

# **Appendix A**

## **NOP and NOP Comment Letters**

**Ravenswood/Four Corners Specific Plan Update SEIR**



## NOTICE OF PREPARATION OF ENVIRONMENTAL IMPACT REPORT

**TO:** State Clearinghouse, Responsible & Trustee Agencies, and Other Interested Parties  
**DATE:** April 15, 2022  
**SUBJECT:** **Notice of Preparation of Supplement Environmental Impact Report (SEIR)**  
**Notice of SEIR Scoping Meeting on Monday, May 9, 2022**  
**LEAD AGENCY:** City of East Palo Alto  
**PROJECT TITLE:** Ravenswood Business District/4 Corners Transit-Oriented Development (TOD)  
Specific Plan Update  
**PROJECT AREA:** City of East Palo Alto, Ravenswood Business District

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Notice is hereby given that the City of East Palo Alto (City) will be the Lead Agency and will prepare a Supplemental Environmental Impact Report (SEIR) for the Ravenswood Business District/ 4 Corners Transit-Oriented Development (TOD) Specific Plan Update. The project location, project description, and the potential environmental effects that will be evaluated in the SEIR are described below. Pursuant to the CEQA Guidelines (14 C.C.R. § 15060(d)), the City has determined that a SEIR is required for the project tiered from the certified 2012 Ravenswood/4 Corners TOD Specific Plan Final EIR (SCH#2011052006).

The City is requesting comments and guidance on the scope and content of the SEIR from interested public agencies, organizations and the general public. With respect to the views of Responsible and Trustee Agencies as to significant environmental issues, the City needs to know the reasonable alternatives and mitigation measures that are germane to each agency's statutory responsibilities in connection with the project. Responsible agencies may need to use the SEIR prepared by the City when considering permitting or other approvals for the project.

We would appreciate your response at the earliest possible date. As mandated by state law, comments on the Notice of Preparation (NOP) are due no later than the close of the NOP review period on **Monday, May 16, 2022, at 4 PM**. Please mail or email your written comments to City at the address shown below. Public agencies providing comments are asked to include a contact person for the agency.

**LEAD AGENCY CONTACT:**

City of East Palo Alto, Planning Division  
1960 Tate Street (Attn: RBD Project)  
East Palo Alto, CA 94303  
[rbd@cityofepa.org](mailto:rbd@cityofepa.org)

A digital copy of this NOP and additional detail about the project can be viewed at:

<https://www.cityofepa.org/planning/page/ceqa-notices> or  
<https://www.cityofepa.org/planning/page/ravenswood-business-district-4-corners-specific-plan-update>

An EIR scoping meeting will be held by the Planning Commission at a regularly scheduled meeting on:

**May 9, 2022, at 7PM**

Due to the COVID-19 pandemic this meeting will be held virtually. Members of the public and public agencies may participate remotely. For access information, please see page 6 below.

**INTRODUCTION:**

The purpose of an Environmental Impact Report (EIR) is to inform decision-makers and the general public of the environmental effects of a proposed project. The EIR process is intended to provide environmental information sufficient to evaluate a proposed project and its potential to cause significant effects on the environment; examine methods of reducing adverse environmental impacts; and consider alternatives to a proposed project.

A supplement to the Ravenswood Business District/4 Corners TOD Specific Plan EIR, (certified in 2013), will be prepared to evaluate the environmental impacts of additional development to be allowed within Ravenswood Business District/4 Corners TOD Specific Plan Update (see project description below). SEIRs need contain only the information necessary to make the previous EIR adequate for the project as revised (per the CEQA Guidelines, Section 15163) and the Ravenswood Business District/4 Corners TOD Specific Plan SEIR will evaluate impacts related to key environmental resource topics. The Ravenswood Business District/4 Corners TOD Specific Plan SEIR will be a programmatic EIR. It is the intent that subsequent environmental review for future individual projects within the Specific Plan area would tier from this SEIR.

**PROJECT LOCATION:**

The approximately 350-acre Ravenswood Business District/4 Corners TOD Specific Plan area is located in the northeastern area of East Palo Alto, in southern San Mateo County.

The project site is generally bounded by the City Limits/Union Pacific Railroad tracks to the north, Weeks Street or Runnymede St to the south, University Avenue and Gloria Way to the west, and the Ravenswood Open Space Preserve and Palo Alto Baylands Nature Preserve to the east. Existing development within the Specific Plan area includes residential, retail, medical office, light and heavy industrial, and institutional land uses. University Village, a single-family neighborhood immediately east of University Avenue, is located within the Specific Plan area (no land use changes are proposed for this neighborhood). Regional, vicinity, and aerial maps of the project site are shown on Figure 1, Figure 2, and Figure 3, respectively.

**PROJECT DESCRIPTION:**

The current Ravenswood Business District /4 Corners TOD Specific Plan, approved in 2013, serves as a guide for development and redevelopment in the Specific Plan area and provides a policy and regulatory framework by which development projects and public improvements are reviewed. Additional information on the Ravenswood Business District/4 Corners TOD Specific Plan Update can be found on the City's project page: <https://www.cityofepa.org/planning/page/ravenswood-business-district-4-corners-specific-plan-update>

The current Specific Plan allows for development of up to 1.268 million square feet of office uses, 351,820 square feet of industrial or research and development uses, 112,400 square feet of retail uses, 61,000 square feet of civic/community uses, 835 housing units (816 multifamily, 19 single-family). As of the date of this NOP,

approximately 10 percent (140,650 square feet) of office uses, 40 percent (25,000 square feet) of civic/community uses, and 20 percent (168 units) of residential uses have been constructed or entitled.

