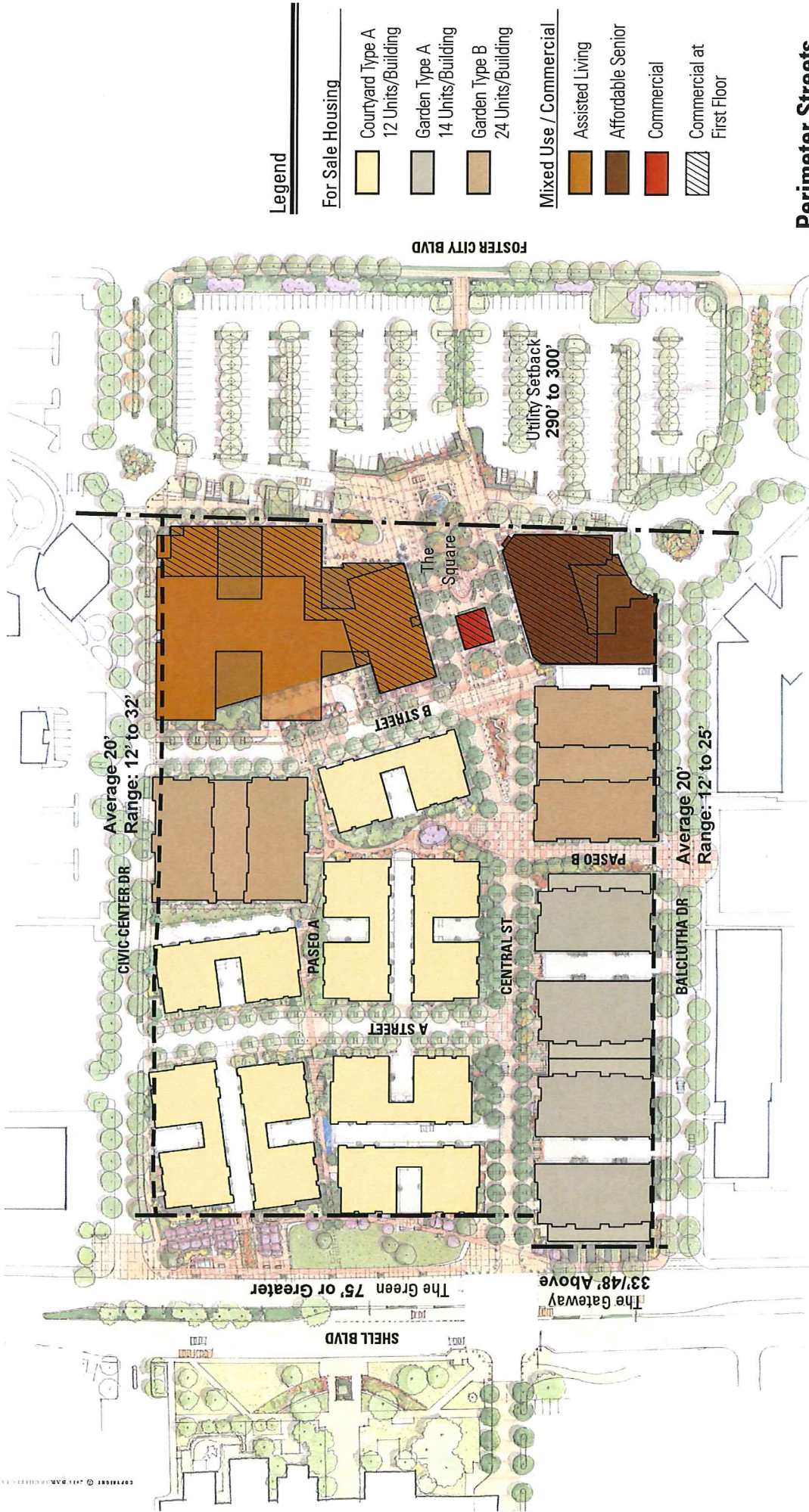
Height Plan

The New Home Company | Foster City, CA | Setbacks & Heights Study Session

BARARCHITECTS | SWA
543 Howard Street, San Francisco, CA 94105, T. 415 293 5700, F. 415 293 5701 WWW.BARARCH.COM



A3



Legend

For Sale Housing

- Courtyard Type A
12 Units/Building
- Garden Type A
14 Units/Building
- Garden Type B
24 Units/Building

