
16. PROJECT CONSISTENCY WITH ADOPTED PLANS AND POLICIES

Section 15125(d) of the California Environmental Quality Act (CEQA) Guidelines requires EIRs to "...discuss any inconsistencies between the proposed project and applicable general plans and regional plans." The Guidelines indicate that the objective of this discussion is to identify possible modifications to the project to reduce any inconsistencies with relevant plans and policies.

16.1 CITY OF REDWOOD CITY STRATEGIC GENERAL PLAN AND ZONING ORDINANCE

16.1.1 Project General Plan Amendment and Rezoning Requirements

The Peninsula Marina portion of the project site is designated *Office Park Oriented Uses* by the Redwood City Strategic General Plan and is zoned *CG--General Commercial* by the Redwood City Zoning Ordinance, designations which allow retail, office, and a variety of other commercial uses. The Pete's Harbor portion of the project site is designated *Mixed Use (Commercial and Residential)* by the Redwood City Strategic General Plan and zoned *CG-R--General Commercial-Residential Combining* by the Redwood City Zoning Ordinance, designations which allow retail, office, and a variety of other commercial uses, as well as residential uses up to a density of 40 units per acre. The project proposes a mixed use development that would introduce an estimated 4,020 new residents to the site (see discussion of population impacts in chapter 6 of this EIR). The project's average residential density (up to 65 units per acre) would be higher than what is currently allowed under the existing General Plan and zoning designations for the site (20 to 40 units per acre).

(a) General Plan Amendment. To permit the proposed land uses on the project site, the applicant is therefore requesting City approval of a General Plan Amendment (GPA) to accommodate residential uses on the Peninsula Marina portion of the project site, and to create a new high-density residential designation that would allow development of the residential portion of the project at an average density of up to 65 dwelling units per acre.

(b) Precise Plan. In addition to the General Plan Amendment described above, the project would require City adoption of a Precise Plan, which would correspond to the General Plan changes and permit the proposed residential uses and densities on the two portions of the site. Creation of a Precise Plan would be necessary to allow development of the residential portions of the site at up to 65 dwelling units per acre.

On December 2, 2002, the Redwood City City Council adopted Ordinance No. 1130-315, amending the Zoning Ordinance to add the *Planned Community District* (P District), which "is

designed to provide for those uses, or combination of uses, appropriately requiring flexibility under controlled conditions not otherwise attainable under other districts." Under the adopted ordinance provisions, a Precise Plan must be adopted simultaneously with a P District.

16.1.2 Project Consistency with Other Pertinent General Plan Policies

In addition to the General Plan Land Use Map, project consistency with other relevant General Plan policies pertinent to environmental issues has been evaluated in chapters 4 through 15 of this EIR as part of the impact analysis for each environmental topic area (land use, visual factors, transportation and circulation, etc.). Throughout chapters 4 through 15, relevant General Plan policies have been listed and have been considered as basic criteria for determining the significance of environmental impacts. Where an apparent substantial inconsistency between the project and a General Plan environmental policy has been determined, a significant adverse environmental impact has been identified, and mitigation measures have been recommended to reduce or eliminate the identified inconsistency.

The ultimate determination whether the proposed project, after implementation of the mitigations identified in this EIR, may still be inconsistent with one or more General Plan goals or policies, is not an EIR purpose or a responsibility of the EIR authors under CEQA; rather, such a discretionary interpretation is the responsibility of City officials and decision-makers assigned such authority. In particular, interpretation of Marina Shores Village project application consistency with Redwood City Strategic General Plan policy is the ultimate responsibility of the City of Redwood City Planning Commission, with their decision appealable to the City Council.