Table 1: Existing Plan and Development to Date							
	Office (s.f.)	R&D/Lab (s.f.)	Light Industrial	Retail (s.f.)	Civic (s.f.)	Amenity (s.f.)	Housing Units
Allowed Under Existing Specific Plan	<u>1,268,500</u>	<u>175,910</u>	<u>175,910</u>	<u>112,400</u>	<u>61,000</u>	<u>0</u>	<u>835</u>
Constructed/Built	32,650	0	0	0	25,000	0	0
Entitled	108,000	0	0	0	0	0	168
Subtotal	140,650	0	0	0	25,000	0	168
<i>Remaining from Existing Plan Allocation</i>	<i>1,127,850</i>	<i>175,910</i>	<i>175,910</i>	<i>112,400</i>	<i>36,000</i>	<i>0</i>	<i>667</i>

The proposed update to the Ravenswood 4/Corners TOD Specific Plan (Plan) would **increase the total amount of development allowed within the Specific Plan area** by increasing the maximum square footages for office, research and development/life science, light industrial, civic/community, tenant amenity, and the total number of residential units allowed to be developed within the Specific Plan area. The SEIR will evaluate two scenarios for non-residential development consisting of 2.82 million square feet of office and Research and Development (R&D) and 3.35 million square feet, respectively. The SEIR will also evaluate two scenarios for residential development consisting of 1,350 residential units and 1,600 residential units, respectively. The project will also include comprehensive utility, infrastructure, transportation, and sea level rise improvements. Therefore, this SEIR is seeking to environmentally clear a cumulative amount of development that is greater than the existing Specific Plan. The future exact allocation of that development will be determined by project-specific applications and approvals but will not exceed the total under cleared this SEIR.

The project will include adoption of amendments to the East Palo Alto General Plan and Zoning Ordinance, changing certain existing land use designations in the Plan Area and updating existing or establishing new development standards to replace some of the current zoning provisions applicable to the Plan Area. These amendments must be completed to ensure consistency between the Specific Plan, General Plan, and Zoning Ordinance. There would be no change in the Specific Plan area boundaries.

Compared to the existing Plan, for some land use designations increased intensity and height may be allowed, while in others, the allowed maximum intensity and height may be decreased. Under both Buildout Scenarios that comprise the ‘project,’ all proposed increases in non-residential development square footage would occur on parcels within the Plan Area that currently allow such non-residential land uses. In contrast, under the project, residential uses are proposed to be allowed in more zones/parcels compared to the existing Plan.

**Table 2: Development Under Scenarios #1 and #2**

	Non-Residential (square feet)						Housing Units			
	Office/ R&D	Office	R&D/ Light Industrial or Flex		Retail	Civic/ Comm	Tenant Amenity	All	Multi- family	Single- Family
Allowed Under Existing Plan	n/a	1,268,500	351,820		112,400	61,000	0	835	816	19
<i>Reallocation</i>		<b>Office</b>	<b>R&amp;D/Lab</b>	<b>Industrial</b>						
“No Project” Scenario	1,444,410	1,268,500	175,910	175,910	112,400	61,000	0	835	816	19
Buildout Scenario #1 (“Reduced”)	2,824,000	1,835,600	988,400	250,000	112,400	154,700	43,870	1,350	1,270	80
<i>Net Change #1</i>	+1,379,590	+567,100	+812,490	+74,090	0	+93,700	+43,870	+515	+454	+61
Buildout Scenario #2	3,335,000	2,167,750	1,167,250	300,000	112,400	154,700	53,500	1,600	1,472	128
<i>Net Change #2</i>	+1,890,590	+899,250	+991,340	+124,090	0	+93,700	+53,500	+765	+656	+109

**SEIR ANALYSIS:**

The SEIR will assess both project scenarios and the potential direct, indirect, and cumulative environmental impacts on key environmental resource topics outlined in the CEQA Environmental Checklist (CEQA Guidelines, Appendix G) and listed below. Mitigation measures will be identified for significant impacts, as warranted.

- *Air Quality/Greenhouse Gas Emissions.* An Operational Air Quality (e.g., criteria pollutants) and GHG Assessment will be completed for the Specific Plan Update SEIR Buildout Scenarios. A Construction Health Risk and Construction Criteria Pollutant Assessment will be required for project-specific tiering for specific development projects when detailed information about construction activity is known.
- *Archaeological/Cultural Resources.* An updated archaeological review and sensitivity map will be completed for the Specific Plan Update SEIR. An Archaeological Resources Assessment will be required for project-specific tiering for specific development projects located within an Archaeological Sensitivity Zone.
- *Biological Resources.* A Biological Assessment will be completed for the Specific Plan Update SEIR. The report will address any potential impacts to biological resources in the Plan area and identify mitigation measures required for future individual projects. The assessment will include an updated database search for special status wildlife species and rare plants that may occur in the Plan area. Results of the Specific Plan Update Biological Assessment will determine further site studies that would be required for project-specific tiering for development projects.
- *Geology and Soils.* The Specific Plan Update will identify soil types and faults across the Plan Area, as well as a general description of geologic and seismic conditions. Project-specific Geotechnical Reports will be required for each individual site at the time specific developments are proposed.
- *Hazards and Hazardous Materials.* A Geotracker/EnviroStor search will be completed to identify any contaminated sites within the Plan area. Specific development projects- will be required to address

hazardous materials as applicable in greater detail such as through preparation of an Environmental Site Assessment.

