

## MEMORANDUM

DATE January 6, 2016  
TO Tricia Schimpp  
City of San Mateo  
FROM Kyle Simpson  
SUBJECT Responses to Public Comments on the Hillsdale Shopping Center North Block Reconfiguration Project Initial Study/Mitigated Negative Declaration

This memorandum provides responses to comments received on the Public Review Draft of the Initial Study/Mitigated Negative Declaration (IS/MND) for the Hillsdale Shopping Center North Block Reconfiguration Project. The IS/MND was circulated for a 30-day period from December 4, 2015 to January 4, 2016.

Although CEQA and the State CEQA Guidelines do not require a Lead Agency to prepare written responses to comments received on an IS/MND (as contrasted with a Draft Environmental Impact Report [see State CEQA Guidelines Section 15088]), the City of San Mateo has elected to prepare the following written responses with the intent of conducting a comprehensive and meaningful evaluation of the proposed Project.

### *A. Comment Letters Received*

The following is a list of comment letters received during the public review period. Each comment letter is reproduced in its entirety and included in the appendix of this memorandum. The letters are divided into two categories and listed in the order they were received. Within each comment letter, several individual comments have been identified. The number designations in this memorandum are correlated to the bracketed and identified portions of each letter.

1. Public Agency  
Comment Letter A01: Department of Toxic Substance Control, December 22, 2015
2. Individuals  
Comment Letter B01: Kristina Lawson, Manatt, Phelps & Phillips, LLP, December 30, 2015  
Comment Letter B02: AM Kim, December 30, 2015  
Comment Letter B03: Robert Webster, Bohannon Development Company, December 31, 2015  
Comment Letter B04: Martin Simenc, Home Safety Services, January 4, 2016

### *B. Responses to Comments on the IS/MND*

The following number designations are correlated to the bracketed and identified portions of each letter attached to this memorandum.

## 1. Public Agency

### Comment Letter A01: Department of Toxic Substance Control, December 22, 2015

Response A01-01: This comment provides an introduction to the comment letter by providing an overview of the responsibilities of the Department of Toxic Substances Control (DTSC) and the Project site. This comment does not question the adequacy of the analysis in IS/MND, and no response is required.

Response A01-02: This comment states that due to the age of the existing buildings there is a possibility that lead-based paint has contaminated the soil within the Project site, and states that mitigation measures including soil sampling in areas of soil disturbance and former building locations where lead-based paint may have been used should be included in the IS/MND. The comment continues by listing recommended mitigation language with the result of reducing potential impact to a less-than-significant level. Section 8, Hazards and Hazardous Materials, of the IS/MND provides detailed information on the potential for potentially-hazardous building materials, including lead-based paint, at the project site. Pages 58 and 59 of the IS/MND include a discussion of the regulatory requirements that the Project would be subject to due to the possibility of hazardous materials. Specifically, the IS/MND discusses DTSC requirements that include written programs and response plans, such as Hazardous Materials Business Plans (HMBPs) as well as DTSC programs that address the aftermath of clean-ups of improper hazardous waste management, evaluation of samples taken from sites, enforcement of regulations regarding use, storage, and disposal of hazardous materials, and encouragement of pollution prevention. As a result of implementation of these regulatory requirements that specify the actions required to remediate potential soil contamination, the City considers the impacts related to soil contamination, including from lead-based paint, to be less-than-significant.

Furthermore, the City of San Mateo maintains a list of Conditions of Approval that includes three conditions that address the potential for hazardous materials within the Project site. The conditions of approval are included below and will be included as part of the City's approval process for the project.

LANDSCAPE SOIL TESTING - The applicant must submit a soils report prepared by a Soil Testing Laboratory. The report must analyze the existing soil and recommend any corrective action or soil amendment necessary to make the soil suitable to support the proposed plantings. Any proposed corrective action or soil amendments shall be incorporated into the landscape plans. (PLANNING)

EXCAVATED SOILS- Excavated site soils shall be tested prior to disposal to confirm that the concentration of constituents present in site soils do not exceed hazardous waste criteria local, state and federal regulations. If the concentration of constituents in the project site soils do exceed hazardous waste criteria, they will be disposed of as hazardous waste in accordance with local, state and federal regulations. (PLANNING)

