Appendix A

Notice of Preparation and Responses

CITY OF BELMONT

NOTICE OF PREPARATION

1301 Shoreway
Environmental Impact Report (EIR)

Date: June 19, 2024

To: State Clearinghouse
Governor's Office of Planning and Research
San Mateo County Clerk
Responsible and Trustee Agencies
Interested Individuals and Organizations

SUBJECT: **Notice of Preparation of a Draft Environmental Impact Report (DEIR) for the City of Belmont 1301 Shoreway Project**

1 Shoreway Owner, LLC has submitted an application to the City of Belmont (City) for an office development called 1301 Shoreway project and requests a Planned Unit Development (PD) zoning designation, associated Conceptual and Detailed Development Plan (CDP & DDP) to allow for greater building heights than permitted under the City's existing zoning for the property and to allow for flexibility in land use (office and life-science). The City has determined that a Project Environmental Impact Report (EIR) will be necessary to evaluate environmental impacts of the project pursuant to the California Environmental Quality Act (CEQA).

The City, as the Lead Agency under CEQA, is preparing an Environmental Impact Report (EIR) for the proposed 1301 Shoreway project. The project, its location, and potential environmental effects are described below.

The City is requesting comments and guidance on the scope and content of the EIR from responsible and trustee agencies, interested public agencies, organizations, and the general public (CEQA Guidelines Section 15082). Agencies should comment on the elements of the environmental information that are relevant to their statutory responsibilities in connection with the proposed project. The EIR will serve as the environmental document for responsible and trustee agencies when considering any discretionary approvals or permits within their jurisdiction.

This Notice of Preparation (NOP) provides a summary of the project, includes the City's preliminary identification of the potential environmental issues to be analyzed in the EIR, and provides information on how to comment on the scope of the EIR.

Notice of Preparation Public Review Period: June 19, 2024 to July 26, 2024

The City requests your careful review and consideration of this notice, and it invites any and all input and comments from interested agencies, persons, and organizations regarding the preparation of the EIR. This NOP will be circulated for a 37-day review period, from June 19, 2024 to July 26, 2024. Due to the time limits mandated by State law, your response must be sent at the earliest possible date, but no later than the close of the NOP review period. Comments and responses to this notice must be submitted to the Lead Agency contact by **5:00 pm on July 26, 2024**. If applicable, please indicate a contact person for your agency or organization. If your agency is a responsible agency as defined by CEQA Guidelines Section 15381, your agency may use the environmental documents prepared by the City when considering permits or approvals for action regarding the project.

Lead Agency Contact:
Chris Dacumos, Good City Company (Consultant to the City of Belmont)
cdacumos@goodcityco.com

Written Comments: Please submit written comments with the subject "1301 Shoreway Project EIR" within 30 days of the date of this notice to any of the below by 5:00 p.m. on July 26, 2024:

- Email: cdacumos@goodcity.com
- Regular Mail: City of Belmont, Community Development Department, One Twin Pines Lane, Suite 310, Belmont, CA 94002. Attn: Contract Planner, Chris Dacumos

A digital copy of this NOP and additional detail about the project can be viewed at:
https://www.belmont.gov/Home/Components/FacilityDirectory/FacilityDirectory/471/642

Public Scoping Meeting: The City will hold a scoping meeting to provide an opportunity for agency staff and interested members of the public to submit verbal comments on the scope of the environmental issues to be addressed in the EIR. The scoping meeting will be held as part of the **July 16, 2024 Planning Commission meeting, at 7:00 p.m. at Belmont City Hall, Second Floor City Council Chambers, at One Twin Pines Lane, Belmont, CA 94002**. For more scoping meeting attendance information, please see https://www.belmont.gov/our-city/city-government/meetings-agendas-minutes.

WATCHING/ATTENDING THE MEETING:

The meeting will be broadcast live to Belmont residents on Comcast Cable Channel 27, streamed live via the City's website at www.Belmont.gov, and streamed live on Zoom. The public may also attend the meeting in the City Council Chambers and address the Commission from the Chambers.

PUBLIC COMMENT:

To maximize time for live public comment, we encourage members of the public to provide oral comments by joining the Commission meeting via Zoom. To participate virtually, visit https://belmont- gov.zoom.us/ select "Join" and enter Meeting ID:968 6972 2514. Use the Raise Hand feature to request to speak for a particular agenda item. You may rename your profile if you wish to remain anonymous. For dial-in comments, call *67 1-669-900-6833 (your phone number will appear on the live broadcast if *67 is not dialed prior to the phone number), enter Meeting ID: 968 6972 2514, and press *9 to request to speak.

All public comments are subject to a 3-minute time limit unless otherwise determined by the Commission Chair. If you wish to submit written public comment, you may send an email to cdev@belmont.gov or a letter to the City of Belmont, One Twin Pines Lane, Suite 310, Belmont, CA 94002 before the Commission considers the item. Please indicate the agenda item topic or agenda item number you wish to comment on in your email's subject line. Any public comment regarding agenda items that are received from the publication of the agenda through the meeting date will be made part of the meeting record but will not be read during the Commission meeting.

Project Location

The 6.9-acre project site is located east of US Highway 101 at 1301 Shoreway Road at the northeast intersection of Shoreway Road and Sem Lane. The site consists of one parcel (Assessor Parcel Number [APN] 040-371-110) and is bounded by Shoreway Road to the west, Sem Lane to the north, the San Francisco Bay Trail and Belmont Creek to the east, and a PG&E electrical substation to the south. Shoreway Road serves as a frontage road for US Highway 101. The project is within the city limits of Belmont in San Mateo County, CA. See **Figure 1: Project Location** on page 6 of this notice.

Existing Conditions

The project site is currently developed with a 148,919 square foot multi-tenant medical office building and associated surface parking and landscaping, including 176 existing trees. The project site also includes outdoor amenities including a seating area with benches and a basketball court as well as a pedestrian walkway along Belmont Creek connected to the Bay Trail. Surrounding land uses are urban and primarily commercial, including hotels and office/technology. The project site has a General Plan land use designation of Regional Commercial (COM-R) and corresponding Zoning of Regional Commercial (RC).

Project Description Summary

The proposed project would result in the demolition of an existing medical office building and surface parking lot, and the removal of 156 trees. The project applicant is proposing a general office and/or research/technology campus and associated parking garage for the subject property . The development includes 542,035 square feet of employment uses (e.g. office space), a 442,690 square foot parking garage, and landscape improvements including a central courtyard. A series of outdoor amenities open to the public are proposed along the rear of the property, accessible from the slough and adjacent trail along Belmont Creek.

The proposed project would include two commercial office and/or research/technology buildings: Building 1 would be located on the western portion of the project site adjacent to Shoreway Road and Building 2 would be on the northeastern portion of the project site along Sem Lane. Building 1 would be 8 stories and would extend to approximately 144 feet in height, including rooftop screening. Building 2 would be 7 stories and extend to approximately 128 feet in height, including rooftop screening. The office buildings would include a mixture of solid and glazed panels on the exterior of the buildings.

Parking for both buildings would be provided through a 9-level parking garage and surface parking for a total of 1,626 spaces. The parking garage would provide 1,432 spaces and the surface lots provide 194 spaces. Due to the building heights proposed, the project requests a PD zoning designation and permit to allow for greater building heights and flexibility with land use (office and life-science). The PD District is designed to accommodate various types of development, such as professional and administrative areas, commercial service centers, industrial parks, and other uses or a combination of uses, to allow flexibility of design, in accordance with the objectives and spirt of the General Plan.

Project Alternatives

The EIR will evaluate a reasonable range of project alternatives that, consistent with CEQA, meet most of the project objectives and could reduce or avoid potential environmental effects. The alternatives section would also include the required No Project Alternative.

Potential Areas of Environmental Effects

The City of Belmont will be preparing an environmental impact report (EIR) that evaluates potential environmental effects consistent with CEQA Statues and Guidelines. An initial study is not required to determine that an EIR will be prepared, and as such, an initial study was not prepared for the proposed project. The EIR will discuss potential environmental impacts of the proposed project, including potential construction and operational effects. The City has identified several environmental areas where impacts are most likely to occur. These impact areas include:

- Aesthetics (including visual changes and community character)
- Air Quality (including an assessment of health risk)
- Biological Resources
- Cultural Resources
- Energy
- Geology and Soils
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials

- Hydrology and Water Quality
- Land Use and Planning
- Noise and Vibration
- Public Services and Recreation
- Transportation and Circulation (including vehicle miles travelled)
- Tribal Cultural Resources
- Utilities and Service Systems (including water supply and demand/system capacity)

The EIR will also evaluate other required discussions including: (a) any significant environmental effects that cannot be avoided if the project is implemented; (b) any significant irreversible and irretrievable commitments to resources; (c) growth-inducing impacts of the proposed project; (d) effects found not to be significant; and (e) cumulative impacts. While the proposed project has the potential to generate significant environmental impacts in number of areas, the proposed project would have no significant impact on the following environmental topics due to existing conditions on the project site and surrounding area. These issues will therefore not be analyzed further:

- Agricultural and Forestry Resources
- Mineral Resources
- Wildfire

When the Draft EIR is completed, it will be made available for review at the following location:

City of Belmont
One Twin Pines Lane, Suite 310
Belmont, CA 94002

The Draft EIR will also be available online at:
https://www.belmont.gov/Home/Components/FacilityDirectory/FacilityDirectory/471/642
The City will issue a Notice of Availability of a Draft EIR at that time to inform the public and interested agencies, groups, and individuals of how to access the Draft EIR and provide comments.