Mixed Use / Commercial

- Assisted Living
- Affordable Senior
- Commercial
- Commercial at First Floor

**Perimeter Streets
Setback Plan**

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ATTACHMENT B

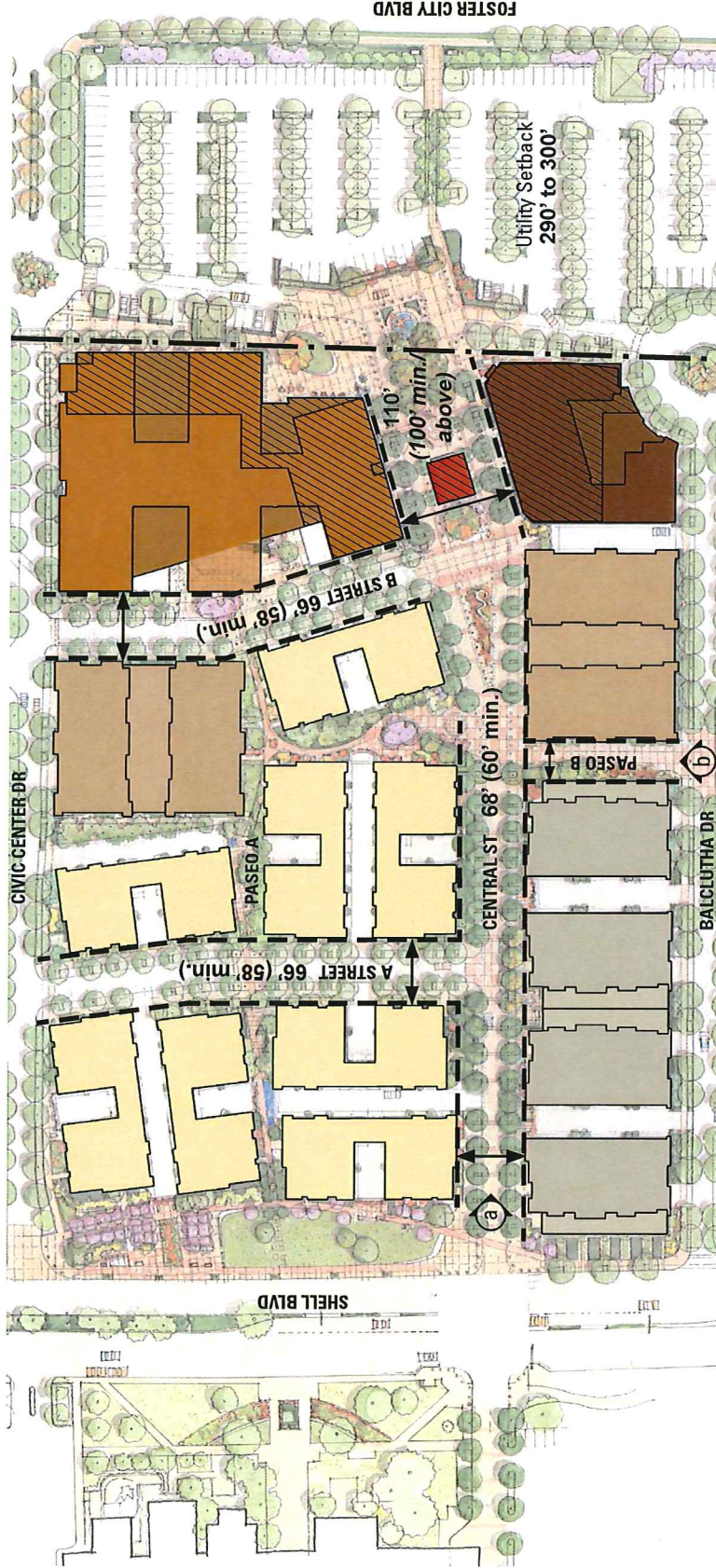


Dimensions are building to building.

