City of San Carlos
642 Quarry Road Life Science Project

Response to Comments

State Clearinghouse # 2022110369

1. INTRODUCTION

One of the purposes of the California Environmental Quality Act (CEQA) is to solicit information from agencies and the public about a project's potential environmental effects to assist decisionmakers in efforts to avoid or reduce a project's significant impacts. This memorandum addresses and is a component of the public review process for the Initial Study and Mitigated Negative Declaration (IS/MND) prepared under CEQA for the 642 Quarry Road Life Science Project (Project) by providing written responses to public comments received on the Initial Study.

Section 15074 (b) of the CEQA Guidelines states:

> *"Prior to approving a project, the decision-making body of the lead agency shall consider the proposed mitigated negative declaration together with any comments received during the public review process. The decision-making body shall adopt the proposed mitigated negative declaration only if it finds on the basis of the whole record before it (including the initial study and any comments received), that there is no substantial evidence that the project will have a significant effect on the environment and that the mitigated negative declaration reflects the lead agency's independent judgment and analysis."*

This memorandum provides written responses to public comments received on the Initial Study as well as clarifying and supplemental information about and proposed revisions to the Initial Study text and is part of the record of proceedings upon which the City of San Carlos (City) will base its decision when considering adoption of the IS/MND and approval of the Project.

Document Organization

This Response to Comments memorandum is organized as follows:

1. **Introduction.** The Introduction describes the purpose and organization of this memorandum, and the environmental impact analysis and public review process the City has conducted for this Project.
2. **Public Comment on Initial Study.** This section identifies the comment letters received on the Initial Study during the public review period. The comment letters have been individually numbered and are included as Attachment 1 to this Response to Comments memorandum.
3. **Response to Comments.** This section provides written responses to the comments received on the Initial Study.
4. **Text Revisions.** This section provides revisions to the text of the Initial Study that were identified during the preparation of the written responses to the comments.

Attachments:

Attachment 1: Comment Letters
Attachment 2: Solar Reflection Design Review

Attachment 3: Bird Strike Analysis
Attachment 4: Belmont Creek Flood Evaluation

CEQA anticipates that the public review process will elicit information that can result in modifications to the project design and/or refinements to the impact analysis to reduce potential environmental effects of the project. As provided in CEQA Guidelines section 15073.5, a lead agency may revise an Initial Study and not have to recirculate the document for public review under the following circumstances:

> (1) Mitigation measures are replaced with equal or more effective measures pursuant to Section 15074.1.
>
> (2) New project revisions are added in response to written or verbal comments on the project's effects identified in the proposed negative declaration which are not new avoidable significant effects.
>
> (3) Measures or conditions of project approval are added after circulation of the negative declaration which are not required by CEQA, which do not create new significant environmental effects and are not necessary to mitigate an avoidable significant effect.
>
> (4) New information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration.

The text revisions to the Public Review Initial Study include: removing the originally proposed BSL-3 lab uses from the project, resulting in a reduction of certain project impacts; revisions to the draft Conditions of Approval presented in the aesthetics and biological resources environmental analyses; and clarification of text throughout the document in response to public comment. None of the revisions constitute significant new information regarding the project description, environmental and regulatory setting, conclusions of the environmental analysis, or the mitigation measures or requirements incorporated into the project to mitigate impacts, or otherwise provide significant new information or disclose a new impact requiring additional mitigation that would require recirculation of the Initial Study pursuant to CEQA Guidelines section 15073.5.

Attachments to this Response to Comments contains the comments letters and several technical reports that were prepared to support the Initial Study impact analysis that were not provided as appendices to the Initial Study. Because of the comments received on the technical subject matter addressed in these reports they are being provided as attachments to the Response to Comments document to ensure the information is readily available to the public.

2. Public Comment on Initial Study

The City of San Carlos prepared an Initial Study for the 642 Quarry Road Life Science Project and circulated it for a 30-day public review period from November 17, 2022, to December 19, 2022. The City's Notice of Intent to Adopt a Mitigated Negative Declaration (NOI), which provided the public notice of the availability of and public comment period on the Initial Study, was provided by posting the NOI on the City's website,[1] filing the NOI with the State Clearinghouse CEQANet web portal (SCH #2022110369) and publishing the NOI in the Enquirer-Bulletin. Notices were also mailed to property owners and occupants within 300' of the site and emailed to members of the public, organizations, and entities who had requested

[1] https://www.cityofsancarlos.org/Home/Components/FlexPlanningZoningProjects/PlanningZoningProjects/1467613/407

notices in general. No written requests for notices were received pertaining specifically about this Project.

The City received comment letters from one public agency, one organization, and four residents during the public comment period as listed below. The comment letters are included as Attachment 1.

Comment Letters Received

Letter A:	Email from Isabella Roman, Department of Toxic Substance Control, dated December 15, 2022
Letter B:	Letter sent via email from Edwards Evans, Carpenters Local 217, dated December 19, 2022
Letter C:	Email from Patty Marsters, dated December 1, 2022
Letter D:	Letter sent via email from Paul Magginetti, dated December 18, 2022
Letter E:	Email from Debbie and Garry Baldocchi, dated November 22, 2022
Letter F:	Letter from Debbie and Garry Baldocchi, dated December 18, 2022

3. RESPONSE TO COMMENTS

Written responses to the six comment letters presented in Attachment 1 are provided below. Each numbered comment is summarized or presented in full in *italics*, and a response is provided for each comment.

Letter A: Email from Isabella Roman, California Department of Toxic Substances Control

Comment A-1: *The project proposes construction and operation of office/laboratory buildings, among other uses. One proposed use is a childcare facility. Investigations at the site have identified elevated VOCs in soil vapor, which were compared against commercial screening levels. A childcare facility would be considered a sensitive use and should be compared against residential screening levels.*

Response to Comment A-1: The Phase I Environmental Site Assessment report compares elevated VOCs at the project site against the commercial screening levels. VOCs at the project site would exceed the residential screening level, which is a lower threshold than for commercial uses.

The sampling results summarized below are from the report titled Results of June 2021 and September 2022 Subsurface Environmental Investigations, dated November 16, 2022 (available for view at City project website link: https://www.cityofsancarlos.org/Home/Components/FlexPlanningZoningProjects/PlanningZoningProjects/1467613/407). This document contains the soil matrix, groundwater, and soil vapor results from the June 2021 investigation referenced in the IS/MND, as well as additional soil vapor sampling results from testing performed in the Fall of 2022. The data presented in the November 2022 report have been reviewed and compared to RWQCB Environmental Screening Levels (ESLs) for residential land uses to account for the identified sensitive receptor use (childcare). Please note that the risk exposure assumptions utilized in the residential ESLs are more conservative than for commercial/industrial land use, and the residential ESL values are, therefore, lower. Detected chemicals that exceed their respective residential ESL are summarized below.

Soil

- Antimony – 11 detections (11 to 47 mg/kg) out of 40 samples are equal to or exceed the residential ESL of 11 mg/kg.
- Arsenic – 39 detections (2.1 to 7.5 mg/kg) out of 40 samples exceed the residential ESL of 0.067 mg/kg. However, none of the detections exceed the RWQCB background concentration for the San Francisco Bay area of 11 mg/kg.
- Cobalt - 1 detection (23 mg/kg) out of 40 samples is equal to the residential ESL of 23 mg/kg.
- Nickle - 14 detections (88 to 240 mg/kg) out of 40 samples exceed the residential ESL of 86 mg/kg.
- TPH diesel - 1 detection (270 mg/kg) out of 40 samples exceeds the residential ESL of 260 mg/kg.

Groundwater

- Benzene – 1 detection (0.55 µg/L) out of 8 samples exceeds the residential ESL of 0.42 µg/L for vapor intrusion.
- PCE - 1 detection (0.65 µg/L) out of 8 samples exceeds the residential ESL of 0.64 µg/L for vapor intrusion.

Soil Vapor

- PCE - 9 detections (18 to 790 µg/m3) out of 32 samples exceed the residential ESL of 15 µg/m3. Two detections are greater than 10 times the residential ESL.
- Chloroform - 1 detection (7.13 µg/m3) out of 32 samples exceeds the residential ESL of 4.1 µg/m3.
- Benzene - 14 detections (3.32 to 63 µg/m3) out of 32 samples exceed the residential ESL of 3.2 µg/m3. Five detections are greater than 10 times the residential ESL.
- Ethylbenzene - 2 detections (54 to 55 µg/m3) out of 32 samples exceed the residential ESL of 37 µg/m3.
- Naphthalene - 4 detections (24 to 50.8 µg/m3) out of 32 samples exceed the residential ESL of 2.8 µg/m3. Three detections are greater than 10 times the residential ESL.
- Total volatile hydrocarbons (TVH) - 1 detection (445,000 µg/m3) out of 32 samples exceeds the residential ESL of 20,000 µg/m3 and is greater than 10 times the residential ESL.

The same mitigation measure, Measure HAZ-1, identified for exceedance of the commercial screening level for VOC is applicable and adequate to address VOC values exceeding residential ESLs. It may be the case that a Vapor Intrusion Mitigation System (VIMS) would be required beneath the entire footprint of both buildings. However, based on the evaluation and findings of the Vapor Intrusion Conceptual Site Model (VICSM), it may be determined that the VIMS is only required beneath the portion of the building containing the childcare area. Mitigation Measure HAZ-1 is revised to provide this clarity. See Section 4 Text Revisions. The Initial Study already identified this as a potentially significant impact due to VOCs in soil vapors and identified the SMP mitigation measure to reduce that impact to an insignificant level and the SMP mitigation measure will continue to be effective in reducing this impact to an insignificant level. The text revision to the measure represents a clarification to a previously identified measure to make it more effective and does not represent new or additional mitigation measure required to mitigate the effect to less than significant. As such, the revisions do not meet the CEQA requirements triggering recirculation of the Initial Study (CEQA Guidelines 15073).

Comment A-2: *The IS/MND also contains conflicting information regarding whether the soil vapor/vapor intrusion ESLs were exceeded:*

- *Page 111 (PDF): "no VOCs were identified at concentrations above their respective commercial vapor intrusion Environmental Screening Level (ESL) values."*
- *Page 111: "Detected concentrations of VOCs in one or more soil vapor sample slightly exceeded the July 2019 RWQCB ESLs for vapor intrusion concerns at commercial/industrial sites for the VOCs benzene, PCE, naphthalene, and TPHg (as TVH reported as hexane)."*
- *Page 114: "…soil vapor samples from the site exhibited VOC concentrations at above their respective ESL values for commercial land use…"*
- *Page 119: "…no VOCs were identified at concentrations above their respective commercial vapor intrusion ESL values"*
- *Page 119: "The Phase I ESA concluded that there are two noteworthy RECs in connection with the project site: (1) presence of VOCs in soil vapor above the July 2019 ESL…"*
- *Page 119: "Impact HAZ-1: VOCs of benzene, PCE, naphthalene, and TPHg (as TVH reported as hexane) present in soil vapors sampled from the site exceed the Environmental Screening Level for commercial uses."*

Response to Comment A-2: The observations noted by the commenter are the differences between contaminated media (i.e., groundwater samples versus soil vapor samples). The Initial Study statements that no VOCs were detected at concentrations above commercial vapor intrusion ELS values (pdf pp. 111 and 119) pertain to groundwater samples only. VOC concentrations in soil samples did exceed their respective ESL values for commercial use as noted in the Initial Study text on pp. 101-102.

Letter B: Letter from Edward Evans, Carpenter Local 217

Comment B-1: *Local 217 requests to be included on the list of interested parties who receive notices regarding the issuance of further environmental review documents and project-related public hearings.*

In reaction to the City's Draft Mitigated Negative Declaration- and for reasons further elucidated in this letter - Local 217 strongly advocates that the City consider further mitigation measures as part of finalizing its Mitigated Negative Declaration. The mitigation steps Local 217 is proposing would further ensure environmental impacts related to greenhouse gas emissions, transportation, and hazards and hazardous material are properly accounted for in the context of the proposed project's construction phase. Specifically, Local 217 advocates that the City should mandate that construction activity related to this development be conditional upon compliance with local hire and responsible contractor requirements as a means of simultaneously reducing environmental impacts, and augmenting the proposed project's economic benefits for the community in line with the San Carlos General Plan 2030.

Response to Comment B-1: Carpenters Local Union 217 has been added to the City's list of interested parties to receive further notices on this project regarding environmental review documents and public hearings. Specific comments regarding environmental impacts are addressed in responses to comments below. Comments regarding hiring practices and economic benefits to the community are acknowledged, but because these comments pertain to social and economic issues and do not address the project's environmental impact analysis, no further response is required.

Comment B-2: *Greenhouse Gas Emissions (GHG) and Transportation Impacts In the Construction Phase*

The City's Mitigated Negative Declaration identifies that "short-term construction" activities will result in GHG emissions due to "worker, vendor, and haul trips to and from the project site". However, the City's Draft Mitigated Negative Declaration goes on to focus its GHG mitigation analysis upon the long-term operational activities of the proposed project. This is also true for the related component of the City's mitigation plan for transportation impacts. As part of compliance with CEQA guidelines pertaining to vehicle miles travelled, the City is requiring that the proposed project applicant implement a Transportation Demand Management (TDM) plan, as well as comply with additional TDM requirements. Again, the mitigation measures in this area related to employee commuting patterns focus upon the long-term operational activities of the proposed project site, rather than the construction phase.

There are, however, significant, practical steps that the City can take to both mitigate construction phase GHG emissions resulting from worker commuting, as well as uphold the San Carlos 2030 General Plan policy goal that the City explicitly links to the proposed project's land use in its Draft Mitigated Negative Declaration. Namely, the goal of local support for "high-wage industries that provide quality jobs for workers at all education levels" (Policy LU-5.7).2 Local 217 proposes that one such, measure to uphold this element of the City's General Plan - as well as mitigate the overlooked environmental impacts of worker commutes in the construction phase - should be the introduction of a local hire policy for construction activity associated with the proposed project. A local employment preference requirement for this construction will greatly reduce vehicle emissions from worker commutes to and from the project site, while also providing economic benefits to the local community…

Response to Comment B-2: The commenter suggests the City should introduce a local hire policy, supporting General Policy LU-5.7 that calls for the support of “high-wage industries that provide quality jobs for workers at all educational levels,” as a means by which to reduce greenhouse gas (GHG) emissions resulting from construction workers commuting to and from the site. The commenter correctly identifies that the City would require the project applicant to implement a Transportation Demand Management (TDM) Plan to reduce the project’s Vehicle Miles Traveled (VMT) and the associated operational mobile-source GHG emissions from future tenants driving to and from the site.

The IS/MND Transportation discussion identifies the project’s proximity to two major high-quality transit stops and concludes that the project falls within the Transit Oriented Development (TOD) category. The project’s location within ½ mile of two different high-quality transit stops triggers a presumption that the project’s transportation impacts will be less than significant. With the TDM Plan measures listed, the Initial Study demonstrates that the project’s potential VMT impacts will be reduced to an insignificant level. Implementation of the TDM Plan would achieve a 34% trip reduction demonstrating compliance with the City’s TDM Ordinance, which only requires a 20% trip reduction from TDM Plans.

Though the commenter suggests that the City (emphasis added), "... *should* [introduce] a local hire policy for construction activities associated with the proposed project,” the commenter has not identified a reason directly linked to the Initial Study for why such a policy is necessary. Specifically, the commenter neither expressly alleged that the project may or will cause significant GHG or VMT impacts during the construction phase nor provided any substantial evidence in support of any such implied allegation.

As described on p. 95 of the Initial Study, the BAAQMD adopted new thresholds of significance for GHG emission on April 20, 2022, that address GHG emissions through the Year 2030. As

specifically stated in the BAAQMD *CEQA Thresholds for Evaluating the Significance of Climate Impacts* "Greenhouse gas emissions from construction represent a very small portion of a project's lifetime GHG emissions. The proposed threshold for land use projects are designed to address optional GHG emissions which represent the vast majority of project GHG emissions."[2] Therefore, consistent with guidance issued by the BAAQMD, the Initial Study's GHG analysis did not need to evaluate the GHG emissions that would be generated by workers during construction activities, including whether workers would be sourced from the local area or region as whole.

Regarding the project's operational GHG analysis contained in the Initial Study – the BAAQMD's updated GHG significance thresholds provide two qualitative options for assessing project-level impacts. Whereas the first option focuses on project design (i.e., natural gas plumbing prohibition, efficient use of energy, and electric vehicle charging infrastructure) and trip reducing measures, the second option allows for a project consistency analysis with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines section 15183.5(b) (e.g., the City's Climate Mitigation and Action Plan (CMAP)). Under the BAAQMD's threshold of significance, a project need only be consistent with one of the two significance thresholds in order to determine that the project's GHG emissions would be less than significant. As a conservative practice, however, the GHG analysis contained on Initial Study pp. 95 through 98 analyzes the project's GHG emissions using both sets of thresholds and, as shown on those pages, the proposed project would be consistent with both options available for assessing its GHG emissions under the BAAQMD's significance threshold. Because the project is consistent with not just one, but both significance threshold options identified by the BAAQMD, there is uncontroverted substantial evidence that the proposed project's GHG emissions would be less than significant.

The project's GHG emissions have been determined to be less than significant, and no mitigation was required to reach this significance determination. Therefore, although the commenter suggests that a local hire policy should be adopted to "mitigate construction phase GHG emissions resulting from workers commuting," no such measure is required under CEQA to reduce the project's impact.

Comment B-3: *Construction Workforce Protection from Hazards and Hazardous Materials*

The City's Draft Mitigated Negative Declaration identifies steps intended to lessen the construction workforce's exposure to hazards and hazardous material. A lack of jobsite safety brought about by the presence of such hazards imposes a clear burden on - not only construction workers - but also the region's taxpayers when taking into account costs such as those posed by injuries to the State's workers' compensation system.

Recent research cited by the Department of Labor has advocated for the enactment of responsible contractor provisions as an "insurance policy" for taxpayers. This same research demonstrates that construction projects with responsible contractors were 19 percent less likely to have OSHA violations and had an average of 34 percent fewer violations per OSHA inspection when compared to projects that failed to ensure the inclusion of responsible contractors.

In this regard, a crucial mitigating factor in terms of worker exposure to environmental hazards is the selection of responsible contractors for the proposed project's construction phase. The

[2] Bay Area Air Quality Management District. *CEQA Thresholds for Evaluating the Significance of Climate Impacts.* April 2022. https://www.baaqmd.gov/~/media/files/planning-and-research/ceqa/ceqa-thresholds-2022/justification-report-pdf.pdf?la=en

City of San Carlos currently has no adequate policy in place that would definitively encourage the use of responsible contractors on developments such as that in question. This is despite the fact that any mitigating steps proposed to protect workers during the construction phase will ultimately rely on cooperation between the proposed project's contractors and any public agencies implicated by said mitigation measures. City policy that remains permissive to the presence of irresponsible contractors on projects of this size and nature jeopardizes the realization of mitigating steps that the City outlines in its final report concerning worker safety.

Responsible contractor provisions should beget the use of a well-trained workforce able to identify and address safety issues identified as necessary-to-mitigate on the proposed project's jobsite. Local 217 remains at the City's disposal as a partner and stakeholder in the development of such standards, which should include apprenticeship, healthcare, and the aforementioned local hire requirements. Adopting responsible bidder provisions is one example of steps the City can take to better guarantee worker welfare and, by extension, effectively realize any mitigation steps identified for worker safety within the EIR related to this and other projects. Local 217 looks forward to collaborating with the City both during and beyond this proposed project's CEQA process to ensure any such mitigation measures are effectively realized and enforced.

Response to Comment B-3: The commenter expresses concern about worker exposure to hazards and hazardous materials and requests responsible contractor provisions be implemented on this project. The City enforces the building code and conducts regular inspections during construction. Contractors are required to be licensed. The Initial Study section 3.9.3.d discusses the presence of hazardous materials on the project site and identifies the potential for worker exposure (Impact HAZ-2). Mitigation Measure HAZ-2 specifically requires protection of worker exposure to airborne lead paint particulates through use of personal protective gear, clear identification of the location of hazardous materials, and removal by properly trained/certified workers, and proper cover and transport of hazardous materials, etc. The commenter did not allege that Initial Study analysis was deficient or present substantial evidence supporting a contrary conclusion. The comment does not result in a change to the EIR impact conclusions. No further response is required.

Comment B-4: *Conclusion*

Local 217 hopes that the City continues to use the CEQA process to minimize the proposed project's environmental impacts while maximizing the economic and other benefits that the Project presents to the City, area workers, and the region. We look forward to observing the City's subsequent discussions on the environmental dimensions of the proposed project; including its acknowledgement of the issues we have raised in this formal submission.

Response to Comment B-4: Comment acknowledged. The comment does not address the adequacy or content of the Initial Study. No further response is required.

Letter C: Letter from Patty Marsters, Resident of San Carlos

Comment C-1: *Following up on comments made Monday night, I think you should be very concerned that the environmental review for 642 Quarry includes BSL-3 labs.*

Both the public and council supported limiting labs to BSL-1 and BSL-2 at 405 Industrial. Jane from Menlo Equities told council the need for BS-3 labs isn't that common and only BSL-1 or BSL-2 labs would be provided for their future tenants.

The developer's Project Overview and Vision for 642 Quarry describes a commercial development with features and amenities for tenants (Perhaps biotech, but perhaps robotics or

other tech) AND the General Public. They propose onsite childcare and recreation facilities. The developer doesn't seem to be thinking about sensitive groups or Biosafety at all! Next door to 642 Quarry, the county holds onsite vocational training, including help for veterans, and down the road, Rockin'Jump hosts birthday parties and jump-time for all ages.

Response to Comment C-1: The City Council is currently considering adopting an Ordinance that would establish regulations for biosafety levels in laboratories on a citywide basis. As recommended by the Planning and Transportation Commission, the regulations permit BSL-1 and 2 activities, requires a Conditional Use Permit (CUP) for BSL-3 activities and prohibits BSL-4 activities. Applicants for CUP are required to submit a Biosafety Plan and Medical Waste Management Plan in accordance with the Biosafety in Microbiological and Biomedical Laboratories guidelines (CDC and NIH). The plans are required to be peer reviewed by the City's consultant, and if the CUP is approved, inspected to ensure compliance with the plans and CUP conditions. Further, the recommended Ordinance requires the applicant to submit annual reports and inspections to ensure ongoing compliance. The regulations in effect at the time a tenant submits plans for a building permit for tenant improvements on a laboratory space would apply to this development As the outcome of the City regulations are unknown at this time, in a letter to the City dated December 12, 2022, the project Applicant informed the City that it has withdrawn the request for permitting of BSL-3 laboratory space at this time and is now only proposing BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan. The Initial Study is revised to reflect the elimination of BSL-3 laboratory space in response to the applicant's change in project description (see Section 4 Text Revisions). Any BSL-3 uses in the future, if permitted by City Ordinance and proposed by the project Applicant or building tenant, would be regulated by City Ordinance requirements and subject to new environmental review process under CEQA.

Comment C-2: *The Notice of Intent to file a Mitigated Negative Declaration for 405 Industrial didn't include any mention of BioSafety levels. So why were BSL-1, BSL-2, and BSL-3 labs specifically named on the comparable NOI for 642 Quarry, also signed by Lisa Costa Sanders?*

Is this the city's attempt to get ahead of objections to BSL-3 labs at 642 Quarry and in the city in general? Or is it just a mistake that unfortunately sends the message that San Carlos welcomes research and experimentation on severely infectious agents and toxins? Thank you in advance for looking into this.

Response to Comment C-2: Life science research facilities are an emerging business sector in the City of San Carlos. The level of BSL use was not specifically called out for the 405 Industrial Road project in project application materials; however, the City limited the biolab uses of the 405 Industrial Project to BSL-1 and BSL-2. The Application materials for the 642 Quarry Road project initially included BSL-3 uses as part of the proposed project. As stated in Response to Comment C-1above, the City Council is currently considering an Ordinance to regulate laboratories with biosafety levels citywide. The options before the City Council includes a Planning and Transportation Commission recommended Conditional Use Permit for BSL-3 labs and prohibit BSL-4 labs and an alternative Ordinance to prohibit BSL 3 and 4 labs. The regulations in effect at the time a tenant requests tenant improvements for a laboratory space will apply to this development. As the outcome of the regulations are unknown as this time, the in a letter to the City dated December 12, 2022, the project Applicant withdrew the request for permitting of BSL-3 laboratory space as part of the Planned Development (PD) ordinance and is now only proposing BSL-1 and BSL-2 laboratory space at this time. The Initial Study is revised to reflect the elimination of BSL-3 laboratory space in response to the applicant's change in project description (see Section 4 Text Revisions). Any BSL-3 uses in the future, if permitted by city Ordinance and proposed by the project Applicant or building tenant, would be regulated by city Ordinance requirements and subject to new environmental review process under CEQA.

Letter D: Letter from Paul Magginetti, Resident of San Carlos

Comment D-1: ***Project Description:*** *In the project description there are claims of a such wide range of potential uses that it seems unlikely that the individual proposed mitigations could cover all uses. In the event that a future use negates a proposed mitigation how will this fact be discovered and/or reported and what is the mechanism of revisiting proper mitigation?*

Response to Comment D-1: The Project Description (Initial Study pp. 4-5) describes the potential future tenants of the proposed project based on information provided by the project Applicant and their knowledge of future tenants. The future tenants could come from a range of industry sectors. The Initial Study evaluated the types of environmental impacts that are associated with these uses. Although the specific details may be unique to each prospective tenant operation, the categories of environmental impacts are universally addressed by governing county, state, and federal regulations. For example, biohazards are addressed through Occupational Safety and Health Administration (OSHA) and Center for Disease Control and Prevention (CDC) requirements. Businesses generating hazardous waste must obtain a Certified Unified Program Agency (CUPA) permit from San Mateo County and be subject to a Hazardous Materials Business Plan. Disposal of biohazard material is treated as medical waste and regulated through San Mateo County Environmental Health Services. Mitigation measures identified in the Initial Study, Mitigation Measure HAZ-1 Soil Management Plan and Mitigation Measure HAZ-2 Hazardous Material and Debris Management Plan, address removal of existing hazardous materials present on the site prior to site construction. The Initial Study does not identify mitigation requirements for prospective tenants beyond the regulations that already govern these uses. Therefore, a change in future tenant uses within the building would not negate mitigation identified in the Initial Study.

The proposed use of the building for research and development tenants is considered a permitted use in the underlying Light Industrial (IL) zoning district and as requested in the Planned Development (PD) zoning. Tenant uses must be consistent with permitted or conditional uses established by the PD zoning. Any tenant use not consistent with the project PD zoning would require an amendment to the Planned Development zoning subject to approval by the City Council and any use which fails to comply with the conditions of approval would be subject to enforcement actions.

