# **APPENDIX A**

# **NOTICE OF PREPARATION AND COMMENT LETTERS**

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# City of Poster City

#### **ESTERO MUNICIPAL IMPROVEMENT DISTRICT**

610 FOSTER CITY BOULEVARD FOSTER CITY, CA 94404-2222

## NOTICE OF PREPARATION (NOP)

**TO:** State Clearinghouse

Affected Agencies

Property Owners within 1,000 Feet of the Affected Property

**Interested Organizations and Persons** 

**FROM:** City of Foster City

Subject: Notice of Preparation of an Environmental Impact Report for the 388 Vintage Park

**Drive Project** 

Lead Agency: City of Foster City Contact: Sofia Mangalam

610 Foster City Boulevard Planning Manager

Foster City, CA 94404 <u>smangalam@fostercity.org</u>

(650) 286-3244 (650) 286-3244

Notice is hereby given that the City of Foster City (City) will be the Lead Agency and will prepare a focused Environmental Impact Report (EIR) for the proposed 388 Vintage Park Drive Project (project), pursuant to the California Environmental Quality Act (CEQA). We are requesting comments on the scope and content of the EIR. The City will use the EIR to be prepared for the proposed project when considering approval of the project. A description of the proposed project, its location, and the probable environmental effects are provided in the attached materials. Please provide comments on the scope of this EIR to Sofia Mangalam, Planning Manager, by **5:00 p.m. on August 19, 2021**, at the address shown above.

Further notice is hereby given that, pursuant to Section 15082 of the CEQA Guidelines, a public scoping session will be held before the Planning Commission to accept comments from Responsible Agencies and the public regarding the scope of the EIR on **August 12**, **2021**, at **7:00 p.m.** In response to the ongoing COVID-19 pandemic, the Planning Commission meeting will be held remotely via Zoom, which can be accessed at: www.fostercity.org/agendasandminutes.

**PROJECT TITLE:** 388 Vintage Park Drive Project

**PROJECT APPLICANT:** W-SW 388 Owner IX, L.P. c/o SteelWave CDS, LLC (a Joint Venture by SteelWave and Helios Real Estate Partners)

**PROJECT LOCATION AND EXISTING CONDITIONS:** The project site is located north of State Route (SR 92) in the Vintage Park neighborhood in the City of Foster City, San Mateo County, as shown in Figure 1. The approximately 2.2-acre project site is located at 388 Vintage Park Drive (Assessor's Parcel Number [APN]: 094-901-270) and is generally surrounded by a mix of uses, consisting of mostly new construction. The project site is bordered to the north by a commercial building, to the east by Vintage Park Drive, to the south by a small park owned by the Vintage Park Community Association (VPCA), and to the west by The Home Depot.

The generally-level project site is currently developed with a single-story approximately 10,120-square-foot vacant commercial building. The existing building was constructed in approximately 1990 and was previously occupied by a restaurant (El Torito) until November 2018. A total of 178 surface parking spaces are provided across the project site. Vegetation on the site consists of small landscaped areas along the eastern border of the project site and approximately 55 mature trees throughout the site.

**PROJECT DESCRIPTION:** The proposed project would result in the demolition of the existing commercial building and construction of an approximately 95,931-square-foot, four-story (68-foot-tall, excluding a mechanical penthouse and associated equipment that would reach 80 feet) "B occupancy" research and development (R&D) office building including a ground-level parking garage with approximately 180 vehicle parking spaces, as well as associated open space, circulation and parking, and infrastructure improvements, as shown in Figure 2.

The proposed building would be located in the center of the project site. The second and third floors of the proposed building would each be approximately 33,000 square feet in size, while the fourth floor would be approximately 27,000 square feet. Approximately 50 percent of the building would be occupied by laboratory space and 50 percent would be occupied by office space, distributed evenly throughout each floor. The mechanical penthouse would occupy approximately 20,000 square feet on the rooftop. It is anticipated that approximately 213 employees would be accommodated on the project site. A total of approximately 28,000 square feet of open space would be provided across the entire project site, including common ground floor open space, and an approximately 6,000-square-foot rooftop terrace on the fourth level.