HAZARDOUS MATERIALS - As required by state law, an asbestos and lead paint abatement scope of work will be developed prior to issuance of a demolition permit for the structure on the project site. All measures outlined in this scope of work shall be implemented as part of the project. This scope of work shall outline the performance parameters for hazardous remediation standards and regulatory compliance criteria. In addition, any asbestos abatement contractors performing work on the site will be licensed by the State of California. Buildings of the age of those on the project site may contain mercury and/or PCBs. Therefore, these hazardous materials shall be found and removed prior to demolition and recycling. This will be verified as part of a final hazardous materials report prepared by a qualified consultant and will be submitted to the Building Division prior to issuance of a demolition permit. (BUILDING)

- Response A01-03: This comment provides an explanation of the process that should be followed in order to seek regulatory agency oversight in the event that contaminated soil is included within the Project site. This comment also references the Request for Regulatory Oversight Application and site information form that are attached to the comment letter. This comment does not question the adequacy of the analysis in IS/MND, and no response is required.
- Response A01-04: This comment provides a closing to the comment letter by the contact information of the commenter. This comment does not question the adequacy of the analysis in IS/MND, and no response is required.
- Response A01-05: This comment includes the Request for Regulatory Oversight Application and site information form, as mentioned in Comment A01-03. This comment does not question the adequacy of the analysis in IS/MND, and no response is required.

## 2. Individuals

### Comment Letter B01: Kristina Lawson, Manatt, Phelps & Phillips, LLP, December 30, 2015

- Response B01-01: This comment identifies typographical errors in the naming of data in Table 11 on page 104 of the IS/MND in which the existing and proposed land uses, as well as the trips generated and peak hour estimates, are transposed. The misidentification of the existing and proposed land uses does not affect the calculations shown in the tables. As correctly pointed out in the comment, the

**TABLE 11 PROJECT TRIP GENERATION ESTIMATES**

Land Use	Size	Units	Daily Rate	Daily Trips	AM Peak Hour			PM Peak Hour				
					Peak Hour Rate	In	Out	Total	Peak Hour Rate	In	Out	Total
<b><u>Existing</u><del>Proposed</del></b>												
Shopping Center <sup>a</sup>	1108.8	ksf	29.26	32,441	0.61	419	257	676	2.71	1,441	1,562	3,003
Multiplex Movie Theater <sup>b</sup>	10.0	Screen	292.50	2,925	0.00	0	0	0	22.76	134	93	228
<b><del>Proposed</del><u>Existing</u></b>												
Shopping Center	1,132.6	ksf	29.04	32,892	0.00	425	260	685	2.69	1,462	1,584	3,046
<b>Difference</b>				<b>2,474</b>		<b>-5</b>	<b>-3</b>	<b>-9</b>		<b>114</b>	<b>71</b>	<b>185</b>

a. Institute of Transportation Engineers, Trip Generation, 9th Edition. Fitted curve equation used for Shopping Center (820).

b. Institute of Transportation Engineers, Trip Generation, 9th Edition. Based on Friday Daily rates and Friday PM (4-6 PM) Peak Hour rates for Multiplex Movie Theater (445).

data shown in Table 11 is also included in Table 5 in Appendix F where the data is correctly identified. Text changes to Table 11 are shown below; ~~strikethrough~~ text represents text deleted from the IS/MND, whereas double-underline text represents text to be added to the IS/MND. The errors in naming the data does not affect the determinations in the IS/MND. As a result, this comment does not question the adequacy of the analysis in IS/MND, and thus, no further response is required.

#### **Comment Letter B2: AM Kim, December 30, 2015**

Response B02-01: This comment provides an introduction to the comment letter and highlights several concerns of the commenter. This comment does not provide specific comments on the adequacy of the analysis in the IS/MND, and no response is required.

Response B02-02: This comment questions the noise analysis included in the IS/MND and states that the existing noise conditions are loud and that the Project would result in an increase in noise. The IS/MND included a discussion of noise generated by parking lot activity on page 88, and determined that, due to the sporadic occurrences, duration, and overall distance of sensitive receptors to the noise source, the impacts from noise would be considered less than significant.