- *Hydrology and Water Quality.* The Specific Plan SEIR will add any relevant new data as necessary (e.g., Sea Level Rise/flood plain maps, Safer Bay levee alignment and design, FEMA 2.0 data). The analysis of specific development projects will tier from the Specific Plan SEIR based on information provided by project engineers.
- *Noise/Vibration.* A Noise Assessment will be prepared for Specific Plan Update, including an operational (traffic) noise analysis, development of performance standards for operational mechanical equipment, and analysis of standard construction noise and mitigation measures required for future specific development projects. The analysis of specific development projects will tier from the Specific Plan SEIR, with supplemental noise analysis to be prepared for projects with the potential to generate substantial noise during construction and/or operation that differs from the assumptions used in the SEIR's analysis.
- *Transportation.* The cumulative traffic study for the Specific Plan Update SEIR will include a vehicle-miles traveled (VMT) analysis and a level of service (LOS) analysis for the Plan Buildout Scenarios presented above and identify the roadway improvements required. Additional project-specific analysis will be required at the time of future development projects, the extent of which will depend on the results of the Specific Plan Update analysis.
- *Utilities and Service Systems.* An updated Utility Study including Water Supply Assessment, Sewer Assessment, and Storm Drainage Assessment will be prepared for the Specific Plan Update, which will identify any deficiencies or infrastructure improvements necessary.

**Alternatives:** In addition to the evaluation of two scenarios for office/R&D (2.82 million and 3.35 million s.f. of office/R&D, respectively) and two scenarios for housing (1,350 and 1,600 units, respectively), the SEIR will examine alternatives to the proposed Plan Update including a “No Project” alternative (which would represent full buildout of the existing Specific Plan of approximately 1.4 million s.f. of office/R&D). Additional alternatives may be generated depending on the impacts identified; other alternatives that may be discussed could include an alternative Plan configuration. Alternatives evaluated will be chosen based on their ability to reduce or avoid identified project impacts while achieving most of the identified project objectives.

**Cumulative Impacts:** The SEIR will address the potentially significant cumulative impacts of the project when considered together with other past, present, and reasonably foreseeable future projects in the project area.

In conformance with the CEQA Guidelines, the SEIR will also include the following information: 1) consistency with local and regional plans and policies, 2) growth inducing impacts, 3) significant unavoidable impacts, 4) significant irreversible environmental changes, 5) references and organizations/persons consulted, and 6) SEIR authors.

#### **PUBLIC SCOPING MEETING:**

This scoping session will be an agenda item of a scheduled session of the Planning Commission on Monday, May 9, 2022. The City Council for the City of East Palo Alto has adopted a resolution making the AB 361 findings necessary to continue virtual public meetings for the City Council and City Advisory Bodies During the COVID-19 State of Emergency. To reduce the spread of Covid-19, this meeting will be held by virtual teleconference/video conference only.

Members of the public and public agencies are invited to view and participate in this virtual gathering to provide comments regarding the scope and content of the SEIR. Members of the public can find information and may provide comments by signing up on the City's meeting page at <http://eastpal Alto.iqm2.com/Citizens/Default.aspx> or by attending the meeting live via Zoom and using the "RAISE HAND" feature when the Chair or Planning Clerk calls for public comment. Project questions and comments can also be sent to the contact information listed above.

The Monday, **May 9, 2022** virtual Planning Commission meeting will be held online at 7:00 pm and can be accessed via the Zoom meeting link listed below. In addition, an agenda packet, which includes meeting links, will be available no later than the Friday before the meeting date at the following: [http://eastpal Alto.iqm2.com/Citizens/Detail\\_Meeting.aspx?ID=1049](http://eastpal Alto.iqm2.com/Citizens/Detail_Meeting.aspx?ID=1049). Members of the public may provide comments by email to [rbd@cityofepa.org](mailto:rbd@cityofepa.org).

The length of the emailed comments should be within the three minutes customarily allowed for verbal comments, which is approximately 200 to 250 words. To ensure that your comment is received and read to the Planning Commission for the appropriate study session agenda item, please submit your email no later than 4:00 p.m. on May 9 2022. The City will make every effort to read emails received after that time but cannot guarantee that such emails will be read into the record. Any emails received after the 4:00 p.m. deadline that are not read into the record will be provided to the Planning Commission after the meeting and will be included into the project record for the preparation of the SEIR.