**PROJECT APPROVALS:** The project site is designated Research/Office Park in the City's General Plan and is within the Commercial Mix District/Planned Development Combining District (C-M/PD). The project site is also part of the Vintage Park General Development Plan, which designates the site for restaurant use. The following City discretionary approvals would be required prior to development at the project site:

- Environmental Assessment
- General Development Plan Amendment/Rezoning
- Specific Development Plan/Use Permit
- Use Permit Modification (Amendments to Vintage Park Design Guidelines)
- Encroachment Permit

• Transportation Permit

**PROBABLE ENVIRONMENTAL EFFECTS:** An Initial Study has been prepared and is available online at: <a href="https://www.fostercity.org/commdev/project/388-vintage-park-drive-ea2021-0001-rz2021-0003-up2021-0023-up2021-00024">www.fostercity.org/commdev/project/388-vintage-park-drive-ea2021-0001-rz2021-0003-up2021-0023-up2021-00024</a>. Due to the ongoing COVID-19 pandemic, paper copies are not currently available for review. If you require additional assistance, please contact Sofia Mangalam at the address shown above. Based on the findings of the Initial Study, the EIR for this project is anticipated to examine the following probable environmental effects of the proposed project:

- Aesthetics
- Air Quality;
- Greenhouse Gas Emissions;
- Hazards and Hazardous Materials;
- Land Use and Planning;

- Noise
- Public Services (fire and police);
- Transportation; and
- Utilities and Service Systems

Based on the conclusions in the Initial Study, the following topics will be scoped out of the EIR: agriculture and forestry resources; biological resources; cultural resources; energy; geology and soils; hazards and hazardous materials; hydrology and water quality; land use and planning; noise; mineral resources; public services (schools and other services); recreation; and wildfire. The Initial Study determined that there would be no impact to these topic areas or that impacts would be less than significant.

The level of analysis for these subject areas may be refined or additional subject areas may be analyzed based on further study, responses to this NOP and/or refinements to the proposed project that may occur subsequent to the publication of this NOP. In addition, the EIR will include an analysis of the project's consistency with relevant City and regional planning policies, as well as potential alternatives to the proposed project.

OFTM / MUNIQUUM Sofia Mangalam (Jul 15, 2021 07:17 PDT)

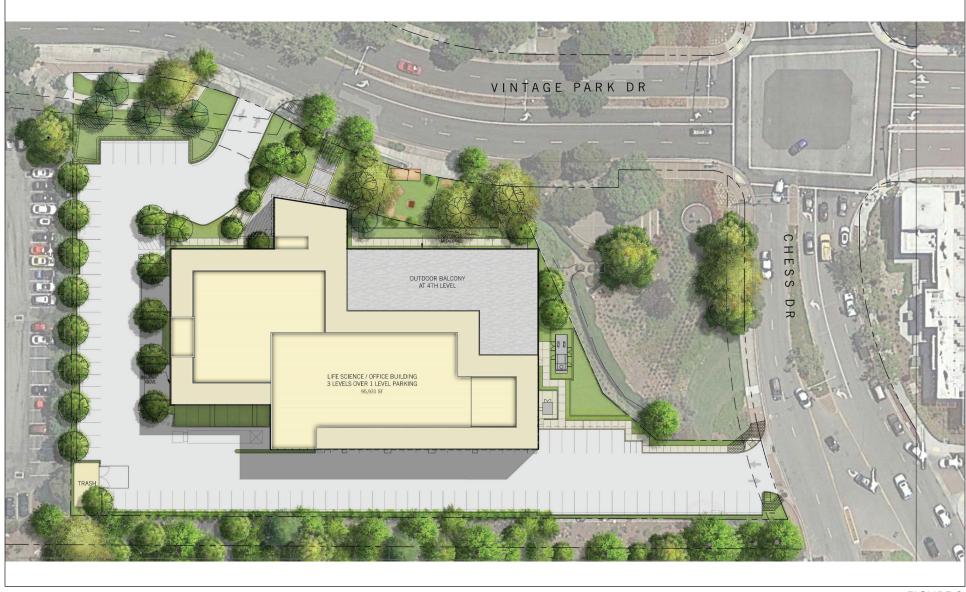
Sofia Mangalam, Planning Manager

July 21, 2021

**Attachments:** Figure 1: Project Location and Regional Vicinity Map

Figure 2: Proposed Conceptual Site Plan





LSA

FIGURE 2





Project Boundary

388 Vintage Park Drive Project NOP Proposed Conceptual Site Plan

## California Department of Transportation

DISTRICT 4
OFFICE OF TRANSIT AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov





August 19, 2021

SCH #: 2021070398

GTS #: 04-SM-2021-00376

GTS ID: 23876

Co/Rt/Pm: SM/92/13.29

Sofia Mangalam, Planning Manager City of Foster City 610 Foster City Boulevard Foster City, CA 94404

Re: 388 Vintage Park Drive Notice of Preparation (NOP)

Dear Sofia Mangalam:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the 388 Vintage Park Drive project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system. The following comments are based on our review of the July 2020 NOP.