Figures:
Figure 1: Project Location Map

6/19/23

Carlos de Melo, Community Development Director **Date**

Source: Nearmap, 2024

Figure 1: Project Location

1301 Shoreway Project
NOP

Not to scale

Kimley»Horn

San Francisco Bay Conservation and Development Commission

375 Beale Street, Suite 510, San Francisco, California 94105 tel 415 352 3600

State of California | Gavin Newsom – Governor | info@bcdc.ca.gov | www.bcdc.ca.gov

July 25, 2024

Chris Dacumos, Contract Planner
City of Belmont
One Twin Pines Lane, Suite 310
Belmont, CA 94002
Via E-mail: <cdacumos@goodcityco.com>

SUBJECT: Comments on the Notice of Preparation of a Draft Environmental Impact Report for the 1301 Shoreway Project BCDC Inquiry File No. SM.BM.2024.01

Dear Chris Dacumos:

Thank you for the opportunity to comment on the scope of the upcoming Draft Environmental Impact Report (DEIR) for the 1301 Shoreway Project (Project). The Notice of Preparation for the DEIR was dated and received by our office on June 19, 2024.

The San Francisco Bay Conservation and Development Commission (BCDC) is providing the following comments as a responsible agency with discretionary approval power over aspects of the Project, as described below. BCDC will rely on the Final EIR when considering its approvals for the project, and we appreciate this opportunity to comment on information and analyses to be included in the scope of the DEIR. While the description of the project in the NOP is not specific enough for BCDC staff to comment on every potential issue that could be raised with respect to BCDC's laws and policies, staff has prepared the following comments outlining issues under BCDC's jurisdiction that should be addressed. The Commission itself has not reviewed the NOP; the following comments are based on BCDC staff review of the NOP, the McAteer-Petris Act (Title 7.2 of the California Government Code), and the *San Francisco Bay Plan* (Bay Plan) in relation to CEQA requirements for the Project.

San Francisco Bay Conservation and Development Commission

BCDC is a State planning and regulatory agency with permitting authority over San Francisco Bay, the Bay shoreline, and Suisun Marsh, as established in the McAteer-Petris Act and the Suisun Marsh Preservation Act. Per the McAteer-Petris Act, BCDC is responsible for granting or denying permits for any proposed fill; extraction of materials; or substantial changes in use of any water, land, or structure within the Commission's jurisdiction (Government Code Section 66632). Additionally, BCDC establishes land use policies for the Bay as a resource and for development of the Bay and shoreline in the Bay Plan, which provides the basis for the Commission's review and actions on proposed projects.

The Project site is partially located in BCDC's permitting shoreline band jurisdiction, consisting of all territory located between the shoreline of the Bay and 100 feet landward of and parallel with the shoreline (Government Code Section 66610[b]). The Project team has previously worked with BCDC staff to map the limits of this jurisdictional area. Staff requests that the City include this mapping in the DEIR and pay particular attention to potential impacts that may occur in this area. Areas in the shoreline band jurisdiction include the shoreline, most of the open space and public access amenities, and portions of the surface parking lot located near Belmont Creek.

Environmental Analyses

Below is a list of environmental topics from the NOP and a description of how they overlap with BCDC policy areas that staff will use to evaluate the Project for a BCDC permit. Including these analyses in the DEIR and addressing any related impacts with mitigation measures will support staff in developing relevant conditions and necessary findings to include in the permit. Please see the following referenced legislation and plans from our website:

- The McAteer-Petris Act
- The San Francisco Bay Plan

Aesthetics

The Bay Plan includes a policy section on Appearance, Design, and Scenic Views upon which the Commission will base its findings for the Project's visual impacts on the Bay. In defining the significance of the Project's aesthetic impacts, please consider the findings and policies in this section, and acknowledge these policies in the regulatory settings of the analysis. BCDC provides additional guidance on the interpretation of these policies in the Public Access Design Guidelines for Shoreline Spaces, particularly in the sections related to Visual Access, Visual Quality, and Bay Setting. Please consider the Guidelines available on our website in your evaluation of the Project's potential effects on scenic vistas and scenic resources.

Biological Resources

The Bay Plan includes several policy sections related to biological resources, including Fish, Other Aquatic Organisms and Wildlife; Tidal Marshes and Tidal Flats; Subtidal Areas; and Mitigation. Please review the policies and findings in these sections and consider them in your biological resources analysis and in the development of any related mitigation measures and acknowledge them in the regulatory setting for this section. Additionally, please consider the Bay Plan in your analysis of whether the Project would conflict with the provisions of a regional habitat conservation plan.

In defining the study area for the biological resources analysis in the DEIR, please include any areas of the Bay that may be affected by site preparation and construction activities and the ongoing operation of the Project, including those that might be affected by light, sound, debris, runoff, etc. Additionally, please provide a detailed analysis of any potential impacts in and along Belmont Creek.

Cultural/Tribal Cultural Resources

As part of the Bay Plan's policies on Environmental Justice and Social Equity, the Commission is required to consider its guiding principles on environmental justice and social equity in all of its actions and activities. The first of these guiding principles is to "recognize and acknowledge the California Native American communities who first inhabited the Bay Area and their cultural connection to the natural resources of the region." Additionally, Public Access Policy No. 5 states that public access should embrace "local multicultural and Indigenous history and presence," and Recreation Policy No. 4 states that parks should emphasize historical and cultural education and interpretation.

Please ensure that the DEIR includes a description of the Native American history and cultural resources associated with the Project site. In preparing the DEIR, please conduct meaningful outreach towards the tribes associated with this area as part of the AB 52 consultation requirement. Additionally, please ensure that the cultural and tribal cultural resources environmental setting identifies all historically and culturally significant resources at the Project site and at any related sites (if applicable) and note in the analysis whether and how the Project will acknowledge or incorporate information about those resources in its design or programming.

Geology and Soils

The analysis in the DEIR's geology and soils section relates to issue areas that BCDC will consider in permitting the Project, including the safety and stability of the site in light of the site preparation and filling work required for the Project's construction; the potential for erosion and implications for the long-term stability, safety, and usability of the proposed public access and open space amenities; and the potential for any erosion to affect biological resources and/or water quality in riparian and tidally influenced habitats present at the site. In your analysis of geology and soils, please pay particular attention to the potential for soil erosion in the shoreline band, as well as any potential hazards related to the fill required to elevate the site and the ability of the underlying soil to support it.

Hazards and Hazardous Materials

The potential for hazardous materials release is relevant to BCDC permitting considerations of whether the Project is consistent with Bay Plan policies on water quality, biological resources, climate change, and environmental justice. As part of its analysis of the potential for the Project to create a contaminant hazard for the public or the environment, please consider the potential for groundwater rise to mobilize below-ground contaminants. Groundwater rise as a function of rising sea levels is an emerging issue of great concern for its potential to bring hazardous materials to the surface, even in areas where capping has already taken place or where shoreline protection is utilized to address above-ground flooding. Such exposure could affect water quality, habitat quality, and the usability of any public access facilities required by BCDC as a condition of permit approval. Therefore, please include a discussion of whether groundwater rise could potentially mobilize below-ground contaminants at the Project site.

Hydrology and Water Quality

The Bay Plan includes policy sections for Water Quality and Climate Change that are relevant to the DEIR hydrology and water quality analysis. Please review these findings and policies and include them in the regulatory settings for this section. As part of the settings and analysis, please clearly identify the water quality standards, plans, and/or discharge requirements applicable to the Project site.

As part of the hydrology analyses, including the analysis of the Project's effect on drainage and whether flood hazards present a risk of releasing pollutants, please include analysis of relevant sea level rise scenarios in accordance with the best available science (currently considered to be the Ocean Protection Council's 2024 Sea Level Rise Guidance). Because sea levels are expected to rise over the life of the Project, the analysis of operational impacts would be incomplete without a consideration of sea level rise scenarios. The DEIR should identify all types of potential flooding related to sea level rise (including groundwater rise) and any proposed adaptation measures, including site elevation or flood protection. Particular attention should be paid to potential future flooding impacts on the proposed public access amenities and storm drainage system.

Please note that as part of the application for the Project, the project proponents are expected to provide a sea level rise risk assessment prepared by a qualified engineer, per Bay Plan Climate Change Policy No. 2. The risk assessment will be expected to include mid- and end-of-century scenarios at the intermediate-high risk level, with the high emissions assumption, using the NAVD 88 datum. Bay Plan policies require that all projects be designed to be resilient to a mid-century sea level rise projection and adaptable to end-of-century if the project is expected to still be in place. In designing any proposed shoreline protection, please note that Bay Plan Shoreline Protection Policy No. 5 requires projects to evaluate the use of natural and nature-based features and incorporate these features to the greatest extent practicable. For the DEIR, any design features necessary to ensure resilience should be included in the Project Description and analyzed throughout the document as part of the project.

Land Use and Planning

The McAteer-Petris Act and the Bay Plan are a State law and a land use plan, respectively, adopted for the purpose of avoiding or mitigating an environmental effect and should be included in the regulatory settings for this section as well as considered in the impact analysis.

Recreation

Per the McAteer-Petris Act, BCDC is tasked with ensuring maximum feasible public access to the Bay. As such, BCDC has permitted several public recreation facilities along the shoreline in the vicinity of the Project site, including contiguous segments of the Belmont Creek Trail and Bay Trail adjacent to the site that connect a series of existing and planned park spaces. As the project will be improving an existing Belmont Creek Trail segment and providing a new recreation destination in this network, please include the adjacent Belmont Creek Trail segments and connected planned and existing recreation areas in the study area for the recreation analysis, identify the service area and service population for these facilities, assess whether the recreational facilities provided are commensurate with the need generated by the Project, and consider whether the Project has the potential to result in the physical deterioration of these facilities.