16.2 CURRENT REDWOOD CITY BAYFRONT STUDY

As described in subsection 4.2.4 of this EIR (Current Planning Studies for the Bayfront Area), the City has received or is anticipating receipt of two other substantial development applications for the Bayfront Area: the proposed approximately 541,077-square-foot Abbot Laboratories research and development complex on Chesapeake Drive (application submitted in 2002) and the Syfy Enterprises development on East Bayshore Road, site of the soon-to-be relocated Century Park Cinema complex (application anticipated in the near future).¹ To integrate and supplement these three substantial project-specific development and environmental review efforts, and study the key urban design, transportation, infrastructure, and fiscal issues associated with such development in the Bayfront Area, the City is currently undertaking the *Bayfront Study*. The proposed approximately 136-acre *Bayfront Study* area includes the Marina Shores Village, Abbott Laboratories, and Syfy Enterprises sites, as well as additional lands

¹The owners of the Century Park Cinema would operate the Downtown Theater complex (4,200 seats) at 2107 Broadway (an approved development). Although no specific project has been proposed for the existing Century Park Cinema site, future redevelopment of the site is anticipated. Discussions between City staff and the property owners have focused on a potential development of approximately 600 multi-family dwelling units, with some discussion of auto retail or commercial uses.

surrounding the project site. The study is being completed with the assistance of a consulting urban design firm (Bottomley Planning and Design), and will identify specific land use, urban design, and transportation concepts for achieving appropriate, harmonious development of the Bayfront Area consistent with the Redwood City Strategic General Plan. As part of the *Bayfront Study*, a *Bayfront Transportation Options Study* is also being completed with the assistance of a consulting transportation planner (Kimley-Horn and Associates, Inc.) and a planning and design firm (Fukuji Planning and Design) in order to identify specific and innovative transportation options for the area, with emphasis on possible multi-modal (vehicular, pedestrian, bicycle, transit, and water) connections within the Bayfront Area, and between the area, the downtown, and major interregional transit corridors.

The current *Bayfront Study* is available for review at the City of Redwood City Community Development Services Department, City Hall, 1017 Middlefield Road.

16.3 PERTINENT REGIONAL PLANS

16.3.1 ABAG's Regional Land Use Policy Framework

The most recent regional land use policy document adopted by the Association of Bay Area Governments (ABAG) is entitled A Proposed Land Use Policy Framework for the San Francisco Bay Area (adopted by the ABAG Executive Board in July 1990). The document is described as a regional policy framework for future land use decisions in the Bay Area that respects the need for strong local control, but that also recognizes the importance of regional comprehensive planning for issues of regional significance. The document contains policies that: (1) direct growth where regional infrastructure (e.g., freeways, transit, water, solid waste disposal, sewage treatment) is available and natural resources will not be overburdened; (2) encourage development that discourages long-distance commuting; (3) call for the establishment of firm growth boundaries; and (4) encourage provision of housing at all levels.

As described in chapter 6 (Population, Housing, and Employment) of this EIR, the residential component of the proposed project would assist Redwood City in achieving a better citywide balance between employed residents and jobs, thereby discouraging long-distance commuting, and would direct growth in the Mid-Peninsula area to a location where regional infrastructure is available. The proposed project's potential impacts on transportation, infrastructure, and public services are discussed in chapters 7 (Transportation and Circulation) and 10 (Infrastructure and Public Services) of this EIR.

16.3.2 ABAG's San Francisco Bay Trail Plan

The proposed alignment of an Association of Bay Area Governments (ABAG) planned extension of the San Francisco Bay Trail traverses the southern edge of the project site, as illustrated on Figure 4.4 in chapter 4 (Land Use) of this EIR. The proposed trail extension alignment at this location starts north of the project site, at the terminus of the existing Bay Trail

segment in the City of San Carlos near Mariner Park, passes around San Carlos Airport along the levee adjacent to U.S. 101, skirting the edge of the Bair Island National Wildlife Refuge, runs along the southwestern edge of the project site, and continues along East Bayshore Road to connect with the existing Bay Trail segment in the San Francisco Bay National Wildlife Refuge in Menlo Park.