Since circulation of the Public Draft IS/MND the City has embarked on drafting a new ordinance to regulate laboratory activities with biosafety levels within the City. Future tenants will be subject to the regulations in effect at the time a building permit is submitted for the laboratory space.

Comment D-2: ***Site Description:*** *In the site description there is no mention of the adjacent Belmont creek or how potential uses will impact the creek. How will runoff be treated before entering the creek? How will the inevitable flooding from the creek be prevented from triggering chemical and biological hazard releases?*

Response to Comment D-2: Belmont Creek is briefly referenced in Initial Study section 2.1 Project Location and Site Description: "*A channelized section of Belmont Creek runs along the northwestern property boundary…The project site is situated at the northern city limit adjacent to Belmont Creek in the Harbor Industrial Area (HIA)…*" Belmont Creek is further discussed in Initial Study section 3.10. All stormwater runoff from the project site will be captured on site and directed to the City's storm drain collection system as shown in the Stormwater Control Plan (Appendix A, Sheet C40); no runoff from the project site is proposed to enter Belmont Creek (Initial Study section 3.10.3.a, p. 120).

A surface water hydraulic model prepared for the project site by BKF Engineers determined the 642 Quarry Road Project development would have insignificant impact (increase in surface water depth of less than 0.1 feet) from flooding at Belmont Creek (Initial Study section 3.10.3.c.iv, p. 127). The project includes installation of a below-ground detention system to capture flood flows from Belmont Creek from a 100-year, 24-hour storm event, which would further reduce flood water depths on the project site (see Initial Study Table 2-1 and flooding discussion on p. 127). Text revisions have been made to Initial Study Table 2-1 as presented in Section 4 of this Response to Comments document further describing the detention system. The chamber capacity is equal to the existing volume of storage on the site that is lost due to the new building construction (40,416 cubic feet). The lost ponding volumes are based on the level of ponding due to a 100-year, 24-hour storm event. With instillation of this detention system to capture and detain the 100-year, 24-hour storm event flood flows, the project would have a less than significant on flooding.

The proposed office buildings would have finished floors above flood elevations. Further, first floor uses would not house office and lab space (see Initial Study sections 2.2.1 and 2.2.2 on p. 4) and laboratory spaces containing biohazardous materials would not be subject to inundation in the event of site flooding. Chemical and biological hazardous materials associated with tenant use would not be impacted by creek flooding and would not be subject to environmental release due to creek flooding. The proposed project operations would not introduce new hazardous materials into the project grounds outside of the buildings that would be exposed to stormwater runoff or creek flooding. Any hazardous substances that may be present in the soil as an existing site condition from current or previous uses as described in Initial Study Hazards and Hazardous Materials (section 3.9) are an existing condition and not an effect of the project. Soil contaminants presently in the soil encountered during project construction would be addressed through implementation of a Soil Management Plan required in Mitigation Measure HAZ-1.

Comment D-3: ***BASIS OF FINDINGS, Mitigation Measures:*** *The negative declaration acknowledges toxic wastes from adjacent sites and that higher-than-expected/allowed contamination may be encountered, yet no soil sampling data is available for the site nor for the adjacent creek to establish the scope of the waste hazard. Given that the history of East San Carlos' past industrial use has resulted in most of the land being designated a brownfield, more should be done to evaluate if mitigation is even feasible. How can the applicant know if the mitigation proposed will meet the demands and scope of the toxic waste at the site and in the creek that has been affected by this toxic runoff? Past heavy metal use has been noted, will this toxic waste be tested for? How will other contamination from past uses be detected and mitigated? It seems that by considering each project separately and independently from others, there is no single standard for mitigation and past contamination goes unaddressed, making the waste the city's responsibility when it is pumped out of the Pulgas Pump Station into Pulgas creek.*

Response to Comment D-3: A Phase I Environmental Site Assessment (ESA) prepared for the project site by PES Environmental, Inc. included a subsurface investigation of soil matrix and/or groundwater samples at 14 locations and soil vapor samples at 17 locations (Initial Study section 3.9.1). The investigation identifies detected concentrations of volatile organic compounds (VOCs) that exceed Environmental Screening Levels for commercial uses. The Phase 1 ESA recommends preparation of a Soil Management Plan to address potential data gaps in subsurface characterization, handling, and disposal of excess soil from site grading. Preparation of a Soil Management Plan is standard industry practice to provide a plan for testing soil for presence of contaminants prior to off-haul for disposal and to determine the need to further assess potential contaminant levels in soil and protective measures needed for safety of construction workers and building occupants. The Soil Management Plan must be submitted to

both the City Public Works Department and San Mateo County Department of Environmental Health for review prior to City issuance of a grading permit. Mitigation Measure HAZ-1 requiring the SMP has been modified to clarify its application of residential Environmental Screening Levels (ESLs) and vapor intrusion modeling and mitigation as needed (see Section 4 Text Revisions).

Comment D-4: ***PROJECT CHARACTERISTICS, 2.2.1 Project Buildings:*** *This section describes the project height at a maximum of 113 feet, yet in page is described as a maximum of 120 feet. Which is it? Why is such a height being considered by the city when the current zoning has a maximum building height of 75 feet? A parking garage with underground parking is proposed. If flooded by the adjacent creek, how will toxic waste from internal combustion and electric vehicles be prevented from flowing back into the creek and the bay? Lithium form electric vehicles would have disproportionate impact on wildlife. How will its release be detected?*

Response to Comment D-4: The project proposes a maximum building height of 113 feet, including the mechanical screening, per the project drawings as presently designed (Initial Study section 2.2.1). As noted, the Planned Development Zoning proposed for the project site is requested by the applicant to allow a maximum building height of up to 120 feet including the mechanical screen (seven feet higher that the currently proposed building height; Initial Study section 2.2.7). The additional height allowance in the requested Planned Development zoning is to allow flexibility for further development of the final design of the screening for rooftop mechanical equipment.

The maximum building height under current Light Industrial zoning is 75 feet. Rezoning the site to Planned Development with a maximum building height of 120 feet is proposed to accommodate the project development as designed. As discussed in Aesthetics (Initial Study section 3.1.3.c), the increased building height and floor area ratio would allow for higher intensity use of the project site that exceeds current development standards and existing conditions in the Harbor Industrial Area. This development densification in the Harbor Industrial Area is consistent with the City's support of large-scale office developments to serve bio-tech uses expressed in the Economic Development Plan - East Side Area (see Land Use section 3.11).

The proposed parking garage includes one parking level partially below ground at the eastern side of the project site. Flooding from Belmont Creek has mostly occurred along the Old County Road frontage and has not historically impacted the portion of the project site where the parking garage is located. The project would include installation of a below ground detention system consisting of a series of storage chambers to capture and detain flood flows from a 100-year, 24-hour storm event (Initial Study Table 2-1). Flood flows on the project site would be exposed to contaminants on paved surfaces associated with vehicle use as an indirect source of pollutants. The project parking garage would not introduce new sources of potential contaminants to water quality distinct from all other urban runoff during a flood flow.. The perimeter ground level elevation at the parking structure has been set to be 12-inches above the highest expected adjacent flood elevation per the results of the 2019 Belmont Creek Watershed Management Plan study. Floodwater entering the project site is modeled to have a water surface elevation of less than 0.5 feet (Initial Study section 3.10.3.c.iv [p. 127]) which is less than the ground elevation at the parking structure. As a result, no floodwater would flow into the lower level of the parking garage structure. Also see Response to Comment F-18.

Comment D-5: ***Project Operations …****The consequences from a BSL3 laboratory release is exponentially higher than a risk from a BSL2 laboratory. The impact of an airborne, possibly*

deadly, biological agent release would be much more acute and harder to control and clean up. We have only to look to the release of SARS-Cov-19, possibly from a biosafety lab in Wuhan, China, and the resulting global pandemic is an example of the possible consequences. Release of less virulent biological agents from biosafety labs has occurred in the past and will happen in the future; an ebola-like filovirus release from the Hazleton Laboratories vivarium in Reston, Virginia in 1989 for example. The resulting contaminated building was gassed multiple times with formaldehyde (itself a chemical toxic waste) and bulldozed to the ground. The CDC and other government agencies only act after a biological agent is released, as seen with the recent polio outbreak. Mitigation of the hazards found working with this level of biological agents is highly dependent on the type of agent being used and proper mitigation cannot be deemed effective without this context. The routine transport, use, and disposal of these airborne biological agents and their self-replicating nature make them especially dangerous. Worse, some work with BSL3 agents could inadvertently produce a BSL4 biological agent. The best designed laboratory in the world will not mitigate for human error. Finally, companies fail and, facilities reach their end of life and will require expensive decommissioning.

Response to Comment D-5: The City Council is currently considering an Ordinance to establish regulations for laboratories with biosafety levels citywide. These regulations will apply to this development. As the regulations are not known at this time, in a letter to the City dated December 12, 2022, the project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space at this time and is now only proposing BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan. As shown below in Section 4, text revisions have been made to acknowledge this change in the project description.

Comment D-6: *Key questions that must be critically answered when working with such agents are:*

- *How will a biohazard release be prevented?*
- *How will a biohazard release be detected?*
- *What will the disaster response be to a biohazard release? Who will respond?*
- *Where will requirements addressing biohazards be specified and verified?*
- *What level of biohazard is so risky that it should not be permitted?*
- *How will these facilities be decommissioned?*

I have not been able to find the answers to any of these questions that could justify allowing a BSL3 facility near a populated urban location. Biological agents at both BSL3 and BSL4 levels are wildly incompatible with the proposed childcare facility and the nearby San Mateo County Veterans Service Office facility. OSHA is not responsible for certifying these biosafety lab installations as implied (page 104). There is a non-sequitur mention that the National Institute of Health (NIH) Guidelines governs NIH labs (page 107), but there is no indication this will be a NIH operated lab facility. Biosafety standards and guidelines are a best practice but, are not enforced by anybody. There is no notified body that the operators of these labs are required to demonstrate biosafety compliance to, as implied on page 107. Instead, the operators seem to be required to demonstrate compliance to the city (page 107). The city does not have subject matter expertise in this area, yet they are supposed to verify that proper building facilities, design, and equipment are maintained, they have to approve safety procedures, monitor that these are being adhered to and, judge the competency of the laboratory personnel engaging in the laboratory activity (page 106). How does the city propose to supply the additional expertise that certifying a BSL3 lab requires? In the event of a level 3 biological agent release, is the city

liable? Is the city financially responsible for the expensive decommissioning of these facilities decades down the line?

Until all of the above questions can be answered to the public's satisfaction, use of this facility for working with BSL3 agents should not be permitted. There is plenty of commercial opportunity in the Life Sciences at a BSL1 and BSL2 level. In fact, BSL3 applications are the exception, not the rule.

Response to Comment D-6: The City Council is currently considering an Ordinance to establish regulations for laboratories with biosafety levels citywide. These regulations will apply to this development. As the regulations are not known at this time, in a letter to the City dated December 12, 2022, the project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space and is now only proposing BSL-1 and BSL-2 laboratory space at this time to be part of the Planned Development (PD) Permit. Accordingly, responses to the commenter's questions in this comment D-6 are provided in relation to the proposed BSL-1 and BSL-2 uses only.

Biohazard release prevention. Every company has a responsible Safety Officer and Environmental Health & Safety Group (either company employee or consultant) that implement lab safety standards and ensure that procedures are followed and that the company maintains compliance with all applicable federal, state, and county policies, procedures, and guidance, as well as industry standard safety practices. Waste collection storage is generally locked or inaccessible to unauthorized personnel. Research handling of biohazard materials is conducted in fume hoods and biosafety cabinet (BSC) hoods that are designed for containment of any hazardous operations and are permitted by OSHA. All sites that have hazardous waste must register with the County EHS and be permitted as a waste generation site. See additional text provided in Section 4 Text Revisions.

Biohazard release detection. With a few exceptions, all accidents, spills and/or releases are alarmed by the person finding or involved in the accident that caused a spill or release. The few exceptions are gas monitors for low oxygen conditions, liquid leak/spill indicators, and pressure differential monitors, to name a few, that will alarm when set conditions are exceeded, which could cause a hazardous situation.

Disaster response to a biohazard release. Each company will have an emergency response plan. Larger companies will have an internal response team. All Fire Departments have been trained and are able to respond to any emergency hazards. San Mateo County EHS would also be involved in any serious releases. Disaster response will involve the company and local agencies, depending on the severity and scale of the release. Firefighters, health officials, planners, public safety officers, health care providers and others rely on the Hazardous Materials Business Plan filed by businesses with San Mateo County EHS in an emergency. The Initial Study is revised to reflect this information. See Section 4 Text Revisions.

Location of requirements addressing biohazards. The Local Fire Department does site visits and will cite any observations that are not safe. The tenant's Environmental Health &Safety Group also perform frequent inspections and documentation of all waste streams and hazardous chemicals on the site.

Permitting of higher risk biohazard levels. The City Council is currently considering an Ordinance to establish regulations for laboratories with biosafety levels citywide. These regulations will apply to this development.

Facility decommissioning. The sites are decontaminated and tested to verify no contamination or hazards are left in the building. There is some additional testing done if the space will be demolished, where the exhaust ducting is tested and generally disposed of as hazardous waste.

For any sites that were permitted by the state to use isotopes in their space, then those spaces will go through state certification and release before it can be decommissioned.

San Mateo County EHS has guidelines and policies that must be followed in order for the company to get their permits to generate hazardous waste. It also allows the County to know what companies have hazardous material and how much.

Comment D-7: *Belmont Creek Maintenance* *There is mention of a restoration project for Belmont Creek required by the City of San Carlos as a condition of project approval on land adjacent to Belmont Creek (page 7). Have adjacent property owners also committed to this restoration program? What is the mechanism city staff will follow to see that this is carried out? Why is a similar restoration program for projects along the more highly impacted Pulgas Creek not required? Once again, treating each project out of context with other projects is preventing the city from meeting goals that we are all stake holders in. By keeping public outreach to only the legal minimum the city is also minimizing public input and missing opportunities to better serve the public interest.*

Response to Comment D-7: The City of San Carlos is requiring maintenance of Belmont Creek on the project property as a condition of project approval (The project parcel boundary runs down the centerline of Belmont Creek with other parcels up and down the creek having a similar situation). The City does not own the creek property adjacent to the proposed development site or have a maintenance easement over the creek corridor. Presently, the City can only enforce creek maintenance by property owners as a condition of approval when property owners propose actions/projects requiring city approval. The draft Condition of Approval language is presented in the Initial Study section 3.4.3.b. A Creek Maintenance Plan must be submitted to permitting agencies (e.g., Regional Water Quality Control Board [RWQCB] and California Department of Fish and Wildlife [CDFW]) prior to city issuance of project building permits.

Comment D-8: *3.9.1 Environmental Setting* *Adjacent toxic waste sites are described in the context of Environmental Screening Level (ESL) values respective to ESL values <u>for commercial land use</u> (page 101), yet a daycare facility is proposed for the site. Maximum allowable levels should reflect this sensitive land use. Many of these toxic wastes are volatile and may accumulate in buildings. How can a daycare facility be considered appropriate under these circumstances?*

Response to Comment D-8: The Phase I ESA report compared soil contaminant concentrations to ESL values for commercial land uses. As noted, a daycare facility is considered a sensitive land use and therefore ESL values for a residential use should be used for evaluation. The Initial Study discussion of hazardous materials is revised accordingly. See response to comments from the Department of Toxic Substances Control (Letter A) above and text revisions in Section 4 below.

Comment D-9: *Utility Resources* *Life Science building such as these require large, continuous amounts of power and water. How does the city plan to meet the demand of all of these projects that the city is planning on approving? Do the demands of these projects match future planned resources? If resources are not sufficient, what is the city's plan to provide extra utilities? These buildings will generate a lot of industrial liquid waste. Will this waste be comingled with the sanitary sewer system or a separate industrial sewer system? How will this liquid waste be treated? By whom? Is there sufficient, non-sanitary sewer utility to meet this demand and the demand for the accumulated projects? Is there sufficient sanitary sewer capacity to meet the demand of all of the people who will be working at these facilities.*

Response to Comment D-9: The project's demand on utilities is addressed in Initial Study section 3.19. Electrical power to the project would be provided by PG&E. New transformers would be installed per specifications of PG&E to meet project demand. Water supply would be provided by Mid-Peninsula Water District. A Water Supply Assessment prepared by the District confirmed that it has adequate supply to meet demand for this project as well as other known large projects planned within its service area boundaries. The existing sewer main in Quarry Road serving the project site would be upgraded from a 6-inch to a 10-inch line. No other changes to the sanitary sewer system are needed to serve the project; the city has adequate wastewater treatment capacity. Liquid waste is managed in accordance with its characteristics. Some liquid waste may be suitable for disposal through the sanitary system. Biological waste that is infectious to humans must be separately managed and disposed of as medical waste.

Comment D-10: ***Traffic calming*** *There is already an existing safety problem with vehicles speeding along Old County Road as they try to avoid traffic congestion along El Camino Real. This and projects like it will make the problem much worse. Cars trying to enter and exit Old County Road to and from the residential areas find it especially dangerous, as do cars trying to enter and exit Old County Road from Taylor Way. Will a 3-way stoplight be installed at Taylor Way as a traffic calming measure? Will plate readers be installed to help enforce the speed limit?*

Response to Comment D-10: Transportation impacts of the project are discussed in the Initial Study in section 3.17. Vehicle trips generated by the project will add to local traffic conditions; however, traffic congestion is not an environmental impact that can be assessed under CEQA. The City prepared a traffic study (Hexagon Transportation Consultants) to evaluate the project's potential impacts on local intersection operating levels. All intersections in proximity of the project site are anticipated to operate at an acceptable level of service during the AM and PM peak hours. As such, the project does not conflict with City standards regarding roadway circulation. The City has not planned for signalization of Taylor Way and the transportation report did not identify a need to signalize this intersection.

Letter E: Email from Garry Baldocchi, Resident of San Carlos

Comment E-1: *In the past, we learned about these developments 4-5 days before they were scheduled for public hearings. When they are presented at the Planning Commission and the subsequent City Council meetings, the packets are followed by a number of documents that list the desired outcome before hearing from the public who attend the meetings. We perceive that the applicants and City staff ask the Planners and City Council to approve these developments without giving them ample time to consider public input at the meetings. They are always approved.*

We respectfully request members of the Planning Commission and the City Council delay approving or denying this project until after the public hearings. The Planning Commission's public hearing is the community's first opportunity to see the presentation from the applicant. We also ask that if you meet with the applicant before the public hearings, you give interested members of the community the same opportunity to meet with you before the hearings.

Response to Comment E-1: Comment acknowledged. The City Council is currently considering an Ordinance to establish regulations for laboratories with biosafety levels citywide. These regulations will apply to this development.,.

Comment E-2: *To our knowledge, this is the first BSL-3 lab in San Carlos and we believe it is inappropriate to site it at this location because of its proximity to residential neighborhoods, Belmont creek (which is prone to flooding) and its location in a FEMA flood zone. We also*

perceive that it has inadequate evacuation routes because the major access road is Industrial, one of the most heavily trafficked streets in San Carlos.

Response to Comment E-2: As stated in Response to Comments C-1 and E-1 above, the project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space as the new citywide regulations are not known at this time and is now only proposing BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan at this time.

The potential for flooding at Belmont Creek is discussed in the Initial Study Hydrology chapter (section 3.10). The Federal Emergency Management Agency (FEMA) map for the property area shows the subject property is not within a Special Flood Hazard Area (1% annual-chance flood; 100-year flood). However, the subject property is mapped as a 0.2%-annual-chance-flood (500-year flood) area. As discussed in Response to Comment D-2, the project would not create risk of releasing pollutants due to project inundation.

The 642 Quarry Road site is well connected to several arterials that can disperse vehicle traffic in the event of an evacuation. Industrial Road, Old County Road, and El Camino Real can disperse vehicles to the north and south, and Ralston Avenue and Holly Avenue connect vehicles to Highway 101. A traffic study prepared to assess the project's impact on intersection performance during peak commute hours indicates that all intersections in proximity of the project site are anticipated to operate at an acceptable level of service in normal conditions, indicating that the road network has capacity to disperse high volumes of vehicles in an evacuation situation.

Comment E-3*: These types of labs are most suited to major Universities that have the resources to property oversee them…This will not be the case for unknown private tenants that will ultimately use this space. We ask that the City deny any applications for BSL-3 labs because of the geographic limitations of our small town and the increased environmental impacts on Smith Slough and the bay.*

Many other cities and towns across the county are grappling with the proliferation and concentration of these labs in small cities. They are not without risk.
…

In the interest of public safety, we submit this email now to respectfully ask our Planning Commissioners and City Council to give this project the highest level of scrutiny and limit it to housing BSL-1,2 labs if approved. We greatly appreciate your thoughtful deliberation and consideration.

Response to Comment E-3: As stated in Response to Comments C-1 and E-1 above, the project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space at this time as the pending citywide regulations are not known and is now only proposing BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan at this time. The development will be subject to the new biosafety laboratory regulations as adopted by the City Council.

The comment generally references increased environmental impacts on Smith Slough and the bay without stating specific impact concerns. The project site is located adjacent to Belmont Creek, which drains north to Belmont Slough and enters the bay. The project site is not hydrologically connected to Smith Slough, which is located approximately two miles south. The Initial Study concluded that the proposed site development and project use would not impact hydrology or water quality and as a result, neither Smith Slough or the bay would be impacted.

Letter F: Letter from Debbie and Garry Baldocchi, Residents of San Carlos

Comment F-1: *BSL-3 labs contain biohazardous agents capable of causing serious or potentially lethal diseases that are highly transmitted to humans through contact and inhalation. These pathogens include anthrax, botulism, tuberculosis, plague, hantaviruses, severe acute respiratory syndrome associated coronavirus (SARS-CoV and other coronaviruses), multiple resistant Staphylococcus (MRSA) and other more dangerous organisms.*

Contrary to the bioscience industry's extensive public relations efforts to convince the public that biosafety laboratory facilities are highly regulated and safe, hundreds of documented lab accidents have gone undisclosed to the public. The proliferation of millions of square feet of biosafety labs in heavily populated areas is an issue of nationwide concern because of odors, noise, emissions, and transportation of hazardous materials, hazardous pathogens and biological waste through residential neighborhoods. See: The Risks of Building Too Many Biolabs.; Newly Disclosed CDC biolab failures 'like a screenplay for a disaster movie.

Response to Comment F-1: The City Council is currently considering an Ordinance to establish regulations for laboratory activities with biosafety levels citywide. These regulations will apply to this development. As the regulations are not known at this time, in a letter to the City dated December 12, 2022, the project Applicant withdrew the request for permitting of BSL-3 laboratory space at this time and is now only proposing BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan. Limiting the project to BSL-1 and 2 laboratory uses would substantially reduce the potential hazard associated with a BSL-3 use. With elimination of the BSL-3 lab use, pathogens and agents will be limited to Risk Group 2 for use to BSL-1 and BSL-2 laboratories resulting in low risk of community exposure. If the City allows BSL-3 uses in the future, the project Applicant or building tenant could seek approval of a BSL-3 use through a new application review process. The BSL-3 use application would be subject to environmental review under CEQA. See Initial Study Table 3-14, p. 106 and revised condition of approval text in Section 4 Text Revisions.

Comment F-2: *Although the developer is not asking the city to approve the use of BSL-3 labs at this time, it is asking the city approve BSL-3 use in the buildings, subject to later approval of a Conditional Use permit when a tenant is secured. That is alarming because a Conditional Use permit for a BSL-3 will not require additional environmental review and public disclosures. The developer is asking for approval based on a Mitigated Negative Declaration.*

Response to Comment F-2: Please see Response to Comment F-1. The project Applicant removed BSL-3 laboratory space from the project proposal at this time and will be subject to the biosafety laboratory regulations as adopted by the City Council If the City allows BSL-3 uses in the future, the project Applicant or building tenant could seek approval of a BSL-3 use through a new application review process. The BSL-3 use would be subject to environmental review under CEQA.

Comment F-3: *…The City of San Carlos does not have a biosafety committee or ordinances and guidelines regulating biosafety laboratory developments. We ask that the city delay review and approval of this project and all BSL projects until after properly trained consultants or staff have been retained, public hearings have been held and regulations have been codified….*

… (page 6 of comment letter) Will the city consider delaying approval of this MND until after the appropriate biosafety ordinances and regulations have been enacted and a city-run biosafety committee has been established? If not, we respectfully request the City (and developer) explain why this application and MND for a speculative development with unknown tenants should be approved despite the public's request for BSL safety ordinances and regulations?

Response to Comment F-3: This comment is not on the adequacy or content of the Initial Study; the comment does not raise any significant environmental issues. Please see Response to Comment F-1. The City Council is considering regulations that would apply on a city-wide basis addressing BSL activities within the city.

Comment F-4: *BSL-3 lab use should be prohibited on this site and should be permanently banned in San Carlos….*

… (page 8 of Comment Letter F) We request that the City Council hold public hearings to allow community engagement about the public safety and environmental impacts caused by the proliferation of millions of square feet of biosafety labs in San Carlos. In the meantime, we ask that the City Council ban all BSL-3 labs in San Carlos and specifically exclude BSL-3 labs as a "use" in this applicant's proposal and MND.

Response to Comment F-4: This comment is not on the adequacy or content of the Initial Study; the comment does not raise any significant environmental issues. Please see Response to Comment F-1. The City Council is considering regulations that will apply on a city-wide basis addressing BSL activities within the city.

Comment F-5: *We ask the city to reject land developers' strategies and tactics that have allowed them to circumvent stringent environmental review and public hearings in order to site BSL-3 labs in densely populated residential areas…..*

… (page 9 of Comment Letter F) … We are confident that San Carlos City Council members agree with members of the public who think that private developers' profits and corporate objectives should not come at the expense of public health, environmental safety and transparency. We urge the City Council to require the developer to address the questions we have raised regarding the strategy of later asking for a conditional use permit and Tenant Improvements that would allow BSL-3 or other uses (vivaria) that could cause adverse environmental impacts that are not addressed in the MND.

Response to Comment F-5: This comment is not on the adequacy or content of the Initial Study; the comment does not raise any significant environmental issues. Please see Response to Comment F-1. The City Council is considering regulations that will apply on a citywide basis addressing laboratories with BSL activities within the city.