As part of ensuring maximum feasible public access, Bay Plan Public Access Policy No. 7 requires that public access along the shoreline be permanently guaranteed and should remain viable in the event of future sea level rise or flooding, or that equivalent access consistent with the project be provided nearby. The DEIR analysis should demonstrate that public access and recreational facilities are resilient to projected sea level rise at mid-century, with a comprehensive plan for adaptation through the end of the century. This plan should include strategies for maintaining accessibility, functionality, and safety of recreational and visitor-serving amenities under various sea level rise scenarios. The DEIR should state whether the adaptation or replacement of the proposed public access would require further construction or expansion of recreational facilities and assess whether that may have an adverse effect on the environment.

Transportation

One of BCDC's key considerations for assessing maximum feasible public access is the convenience and safety of site access where a project connects to the larger transportation network, particularly for members of the public approaching the site via the Belmont Creek Trail or by surface roads. Please review the findings and policies in the Bay Plan's sections on Transportation and Public Access and acknowledge them in the regulatory settings for the transportation analysis. Furthermore, please consider these policies in your analysis of whether the Project would conflict with a policy addressing transit, roadway, bicycle, and pedestrian facilities, and whether the Project would increase transportation hazards, with particular attention paid to the Belmont Creek Trail and routes by which drivers would access the Project's public parking spaces.

Conclusion

We appreciate your attention to the topics discussed above and for the opportunity to make the above comments on the scope of the DEIR. If you have any questions or concerns regarding this matter, please do not hesitate to contact me at pierce.abrahamson@bcdc.ca.gov.

Sincerely,

DocuSigned by:
Pierce Abrahamson
8A992957C01D4E8...

PIERCE ABRAHAMSON
Shoreline Development Analyst

cc: State Clearinghouse; <state.clearinghouse@opr.ca.gov>
Carlos de Melo, Community Development Director of the City of Belmont; <cdemelo@belmont.gov>

PA/kr

State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534
(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

July 11, 2024

Carlos de Melo, Community Development Director
City of Belmont
1 Twin Pines Lane, Suite 300
Belmont, CA 94002
Cdemelo@belmont.gov

Subject: 1301 Shoreway Project, Notice of Preparation of a Draft Environmental Impact Report, SCH No. 2024060880, City of Belmont, San Mateo County

Dear Mr. Carlos de Melo:

The California Department of Fish and Wildlife (CDFW) has reviewed the City of Belmont's (City) Notice of Preparation (NOP) of a draft Environmental Impact Report (EIR) for the 1301 Shoreway Project (Project) pursuant the California Environmental Quality Act (CEQA) and CEQA Guidelines.[1]

Thank you for the opportunity to provide comments and recommendations regarding those activities involved in the Project that may affect fish and wildlife resources of the State. Please be advised, by law, CDFW may be required to carry out or approve aspects of the Project through the exercise of its own regulatory authority under the Fish and Game Code.

CDFW is providing the City of Belmont, as the Lead Agency, with specific detail about the scope and content of the environmental information related to CDFW's area of statutory responsibility that must be included in the EIR (See: Cal. Code Regs., tit. 14, § 15082, subd. (b)).

CDFW ROLE

CDFW is California's **Trustee Agency** for fish and wildlife resources and holds those resources in trust by statute for all the people of the State. (Fish & G. Code, §§ 711.7, subd. (a) & 1802; Pub. Resources Code, § 21070; CEQA Guidelines § 15386, subd. (a).) CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species. (*Id.*, § 1802.). For purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect fish and wildlife resources.

[1] CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

CDFW is also submitting comments as a **Responsible Agency** under CEQA. (Pub. Resources Code, § 21069; CEQA Guidelines, § 15381.) CDFW expects that it may need to exercise regulatory authority over the Project pursuant to the Fish and Game Code. For example, the Project may be subject to CDFW's Lake and Streambed Alteration (LSA) regulatory authority, if the Project impacts the bed, channel or bank of any river, stream or lake within the State (Fish & G. Code, § 1600 et seq.). Likewise, to the extent the Project may result in "take" as defined by state law of any species protected under the California Endangered Species Act (CESA) (Fish & G. Code, § 2050 et seq.), the Project proponent may seek related take authorization as provided by the Fish and Game Code.

REGULATORY REQUIREMENTS

California Endangered Species Act

A CESA Incidental Take Permit (ITP) must be obtained from CDFW if the Project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the Project. Under CESA, "take" means "hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture, or kill." (Fish & G. Code, § 86.) CDFW's issuance of an ITP is subject to CEQA and to facilitate permit issuance, any project modifications and mitigation measures must be incorporated into the CEQA document analysis, discussion, and mitigation monitoring and reporting program. If the Project will impact CESA listed species, early consultation is encouraged, as significant modification to the Project and mitigation measures may be required in order to obtain a CESA Permit.

CEQA requires a mandatory finding of significance if a project is likely to substantially impact threatened or endangered species. Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064 & 15065.) In addition, pursuant to CEQA, the Lead Agency cannot approve a project unless all impacts to the environment are avoided or mitigated to less-than-significant levels, or the Lead Agency makes and supports Findings of Overriding Consideration (FOC) for impacts that remain significant despite the implementation of all feasible mitigation. FOC under CEQA, however, do not eliminate the Project proponent's obligation to comply with the Fish and Game Code.

Lake and Streambed Alteration

CDFW requires an LSA Notification, pursuant to Fish and Game Code section 1600 et seq., for Project activities affecting rivers, lakes or streams and associated riparian habitat. Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank (including associated riparian or wetland resources); or deposit or dispose of material where it may pass into a river, lake, or stream. Work within ephemeral streams, drainage ditches, washes, watercourses with a subsurface flow, and floodplains is generally subject to notification requirements. In addition, infrastructure installed beneath such aquatic features, such as through hydraulic directional drilling, is also generally subject to notification requirements. Therefore, any impact to the mainstems, tributaries, or floodplains or associated riparian habitat caused by the proposed Project will likely require an LSA Notification. CDFW may not execute a final LSA Agreement until it has considered the final EIR and complied with its responsibilities as a responsible agency under CEQA.

Migratory Birds and Raptors

CDFW has authority over actions that may result in the disturbance or destruction of active bird nest sites or the unauthorized take of birds. Fish and Game Code sections protecting birds, their eggs, and nests include section 3503 (regarding unlawful take, possession, or needless destruction of the nests or eggs of any bird), section 3503.5 (regarding the take, possession, or destruction of any birds-of-prey or their nests or eggs), and section 3513 (regarding unlawful take of any migratory nongame bird). Migratory birds are also protected under the federal Migratory Bird Treaty Act.

PROJECT DESCRIPTION AND LOCATION SUMMARY

Proponent: 1 Shoreway Owner, LLC

Objective: The objective of the Project is to demolish an existing office building and redevelop the property to include a general office campus with two commercial office buildings and associated parking structure at 1301 Shoreway Road. The Project includes the development of amenities along the rear of the property adjacent to Belmont Creek.

Location: 1301 Shoreway Road, Belmont, CA 94002.

Timeframe: TBD

The CEQA Guidelines (§§15124 & 15378) require that the draft EIR incorporate a full Project description, including reasonably foreseeable future phases of the Project, and that contains sufficient information to evaluate and review the Project’s environmental impact. Please include a complete description of the following Project components in the Project description including, but not limited to, the below information.

- Footprints of permanent Project features and temporarily impacted areas, such as staging areas and access routes.

- Area and plans for any proposed buildings/structures, ground-disturbing activities, fencing, paving, stationary machinery, landscaping, stormwater systems, and amenities adjacent to Belmont Creek and northern coastal salt marsh habitat.

- Operational features of the Project, including level of anticipated human presence (describe seasonal or daily peaks in activity, if relevant), artificial lighting/light reflection, noise, traffic generation, and other features.

- Construction schedule, activities, equipment, and crew sizes.

ENVIRONMENTAL SETTING

Sufficient information regarding the environmental setting is necessary to understand any potentially significant impacts on the environment of the proposed Project and any alternatives identified in the draft EIR (CEQA Guidelines, §§15125 & 15360). CDFW recommends the draft EIR provide baseline habitat assessments for special-status plant, fish and wildlife species located and potentially located within the Project area and surrounding lands, including all rare, threatened, and endangered species (CEQA Guidelines, §15380). The draft EIR should describe aquatic habitats, such as wetlands or waters of the U.S. or State, and any sensitive natural communities or riparian habitat occurring on or adjacent to the Project site (for sensitive natural communities see:https://wildlife.ca.gov/Data/VegCAMP/NaturalCommunities#sensitive%20natural%20communities), and any stream or wetland set back distances the City may require. Fully protected, threatened or endangered, candidate, and other special-status species or sensitive natural communities that are known to occur, or have the potential to occur in or near the Project site, include, but are not limited to:

Common Name	**Scientific Name**	**Status**
Alameda song sparrow	*Melospiza melodia pusillula*	SSC
American peregrine falcon	*Falco peregrinus anatum*	Delisted
Arcuate bushmallow	*Malacothamnus arcuatus var. arcuatus*	1B.2
California black rail	*Laterallus jamaicensis coturniculus*	ST, FP
California least tern	*Sternula antillarum browni*	FE, SE, FP
green sturgeon - southern DPS	*Acipenser medirostris pop. 1*	FT, SSC
longfin smelt	*Spirinchus thaleichthys*	FPE, ST
pallid bat	*Antrozous pallidus*	SSC
Point Reyes salty bird's-beak	*Chloropyron maritimum ssp. palustre*	1B.2
Common Name	**Scientific Name**	**Status**

saline clover	*Trifolium hydrophilum*	1B.2
salt-marsh harvest mouse	*Reithrodontomys raviventris*	FE, SE, FP
Santa Cruz kangaroo rat	*Dipodomys venustus venustus*	
San Francisco owl's-clover	*Triphysaria floribunda*	1B.2
short-eared owl	*Asio flammeus*	SSC
western snowy plover	*Charadrius nivosus nivosus*	FT, SSC
woodland woollythreads	*Monolopia gracilens*	1B.2

FT = listed as threatened under the federal Endangered Species Act; FE = listed as endangered under the federal Endangered Species Act; FPE = Proposed Endangered under the federal Endangered Species Act; ST = listed as threatened under CESA; SE = listed as endangered under CESA; SSC = state species of special concern; FP = state listed as fully protected. California Rare Plant Rank 1B: All of the plants constituting California Rare Plant Rank 1B meet the definitions of the California Endangered Species Act of the California Fish and Game Code and are eligible for state listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, or those considered to be functionally equivalent to CEQA, as they meet the definition of Rare or Endangered under CEQA Guidelines §15125; (c) and/or §15380.

