



Memorandum

TO: Planning Application File Number PA-2021-081

CC: Manira Sandhir, Planning Manager

FROM: Rendell Bustos, Senior Planner

DATE: February 2, 2023

RE: 435 E. 3rd Ave. (PA-2021-081) – Response to IS/MND Comments

This memo is prepared in response to public comments provided by Laurie Hietter, Laurie Watanuki, and Daniel Shefer on October 27, 2022 regarding the 435 E. 3rd Avenue Initial Study and Mitigated Negative Declaration (IS/MND) circulated between October 7, 2022 to October 27, 2022. Questions from different commentors that raised the same concerns were combined in lieu of providing duplicative responses. Responses were prepared with input from the Planning Division, Public Works, and the City's environmental consultant for this project, David J. Powers & Associates.

- 1. The IS/MND uses best-case or inappropriate assumptions for many analyses, making the IS/MND inadequate. These analyses should be redone and the IS/MND recirculated.**

The comment does not identify specific instances in which a “bast case” or “inappropriate” assumption was used. Therefore, no further response is required.

- 2. 20 days is not adequate for citizens to review and digest the over 500 pages of IS/MND and technical reports. Please extend the comment period.**

Unless review by a State agency is required, a 20-day review period is allowed under CEQA. A 20-day public review period is standard and was used for this project as it does not involve a State responsible or trustee agency. In addition, since the public hearing was pushed to January or later, at the applicants' request, additional time was available for general public review and comment on the project, including on the environmental analysis.

- 3. There are many complicated mitigation measures. The Mitigation Monitoring and Reporting (MMRP) Plan should be provided with the IS/MND to ensure there will be adequate monitoring and reporting.**

All mitigation measures within the IS/MND are incorporated as Conditions of Approval. The MMRP will also be incorporated into the draft Resolution for Planning Commission consideration and will be available for review with the agenda report.

- 4. There is only 1 BMR within the 5 units and the major portion is more office space which further exacerbates the jobs/housing imbalance. We have maxed out on office space in the Downtown and we need to address the RHNA numbers.**

The project is not needed. There is over 700,000 sq. ft. of office space approved or planned downtown and San Mateo has a jobs/housing imbalance.

The project will exacerbate the jobs/housing imbalance and should not be approved.

The City of San Mateo needs more residential units, not more office space.

These comments are not related to the project's environmental effects. Provision of one BMR unit with a total of five units (20%) is permissible in the City's BMR Inclusionary Program. In addition, the City's General Plan or Downtown Area Plan does not identify a cap on office development or require addressing jobs and housing issues at the project level. The City has to conduct environmental review for the project that is proposed by the applicant.

- 5. The architecture is still very modern and the interior lighting at night from this office building may impact the surrounding residential developments. There is also an older single family home next door 50 feet away to the north. The building design needs to blend better with the historic building at 273 Railroad Avenue, and the Takahashi family home. The building could be stepped back at the second level and the mass can be reduced so it fits into the smaller footprint.**

The project underwent design review with City staff and the Planning Commission at a November 2021 Study Session. Revisions by the architect were made during the project review and after the Study Session, including revisions to the exterior lighting design. Further, as noted in the Aesthetics section of the IS/MND, the aesthetics impacts of certain infill projects near transit, such as the subject project, are deemed less than significant by statute (i.e. SB 743). Lastly, the project's impacts on the historic significance of 273 South Railroad Avenue were analyzed and discussed in Section 4.5 of the IS/MND, and found to be less than significant.

- 6. The Logistics Plan and Traffic Control Plan should be analyzed as part of the project. The traffic management during construction is very important because of the traffic backups from the Caltrain at-grade crossing delays. The IS/MND is deficient due to this omission.**

The City typically receives and reviews the Logistics and Traffic Control Plan in the building permit phase that would account for features such as the Caltrain at-grade crossing. This project is consistent with recent developments in the area and there are no project or setting elements that suggest there would be an impact associated with the Logistics and Traffic Control Plan. As noted in section 4.9.2 of the IS/MND, no roadways would be blocked such that emergency vehicle access would be blocked during construction. Further, the Logistics and Traffic Control Plan, which would be reviewed by the City's traffic engineers, would ensure the roadway

network is not significantly affected. Lastly, Appendix I concludes that the project will not result in level of service (LOS) impacts at any of the study-intersections, including E. 3rd Ave./S. Railroad Ave. immediately east of the Caltrain crossing.