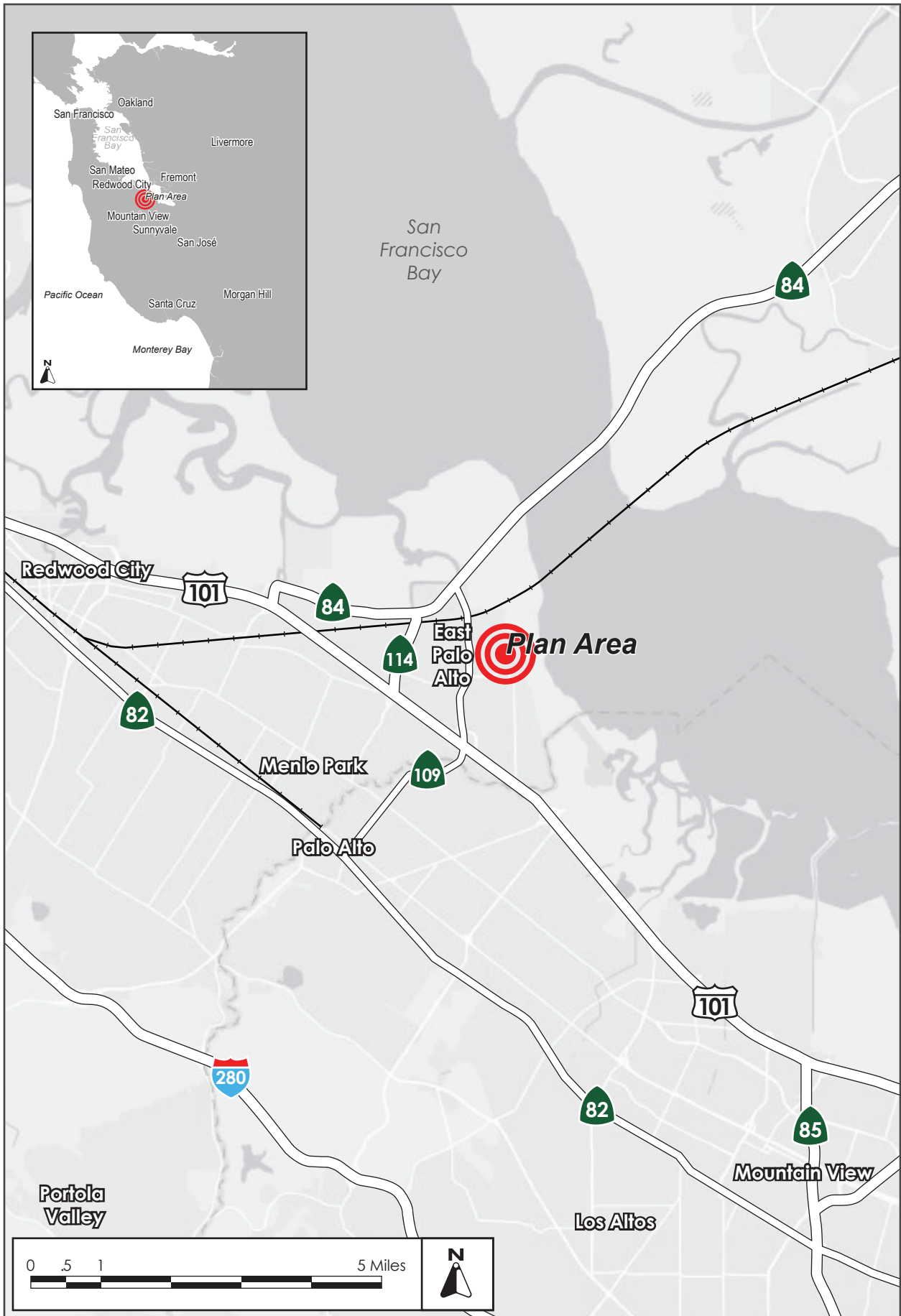
Members of the public may view the meeting by:

- 1) viewing the City's live broadcast accessed through <http://eastpal Alto.iqm2.com/Citizens/Default.aspx>
- 2) tuning to Channel 29 (local television);
- 3) going to <https://midpenmedia.org/local-tv/watch-now/>;
- 4) going to the City Facebook page at <https://www.facebook.com/CityOfEastPaloAlto>;
- 5) joining the meeting via Zoom from a PC, Mac, iPad, iPhone or Android device at <https://zoom.us/j/264253019> Meeting ID: 264 253 019; or
- 6) dialing +1 669 900 6833 (San Jose) and entering Meeting ID: 264 253 019.

For further information regarding this meeting, contact the City of East Palo Alto Planning Division, (650) 853-3189. The Americans with Disabilities Act (ADA) requires reasonable accommodation and access for the physically challenged. Those requesting such accommodation should contact the Planning Commission Secretary at (650) 853-3189 four days before the hearing date.

Date: April 15, 2022

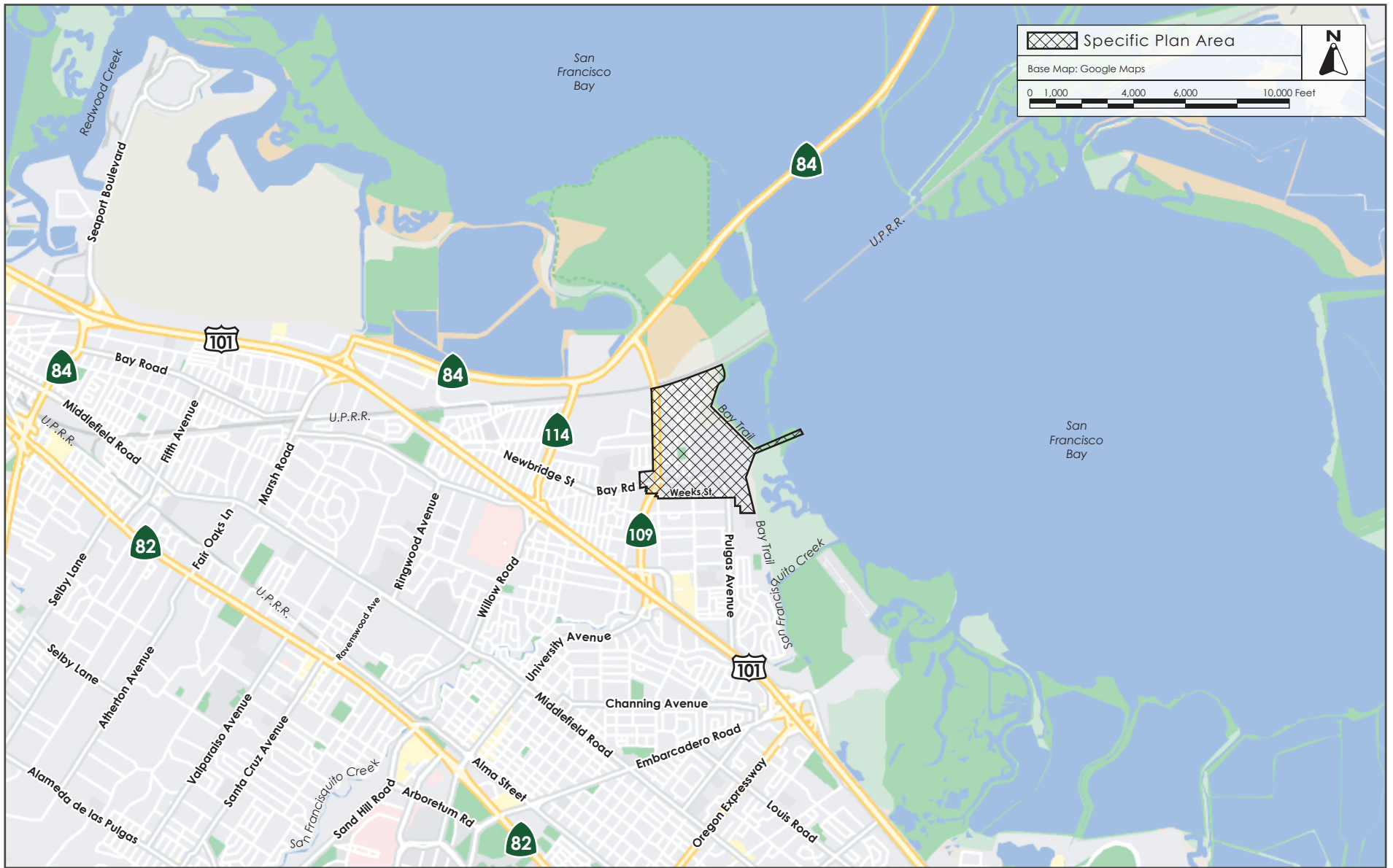
Elena Lee  
Planning Manager  
City of East Palo Alto