Comment F-6: *Will the developer have an internal Responsible Official (RO) who has the authority and responsibility to ensure tenants compliance with regulatory agencies? Will it have a formal biosafety committee? If the developer later requests a conditional use permit for a BSL-3 lab, will members of public be notified? How will they be notified? Who is included in the notification? Will members of the community have an opportunity to provide public comment?*

Response to Comment F-6: Please see Response to Comment F-1. The project Applicant has removed BSL-3 laboratory space from the project proposal at this time as the citywide regulations are not known. Future tenants will be subject to the City regulations in effect when the tenant improvement plans for the future laboratory space is submitted to the Building Department. The project Applicant has provided additional information on how future companies will oversee the laboratory use. Each business is anticipated to have a responsible Safety Officer and Environmental Health & Safety Group (either in company or consultant) that implement procedures and ensures that the procedures are followed and that they are in compliance with all San Mateo County Health policies. Additionally future tenants will be required to comply with the City's regulations, which as currently drafted requires compliance with the procedures and best management practices provided by the U.S. Department of Health

and Human Services in the guidance document Biosafety in Microbiological and Biomedical Laboratories. Further, the currently drafted Ordinance requires the applicants plans to undergo peer review by City's consultant and inspection process.

Comment F-7: *We read the developers general description of BSL-3 lab design requirements in Appendix E. However, as laypeople, we cannot assess whether the buildings will be spec'd to have sufficient shaft space, floor to floor height and other base building construction requirements to accommodate the additional ventilation and other mechanical features required by BSL-3 labs. Will BSL-3 labs be located on lower floors because of the fire department's limitation of hazardous materials on higher floors due to the fire safety risks? Will they be located in the same building as the proposed childcare center? We request that the city require the developer to submit design specifications for any designated areas of the buildings that may be utilized as BSL-3 labs in the future, hopefully with input from a qualified firm that specializes in BSL-3 facilities. Is the developer willing to do so?*

Response to Comment F-7: Please see Response to Comment F-1. The project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space and is now only proposing BSL-1 and BSL-2 laboratory space at this time to be part of the Planned Development (PD) Permit. The future tenant will be subject to the biosafety regulations in effect at the time tenant improvements are submitted for the laboratory space. As currently recommended by the Planning and Transportation Commission, the regulations require the tenant to submit a Biosafety Plan and a Medical Waste Management Plan consistent with the Biosafety in Microbiological and Biomedical Laboratories guidelines (CEC and NIH). These reports are required to be peer reviewed by the City's consultant and if approved, the laboratory is required to be inspected to ensure compliance with the plans and guidelines. Further, the proposed Ordinance requires annual reporting and inspection to ensure ongoing compliance.

Comment F-8: *We oppose the use of a Mitigated Negative Declaration instead of a Draft Environmental Impact Report for this project because an MND allows a lower level of environmental review and does not require the City to respond to public comments or questions…..*

….. (page 11 of Comment Letter F) ... We contend that there is substantial evidence showing that the project may have significant adverse impacts as discussed below.

Response to Comment F-8: Please see Response to Comment F-1. In response to public comment, the project Applicant voluntarily withdrew the request for permitting of BSL-3 laboratory space and is now only proposing BSL-1 and BSL-2 laboratory space at this time to be part of the Planned Development (PD) Permit. If the City allows BSL-3 uses in the future, the project Applicant or building tenant could seek approval of a BSL-3 use through a new application review process. The BSL-3 use would be subject to additional environmental review process under CEQA.

Further, text revisions have been made to the Initial Study as presented in Section 4 Text Revisions to amplify or clarify discussion where needed to respond to comment. All impacts remain less than significant. As shown in the responses to all comments presented in this document, all potentially significant impacts have been adequately addressed and will be appropriately mitigated to insignificant levels. The commenter does not assert any express claims or present any substantial evidence to the contrary, but rather, simply notes various perceptions and raises myriad questions. Because the Initial Study identifies and adequately mitigates all potential impacts to insignificant levels, and because there is no evidence in the record that the project may result in a significant adverse impact, an IS/MND is an appropriate CEQA document in which to document the proposed projects potential environmental impacts.

The CEQA process for adoption of the Mitigated Negative Declaration (MND) does not require responding to public comments. The City has provided a written response to public comment received in a good faith effort for transparency and responsiveness CEQA Guidelines do not require a Lead Agency to hold a public hearing for the adoption of a CEQA document irrespective of whether that is a MND or an Environmental Impact Report (EIR). The decision to hold a public hearing to receive public comment is a matter of individual agency practice.

Comment F-9: 6. ***Section 3.1 (d) Aesthetics (Light and Glare):*** *Will the cluster of three 90-120 feet-tall, glass-clad buildings on a Life Science "campus" create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? The MND concludes: Based on project compliance with design review requirements and the additional measures incorporated into the project to reduce glare, the project impacts on nighttime light and daytime glare would be less than significant.* (Page 31.) *There are no existing land uses near the project site considered sensitive to spill light (e.g., residential uses).* (Page 27.)

We do not understand this conclusion. As indicated earlier, the proposed buildings will total approximately 410,072 square feet of building space and 233,822 square feet of parking space. The prospective tenants are unknown at this time. The project is being designed to allow for the broadest potential demand ranging from 75% lab and 25% office to 25% lab and 75% office use for research and development. (Page 1, MND.) Single family residences are located within 410 feet west of the project site on 5th and 6th Avenue, and Sunnyslope. (Page 36.)

We perceive that the MND does not adequately assess adverse environmental impacts such as light and glare because the unknown tenants may have significantly different uses of energy, water and light. For example, lab tenants, may work 24/7 and require constant interior illumination. Other tenants may not occupy the buildings at night. We request that the MND be supplemented with an evaluation that assumes the worst-case scenario of 75% lab tenant use and analyzes the significantly greater noise, light pollution and other impacts resulting from possible 24/7 use. Will the developer agree to do this?

Response to Comment F-9: The measures incorporated into the project to reduce nighttime light and glare include installation of occupancy sensors and daylighting sensors to reduce the light levels to a minimum level during off-work hours and when the spaces are not occupied (Initial Study p. 33). Roller shades would also be installed in the project buildings to block nighttime illumination as part of the project.

Revisions to the Project Description and Aesthetic impact analysis are presented in Section 4 Text Revisions of this response to comments to acknowledge potential nighttime work within the building and adding information on the required roller shades as a Draft Condition of Approval to require the installation of window coverings in both buildings on all exterior facing building facades where lab or office space would be located.

Comment F-10: …*The MND language seems speculative and attempts to minimize and justify increased glare and light from the trio of buildings and its exterior campus lighting onto residential neighborhoods, wildlife habitat in Belmont creek, Old County Road, El Camino Real, and Caltrain tracks as not atypical for unusual for an urban context. (Page 33.) That is hardly a ringing public safety and environmental endorsement.*

The applicant concedes that glancing reflections are more intense for these buildings because of the planar design. (Page 33.) However, we did not see a discussion of how intense sunlight may reflect and magnify when it strikes each building and is effectively mirrored off the others. Glare appears to be measured from various levels of the buildings to nearby residences and other buildings, but not among the buildings. (Appendix B.) We ask for additional analysis and

explanation of mitigations that could minimize the mirroring effect. We view this as especially important because of the possibility that blinding reflected light may impair drivers' and train conductors' vision on adjacent streets and railroad tracks.

Response to Comment F-10: This comment focuses on sunlight glare when the sun strikes the glass windows of the buildings. A Solar Reflection Design Report was prepared for the project by RWDI, dated August 24, 2022 and is provided in Attachment 2 of this Response to Comments document. This report analyzed the potential for sunlight glare reflecting off the buildings from the two life science buildings during periods of when the sun is at a low angle in the sky (predominantly during sunrise and sunset time periods). The Initial Study presents a summary of the conclusions of this report on page 34. Below is a more detailed summary of the report conclusions (page 12 of RWDI report).

1. "As can be expected for any highly-glazed buildings, the Proposed Project is expected to create solar reflections in the surrounding area some of which may be noticeable to people. While the change in reflectivity may be more noticeable in this case because of what currently exists on the site, in RWDI's experience the facade design reviewed herein is not expected to create reflection effects that are atypical or unusual for an urban context and would be comparable to the reflections created by other buildings in the area (e.g., the Oracle Campus).
2. No focusing/concentration of reflections is anticipated from this project. Therefore, RWDI does not anticipate any atypical thermal impacts from the solar energy reflected by the Proposed Project.
3. The Proposed Project has the potential to create visual reflections on Old County Road, El Camino Real, Quarry Road, the Caltrain tracks and the residences west of the site. Though the potential for reflection effects is not expected to be atypical of what is seen of many buildings in an urban context and in the case of the residences to the west, reflections would only be possible for those properties at or below the elevation of the roofs of the Proposed Project and depending on the location of the property relative to the Proposed Project, reflections would not be expected to persist for the entire time the southwest facade is exposed to sunlight.
4. Short of eliminating the glazing all together, there is no method to fully eliminate the risk of reflections from buildings. The articulation in the facades and the low visible reflectance of the glazing are positive features that help mute the potential effects of reflected light compared to more boxy designs using other common glass types."

Summary point 2 concludes that there will be no focusing/concentration of reflections from the project. Based on this analysis it is concluded that there would not be magnification and reflection of sunlight when it strikes each building and is effectively mirrored off the others.

A condition of approval has been added to ensure the project shall be constructed with exterior building glass that has anti-glare glazing or coatings to reduce the potential for sunlight glare from the buildings to adversely impact motorists on surrounding roadways or adjacent land uses. The COA is presented in Section 4 Text Revisions.

Comment F-11: *The new complex will dramatically increase nighttime light in the area…*

LED lights are brighter than other types of energy efficient lighting. In fact, residents sued the city of Monterey claiming negative health impacts from new LED street lights and requested additional environmental review in a DEIR. The group, Turn Down the Lights, made compelling arguments that the LED street lights were dangerous for wildlife (more likely to be attacked by

predators), drivers (because of glare and shadows) and residents (because of sleep deprivation and even cancer).

We are concerned that the proposed mitigations do not adequately address the negative impacts of light at night because they reply on basic guidelines in the General Plan. We ask that the city consider requiring the applicant to incorporate the additional recommendations listed in red below and ask the city to consider enacting ordinances that provide enhanced environmental protections incorporated in Dark Sky ordinances that other cities have adopted, such as Cupertino. See: Dark Sky (Cupertino Municipal Code Section 19.102.040 Outdoor Lighting Requirements):

We are concerned that the proposed mitigations do not adequately address the negative impacts of light at night because they reply on basic guidelines in the General Plan. We ask that the city consider requiring the applicant to incorporate the additional recommendations listed in red below [shown below in underline] *and ask the city to consider enacting ordinances that provide enhanced environmental protections incorporated in Dark Sky ordinances that other cities have adopted, such as Cupertino. See: Dark Sky (Cupertino Municipal Code Section 19.102.040 Outdoor Lighting Requirements):*

> *•Outdoor lighting must be fully shielded fixtures, directed downward to meet particular need away from adjacent properties and rights-of-ways to avoid light trespass.*
>
> *•Maximum light intensity on a site shall not exceed a maintained value of ten foot-candles, when measured at finished grade.*
>
> *•All light sources shall have a maintained correlated color temperature of 3,000Kelvin or less.*
>
> *•All outdoor lighting must be fully extinguished or be motion sensor operated by11:00 p.m. or when people are no longer present in exterior areas, with exceptions.*
>
> *•Lighting design standards such as lighting fixtures must be of a design that complements the building and landscape design.*
>
> *•Prohibited lighting includes outdoor blinking, flashing, or rotating lights, floodlights, spotlights, and others as applicable.*

Response to Comment F-11: As stated on page 31 of the Draft Initial Study, the source, intensity, and type of exterior lighting for the project site would be typical for orientation and safety needs and would be consistent with City standards and regulations. The project's lighting plan must be consistent with all City standards and regulations regarding exterior lighting, including Municipal Code Section 18.15.070 Lighting and Illumination. This Municipal Code section specifies the lighting requirements for Nonresidential Buildings where all exterior doors, during the hours of darkness, shall be illuminated with a minimum of one-half foot-candle of light and pedestrian-oriented lighting in mixed-use districts shall be provided for a secure nighttime pedestrian environment by reinforcing entrances, public sidewalks and open areas with a safe level of illumination. The maximum height of lighting standards are specified in Table 18.15.070 below:

TABLE 18.15.070-B(4): MAXIMUM HEIGHT OF LIGHTING STANDARDS

District	Maximum Height (ft.)
Residential Districts	16

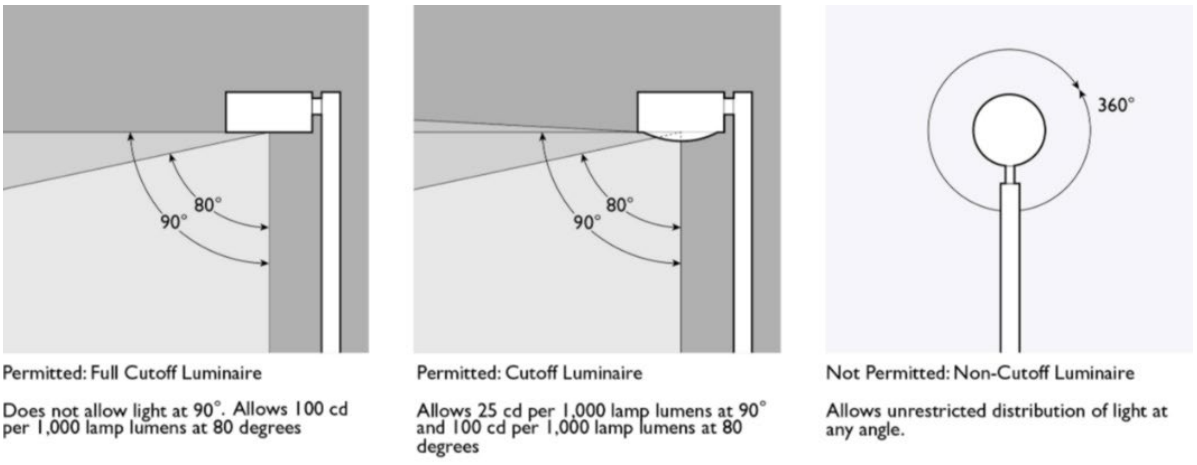
TABLE 18.15.070-B(4): MAXIMUM HEIGHT OF LIGHTING STANDARDS

District	Maximum Height (ft.)
Commercial and Mixed-Use Districts	16 feet within 100 feet of any street frontage; 20 feet in any other location.
Industrial Districts	20 feet within 100 feet of any street frontage; 25 feet in any other location.
Public and Semi-Public and Airport District	25, or as necessary for safety and security.

Municipal Code Section 18.15.070 also establishes controls of outdoor artificial light "to minimize outdoor artificial light that may have a detrimental effect on the environment, astronomical research, amateur astronomy, and enjoyment of the night sky. These provisions are also intended to reduce the unnecessary illumination of adjacent lots and the use of energy." Certain types of lighting is prohibited including drop-down lenses, Mercury vapor lights, and searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

Municipal Code Section 18.15.070 also requires all lighting fixtures to be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaires must meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for cutoff or full cutoff luminaires. Figure 18.15.070-C(4) shows the types of currently allowed light fixtures.

FIGURE 18.15.070-C(4): FIXTURE TYPES



Source: IESNA

Municipal Code Section 18.15.070 addresses glare and light trespass onto adjacent properties with the following requirements:

> "5. Glare. No use shall be operated such that significant, direct glare incidental to the operation of the use is visible beyond the boundaries of the lot where the use is located. Light or glare from mechanical or chemical processes, high-temperature processes such as combustion or welding, or from reflective materials on buildings or used or stored on a site, shall be shielded or modified to prevent emission of adverse light or glare onto other properties.

6. Light Trespass. Lights shall be placed to deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

a. Direct or sky-reflected glare from floodlights shall not be directed into any other lot or street.

b. No light or combination of lights, or activity shall cast light exceeding one foot-candle onto a public street, with the illumination level measured at the centerline of the street.

c. No light, combination of lights, or activity shall cast light exceeding one-half foot-candle onto a residentially zoned lot, or any lot containing residential uses.

7. Required Documentation. Project applicants shall submit photometric data from lighting manufacturers to the City to demonstrate that the lighting requirements have been satisfied.

8. Alternate Materials and Methods of Installation. Designs, materials, or methods of installation not specifically prescribed by this section may be approved; provided, that the proposed design, material, or method provides approximate equivalence to the specific requirements of this section or is otherwise satisfactory and complies with the intent of these provisions. (Ord. 1438 § 4 (Exh. A (part)), 2011)"

The proposed project is located in a light industrial area of the city with existing sources of night lighting. While the proposed project would introduce new sources of night lighting on to the project site it would be designed, constructed, and operated consistent with the City's Municipal Code Section 18.15.070 that regulates glare and light trespass onto adjacent properties and would prevent significant light and glare impacts from occurring as a result of the project. An additional a condition of approval has been added to the project that requires lighting fixtures along the walking path adjacent to Belmont Creek, the railings adjacent to the creek walking path, and on the creek-side of Building 1 to incorporate the lowest level of illumination necessary for safety and shall be timed to turn off at 11:00 p.m. when pedestrian use on the pathways is expected to be minimal. This condition of approval is presented in Section 4 Text Revisions below under Page 66, second full paragraph.

Comment F-12: …*Does the project incorporate the most current safety design features that minimize bird collisions? See Glass Collisions: Preventing Bird Window Strikes by the American Bird Conservancy. Although the MND proposes bird safe glazing on some walls, it does not include it on others. Should the applicant be required to have glazing or the other proposed bird safety design mitigations on all sides of the buildings instead of being limited to the ones described in the MND? (See Appendix B.) Was that a cost-savings measure? Will the city please consider requiring the applicant to retain a qualified expert in bird safety design to opine on the adequacy of the proposed mitigations. (We perceive that the Life Science development at 405 Industrial Road incorporated significantly more bird safe design features than this project and included them on all exterior walls.)*

Response to Comment F-12: Page 68 of the Initial Study notes that artificial lighting is also known to affect the behavior or migrating birds and can attract and disorient birds flying at night to the point that they collide with nearby buildings. As noted in Response to Comment F-9, the Initial Study Biological Resource section (p. 66) describes the Draft Condition of Approval that will require installation of window coverings (e.g., roller shades) on the northwest side of Building 1 that blocks light in rooms that must be illuminated at night. The measure has been modified to require the installation of window coverings on building windows facing Old County Road and Belmont Creek as described in the revisions to the Project Description text presented in Section 4 of this Response to Comments.

An avian collision risk assessment was conducted by a qualified biologist during the early planning stages of the project (MIG 2022), the results of which were shown on building plans presented in Appendix B of the Public Review Draft Initial Study. This assessment was conducted to assist the Applicant in designing bird-friendly building features that minimize bird-building collisions. The full report along with communications for additional design refinements are included in Attachment 3 of this Response to Comment document. This assessment involved a site visit and evaluation of existing habitat, bird activity, and movement on the site under existing conditions and after the project is constructed. The assessment considered the potential for bird strikes after the project is constructed and where the greatest risks of collisions may occur based on the initial building design. The assessment included recommendations to reduce collision risks and following some adjustments, these were accepted by the Applicant.

The assessment also evaluated the proposed night lighting and how it may contribute to collision risks and made recommendations for lighting that would reduce collision risks. The information in the assessment relies on information from SFPD 2011 and other sources including the American Bird Conservancy's Bird Friendly Building Design (Sheppard and Phillips 2015). Mention of this analysis and applicable references have been added to the Initial Study and shown in Section 4 of this Response to Comments.

The commenter also asks if the project incorporates the most current safety design features that minimize bird collisions; if the applicant should be required to have bird safe glazing on all sides of the buildings; if the reduced glazing was a cost-saving measure; and will the City consider hiring a qualified expert in bird safety design to provide an opinion of the adequacy of the measures. As noted above, a collision risk assessment was conducted for the project. This assessment provided recommendations based on the most current safety design features to minimize bird collisions, which the applicant agreed to incorporate into the project (with some modifications based on the most current building design plans). The proposal to incorporate bird safe glazing on certain sides of the buildings was based on the assessment of how birds are expected to move across the site and this was based on the orientation of the building to Belmont Creek and the proposed landscaping features. Because bird activity and movement was anticipated to be most common adjacent to Belmont Creek, and in the landscaped areas between Building 1, Building 2, and the parking structure, bird safe glazing was recommended on these facades. The proposed bird safe design was based on an analysis of areas with the highest collision risks and was not a result of a cost-saving measure.

The commenter states that the Life Sciences development at 405 Industrial Road incorporates significantly more bird safe design features. The 405 Industrial Road development incorporates a number of bird-safe features including bird-safe glazing or window coatings/markings, minimization of plants or landscaped areas behind glass or on the rooftop and minimizing concentrations of plantings behind glass. Bird-safe measures proposed in the 642 Quarry Road project are comparable based on the potential collision risks that were evaluated for the project. These measures are included in Bird Collision draft Condition of Approval.

Comment F-13: *The MND acknowledges that nighttime lighting will have adverse impacts on wildlife in Belmont creek and proposes mitigations…*

We question whether these mitigations are adequate. Using motion-detecting light sensors adjacent to Belmont Creek may not be effective because the lights may be constantly activated by nocturnal wildlife movement. The building lights-out program is mentioned as a suggestion, not a requirement, and that may be impossible if tenants occupy the building 24/7. We ask that lights-out be required in all areas of the building that are not subject to 24/7 tenant use. Will the city consider requiring exterior lights be turned off after 11:00 pm along Belmont creek? Will the

city consider requiring automatically lowering blinds that are activated at dusk throughout the building to minimize nighttime light trespass? The City recently required that as a condition of approval for the Life Science development at 405 Industrial Road. Will it also consider requiring window coverings on all windows vs limiting the requirement to the northwest side of Building 1?

Response to Comment F-13: It is acknowledged that nocturnal wildlife may occasionally activate motion-detecting light sensors. However, MIG's Senior Biologist does not agree that such activations would occur constantly as the commenter suggests. The reach of Belmont Creek adjacent to the project site is likely inhabited by urban wildlife, such as racoons, opossum, and Norway rats, that may occasionally move on to the site, but due to the low-quality habitat in the surrounding urban areas, it's unlikely that this stretch of creek supports large concentrations of wildlife such that their movement on the site would continuously trigger motion sensing lighting. That said, the currently proposed lighting along the walking path next to Belmont Creek would incorporate twenty 3.5-foot tall SELUX Inula Speaker Bollard LED light fixtures. This brand and fixture model is approved by the International Dark Sky association (International Dark-Sky Association 2023), as they do not emit up-lighting or scattered lighting and reduce light trespass. Based on this environmentally-friendly rating, motion sensing lighting will not be required. However, the Initial Study Nighttime Lighting Wildlife Protection draft Condition of Approval has been modified to require fixtures along the walking path to incorporate the lowest level of illumination necessary for safety and be timed to turn off at 11:00 p.m. when pedestrian use is expected to be minimal if any at all (see Section 4 Text Revisions). Timed lighting will also apply to railing lighting (KLIK LEDPod fixtures) adjacent to the walking path and the bollard light fixtures on the creek-side of Building 1.

As pointed out by the commenter, the proposed lights-out program is not a requirement, and may not be implementable if tenants are present 24/7. Thus, other light reducing measures would need to be implemented to minimize impacts on wildlife. Thus, to reduce impacts of lighting to wildlife in the adjacent Belmont Creek and to minimize effects of lighting on nocturnal migrating birds, the project will incorporate automatic window shades that descend during the evening and remain closed until the following morning on all sides of Buildings 1 and 2. This requirement was added to the Project Description and is reflected in text edits presented in Section 4 of this Response to Comments document.

Comment F-14: *It is our perception that there is substantial evidence in the MND that suggests that air emissions from the operations of this project may have significant adverse impacts on human health despite the fact that the MND claims that the operational impacts on public health cannot be assessed because future tenants are unknown and impacts are considered too speculative for evaluation.*

The MND justifies the termination of the discussion of impacts from operation emissions by citing CEQA Guidelines section 15145:…

However, we read in the section cited below that emissions associated with the project would increase cancer risks by 9.9 in a million. (Page 50.) That appears to be within the standard deviation of the limitation stated above that TAC emissions associated with a project should not exceed a chronic cancer risk greater than 10.0 in a million. (Page 48.) We ask for clarification and further explanation of the section cited below:

Response to Comment F-14: The commenter indicates that it is their perception that there is substantial evidence to suggest that the proposed project's operational emissions may have significant adverse health impacts; however, the commenter does not provide any evidence (let alone substantial evidence), analysis, or fact-based argument to suggest that the Initial Study's

analysis is deficient in any manner. As described below, the analysis contained in the Initial Study is accurate, based on substantial evidence, and consistent with the CEQA Guidelines.

This comment begins by citing an excerpt from the Initial Study and highlighting certain portions for emphasis. Specifically, the commenter identifies CEQA Guidelines Section 15145, which states, "if, after a thorough investigation, a Lead Agency finds that a particular impact is too speculative for evaluation, the agency should note its conclusion and terminate discussion of the impact." The proposed project does not have a known tenant(s) at this time that could provide a description of the chemicals they would use and, therefore, there is not a specific toxic air contaminant (TAC) emissions inventory on which to base an operational health risk assessment on. The types and quantities of TACs that could be generated at the site would be dependent on the specific tenant and research and development activities that are undertaken (e.g., the profile of TAC emission generated by a life sciences use would be different than those emitted by robotics, battery tech development, etc., as stated on Initial Study p. 48).

Future tenants would be required to comply with all applicable BAAQMD rules and regulations, including Regulation 2, Rule 5, New Source Review of Toxic Air Contaminants, which pertains to new and modified sources of air pollution (e.g., vents on top of the rooves of the proposed buildings that lead from fume hoods). These rules require stationary source operators to apply for and demonstrate compliance with various emissions and exposure requirements, including the requirements that TAC emissions associated with a project not exceed a cancer risk greater than 10.0 in a million, a chronic hazard index of 1.0, or an acute hazard index of 1.0 (BAAQMD Regulation 2, Rule 5, Section 302.1). Regardless of which tenant occupies the site, these performance standards would be required to be met through BAAQMD permit conditions.

During the BAAQMD permitting process, the Air District looks at the types and quantities of emissions that could be released by the proposed equipment, as well as the on-site emissions controls (e.g., filters, scrubbers, etc.) and performs a separate health risk assessment based on those proposed activities to ensure that receptor exposure to those TAC emissions would not exceed the threshold of 10.0 excess cancers per million population, a chronic hazard index of 1.0, or an acute hazard index of 1.0. Projects seeking permits from the BAAQMD are required to demonstrate that their emissions would not exceed BAAQMD regulatory limits before those pieces of equipment are allowed to become operational.

Attempting to evaluate the specific risks in the Initial Study analysis from an almost endless number of TAC emission profiles that could be generated by future tenants is not possible nor warranted, because any specific evaluations undertaken with regard to those emissions would be speculative (i.e., subject to changes based on tenancy and activities proposed at the site), and because there are existing regulations in place that would ensure that the thresholds identified in the Initial Study are not exceeded.