## **Project Understanding**

The proposed project consists of the demolition of a commercial building and construction of an approximately 95,931-square-foot, four-story (68-foot-tall, excluding a mechanical penthouse and associated equipment that would reach 80 feet) "B occupancy" research and development (R&D) office building including a ground-level parking garage with approximately 180 vehicle parking spaces. The project site is located north of State Route (SR 92) in the Vintage Park neighborhood in the City of Foster City, San Mateo County.

## **Travel Demand Analysis**

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide (link).

If the project meets the screening criteria established in Foster City's adopted Vehicle Miles Traveled (VMT) policy to be presumed to have a less-than-significant VMT impact and exempt from detailed VMT analysis, please provide justification to support the exempt status in align with the City's VMT policy. Projects that do not meet the screening criteria should include a detailed VMT analysis in the DEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines or the Office of Planning and Research's (OPR) Technical Advisory. Projects that result in automobile VMT per capita above the threshold of significance for existing (i.e. baseline) city-wide or regional values for similar land use types may indicate a significant impact. If necessary, mitigation for increasing VMT should be identified. Mitigation should support the use of transit and active transportation modes. Potential mitigation measures that include the requirements of other agencies such as Caltrans are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.
- A schematic illustration of walking, biking and auto conditions at the project site and study area roadways. Potential safety issues for all road users should be identified and fully mitigated.
- The project's primary and secondary effects on pedestrians, bicycles, travelers with disabilities and transit performance should be evaluated, including countermeasures and trade-offs resulting from mitigating VMT increases. Access to pedestrians, bicycle, and transit facilities must be maintained.
- Clarification of the intensity of events/receptions to be held at the location and how the associated travel demand and VMT will be mitigated.

## **Mitigation Strategies**

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' *Smart Mobility 2010*: A *Call to Action for the New Decade*, the proposed project site is identified as a Close-In Compact Community where community design is fair and regional accessibility is strong.

Given the place, type and size of the project, the DEIR should include a robust Transportation Demand Management (TDM) Program to reduce VMT and greenhouse gas emissions from future development in this area. The measures listed below have been quantified by California Air Pollution Control Officers Association (CAPCOA) and shown to have different efficiencies reducing regional VMT.

- Project design to encourage mode shift like walking, bicycling and transit access;
- Transit and trip planning resources such as a commute information kiosk;

Sofia Mangalam, Planning Manager August 19, 2021 Page 3

- Real-time transit information systems;
- Implementation of a neighborhood electric vehicle (EV) network, including designated parking spaces for EVs;
- Designated parking spaces for a car share program;
- Wayfinding and bicycle route mapping resources;
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement;
- VMT Banking and/or Exchange program;
- Orientation of project towards non-auto corridor;
- Incorporation of bicycle lanes in street design;
- Pedestrian network improvements;
- Limiting parking supply; or
- Bike parking near transit facilities.

Using a combination of strategies appropriate to the project and the site can reduce VMT, along with related impacts on the environment and State facilities. TDM programs should be documented with annual monitoring reports by a TDM coordinator to demonstrate effectiveness. If the project does not achieve the VMT reduction goals, the reports should also include next steps to take in order to achieve those targets.

Please reach out to Caltrans for further information about TDM measures and a toolbox for implementing these measures in land use projects. Additionally, Federal Highway Administration's Integrating Demand Management into the Transportation Planning Process: A Desk Reference (Chapter 8). The reference is available online at: http://www.ops.fhwa.dot.gov/publications/fhwahop12035/fhwahop12035.pdf.

#### Transportation Impact Fees

We encourage a sufficient allocation of fair share contributions toward multimodal and regional transit improvements to fully mitigate cumulative impacts to regional transportation. We also strongly support measures to increase sustainable mode shares, thereby reducing VMT. Caltrans welcomes the opportunity to work with the City and local partners to secure the funding for needed mitigation. Traffic mitigation-or cooperative agreements are examples of such measures.

Please identify in text and graphics existing and proposed improvements for the pedestrian, bicycle, and transit networks. The City should estimate the cost of needed improvements, expansion, and maintenance for the Plan area, as well as identify viable sources of funding, correlated with the pace of improvements, and a scheduled plan for implementation along with the DEIR.

Sofia Mangalam, Planning Manager August 19, 2021 Page 4

## **Lead Agency**

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

#### **Equitable Access**

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears at laurel.sears@dot.ca.gov. Additionally, for future notifications and requests for review of new projects, please email LDIGR-D4@dot.ca.gov.