Paseos

Paseo A: 20' to 35'

Paseo B: 40' (32' min./55' above)



Legend

For Sale Housing

- Courtyard Type A
12 Units/Building
- Garden Type A
14 Units/Building
- Garden Type B
24 Units/Building

Mixed Use / Commercial

- Assisted Living
- Affordable Senior
- Commercial
- Commercial at First Floor

Interior Streets Setback Plan

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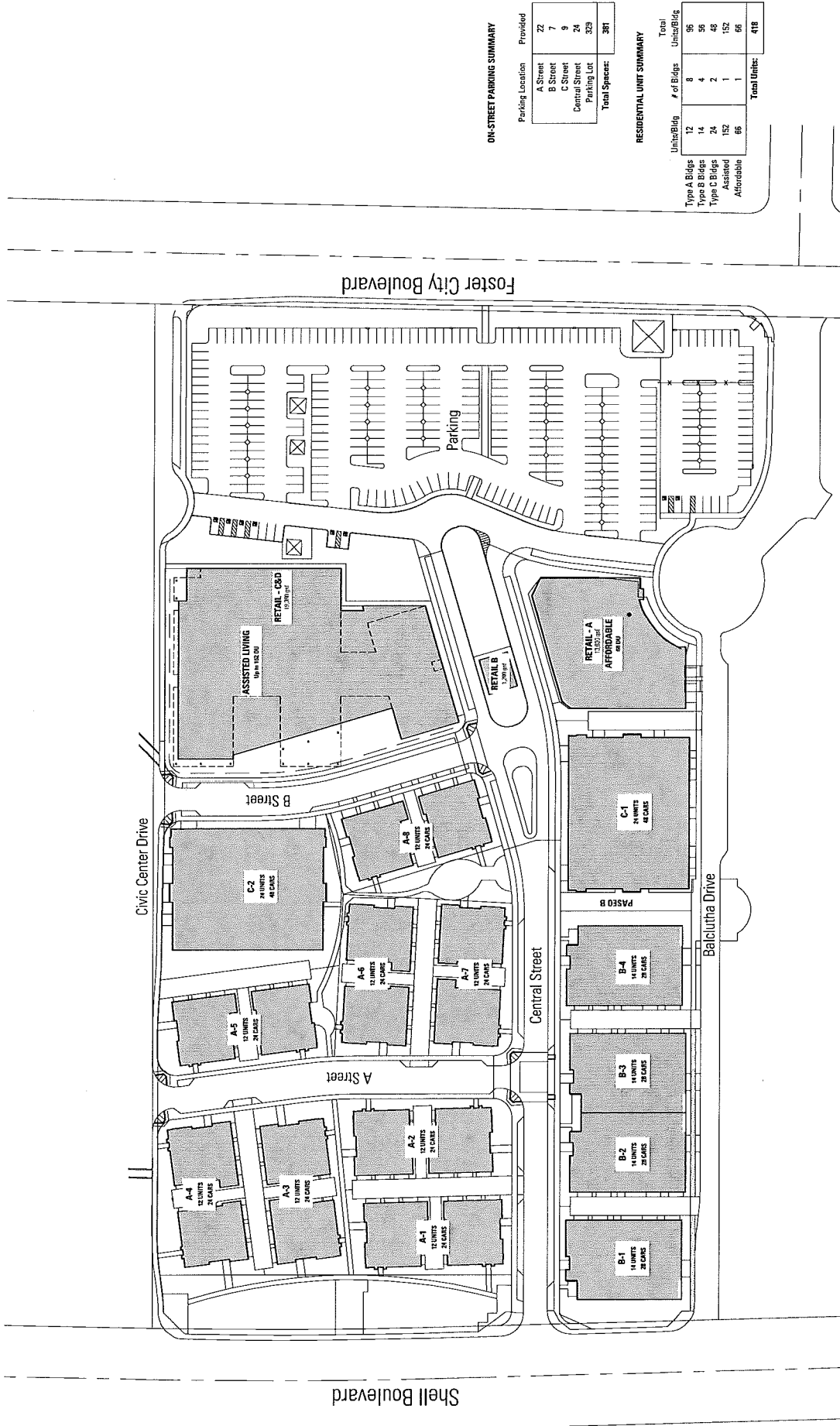


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ATTACHMENT B



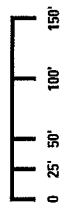
ON-STREET PARKING SUMMARY

Parking Location	Provided
A Street	22
B Street	7
C Street	9
Central Street	24
Parking Lot	329
Total Spaces:	381

RESIDENTIAL UNIT SUMMARY

Unit/Bldg	# of Bldgs	Units/Bldg	Total
Type A Bldgs	12	8	96
Type B Bldgs	14	4	56
Type C Bldgs	24	2	48
Assisted	152	1	152
Affordable	66	1	66
Total Units:			418

Site Plan



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Foster City - 15 Acres

Foster City, CA

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