REGIONAL MAP

FIGURE 1

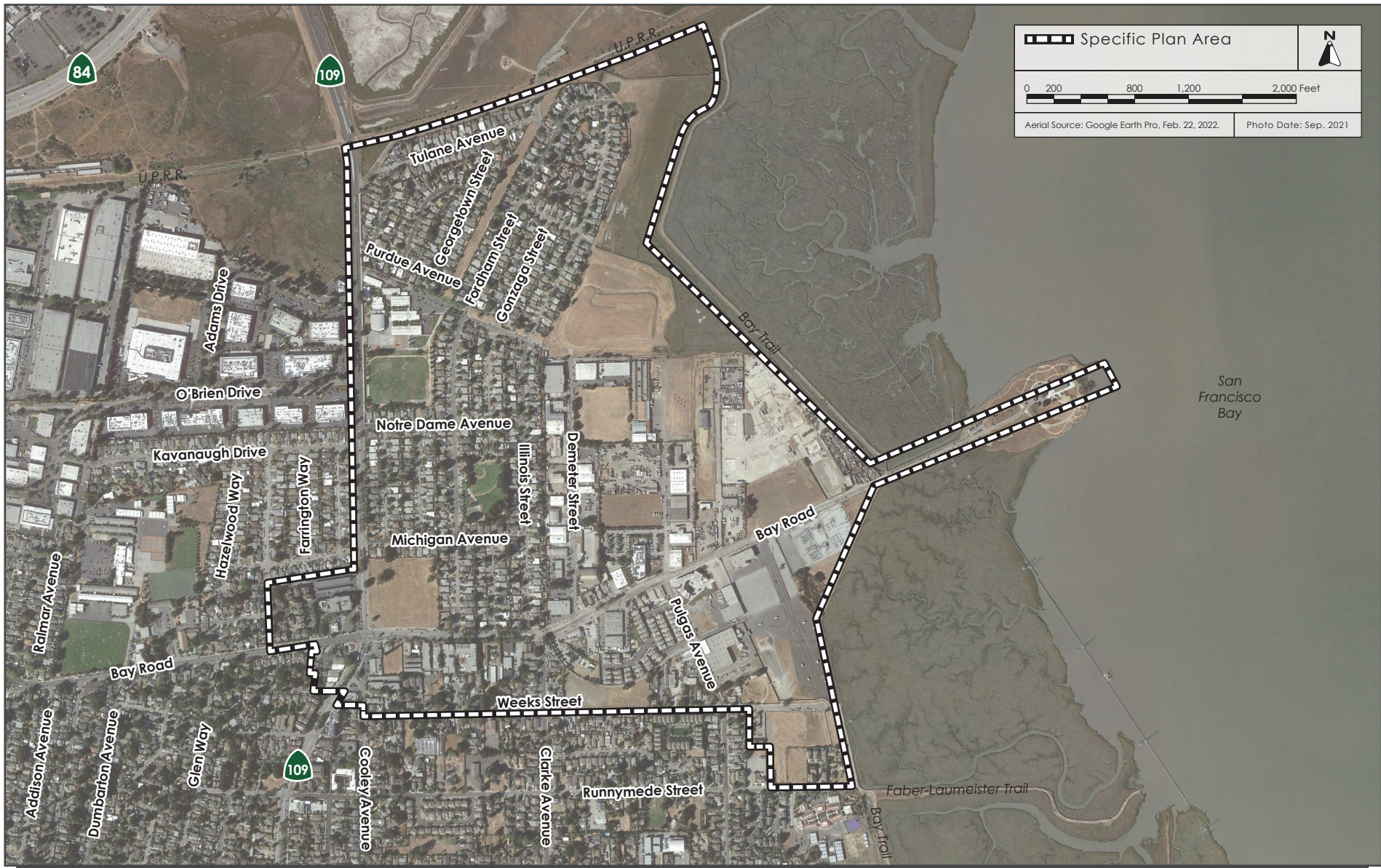




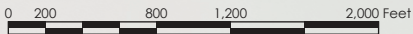


VICINITY MAP

FIGURE 2



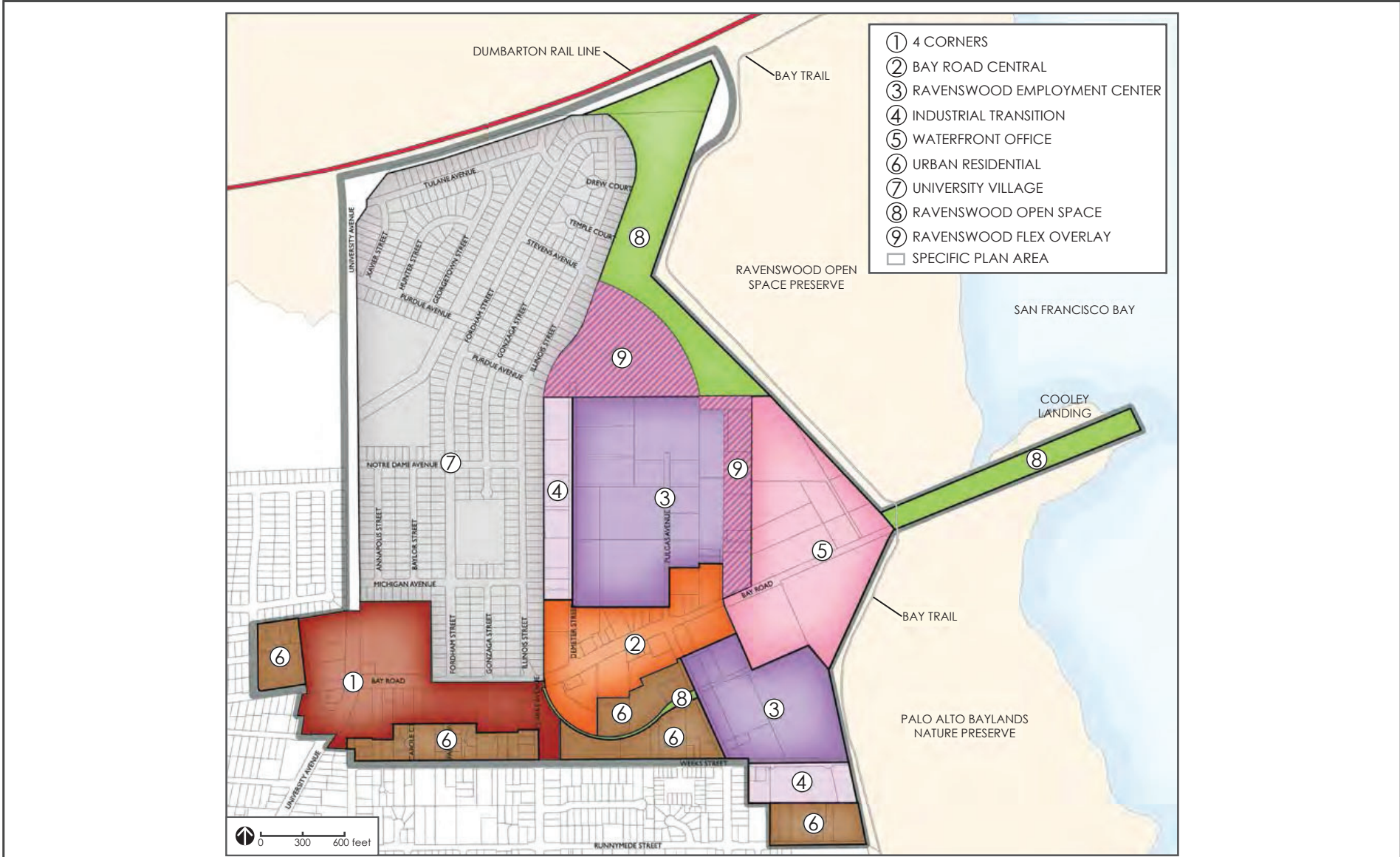


 Specific Plan Area	
	
Aerial Source: Google Earth Pro, Feb. 22, 2022.      Photo Date: Sep. 2021	

AERIAL PHOTOGRAPH OF RAVENSWOOD/4 CORNERS TOD SPECIFIC PLAN AREA

FIGURE 3





- ① 4 CORNERS
- ② BAY ROAD CENTRAL
- ③ RAVENSWOOD EMPLOYMENT CENTER
- ④ INDUSTRIAL TRANSITION
- ⑤ WATERFRONT OFFICE
- ⑥ URBAN RESIDENTIAL
- ⑦ UNIVERSITY VILLAGE
- ⑧ RAVENSWOOD OPEN SPACE
- ⑨ RAVENSWOOD FLEX OVERLAY
- SPECIFIC PLAN AREA

Source: City of East Palo Alto, Ravenswood/4 Corners TOD Specific Plan.

EXISTING RAVENSWOOD/4 CORNERS TOD SPECIFIC PLAN ZONING FIGURE 4

## 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](http://www.dot.ca.gov)



May 16, 2022

SCH #: 2022040352  
GTS #: 04-SM-2022-00437  
GTS ID: 26271  
Co/Rt/Pm: SM/109/1.121

Elena Lee, Planning Manager  
City of East Palo Alto, Planning and Housing Division  
1960 Tate Street  
East Palo Alto, CA 94303

### **Re: Ravenswood Business District/ 4 Corners TOD Specific Plan Update Notice of Preparation (NOP) for a Supplemental Environmental Impact Report (SEIR)**

Dear Elena Lee:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Ravenswood Business District 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 April 2022 NOP.