- 7. The number of employees is undercounted because 300 square feet per employee is used in impact analysis calculations. A more realistic and conservative number is 150 square feet per employee. This more realistic allocation would result in 224 employees, which is more than double what is analyzed in the IS/MND. The air quality, noise, traffic, and public services sections must be reanalyzed using the more realistic, or a worst-case scenario (100 square feet per employee). The IS/MND is deficient because it is based on an inaccurate assumption with no reference.**

The jobs per 1,000 sq. ft. number used for the project is consistent with what was used in the City's General Plan. While the project may be occupied by a variety of uses and tenants over the project's economic lifespan, some with higher and some with lower occupancy per sq. ft., the employee ratio used in the IS/MND is considered to be reflective of typical office use occupancy, and has been used by the City since adoption of the General Plan. The analysis in the IS/MND is based on the building square footage and not an assumed employee count, given the employee count is expected to fluctuate over the course of building's economic lifespan. The analysis takes into account the number of trips, the emissions generated, the electricity used, the water consumed, etc. based on established rates per square foot for an office use.

Further, the number of employees was based off of 33,529 square feet, which was the combined square footage of all office levels and did not exclude areas that would not contribute to employee generation (i.e., bathrooms, stairwells, mechanical equipment, etc.). Therefore, the number of employees may actually be less than what was estimated in the IS/MND.

- 8. The proposed project would result in a cumulative significant impact on the nearby and downtown historic resources. An EIR should be prepared to address the significant cumulative impacts on the downtown context.**

The comment provides no substantial evidence for the statement that the project would contribute to or result in a cumulative impact to historic resources. As described in the IS/MND, the site does not contain historic resources and the nearest historic resources are located at 273 South Railroad Avenue (located on the parcel southwest and adjacent to the project site) and at 415 South Claremont Street (located approximately 600 feet southeast of the project site). The project would not directly affect either of these nearby historic resources, and would only indirectly contribute to alteration of their existing setting, which has already been substantially altered by prior developments.

Additionally, the IS/MND discloses that the Downtown Historic District is located 330 feet southwest of the project site. The project does not propose to alter or remove any buildings located within or adjacent to the Downtown Historic District. Views between the project site and Downtown Historic District are partially or completely obscured due to intervening development, much of which is of modern, conventional design. Therefore, the project would not have a substantial direct or indirect adverse effect on the setting or context of the Downtown Historic District. The IS/MND concluded that the project would not have a cumulatively significant impact on cultural resources, since it would only affect the setting of any historic resources in the

cumulative area of effect, which has already been compromised by the vast amount of modern conventional development in the area. The site is already developed with non-historic buildings and the baseline would be fundamentally unchanged under project conditions. Refer to the discussion in Section 4.5 under Impact CUL-1. An EIR is not required for this project since it would not result in any significant historic impacts after mitigation, nor would it have a cumulatively considerable contribution to a significant cumulative impact, as demonstrated by the historic report prepared for the project.

9. The proposed project will cause a significant cumulative impact on traffic, shade, and wind in the downtown area.

The project's traffic impacts are fully evaluated in the IS/MND based on a Transportation Impact Analysis (TIA, refer to Appendix I) prepared according to the guidelines and requirements of the City, the congestion management agency (San Mateo County C/CAG), and CEQA, and the transportation analysis, based on VMT, does not indicate that the project would contribute to cumulative traffic impacts. Effects on shade are not considered impacts under CEQA unless the shading caused by a project would affect biological resources (e.g. excessively shading habitat), cultural resources (e.g. shading stained glass windows in an historic church), or energy production (e.g. shading on solar panels). While substantially tall buildings can cause the acceleration of wind at or near ground level, the City has no thresholds pertaining to wind and the project, at 55 feet in height, is anticipated to have no discernable effect on wind.