Habitat descriptions and species profiles included in the draft EIR should include robust information from multiple sources: aerial imagery; historical and recent survey data; field reconnaissance; scientific literature and reports; U.S. Fish and Wildlife Service's (USFWS) Information, Planning, and Consultation System; California Aquatic Resources Inventory; and findings from "positive occurrence" databases such as California Natural Diversity Database (CNDDB). Only with sufficient data and information can the City adequately assess which special-status species are likely to occur in the Project vicinity.

CDFW recommends surveys be conducted for special-status species with potential to occur, following recommended survey protocols if available. Survey and monitoring protocols and guidelines are available at: https://www.wildlife.ca.gov/Conservation/Survey-Protocol.

Botanical surveys for special-status plant species, including those listed by the California Native Plant Society (http://www.cnps.org/cnps/rareplants/inventory/), should also be conducted during the blooming period for all sensitive plant species potentially occurring within the Project area and include the identification of reference populations. Please refer to CDFW protocols for surveying and evaluating impacts to rare plants available at: https://www.wildlife.ca.gov/Conservation/Plants.

IMPACT ANALYSIS AND MITIGATION MEASURES

The CEQA Guidelines (§15126.2) necessitate the draft EIR discuss all direct and indirect impacts (temporary and permanent) that may occur with implementation of the Project. This includes evaluating and describing impacts such as:

- Land use changes that will increase Artificial Lighting at Night (ALAN) pollution;
- Potential for impacts to special-status species;
- Permanent and temporary habitat disturbances associated with ground disturbance, noise, lighting, reflection, air pollution, traffic, or human presence;
- Obstruction of movement corridors used by birds, bats, and insects;
- Water quality impacts resulting from construction and operation of the Project;
- Impacts both from construction and operation of the Project; and
- Impacts to the bed, channel, and bank, in the stream, slough, and wetlands adjacent to and downstream of the Project;

The CEQA document also should identify existing and reasonably foreseeable future projects in the Project vicinity, disclose any cumulative impacts associated with these projects, determine the significance of each cumulative impact, and assess the significance of the Project's contribution to each impact (CEQA Guidelines, §15355). Although a project's impacts may be insignificant individually, its contributions to a cumulative impact may be considerable; a contribution to a significant cumulative impact (e.g., reduction of available habitat for a listed species) should be considered cumulatively considerable without mitigation to minimize or avoid the impact.

The CEQA Guidelines direct the City, as the Lead Agency, to consider and describe in the draft EIR all feasible mitigation measures to avoid and/or mitigate potentially significant impacts of the Project on the environment based on comprehensive analysis of the potential direct, indirect, and cumulative impacts of the Project. (CEQA Guidelines, §§ 15021, 15063, 15071, 15126.2, 15126.4 & 15370.) This should include a discussion of take avoidance and minimization measures for special-status species, which are recommended to be developed in early consultation with the USFWS, the National Marine Fisheries Service and CDFW. These measures can then be incorporated as enforceable Project conditions to reduce potential impacts to biological resources to less-than-significant levels.

Fully protected species such as California black rail (*Laterallus jamaicensis coturniculus*), California least tern (*Sternula antillarum browni*), and salt-marsh harvest mouse (*Reithrodontomys raviventris*) may not be taken or possessed at any time and no licenses or permits may be issued for their take except as follows:

- Take is for necessary scientific research;
- Efforts to recover a fully protected, endangered, or threatened species, live capture and relocation of a bird species for the protection of livestock; or
- They are a covered species whose conservation and management is provided for in a Natural Community Conservation Plan (Fish & G. Code, §§ 3511, 4700, 5050, & 5515).

Specified types of infrastructure projects may be eligible for an ITP for unavoidable impacts to fully protected species if certain conditions are met (Fish & G. Code §2081.15). Project proponents should consult with CDFW early in the project planning process.

COMMENTS AND RECOMMENDATIONS

COMMENT 1: Riparian Encroachment

Issue: The NOP states that the proposed parking area and associated retaining wall will be located within the riparian corridor where the parcels slopes toward Belmont Creek. Although the NOP does not clarify whether riparian vegetation will be removed, encroaching into the riparian corridor can negatively impact sensitive species that rely on an appropriately sized riparian buffer between development and the stream zone. Encroaching on the riparian zone can lead to deleterious materials, including wastewater discharge and other pollutants, entering the creek.

Because natural stream processes are complex and dynamic, development too close to stream channels can result in threat to property from erosion due to lateral and/or vertical channel adjustments over time. Incorporation of a sufficient riparian buffer into the Project design is necessary to avoid the potential need for stream channel stabilization solutions in the long-term. CDFW discourages use of hardscape material such as cement retaining walls in streams as a result of insufficient riparian buffer setbacks.

Evidence the impact would be significant: Riparian habitats are important to watershed integrity because they perform many ecological functions such as enhancing water quality/quantity, biodiversity, habitat connectivity, and flood capacity. Impacts to riparian habitats have potential to cause a wide range of adverse effects to fish and wildlife resources.

Riparian vegetation improves stream water quality by removing sediment, organic and inorganic nutrients, and toxic materials (Belt and O'Laughlin 1994, Mitsch and Gosselink 2000, USDA 2000, Mayer et al. 2006). Riparian buffers help keep pollutants from entering adjacent waters through a combination of processes including dilution, sequestration by plants and microbes, biodegradation, chemical degradation, volatilization, and entrapment within soil particles. As buffer width increases, the effectiveness of removing pollutants from surface water runoff increases (Castelle et al. 1992). There is substantial evidence showing narrow buffers are considerably less effective in minimizing the effects of adjacent development than wider buffers (Castelle et al. 1992, Dong et al. 1998, Kiffney et al. 2003, Moore et al. 2005).

Riparian trees and vegetation, and associated floodplains provide many essential benefits to stream and river fish habitat (Moyle 2002, CDFG 2007). Riparian forests provide thermal protection, shade, and large woody debris. Large woody debris stabilizes substrate, provides shelter and cover from predators, facilitates pool establishment and maintenance, maintains spawning bed integrity, and creates habitat for aquatic invertebrate prey. Riparian areas also provide critical fish habitat in the form of off-channel and back-water winter-rearing sites and floodwater refugia (CDFG 2007). Few fishes have been more significantly impacted by loss and alteration of habitat than Pacific salmon and anadromous trout (Moyle 2002).

Riparian habitats also contribute to bank stability and provide flood protection. Development which includes increases in impervious surfaces and installation of stormwater systems and storm drain outfalls can modify natural streamflow patterns by increasing the magnitude and frequency of high flow events and storm flows (Hollis 1975, Konrad and Booth 2005). Riparian habitat and adjacent wetlands and floodplains are critical to lessening these impacts because they store and meter floodwaters, recharge groundwater aquifers, trap sediment, filter pollution, help minimize erosion, lessen peak flow velocities, and protect against storm surges (Mitsch and Gosselink 2000, Tockner et al. 2008). In doing so, they protect adjacent upland, down-stream, and coastal properties from loss and damage during flooding and help maintain surface and groundwater during summer months.

In addition to direct habitat loss, development adjacent to a riparian zone has three principal indirect effects: 1) fragmentation of habitat into smaller, non-contiguous areas of less-functional habitat by structures, roads, driveways, yards and associated facilities; 2) the introduction or increased prevalence of exotic species or species that are habitat generalists, termed “human adapted” or “urban exploiters,” and 3) decreases in native species abundance and biodiversity and the loss of “human-sensitive” species that require natural habitats (Davies et al. 2001, Hansen et al. 2005, CDFG 2007).

Recommendation: CDFW recommends that the Project establish and the EIR incorporate a riparian buffer zone and limit development outside of the riparian area. Furthermore, CDFW recommends that the Project incorporate activities to enhance the riparian zone of Belmont Creek and the EIR include a detailed riparian enhancement plan to offset potential Project impacts, a plan which identifies a palette of trees and plants and planting locations along the reach of Belmont Creek adjacent to the property proposed for redevelopment. CDFW is available to coordinate with the City to determine appropriate site-specific buffer riparian buffer to limit impacts to sensitive species, as well as provide suggestions for tree and plants species appropriate for enhancing the riparian zone at Belmont Creek. At a minimum, CDFW recommends a 50-foot riparian buffer as measure from the top of streambank to the nearest Project infrastructure.

ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to prepare subsequent CEQA documents or to make supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (d) & (e)). Accordingly, please report any special-status species and natural communities detected during Project surveys to the CNDDB. The CNDDB field survey form can be filled out and submitted online here: https://wildlife.ca.gov/Data/CNDDB/Submitting-Data. The types of information reported to CNDDB can be found here: https://www.wildlife.ca.gov/Data/CNDDB/Plants-and-Animals.

ENVIRONMENTAL DOCUMENT FILING FEES

CDFW anticipates that the proposed Project, will have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (See: Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089.).

CONCLUSION

CDFW appreciates the opportunity to comment on the NOP in order to assist the City in identifying and mitigating Project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Jason Teichman, Environmental Scientist at (707) 210-5104 or Jason.Teichman@wildlife.ca.gov; or Wesley Stokes, Senior Environmental Scientist, (Supervisory), at (707) 339-6066 or Wesley.Stokes@wildlife.ca.gov.

Sincerely,

DocuSigned by:
Erin Chappell
B77E9A6211EF486...

Erin Chappell
Regional Manager
Bay Delta Region

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2024060880)

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California Department of Transportation

DISTRICT 4
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P.O. BOX 23660, MS–10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

July 26, 2024

SCH #: 2024060880
GTS #: 04-SM-2024-00584
GTS ID: 33127
Co/Rt/Pm: SM/101/9.307

Chris Dacumos, Contract Planner
Good City Company (Consultant to the City of Belmont)
One Twin Pines Lane, Suite 310
Belmont, CA 94002

Re: 1301 Shoreway Project – Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR)

Dear Chris Dacumos:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 1301 Shoreway Project. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the June 2024 NOP.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding
The proposed project would result in the demolition of the existing 148,949 square feet (sq. ft.) medical office building and surface parking lot to develop 542,035 sq. ft. of employment uses through the construction of two buildings to serve as a general office and/or research and technology campus. An associated 9-story, 442,690 sq. ft. parking garage would also be constructed. The development also proposes a series of public outdoor amenities that would be accessible from the slough and adjacent trail along Belmont Creek. The 6.9-acre project site is located adjacent to northbound U.S. Route 101 (U.S. 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 Vehicle

Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (*link*).

If the project meets the screening criteria established in the City's adopted 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 alignment with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR.

Aeronautics
The project site is located approximately one mile from the San Carlos Airport. One of the goals of the Caltrans Aeronautics Program is to assist cities, counties, and Airport Land Use Commissions (ALUC) or their equivalent, to understand and comply with the State Aeronautics Act pursuant to the California Public Utilities Code (PUC), Section 21001 et seq.

The proposed project is in Airport Influence Area B (AIA) and Safety Zone 6 of the San Carlos Airport, established by the San Mateo County ALUC pursuant to Section 21675(c). Therefore, the proposed Project shall adhere to the safety and land use criteria and restrictions defined in the Airport Land Use Compatibility Plan (ALUCP) formed by the ALUC pursuant to the PUC, Sections 21674 and 21676, and may be subject to review authority by the ALUC.

California PUC, Section 21659 prohibits structural hazards near airports. Structures should not be at a height that will result in penetration of the airport imaginary surfaces. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace," a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). For further information or a copy of Form 7460-1, please refer to the FAA website (*link*).

Hydrology
Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

The development will alter the unpaved areas close to U.S. 101 and may impact the existing draining systems at U.S. 101. Please include in the Encroachment Permit application plan views, profiles, cross-sections, details of all drainage facilities, and hydrologic calculations showing conditions before and after development at this location.

Water Quality
On account of the proposed Replaced Impervious Surface (RIS), the New Impervious Surface (NIS) for the project will exceed the 5000 sq. ft. threshold set for a non-highway facility according to the current National Pollutant Discharge Elimination System (NPDES) Statewide Stormwater Permit (*link*). Accordingly, please implement post-construction Treatment Best Management Practices (*link*) as required for Encroachment Permit recipients.

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

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

Additionally, please note the following two Caltrans projects within the vicinity of the project site that may pose a potential construction conflict. For future project coordination, please contact Rommel Pardo, Senior Project Manager of Program Project Management for San Mateo County at Rommel.Pardo@dot.ca.gov.

- *Project 04-0Q070* – modify and enhance the metering system and guardrails for various U.S. 101 on-ramps, including the on-ramps at Whipple Ave and Hillsdale Blvd.

- *Project 04-2J73A* – pavement rehabilitation and upgrade guardrails along U.S. 101 near Cordilleras Creek Bridge.

Lead Agency
As the Lead Agency, the City of Belmont is responsible for all project mitigation, including any needed improvements to the State Transportation Network (STN). The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

Equitable Access
If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These

access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Encroachment Permit

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Luana Chen, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

Yana Garcia
Secretary for
Environmental Protection

Department of Toxic Substances Control

Meredith Williams, Ph.D.
Director
8800 Cal Center Drive
Sacramento, California 95826-3200

Gavin Newsom
Governor

SENT VIA ELECTRONIC MAIL

July 11, 2024

Carlos de Melo

Community Development Director

City of Belmont

1 Twin Pines Lane Suite 310

Belmont, CA 94002

cdemelo@belmont.gov

RE: NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE 1301 SHOREWAY PROJECT DATED JUNE 20, 2024, STATE CLEARINGHOUSE NUMBER 2024060880

Dear Carlos de Melo,

The Department of Toxic Substances Control (DTSC) received a Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the 1301 Shoreway Project (Project). The project applicant is proposing a general office campus and associated parking structure at 1301 Shoreway Road. The proposed Project will include demolition of an existing office building, raising the base flood elevation by 2 feet, and redevelopment with 542,035 square feet of employment uses (e.g. office space), parking garage, and landscape improvements. A series of outdoor amenities open to the public are proposed along the rear of the property, accessible from the trail along Belmont Creek. Two commercial office buildings are proposed; building 1 will be 8 stories and approximately 144 feet in height, building 2 will be 7 stories and approximately 128 feet and a parking structure will be 9 levels. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. If buildings or other structures are to be demolished on any project sites included in the proposed Project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.
2. DTSC recommends that all imported soil and fill material should be tested to ensure any contaminants of concern are within DTSC's and U.S. Environmental Protection Agency Regional Screen Levels for the intended land use. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material meets screening levels outlined in the PEA Guidance Manual for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting DTSC's Human and Ecological Risk Office (HERO) webpage.

DTSC appreciates the opportunity to comment on the NOP of a DEIR for the 1301 Shoreway Project. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or would like any clarification on DTSC's comments, please respond to this letter or via email for additional guidance.

Sincerely,

Tamara Purvis

Tamara Purvis

Associate Environmental Planner

HWMP - Permitting Division – CEQA Unit

Department of Toxic Substances Control

Tamara.Purvis@dtsc.ca.gov

cc: (via email)

Governor’s Office of Planning and

Research State Clearinghouse

State.Clearinghouse@opr.ca.gov

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SIERRA CLUB
LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

City of Belmont Planning Commission
Via email: PlanningComm@belmont.gov

Subject: Comments - 301 Shoreway EIR Scoping – July 16, 2024 Agenda Item 8

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on sustainability and land use issues in San Mateo and Santa Clara Counties. In that role, we have investigated extensively into potential health and environmental impacts associated with life science (biotech lab) facilities. As a result of that, **the Sierra Club requests that the EIR include a detailed analysis of the potential impacts of this proposed biotech development as it relates to both public health impacts as well as environmental impacts.**

Sierra Club is very supportive of the Life Sciences industry and the benefits that it brings to our communities. To educate and raise awareness of the complexities of biohazards and public safety, we have compiled materials for reference of public officials, available at this link: Planning for Life Sciences Development in Bay Area Communities.

A Life Science facility is not your typical office development. It may include offices, but its core is the biotech laboratory which researches a wide array of health issues ranging from the common cold to deadly Coronavirus and Ebola. Therefore, based on the type of research anticipated, they can come with a heightened level of health risk. Life Sciences labs are also one of the more environmentally unsustainable building uses that are being proposed on the Peninsula, entailing intensified water and energy use, waste disposal issues, and animal research concerns.

All Life Sciences labs are required to be rated for their biohazard level. Biosafety levels are standards set for the different levels of contamination, risk, and protective measures needed in laboratories for specific activities. Biosafety levels (BSL) are primarily for the benefit of the workers in laboratories but also raise risk considerations for the general public and the environment. There are 4 biosafety levels; levels 1 and 2 are lower risk and comprise almost all of the biotech research. However, the more esoteric labs researching highly infectious diseases, BSL 3 and 4, involve agents lethal to human life, from Coronavirus and Tuberculosis to Ebola that require very rigorous procedures and specialized high containment buildings.[1]

[1] 98% of biotech research involves BSL 1-2. Only 1 - 2% of all labs worldwide are BSL-3 or 4 labs and there are many more places in the world more suitable for these higher-risk laboratories than in a high population region such as Belmont

Belmont's Safety Element fails to address these new biohazards. San Mateo County Environmental Health staff, similarly report [2] that they have no authority or responsibility for biohazard incidents, except for tracking the Coronavirus. The state hazardous materials data bases, which emergency responders depend upon, do not have a category for these new biological hazards.

Are our emergency responders equipped to address a potential biohazard release resulting from a major earthquake, flooding or power-outage event? Realizing the answer is "NO", cities around Boston, San Carlos and Redwood City have adopted ordinances **banning BSL 3 and 4**. The intent is not to discourage business applicants, but to secure public safety, and to ensure the City and County Emergency Response personnel are aware of and can respond to the presence of approved hazardous materials in buildings in an emergency situation.[3]

Some of the potential environmental impacts of a biotech lab include:

Flooding and Earthquake Liquefaction. This parcel is located adjacent to Belmont Creek and on bay fill, in a high liquefaction zone. The surrounding area has a history of flooding during king-tides, especially when coinciding with storm events, and is subject to earthquake liquefaction. In the event of a fire, flooding, earthquake or any sustained power outage, failure of any one of a number of containment systems could lead to failure of containment systems or release of toxic or deadly pathogens to either the air or water. Any release of toxins adjacent to creeks or lagoons that connect to the bay multiply the public health risk. High-containment labs (BSL3 & 4) and subterranean parking should not be permitted in FEMA flood zones, areas prone to flooding, sea level rise or liquefaction, or in populated urban areas.