The project applicant intends to accommodate ABAG's planned San Francisco Bay Trail extension. Two alternative locations have been suggested by the applicant for the Bay Trail in chapter 4 (Land Use), extension through the project site: "scenario 1" along the existing 80-foot-wide PG&E transmission line easement, adjacent to the Bair Island Wildlife Refuge and north of the Marina Pointe townhouses, or "scenario 2" along East Bayshore Road. As shown on Figure 4.4 in chapter 4 (Land Use) herein, the ABAG-planned trail extension would continue beyond the project site, south across Redwood Creek via the existing pedestrian-bicycle bridge, and along East Bayshore Road where it would join with the proposed Blomquist Extension. Under applicant-suggested "scenario 1," Bay Trail users would utilize either Bair Island Road or cross Bair Island Road and utilize a sidewalk on the project site, which would then extend approximately 1,500 feet south to East Bayshore Road and the Blomquist Extension. This sidewalk segment of the Bay Trail would include two curb cuts on Bair Island Road, both of which would be marked for pedestrians and provide vehicular access to the proposed project. Under "scenario 2," Bay Trail users would cross Bair Island Road and continue along East Bayshore Road and then along the Blomquist Extension.

In addition, the proposed project pedestrian and bicycle access system is intended by the applicant to provide opportunities for Bay Trail users to exit the trail and access the grounds of the proposed project, including the project waterfront access points, as indicated on Figure 3.10 in chapter 3 (Project Description); however, the project grounds are not anticipated to be part of the Bay Trail.

16.3.3 ABAG's "Smart Growth" Criteria

ABAG, as part of its Smart Growth Strategy/Regional Livability Footprint Project, includes "smart growth" criteria on its website.² While recognizing that "there is no single definition of smart growth," ABAG has proposed criteria that are common to the various definitions of "smart growth," including development that:

- revitalizes central cities and older suburbs;
- supports and enhances public transit;
- promotes walking and bicycling;

²Association of Bay Area Governments (ABAG). *What is Smart Growth?*, www.abag.ca.gov, accessed June 24, 2002.

- preserves open spaces and agricultural lands; and
- ensures a good match between income levels and housing prices.

Project consistencies and inconsistencies with ABAG's "smart growth" criteria are discussed in chapter 4 (Land Use) of this EIR, subsection 4.3.3 (Impacts and Mitigation Measures) under *Impact 4-3*.

16.3.4 BCDC's San Francisco Bay Plan

The San Francisco Bay Conservation and Development Commission (BCDC) has state-authorized "Bay jurisdiction" over San Francisco Bay and all territory located between the shoreline and a line 100 feet inland of and parallel with the shoreline. Within its area of jurisdiction, BCDC is authorized to control both (1) Bay filling and dredging, and (2) Bay-related shoreline development.

The BCDC area of jurisdiction in the project vicinity includes the upper limit of all tidal areas along Smith Slough (the upper limit is the line of mean tidal level, plus another five vertical feet in areas with wetland vegetation) to its confluence with Redwood Creek (see Figure 8.1 in chapter 8, Biological Resources). BCDC also has jurisdiction within a 100-foot shoreline band along the local Bay shore. In addition, BCDC has state-authorized "certain waterways jurisdiction" in Redwood Creek from its confluence with Smith Slough downstream (bayward). "Certain waterways jurisdiction" is similar to "Bay jurisdiction," except that there is no additional shoreline band jurisdiction associated with it. "Certain waterways jurisdiction," if it exists on the project site, would be limited to a small area at the northern tip of the project site coincident with the Smith Slough/Redwood Creek confluence. The reach of Redwood Creek upstream of the confluence is not within BCDC jurisdiction.

BCDC is authorized to issue or deny permits for any filling of the Bay within its Bay jurisdiction. Any project-proposed work within BCDC's "Bay jurisdiction," including the 100-foot shoreline band from the Smith Slough shoreline, or "certain waterways" jurisdiction will require such a BCDC permit. Other portions of the project (e.g., the proposed marina reconfiguration) would not require BCDC approval. Section 66605 of the McAteer-Petris Act allows the Commission to authorize Bay fill only for water-oriented uses, and minor fill to improve shoreline appearance or public access. Furthermore, the McAteer-Petris Act requires that fill should only be authorized if there is no feasible upland location, the fill is the minimum amount necessary, the fill minimizes harmful effects to the Bay, and the public benefits of the fill clearly exceed its detriments. BCDC permit eligibility and conditions of permit issuance are largely governed by the San Francisco Bay Plan, completed and adopted by BCDC in 1968 and amended regularly since then. The plan was most recently amended in July 2001. The Bay Plan contains findings and policies related to fish and wildlife, water quality, fill, recreation, public access, and the appearance and design of shorelines, as well as procedures for BCDC control of filling and dredging and shoreline development.