10. The project will add to the cumulative lack of adequate parkland.

The project's impact on parks and recreational facilities was evaluated in Sections 4.15 and 4.16 of the IS/MND, and found to be less than significant. The project would not remove any parkland, and the project would pay in-lieu fees established in the Municipal Code, consistent with the Quimby Act, which would be used to improve park and recreational facilities. Further, the project's service population, which is predominantly office employees with a smaller residential component of five units, was not projected to substantially increase the use of park and recreational facilities.

11. Please specify if the conditions of approval are considered mitigation measures that will mitigate impacts to less than significant levels.

The Conditions of Approval reflect federal, state, and local laws, regulations, standard conditions, etc. that would be applicable to the project and are considered part of any approval action on the project. Collectively, these Conditions ensure consistency with state and local requirements and further serve to avoid, reduce, or compensate for identified project impacts so that project impacts are less than significant. Additionally, the draft mitigation measures proposed in the IS/MND for circumstances where standard Conditions of Approval do not exist to address a particular issue, will themselves become conditions of approval, should the project be approved.

12. The cumulative noise and vibration analysis did not consider all buildings that may be constructed at the same time, such as 180 E. 3rd Ave. and Draeger's, which could be under construction at the same time as the proposed project. The grade separations could also be constructed in a similar timeframe. The analysis should not be best case but should be redone.

Construction noise reduces substantially beyond 500 feet, and neither 180 E. 3rd Ave nor the Draeger's project at 222 E. 4th Ave are within 500 feet of the project at 435 E. 3rd Ave. Construction of all future projects at the exact same time is a worst-case scenario and is not expected. Vibration impacts are not additive unless multiple pieces of equipment are operating simultaneously within a few feet of each other. Therefore, combined construction noise and vibration issues are not expected, given the other sites noted in the comment are beyond 500 feet of the project site, which is where the localized construction noise and vibration impacts of the project would be experienced.

PROJECT DESCRIPTION

- 13. The description of parking references the Kiku Crossing City garage. The parking for that building has already been committed to the projects at 3rd and El Camino Real (which have no parking) and Kiku Crossing (Kiku and the garage removed surface parking).**

The in-lieu parking fee is essentially deferred mitigation because addition parking will need to be constructed. The IS/MND is inadequate.

Why are we allowing the developer to rely on public parking? They're assuming that the parking lot on 360 Main has 70 extra, unoccupied parking spots just waiting for the employees and residents of this building. Why would the city allow them to "dump" they're parking needs on the public in exchange for a ransom? No amount of money can create more parking spots out of thin air. These need to be built.

Parking is not an impact under CEQA (i.e. parking stalls are not environmental resources), therefore it is not analyzed as an environmental resource issue under CEQA. In addition, AB 2097 became effective in January of 2023 and prohibits the City from imposing parking requirements, or collecting a parking in-lieu fee for projects near transit stations. Parking district in-lieu fees collected by the City over the years, including from the 3rd/El Camino projects went toward the creation of new public parking spaces, including the Fifth Avenue/Kiku Crossing Parking Garage. The public parking spaces at this garage are not allocated, specifically to this project. However, the project includes Transportation Demand Management measures that encourage transit use, walkability, and biking that collectively would result in 26.5% trip reductions. There is also sufficient capacity for any remaining vehicular trips and resulting parking needs to be accommodated within long-term public parking.

AESTHETICS

- 14. The IS/MND authors have misinterpreted the requirement in SB 743 to consider the aesthetic effects of a project on historic resources. Aesthetic effects of a project are exempt except for the analysis of aesthetic effects related to historic resources. The IS/MND is deficient due to this omission.**

As noted on page 21 of the IS/MND in the Aesthetic analysis, the IS/MND is consistent with Public Resources Code section 21099(d)(2)(B). Separately, the project's impacts on historic resources were analyzed and discussed in Section 4.5 of the IS/MND, and found to be less than significant.