#### **Project Understanding**

A supplemental EIR is being prepared for the Ravenswood Business District/4 Corners TOD Specific Plan EIR, certified in 2013, to evaluate the environmental impacts of additional development limits to be allowed within Ravenswood Business District/4 Corners TOD Specific Plan Update. The SEIR will evaluate two scenarios for non-residential development consisting of 2.82 million square feet of office and Research and Development (R&D) and 3.35 million square feet, respectively. The SEIR will also evaluate two scenarios for residential development consisting of 1,350 residential units and 1,600 residential units, respectively.

#### **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 the 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 alignment with the City's VMT policy. If the project does not meet the screening criteria, please include a detailed VMT analysis in the SEIR, which should include the following:

- VMT analysis pursuant to the City's guidelines. 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 traffic safety issues to the State Transportation Network (STN) may be assessed by Caltrans via the Interim Safety Guidance (*link*).
- 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.

### **Mitigation Strategies**

Location efficiency factors, including community design and regional accessibility, influence a project's impact on the environment. Using Caltrans' Smart Mobility Framework Guide 2020 (*link*), the proposed project site is identified as an Urban Community where community design is moderately efficient and regional accessibility is strong.

Given the place, type and size of the project, the SEIR 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;
- Real-time transit information systems;

- Transit access supporting infrastructure (including bus shelter improvements and sidewalk/ crosswalk safety facilities);
- New development vehicle parking reductions;
- Implementation of a neighborhood electric vehicle (EV) network, including designated parking spaces for EVs;
- Designated parking spaces for a car share program;
- Unbundled parking;
- Wayfinding and bicycle route mapping resources;
- Participation/Formation in/of a Transportation Management Association (TMA) in partnership with other developments in the area;
- Aggressive trip reduction targets with Lead Agency monitoring and enforcement;
- VMT Banking and/or Exchange program;
- Area or cordon pricing;
- Inclusion of additional below-market-rate or affordable residential housing options in the Plan.

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 SEIR.

### **Lead Agency**

As the Lead Agency, the City of East Palo Alto is responsible for all project mitigation, including any needed improvements to the 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.

### **Encroachment Permit**

Please be advised that any permanent work or temporary traffic control that encroaches onto Caltrans' ROW requires a Caltrans-issued encroachment permit. As part of the encroachment permit submittal process, you may be asked by the Office of Encroachment Permits to submit a completed encroachment permit application package, digital set of plans clearly delineating Caltrans' ROW, digital copy of signed, dated and stamped (include stamp expiration date) traffic control plans, this comment letter, your response to the comment letter, and where applicable, the following items: new or amended Maintenance Agreement (MA), approved Design Standard Decision Document (DSDD), approved encroachment exception request, and/or airspace lease agreement. Your application package may be emailed to [D4Permits@dot.ca.gov](mailto:D4Permits@dot.ca.gov).

Please note that Caltrans is in the process of implementing an online, automated, and milestone-based Caltrans Encroachment Permit System (CEPS) to replace the current permit application submittal process with a fully electronic system, including online payments. The new system is expected to be available during 2022. To obtain information about the most current encroachment permit process and to download the permit application, please visit <https://dot.ca.gov/programs/traffic-operations/ep/applications>.

Elena Lee, Planning Manager  
May 16, 2022  
Page 5

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, or for future notifications and requests for review of new projects, please email [LDR-D4@dot.ca.gov](mailto:LDR-D4@dot.ca.gov).

Sincerely,

A handwritten signature in black ink that reads "Mark Leong". The signature is written in a cursive, flowing style.

MARK LEONG  
District Branch Chief  
Local Development Review

c: State Clearinghouse





## NATIVE AMERICAN HERITAGE COMMISSION

April 26, 2022

Elena Lee  
City of East Palo Alto  
1960 Tate Street  
East Palo Alto, CA 94303

CHAIRPERSON  
**Laura Miranda**  
Luiseño

VICE CHAIRPERSON  
**Reginald Pagaling**  
Chumash

PARLIAMENTARIAN  
**Russell Attebery**  
Karuk

SECRETARY  
**Sara Dutschke**  
Miwok

COMMISSIONER  
**William Mungary**  
Paiute/White Mountain  
Apache

COMMISSIONER  
**Isaac Bojorquez**  
Ohlone-Costanoan

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**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

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**Wayne Nelson**  
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COMMISSIONER  
**Stanley Rodriguez**  
Kumeyaay

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok/Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)  
[NAHC.ca.gov](http://NAHC.ca.gov)

**Re: 2022040352, Ravenswood Business District/4 Corners Transit-Oriented Development (TOD) Specific Plan Update Project, San Mateo County**

Dear Ms. Lee:

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.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:**

A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).



- 7. Conclusion of Consultation:** 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)).



The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPA.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPA.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([http://ohp.parks.ca.gov/?page\\_id=1068](http://ohp.parks.ca.gov/?page_id=1068)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 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:  
[Cody.Campagne@nahc.ca.gov](mailto:Cody.Campagne@nahc.ca.gov).

Sincerely,

*Cody Campagne*

Cody Campagne  
Cultural Resources Analyst

cc: State Clearinghouse





May 16, 2022

Amy Chen, Community Development Director  
City of East Palo Alto, Planning Division  
1960 Tate Street (Attn: RBD Project)  
East Palo Alto, CA 94303  
[rbd@cityofepa.org](mailto:rbd@cityofepa.org)

Dear Ms. Chen,

The Loma Prieta Chapter of the Sierra Club, the Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society respectfully submit the following comments regarding the Notice of Preparation (NOP) for the Supplemental Environmental Impact Report (SEIR) for the Ravenswood Business District/4 Corners Transit-Oriented Development Specific Plan (RBDSP) Update.