It should be further noted that the BAAQMD's risk thresholds (i.e., 10.0 excess cancers per million population, a chronic hazard index of 1.0, or an acute hazard index of 1.0) are applicable to the entire facility's risks. In other words, the quantified risks from the emergency back-up diesel generator, which is a known piece of equipment that would be constructed with the project (and therefore its emissions can be reasonably evaluated, as was done in the Initial Study), would be included in the overall risks when the BAAQMD is evaluating a future tenant's potential risks for permitting.

At the end of this comment, the commenter cites a portion of the Initial Study that identifies other projects, included in the cumulative health risk assessment, were assumed to have a potential cancer risk increase of 9.9 in a million. This specific portion of the comment, in which

the commenter requests clarification and further explanation on, is responded to in Response to Comment F-15.

This comment does not identify any deficiencies or inadequacies in the Initial Study analysis. No further response is required.

Comment F-15: …*We do not understand the assumption that cancer risks are anticipated to be lower than 9.9 when it is claimed that the health risks from operational emissions are too speculative to be investigated. In fact, the MND does consider operational emissions, despite claiming they are too speculative, and concludes they have a less than significant impact.*

…

We perceive this section to be contradictory and ask for clarification. This finding relies on average emissions from a Type II (General Biology) laboratory, not BSL-3 labs which may later require tenant improvements that include multiple, tall exhaust stacks that may generate greater emissions than general biology labs. Does BAAQMD or any other agency (other than the San Carlos building department) inspect or monitor biosafety lab vent hoods, exhaust stacks, or other air exchange equipment? Does any agency monitor emissions from this equipment? Will the applicant please include a section that explains how the emissions are monitored and by whom?

During rolling blackouts, flooding, earthquakes or other foreseeable equipment malfunctions not related to natural disasters, the BSL labs may vent potentially biohazardous fumes or air containing infectious biological pathogens from rooftop ventilation exhaust stacks that may cause adverse effects on humans, either directly or indirectly, and create significant hazards to the public or environment due to the labs proximity to Belmont Creek, Belmont Slough, residential homes, childcare facilities, and the nearby Veterans Administration building.

We respectfully request that the MND specifically address the discrepancies cited above, add a risk assessment of the impacts of emissions from BSL-3 lab exhaust stacks or rooftop air venting apparatus, and discuss the risks of increased injuries or deaths that could result from accidental discharge of the byproducts of biological waste or biohazardous fumes or air.

Response to Comment F-15:

As described below, the information and analysis presented in the Initial Study does not contain discrepancies and has appropriately evaluated, described, and disclosed potential risks associated with the proposed project.

Cumulative Cancer Risk. The BAAQMD maintains two sets of thresholds for evaluating cancer and non-cancer risks from projects; a project-level threshold, and a cumulative threshold.

- The BAAQMD project-level health risk threshold is intended to evaluate an individual project's potential adverse health risks effects that are specifically related to the emissions from project. The BAAQMD's project-level cancer risk threshold is 10.0 excess cancers per million population.
- The BAAQMD cumulative health risk threshold is intended to evaluate how an individual project's emissions (and corresponding risks) would combine with emissions from other sources / projects in the area (e.g., roadways, rail, and stationary sources). The BAAQMD cumulative cancer risk threshold is 100.0 excess cancers per million population.

The Initial Study evaluates the proposed project's potential adverse health effects using the BAAQMD's project-level and cumulative thresholds.

The project-level construction and operational health risk assessment contained on Initial Study p. 44 through 49 evaluate the proposed project's emissions against the BAAQMD project-level criteria. As disclosed on those pages, the project is estimated to result in an incremental excess cancer risk of 3.6 and 0.1 during project construction and operation, respectively (the operational health risk estimate is based on emission sources that are currently proposed as part of the project – i.e., the emergency back-up diesel generator). Both of these risk estimates are below the BAAQMD project-level CEQA threshold of 10.0 excess cancers per million.

In addition to the project-level risk assessment, the Initial Study also included an analysis of how the proposed project's emissions and risks are anticipated to combine with those of other sources in the area (cumulative conditions) and how those combined emissions could affect sensitive receptors. The cumulative health risk assessment for the proposed project is contained in Initial Study pp. 49 and 50 and included stationary sources, roadway (mobile) sources, and rail sources, based on health risk data available from the BAAQMD.

The cumulative health risk analysis also evaluated potential risks from two other projects (i.e., the projects being proposed at 601 Harbor Boulevard and 608 Harbor Boulevard) that are in the general proximity of the project site. The specific adverse health risks from the 601 and 608 Harbor Boulevard projects are not currently known. Therefore, for the purposes of the cumulative health risk assessment, the potential adverse health risks from those two projects were assumed to be 9.9 excess cancers per million each (or 19.8 excess cancers per million when combined). The assumption that these projects would result in excess cancer risks of 9.9 each is based on the BAAQMD's project-level threshold of 10.0 excess cancers per million population. In other words, if one of those projects were to exceed the project-level threshold of 10.0 excess cancers per million during the course of their environmental review, those risks would require mitigation to reduce the project-level risks from those projects to a level that is below 10.0 excess cancers per million. Assuming that each project would generate an excess cancer risk of 9.9 each is conservative (i.e., likely to overstate potential risks), because 1) it is unlikely that those projects would share the same maximally exposed residential receptor (MEIR) as the proposed project, and 2) the staggered temporal interval over which the three projects would be constructed and become operational would also reduce risks at an individual receptors location over time (see Initial Study Appendix D for a description of the Office of Environmental and Health Hazard Assessment's health risk assessment methodology that takes into account, and provides additional protections for, younger portions of the population).

The proposed project's emissions were evaluated using the BAAQMD's project-level and cumulative health risk thresholds and found to be less than significant. Specific operational cancer and non-cancer risks that could be associated with emissions future tenants at the project site would be evaluated through BAAQMD permitting procedures but would not be allowed to exceed 10.0 excess cancers per million population, a chronic hazard index of 1.0, or an acute hazard index of 1.0 (see Response to Comment F-14). The 9.9 excess cancer risk per million population was used in the context of the cumulative health risk assessment for other projects occurring in proximity of the project site, not for the proposed project, and that level of risk was applied as a conservative practice, since risks from those projects are not currently known.

As described in the second portion of this response, potential ROG emissions from laboratory use were included in the operational criteria air pollutant analysis, because they are based on disaggregated data, not a TAC emission profile specific to an individual source.

Laboratory ROG Emissions Included in Operational Criteria Air Pollutant Analysis. Unlike TAC emissions, which are separated into individual molecules, compounds, etc. (e.g., benzene, ethylene, 1,3-butadiene, formaldehyde), ROG emissions are defined by the California Air

Resources Board as any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. In other words, whereas TAC emissions are comprised of individual, specific substances (i.e., a "fine" resolution of substance speciation), ROG emissions are comprised of a large group of substances (i.e., a "coarse" resolution of substances).

MIG developed a ROG emissions factor for Type II (General Biology) laboratories based on information contained in a Health Risk Assessment prepared by Yorke Engineering for the University of California, Davis. While it is true that the project site does not have known tenants at this time, and that different types of ROG emissions could be generated by land uses other than life sciences uses (considered to be approximately the same as a Type II laboratory), the emissions estimate contained in the Initial Study contains a reasonable estimate of potential ROG emissions that could be generated by the proposed land use. This is because, as discussed previously, ROG emissions are comprised of any compound of carbon (with certain exclusions); therefore, the overall sub-speciation of the overall ROG emissions can change while ROG emissions, as a whole, are held constant. In addition, even if there were fluctuations in ROG emissions due to different land uses, activities proposed at the project site, etc., there is still a wide margin between the proposed project's operational ROG emissions and the applicable BAAQMD threshold (whereas the proposed project's ROG emissions are approximately 30 pounds per day, the BAAQMD threshold is 54 pounds per day; see Initial Study Table 3-6 on p. 44). This means that ROG emissions from research and development activities could still increase by a wide margin (i.e., up to approximately 23 pounds per day) and not result in a potentially significant operational ROG emissions impact.

As noted in Response to Comment F-1, the City Council is considering an Ordinance to provide regulations for laboratories with biosafety levels citywide. The project will be required to comply with these regulations.

Regarding the specific questions posed by the commenter:

Agency inspection of lab equipment. The answer to this question is multifaceted and permitting / oversight authority depends on the type of contaminant being released into the environment. To provide additional context, most biosafety buildings have two types of cabinets for handling / storing chemicals and biological contaminants. Fume hoods are used for chemicals, such as isopropanol, hydrochloric acid, and methanol. Biosafety cabinets are used when handling biological materials that can cause infection from aerosols or splashes. A biosafety cabinet (BSC)—also called a biological safety cabinet or microbiological safety cabinet—is an enclosed, ventilated laboratory workspace for safely working with materials contaminated with pathogens requiring a defined biosafety level. Several different types of BSC exist, differentiated by the degree of biocontainment they provide. Biosafety cabinets are designed to provide both a clean work environment and protection for employees who create aerosols when working with infectious agents or toxins. Biosafety cabinets have high-efficiency particulate air (HEPA) filters in the exhaust system to effectively trap all known infectious agents and ensure that only microbe-free exhaust air is discharged from the cabinet.

a. **Criteria Air Pollutants and Toxic Air Contaminants (Chemicals).** Permitting through the BAAQMD specifically pertains to chemical constituents that could be released by future tenants at the site (i.e., materials kept in fume hoods). The BAAQMD would permit stationary sources (e.g., exhaust hoods venting to the environment) that release criteria and air toxic contaminants. For example, the BAAQMD would permit the emergency back-up diesel generator at the site, as well as any future sources of emissions needed to support specific research and development activities. The BAAQMD requires

permitted facilities to report criteria and toxic pollutant emissions data from regulated air emissions sources on an annual basis.

b. **Biological Contaminants.** Pursuant to 29 CFR 1910.1030(e)(2) (iii)(B), the Occupational Safety and Health Administration (OSHA) requires that biosafety cabinets be certified whenever they are installed or moved, and at least once on an annual basis. In buildings with a BSL-2, all procedures that can cause infection from aerosols or splashes are performed within a biosafety cabinet. Biosafety cabinets are equipped with HEPA Filters – capable of removing 99.97% of particulates 0.3 um in diameter. These filters are inspected during the OSHA certification process to ensure that they are maintained and in good working order. For facilities with a BSL-1 or -2, air that is collected and filtered by biosafety cabinet's HEPA filter can either be recirculated back into the laboratory environment (i.e., back into the building) or directed outside. As noted previously, OSHA requires certification of these biosafety cabinets on an annual basis, at a minimum, to ensure they are in good working condition and that air directed out of the biosafety cabinet would not pose a risk to building tenants or nearby receptors.

Emissions monitoring Please see the response provided above and Response to Comment D-6. The BAAQMD and OSHA would monitor chemicals and biological contaminants, respectively, that could be released into the environment during future tenancy. In addition to regulatory oversight from the BAAQMD and OSHA regarding chemicals and biological contaminants that may have the potential to become airborne, other agencies (e.g., the National Institute of Health, and Center for Disease Control and Prevention) have also established policy, design requirements, standards, technical criteria, procedures, and protocols for facilities handling certain biological materials. Further, future tenants may be subject to one or more of the hazardous materials programs overseen by the County of San Mateo Department of Health, including the:

- Hazardous Materials Business Plan (HMBP);
- Hazardous Waste Generator Program, under the Environmental Health Services' (EHS's) Certified Unified Program Agency (CUPA); and
- Medical Waste Program.

Although the County of San Mateo Department of Health does not specifically oversee the release of airborne materials (i.e., chemical or otherwise), the programs that they implement and oversee would help prevent the accidental release of hazardous materials into the environment, including during the routine transport, use, and disposal of these materials.

Natural Disasters Releasing Contaminants. The commenter purports that the proposed project may vent potentially hazardous fumes or air containing infectious biological pathogens during natural disasters or equipment malfunctions. As discussed above, the proposed project's air quality emissions (including both criteria and toxic air contaminants, as well as biological contaminants) would be regulated and overseen by the BAAQMD and OSHA.

The proposed buildings would be built to current Building Code standards, which address seismic concerns. A site-specific geotechnical report was prepared for the project that makes specific recommendations for foundation support, waterproofing, engineering considerations for Belmont Creek, and seismic design. Recommendations include fortifying bedrock support with shallow spread footings and drilled, cast-in-place concrete piers, designing with appropriate first-floor slab elevation based on anticipated flood levels, incorporating seismic design in accordance with the provisions of interim 2019 California Building Code and SCE 7-16, and overall designing with flexibility based on varying site conditions (Initial Study pp. 88 and 89).

The proposed project would also be equipped with three 1,250 kW diesel back-up generators that would supply electricity to building energy systems and laboratory functions in the event of power loss. Having a dedicated on-site energy supply in the event of power loss would ensure that building systems and laboratory equipment are able to remain operational and shut down properly to avoid the potential upset release of contaminants into the environment.

The biosafety cabinets described above would continue to function properly and send all air from the biosafety cabinets through HEPA filters before discharging to the ventilation system as the back-up generators would supply electricity to the building energy systems and laboratory functions in the event of power loss.

Future tenants would also be required to comply with all applicable rules and regulations regarding the handling of hazardous substances, including those overseen by the County of San Mateo Department of Health. Specifically, if future tenants are handling hazardous materials and are required to prepare a HMBP, that Plan would be required to specify an emergency response plan and an employee training plan. All employees working on site must be trained in hazardous materials safety and emergency procedures upon hire, and annually thereafter. Employee training records must be maintained for a minimum of three years. It is the responsibility of the permitted business, whether it is the property management company or the tenant, to provide basic hazardous materials safety and emergency procedures information to all employees based on site-specific hazardous materials and emergency procedures. Again, the HMBP would be overseen by the San Mateo Department of Public Health and, as noted in the second part of this repose above, annual inspections / certification would be required through the BAAQMD and OSHA for equipment that would have the potential to discharge chemical and biological contaminants into the outside environment.

Conclusion. As described above, this Initial Study does not contain a discrepancy regarding why ROG emissions estimates from laboratory use were included in the operational criteria air pollutant emissions, clarification has been provided regarding the regulatory agencies that would oversee equipment that would have the potential to discharge chemical and biological contaminants from the buildings (i.e., BAAQMD and OSHA), the project would be designed to current building code standards and include an emergency generator back-up system to power building systems and laboratory operations in the event of power loss to ensure safe shutdown, and would be subject to numerous rules and regulations that would address potential safety concerns in the event of an emergency. This Initial Study's significance conclusions are accurate and supported by uncontroverted substantial evidence, and potential air quality and hazardous impacts have been adequately evaluated and addressed. The commenter does not present any claims or substantial evidence to the contrary.

Comment F-16: …*The Neighborhood and Long-Term Planning Committee of Cambridge, MA held a public hearing on Thursday, March 17 2022 and discussed the appropriateness of biosafety laboratories in neighborhood retail districts due to noise, odor, light and shadows. The City Council members, Sam Lipson, the head of their Department of Public Health and members of the public discussed the issues related to the proliferation of biolabs and the corresponding significant impact.*

…

We question the validity of the MND finding regarding odors as speculative because the future tenants are unknown. Will the risk of odors be more significant if the tenant composition is 75% laboratories or if animal research is done onsite? Although the MND indicates that odors conveyed to roof exhaust would have time to disperse because of their release height and lack of proximity to receptors, aren't rooftop dining and seating areas included on both buildings?

Will rooftop users be exposed to odors and emissions from the exhaust stacks? Will "sensitive receptors," children from the onsite childcare center, be allowed access to the rooftop recreational areas?

Response to Comment F-16: The comment questions the validity of the Initial Study's less-than-significance finding related to potential odor impacts, citing comments made by a Councilor made at a Cambridge, Massachusetts Planning Committee that discuss, "the appropriateness of biosafety laboratories in neighborhood retail districts due to noise, odor, light, and shadows." As described below, the Initial Study's analysis regarding potential odor impacts are accurate, and the commenter has not provided evidence that the project would result in a potentially significant odor impact.

The comment references testimony from a Councilor in Cambridge, MA, a jurisdiction that is within a state and city that has different rules and regulations regarding the operation of laboratories / research and development facilities, as well as the odors that could be generated by the facilities. In regard to odor emissions, the City of San Carlos Municipal Code Section 18.21.070 establishes that, in part, "No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site." The City, therefore, has codified requirements that can be legally enforced if objectionable odors are being generated by a facility. In addition to the City, the BAAQMD also implements Regulation 7, Odorous Substances, to address odorous emissions throughout the Bay Area. Therefore, there are two entities that could respond to complaints / concerns should odorous emissions be detected coming from the project site. The proposed project is not anticipated to generate emissions that would be considered odorous at adjacent properties and any such odorous emissions would be unlawful under to the City of San Carlos Municipal Code.

Additionally, the Initial Study does not proclaim that potential operational odors that could be generated by the project are speculative, nor is the Initial Study's analysis speculative or incorrect. Rather, the Initial Study states that:

> *"During operation, any potentially odorous emissions that may be released due to research and development activities (e.g., those conveyed to the roof exhaust ports via fume hoods) would have ample time to disperse given their release height and proximity to receptors (or lack thereof) around the building" (IS/MND p. 52).*

The proposed buildings would be approximately 100 feet tall, and the equipment that would release emissions (including those that could potentially be considered odorous) would be located on top of the buildings. These emissions would disperse in accordance with the prevailing wind in the area which, as shown in Figure 3-2 of the Initial Study Appendix D, would be from the west-northwest. This means that emissions from the proposed building would be dispersed to the east-southeast, which are currently occupied by light industrial land uses, which typically have a low employment density per square foot of building space. Given the height differences between the project site and ground-level receptors, emissions would have ample time to disperse. Any emissions that could be considered "odorous" and that would be released from the top of the project buildings would not be considered odorous by the time they reach receptor locations. The emissions would have plenty of time and space to disperse, and the emissions would be at sufficiently low concentrations by the time they reach adjacent land uses that the emissions would no longer be considered odorous.

The comment made by the Cambridge Councilor regarding "noise, odor, light, and shadows" was done so in the context of the "appropriateness of biosafety laboratories in *neighborhood retail districts*" (emphasis added). The proposed project would be located in the Northeast Side planning area of San Carlos, which has been transitioning from low-intensity commercial and industrial businesses to biotechnology, life sciences, and high-tech office land uses. The type of

land uses in proximity of the proposed project are not "neighborhood retail districts" similar to what was being considered in the City of Cambridge, MA.

Finally, the BAAQMD Air Quality CEQA Guidelines identify certain land uses that the Air District considers having the potential to generate odors that could have a potential odor impact. The BAAQMD's list includes land uses such as wastewater treatment plants, landfills, asphalt batch plants, chemical manufacturing facilities, and metal smelting plants (BAAQMD 2017, p. 7-1). The types of tenants that could be accommodated by the proposed project are not comparable to the list identified by the BAAQMD, therefore supporting the Initial Study's conclusion that potential odor impacts would be less than significant.

Regarding the specific questions posed in the comment:

Risk of odors if the tenant composition is 75% laboratories or if animal research is done onsite: The odor analysis contained in the Initial Study and elaborated on further in this response to comment F-16 would be valid and accurate regardless of what type of tenant occupies the site, including a laboratory use or animal research use. Land uses and tenants involving animal research would have to design their facilities to address biological safety concerns and be subject to additional regulatory requirements from entities not previously discussed such, as the United States Department of Agriculture. For example, if the animals are being tested on in a facility, they would have to be kept in a biosafety cabinet that would filter air through a HEPA filter before being recirculated back into the building or being discharged to the outside environment. The tenants would have to comply with the City's Municipal Code Section 18.21.070, which establishes that, in part, "No use, process, or activity shall produce objectionable odors that are perceptible without instruments by a reasonable person at the lot lines of a site."

Rooftop dining and seating areas included on both buildings: The commenter is correct that each building would have a rooftop terrace, providing tenants with additional amenities of outdoor workspace, tv lounge, lounge seating, kitchen/wet bar, and planters (IS/MMD p. 5). It is possible that some emissions from the buildings' rooftops ventilation stacks could be considered potentially odorous for tenants that are on the rooftop terrace; however, it is not anticipated that future employers at the site would operate their facility in such a manner that they would expose their workers, who choose to work or relax on the rooftop terrace, to odorous emissions, as it defeats the purpose of having that amenity provided on site. In addition, it is not anticipated that any tenants at the project site would spend a prolonged amount of time on the rooftop terrace over the course of their employment given the need to conduct research, be present in meetings, etc. Further, any tenants that might find smells on the rooftop unpleasant could simply return inside the building. Regardless of whether or not odorous substances are observed by tenants on the rooftop terrace, concentrations would be reduced sufficiently by the time they reach adjacent properties / receptor locations, such that the emissions would no longer be considered odorous under the City's Municipal Code standards. In addition, any odors observed by rooftop tenants would not constitute exposure to a "substantial number of people" as specified in the CEQA Threshold of Significance.

Exposure of rooftop users to odors and exhaust stacks emissions: Please see the response to question 2, above. It is possible that rooftop users could be exposed to odors and emissions that are released from building rooftops; however, these receptors are not anticipated to reside on the outdoor terrace for a prolonged period of time.

Sensitive receptor access to rooftop recreational areas: The childcare facility would have a dedicated approximately 5,500 square foot area located on the first floor of the South Building. The rooftop terrace is intended for use as a private amenity for onsite tenants to work or relax. Individuals operating the childcare facility would not have access to the rooftop or take the

children to the rooftop for recreational activities. Some employees at the site with children attending the childcare facility may occasionally take their child/children to visit the rooftop terrace, if permitted by their employer's policies, but it would not be a frequent occurrence or something that is actively being proposed by the project.

As described above, the comments have not provided any relevant let alone substantial evidence that demonstrates the project would result in a potentially significant odor impact, and the analysis contained in the Initial Study is adequate to disclose the potential effects to the proposed project. No new or potentially more severe impact has been identified by the comment.

Comment F-17: ***Flooding and Belmont Creek and Sea Level rise*** *We ask that the city restrict or ban development in particularly flood prone areas of the city. Is it safe to site a bioscience development of this size and scale within 25 feet of Belmont creek, an area which is prone to persistent flooding, especially during king tides when bay water back flows from Belmont Slough? The MND acknowledges Belmont creek's history of flooding and the increased risk of flooding, but it finds the project's contribution to flooding associated with sea level rise to be less than significant. We contend that there is insufficient evidence to support this conclusion because it relies on speculation that the City of Belmont's Belmont Creek Restoration project has the potential to alleviate much of the downstream flooding issues. (Page 126.) We ask that the MND include a detailed description of the proposed restoration project so that the city and the public are aware of the measures that are planned and the time-lines for completion. We ask that approval of the MND be delayed until after the creek restoration project has been completed and the anticipated reduction in flooding has been established…*

Response to Comment F-17: Please see response to comments D-2 and E-2. Modeling of flood flows demonstrates that the surface water elevations from flooding at Belmont Creek would be increased by 0.1 feet (less than 2 inches) from the removal of the building area from the existing localized flood zone. This level of increase would not significantly affect site development. Finished floors of the life science buildings would be above the floodplain elevation. Further, site development would not exacerbate the existing potential flood flows. The project includes installation of a below ground storage detention system consisting of a series of storage chambers to capture and detain flood flows from a 100-year, 24-hour storm event (Initial Study Table 2-1).

Table 2-1 in the Initial Study (p. 8) describes a below ground detention system that would contain approximately 40,416 cubic feet of flood water that would be installed to capture flood flows from Belmont Creek. Additional text has been added to this description in Table 2-1 as shown in Section 4 of this Response to Comments document. The revised text indicates that a series of storage chambers (40,416 cubic feet) will be installed rather than a tank. The chamber capacity is equal to the existing volume of storage on the site that is lost due to the new building construction. The lost ponding volumes are based on the level of ponding due to a 100-year, 24-hour storm event.

As noted in the Initial Study, the City of Belmont's Twin Pines Park Belmont Creek Restoration Project has the potential to alleviate existing downstream flooding issues by retaining runoff from the upper reaches of Belmont Creek; however, the Initial Study's conclusion that the 642 Quarry Road project's contribution to flooding is based on hydrologic modeling performed for the project development and does not depend on future flood control benefits of Belmont's creek restoration project.

Comment F-18: ***Will the development impede or redirect flood flows?*** *We ask for additional information and analysis regarding the finding that that the development will not significantly*

impede or redirect flood flows. We ask that the MND include as an attachment the 2022 Belmont Creek Flood Evaluation by BKF Engineers referenced below. Is a more in-depth evaluation afforded by other flood modeling studies versus the surface water hydraulic model utilized here? If so, will the City please require those studies before approving the MND given the high risk of flooding in this area?

…

As laypeople, we do not understand how an approximate one-foot increase in street flooding caused by the project would not redirect flood waters to other properties. Would it be possible for the developer to mitigate offsite flooding by increasing the setbacks from adjacent properties and installing bioretention swales and water retention wells around the development?

Response to Comment F-18: The Belmont Creek Flood Evaluation by BKF (2022) is provided in Attachment 4 The modeling was submitted to the City of San Carlos for review and approval by City Engineers. As reported in the Initial Study section 3.10.3 (p. 127), the modeling determined that the proposed project site development would increase flood flow depths by 0.1 feet (less than 2 inches), not 1.0 feet as asserted by the commenter, and when combined with development proposed at the adjacent site at 601 Harbor Boulevard, the flood flow surface water elevation would increase by 0.5 feet (6 inches). As a result, any rise in street flood level resulting from prevention of flood water draining onto the 642 Quarry would be less than one foot of additional depth, which is compliant with City municipal code section 15.56.100 A.4. There is no information to suggest that the project would redirect flood waters to other properties, and the commenter does not provide any substantial evidence that the project would or could do so. Further, the project includes a below-ground detention system consisting of a series of storage chambers with a storage capacity of approximately 40,416 cubic feet to replace lost ponding capacity of flood flows on the project site due to project development (see Initial Study Table 2-1 and section 10.3.3.c.iv p. 127). The proposed detention system would collect flood flows entering the project site to avoid redirection of flood flows from the project site to offsite properties. The series of storage chambers would be filled via gravity flow and then be drained by a pump system. See Section 4 Text Revisions.

Comment F-19: ***…****The project will require an extensive amount of excavation and soil removal from the site to accommodate the underground parking structure. It seems obvious that allowing the creek to run dry during construction will reduce water quality. How long will it take for surface water levels to recover after dewatering? What is the basis for this finding?*

Response to Comment F-19: The effects of site excavation and construction dewatering on water quality are discussed in Initial Study section 10.3.3, page 119. The potential for construction dewatering to dry Belmont Creek flows during low-flow summer conditions does not introduce a water quality impact. Groundwater removed through dewatering would be discharged into the city storm drain system upon water quality testing and potential pre-treatment on site if needed to meet water quality criteria established in the discharge permit requirements. Construction water would not be discharged to Belmont Creek. A subsurface hydrology evaluation performed by Langan evaluated the effects of construction dewatering drawdown on the potential movement of potential groundwater contaminants within the site vicinity from two nearby sites through use of particle tracking (see Initial Study p. 119). Based on the model results, contamination migration to Belmont Creek during or post-construction is not expected. As a result, substantial and uncontroverted evidence supports the conclusion that the impact of construction dewatering on water quality is less than significant.