- 15. The architecture is still very contemporary and the interior lighting at night from this office building may impact the surrounding residential developments if you look at the renderings. There is also an older single family home next door 50 feet away to the north. The building design needs to blend better with the historic building at 273 Railroad Avenue, the Takahashi family home, and the Downtown Historic District. The building could be stepped back at the second level and the mass can be reduced so it fits into the smaller footprint. The other surrounding glass buildings have had significant impacts on the few historic buildings we have left on the east side of San Mateo and our older neighborhoods. These aesthetic impacts need to be addressed since each new modern glass building design has a cumulative affect and diminishes the value of our Downtown Historic District and our older neighborhoods on the east and west side.**

As documented in Section 4.1 of the Initial Study, since the project is a mixed-use residential project located on an infill development site within a transit priority area, the project's impacts on aesthetics are considered less than significant pursuant to SB 743. The analysis on pages 54-55 of the Initial Study evaluated the project's impact on the nearby historic resources and Downtown Historic District and found that the project in conjunction with the surrounding development would have a less than significant effect on these resources. The setting of these resources has already been altered by past modern conventional development without affecting these resources' historic significance or eligibility for listing. Further, the project would replace an existing development that does not contribute to the historic setting of these resources.

AIR QUALITY

- 16. The air quality analysis is flawed because the number of office is undercounted. 300 square feet per employee results in an underestimate of the number of employees, and therefore trips and emission. According to Zippia, the North American average is 150 to 175 square feet and the technology industry uses 115 to 155 square feet. Please recalculate all impacts that use the 300 square feet per person number.**

Please see the response provided in question #7.

- 17. Condition of Approval AIR-3.1 (D) is inadequate because it is not objective and is left to the discretion of the City.**

This Condition of Approval requires that construction grading activity shall be discontinued in wind conditions that in the opinion of the Public Works Construction Inspector cause excessive neighborhood dust problems. The judgment of the PW inspector can be considered an expert opinion, and a qualitative judgment is appropriate for a situation such as this when the City does not have a quantitative standard for excessive wind that warrants suspension of construction activity.

- 18. The effects on the Safari Kids pre-school at 521 E. Fifth should be analyzed.**

Although not explicitly mentioned in the Air Quality (AQ) IS/MND section, the Air Quality and Health Risk Assessment (Appendix A of the IS/MND) analyzed the health risk impacts of the project at this specific receptor, namely "Off-Site Daycare Child" in Tables 3, 4 and 14 of Appendix A, and concluded the project would not have a significant effect on these receptors. Further,

since the aforementioned analysis did not factor in the effect of the building envelope on reducing exposure to toxic air contaminants, the analysis is extremely conservative and inclusive of any time the associated sensitive receptors (i.e., children and teachers) may spend in the outdoor recreational area. As such, the project's effect on these receptors was analyzed and found to be less than significant.

- 19. There are multiple projects: Block 21, Block 20, 222 Fremont Terrace, 200 Fremont, 441- 445 South B Street (Tomatina / Talbots), 222 E. 4TH (Draegers), 180 E 3rd (Aaron Bros) which may contribute to the toxic environment of the surrounding area. These projects along with 480 Kiku Crossing, 400 E 5th Kiku Crossing garage, 477- 9th Avenue need to be included depending where they are in construction.**

In accordance with Bay Area Air Quality Management District (BAAQMD) guidance, the analysis of the project's cumulative community health risk impacts factored in 1) emissions generated during project construction and operational; 2) roadways with over 10,000 daily trips; and 3) existing and future stationary sources of TACs (i.e., generators, including Block 21's). Of the projects mentioned by this comment, Block 21 and Draeger's have been approved. 180 E. 3rd Avenue was approved in 2019 as well; however, this project is actively in construction and overlap in construction with 435 E. 3rd Ave. would likely occur toward the end of 180 E. 3rd Ave. construction when construction emissions are the lowest.