The policies of the Bay Plan that pertain to portions of the proposed project within BCDC jurisdiction include policies concerning: (1) the protection of fish and wildlife habitat, including sensitive species; (2) water quality, including erosion and sedimentation control, and the use of best management practices to control polluted surface runoff; (3) protection and preservation of marshes and mudflats; and (4) the provision of public access to the waterfront. In determining whether to issue a permit for the proposed project elements within its jurisdiction, BCDC can be expected to focus on (a) whether the fill proposed is the minimum necessary, (b) whether public access would be promoted, (c) whether sensitive wildlife species would be adversely affected, and (d) whether an alternative upland location exists for the portions of the project within BCDC jurisdiction.

16.3.5 Regional Clean Air Plan

The policies of the Bay Area Air Quality Management District (BAAQMD) Clean Air Plan call for consideration of traffic-related air quality impacts in the review of development projects. Specifically, the BAAQMD calls for such air quality effects to be analyzed in environmental impact reports on such projects, subject to BAAQMD review. Chapter 15 (Air Quality) of this EIR provides an analysis of air quality impacts, and also discusses the proposed Marina Shores Village project's relationship to BAAQMD significance thresholds. Although this EIR identifies mitigation measures to reduce air quality impacts, project contributions to significant cumulative regional air quality degradation could not be fully mitigated, and therefore would represent a significant unavoidable impact of the project.

16.3.6 San Mateo County Congestion Management Program.

The City/County Council of Governments of San Mateo County (C/CAG) is the state-designated regional Congestion Management Agency (CMA) that sets state and federal funding priorities for improvements affecting its San Mateo County Congestion Management Program (CMP) designated regional roadway system. C/CAG-designated CMP roadway system components in Redwood City include SR 82 (El Camino Real), SR 84 (Woodside Road), U.S. 101, and I-280. C/CAG-designated CMP intersections in Redwood City include El Camino Real/Whipple Avenue, Bayfront Expressway/Marsh Road (borders Redwood City), and Woodside Road/Middlefield Road.

C/CAG has adopted mitigation guidelines to reduce the number of net new regional roadway system vehicle trips generated by new developments, entitled *C/CAG Guidelines for the Implementation of the Land Use Component of the 1999 Congestion Management Program*. These guidelines apply to all developments that generate 100 or more net new peak-period trips on the CMP network and are subject to CEQA review. These guidelines ensure that *“the developer and/or tenants will reduce the demand for all new peak-hour trips (including the first 100 trips) projected to be generated by the development.”*³

³Revised C/CAG Guidelines for the Implementation of the Land Use Component of the 1999

Chapter 7 (Transportation and Circulation) of this EIR has been prepared in a manner consistent with the requirements of the CMP and C/CAG guidelines.

16.3.7 California Regional Water Quality Control Board (RWQCB) Water Quality Control Plan

Addressing its legal mandates from the U.S. Environmental Protection Agency (EPA) and the state's Porter-Cologne Act, the San Francisco Bay Regional Water Quality Control Board (RWQCB, or Regional Board) developed and adopted the first *Water Quality Control Plan for the San Francisco Bay Basin* (Basin Plan) in 1968.⁴ After several revisions and an extensive public hearing process, the current Basin Plan was adopted in 1995 (1995 Basin Plan).

(a) "Beneficial Uses." The 1995 Basin Plan describes "beneficial uses" that the RWQCB will protect and water quality objectives required to achieve these beneficial uses.