Langan concluded dewatering effects on the creek would be short-term and not significant in comparison to the baseline-modeled conditions (see Initial Study p. 122). Therefore, the impact

of construction dewatering on groundwater and creek flow levels is less than significant. Surface water levels are expected to recover after dewatering upon cessation of pumping.

Comment F-20: ***…*** *What is the definition of "pollutants?" Are biohazardous materials and waste in biosafety labs considered pollutants? The underground parking structure will include EV charging stations and automobiles. Wouldn't flood water inundation into the underground parking structure create a risk of releasing pollutants into the creek and the bay?*

Response to Comment F-20: A pollutant is a substance present in concentrations that may harm organisms (humans, plants, and animals) or exceed an environmental quality standard. Hazardous substances in controlled lab settings are not considered pollutants unless released to the environment where harm can occur. Biohazard materials would not be subject to inundation during a potential flood event on the project site. Chapter 15.56. of the San Carlos Municipal Code sets forth construction requirements for development that would minimize flood hazard risks. Non-residential structures can either be elevated above the base flood elevation or be floodproofed below the base flood level (see Initial Study p. 118). The proposed laboratory buildings would have finished floor elevations above the flood plain. Further, first floor uses would not house office and lab space (see Initial Study sections 2.2.1 and 2.2.2 on p. 4); therefore, laboratory spaces containing biohazardous materials would not be subject to inundation in the event of site flooding.

See Response to Comment D-4 regarding the proposed parking structure as a source of pollutants released during flood flows.

Comment F-21: *Will the project result in potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources during project construction or operations? The MND found that the impacts are less than significant. (Page 77.) We question the validity of this finding as speculative because the annual operational energy consumption of the development was not included in the MND. Did we overlook this disclosure? If not, we ask that the MND be supplemented to disclose the development's anticipated annual energy consumption.*

…

However, laboratories are energy intensive facilities that consume many times the energy use of the average non-lab buildings. Labs use large-quantities of air for ventilation, and fume hoods; electricity to operate fans, lighting, and specialized lab equipment; and large quantities of water and chilled water. *Energy Conservation in Laboratories (Page 1.) They also power laboratory grade freezers, refrigerators, centrifuges, animal labs and other specialized equipment. Vaccines and other biological materials must be kept at -20 to -30 degrees C.*

In addition, we note that the three buildings in this development have glass facades that are particularly energy inefficient…

Rolling blackouts have a become an unfortunately common occurrence in California. Although this development plans to install solar panels and institute other green energy measures consistent with the city's Climate and Mitigation Adaptation Plan, it is unclear how much electricity the solar panels will generate and how much is estimated to be drawn from the grid. We anticipate that the developer will claim that future energy use by unknown tenants is too speculative to allow this assessment. However, we ask for a rough estimate based on the highest level of anticipated lab use, 75%. Is it possible for the city or developer to provide information regarding average biosafety labs annual energy use (kilowatt hours or therms) per square foot. This information may be available from Stanford University or UC biolabs.

In the event of rolling blackouts, these labs will have PG&E, Peninsula Clean Energy and utility priority because of the risks posed by power failures or interruptions to the BSL pathogens and live animals on site. The city's continued approval of millions more square feet of biosafety labs seem to give developers priority over residents for increasingly scarce resources. We ask that the MND address whether the biolabs will have priority over residents in supply or restoration of electrical power during outages or natural disasters.

Response to Comment F-21: The comments question the validity of the Initial Study's less-than-significant impact determination regarding whether the project would use energy in a wasteful, inefficient, or unnecessary manner. As described below, the comment does not provide evidence that the project would result a new or potentially more severe impact than that discussed and identified in the Initial Study.

As described in the Initial Study p. 79, the proposed project's energy consumption was estimated using the California Emissions Estimator Model (CalEEMod). While CalEEMod is generally used as a model for estimating criteria, air toxic, and greenhouse gas emissions from proposed projects, it also generates energy consumption estimates based on the land use type and size of the building modeled. The proposed project's research and development buildings were modeled in CalEEMod using the "Research and Development" land use which, as described in the CalEEMod User Manual, "R&D centers are facilities devoted almost exclusively to R&D activities. The range of specific types of businesses contained in this land use category varies significantly. R&D centers may contain offices and light fabrication areas." Because the flexibility in end uses accommodated by the research and development land use in CalEEMod, it provides a conservative estimate (i.e., likely to overestimate) potential emissions and energy use associated with this land use. As stated on Initial Study p. 79, "the structures proposed by the project are anticipated to consume approximately 10,951,248 kWh per year for onsite building operation and lighting and approximately 2,195,065 kBtu per year for research purposes." Thus, the Initial Study did present an operational energy consumption estimate for the proposed project that accounts for a wide range of end uses at the site. Regardless of what type of tenants occupy the site, the energy consumption estimates contained in the Initial Study would address potential energy consumption from their use.

The comments also state that "laboratories are energy intensive facilities that consume many times the energy use of the average non-lab buildings." It is not disputed that the types of activities undertaken at research and development sites require energy intensive equipment and appliances; however, the question is not whether the project would consume a lot of energy, but rather would the energy consumption be wasteful, inefficient, or unnecessary. The conclusion that the project would not result in an impact due to wasteful, inefficient, or unnecessary energy consumption is supported by the analysis contained in the Initial Study. As described on Initial Study p. 80, the proposed project would be subject to the City's Reach Code, which has more stringent energy efficiency requirements than those contained in Part 11 of the Title 24 Building Standards Code referred to as the California Green Building Standards Code (CALGreen Code). The buildings would be all electric, feature a photovoltaic system, and the only natural gas used on site would be for the purposes of undertaken research and development activities (i.e., not for powering building systems). Electricity is considered to be one of the most efficient forms of energy to consume, because it can be generated from renewable sources. Thus, although the proposed project would consume energy, it would not do so in a wasteful, inefficient, or unnecessary manner.

The comments state that the glass facades of the proposed buildings would make the development energy inefficient; however, the articles and support provided for this argument are not directly applicable to conditions at the project site. In California, all new residential and non-residential developments are required to comply with the CALGreen Code. As described in

Section 3.6.2 of the Initial Study under the "Title 24 Energy Standards and the City of San Carlos Reach Codes":

> "*The CalGreen Code contains both mandatory and voluntary measures. For non-residential land uses there are 39 mandatory measures including, but not limited to, exterior light pollution reduction, wastewater reduction by 20 percent, and commissioning of Projects over 10,000 square feet. On January 25, 2021, the San Carlos City Council adopted Reach Codes, which expand upon the energy efficiency requirements contained in the CalGreen Code. The City's Reach Codes were approved by the CEC and went into effect on May 12, 2021 (San Carlos 2021).*"

The CALGreen Code sets forth minimum energy efficiency requirements for new developments; local jurisdictions that adopt reach codes may expand upon the minimum energy efficiency requirements but not reduce them. It does not matter if the facades are made of glass, wood, stucco, or some other building material; the structures must demonstrate that they would meet the minimum energy efficiency requirements specified in the CALGreen Code or local Reach Code.

With regard to the Boston Globe article cited by the commenter – the proposed project is located in California and therefore subject to different building energy requirements than in other portions of the United States. Therefore, it's conclusions regarding the energy efficiency of buildings in places other than California are not applicable to the proposed project. As described above, the proposed project would be subject to the requirements of the CALGreen Code and the City's Reach Code. Furthermore, the climate in California is substantially different than Boston and New York, which experience temperatures that are substantially lower than San Carlos. As described on Initial Study p. 35:

> *"The San Francisco Bay area is generally characterized by a Mediterranean climate with warm, dry summers and cool, damp winters. During the summer daytime high temperatures near the coast are primarily in the mid-60s, whereas areas farther inland are typically in the high-80s to low-90s. Nighttime low temperatures on average are in the mid-40s along the coast and low to mid-30s inland."*

The climate here in California, and therefore its implications on building heating and cooling, are non-comparable to other portions of the United States subject to more extreme temperatures. Furthermore, the proposed project would include three 1,250 kW diesel back-up generators to power building systems, including heating and cooling systems, and on-site equipment in the event of power loss.

The commenter also requests information on the quantity of electricity the onsite PV system would generate and how much this on-site electricity generation would supplement overall building electricity consumption. Details regarding the final design of the on-site PV system, which would be designed to meet the standards identified in the City's Reach Code (i.e., 2 Watts per square foot of the building footprint; see Initial Study p. 80) are still being designed and finalized and, therefore, specific energy generation estimates from this project element cannot be provided at this time. However, this level of information is not known to credibly conclude that the proposed project would not use energy in a wasteful, inefficient, or unnecessary manner. In fact, this element would help make the project's overall energy consumption more efficient, since it would not have to source as much of its consumption from off-site sources (i.e., through the grid). Please see an earlier portion of this response for the building's total energy estimated energy consumption.

Finally, the comment claims that projects such as the proposed project will have "PG&E, Peninsula Clean Energy and utility priority because of the risks posed by power failures or

interruptions to the BSL pathogens and live animals on site." As described on PG&E's site for Safety and Preparedness:

> *"After an outage, our crews' first task is to assess damage. In the case of major outages, this assessment can take days. During this phase, you may see our trucks in your neighborhood as you continue to experience an outage. The information they gather helps us plan our work.*
>
> *In an outage situation, addressing hazardous situations such as downed wires is priority. Next, we focus on restoring as many customers as we can, as quickly as possible. We also prioritize repairs that restore service to critical facilities such as hospitals, water pumping stations, and police and fire departments."*

As identified above, PG&E's criteria for restoring electricity to customers, including those served by electricity supplied by Peninsula Clean Energy, focus on critical facilities, including hospitals, water pumping stations, and police and fire departments. Life science buildings and other research and development land uses are not considered critical facilities. Thus, based on the criteria provided by PG&E, research and development / commercial are not prioritized over residential customers. Further, the proposed project would have three emergency back-up diesel generators to supply power to building systems and appliances in the event of power loss.

The commenter has not provided any substantial evidence that the proposed project would result in a new or potentially more severe energy impact or that the Initial Study's analysis and impact conclusions regarding energy are incorrect or inadequate.

Comment F-22: *The MND indicates that California law does not require an assessment of the possible impacts of building in earthquake zones. Rather, it requires an assessment of whether the development will create or exacerbate soil or geologic conditions…*

We are concerned that the construction of the three, 90-120 feet tall buildings will significantly alter the geological conditions at the site because it may require extensive dewatering of the site (to the extent that Belmont creek may temporarily run dry) and will have an underground parking structure that will permanently displace shallow ground water at the site and redirect the flow of ground water from the site to adjacent streets, structures, Caltrain tracks and Belmont creek.

Could the cumulative weight and densities of the buildings have an unintended effect on the soil based on the similar situation encountered by the leaning Millennium Towers in San Francisco?...

We are most concerned by the findings in subsections a) and c):

These sections indicate that liquefaction associated permanent ground displacement may occur and could be encountered within the alignment of the "former creek. What does "former creek" refer to? We ask for additional analysis that presumes dewatering will be required because of the site's proximity to Belmont creek or former underground creeks on the site. We note that a much smaller Life Science development adjacent to Pulgas creek at 1030 Brittan required dewatering. Even if dewatering at this site is not required, will the redirection of ground water caused by the underground parking structure increase the risk of liquefaction or subsidence on other adjacent properties, particularly the Caltrain tracks, in the event of an earthquake?

Response to Comment F-22: As described on Initial Study page 83, the geology impact analysis was based on geotechnical reports prepared by qualified engineering geologists and peer reviewed to ensure comprehensiveness and accuracy. A Preliminary Geotechnical Investigation was prepared for the project by Rollo and Ridley, Inc. (Rollo and Ridley), dated

June 23, 2021; an additional Geotechnical Investigation Report was prepared on November 24, 2021, to further discuss findings from geophysical surveys and engineering analyses to develop conclusion and recommendations for the project.

The preliminary report findings are based on a review of preliminary drawings titled "Feasibility Study" by DES Architects + Engineers, publicly available geotechnical reports and subsurface data, and on-site field investigation. Additional conclusions and recommendations were based on discussions with the project representatives, review of architectural drawings titled "Planning Submittal" by DES Architects + Engineers dated October 15, 2021, and on-site field investigations and engineering analysis. The firm also used their experience with other projects in the vicinity of the property to develop the report.

The final report was peer reviewed by Cornerstone Earth Group, Inc. and found to meet the current standard of practice with appropriate recommendations. (Cornerstone Earth Group 2022)

Initial Study page 85 and page 117 describes the "former creek":

> *"The project site is relatively flat with site grades varying from approximately elevation 29.3 feet at the northwest corner to approximately Elevation 22.4 feet at the southeast corner of the site. These elevations were shown on a preliminary survey prepared by BKF Engineers dated June 4, 2021. Based on historical creek maps, Belmont Creek adjacent to the site once flowed across the site but was engineered to divert creek flow along the northern edge of the property. The former creek channel that ran diagonally across the site and a willow grove that bordered the site to the south was then filled in to make the current lot and adjacent street (Rollo and Ridley 2021)." (Initial Study p. 85)*

In regard to liquefaction potential, Initial Study page 87 presents a summary of the Rollo and Ridley's field investigation and analyses which indicate that the soil below the water table has sufficient fines content and density to resist liquefaction during a seismic event on a nearby fault. Their report concludes that the project site has a low potential for liquefaction and corresponding loss of bearing capacity. It was noted however, that pockets of liquefiable soil could be encountered within the alignment of the former creek when additional field investigation is performed at the site. However, since the proposed buildings will be supported by foundations on residual bedrock, any pockets of liquefactions that may occur would have little impact on the buildings.

The Initial Study Hydrology section acknowledges that dewatering of groundwater would occur during construction and describes potential impacts on pp. 121-129. Luhdorff and Scalmini Consulting Engineers (LSCE) prepared a CEQA Hydrology and Water Quality Evaluation for the 642 Quarry Road project dated 22 March 2022. The LSCE evaluation qualitatively assessed potential hydrogeologic issues related to dewatering at the 642 Quarry Road project. Langan Engineering prepared a subsurface hydrology assessment for the 642 Quarry Road project site in response to the LSCE review. Langan reviewed geologic and hydrogeologic data from the project site and vicinity and developed a conceptual model of the hydrogeologic conditions to simulate dewatering of the site during project construction activity and post-construction project effects on the groundwater and Belmont Creek. LSCE provided peer review of the Langan study and Langan responded to peer review comments. LSCE concurred with Langan's response to peer review comments.

As referenced in the Initial Study, the Applicant prepared a hydrogeological evaluation to support CEQA related hydrogeologic concerns for the property. The technical memo was prepared by Langan, October 3, 2022, and summarizes the project's potential effects on subsurface hydrology and water quality as outlined below. This technical memo evaluated the

project and cumulative (a project located across Belmont Creek in Belmont at 601 Harbor Blvd.) impacts of the subsurface parking structures on groundwater flows after project construction and concluded that the simulation results for post-construction conditions with both projects built show a slight change in groundwater flow patterns with respect to the baseline scenario (existing conditions). The underground parking structures would influence groundwater flow around the impermeable, subsurface portion of the structures. Some groundwater flow would be diverted away from Belmont Creek, and 0.37 gpm would not be included in the creek surface water flow gains in the vicinity of the new structures. The modeled changes in groundwater elevation were less than one feet, and changes were constrained to the vicinity of the sites. The project would not divert groundwater or redirect the flow of groundwater from the site to adjacent properties and would therefore not increase the risk of liquefaction or subsidence on other adjacent properties, including the Caltrain tracks, in the event of an earthquake; the impact is less than significant.

Comment F-23: *We are concerned the hazardous and biological materials and waste that may be used on this site may pose significant public safety risks if not properly transported, managed and monitored…*

Will the city consider imposing ordinances that provide a greater level of protection than the HMTA, such as prohibiting transportation through single family neighborhoods or on streets with schools or childcare facilities and limit delivery and pick-up of hazardous materials to times when the least number of employees and children are present onsite? In the absence of ordinances, will the city consider imposing these limitations as a condition of approval for this project? Will the applicant consent to these limitations?

Response to Comment F-23: Please see Response to Comment F-1. The project Applicant has removed BSL-3 laboratory space from the project proposal at this time. Future tenants of the project site and any vendors or suppliers transporting hazardous materials would be obligated to transport and handle the materials according to all relevant federal, state, and local regulations. Based on City regulations, trucks are not permitted on Holly Street between Industrial Road and Old County Road. Please see the discussion in Initial Study section 3.9.3.a. Hazards and Hazardous Materials.

Comment F-24: …*It is our understanding from speaking with developers whose buildings house BSL 1,2 labs, that the CDC and USDA do not periodically inspect most labs (including BSL-3s). Stating that these inspections are routine give the city and public a false sense of security. We ask that the MND clarify whether the proposed laboratories on this site will likely be inspected by the CDC or USDA. If so, please explain when and how often and provide a link to the source.*

Response to Comment F-24: Please see Response to Comment F-1. The project Applicant has removed BSL-3 laboratory space from the project proposal at this time. Also, please see the Response to Comment F-15 for a discussion of biosafety cabinet inspections. Pursuant to 29 CFR 1910.1030(e)(2) (iii)(B), the Occupational Safety and Health Administration (OSHA) requires that biosafety cabinets be certified whenever they are installed or moved and at least once on an annual basis. In buildings with a BSL-2, all procedures that can cause infection from aerosols or splashes are performed within a biosafety cabinet. Biosafety cabinets are equipped with HEPA Filters – capable of removing 99.97% of particulates 0.3 um in diameter. These filters are inspected during the OSHA certification process to ensure that they are maintained and in good working order. OSHA requires certification of these biosafety cabinets on an annual basis, at a minimum, to ensure they are in good working condition and that air directed out of the biosafety cabinet would not pose a risk to building tenants or nearby receptors.

The sentence in Hazards and Hazardous Waste, section 3.9.2, p. 106 stating BSL laboratories are subject to periodic CDC and USDA inspections is incorrect and has been struck from the Initial Study text. Please see the text revision in Section 4, below.

Comment F-25: *As indicated, the CDC BMBL is an advisory document. Private labs are not necessarily required to follow the guidelines and may be less likely to do so if they do not have institutional oversight from biosafety officers and committees. Private lab tenants are responsible for self-policing, self-reporting and lack the oversight provided by state, federal and university labs. Relying on self-policing and reporting poses a significant public safety risk because lab employees and tenants are very reluctant to disclose errors or omissions that could expose them to liability. In the absence of city ordinances and regulations governing biosafety labs, we ask, as a condition of approval, that the city require each BSL1-3 tenant to provide detailed reports to the city and the public regarding all laboratory accidents within one week of the release. Is the applicant willing to include this a condition of the lease for each tenant?*

…

Question: Please identify the state or other agencies that regulate isotope waste. What agency conducts the inspection that issues licenses to generate biological waste?

Response to Comment F-25: Please see Response to Comment F-1 and Response to Comment F-7. The project Applicant has removed BSL-3 laboratory space from the project proposal at this time. The City is considering an ordinance regulating BSL uses including compliance with CDC BMBL guidelines. If BSL-3 laboratory space is approved by the City as a conditional use in the future, the project Applicant or building tenant could apply for approval of a BSL-3 use subject to ordinance regulations.

The California Department of Public Health, Radiologic Health Branch (RHB) administers and enforces the following laws, enacted by the California Legislature. Regulations implementing these laws are adopted through the rulemaking process by the Department.

Radiation Control Law (RCL). The RCL is codified in the California Health and Safety Code, sections 114960 through 115273. Pursuant to the RCL, the Department registers, licenses, and inspects all users of radiation machines and radioactive materials.

Radiologic Technology Act (RT Act). The RT Act is codified in the California Health and Safety Code, sections 106955 through 107115, and sections 114840 through 114896. The RT Act also created the Radiologic Technology Certification Committee to assist, advise, and make recommendations for the establishment of rules and regulations necessary to insure the proper administration and enforcement of the RT Act.

Nuclear Medicine Technology (NMT) Certification. The NMT certification law is codified in the California Health and Safety Code, sections 107150 through 107175. Under this law, the Department certifies individuals to perform nuclear medicine technology, as defined in section 107150.

Source: https://www.cdph.ca.gov/Programs/CEH/DRSEM/Pages/RHB-LawsAndRegs.aspx

San Mateo County Health Environmental Health Services (EHS) implements several regulatory programs that future tenants may be subject to regarding hazardous materials storage, hazardous waste generation, and medical waste generation. Biological waste generated by future tenants would be subject to regulation by San Mateo County EHS as medical waste under the Medical Waste Program.

Comment F-26: *… Although the MND concludes that mitigations make this site safe for a childcare facility, despite the fact that soil contamination is above ESL values for commercial*

land use, how do on site toxic soil mitigations make it safe to site a childcare facility in an area that is currently zoned for industrial use and may have similar or worse toxic soil contamination on adjacent sites where nearby businesses will continue to have industrial uses? Does the proposed change in zoning from industrial to Planned Development allow the developer to circumvent existing industrial zoning that prohibits childcare facilities within a certain distance from industrial uses?

Response to Comment F-26: See Response to Comment A-1 regarding ESLs for the childcare facility. See Response to Comment F-39 regarding compatibility of project uses and PD zoning with childcare facilities.

Comment F-27: … *Will employees and parents of children using the childcare facility be notified of the type of hazardous and biological materials used by the respective tenants in the buildings? What is the procedure for notification? Will the city consider requiring, as a condition of use, the applicant require tenants to publicly disclose descriptions of the type and amount of any and all hazardous and biological materials and waste on site? Will the applicant agree to do so? California's Prop 65 requires businesses to provide warnings to Californians about significant exposure to chemicals that cause cancer. It requires California to publish a list of chemicals known to cause birth defects or other reproductive harm. The list, which must be updated at least once a year, has grown to include approximately 900 chemicals since it was first published in 1987. Safe Drinking Water and Toxic Enforcement Act. It makes no sense that disclosures are required on labels for toys at the Dollar Store, but not for hazardous and biological waste and materials in biosafety labs…*

Response to Comment F-27: Childcare has been included in the proposed project as a community benefit. As discussed in Response to Comment F-1, the project development application has been revised to eliminate BSL-3 use at this time. The BSL-1 and BSL-2 uses are low-risk to the community and compatible with an onsite childcare facility.

Comment F-28: … *Are HMBP's limited to an individual tenant? What limitations, if any, regulate the cumulative amount of hazardous materials stored in a single building? Is it possible for a single building to contain cumulative amounts that exceed the minimum thresholds?*

Response to Comment F-28: San Mateo County Environmental Health Services (EHS) oversees the handling and disposal of hazardous materials. Each business located at a multi-tenant property or building is required to obtain a Certified Unified Program Agency (CUPA) permit if it generates any amount of hazardous waste identified or listed in Chapter 11 of Division 4.5 of the California Code of Regulations. A business must submit a Hazardous Materials Business Plan (HMBP) if their hazardous materials storage for each product or waste is at or above 55 gallons, 500 pounds, or 200 cubic feet (1,000 cubic feet for inert gases and other specified gases) at any time during the year (Initial Study p. 103). Multiple businesses with separate HMBPs could be housed within a single building.

Comment F-29: … *Does San Mateo County EHS CUPA keep a record of inspections of biosafety labs? If so, are those records available to the public? If not, how can the public access them? Is the city notified of the results of biosafety lab inspections? If not, we request that as a condition of approval, the applicant agree to provide the city with a copy of all inspections by the SMC EHS and all other regulatory agencies. Will the applicant agree to do so?*

Response to Comment F-29: The County EHS inspects for handling of hazardous chemical materials through the Hazardous Materials Business Plan (HMBP) Program. The County EHS does not get involved in compliance with biological materials until it becomes waste. EHS is responsible for the generation, storage, transport, and disposal of biological materials through

the County's Medical Waste Program. The County inspects for correct handling, waste containers, labeling, and disposal at the appropriate facility to make sure there is no downstream impact from the waste disposal. The HMBP and inspection records are public information. The HMBP Program is known as the Community Right to Know Program and the public has the right to review these plans upon request. According to the County EHS (email comm. Liliana Mejia, Supervisor, HHW, Solid Waste, Medical Waste, Body Art, Massage Establishments, and Disaster Response Programs), HMBP regulated sites are inspected by the CUPA Program every other year.

The San Mateo County EHS Multi-Tenant Laboratory and Commercial Office Regulatory Guidance (San Mateo County 2020) provides the following:

> *CUPA inspectors will conduct initial and periodic inspections of your business to evaluate compliance with the HMBP and/or Hazardous Waste Generator Program requirements. The CUPA inspector typically conducts an unannounced inspection at the facility to observe hazardous materials storage and handling activities and/or hazardous waste generation activities and storage locations, container management, emergency equipment and response procedures, hazardous waste disposal records, and employee training plans and records.*
>
> *Businesses subject to the Medical Waste Program will receive an initial inspection shortly after registration and account set up. During the initial inspection, medical waste generation activities are observed, and compliance requirements are discussed. At this time, the Medical Waste Program generator status is finalized (e.g., Small Quantity Generator). The Medical Waste Program Permit is issued after the initial inspection.*

As stated in Response to Comment F-1, in a letter to the City dated December 12, 2022, the project Applicant withdrew the request for permitting of BSL-3 laboratory space at this time and now proposes only BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan. With elimination of the BSL-3 lab use, pathogens and agents will be limited to Risk Group 2 for use to BSL-1 and BSL-2 laboratories resulting in low risk of community exposure. See Initial Study Table 3-14, p. 106 and revised condition of approval text in Section 4 Text Revisions.

Comment F-30 … *As indicated earlier, we request as a condition of approval, that the applicant and its tenants be required to disclose to the city any accidental release of hazardous or biological materials into the environment within one week of the release. Is the applicant willing to do so?*

Response to Comment F-30: The applicant will be required to comply with the City's regulations regarding laboratories with biosafety levels and follow all other agency requirements.

Comment F-31: … *We ask for a link to the San Mateo County Health document cited above. How often are routine inspections conducted?*

Response to Comment F-31: The cited reference is the County EHS website that can be accessed at the following web address: https://www.smchealth.org/hazardous-materials-cupa. The Multi-Tenant Laboratory and Commercial Office Regulatory Guidance can be accessed at the following web address: https://www.smchealth.org/sites/main/files/file-attachments/20201028_multi-tenant_lab_and_commercial_regulatory_guidance_final.pdf?1603929554.

See Response to Comment F-29 regarding CUPA inspection frequency.

Also as noted in the Initial Study Hazardous Biological Materials discussion (p. 103), OSHA conducts annual inspections of biosafety cabinets.