While there may be some overlap in the construction of the 435 E. 3rd Ave., Block 21, and Draeger's projects, it would be speculative to assume that construction of all three projects would occur simultaneously. Further, these projects do not share a maximally exposed individual. However, even under an impossible scenario where the maximally exposed individual for 435 E. 3rd Ave. would be subjected to the maximum estimated amount of construction period emissions generated by Block 21 and Draeger's, the cumulative cancer risk, chronic health index (HI), and annual PM2.5 exposure would be 90 cases per million, an HI of 0.1, and an annual PM2.5 exposure of 0.36 µg/m3, which would not exceed BAAQMD's cumulative thresholds of 100 cases per million, an HI greater than 10, and an annual PM2.5 exposure greater than 0.8 PM2.5 µg/m3. Future projects would be subject to project-specific analyses of their individual and cumulative air quality impacts and would be required to mitigate their individual and cumulative impacts to the maximum extent feasible.

BIOLOGY

- 20. Removal of 31 trees, including 4 protected trees, is a substantial loss of nesting habitat downtown.**

The project's potential impact on nesting birds was analyzed in Section 4.4 and found to be less than significant with implementation of mitigation measures, MM BIO-1.1 and BIO-1.2, that require nesting bird survey and protections prior to commencement of construction. The project would also plant five replacement trees and pay in-lieu fees which would contribute to planting of replacement trees throughout the City. The project is consistent with City policies governing existing landscaping.

CULTURAL RESOURCES

- 21. “Impacts to properties listed in the NRHP must be evaluated under CEQA.” CEQA requires analysis of impacts to historic resource beyond those listed in the NRHP. Please see Historical Resources (CEQA Guidelines Section 15064.5 (a)) for a more comprehensive definition of resources that must be addressed under CEQA.**

(4) The fact that a resource is not listed in, or determined eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resource Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Section 5020.1(j) or 5024.1.

The IS/MND even states “However, the setting of the buildings located at 273 South Railroad Avenue (the former St. James Hotel from the 1860s) and 415 South Claremont Street have already been significantly changed by the surrounding development of modern conventional construction shown on Figure 3.1-3.”

The IS/MND did not restrict its analysis of project impacts on historic resources to those listed on the NRHP. For example, the analysis in Section 4.5.2 under Impact CUL-1 also considered the project's impact on a resource listed on the City's local register of historic resources. No CRHR-listed resources were identified within the project's area of effect.

- 22. The St. James Hotel (273 South Railroad Avenue) from the 1860s is one of the few remaining structures downtown from the original center of San Mateo, focused around 1st Ave, 3rd Ave., Railroad, and Main Street. Surrounding this building with modern glass boxes that do not respect the heritage of San Mateo is a significant impact that needs to be addressed in a revised IS/MND and mitigated; or, and Environmental Impact Report (EIR) must be prepared.**

The City has approved five four to seven story buildings downtown near the proposed project, which will diminish the historic context of 273 South Railroad, 415 South Claremont Street, and the downtown historic district. This project may be individually not a significant effect but contributes to a cumulative significant impact. No mitigation is proposed so an EIR must be prepared.

The analysis on IS/MND pages 54-55 evaluated the project's impact on the adjacent and nearby resources identified by the commenter and found that the project in conjunction with the surrounding development would have a less than significant effect on these resources. The setting of these resources has already been compromised by past modern conventional development without affecting these resources' historic significance or eligibility for listing. Further, the project would replace an existing development that does not contribute to the historic setting of these resources. Therefore, there is no significant impact for the project to mitigate, and an EIR is not required, given substantial evidence supports the conclusion that impacts are less than significant.

- 23. “As described under Section 4.5.1.2 Existing Conditions, while no prehistoric- or historic-era sites or resources have been documented within 1,000 feet of the project site, the project site is located within a medium sensitivity zone for archaeological resources.”**

Please revise the statement to reflect the National Register of Historic Places-eligible building at 273 Railroad Avenue and the building of local significance at 415 South Claremont. Please address the effects on the context of the historic buildings.