Beneficial uses are categorized for the principal streams, lakes/reservoirs, and embayments within the San Francisco Bay Region, including those identified in the South San Francisco Bay and Redwood Creek (see Table 9.1 in chapter 9, Hydrology and Water Quality, of this EIR). Regional Board staff indicated that "potential" and "limited" beneficial uses were not investigated fully in the Basin Plan due to inadequate resources and funding priorities.

(b) RWQCB Certification for Section 404 Permits. Section 401 of the Clean Water Act (CWA) prohibits discharge of dredged or fill material that violates state water quality standards. As part of the federal-state permitting process, dischargers are required to obtain a 401 Water Quality Certification from the RWQCB. Department of Army Section 404 Permits are not valid until the applicant has the certification of compliance with state water quality standards.

(c) National Pollution Discharge Elimination System (NPDES) Permits. The CWA, as amended in 1987, also prohibits the discharge of pollutants into waters of the United States unless the discharge is in compliance with a National Pollutant Discharge Elimination System (NPDES) permit. Section 402(p) of the 1987 amendments established a framework for regulating municipal, industrial, and construction stormwater discharges under the NPDES program. In California, NPDES permits are issued through the State Water Resources Control Board (SWRCB) and the nine Regional Water Quality Control Boards (RWQCBs). To date, communities with populations over 100,000, high-risk industries identified by the U.S. EPA, and

Congestion Management Program, C/CAG (Walter Martone), October 11, 2000.

⁴*Water Quality Control Plan--San Francisco Bay Basin (Region 2)*, California Regional Water Quality Control Board, San Francisco Bay Region, June 1995.

construction projects of five acres or more must obtain an NPDES permit. NPDES jurisdiction over the Marina Shores Village project resides with the San Francisco Bay RWQCB located in Oakland.

In August 1999, the SWRCB reissued the General Construction Activity Storm Water Permit (Water Quality Order 99-08-DWQ, referred to as General Permit). As the result of subsequent litigation (*San Francisco Bay Keeper et al. vs. State Water Resources Control Board*), the Monitoring Program and Reporting Requirements section of the current General Permit was modified in April 2001 (SWRCB Resolution 2001-46). For all construction projects conducted after this date, project applicants (i.e., dischargers) are instructed to design and implement a Stormwater Pollution Prevention Plan (SWPPP) that includes sampling and analysis (i.e., monitoring) of stormwater in two instances:

- where site stormwater discharges directly to a water body that is designated as impaired for sedimentation/siltation or turbidity by the SWRCB on its Section 303(d) List; or
- where other pollutants that are known or should be known by permittees to occur on construction sites and that can not be visually observed or detected in stormwater discharges could result in or contribute to exceedance of water quality objectives in receiving waters.

The modified provisions documented in Resolution 2001-46 cover the implementation schedule for the new regulations and the identification of pollutant sources and Best Management Practices (BMPs), as well as monitoring program and reporting requirements. Typical practices would include street cleaning and installation of oil and grease traps, detention basins, infiltration areas, and bioswales.

(d) New Federal Total Maximum Daily Loads (TMDL) Criteria. In addition to the revised NPDES stormwater regulations, San Mateo County and its member municipalities will soon be required to comply with new federal water quality criteria for total maximum daily loads (TMDLs) designated for several high-priority stormwater contaminants, including mercury and PCBs, and the pesticide diazinon. The TMDL process requires identification of contaminant inputs to a water body and prescribes how much a receiving water can assimilate before its beneficial uses become significantly impaired.

Within the project vicinity, only South San Francisco Bay has been listed as impaired. South San Francisco Bay is impaired for pesticides Chlordane, DDT, Diazinon, and Dieldrin, dioxin compounds, exotic species, furan compounds, mercury, PCBs, dioxin-like PCBs, and selenium. Of the TMDL pollutants cited on the RWQCB's 1998 California 303(d) List, highest priorities have been assigned to mercury, dioxin-like PCBs, dioxin and furan compounds, and exotic species. The first of these TMDLs, for mercury, is currently being circulated for review and will be issued within the next two years.