Comment F-32: … *Is the site within one-quarter mile of a business or entity that emits hazardous emissions or handles hazardous or acutely hazardous materials, substances and hazardous waste? If so, would that preclude the operation of a childcare facility on this site? If not, please explain why.*

Response to Comment F-32: The commenter asks about business or entities within one-quarter mile of the project site that emit hazardous emissions or handle hazardous or acutely hazardous materials, substances and hazardous waste and how the operation of one or more of these facilities might preclude the operation of a childcare facilities on the site. What the commenter asks for is an evaluation of how the existing environment may impact future tenants / receptors at the proposed project, which is no longer an evaluation that is required under CEQA, as described below.

The California Supreme Court decision (December 2015) in *California Building Industry Association v. Bay Area Air Quality Management District* concluded, "[W]e hold that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents. What CEQA does mandate…is an analysis of how a project might exacerbate existing environmental hazards."

Therefore, consistent with the Supreme Court's decision in the *CBIA v. BAAQMD* case, CEQA no longer requires that potential adverse health effects be quantified or evaluated for receptors at the project site, including individuals at the childcare facility.

The Initial Study has complied with CEQA by evaluating how the proposed project could exacerbate existing environmental hazards. For example, the Initial Study includes an evaluation of cumulative risks (i.e., project emissions plus existing sources of emissions in proximity of the project site) from sensitive receptor exposure to air toxic emissions (see Initial Study pp. 49 and 50, and also Response to Comment F-15).

The proposed project is not required to evaluate the environment's impact on the project and has complied with CEQA by evaluating how the proposed project could exacerbate existing environmental hazards. No further response is required.

Comment F-33: … *We are concerned that several tenants on this site have completely eluded inspection and review by any environmental regulatory agency, including the San Mateo County CUPA. Have the hazardous materials been removed from the site? What penalties, if any, were assessed against the responsible parties? What assurances does the public have that the biosafety lab tenants will obtain the appropriate permits, safety handle and dispose of hazardous waste and comply with governmental regulations? Will the city consider requiring as a condition of approval, the applicant and its tenants comply with all regulatory guidelines and provide proof of having done so? Will the applicant agree to do so?*

Response to Comment F-33: The site conditions reported in the Phase I Environmental Site Assessment (ESA) were the conditions of the site at the time the ESA was prepared in August 2021. The Phase I ESA was a component of environmental due diligence to support a planned acquisition of the site by the project Applicant. The conditions noted in the Phase I ESA were addressed as part of the sale of the property. All San Mateo County CUPA records of site clean-up are public information and information on the site can be obtained from CUPA.

Comment F-34: … *Does the city of San Carlos or San Mateo County have emergency preparedness procedures that specifically relate to the release of airborne biological pathogens*

in multi-story biosafety labs? How will firefighters extinguish a fire in a BSL-3 lab without exposing themselves or others to airborne pathogens? Do building or fire safety codes prohibit the storage of hazardous or biological materials or waste on higher floors of buildings? Please describe.

Response to Comment F-34: Please see Response to Comment F-1. The project Applicant has removed BSL-3 laboratory space from the project proposal. The fire safety codes do not prohibit the storage of hazardous or biological materials in upper floors of multi-story buildings. The Fire Department has a hazardous materials response team on call 24 hours a day, seven days a week through a County Joint Powers Agreement. The hazardous materials response team is located at nearby Belmont Fire Station 14 at 911 Granada Street. The Department has the appropriate equipment and procedures in place to respond to a hazardous materials release.

Comment F-35: … *We observed in the references cited above a link to NIH guidelines for research involved recombinant or synthetic nucleic acid molecules. Does the applicant plan to allow tenants to conduct this type of research onsite? We ask that the city consider explicitly prohibiting this type of research on site, whether in BSL-2 or BSL-3 labs due to increased environmental and public safety risks. We would appreciate the addition of links to all references cited above if possible.*

Response to Comment F-35: The proposed project would allow BSL-1 and BSL-2 uses. BSL-3 uses are no longer proposed as part of the project at this time. The project application does not specifically address tenants who may conduct research involving recombinant or synthetic nucleic acid molecules. The links to these sources were provided as part of the reference in the Initial Study. The comment asking the City to prohibit this type of research is not focused on the adequacy or content of the Initial Study; the comment does not raise any significant environmental issues. No further response is required.

Comment F-36: … *It is our perception that the history of persistent and ongoing flooding makes this site unsuitable for the size and scale of this biosafety lab development despite the many mitigations posed because it sits on the banks of Belmont Creek. In the event that the city considers approving this development, we ask that it require the developer to follow the applicable height, FAR and setback limitations required by the current light industrial zoning. In addition, we ask that the city consider delaying approval of this project until after the completion of the Belmont Creek Restoration project cited above. It is unknown if the project will be completed by the anticipated June 2024 date. Therefore, relying on that project to minimize flooding at the site seems speculative. Will the city consider delaying?*

Response to Comment F-36: See Response to Comments F-17 and F-18. The project site development use would not be significantly impacted by flooding or substantially contribute to flood conditions. The project applicant proposes rezoning to a Planned Development zone district to allow an increase in height and FAR above limits of the current light industrial zoning district. The comment expresses opposition to the zone change but does not identify specific environmental concerns. The site development would be set back 25 feet from the top of bank of Belmont Creek, which is consistent with the 25-foot setback requirements of the City's Stream Development and Maintenance Overlay District.

The Initial Study's conclusion that the 642 Quarry Road project would not be substantially impacted by flooding of Belmont Creek or substantially contribute to existing flooding conditions is based on hydrologic modeling performed for the project and does not rely on the City of Belmont's creek restoration project. Completion of the Twin Pines Park Belmont Creek

Restoration Project is not required to alleviate effects of the 642 Quarry Road project development.

Comment F-37: … *We do not understand the finding that soil contamination migration from the site to Belmont Creek is not expected based on studies that seemed to evaluate dewatering on properties .25 miles away. Were those studies previously done by the developer for their other property at 777 Industrial Road? Were any studies done specifically for this project that discuss soil contamination migration into Belmont Creek?*

Response to Comment F-37: The groundwater evaluation study evaluated the effects of dewatering of the project excavation area at the 642 Quarry Road property. The study evaluated the effects of drawdown on the groundwater table on both surface water elevations of Belmont Creek and water quality. The study also considered whether dewatering of the project site during construction would result in known contaminants from nearby properties migrating to the project site and affecting groundwater quality. The study concluded that offsite contaminant particle migration was unaffected by the project groundwater pumping and would not enter Belmont Creek. As a result, the project activities would not result in soil contamination impacting water quality (see Initial Study section 3.10.3.a p. 119).

The proposed project site contains volatile organic compounds (VOCs) as discussed in the Initial Study Hazards section 3.9.1. Proposed excavation of site soils for project development would not increase existing VOC contaminants at the project site. Site development may result in removal of VOCs from the project site to the degree they are present in excavated soils. Groundwater pumping would create a cone of depression or drawdown of groundwater elevations away from Belmont Creek and toward the excavation area where pumping is occurring (see Initial Study, Figure 8). VOCs present on the project site would not migrate toward Belmont Creek as a result of project construction.

The 777 Industrial Road property is located one mile away from the 642 Quarry Road project site and is not located adjacent to a creek. The 777 Industrial Road project is not relevant to this project.

Comment F-38: …*The MND acknowledges that groundwater levels would increase a maximum of 0.3 feet and that the rise in sea level could raise water levels at Belmont Creek and intensify flooding between El Camino Real and US-101. The mitigations proposed are isolated to this site and therefore, seem inadequate to address the increased risk of flooding in this heavily trafficked area. The MND does not consider the cumulative impacts of other developments planned near the site. If those developments have underground parking that may increase ground water, doesn't the overall risk of flooding in the area increase? We ask the city to consider requiring the developer to build all structures at or above grade to avoid the inevitable ground water displacement caused by the underground parking structure. Will it do so?*

Response to Comment F-38: Hydrologic modeling of groundwater conditions conducted for the project included other development planned near the site. The impacts of site excavation on groundwater is highly localized; therefore the scope of the cumulative analysis was limited to the immediate project vicinity. The cumulative analysis includes development at an adjacent property located at 601 Harbor Boulevard. As stated in the Initial Study (page 126):

> *Modeling by Langan shows groundwater levels would increase a maximum of 0.3 feet on the northwest side of the 601 Harbor Boulevard property due to post-construction conditions of both the 601 Harbor Boulevard and 642 Quarry Road properties (Figure 9). Alongside the creek, groundwater levels were modeled at 0.1 feet below pre-construction levels (Figure 9). Given the minor change in groundwater level post*

development, the impermeable basements proposed for the properties are not expected to increase surface water levels and exacerbate flooding issues caused by rising sea levels. Therefore, the project's contribution to flooding associated with sea level rise is less than significant.

To address the identified increase in the height of flood water on Old County Road as a result of the project, the City is requiring the project to install a below-ground storm/flood water detention system that would consist of a series of storage chambers that would fill with flood water via gravity flow and then be drained after the storm event by a pump system. The detention system would be designed to retain approximately 40,416 cubic feet of water, an amount equal to the existing volume of flood water storage on the site that is lost due to the new building construction. The system is currently being designed, but the storage chambers will likely be located beneath the open space of the campus. The proposed detention system would collect flood flows entering the project site to avoid redirection of flood flows from the project site to offsite properties. The lost ponding volumes are based on the level of ponding due to a 100-yr storm in the existing condition vs. proposed condition (BKF 2022). With installation of the detention system the project would have a less than significant impact on the redirection of flood flows. See revisions to the Initial Study text in Section 4 of this Response to Comments for descriptions of the detention system.

The two laboratory/office space buildings would have finished floor elevations above floodplain elevations. See responses to Comment F-17 and Comment F-36 regarding flooding associated with Belmont Creek.

Comment F-39: …*We note that the maximum height of the project is 147.2, slightly below the 155 feet FAA limitation. That is 72 feet higher than the current 75 feet light industrial zoning limit. Will the city consider maintaining the current height and FAR requirements, even if it changes the zoning to Planned Development? The city continues to approve biosafety developments that double the allowable height and density on sites along creeks that have lengthy histories of repeated flooding. We respectfully disagree with the finding that this project is consistent with the overall goals of the city's Climate Mitigation and Adaptation Plan as it relates to flooding. We ask that the MND consider adding other climate mitigations, such as increasing the setback from Belmont Creek more than the 25 feet required and eliminating the underground parking structure to prevent the increase in the risk of flooding due to ground water displacement. Finally, please explain how the addition of childcare facility on this site is consistent with the surrounding light industrial zoning and corresponding prohibitions on siting these businesses within .25 miles of a school.*

Response to Comment F-39: The proposed project would increase the maximum building height permitted at the project site from 75 feet to 120 feet including the mechanical screen (see Initial Study section 2.2.7, p.7 and section 3.1.3, p. 29). The buildings would be 100 feet to the top of the parapet, which is an exceedance of 25 feet above the current light industrial (IL) zoning district limit. The height of 147.5 feet is a reference to elevation above mean sea level, not height above ground surface (see Initial Study p. 134, San Carlos Airport Land Use Compatibility Plan).

The maximum building height and FAR in the proposed Planned Development zoning exceeds the current light industrial (IL) zoning requirements. This resulting densification of development is consistent with city vision for this area. See Response to Comment D-4 and Response to Comment F-44.

The proposed life science use buildings would have finished floors above the flood plain. First floor uses would not house office and lab space (see Initial Study sections 2.2.1 and 2.2.2 on p. 4) and laboratory spaces containing biohazards would not be subject to inundation in the event

of site flooding. The 25-foot development setback from Belmont Creek is consistent with the city policy. The commenter does not identify how the proposed project is inconsistent with the City's Climate Mitigation and Action Plan as it relates to flooding. See Response to Comment F-17 and Response to Comment F-36.

The proposed parking structure would have one partial level underground. The impact of the proposed structures on groundwater displacement was evaluated in the Initial Study through groundwater modeling (see section 3.10.3 pp. 121-127). The groundwater levels would not be significantly affected, and the project would not increase the risk of flooding. See Response to Comment F-38.

Under existing IL zoning at the project site, childcare is not a permitted use. The project proposes a Planned Development zoning, which would allow an onsite childcare facility as an ancillary use. City zoning regulations do not prohibit locating industrial land uses within 0.25 miles of a school. CEQA Guidelines Appendix G checklist section IX(c) asks whether the project would emit hazardous emissions or handle hazardous materials, substances, or waste within 0.25 miles of an existing or proposed school. The potential risk of hazardous emissions to the proposed childcare facility is addressed in the Initial Study section 3.9.3.c and determined to be less than significant.

The CEQA Guidelines section pertaining to evaluating potential health impacts for school receptors is Section 15186, School Facilities. This portion of the CEQA guidelines is unique to the siting of new school receptors in proximity of hazardous emissions / materials and siting a new hazardous source in proximity of a school site. Subsection (b) specifies a 0.25-mile radius for risk evaluation from sources. CEQA Guidelines do not prohibit the siting of new receptors within 0.25 miles of a facility with hazardous air pollutants / materials, only that these facilities would not "constitute an actual or potential endangerment of public health to persons who would attend or be employed at the proposed school" (subsection (3)(B)(1)).

The Quarry Road project, while involving childcare, is not a "school" project that would be subject to the requirements of CEQA Guidelines section 15186. And, per the CA Supreme Court ruling in CBIA v. BAAQMD (2015), CEQA analyses generally do not need to evaluate the effect of the environment on the project. This would hold true for the Quarry Road project. It's not clear what the basis is for the commenter's assertion that childcare facilities should be prohibited within 0.25 miles of industrial land uses. Support for that argument isn't present in the City's Municipal Code or CEQA Guidelines Section 15186.

Childcare has been included in the proposed project as a community benefit. As discussed in Response to Comment F-1, the project development application has been revised to eliminate BSL-3 use. The BSL-1 and BSL-2 uses are low-risk to the community and compatible with an onsite childcare facility. Also see Response to comment F-32.

Comment F-40: …*We question the validity of the statement that implies the types of noises from HVAC are similar to the ones currently onsite. The buildings currently onsite are one or two levels. The three new buildings will exceed 147 feet tall. The north and south towers are 120 feet tall, but have roof structures, including exhaust stacks and other equipment, that reach a maximum height of 147.5 feet. It seems logical that noise generated from the project will be significantly greater than the current conditions. In addition, future tenants are unknown. Is it possible that they will require tenant improvements that add additional noise generating exhaust stacks and other roof top machinery? We ask that the MND be supplemented to include a section that projects the total possible increase in noise if the tenant occupancy is 75% lab tenants. Are the noise levels on the roofs compatible with rooftop outdoor seating and use as shown in the plans?*

Response to Comment F-40: The proposed project would increase the maximum building height permitted at the project site from 75 feet to 120 feet including the mechanical screen (see Initial Study section 2.2.7, p.7 and section 3.1.3, p. 29). The buildings would be 100 feet to the top of the parapet, which is an exceedance of 25 feet above the current light industrial (IL) zoning district limit. The height of 147.5 feet is a reference to elevation above sea level, not height above ground surface (see Initial Study p. 134, San Carlos Airport Land Use Compatibility Plan).

The comment presents an excerpt from the Initial Study's analysis that explains the proposed project operational on-site noise sources, which include three emergency back-up diesel generators, automobile activities, and various pieces of stationary sources (e.g., air handling units, chillers, chiller towers, heat pumps, and exhaust fans). The comment questions a statement in the Initial Study that indicates general types of noise that currently exist at the project site would be similar to those that are being proposed by the project. This statement in the Initial Study is accurate. This portion of the Initial Study discussion focuses on the *types* of noise sources between existing and proposed conditions. The point raised by the comment regarding differences in building height between existing and proposed conditions is related to site design and the location of noise sources, but not to differences in the types of noise sources themselves. The commenter purports that, "it seems logical that noise generated from the project will be significantly greater than current conditions" without providing any substantial evidence to support that claim; in contrast, the Initial Study's significance conclusions are supported by technical, project-specific analysis contained in the Appendix F of the Initial Study. As described in the Initial Study pp. 144 through 147, the proposed project's operational noise levels would be consistent with applicable City standards and not result in a potentially significant noise impact. The commenter does not provide any coherent argument or substantial evidence to the contrary

The comment also asks if future tenants may undertake improvements to the site that would involve additional rooftop equipment. The proposed building has been designed to accommodate a wide range of possible end uses; adding additional rooftop and other improvements after buildings are constructed is a costly endeavor that requires the re-working of on-site HVAC systems and/or mechanical, electrical, and plumbing infrastructure depending on the specific upgrades or improvements that are being undertaken. It is not anticipated that future tenants would require or propose additional modifications to either building for the aforementioned reasons; however, any such improvements that may be proposed by future tenants would be required to be reviewed by City staff and reviewed for consistency with applicable building code standards and City standards. These hypothetical pieces of equipment that may or may not be proposed at a future date are being proposed as part of the project and therefore do not require analysis at this time, because any such improvements are currently speculative and would not be covered under this Initial Study's CEQA analysis. Any additional improvements to the buildings and/or building systems would be required to undergo separate CEQA review for the activities being proposed at that time.

The commenter further asks that the Initial Study be supplemented to include additional analysis in the event that the proposed buildings have a tenant occupancy of 75% laboratory space. The noise analysis contained in the Initial Study is considered to be conservative in the fact that it would address noise levels from any of the research and development use at the site; whether that be a 70/30 split between laboratory and office space, respectively, or 75/25 split laboratory and office space, respectively. Furthermore, the operation of rooftop equipment needed to support laboratory functions (e.g., exhaust fans to keep air flowing from fume hoods to the outside environment) would require similar operating characteristics for safety purposes, regardless of the amount of building space dedicated to laboratory use. The type and quantity of

operational noise sources evaluated in the Initial Study (e.g., the air handling units, chillers, etc.) would remain the same under the hypothetical 75/25 laboratory and office space conditions suggested by the commenter, and any other building / building system improvements not covered by this Initial Study, as discussed above, would be subject to separate CEQA review.

Finally, the commenter asks if noise level on the rooftops are compatible with the rooftop outdoor seating area and use as shown in the plans. The Initial Study is not required to address this potential effect, since it would be the impact of the project on itself. Conditions that workers are subject to are overseen and enforced by OSHA. The analysis contained in the Initial Study, which was prepared pursuant to CEQA, evaluates how the proposed project may impact the surrounding environment / land uses. Further, City standards, including provisions contained in the General Plan (e.g., Policy NOI-1.3) establish noise level standards at receiving residential land uses; the City does not maintain noise level standards for receptors on a rooftop terrace that may be exposed to on-site operational noise sources.

As discussed above, the Initial Study's analysis, which is based on project-specific noise source information, affirms the proposed project would result in a less-than-significant operational noise impact. The Initial Study's analysis is based on the activities and equipment currently being proposed as part of the project and would be applicable to a wide range of activities that may be undertaken at the site by future tenants. Any additional upgrades, modifications, or improvements to the proposed buildings and/or building systems that may be proposed in the future would be subject to separate environmental review under CEQA.

The commenter has not provided evidence that a new or potentially more severe operational noise impact would occur. No further analysis or response is required.

Comment F-41: …*Why does the city allow new developments to continue to far exceed the daytime and nighttime average noise standards of 55dBA and 45 dBA respectively? Although the MND finds that the increase in noise levels will be insignificant, it does not appear to take into consideration the fact that 75% lab tenants may occupy the buildings 24/7. How much will that increase the level of noise in the area?*

Response to Comment F-41:

Noise standards for new development. As described on Initial Study p. 145 and included in the excerpt provided by the commenter:

> *"Table 9-1 of the City's General Plan, recreated above as Table 3-17 and referred to in General Plan Policy NOI-1.3, sets forth noise level standards for non-transportation-related noise sources. … As provided for in footnote 3 of Table 3-17, however, "In situations where the existing noise level exceeds the noise levels indicated in [Table 3-17], any new noise source must include mitigation that reduces the noise level of the noise source to the existing level" (emphasis added).*

In instances where the existing noise environment is greater than the City's day- and night-time noise levels standards of 55 and 45 dBA, respectively, the City's General Plan includes a provision that the two standards shall be adjusted to whatever noise level the existing ambient noise environment is for that time of day. Per the City's adjustment criteria any new stationary noise source that is proposed must include measures, as necessary, to reduce its noise level to that of the existing ambient noise environment.

In an existing ambient noise environment that exceeds the baseline standards of 55 and 45 dBA for day- and night-time noise levels, respectively, it is not necessary nor warranted to reduce a new stationary source's noise sources, because the incremental contribution to the ambient

noise environment from that source would be imperceptible. As described on Initial Study p. 138:

> *"When more than one point source contributes to the sound pressure level at a receiver point, the overall sound level is determined by combining the contributions of each source. Decibels, however, are logarithmic units and cannot be directly added or subtracted together. Under the dB scale, a doubling of sound energy corresponds to a 3 dB increase in noise levels. For example, if one noise source produces a sound power level of 70 dB, two of the same sources would not produce 140 dB – rather, they would combine to produce 73 dB.*
>
> *Under controlled conditions in an acoustical laboratory, the trained, healthy human ear can discern 1-dB changes in sound levels when exposed to steady, single-frequency ("pure-tone") signals in the mid-frequency (1,000–8,000 Hz) range. In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible. However, it is widely accepted that people can begin to detect sound level increases of 3 dB in typical noisy environments. Further, a 5-dB increase is generally perceived as a distinctly noticeable increase, and a 10-dB increase is generally perceived as a doubling of loudness."*

Therefore, two non-coherent noise sources combined (e.g., the existing ambient noise environment and the proposed project's noise sources) would be 3 dBA (or less) if the two sound levels are the same, or the project's noise sources are less than that of the existing ambient noise environment. As shown in Initial Study Table 3-20 and Table 3-21 (Initial Study pp. 145 and 146, respectively), operation of the project's stationary rooftop sources would not exceed the existing ambient noise environment during the day- or night-time hours. The project therefore meets the General Plan's stationary source noise level criteria and would not increase the ambient day- or night-time noise level in a manner such that such increases would be perceptible (i.e., 3 dBA or more).

Consideration that 75% lab tenants may occupy the buildings 24/7. As described in Response to Comment F-40, the stationary operational noise analysis would be applicable to a wide range of tenant end uses, including a scenario where building space is split 75/25 between laboratory and office use, respectively. In addition, the operational noise analysis evaluates potential noise levels from future tenants using building systems during both the day- and night-time hours, as shown in Table 3-20 and Table 3-21 (Initial Study pp. 145 and 146, respectively) and described in the methodology presented in Initial Study Appendix F. As described in Appendix F, for the purposes of the operational noise analysis, all rooftop equipment was assumed to run continuously throughout the daytime hours (i.e., 7 AM to 10 PM) and at 50% during the nighttime hours (i.e., from 10 PM to 7 AM). The exhaust fans were the one exception to nighttime operational noise runtime characteristics; those pieces of equipment were assumed to continue operating continuously (i.e., at 100%). Although future tenants may have 24/7 operations at the site, nighttime activities are reasonably anticipated to be less intensive than those during the daytime (i.e., when most employees would be on shift); therefore, assuming other pieces of stationary equipment (e.g., chillers and heat pumps) would operate at 50% is a reasonable assumption during the nighttime hours, since overall energy demands at the site would be less at night than during the daytime.

The proposed project's potential to increase 24-hour noise levels was also evaluated and presented at Initial Study pp. 146 and 147. As shown in Table 3-22, the proposed project would not increase long-term 24-hour operational noise levels by more 3 dBA Ldn at sensitive receptor locations. Therefore, while the proposed project would increase overall noise levels in proximity

of the project site, these increases would be imperceptible and thus would not be significant or require mitigation.

As discussed above, the Initial Study's analysis, which is based on project-specific noise source information, affirms the proposed project would result in a less-than-significant operational noise impact. The Initial Study's analysis is based on the activities and equipment currently being proposed as part of the project and would be applicable to a wide range of activities that may be undertaken at the site by future tenants. The operational noise analysis takes into account sound levels that could be generated during both the day- and night-time hours by activities at the site.

The commenter has not provided evidence that a new or potentially more severe operational noise impact would occur. No further analysis or response is required.

Comment F-42: …*The MND indicates that the project would not increase the ambient noise environment by more than 3 dBA, but it relies on a maximum 69 dBA Ldn which is considered "Conditionally Acceptable." It is our perception that new developments should be required to utilize sound proofing and other modern mitigations that will reduce noise levels so that they comply with the General Plan requirements of 55 and 45 dBA. We note that other recent Life Science developments, such as the one at 405 Industrial Road, mitigated noise by partially enclosed the noise-producing rooftop exhausts, HVAC and chillers and chilling towers in a "penthouse" that provided noise blocking walls. To the extent possible, we ask the city to require the developer to utilize a rooftop "penthouse" or other noise limiting treatments to contain and minimize the noise. Is the developer willing to consider adding additional rooftop noise mitigations to minimize the increase in dBA?*

Response to Comment F-42: The commenter cites text from the 24-hour operational noise analysis and then poses several questions regarding the criteria used to assess the significance of operational noise levels and suggests that mitigation should be applied to the proposed project. As described below, the commenter has confused the manner in which certain noise level standards are utilized to evaluate the significance of long-term operational noise levels. The proposed project's rooftop equipment does not require a solid parapet wall or other noise attenuating device to reduce the magnitude of the proposed project's operational noise sources, because the proposed project would not result in a potentially significant operational noise impact.

The 24-hour operational noise analysis contained in the Initial Study at pp. 146 and 147 utilizes the data from an ambient noise measurement collected over the course of 24-hours to establish what the existing ambient noise levels are at nearby sensitive receptor locations. The "Conditionally Acceptable" criteria cited by the commenter is used to describe the suitability of sound levels for certain land uses. The City also uses these criteria to evaluate how projects could incrementally change the ambient noise environment and establishes standards for what increase in noise levels would constitute a potentially significant impact. As described on Initial Study p. 141, Action NOI-1.4 of the City General Plan requires an evaluation of mitigation measures for projects that would cause certain criteria to be exceeded. Criteria (a) of that action would require the evaluation of mitigation measures if project noise levels would, "cause the Ldn at noise-sensitive uses to increase by 3 dB or more and exceed the 'normally acceptable' level."

As described on Initial Study p. 140:

> *"For commercial land uses, noise levels up to 70 dBA Ldn are considered "Normally Acceptable." Single-family residential land uses are considered "Normally Acceptable" up to 50 dBA Ldn and "Conditionally Acceptable" up to 75 dBA Ldn, and multifamily*

residential land uses are considered "Normally Acceptable" up to 65 dBA Ldn and "Conditionally Acceptable" up to 75 dBA Ldn."