The comment pertains to historic resources while referencing a page number and quotation pertinent to archaeological resources. Under Section 4.5.1.2 Existing Conditions page 53, the correct quote is "...no prehistoric and/or historic era archaeological sites or resources are present on or within 1,000 feet of the project site." As made clear in the original quotation, this statement refers to archaeological sites, not historically significant buildings. The statement on page 55 under Section 4.5.2 Impact Discussion, Impact CUL-2 is "As described under Section 4.5.1.2 Existing Conditions, while no prehistoric- or historic-era sites or resources have been documented within 1,000 feet of the project site...". Given that this statement refers back to the original statement regarding archaeology, and not historic resources, and is within the context of a discussion of the project's impact on archaeological resources, no revision to the IS/MND is required.

NOISE AND VIBRATION

24. Will vibration from construction of the proposed project, combined with construction of Block 20 and 21, and 180 E. 3rd have an adverse effect on the historic building?

Vibration is not additive unless multiple pieces of equipment are operating simultaneously within a few feet of each other. The project-specific vibration analysis completed for each development considers the potential for that project to result in vibration impacts on adjacent or nearby historic resources, as vibration impacts are highly localized. Therefore, combined construction vibration issues are not expected given the distance between the sites.

25. The Public Services section states that the project would add 13 residents and 111 new employees in the office space. Footnote 99 states: "Office uses typically generate one employee per 300 square feet of office space. 33,529 square feet of office space divided by 300 square feet equals 111 employees." The citation for the source is not provided.

The number of employees is substantially underestimated because 300 square feet per person is on the high end of the space per person, which ranges from 100 to 400 square feet per person.

According to Zippia, the North American average is 150 to 175 square feet and the technology industry uses 115 to 155 square feet. Please recalculate all impacts that use the 300 square feet per person number.

Please see the response provided in question #7.

26. The interior noise standard is 45 db, and the exterior noise standard is 60 db with 67 max. The interior noise is rated at 58 db and the exterior noise level is rated at 73 db. Both will exceed standards. Also, HSR with the elevation of the tracks to 2 stories will bring more noise impacts. How will you address these noise issues?

Impacts of the existing environment on a project site's future sensitive receptors is not an impact under CEQA. Nonetheless, the ability of the project to comply with state mandated interior and exterior noise standards was evaluated in Appendix H of the Initial Study and conditions of approvals were identified to ensure project compliance with these standards. The noise levels experienced at the site are not unusual and capable of being addressed through readily available design and construction methods, which will be reviewed during the Building Permit stage through Conditions of Approval. See section 4.13.3 of the IS/MND for a more in-depth discussion of this topic.

27. Do the noise impacts include the differences in the calculation on the number of trips? Or the future noise impacts from traffic from 303 Baldwin (Trags), 480 E 4th (Kiku Crossing), 450 E 5th (Kiku Crossing Garage - 700 cars), Block 21, 180 W. 3rd (Aaron Bros), 1 Hayward, 616 S B Street (Taps), 477 - 9th Avenue/Clairemont, 222 - 4th Avenue (Draegers), 445 S B Street (Talbots), 500 - 4th Avenue Block 20, and 31-57 S B Street (Donut Delite), 222 Fremont, 200 Fremont.

CEQA requires cumulative analyses factor in existing environment and pending and approved projects; the noise analysis factored in construction of approved projects within 500 feet and traffic volume increases associated with nearby approved projects identified by the City's traffic engineers. A detailed list and description of the projects included in the cumulative analyses of Noise and Transportation can be found in Appendices H and I, respectively. Traffic volumes must double for roadway noise to increase perceptibly, and no roadway volumes would double as a result of approved and pending projects. The proposed project is consistent with its General Plan land use designation and zoning district. Therefore, the project is consistent with the type and intensity of development analyzed in the General Plan EIR, and Appendix H finds that traffic noise as a result of cumulative development within the City of San Mateo would not exceed three dBA and therefore would not be cumulatively considerable.

28. Construction noise impacts - There will be temporary noise impacts from 74 to 85 db. This can exceed 90 db and can have significant impacts. We would like to see other construction noise impacts be included in this analysis if all this construction is going on concurrently in the Downtown?

With implementation of mitigation measure MM NOI-1.1, noise generated by project construction would not exceed the City's threshold of significance of 90 dBA at the property line. Further, MM NOI-1.1 includes other measures such as maximizing distance between construction noise and noise-sensitive receptors, and prohibiting loud equipment (such as jackhammers) within 35 feet of shared property lines, that would reduce construction noise by 5-10 dBA, further reducing the project's impact.