Response B02-03: This comment disagrees with the determination in the IS/MND that impacts to public services would be considered less than significant, and references crime statistics. The IS/MND provides an analysis of the potential impacts to the environment as a result of the project. The criteria b) on page 109, is seeking to

determine whether the project would result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, or need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts. In other words, the IS/MND analyzes the Project's effects on the environment, and whether or not impacts to the environment would result in order to accommodate the project. The IS/MND does not provide an analysis of the Project's impacts on police operations or enforcement activities. As noted on page 109, the San Mateo Police Department has determined that the Project would not require construction of new facilities or the expansion of existing facilities in order to provide police services to the Project. Furthermore, the Project would be required to comply with the Building Security Code "Exterior Security Lighting" (San Mateo Municipal Code Section 23.54.060 described above), which requires compliance with lighting standards on publicly-accessible parking lots and buildings.

- Response B02-04: This comment questions the traffic analysis included in the IS/MND and states that increased traffic will result in increased congestion that will impact traffic operations, pedestrian safety, and driver safety. Beginning on page 103 of the IS/MND, the traffic analysis determined that future traffic conditions would be within operational limits established by the City of San Mateo on all adjacent roadways. Additionally, Mitigation Measures TRANS-1 and TRANS-2 would be included to reduce potential impacts to pedestrians resulting from increased vehicular activity on 31<sup>st</sup> Avenue.
- Response B02-05: This comment states that the addition of traffic generated by the Project in addition to drivers potentially inebriated by alcohol sold within the Project site would be dangerous given the existing streets, the number pedestrian, children, senior citizens and others. This comment relates to the Project itself or the Project's consequences or benefits (referred to "project merits"), rather than the environmental analyses or impacts and mitigations raised in the IS/MND. Lead Agency review of environmental issues and project merits are both important in the decision of what action to take on a project, and both are considered in the decision-making process for a project. This comment does not question the adequacy of the analysis in the IS/MND, and no response is required.
- Response B02-06: This comment states that the Project results in numerous security and safety issues for adjacent residents. This comment does not question the adequacy of the analysis, but, similarly to Comment B02-05, this comment questions the merits of the projects by references potential security and safety risks that would require financial investment on the part of adjacent property owners in order to reduce crime and noise impacts. This comment does not question the adequacy of the analysis in the IS/MND, and no response is required.

**Comment Letter B03: Robert Webster, Bohannon Development Company, December 31, 2015**

Response B03-01: This comment requests that the implementation of the Transportation Demand Management (TDM) Program be a voluntary program. As the comment notes, page 106 of the IS/MND includes the TDM language as a condition of approval, and notes that implementation of the TDM and Mitigation Measure TRANS-2 would reduce the potential environmental effect to a less-than-significant level.

**Comment Letter B04: Martin Simenc, January 4, 2016**

Response B04-01: This comment provides an introduction to the comment letter and highlights several concerns of the commenter. This comment does not provide specific comments on the adequacy of the analysis in the IS/MND, and no response is required.

Response B04-02: This comment states that the Project would result in increased traffic that would use 31<sup>st</sup> Avenue as the primary access to the Project site, and that pedestrian safety would be adversely affected. To address the potential impacts identified by the commenter, the comment letter includes a list of potential mitigation measures to reduce the impacts, including: incorporation of pedestrian overpasses; closing access to the Nordstrom parking lot from 31<sup>st</sup> Avenue and Edison Street; relocating the existing crosswalk on 31<sup>st</sup> Avenue; and, increasing the driveway capacity of the entrance to the North Block from El Camino Real (at Wells Fargo).

As described above in Response B2-4, beginning on page 103 of the IS/MND, the traffic analysis determined that future traffic conditions would be within operational limits established by the City of San Mateo on all adjacent roadways. Additionally, Mitigation Measures TRANS-1 and TRANS-2 would be included to reduce potential impacts to pedestrians resulting from increased vehicular activity on 31<sup>st</sup> Avenue. Although the commenter disagrees with the effectiveness of the proposed mitigation measures, Mitigation Measure TRANS-1 would increase awareness of pedestrian activity on 31<sup>st</sup> Avenue through the installation of a new stop sign, and Mitigation Measure TRANS-2 would include on-going monitoring to ensure efficient operations within the City's acceptable parameters.