Thus, as can be seen from the excerpt above, the progression in noise level criteria moves from "Normally Acceptable" to "Conditionally Acceptable" as the ambient noise levels increase. Because the ambient noise environment at the sensitive receptor locations (i.e. 69 dBA Ldn) evaluated in the Initial Study met the "Conditionally Acceptable" criteria (i.e., existing noise levels were already exceeding the "Normally Acceptable" criteria), the Initial Study utilized an incremental increase of 3 dBA Ldn as the basis for assessing whether or not the proposed project's long-term 24-hour operational noise levels could result in a potentially significant impact that would require mitigation. This is consistent with the criteria identified in General Plan Action NOI-1.4(a).

As shown in the analysis on Initial Study pp. 146 and 147, the proposed project would only increase operational noise levels at sensitive receptor locations by 0.6 to 1.0 dBA Ldn, which does not exceed the 3 dBA Ldn criteria that was applied to determining if the project could generate a potentially significant impact. Because the 3 dBA Ldn criteria was not exceeded, mitigation is not required to reduce the proposed project's operational noise levels.

In addition to the evaluation of 24-hour noise levels required by General Plan Action NOI-1.4(a), criteria (c) of that same Action requires an evaluation of hourly operational noise levels that would be generated during the daytime (7 AM to 10 PM) and nighttime (10 PM to 7 AM). As described in Response to Comment F-41, the Initial Study demonstrated that the proposed project would also meet this criterion and utilized an acceptable provision in the General Plan to adjust the day- and night-time noise levels standards to match the existing ambient noise environment.

The proposed project would not result in operational noise levels that would exceed City standards, and the proposed project would not result in a potentially significant operational noise impact. Therefore, a "rooftop 'penthouse' or other noise limiting treatments" are not required for the proposed project under CEQA. These features could be considered as a best practice but are not required to reduce a potentially significant impact to less than significant.

The Initial Study properly concluded that the proposed project would result in a less-than-significant impact with regard to operational noise levels and mitigation is not required under CEQA. The commenter has not provided evidence that there are any deficiencies in the operational noise analysis, nor that a new or potentially more severe operational noise impact would occur.

Comment F-43: …*What are the "lower" noise level standards maintained by the City of Belmont? If the city of San Carlos contends that it is neither practical or necessary for the project noise sources to be reduced below 69 dBA to the code required 55 dBA and 45 dBA, then why doesn't the city revise the code to reflect the fact that it deems 69 dBA plus 3 dBA acceptable noise levels for sensitive receptors? We have previously included links to several articles that describe the noise pollution that emits from biosafety labs' HVAC and rooftop equipment. These developments are new to San Carlos and we are concerned that the MND does not adequately estimate the increase in noise. We ask that the MND be supplemented with a section that addresses the cumulative impact on noise levels caused by the millions of square feet of biosafety labs planned within ½ mile of the site.*

Response to Comment F-43:

<u>*Lower noise level standards maintained by the City of Belmont.*</u> The City of Belmont maintains the following noise level standards:

a. Municipal Code: 65 dBA Leq during the daytime and 55 dBA Leq during the nighttime
b. General Plan: 50 dBA Leq during the daytime and 45 dBA Leq during the nighttime

Because the City of Belmont's noise level standards for sources operating within their jurisdiction differ from one another, the City of Belmont utilizes the lower of the two criteria (i.e., those contained in the General Plan).

Regardless of the noise level standards identified in the City of Belmont Municipal Code and General Plan, this Initial Study for the proposed project has demonstrated that the project's day- and night-time operational noise levels would be below the existing ambient environmental as it currently exists and would not increase the 24-hour ambient noise environment by more than 1.0 dBA. Thus, the Initial Study's conclusions that the proposed project's operational noise would be less-than-significant is accurate.

Noise source reduction requirements. As described in Response to Comments F-40 through F-42, the operational noise analysis contained in the Initial Study is based on standards that the City established in its General Plan. The use of a 3 dBA incremental increase for 24-hour noise levels from operation to assess potentially significant impacts (based on existing ambient noise environment of 69 dBA Ldn at single family residential receptors) is consistent with the criteria and evaluation process identified in the City's General Plan. Thus, neither the City's Municipal Code nor General Plan need to be updated to reflect this specific criterion, because the assessment procedure utilized in the Initial Study is consistent with current City standards (i.e., the project was evaluated for two sets of criteria – hourly noise levels during the day- and night-time, and 24-hour noise levels).

Supplemental analysis addressing cumulative impact. In this comment letter, the commenter provided one link that references comments made by a Councilor at a Cambridge, Massachusetts Planning Committee. As discussed in Response to Comment F-16, the comments made on laboratories with biosafety levels by that Councilor were made in the context of another jurisdiction / state and different surrounding land uses. Furthermore, identifying that research and development land uses generate noise does not immediately imply that such noise sources would be significant under CEQA. The Initial Study appropriately evaluated the proposed project's operational noise sources and evaluated those noise sources against standards maintained by the City. As shown in the Initial Study, the proposed project is estimated to increase existing 24-hour ambient noise levels by no more than 1.0 dBA Ldn. As described on Initial Study pp. 138 and 139, "In typical noisy environments, changes in noise of 1 to 2 dB are generally not perceptible." Thus, the incremental contribution from the proposed project to overall noise levels would not be considered cumulative considerable.

It is not necessary for the Initial Study to analyze the noise levels generated by all life science labs planned within 0.5 miles of the project site, because noise levels fall off rapidly over distance. This is described on Initial Study p. 138:

> *"The energy contained in a sound pressure wave dissipates and is absorbed by the surrounding environment as the sound wave spreads out and travels away from the noise generating source. Theoretically, the sound level of a point source attenuates, or decreases, by 6 dB with each doubling of distance from a point source."*

Therefore, a source operating 0.5 miles away from the project site would have a negligible contribution to overall noise levels at the project site, since the noise energy from that source would have sufficiently dissipated over that distance. Other natural (e.g., hills) and anthropogenic features (e.g., buildings) between a source and the receiving location will also inhibit the transmission of noise from one location to another.

There is one other life sciences project being proposed within 1,000 feet of the residential receptors evaluated in the Initial Study (i.e., existing single-family residences in the City of Belmont on 5th Avenue and planned multi-family receptors in the City of Belmont at 608 Harbor Boulevard). The other planned life science building would be located at 601 Harbor Boulevard in the City of Belmont, immediately north of the proposed project site, between the project site and the multi-family residential development being proposed at 608 Harbor Boulevard.

The buildings at the proposed 601 Harbor Boulevard site would provide shielding (i.e., physical barricade) between the proposed project's on-site stationary noise sources and the planned multi-family residential receptors at 608 Harbor Boulevard; therefore, the proposed project would not result in a cumulatively considerable net increase in ambient noise levels at the multi-family residential complex planned at 608 Harbor Boulevard.

Specific details regarding the operational noise sources associated with the 601 Harbor Boulevard Project are not currently known; however, assuming they would be similar in nature to those of the proposed project allows for a preliminary evaluation of how the proposed project's noise levels could combine with those at 601 Harbor Boulevard and those of the existing ambient noise environment. Assuming that the 601 Harbor Boulevard Project would also generate a project noise level of 63.1 dBA Ldn at the single-family receptor west of the two project sites (on 5th Avenue) would result in a combined (i.e., proposed project, plus 601 Harbor Boulevard Project, plus existing ambient noise environment) 24-hour noise level of 70.8 dBA Ldn, which is 1.8 dBA Ldn greater than the existing ambient noise environment of 69.0 dBA Ldn. An increase of 1.8 dBA Ldn would also likely not be perceptible (see Initial Study pp. 138 and 139) and would not exceed an incremental net increase of 3.0 dBA Ldn, which is a standard typically used to evaluate if a net increase in operational noise levels could be considered potentially significant. Thus, the proposed project would not have an individual noise level increase that is individually limited, but cumulative considerable. This is consistent with the cumulative impact analysis summary provided in Section 3.21.1(b) of the Initial Study (pp. 176 and 177) that determined cumulative impacts would be less than significant. It should be further noted that the 601 Harbor Boulevard Project is undergoing its own environmental review under CEQA in the City of Belmont and would be subject to the City of Belmont's noise level standards.

As discussed above and in Response to Comments F-40 through F-42, the proposed project would not result in a project-level or cumulative impact with regard to operational noise. The commenter has not provided evidence that there are any deficiencies in the operational noise analysis, nor that a new or potentially more severe operational noise impact would occur.

Comment F-44: …*We are concerned that the continued rezoning of multiple parcels, such as this one, from Light Industrial to Planned Development, allows increased heights and densities that support the addition of thousands of new jobs in a town of 30,722 people and severely worsens the jobs to housing imbalance. The MND indicates that the city projects a jobs increase of 9,000 between 2008 and 2030. However, at recent planning and city council meetings, we understood the projected jobs increase to be 9,000 between 2022 and 2030. We ask for clarification in the MND. Continuing to allow unrestrained biosafety lab development, parcel by parcel, negatively impacts traffic and infrastructure and significantly increases the use of scarce energy and water resources. We respectfully implore the City Council to consider the insurmountable jobs to housing imbalance and deny the applicant's request to increase the height and density.*

Response to Comment F-44: The City General Plan identifies an increase of 9,000 jobs by 2030 over existing 2008 conditions. The Initial Study text is corrected accordingly. Please see Section 4 Text Revisions below.

As of January 2023, the City of San Carlos has updated its General Plan to include the 2023-2031 Housing Element which would allow the construction of 3,576 dwelling units to aid in the jobs-housing balance. The proposed project is consistent with City General Plan policies that support urban infill with a walkable environment, development of the East Side area with commercial/industrial uses, supporting high-wage industries, economic revitalization, and directing job growth to a transit-oriented development (TOD) corridor.

The City acknowledges that this project would intensify development above current development standards and existing conditions in the Harbor Industrial Area. As stated in the Initial Study (pp. 29-30):

> *This development densification in the Harbor Industrial Area is consistent with the City's support of large-scale office developments to serve bio-tech uses expressed in the Economic Development Plan - East Side Area (see Land Use section 3.11) and with the City's general vision for this area anticipated in the Northeast Specific Plan planning effort underway.*

As stated in Response to Comment F-1, the City Council is currently considering an Ordinance that would establish regulations for biosafety levels of laboratory space on a citywide basis. This ordinance places restrictions on the type of biosafety lab space developed throughout the city.

Traffic impacts of the proposed project have been evaluated both in terms of vehicle miles traveled and consistency with city standards for intersection level of service (LOS). The Initial Study concluded, the additional traffic that would be generated by the proposed project is consistent with City's General Plan LOS standards, since all intersections in proximity of the project site are anticipated to operate at an acceptable level of service during the AM and PM peak hours. Additionally, the project site is located within short distances to high-quality transit stops which promote alternative modes of transportation for workers commuting to the project site. The project falls within the Transit Oriented Development (TOD) category and therefore, determined to have a less than significant transportation impact. See Initial Study pp. 161-162.

See Response to Comment F-21 for response to comment concerning use of energy resources and Response to Comment D-8 for response to comment regarding use of water resources.

Comment F-45: …*We ask for clarification regarding the MPWD's total water storage capacity of 11,360,000 gallons and the developments' projected annual use of 27,000,000. Are these amounts correct?*

In light of the ongoing drought, documented water supply deficiencies and unprecedented future biosafety lab development in San Carlos and on the Peninsula, we request that the City deny height and density zoning exceptions to downsize the development to decrease its water demand.

Response to Comment F-45: The referenced water supply amounts are correct. The total water storage capacity does not reflect a fixed annual limit on available water supplies as storage tanks are continually filled by incoming supply. A Water Supply Assessment (WSA) prepared for the Mid-Peninsula Water District documents water use within the MPWD service area has significantly declined since 2000 from an average of 1,279 million gallons per year (MGY) during 200-2004 to its lowest average of 835 MGY in 2015 and 2016. Following the drought, water use from 2017-2021 remained fairly consistent at an average of 922 MGY. However, water use in 2021 was slightly lower than previous years, again corresponding with drought conditions. Based on the data summarized in the WSA, the total water use averaged 907 MG from 2016 through 2021. MPWD concluded it had sufficient water supplies to serve the project development. As stated in the Initial Study section 3.19.3.b p. 171:

The proposed water demand for the project is estimated to result in an incremental increase above existing site use by 73,400 gallons per day (or 27 million gallons per year. A Water Supply Assessment (WSA) was prepared by EKI Environment & Water (2022) to evaluate whether MPWD has sufficient water supply to meet the current and planned water demands within its service area, including the demands of the 642 Quarry Road Project, during normal, single dry, and multiple dry water years over a 20-year time horizon.

Comment F-46:

1) *We strongly oppose the siting of this development. It may have significant adverse effects on the environment and human beings because it may house BioSafety (BSL) levels 1-3 labs, vivaria and lab animals within 410 feet of single-family residences, sits on the banks of Belmont Creek which is prone to flooding, and the site is susceptible to liquefaction.*
2) *The City of San Carlos does not have a biosafety committee or ordinances and guidelines regulating biosafety laboratory developments. We ask that the city delay review and approval of this project and all BSL projects until after properly trained consultants or staff have been retained, public hearings have been held and regulations have been codified.*
3) *We ask that BSL-3 lab use be prohibited on this site and permanently banned in San Carlos.*
4) *We ask the city to reject land developers' strategies and tactics that allow them to circumvent stringent environmental review and public hearings in order to site BSL-3 labs in densely populated residential areas.*

Response to Comment F-46: As stated in Response to Comment F-1, the City Council is considering an Ordinance to provide regulations of laboratories with biosafety levels citywide. These regulations will apply to this development. As the outcome of those regulations are not known at this time, in a letter to the City dated December 12, 2022, the project Applicant withdrew the request for permitting of BSL-3 laboratory space at this time and now proposes only BSL-1 and BSL-2 laboratory space to be part of the Planned Development (PD) Plan. With elimination of the BSL-3 lab use at this time, pathogens and agents will be limited to Risk Group 2 for use to BSL-1 and BSL-2 laboratories resulting in low risk of community exposure. See Initial Study Table 3-14, p. 106 and revised condition of approval text in Section 4 Text Revisions.

Comment F-47:

5) We oppose the use of a Mitigated Negative Declaration instead of a Draft Environmental Impact Report for this project because an MND allows a lower level of environmental review and does not require the City to respond to public comments or questions.

Response to Comment F-47: Please see Response to Comment F-8. The uncontroverted evidence in the record demonstrates that all of the project's potentially significant impacts will be reduced to insignificant levels by compliance with existing regulatory requirements and project-specific mitigation measures. The commenter does not provide any fact-based arguments or substantial evidence to the contrary. As such, an MND is entirely appropriate and there is no requirement to prepare an Environmental Impact Report.

Comment F-48: …*We perceive that the MND does not adequately assess adverse environmental impacts such as light and glare because the unknown tenants may have*

significantly different uses of energy, water and light. For example, lab tenants, may work 24/7 and require constant interior illumination. Other tenants may not occupy the buildings at night. We request that the MND be supplemented with an evaluation that assumes the worst-case scenario of 75% lab tenant use and analyzes the significantly greater noise, light pollution and other impacts resulting from possible 24/7 use.

We ask the city to consider requiring the applicant to incorporate the additional recommendations we listed earlier to minimize bird collisions and to consider enacting ordinances that provide enhanced environmental protections incorporated in Dark Sky ordinances that other cities have adopted, such as Cupertino. See: Dark Sky (Cupertino Municipal Code Section 19.102.040 Outdoor Lighting Requirements):

Response to Comment F-48: See responses to Comment F-9, Comment F-11, and Comment F-13 regarding nighttime light pollution resulting from possible 24/7 use.

Comment F-49: *It is our perception that there is substantial evidence in the MND that suggests that air emissions from the operations of this project may have significant adverse impacts on human health despite the fact that the MND claims that the operational impacts on public health cannot be assessed because future tenants are unknown and impacts are considered too speculative for evaluation. We ask that the MND be supplemented to include an assessment of air quality and laboratory emissions based on the maximum occupancy of 75% lab tenants and 25% other tenants. In addition, emissions associated with the project would increase cancer risks by 9.9 in a million. (Page 50.) That appears to be within the standard deviation of the limitation stated above that TAC emissions associated with a project should not exceed a chronic cancer risk greater than 10.0 in a million. (Page 48.) We ask for clarification and further explanation.*

Response to Comment F-49: See Response to Comment F-14. The Initial Study conclusion of a less-than-significant project impact would remain the same even if the buildings have a 75 laboratory / 25 office use split. BAAQMD permit conditions would remain the same and keep potential adverse health risks less than significant.

Comment F-50: *We ask that the city restrict or ban development in particularly flood prone areas of the city, such as this site. We perceive that it is unsafe to site a biosafety development of this size and scale within 25 feet of Belmont Creek, an area which is prone to persistent flooding, especially during king tides when bay water back flows from Belmont Slough. The MND acknowledges Belmont Creek's history of flooding and the increased risk of flooding caused by the project, but it finds the project's contribution to flooding associated with sea level rise to be less than significant. We contend that there is insufficient evidence to support this conclusion because it relies on speculation that the City of Belmont's Belmont Creek Restoration project has the potential to alleviate much of the downstream flooding issues. This is not expected to be complete until 2024. We ask that development on this site be delayed until after the creek restoration project has been completed.*

Response to Comment F-50: See responses to Comment F-17 and Comment F-36.

Comment F-51: *We ask that the City maintain the existing zoning standards that limit height and density and deny the applicant's request to allow heights of 147.5 feet. Current zoning restricts height to 75 feet. Laboratories are energy intensive facilities that consume many times the energy use of the average non-lab buildings. Labs use large-quantities of air for ventilation, and fume hoods; electricity to operate fans, lighting, and specialized lab equipment; and large quantities of water and chilled water. Energy Conservation in Laboratories They also power laboratory grade freezers, refrigerators, centrifuges, animal labs and other specialized*

equipment. Vaccines and other biological materials must be kept at -20 to -30 degrees C. In addition, we note that the three buildings in this development have glass facades that are particularly energy inefficient. This article explains how huge glass buildings make fighting climate change harder.

In the event of rolling blackouts, these labs will have PG&E, Peninsula Clean Energy, and other utility priority because of the risks posed by power failures or interruptions to the BSL pathogens and live animals on site. The city's continued approval of millions more square feet of biosafety labs seem to give developers priority over residents for increasingly scarce resources. We ask that the MND address whether the biolabs will have priority over residents in supply or restoration of electrical power after outages or natural disasters.

Response to Comment F-51: The proposed project would increase the maximum building height permitted at the project site from 75 feet to 120 feet including the mechanical screen (see Initial Study section 2.2.7, p.7 and section 3.1.3, p. 29). The buildings would be 100 feet to the top of the parapet, which is an exceedance of 25 feet above the current light industrial (IL) zoning district limit. The height of 147.5 feet is a reference to elevation above sea level, not height above ground surface (see Initial Study p. 134, San Carlos Airport Land Use Compatibility Plan).

The proposed densification of land use is consistent with the City's vision for development in the East Side area. See Response to Comment D-4 and Response to Comment F-44.

See Response to Comment F-21 regarding comments on use of energy resources.

Comment F-52: ***Geology and Soils (Earthquakes).*** *We ask that the city deny permission to build an underground parking structure on the site because the underground structure will redirect ground water and increase the risk of liquefaction or subsidence on nearby properties in the event of an earthquake. During a major earthquake on a segment of one of the nearby faults, strong to very strong shaking is expected to occur at the site. Very strong shaking can result in ground failure such as that associated with fault rupture, soil liquefaction, lateral spreading, differential compaction and earthquake induced landsliding. Liquefaction associated permanent ground displacement may occur and could be encountered within the alignment of the "former creek." We ask for additional analysis that presumes dewatering will be required because of the site's proximity to Belmont Creek and former underground creeks on the site. Even if dewatering at this site is not required, will the redirection of ground water caused by the underground parking structure increase the risk of liquefaction or subsidence on other adjacent properties, particularly the Caltrain tracks, in the event of an earthquake?*

Response to Comment F-52: Please see Response to Comment F-22. The geologic impact analysis in the Initial Study is based on a Preliminary Geotechnical Investigation prepared for the project by Rollo and Ridley, Inc., dated June 23, 2021; an additional Geotechnical Investigation Report was prepared on November 24, 2021, to further discuss findings from geophysical surveys and engineering analyses to develop conclusions and recommendations for the project. The preliminary report findings are based on a review of preliminary drawings titled "Feasibility Study" by DES Architects + Engineers, publicly available geotechnical reports and subsurface data, and an on-site field investigation. Additional conclusions and recommendations were based on discussions with the project representatives, review of architectural drawings titled "Planning Submittal" by DES Architects + Engineers dated October 15, 2021, and on-site field investigations and engineering analysis. The firm also used their experience with other projects in the vicinity of the property to develop the report. The final report was peer reviewed by Cornerstone Earth Group, Inc. and found to meet the current standard of practice with appropriate recommendations. The impact discussion presented in the

Initial Study focuses on the project's effect on geology and soils rather than the effect of geologic hazards and site conditions upon the proposed project. The project was evaluated to determine whether it would create or exacerbate soil or geologic conditions identified in each of the above significance threshold criteria. Based on the above reference geotechnical reports, all potential impacts to geology and soils were found to be less than significant and neither the commenter nor anyone else has provided any substantial evidence to the contrary.

Comment F-53: *We ask that the city deny the applicant's request for future "use" as a BSL-3 lab because of the risk to human health from hazardous biological materials and waste that will be used, stored or transported near densely populated residential areas…*

The applicant is asking the city to approve the proposed uses in the MND without any information regarding the tenants or the types of pathogens, radiologic materials, genetic materials (rDNA) or other hazardous materials. If the city approves the BSL 1,2 and 3 use, no further environmental assessment will be required and the types of hazardous and biological materials and waste will not be subject to public disclosure or public hearings.

Response to Comment F-53: Please see Response to Comment F-1 and Response to Comment F-7. The project Applicant has removed BSL-3 laboratory space from the project proposal and the Initial Study is revised accordingly (see Section 4 Text Revisions). The City is currently considering an Ordinance regulating BSL uses. If a future landowner or tenant wants to introduce a BSL-3 lab space land use at the site, that use would be subject to city regulations governing BSL in effect at the time of the proposed use and subject to CEQA review.

Comment F-54: *The MND acknowledges that groundwater levels would increase a maximum of 0.3 feet and that the rise in sea level could raise water levels at Belmont Creek and intensify flooding between El Camino Real and US-101. The mitigations proposed are isolated to this site and therefore, seem inadequate to address the increased risk of flooding in this heavily trafficked area. The MND does not consider the cumulative impacts of other developments planned near the site. If those developments have underground parking that may increase ground water, doesn't the overall risk of flooding in the area increase? We ask that the city consider requiring the developer to build all structures at or above grade to avoid the inevitable ground water displacement caused by the underground parking structure.*

It is our perception that the history of persistent and ongoing flooding makes this site unsuitable for the size and scale of this biosafety lab development despite the many mitigations posed because it sits on the banks of Belmont Creek. In the event that the city considers approving this development, we ask that it require the developer to follow the applicable height, FAR and setback limitations and decline exceptions. In addition, we ask that the city consider delaying approval of this project until after the completion of the Belmont Creek Restoration project cited above. It is unknown if the project will be completed by the anticipated June 2024 date. Therefore, relying on that project to minimize flooding at the site seems speculative.

Response to Comment F-54: Please see responses to Comment F-22 and Comment F-38 for discussions on groundwater flows post-construction. The Initial Study describes how the building on the site would be elevated above flood levels and would not be impacted by the flooding from Belmont Creek,

Comment F-55: *We note that the maximum height of the project is actually 147.2 feet, slightly below the 155 feet FAA limitation. That is 72 feet higher than the current 75 feet light industrial zoning height limit. Will the city consider maintaining the current zoning height and FAR requirements, even if it changes the zoning to Planned Development? The city continues to approve biosafety developments that almost double the allowable height and density on sites*

along creeks that have lengthy histories of repeated flooding. We respectfully disagree with the finding that this project is consistent with the overall goals of the city's Climate Mitigation and Adaptation Plan because of the increased light and glare, noise and air emissions from the proposed uses. Please clarify if the inclusion of a childcare facility on this site is consistent with the surrounding light industrial zoning and corresponding prohibitions on siting industrial businesses within .25 miles of a school.

Response to Comment F-55: The proposed project would increase the maximum building height permitted at the project site from 75 feet to 120 feet including the mechanical screen (see Initial Study section 2.2.7, p.7 and section 3.1.3, p. 29). The buildings would be 100 feet to the top of the parapet, which is an exceedance of 25 feet above the current light industrial (IL) zoning district limit. The height of 147.5 feet is a reference to elevation above sea level, not height above ground surface (see Initial Study p. 134, San Carlos Airport Land Use Compatibility Plan).

See Response to Comment F-39.

Comment F-56: ***Noise*** *The MND indicates that the project would not increase the ambient noise environment by more than 3 decibels (dBA), but it relies on a maximum 69 dBA Ldn which is considered "Conditionally Acceptable" near the residential homes 410 feet from the site. It is our perception that new developments should be required to utilize sound proofing and other modern mitigations that will reduce noise levels so that they more closely comply with the General Plan requirements of 55 dBA (day) and 45 dBA (night). We note that other recent Life Science developments, such as the one at 405 Industrial Road, mitigated noise by partially enclosed the noise-producing rooftop exhaust stacks, HVAC and chillers in a "penthouse" that provided noise blocking walls. To the extent possible, we ask the city to require the developer to utilize a rooftop "penthouse" or other noise suppressing treatments to contain and minimize the effects of increased noise on nearby residential neighborhoods.*

Response to Comment F-56: See Response to Comment F-42.

Comment F-57: *We are concerned that the continued rezoning of multiple parcels for biosafety labs, such as this one, from Light Industrial to Planned Development, allows increased heights and densities that support the addition of thousands of new jobs in a town of 30,722 people and severely worsens the jobs to housing imbalance. This project will add 1,400 new jobs. The MND indicates that the city projects a jobs increase of 9,000 between 2008 and 2030. However, at recent planning and city council meetings, we understood the projected jobs increase to be 9,000 between 2022 and 2030. We ask for clarification in the MND. Continuing to allow unrestrained biosafety lab development, parcel by parcel, negatively impacts traffic and infrastructure and significantly increases the use of scarce energy and water resources. We respectfully implore the City Council to consider the insurmountable jobs to housing imbalance and deny the applicant's request to increase the height and density.*

Response to Comment F-57: See Response to Comment F-44.

Comment F-58: *… In light of the ongoing drought, documented water supply deficiencies and unprecedented future development in San Carlos, we request that the City deny height and density zoning exceptions to downsize the development to lower its water demand.*

Response to Comment F-58: See Response to Comment F-45 regarding adequacy of water supply. The statement expresses the opinion of the commenter. No comment is made on the environmental analysis contained in the Initial Study. No further response is required.