Redwood Creek was not listed among the impaired water bodies on either the 1998 California 303(d) List or the amended list circulated for public discussion in May 2002. However, Regional

Board staff confirmed that Redwood Creek was not included on the list because it was not studied. In San Mateo County, only San Francisquito and San Mateo Creeks were subjected to sampling and assessment for impairing substances.⁵ Nearly all of the studied creeks draining urbanized areas of the Bay system are impaired for diazinon. Thus, it is likely that Redwood Creek is also impaired for diazinon, as watershed land uses are similar to those prevailing in other listed watersheds. As of 2000, the EPA reached an agreement with the manufacturer of diazinon to phase out its production by 2004.

(e) Proposed Project's Compliance With RWQCB Requirements. The proposed Marina Shores Village project would be required to comply with the 1995 *Water Quality Control Plan for the San Francisco Bay Basin* (1995 Basin Plan). Compliance may require preparation and implementation of an approved *stormwater pollution prevention plan*, including an *erosion control plan* for implementation during project construction, and *stormwater permits* to comply with NPDES regulations (see further discussion in chapter 9, Hydrology and Water Quality, of this EIR). With implementation of such measures, the project would be consistent with the 1995 Basin Plan.

16.3.8 San Carlos Airport Land Use Plan

The San Carlos Airport is a general aviation facility located approximately 1.5 miles northwest of the project site near the confluence of Steinberger Slough and Smith Slough. The San Carlos Airport Land Use Plan (ALUP) includes airport-related land use controls which apply to those incorporated and unincorporated areas in the vicinity of San Carlos Airport which are potentially impacted by aircraft approach and departure movements. The plan includes airport related noise/land use compatibility criteria, restrictions on the heights of structures and/or objects near the airport, and other airport/aircraft safety criteria. The plan sets forth policies, standards, and criteria to address each of these issues to assist affected local agencies in achieving local land use compatibility with existing and future airport development and operations.⁶ The San Carlos ALUP was prepared by the San Mateo City/County Association of Governments (C/CAG) acting as the Airport Land Use Commission (ALUC) for San Mateo County.

The ALUC-adopted ALUP, under "Objects Affecting Navigable Airspace for the San Carlos Airport," incorporates guidelines set forth in Federal Aviation Regulations (FAR) Part 77 for determining if an object is an obstruction to air navigation. The FAR Part 77 regulations

⁵Habte Kifle, Water Quality Control Engineer, RWQCB, personal communication, May 2002.

⁶City/County Association of Governments of San Mateo County (C/CAG) as Airport Land Use Commission for San Mateo County, California. San Mateo County Comprehensive Airport Land Use Plan, San Carlos Airport Land Use Plan, December 1996, p. IV.1-2.

contain three key elements: (1) standards for determining obstructions in navigable airspace; (2) requirements for construction notification if it may affect airspace; and (3) provisions for preparation of aeronautical studies by FAA staff.

Any proposed new construction or expansion of existing structures that would penetrate any of the ALUP-designated, FAR Part 77-based, imaginary horizontal and sloping surfaces for the San Carlos Airport would be deemed incompatible uses unless determined otherwise by the FAA.⁷ Because the project site is located within the ALUP-designated restricted height area for the San Carlos Airport, and because the proposed project would include structures over 200 feet in height (the FAA-identified potential airspace obstruction threshold),⁸ the project's relationship to the FAR Part 77-based imaginary surfaces constraints for the San Carlos Airport would warrant FAA review.

As identified in Table IV-5 of the ALUP (Criteria for Basing a Request for the Grant of an Avigation Easement to the County of San Mateo),⁹ the proposed project would also warrant ALUC review because: (1) the project site is within the planning area of the ALUP, and (2) the project includes a proposed amendment to currently adopted local land use policies (e.g., a general plan amendment and a zoning ordinance amendment) involving residential dwelling units.

Chapter 12 (Public Health and Safety) of this EIR addresses the project's potential impacts pertinent to ALUP policies in detail.

⁷Ibid., p. IV-34.

⁸David F. Carbone, ALUC staff, personal communications, January 9 and 10, 2003.

⁹Carbone and C/CAG, Table IV-5 (p. IV-54).