Sincerely,

MARK LEONG

District Branch Chief

Local Development - Intergovernmental Review

c: State Clearinghouse

Mark Leong



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VICE CHAIRPERSON Reginald Pagaling Chumash

SECRETARY

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EXECUTIVE SECRETARY
Christina Snider
Pomo

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

## NATIVE AMERICAN HERITAGE COMMISSION

July 22, 2021

Sofia Mangalam, Planning Manager City of Foster City 610 Foster City Boulevard Foster City, CA 94404 FOSTER CITY RECEIVED

JUL 2 7 2021

PLANNING/ CODE ENFORCEMENT

Re: 2021070398, 388 Vintage Park Drive Project, San Mateo County

Dear Ms. Mangalam:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015. If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). Both SB 18 and AB 52 have tribal consultation requirements. If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

- 7. <u>Conclusion of Consultation</u>: Consultation with a tribe shall be considered concluded when either of the following occurs:
  - **a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - **b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- **10.** Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
  - a. Avoidance and preservation of the resources in place, including, but not limited to:
    - i. Planning and construction to avoid the resources and protect the cultural and natural context.
    - **ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - **b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i. Protecting the cultural character and integrity of the resource.
    - ii. Protecting the traditional use of the resource.
    - iii. Protecting the confidentiality of the resource.
  - **c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d. Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e. Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - **f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
  - **a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - **b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - **c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

- 3. Contact the NAHC for:
  - **a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
  - **b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- **4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
  - **a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
  - **b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
  - **c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Sarah.Fonseca@nahc.ca.gov.

Sincerely,

Sarah Fonseca

Cultural Resources Analyst

cc: State Clearinghouse

Original Message
rom: Sofia Mangalam <smangalam@fostercity.org></smangalam@fostercity.org>
ent: Thursday, August 5, 2021 5:50 PM
o: Theresa Wallace <
ubject: Re: 388 Vintage project
heresa,
lease see below.
ent from my iPhone
On Aug 6, 2021, at 5:08 AM, Nicholas Haddad < > wrote:
Hi Sofia:
I'm reviewing the documents for the proposed redevelopment project at 388 Vintage and noticed that the Initial Studies is cuss the findings of the Geotechnical Engineering Study but the report is not included in the documents.
Could you please email me the Geotechnical report.
Thank you,
Nicolas

> Sent from my iPhone



CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

#### **MEMORANDUM**

**DATE:** August 19, 2021

To: Sofia Mangalam, Planning Manager, City of Foster City

FROM: Theresa Wallace, AICP, Principal/Project Manager

Matthew Wiswell, AICP, Planner

SUBJECT: 388 Vintage Park Drive Scoping Session Notes

On August 12, 2021 the City of Foster City Planning Commission held a Scoping Session for the Environmental Impact Report (EIR) to be prepared for the proposed 388 Vintage Park Drive Project. LSA provided an overview of the CEQA process, which was followed by questions and comments from the Planning Commission. A project preview was also held prior to the Scoping Session, however, these notes only summarize questions and comments related to the EIR.

#### **Commission Member Questions and Comments**

#### Nicolas Haddad

- Have hazards been looked at, especially inside the building? Is there any oil or other leftover hazards at the site?
  - City Staff Response: Hazards is a topic that will be evaluated in the EIR.
  - LSA Response: The site will be surveyed for hazardous materials
- Noise, greenhouse gas emissions (GHG), and hazards and hazardous materials are generally the areas of concern, but the topics that will be in the EIR generally seems appropriate.

#### Ravi Jagtiani

The project is anticipated to have 230 employees, which could result in up to 17 new housing
units needed in the City. There's a concern with a tenant not in place that a different use than
this (i.e., retail or more traditional commercial) could result in more housing needed. Would like
to know how development here would impact Regional Housing Needs Allocation (RHNA)
numbers.

- City Staff Response: City staff will continue to look into this topic and discuss it with the commission, as it is a Citywide issue. This project's impact on housing availability is not anticipated to be significant, and therefore it's not going to be further analyzed in the EIR.
- Potable water availability resulting from increased housing demand should be studied an increase in employees and housing demand would mean an increase in water demand.
  - City Staff Response: This project was included in the recent Urban Water Management Plan (UWMP) update. The development assumptions for the site in the UWMP closely match the RHNA

#### Evan Adams

- Questions substances on the site likely grease traps as this was a restaurant previously
- RHNA numbers and VMT are closely related
- Emergency access and anticipated routes through the City (i.e., path of travel) needs to be shown
- Transportation analysis needs to be based on pre-COIVD data