4. TEXT REVISIONS

This section includes the changes to the Initial Study made in response to comments to clarify, amplify, or correct inaccuracies. Text removed from the Initial Study is marked with strike-out. New text is indicated by underline. As stated in Section 1 above, these revisions do not constitute significant new information or change the conclusions of the impact analysis. As such, the revisions do not meet the CEQA requirements triggering recirculation of the Initial Study (CEQA Guidelines 15073).

Page 4, third paragraph
The proposed buildings would be designed as Type 1B structural steel framed buildings with curtain wall glazing, glass fiber reinforced concrete (GFRC), and metal panels. Some sections of the building facades would utilize glazing with a glass reflectance of 15 percent or less for reduction of bird strike potential (Appendix B, Bird-Safe Glazing Treatments; also see Bird-Safe Glazing draft Condition of Approval in Biological Resources section 3.4.3)…

Page 5, first partial paragraph
…Any potential biotech tenants would be limited to Biosafety Level (BSL)-1, and BSL-2~~, or BSL-3~~ operations~~, which are~~. The proposed biosafety levels are described as follows by the U.S. Department of Health and Human Services Centers for Disease Control and Prevention (CDC).

Page 5, third full paragraph

- ~~BSL-3 is applicable to clinical, diagnostic, teaching, research, or production facilities where work is performed with indigenous or exotic agents that may cause serious or potentially lethal disease through respiratory transmission. In addition to BSL-2, all procedures involving the manipulation of infectious materials must be conducted within BSCs or other physical containment devices. Facility requirements include a hands-free sink and eyewash available near the exit, exhaust air cannot be recirculated, the laboratory must have sustained directional airflow by drawing air into the laboratory from clean areas towards potentially contaminated areas, and the entrance to the lab is through two sets of self-closing and locking doors.~~

Page 5, new text after sixth paragraph
Tenant use of the building could involve nighttime use of research lab and office building space. Automated window coverings would be installed on the building facades facing Belmont Creek, Quarry Road, and Old County Road to block nighttime glare of interior lights. See Interior Building Lighting draft Condition of Approval in Aesthetics section 3.1.3 and in Nighttime Lighting Wildlife Protection draft Condition of Approval in Biological Resources section 3.4.3.

Page 6, 2.2.4 Transportation Demand Management Plan, last sentence
…The applicant has submitted the C/CAG TDM checklist in accordance with this policy. Additional TDM measures would be required as identified in the Additional TDM Plan Requirements draft Condition of Approval in Transportation section 3.17.2.

Page 7, 2.2.6 Belmont Creek Maintenance, last sentence
… The applicant would consult with regulatory agencies for necessary permits for work within the creek corridor. See draft Belmont Creek Maintenance draft Condition of Approval in Biological Resources section 3.4.3.

Page 7, last paragraph

- *Building Height*. The current IL zoning has a maximum building height of 75 feet. Although the proposed building is currently shown to have a maximum height of 113 feet including the mechanical screening, Aa maximum height of 120 feet is proposed in the PD zoning to allow flexibility in the final design of the mechanical screening for the rooftop mechanical equipment. The PD zoning height of 120 feet, which would include the height of the mechanical screen, elevator tower, and stair tower is proposed to avoid the need for additional entitlements for setbacks and projections above the 75-foot height limit. ~~The maximum height of up to 120 feet is requested to allow for the further development of the final design of the screening for rooftop mechanical equipment.~~

Page 8, Table 2-1, Storm Drainage
New 6-inch, 8-inch, 10-inch, and 12-inch lines connecting site bioretention features and area drains to a new 15-inch drain line for tie-in to the existing catch basin and 18-inch storm drain line in Quarry Road.

A below ground storage detention system that would contain ~~tankof~~ approximately 40,416 cubic feet of storm/flood water ~~may~~would be installed to capture flood flows from Belmont Creek. The detention system size is equal to the existing volume of storage on the site that is lost due to the new building construction. The lost ponding volumes are based on the level of ponding due to a 100-year, 24-hour storm event.

Page 31, Nighttime Lighting, last paragraph
Tenant use of the buildings could involve nighttime use of research lab and office building space that would generate substantial light and glare visible to surrounding land uses, particularly to nearby residential neighborhoods such as those on the west side of El Camino Real and future residential uses at the corner of Old County Road and Harbor Boulevard in the City of Belmont. Interior lighting would be controlled via occupancy sensors and daylighting sensors to reduce the light levels to a minimum level during off-work hours and when the spaces are not occupied. Building tenants would be required to install occupancy sensors wherever possible as part of landlord requirements for building efficiency. To further reduce nighttime glare from the buildings automated roller shades or comparable light controlling features would be installed along all building facades that face the exterior of the project site including building facades facing Belmont Creek to the northwest, Old County Road to the southwest, and Quarry Road to the southeast to block nighttime glare of interior lights. Night lighting proposed within the parking garage would be contained within the structure and not directed to the outside environment. With implementation of these nighttime interior lighting controls, the impact of artificial lighting on residential receptors is less than significant, and no additional mitigation is required. To ensure implementation of nighttime interior lighting controls, the City would require a condition of approval. A draft condition of approval is presented as follows:

> Interior Building Lighting – Draft Condition of Approval
>
> The project shall install occupancy sensors for the building's interior electric lights to minimize electric light trespass during nighttime hours. The project shall install interior automated roller shades for building facades that face the exterior of the site including building facades facing Belmont Creek to the northwest, Old County Road to the southwest, and Quarry Road to the southeast to block nighttime illumination. Roller shades or comparable light controlling features shall have automated functionality that is responsive to sky conditions and solar positions to maximize daylight harvesting, maintain views, and limit electric light emanating from the building at night.

Page 32, Daytime Glare, last paragraph
RDWI concluded that the glazed facade design is not expected to create reflection effects that are atypical or unusual for an urban context. The northeast and northwest elevations are unlikely sources of normal reflections given the local sun path. The southeast facades have the potential to create visual reflections on Old County Road, El Camino Real, Quarry Road, the Caltrain tracks and the residences west of the site. The potential for reflection effects is not expected to be atypical of what is seen of many buildings in an urban context and in the case of the residences to the west, reflections would only be possible for those properties at or below the elevation of the roofs of the project and depending on the location of the property relative to the project, reflections would not be expected to persist for the entire time the southwest facade is exposed to sunlight. Reflections are not expected to present a significant risk to drivers or the train line, and the low reflectivity of the selected glass type reduces the risk (RDWI 2022). With implementation of the proposed glazing materials and façade design, the impact of daytime glare is less than significant, and no additional mitigation is required. To ensure implementation of daytime glare controls, the City would require a condition of approval. A draft condition of approval is presented as follows:

> Daytime Building Glare – Draft Condition of Approval
>
> The project shall be constructed with exterior building glass that has anti-glare glazing or coatings to reduce the potential for sunlight glare from the buildings to adversely impact motorists on surrounding roadways or adjacent land uses. The project site plans show the north and south buildings will be constructed with glass that would have an anti-reflective coating to reduce the amount of glare reflected off the building windows to a reflectivity rate of 15 percent or less which would prevent glare impacts. Prior to final PD permit issuance by the City, a qualified professional shall review the final site plans to confirm no changes to the project have occurred and the proposed glass and anti-glare glazing is sufficient to prevent sunlight glare to adjacent land uses and motorists on surrounding road.

Page 63, first sentence
Project applicant shall consult with CDFW to ensure potential impacts to wetland and riparian habitat values from project demolition and construction activities are addressed through compliance with Fish and Game Code.

Page 64 Bird Collisions, new second paragraph
A reconnaissance-level field survey was conducted by MIG senior biologist Kim Briones, M.S. on March 4, 2022. During this survey, Ms. Briones observed bird activity throughout the site and in adjacent areas, including Belmont Creek, to evaluate avian activity levels and assess the quality of habitat on the site and adjacent to the site. Following the field survey, Ms. Briones reviewed architectural layouts and renderings for the proposed buildings prepared by DES Architects + Engineers to assess avian collision risks and prepared a report with recommended bird-safe treatments.

Page 66, second full paragraph
The project would include nighttime interior lighting controls as identified in Project Description section 2.2.2. The City requires an Exterior Lighting Plan as a standard condition of approval for aesthetic controls (see Table 2-2, Aesthetics: Exterior Lighting Plan). Requiring shielded lights and avoidance of uplighting would further reduce the effect of nighttime lighting on wildlife. Night lighting controls would minimize potential impacts on wildlife that may occupy Belmont Creek. With implementation of ~~this~~these nighttime controls, the impact of artificial lighting on wildlife is less than significant, and no additional mitigation is required. To ensure the Exterior Lighting

Plan addresses the effects of nighttime lighting on wildlife, the City would require a condition of approval. A draft condition of approval is presented as follows:

> Nighttime Lighting Wildlife Protection – Draft Condition of Approval
>
> Exterior lighting along Belmont Creek shall be minimized to the amount that is needed for pedestrian safety. Minimization of lighting shall include:
>
> - Avoid the use of lighting that produces uplighting, unshielded lighting, and upwards light spillage.
> - Shield lighting to cast light down.
> - Install automated window shades~~coverings (e.g., window blinds)~~ on the northwest side of Building 1 facing Belmont Creek that block~~s~~ light in rooms that must be illuminated at night. The shades will be programmed to descend within one hour after sunset and remain closed until the following morning after sunrise.
> - Lighting fixtures along the walking path adjacent to Belmont Creek, the railings adjacent to the creek walking path, and on the creek-side of Building 1 shall incorporate the lowest level of illumination necessary for safety and shall be timed to turn off at 11:00 p.m. when pedestrian use is expected to be minimal.
> - Avoid lighting that produces red wavelengths (i.e., red and white light).
> - These measures shall be reflected on the final lighting plan and relevant construction documents.
>
> ~~Minimization measures that should be considered include:~~
>
> - ~~Consider utilizing motion-detecting light sensors on exterior light fixtures adjacent to Belmont Creek.~~
> - ~~Consider a building lights-out program between dusk and dawn.~~

Page 101, first full paragraph, last sentence
Soil vapor sample results revealed VOCs of benzene, PCE, naphthalene, and total volatile hydrocarbons at concentrations just above their respective ESL values for commercial land use. PES performed a subsequent subsurface environmental investigation in September 2022 (PES 2022).

Additional findings from the subsurface investigation**s** revealed that:

Page 102, new paragraph after bullet point
Additionally, the data presented in the PES November 2022 report have been reviewed and compared to RWQCB ESLs for residential land use to account for the childcare use, which is considered a sensitive receptor. Risk exposure assumptions utilized in the residential ESLs are more conservative than for commercial/industrial land use, and therefore residential ESL values are lower. Detected chemicals that exceed their respective residential ESL are summarized below.

- Detected concentrations of metals and VOC including antimony, arsenic, cobalt, nickel, TPH diesel, benzene, PCE equaled or exceeded their respective residential ESLs in soil samples.
- Detected concentrations of benzene and PCE in groundwater exceed their respective residential ESL for vapor intrusion.
- Detected concentrations of PCE, chloroform, benzene, ethylbenzene, naphthalene, and total volatile hydrocarbons (TVH) exceed their respective residential ESLs in soil vapor.

Page 103, Unified Hazardous Waste and Hazardous Materials Management Regulatory Program
San Mateo County Environmental Health Services (EHS) is designated by the State Secretary for Environmental Protection as the Certified Unified Program Agency (CUPA) for San Mateo County (San Mateo County EHS 2022). San Mateo County EHS oversees a business' use of hazardous materials. San Mateo County EHS defines hazardous materials as "any substance that can harm public health or the environment. Some examples of hazardous materials include: flammable liquids and solids; petroleum-based products such as motor oil, gasoline and diesel fuel; acids and bases, such as pool chemicals and drain cleaners; paints; inks; and fertilizers.

Each business located at a multi-tenant property or building is required to obtain a Certified Unified Program Agency (CUPA) permit if it generates any amount of hazardous waste identified or listed in Chapter 11 of Division 4.5 of the California Code of Regulations. A business must submit a Hazardous Materials Business Plan (HMBP) if their hazardous materials storage for each product or waste is at or above 55 gallons, 500 pounds, or 200 cubic feet (1,000 cubic feet for inert gases and other specified gases) at any time during the year. The business is required to submit a HMBP to the EHS portal or the California Environmental Reporting System (CERS) within 30 days of storing a hazardous material at or above one or more of the reporting thresholds referenced in the California Health and Safety Code Division 20 Chapter 6.95 section 25507 (San Mateo County EHS 2020).

Firefighters, health officials, planners, public safety officers, health care providers and others rely on the HMBP in an emergency. They use it to prevent or lessen damage to the health and safety of people and the environment when a hazardous material is released. The Hazardous Materials Business Plan Program is also known as the Community Right to Know Program and any citizen has the right to review these plans upon request (San Mateo County EHS 2022).

Page 103, Hazardous Biological Materials
The U.S. Health and Human Services (HHS) Centers for Disease Control and Prevention (CDC) and U.S. Department of Agriculture USDA implemented regulations that govern the possession, use and transfer of certain biological agents and toxins, defined as select agents (42 CFR 73, 7 CFR Part 331, and 9 CFR 121). Research facilities that apply to possess, use, or transfer these agents must demonstrate the capabilities for handling select agents in accordance with the appropriate biosafety level. ~~These facilities are subject to periodic CDC and USDA inspections.~~ The HHS Biosafety in Microbiological and Biomedical Laboratories (BMBL) manual provides guidance on lab safety serves as the cornerstone of biosafety practice in the United States. Though it is an advisory document it identifies best practices for the safe conduct of work in biomedical and clinical laboratories from a biosafety perspective.

The Occupational Safety and Health Administration (OSHA) promulgated 29 CFR 1910.1030, Occupational Exposure to Bloodborne Pathogens (Standard)… OSHA is responsible for certifying the installation and relocation of biosafety cabinets (BSCs) and conducts annual inspections (OSHA 2011).

Page 105, Biohazard Materials
The proposed project would provide laboratory space potentially serving ~~three~~two biosafety levels (BSL), which define proper laboratory techniques, safety equipment, and design, depending on the types of agents being studied (National Institute of Allergy and Infectious Diseases; NIAID 2022):

- BSL-1 labs are used to study agents not known to consistently cause disease in healthy adults. They follow basic safety procedures and require no special equipment or design features.
- BSL-2 labs are used to study moderate-risk agents that pose a danger if accidentally inhaled, swallowed, or exposed to the skin. Safety measures include the use of gloves and eyewear as well as handwashing sinks and waste decontamination facilities.
- ~~BSL-3 labs are used to study agents that can be transmitted through the air and cause potentially lethal infection. Researchers perform lab manipulations in a gas-tight enclosure. Other safety features include clothing decontamination, sealed windows, and specialized ventilation systems.~~

Page 106, last paragraph
Following current standard practices and procedures for microbiological and biomedical laboratories ~~is required by regulatory agencies and a condition of operations for business licensing~~ is standard industry practice. Compliance with National Institute of Health Guidelines and Biosafety Levels established by the Centers for Disease Prevention and Control (CDC) would provide adequate protection to laboratory workers and the public through safety equipment (primary barriers and personal protective equipment), facility design and construction (secondary barriers), and availability of effective treatments.

The proposed project would limit biolabs to work BSL-1 and BSL-2 operations. Agents used in these operations would not exceed Risk Group 2. Risk Group 2 agents may pose a moderate risk to lab workers but would rarely cause infection leading to serious disease and would have a low risk of transmission to the community (Table 3-14).

All BSL-2 procedures that may generate an aerosol or splash would be conducted in a BSC and an autoclave is available for decontaminating as a standard industry practice (Appendix E). A BSC is an enclosed, ventilated laboratory workspace for safely working with materials contaminated with pathogens requiring a defined biosafety level. BSC areas are designed to provide both a clean work environment and protection for employees who create aerosols when working with infectious agents or toxins. BSCs have high-efficiency particulate air (HEPA) filters in the exhaust system to effectively trap all known infectious agents and ensure that only microbe-free exhaust air is discharged from the cabinet.

As a result, the potential project operations (BSL-1~~,~~ and BSL-2~~, and BSL-3~~) do not pose a significant safety risk to the community; the public safety risk is less than significant.

Page 107, first full paragraph and Biosafety Operations Draft Condition of Approval
The project site's Planned Development Ordinance would allow the proposed BSL-1 and BSL-2 uses consistent with City regulations. The City of San Carlos would require a condition of approval to ensure that future tenants of the proposed buildings comply with safety regulations. A draft condition of approval is presented as follows:

> Biosafety Operations – Draft Condition of Approval
>
> ~~Life Science operations shall not exceed Biosafety Level 3 as defined by the Centers for Disease Control and Prevention (CDC) and shall not exceed Risk Group 3 as defined by the National Institutes of Health (NIH) Guidelines and the World Health Organization (WHO). Life Science uses shall follow current standard practices and procedures for microbiological and biomedical laboratories as required by regulatory agencies including, but not limited to, the United States Environmental Protection Agency, Department of~~

~~Toxic Substances Control, CDC, NIH, and Occupational Safety and Health Administration (OSHA). San Mateo County Health Environmental Health Services (EHS) implements several regulatory programs that future tenants may be subject to regarding hazardous materials storage, hazardous waste generation, and medical waste generation. The three hazardous materials programs overseen by EHS that may be applicable to future tenants include the Hazardous Materials Business Plan (HMBP) and Hazardous Waste Generator Program under EHS's Certified Unified Program Agency (CUPA), and the Medical Waste Program. Operators shall demonstrate compliance with applicable federal, state, and local requirements to the City and submit Tenant Improvement (TI) plans that document appropriate building facilities, design, and equipment, and the use of approved safety procedures.~~ Life Science operations shall comply with City regulations pertaining to laboratory biosafety levels that are in effect at the time the tenant applies for a building permit other city approval required for the laboratory space.

Page 109, third full paragraph
The Phase I ESA concluded that there are two noteworthy RECs in connection with the project site: (1) presence of VOCs in soil vapor above the July 2019 ESL, and (2) staining on ground surface from chemicals and leaking drum observed at 151 K Old County Road. As recommended in the Phase 1 ESA, a Soil Management Plan (SMP) should be prepared to address potential data gaps in subsurface characterization, handling, and disposal of excess soil resulting from redevelopment construction, and contingency measures for unanticipated environmental conditions that may be encountered during site redevelopment. Preparation of a SMP is required in Mitigation Measure HAZ-1.

The results of June 2021 and September 2022 Subsurface Environmental Investigations (PES 2022) exceed residential ESLs in soil samples for antimony, arsenic, cobalt, nickel, TPH diesel, benzene, PCE; exceed residential ESLs for vapor intrusion for benzene and PCE in groundwater samples; and exceed residential ESLs in soil vapor samples for PCE, chloroform, benzene, ethylbenzene, naphthalene, and total volatile hydrocarbons (TVH).

The SMP required in Mitigation Measure HAZ-1 would include installation of a vapor intrusion mitigation system (VIMS) to protect project buildings from soil contaminants. VIMS can be comprised of multiple components that offer varying protection factors from vapor intrusion and are designed to address site-specific conditions and uses. For the purposes of presentation in the Initial Study, to reduce the potential for subsurface vapors entering the building we conservatively assume the VIMS for this project would consist of two primary components:

1. An engineered barrier system (EBS) to be installed beneath at-grade building slab(s). The EBS would consist of: (a) a multi-layered system with a sprayed-in-place continuous bituminous barrier system, such as the Liquid Boot system by CETCO or the Geo-Seal system by EPRO; (b) or a single-sheet membrane with taped or self-sealed seams such as Bituthene® 8000 by GCP Applied Technologies Inc. (GCP). These products use technologies that provide the ability to adhere to concrete footings and utility penetrations, and to create a seamless membrane layer beneath the concrete slab.
2. A passive sub-slab ventilation and ambient air inlet system installed beneath the vapor barrier and operate under standard atmospheric conditions. The sub-slab ventilation system would consist of a connected array of low-profile vent piping installed within a high permeability aggregate layer (such as virgin crushed rock) beneath the building slab. The purpose of sub-slab venting is to provide a low resistance pathway for removal of accumulated subsurface vapors (i.e., beneath the barrier). The ventilation piping

would be connected to conveyance piping and exhaust risers that discharge above the roof level.

With implementation of ~~this~~Mitigation M~~m~~easure HAZ-1, the impact of the project resulting in increased exposure to hazardous substances in excess of commercial and residential ESLs would be less than significant.

Page 109, Impact HAZ-1
Impact HAZ-1: The VOCs ~~of~~ benzene, PCE, naphthalene, and TPHg (as TVH reported as hexane) present in soil vapors sampled from the site exceed the Environmental Screening Level for residential uses applicable to the childcare facility and for commercial uses applicable to the office and lab tenants. Soil vapors could intrude into the project development. Staining on ground surface from chemicals and leaking drum observed at 151 K Old County Road could indicate soils with higher-than-expected/allowed contamination may be encountered during site redevelopment.

Page 109, Mitigation Measure HAZ-1: Soil Management Plan (SMP)
Mitigation Measure HAZ-1: Soil Management Plan (SMP). A SMP shall be prepared to address potential data gaps in subsurface characterization, procedures for handling and disposal of excess soil resulting from redevelopment construction, ~~and~~ contingency measures for unanticipated environmental conditions that may be encountered during site redevelopment, and vapor intrusion concerns. The SMP shall also include recommendations for management of groundwater if contaminants are encountered. The SMP shall be submitted to the City Public Works Department and San Mateo County Department of Environmental Health for review.

As a component of the SMP a vapor intrusion site conceptual model (VICSM) shall be prepared by the responsible Environmental Professional (Environmental Consultant) and incorporate the results of site investigations (including those conducted in June 2021 and September 2022)., Based on the VICSM evaluation results and San Mateo County Environmental Health Services' review, a Vapor Intrusion Mitigation System (VIMS) shall be designed and installed if needed to mitigate potential unacceptable human health risks associated with vapor intrusion concerns for future site users (including sensitive receptor populations associated with childcare uses).

Effectiveness: This measure would ensure potentially present ~~soil~~ contaminants in soil are removed or remediated to below Environmental Screening Levels for both commercial and childcare uses and unacceptable human health risks from vapor intrusion is mitigated.

Implementation: by Applicant or its contractor

Timing: Prior to grading permit issuance/approval and construction activities.

Monitoring: The Applicant shall prepare the SMP and provide it to the City Public Works Department and the San Mateo County Environmental Health Services as part of the project entitlement process.

The applicant shall provide written verification to the City ~~that the SMP is acceptable to~~ from San Mateo County Environmental Health Services that the SMP, VISCM, and VIMS (as needed) are acceptable prior to grading permit issuance.

Page 111, paragraph g) title
Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland ~~'~~fires?

Page 111, References

City/County Association of Governments of San Mateo County (C/CAG). 2015. Comprehensive Airport Land Use Compatibility Plan for the Environs of San Carlos Airport. Adopted October 2015.

Occupational Health and Safety Administration (OHSA). 2011. OSHA Fact Sheet. Laboratory Safety Biosafety Cabinets (BSCs). OSHA FS-3460 8/2011. Accessed January 9, 2023. https://www.osha.gov/sites/default/files/publications/OSHAfactsheet-laboratory-safety-biosafety-cabinets.pdf

PES Environmental, Inc. 2022. Results of June 2021 and September 2022 Subsurface Environmental Investigations 642 Quarry Road (Assessor Parcel No. 046-041-380) San Carlos, California. November 2, 2022.

San Mateo County Environmental Health Services (San Mateo County Health). 2020. Multi-Tenant Laboratory and Commercial Office Regulatory Guidance. https://www.smchealth.org/sites/main/files/file-attachments/20201028_multi-tenant_lab_and_commercial_regulatory_guidance_final.pdf?1603929554. Revised October 28, 2020

Page 127, iv) Impede or Redirect Flood Flows

Less Than Significant Impact. The 642 Quarry Road project site is within the 500-year flood plain (City of San Carlos 2009; Figure 8-5 Flood Plain Map). Flood flows from Belmont Creek have historically entered the project property at Old Quarry Road. Project development would result in flood water being diverted around project buildings resulting in the redirection of flood waters. The ground floors of the two research/office buildings would be constructed at grade with no~~t~~ basement levels and the parking garage would have a partial basement level.

BKF Engineers (2022) submitted a Belmont Creek Flood Evaluation to the City of San Carlos. As part of the evaluation, BKF Engineers prepared a surface water hydraulic model to determine the effect of the 642 Quarry Road Project development on flooding at the Creek.

Based on flood modeling using the HEC-RAS model, produced by the Belmont Creek Watershed Management Plan project, the existing site experiences flooding generated by runoff from Old County Road north of the site. The project would prevent flood water from draining from Old County Road onto the 642 Quarry property, resulting in raised hydraulic grade line in the street from the current flooding condition. On-site precipitation would be contained and conveyed via underground storm drainpipe system that would connect into the public storm drain system.

The BKF evaluation determined the proposed construction at 642 Quarry Road ~~Project~~ has insignificant impact (surface water level change less than 0.1 feet) to the Creek and surrounding areas within the Harbor Industrial Area during 10-year and 100-year storm events. Furthermore, modeling of street ponding surrounding the 642 Quarry Road project when combined with proposed development on the adjacent parcel at 601 Harbor Boulevard shows an increase in water surface elevations of less than 0.5 feet. As a result, any rise in street flood level resulting from prevention of public flood water draining onto the 642 Quarry would be less than one foot of additional depth, compliant with City municipal code section 15.56.100 A.4. There is no information to suggest that the project would redirect flood waters to other properties.

To address the identified increase in hydraulic grade line in Old County Road (increased height of flood water) as a result of the project the City is requiring the project to install a below-ground storm/flood water detention system that would consist of a series of storage chambers that would fill with flood water via gravity flow and then be drained after the storm event by a pump

system. The detention system would be designed to retain approximately 40,416 cubic feet of water, an amount equal to the existing volume of flood water storage on the site that is lost due to the new building construction (Initial Study Table 2-1). The system is currently being designed, but the storage chambers will likely be located beneath the open space of the campus. The proposed detention system would collect flood flows entering the project site to avoid redirection of flood flows from the project site to offsite properties. The lost ponding volumes are based on the level of ponding due to a 100-yr storm in the existing condition vs. proposed condition (BKF 2022). With installation of the detention system the project would have a less than significant impact on the redirection of flood flows.

Page 133, Building Heigh and FAR
The proposed project would involve rezoning the project property from the IL zoning district to a PD district. The proposed PD plan would vary from the development standards specified in the current IL zoning district. The project proposes a PD zoning with a maximum building height of 120 feet, which exceeds the maximum building height of 75 feet for the IL District…

Attachment 1
Public Comment Letters

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Attachment 2

Solar Reflection Design Review

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Attachment 3
Bird Strike Analysis

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Attachment 4

Belmont Creek Flood Evaluation

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