Energy Use. Biolabs use 5 - 10 times the amount of energy as other traditional offices in order to operate complex equipment, exhaust and containment systems. Therefore, the added energy use needs to be accounted for in the climate action plan. Unfortunately, they often cannot use rooftop solar panels due to many required tall exhaust systems. Lab research also requires the use of natural gas or other types of tanked flammable gasses, and, if BSL3 or 4 labs are allowed, on-site explosion carries the risk of potential escape of deadly bio-toxins.

Light at night. Lab buildings often operate through the night. Therefore lights are on 24/7. Given the buildings' proximity to Belmont slough, a wildlife habitat area, it is important to shield wildlife from light at night. As mitigation, consider automatic shades that are timed to close after daylight hours so that night foragers are not disturbed in their feeding schedules.

Noise and Odors. Prominent rooftop mechanical equipment critical to required ventilation systems and, if BSL levels are not regulated, to possible hazardous materials containment,

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[2] In an interview with the San Mateo County Office of Environmental Health and the Sierra Club Biosafety working group

[3] 98% of biotech research involves BSL 1-2. Only 1 - 2% of all labs worldwide are BSL-3 or 4 labs and there are many more places in the world more suitable for these higher-risk laboratories than in a high population region such as Belmont

generates noise 24/7 and chemical odors are sometimes generated from extensive lab exhaust systems. Mitigation should include target maximum noise levels.

Water Use. If there are “wet” labs, Biolabs use 4 - 5 times more water than other uses, and cannot use recycled water (except for landscaping). The applicant needs to identify anticipated water usage and the City’s water budget should be analyzed to include this as well as the other approved lab buildings that are already in the pipeline to see whether additional emergency water supply is required. The impact of lab water usage on water rationing for residential communities nearby should also be examined. The Climate Action Plan needs to be adjusted for the added consumption.

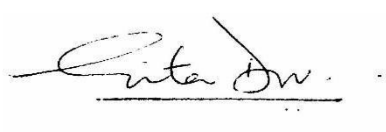
Waste Disposal. Labs generate large amounts of single use plastics that need to be accounted for in the City’s Climate Action Plan (CAP) and waste reduction targets, and also non-recyclable biohazard waste which requires specialized disposal measures and transport on public roads.

Animal Research. Will research animals be allowed on site? If this is allowed, Emergency Response teams need to be educated in developing safe emergency procedures for the health and safety of the animals under a disaster scenario.

We therefore recommend that the EIR analysis include, <u>as the preferred option</u>, a plan that would prohibit the inclusion of any BSL-3 or 4 research and/or manufacturing activity in this proposed development and include strong mitigations for sustainability items listed as well as the handling, monitoring and transportation of hazardous waste, especially under disaster conditions.

It is essential that cities examine the potential environmental impacts of biotech labs on the city's public health and safety, environmental sustainability and on its carbon action plan (CAP).

Respectfully submitted,



Gita Dev, FAIA
Chair, Conservation Committee and
Sustainable Land Use Committee
Sierra Club Loma Prieta Chapter

Cc: James Eggers, Executive Director, Sierra Club Loma Prieta Chapter

Jennifer Hetterly, Bay Alive Campaign, Sierra Club Loma Prieta

NATIVE AMERICAN HERITAGE COMMISSION

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

June 20, 2024

Chris Dacumos
City of Belmont
One Twin Pines Lane
Suite 310
Belmont CA 94002

Re: 2024060880, 1301 Shoreway Project, San Mateo County

Dear Mr. Dacumos:

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.

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)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

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 (https://ohp.parks.ca.gov/?page_id=30331) 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: Cody.Campagne@NAHC.ca.gov.

Sincerely,

Cody Campagne

Cody Campagne
Cultural Resources Analyst

cc: State Clearinghouse

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Via Email

June 27, 2024

Chris Dacumos, Contract Planner
Community Development Department
City of Belmont
One Twin Pines Lane, Suite 310
Belmont, CA 94002
cdacumos@goodcityco.com

Jozi Plut, City Clerk
City Clerk's Office
City of Belmont
One Twin Pines Lane, Suite 340
Belmont, CA 94002
cclerk@belmont.gov

Re: CEQA and Land Use Notice Request for the Project known as the 1301 Shoreway Road Project

Dear Mr. Dacumos and Clerk Plut:

I am writing on behalf of the Laborers International Union of North America, Local Union 261 and its members living in the City of Belmont ("LiUNA"), regarding the project known as the 1301 Shoreway Road Project, including all actions related or referring to the proposed development of approximately 542,035 square feet of office development in two buildings, with Building 1 proposed at 8 stories (145 feet) and Building 2 proposed at 7 stories (131 feet), and approximately 1,626 parking spaces to be provided in a nine-level parking garage along with surface parking, located east of US Highway 101 at 1301 Shoreway Road at the northeast intersection of Shoreway Road and Sem Lane, Assessor Parcel Number 040-371-110, in the City of Belmont ("Project").

We hereby request that City of Belmont ("City") send by electronic mail, if possible or U.S. Mail to our firm at the address below notice of any and all actions or hearings related to activities undertaken, authorized, approved, permitted, licensed, or certified by the City and any of its subdivisions, and/or supported, in whole or in part, through contracts, grants, subsidies, loans or other forms of assistance from the City, including, but not limited to the following:

- Notice of any public hearing in connection with the project as required by California Planning and Zoning Law pursuant to Government Code Section 65091.
- Any and all notices prepared pursuant to the California Environmental Quality Act ("CEQA"), including, but not limited to:
    - Notices of any public hearing held pursuant to CEQA.
    - Notices of determination that an Environmental Impact Report ("EIR") or supplemental EIR is required for the project, prepared pursuant to Public Resources Code Section 21080.4.
    - Notices of any scoping meeting held pursuant to Public Resources Code Section 21083.9.

- Notices of preparation of an EIR or a negative declaration for the project, prepared pursuant to Public Resources Code Section 21092.
- Notices of availability of an EIR or a negative declaration for the project, prepared pursuant to Public Resources Code Section 21152 and Section 15087 of Title 14 of the California Code of Regulations.
- Notices of approval and/or determination to carry out the project, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of approval or certification of any EIR or negative declaration, prepared pursuant to Public Resources Code Section 21152 or any other provision of law.
- Notices of determination that the project is exempt from CEQA, prepared pursuant to Public Resources Code section 21152 or any other provision of law.
- Notice of any Final EIR prepared pursuant to CEQA.
- Notice of determination, prepared pursuant to Public Resources Code Section 21108 or Section 21152.

Please note that we are requesting notices of CEQA actions and notices of any public hearings to be held under any provision of Title 7 of the California Government Code governing California Planning and Zoning Law. **This request is filed pursuant to Public Resources Code Sections 21092.2 and 21167(f), and Government Code Section 65092**, which requires agencies to mail such notices to any person who has filed a written request for them with the clerk of the agency's governing body.

Please send notice by electronic mail, if possible or U.S. Mail to:

Michael Lozeau
Juliana Lopez
Lozeau Drury LLP
1939 Harrison Street, Ste 150
Oakland, CA 94612
510 836-4200
michael@lozeaudrury.com
juliana@lozeaudrury.com

Please call if you have any questions. Thank you for your attention to this matter.

Sincerely,

Juliana Lopez

Juliana Lopez
Legal Assistant
Lozeau | Drury LLP

From: Rona Gundrum <ronagundrum@yahoo.com>
Sent: Tuesday, July 16, 2024 4:45 PM
To: Planning Comm <PlanningComm@belmont.gov>
Subject: Item 8A - 1301 Shoreway project

Dear Commissioners,

For the past four years I have been compiling a spreadsheet that illustrates life science projects, either currently in development or in the immediate pipeline, along Hwy 101 from Redwood City to South San Francisco; the latest tally equaling @ 32 million square feet.

LIFE SCIENCE DEVELOPMENTS: With over 32 million square feet of life science and R&D space planned in this limited area of focus in San Mateo County, and given the amount of available space on the market, comprised of both newly-built buildings and buildings being vacated such as 530,000 sq ft of currently available life science space in the immediate vicinity of Redwood Shores along Skyway, Shoreway, Industrial and Harbor, one has to question the need for a 6.9 acre, 985,000 sq. ft. development with 112-128' tall buildings.

To further this point, just yesterday (7/15/24), the industry publication "The Registry" reported "Peninsula office market vacancy rates continue to climb, reaching a concerning 22.9%, reflecting ongoing reassessments of office needs… further compounded by the delivery of new office buildings adding to an already oversupplied inventory." "The near-term outlooks for the Peninsula office market appears challenging. Limited demand and increasing vacancy rates are expected to exert further pressure on pricing and property values."

Interestingly, the photo leading into the article showed one of the newly remodeled office/life science buildings on the Redwood Shores lagoon.

LAYOFFS: There are reports of more and more biotech layoffs everyday. Daily Journal 1/16/24: "New highs for San Mateo County biotech layoffs". Life science job losses in the county reach highest levels in nearly a decade. Last year's layoffs were more than triple from the previous year. On 5/13/24 they reported "Biotech sees more job cuts" with several major local firms reducing workforces and facilities and about 30% of all layoffs, or @ 2,260 of job cuts, in 2023 came from life science firms. And, experts "expect more of the same in the next few months as companies continue to battle economic headwinds."