Construction noise drops off substantially beyond 500 feet, and there are three other developments pending or approved within 500 feet (Block 21, 480 East 4th Avenue, and 406 East 3rd Avenue). Construction of all future projects at the exact same time is a worst-case scenario and is not expected. Further, the Noise and Vibration Analysis (pages 38-39 of Appendix H) found that construction and operation of the project in conjunction with other nearby projects would not have a cumulatively considerable impact.

29. Heat pump noise - There will be 5 heat pump on the roof which generate 69 db day and the night. The worse case is 75 db. The noise limit is 73 db. How do you plan to remediate this noise from a 3 ft distance?

As discussed in section 4.13.2.1 of the Initial Study, the City's threshold of significance for mechanical noise (which includes noise generated by heat pumps) is 65 dBA at the property plane. Noise generated by the rooftop equipment would be 61 dBA at the nearest property line, and therefore does not need to be mitigated.

PUBLIC SERVICES

30. Condition of Approval PS-4.1: The City is already in a park/open space deficit. Allowing an in-lieu fee will only exacerbate the problem, which is a cumulative significant effect in the City.

The acreage of parkland is currently below the goal established in the City's General Plan of 6.0 acres per 1,000 residents. This project is adding to a cumulative impact by adding residents without adding adequate park space.

Pursuant to the Quimby Act (Government Code Section 66477), payment of in-lieu fees is considered adequate mitigation for impacts to park facilities. The project includes five units, which is expected to generate approximately 13 residents. As discussed in Section 4.16 of the IS/MND, the City of San Mateo has established standards for dedication of land or payment of in-lieu fees for park and recreation facilities serving new residential subdivisions (Chapter 26.64 of the City of San Mateo Municipal Code). The code sets a standard of two acres per 1,000 residents to be dedicated by residential developers, with fees based on the value of real property and the number of residents estimated for various unit sizes. At two acres per 1,000 residents, the project creates the need for 0.026 acres, or about 1,132 sq. ft. of additional parkland, and it would be impractical for a mixed-use project to dedicate such a small amount of land, therefore, it is appropriate for the project to pay park in-lieu fees. As explained in the IS/MND, the additional 13 residents would not physically degrade or deteriorate existing parks serving the site, and the in-lieu fees would be used to expand recreational opportunities in the area.

31. "The proposed project includes private amenities for future employees and residents of the proposed project." The private amenities are not addressed in Impact REC-1.

The question posed by Impact REC-1 is whether the project would increase the use of existing public recreational facilities such that their deterioration would occur or be accelerated. The proposed private amenities with the building, such as open terraces, do not fall under the scope of that question. The impact of these private amenities is addressed under Impact REC-2 and throughout the entire document as part of the analysis of construction and operation of the proposed building, and found to be less than significant. The private amenities included in the project would serve to reduce the need for project residents to utilize nearby park and recreational facilities when the private amenities are suitable for their particular recreational needs.

TRANSPORTATION

32. The building does not have a loading zone, which may cause significant traffic delays during the train crossings multiple times per hour.

A project's effects on traffic delays are no longer considered an impact under CEQA. Regardless, as discussed in Section 4.17.2 under Impact TRN-1, the Transportation Impact Analysis (refer to Appendix I) found that the project would not result in any adverse effects on intersection level of service.

Further, the City of San Mateo does not require loading spaces for this project. In general, projects of this size will not generate more than one loading trip at a time. As noted in Appendix I in the "Additional Transportation Analysis" section, there is currently an existing yellow loading zone directly west of the site on East 3rd Avenue that can be used for loading for both the office and residential uses. Garbage collection may occur within the street on South Claremont Street but would occur infrequently, typically during off-peak times, and on a low volume street. Therefore, loading activity would not substantially interfere with other roadway users.