IMPACTS OF THE SHOREWAY PROJECT ON THE COMMUNITY: Belmont and Redwood Shores share the Ralston Hwy 101 exits/entrances, and as such, the additional traffic this project will bring will significantly impact both communities, creating hazardous situations particularly for Redwood Shores as there are only two main routes into and out of the Shores.

Traffic to this development will also come from the south via the Holly Street exit. Traversing the Holly Street exit into the Shores to access the Shoreway frontage road requires cutting across several lanes of the roadway with vehicles traveling east from Holly Street at high rates of speed - an extremely hazardous situation! Try it for yourselves!

The size and scope of this project will also profoundly alter the visual landscape, towering over adjacent commercial properties and blocking views of the hills to the west.

Per the industry publication The Registry, premium, well-appointed office spaces are in demand. *"Premium, well-appointed" newly built or remodeled, does not have to mean massive, hundred plus feet tall buildings.*

In Dec. 2023, The Registry stated that "the life science industry is aware that projects that have been approved might not necessarily ever be completed". Given the uncertainty in the industry and the negative ramifications of this development on the Belmont and Redwood Shores communities, I urge the Commission to reconsider the size and scope of the Shoreway project.

Respectfully,

Rona Gundrum
36 year Redwood Shores resident

From: tomercer@comcast.net <tomercer@comcast.net>
Sent: Thursday, July 25, 2024 11:16 AM
To: cdacumos@goodcity.com
Cc: Carlos de Melo <cdemelo@belmont.gov>
Subject: 1301 Shoreway Project EIR - Scoping comments

City of Belmont, Community Development Department

Attention Contract Planner, Chris Dacumos via email: cdacumos@goodcity.com

CC Planning Director, Carlos DeMelo cdemelo@belmont.gov

Subject: 1301 Shoreway Project EIR

As an impacted resident of Belmont, I respectfully request that the scope and specific detail of the EIR for this project address the following concerns:

- **Aesthetics:** The proposed façade features a high percentage of highly reflective materials aligned largely in a uniformly-facing plane. Evaluate the degree of *reflective glare* radiating from these surfaces and the safety impacts on surrounding properties, pedestrians on the bay trail, wildlife in the adjacent creek and wetlands, and motorists on Shoreway and Highway 101.

  The plan provides for a mere 5 feet landscaping buffer along Shoreway and Sem Lane, which is grossly inadequate to include living infrastructure (trees). Evaluate the actual viability of landscaping (e.g. adequate space for tall crowning trees) adequate to mitigate heat, glare, sound and light impacts of these significantly taller and bulkier buildings.

  Health professionals increasingly highlight the importance of dark skies at night for public health. Evaluate the total nighttime light emissions (including windows, signage, parking, and aesthetic) compared to the current use. Require implementation light-reduction techniques.

- **Biological Resources:** the population of North American birds has dropped *nearly 30% since 1970 and window strikes is a notable cause.* The site is adjacent to Belmont Slough, home to a large population of native and migratory birds. Evaluate the potential for bird strikes; require use of bird-safe windows and eliminate unnecessary interior lighting.

  Added building bulk requires added setback and living green infrastructure to buffer reflective glare, heat, noise and nighttime light impacts to wildlife and humans alike. Evaluate the reflective, glare, heat-island and noise effect on the adjacent bay trail and waterway with regard to both humans and wildlife.

See also Hazards and Hazardous Materials.

• **Energy Use and Conservation:** Biolabs use 5-10 times the amount of energy as other office uses to operate complex exhaust and containment systems Unfortunately, they often cannot use rooftop solar panels due to many required tall exhaust systems. Evaluate energy use (electric and gas) compared to the existing use, and in context of Belmont's Climate Action Plan.

The plan provides for a mere 5 feet landscaping buffer along Shoreway and Sem Lane, which is grossly inadequate to include living infrastructure (trees). Evaluate the adequacy of the site's living urban forest infrastructure in context of mitigation for the increased heat-island and GHG impacts of the greatly increased development.

• **Geology and Soils:** Since this parcel is located on historic bay fill, evaluate the risk of earthquake liquefaction, and the potential risk to building foundations, utilities and site access in the event of a major earthquake (now overdue in geological terms).

• **Greenhouse Gas Emissions:** The three-fold increase in square footage entails significant increase in jobs and site traffic. Added jobs and added vehicle trips increases greenhouse gas emissions What is the net increase in daily trips compared to the existing site use. Evaluate the net GHG increase due to both vehicle trips and on-site energy use in context of Belmont's Climate Action Plan.

• **Hazards and Hazardous Materials:** In the event of a fire, flooding, earthquake or any sustained power outage, failure of any one of a number of biological containment systems could lead to release of toxic or deadly pathogens to either the air or water. Evaluate the risk of failure of any biological containment system on wildlife and public safety.

Evaluate any use of live-animals in research, and the provision of facilities, systems for care and handling, disposal, and safety procedures in the event of fire, prolonged power outage or natural disaster.

Bio research generates large quantities of unrecyclable and potentially hazardous waste requiring specialized storage, handling, treatment and disposal. Evaluate the adequacy of on-site containment and disposal systems as well as any risks associated with transport of these hazardous waste.

Lab research also requires the use of natural gas or other types of tanked flammable gases. Evaluate the associated risks in the event of fire or natural disaster, including risk of release of deadly toxins in event of an explosion.

Evaluate the ability of local emergency agencies to respond to and effectively control a potential hazardous biological release, both from an isolated fire or power-outage and from a regional natural disaster such as a major earthquake.

• **Hydrology and Water Quality:** Since the parcel is located adjacent to Belmont Creek which has a history of flooding during king-tides, especially coinciding with storm events, evaluate the risk on site flooding, and the impact of site-runoff on water quality of adjacent creeks.

Evaluate the risk of release of biological toxins in the event flooding causes a long-term power outage or impaired site access. Evaluate the potential spread of such toxins into nearby waterways and subsequently the bay, the distance/range such toxins could spread to threaten public health, and the ability of local emergency agencies to control the spread.

• **Land Use, Population and Housing:** The three-fold increase in square footage entails significant increase in jobs. What is the net increase in jobs for the site? What is Belmont's capacity to increase housing stock to meet RHNA standards given this increase in jobs and needed housing (where will these workers live?).

• **Noise and Vibration:** Bio-labs require prominent rooftop mechanical equipment to operate ventilation systems essential for specialized biological containment systems and prevention of chemical odors. Evaluate the noise impacts of mechanical systems on adjacent properties and the wildlife of Belmont Creek and slough.

• **Public Services and Recreation:** Belmont is already underserved in park space, and this project adds jobs and thus residents to Belmont. Evaluate the increased park deficiency in light of added residents, and the degree to which park mitigation fees actually reduce this deficiency.

• **Transportation and Circulation:** Given the added jobs, evaluate the number *and timing* of daily vehicle trips and potential traffic impacts to surrounding intersections, Hwy 101 and Ralston (already at critical mass) compared to the existing site use.

Additionally evaluate the cumulative impact of this project traffic <u>in combination with</u> other pending development projects in East Belmont and on Shoreway Rd. Evaluate the net GHG in context of Belmont's climate action plan.

• **Utilities and Service Systems:** Where there are wet labs, Biolabs use 4-5 times more water than other uses, and cannot use recycled water (except for landscaping). Evaluate the increased water needs over that of the existing use, and the demand impact on the local water supply *in total*, and in context of Belmont's Climate Action Plan.

Labs generate large amounts of single use plastics and non-recyclable biohazard waste which requires specialized disposal measures and in some instances transport on public roads. Evaluate the anticipated non-recyclable and bio-hazard waste volume related to capacity of local disposal facilities, and in context of Belmont's Climate Action Plan.

Please respond with email confirmation of receipt of this request.

Respectfully submitted,

Kristin Mercer

Belmont resident

SIERRA CLUB
LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

City of Belmont, Community Development Department
One Twin Pines Lane, Suite 310
Belmont, CA 94002
Attention Contract Planner, Chris Dacumos
Via email: cdacumos@goodcity.com

Subject: 1301 Shoreway Project EIR - Scoping comments

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee (SLU) advocates on sustainability and land use issues in San Mateo and Santa Clara Counties. In that role, we respectfully request inclusion of the following issues in the scope of the EIR for the project at 1301 Shoreway, Belmont. Life Sciences labs are one of the more unsustainable uses on the peninsula.[1] Given that the City has a Climate Action Plan with measurable goals, mitigation of the environmental impacts takes on greater urgency.

Aesthetics

BSL-4 labs at University of Texas at Galveston

Tall exhaust stacks on rooftops are required for the fume hoods of all levels of biolabs. In addition, if BSL3 and BSL4 labs are included, they require advanced mechanical systems to maintain negative air pressure to contain and safely exhaust highly infectious, often lethal airborne pathogens.

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[1] **Connections between laboratory research and climate change: what scientists and policy makers can do to reduce environmental impacts,** The Scientists Forum
"... In 2015, the global pharmaceutical industry had a carbon emission intensity 55% higher than the automotive industry
… Given the immense environmental impact of scientific research, a dramatic shift in how research is conducted and supported is necessary to help combat the global climate crisis … While voluntary programs and individual laboratory initiatives can have significant effects, even greater lasting impact could be achieved through institutional, corporate, and government-level policy changes that incentivize and even require sustainability in laboratory environments.

Exhaust vents similar to Albany Medical Center are currently being installed at the Biotech lab building at 1091 Industrial Road, San Carlos.

This equipment can be required to be screened. However, codes may have several restrictions on obstructions, such as screens, for the high velocity exhausts required.[2] [3]

Evaluate what is needed to make sure that unsightly stacks on the rooftop are completely screened from view.

Air Quality

Exhaust emissions from Biosafety Level (BSL) laboratories can be highly toxic and/or noxious, posing significant health risks ranging from mild irritation to severe illness. BSL-3 "high containment" laboratories rely on advanced mechanical systems to contain and safely exhaust highly infectious, often lethal airborne pathogens. However, these systems are not always fail-safe and are vulnerable to mechanical failure and human error. [4] [5]

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[2] American Laboratory: These shortcomings can be added to a relatively new concern in many locations, that is, the sight of tall exhaust stacks on a building's roof, which usually imparts negative connotations in a community, in other words, another neighborhood polluter.

[3] Rooftop Exhaust Fans: Environmental considerations,

Tall exhaust stacks …Another consideration when retrofitting or designing new roof exhaust systems includes the aesthetics of stack height. The lowest possible profile not only eliminates the smoke stack look and negative connotations perceived by many people, but may also help conformance to applicable ordinances

[4] American Laboratory: Exhaust discharges from BSL laboratories may be highly toxic (or noxious) or both. Their danger to people covers a broad spectrum, which may be mildly annoying to seriously unhealthy. Also, government agencies are continually setting more stringent standards, with allowable exposure limits dropping lower and lower. Obviously there is no room for tolerance with regard to possible contamination from some agents that are exhausted at BSL Level 3 and 4 facilities. In many cases, even if the fumes are not toxic, public tolerance for odiferous discharges has decreased sharply in recent years.

[5] Rooftop Exhaust Fans: Environmental considerations, Exhaust re-entrainment can also be affected by building location, with regard to adjacent buildings, as well as prevailing wind and weather conditions. As a result, for both renovations and new construction, wind studies have become important with regard to IAQ, since harmful exhaust gasses must not be allowed to re-enter a building or adjacent buildings.

Evaluate impact on air quality.

Biological Resources

The site is adjacent to Belmont Slough, which supports a substantial population of native and migratory birds. The North American avian population has declined by nearly 30% since 1970, with window collisions being a notable contributing factor. It is critical to evaluate the potential for avian collisions and mandate the use of bird-safe windows while reducing unnecessary interior lighting. Increased building mass necessitates additional setbacks and green infrastructure to mitigate glare, heat, and noise impacts on wildlife and humans. The reflective, heat-island, and noise effects on the adjacent bay trail and waterway must be assessed for their impact on both humans and wildlife.

Evaluate how effectively the project is preventing bird strikes, and whether bird-safe and whether bird-friendly design elements are going to be effective in this habitat-adjacent location.

Energy Use and Conservation

Biolabs consume 5 to 10 times more energy than typical office spaces due to their complex exhaust and containment systems, an impact that may be magnified tenfold for clean rooms and other specialized facilities.[6] Rooftop solar panels are often not feasible due to the numerous tall exhaust stacks required. It is essential to evaluate the energy consumption (electricity and gas) relative to current usage and within the framework of Belmont's Climate Action Plan. *Evaluate the energy conserving measures of the project for meeting Climate Action Plan goals[7].*

Geology and Soils

The parcel, situated on bay fill, in a High Liquefaction zone. This presents earthquake-induced liquefaction risk and the potential threat to building foundations, utilities, and site access in the event of a major earthquake.

Evaluate the potential for loss of utilities and services due to seismic events potentially combined with soil liquefaction resulting in loss of soil integrity.

Greenhouse Gas Emissions

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[6] Laboratories for the 21st century Unfortunately, a laboratory is also a prodigious consumer of natural resources. For example, laboratories typically consume 5 to 10 times more energy per square foot than do office buildings. And some specialty laboratories, such as clean rooms and labs with large process loads, can consume as much as 100 times the energy of a similarly sized institutional or commercial structure.

[7] The goal should be that R&D projects shall submit a zero-waste management plan to the city, with monitoring requirements, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations.

The proposed tripling of square footage will result in a significant increase in the number of jobs and site traffic, leading to higher greenhouse gas emissions. Given this, we need to evaluate the net increase in daily vehicle trips compared to current site usage and assess the overall greenhouse gas emissions from vehicle traffic and deliveries. It is also necessary to evaluate on-site energy consumption within the context of Belmont's Climate Action Plan.

Evaluate the GHG impact of traffic and equipment emissions from labs and the mitigations required to achieve Climate Action Plan goals. What form of emergency generators will be used for the mandatory emergency power supply and what is its GHG contribution?

Hazards and Hazardous Materials

Evaluate the following items:

1. *In the event of fire, flooding, earthquake, or prolonged power outage, failure of biological containment systems could release toxic or lethal pathogens into the air or water. The risk of containment system failure and its impact on wildlife and public safety must be thoroughly evaluated.*
2. *Also include the use of live animals in research and the provision for their care, handling, disposal, and, in particular, procedures for their health and safety during emergencies.*
3. *Biolabs generate significant quantities of single use plastics, non-recyclable and potentially hazardous waste, requiring proper storage, handling, treatment, and disposal. Laboratory plastics account for about 5.5 million tons of waste per year. These can include anything from packaging to syringes to beakers, and they have supplanted many other materials that we used to reuse – sometimes for good reason. Labs are under pressure to decrease their waste because the reality of increasing plastics pollution outweighs their convenience.*[8]
4. *The adequacy of on-site containment and disposal systems, as well as the risks associated with transporting hazardous waste, must be assessed.*
5. *The use of natural gas or other flammable gasses in laboratory research necessitates evaluating associated risks during fires or natural disasters, including the potential release of toxins in explosions.*

Additionally, the capacity of local emergency agencies to manage hazardous biological releases, unlike the normal hospital biological waste, must be assessed.

Hydrology and Water Quality

The parcel is adjacent to Belmont Creek, which has a history of flooding during king tides, particularly during storm events such as early 2023.

There is a risk of on-site flooding. The potential release of biological toxins and potentially deadly impacts on research animals during a flood-induced power outage or impaired site

[8] Single Use Plastics in the Lab, *Climate and Pharma*, September 2020

access must also be assessed, including the spread of toxins into nearby waterways and the bay, their threat to public health, and the ability of local emergency agencies to control exposure.

Evaluate its impact on the water quality of adjacent creeks, and wildlife habitat on Belmont Creek given the above concerns.

Land Use, Population, and Housing

The proposed tripling of square footage will result in a significant increase in employment. It is necessary to determine the net increase in jobs and assess Belmont's capacity to expand housing stock, including the cumulative impact of other commercial projects in the pipeline, considering the rise in employment and subsequent housing demand.

Evaluate the jobs to housing impacts and impact on Belmont RHNA. Also analyze the jobs to housing "fit".

Noise and Vibration

Biolabs require prominent rooftop mechanical equipment for ventilation systems essential for biological containment and odor prevention. These powerful air handling and exhaust systems are much noisier than conventional office equipment. Some of the exhaust stacks for BSL-3 labs can be 30' tall. Noise attenuation is required to meet noise standards.

The noise impact of these mechanical systems on adjacent properties and the wildlife of Belmont Creek and Slough must be thoroughly evaluated and appropriate mitigation proposed.

Transportation and Circulation

The increase in employment necessitates evaluating the number and timing of daily vehicle trips and their impact on surrounding intersections, Highway 101, and Ralston Avenue, which are already heavily congested. What is the proposed Transportation Demand Management plan?

Evaluate the cumulative impact of project traffic combined with other pending developments in East Belmont and on Shoreway Road. The net increase in greenhouse gasses should also be evaluated within the context of Belmont's Climate Action Plan.

Utilities and Service Systems

Biolabs with wet laboratories consume 4 to 5 times more water than other uses and cannot utilize recycled water (except for landscaping). The increased water demand compared to current usage and the impact on the local water supply must be evaluated, considering other approved projects as well. It is essential to determine whether the project will have a water budget and how laboratories will be held accountable for their water usage. The impact on emergency water supplies must also be assessed. Labs generate significant amounts of single-use plastics and non-recyclable biohazard waste, requiring specialized disposal and transportation. The anticipated volume of non-recyclable and biohazard waste must be assessed concerning the capacity of local disposal facilities and within the context of Belmont's Climate Action Plan. A zero waste management plan, including monitoring requirements, should be provided to the City, detailing how the applicant plans to minimize waste to landfill and incineration per applicable regulations

Therefore

1. *Will R&D labs have a water budget? How will R&D labs be kept accountable for their water usage?*
2. *Should there be a total maximum allowable square footage for biolabs in the DSPU to calculate water requirements?*
3. *How will the water requirements for the project affect the emergency water supply available?*
4. *Will there be a policy that lab water needs will not preempt City residential water needs in drought water rationing? If labs cannot function without water supply, how will the project ensure that residents will not experience water rationing, before labs do, during water shortage periods?*
5. *With water shortages anticipated, the projected water needs of the Life Sciences lab buildings should be carefully evaluated to ensure that water supply will be adequate.*

We therefore recommend that the EIR analysis include as the preferred option, a plan that would prohibit the inclusion of any BSL-3 research and/or manufacturing activity in this proposed development, especially so close to the slough that connects to rich habitat and the Bay itself, and include strong mitigations for the handling and monitoring of hazardous waste in disaster conditions.

It is essential that cities examine the potential environmental impacts of biotech labs on the City's public health and safety, environmental sustainability and on its Climate Action Plan (CAP).

Respectfully submitted,

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Sustainable Land Use Committee, Chair
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