33. Table 4.17-1: Summary of Existing and Project Trips: The table undercounts trips because the number of employees is undercounted. The authors use 300 square feet per person, which is on the high end of the range, which results in undercounting employees. At 150 square feet per person (more common now) the number of employees would be 224 employees. Please recalculate the effects to better reflect a more likely impact.

Trip generation numbers, which are based on building area and are one of the foundational pieces of the analysis provided in the IS, are based on the Institute of Transportation Engineers (ITE) Trip Generation Manual 11th Edition (see Appendix I to the IS/MND). The trip generation numbers are based on peer-reviewed data that show office densities range between 225 and 400 sq. ft. per employee. Different types of office occupants have varying square footage needs. The jobs per 1,000 sq. ft. number used for the project is consistent with what was used in the City's General Plan. While the project may be occupied by a variety of uses and tenants over the project's economic lifespan, some with higher and some with lower occupancy per sq. ft., the employee ratio used in the IS is considered to be reflective of typical office use occupancy, and has been used by the City since adoption of the General Plan. The analysis in the IS/MND is based on the building square footage and not an assumed employee count, given the employee count is expected to fluctuate over the course of building's economic lifespan. The analysis takes into account the number of trips, the emissions generated, the electricity used, the water consumed, etc. based on established rates per square foot for an office use.

Please also see the response provided in question #7.

34. The traffic generated from this project will add to the railway crossings delays and this has not been calculated into the impacts for 2nd, 3rd, 4th, 5th, S Claremont, S Delaware on the east side and B Street, 2nd, 3rd, 4th, 5th in the Downtown. We would like these traffic delay impacts included in the analysis.

A project's effects on traffic delays are no longer considered an impact under CEQA. Regardless, as discussed in Section 4.17.2 under Impact TRN-1, the Transportation Impact Analysis (refer to Appendix I) found that the project would not result in any adverse effects on intersection level of service.

35. Will Windy Hill widen the sidewalks on S Claremont for pedestrian safety as recommended in the Pedestrian Master Plan? There is a conflict between the building standards and widening the sidewalk. Will Windy Hill address this conflict with modifications to the building so the sidewalk width can be safer for the pedestrians?

Sidewalk widths is not an environmental issue under CEQA. The project has been evaluated to substantially comply with the Pedestrian Master Plan's sidewalk guidelines. The Zoning Code also allows the project to result in zero-setbacks, unless setbacks are provided for landscaping and open space. The applicant has provided a setback along both frontages for the provision of landscaping and open space.

36. Will Windy Hill provide traffic calming on S Claremont and 5th Ave to reduce the cut-through traffic generated from this project to the Transit Center. We need to avoid more cut-through traffic on 5th Avenue since this is a Bike Boulevard. We need to make 5th Avenue safer for the bicyclists and pedestrians and avoid the 5th Avenue route. Trip numbers are underestimated in this project.

The project is not anticipated to worsen traffic conditions. The project's traffic impacts are evaluated in the IS/MND based on a Transportation Impact Analysis (TIA, refer to Appendix I) prepared according to the guidelines and requirements of the City, the congestion management agency (San Mateo County C/CAG), and CEQA, and the transportation analysis, based on VMT, does not indicate that the project would contribute to cumulative traffic impacts. No traffic calming on S. Claremont Street or 5th Avenue is proposed as a part of this project.

37. There are parking concerns with this project because the trip calculation numbers have been underestimated. This parking number has to be recalculated. The Kiku Crossing Garage and the Main Street Garage has been mentioned for parking for this project. Both garages have been allocated for other projects and the Main Street Garage is closed from 2 am to 5 pm.

The trip generation totals are based on the square footage of the proposed land uses, not the number of office employees that is presumed in the Initial Study. Given that the square footage totals assumed in the Transportation Impact Assessment are accurate, the trip numbers were not underestimated. Further, as noted previously, the number of office employees assumed in the IS is consistent with the underlying peer-reviewed data used to derive the trip generation rates for land uses, and is consistent with the employee per 1,000 square feet used in the General Plan, which was based on observed data.

The public parking spaces themselves are not allocated to any specific project. It should also be noted that effects on parking are not considered environmental impacts for the purposes of CEQA.