Our organizations have a deep interest in the San Francisco Bay and its ecosystems, as well as areas near the Bay where development may impact natural resources and climate resilience in the region. We recognize the critical role that the RBDSP Update will play in shaping the future of East Palo Alto and its natural resources along the San Francisco Bay. We have participated in community meetings, engaged with local residents, community groups, and city staff/consultants, and commented to the Planning Commission and City Council throughout the planning process. Please see our full scoping comments below.

### **Project Description**

We understand that this is a programmatic EIR and that environmental review for future projects will tier off of the SEIR. Nevertheless, it is known to the City that current development proposals (which together exceed this project's maximum office/R&D square footage) would shift new development away from the Bay Road core that was envisioned in and subject to environmental

review in the 2013 Specific Plan. Instead, these projects would concentrate the plan area's building intensity and height in areas adjacent to the wetlands, introducing substantial additional development and human impacts to sensitive habitat areas. This expected geographic shift and concentration of building intensity should be reflected in the project description and its impacts should be specifically evaluated in the SEIR.

We understand from the City's May 9, 2022 scoping meeting that mitigations adopted in the 2013 RBD/4 Corners Specific Plan FEIR will carry over and be supplemented with additional mitigation measures in the SEIR for this RBDSP Update. Please clearly identify in the SEIR any mitigation measures that are intended to update or supersede mitigations adopted in the 2013 FEIR as well as which measures they supplant.

### **Alternatives**

Please include and analyze an environmental alternative that incorporates a wetlands setback<sup>1</sup> to avoid or minimize development and use impacts on the Bay's ecology while also accommodating bayside wetland migration (nature based adaptation) and enabling the San Francisco Creek Joint Powers Authority's preference for a wide sea level rise levee that can be raised over time as sea level rise worsens. Such an alternative could include an alternative Plan configuration that retains proposed housing but reduces office density or directs development intensity away from the Bay.

Community workshops and city study sessions regarding the RBDSP Update indicated that the proposed loop road is both controversial and likely to produce mixed results at best for local traffic conditions. We encourage you to evaluate all alternatives both with, and without the loop road.

### **Cumulative Impacts**

Please include these projects in the cumulative analysis: SAFER Bay project, Facebook's Willow Village and other proposed new biotech building(s) in Menlo Park's bayfront area, Dumbarton Corridor project.

### **ENVIRONMENTAL IMPACT ANALYSIS AND MITIGATION CATEGORIES**

We note that the NoP omits several potential CEQA environmental analysis categories. Because (1) the proposed RBDSP Update could more than double the allowed office/R&D/Lab square footage in the Plan area, (2) the City can reasonably anticipate concentration of that development along the shoreline, and (3) the allowed intensity and height may change for some

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<sup>1</sup> A Wetlands Setback alternative establishing a 300-foot setback for new development was analyzed in the 2013 Specific Plan DEIR and judged to be "the next most environmentally superior alternative after the No Project Alternative." The Wetlands Setback was the recommended alternative coming out the 2013 DEIR. 2013 Draft Environmental Impact Report for the City of Palo Alto Ravenswood/4 Corners TOD Specific Plan, p. 5-30.

land use designations, we encourage you additionally to evaluate impacts in these areas: Aesthetics, Land Use and Planning, Population and Housing, Public Services, and Recreation through the SEIR.

## **AESTHETICS**

Given the substantial increase in development potential and anticipated shift of development intensity within the plan area from Bay Road to bayfront, Aesthetics should be included in the SEIR scope of analysis, providing guidance to developers, perhaps with modeled building heights, of acceptable limits for development. The SEIR should carefully identify scenic resources, including open views of the Bay and foothills in the East Bay, sunrise over the bay, baylands, mature vegetation, and historic resources that may be affected, and should identify those resources that are likely to be impacted by the anticipated development program. Specific standards for building bulk and maximum building widths should be identified to preserve community viewsheds and avoid or minimize potential impacts of tall buildings, such as shadowing from buildings, glare from morning sun reflected onto the bay from glazing, and wind tunnels around tall buildings.

## **AIR QUALITY/GREENHOUSE GAS EMISSIONS**

A detailed study of the impact of construction is needed. Construction activities and construction equipment will have an ongoing impact on air emissions, noise, and vibration. The SEIR should provide a quantitative analysis of air emissions and noise/vibration attributable to construction (including the use of heavy equipment, construction worker traffic, etc.), and provide appropriate standards and control measures for future projects under the Plan.

## **BIOLOGICAL RESOURCES**

When it comes to shoreline locales around the Bay, East Palo Alto and the RBDSP shore are indeed rich. The bayland marshes spread out from the Dumbarton rail right of way, surround Cooley Landing and stretch eastward toward San Francisquito Creek. Its richness can be measured by multiple values: simple, restful pleasure in wild, open space; tidal habitat serving many wildlife species, some endangered; an established, vegetated tidal plain mitigating tidal surges; a carbon exchange engine equal to or perhaps better than rain forests and most of the wetlands are already protected at no cost to the City.

In sum, these wetlands are an ecological treasure for which East Palo Alto and the RBDSP must provide all appropriate care. We understand that the SEIR must perform a thorough review of the entire RBDSP area. Our comments here will focus on shoreline and near shoreline natural communities.

**The SEIR should establish a Biological Resource Assessment standard for tiered projects.**



For the SEIR, the Biological Resources analysis needs to reach beyond the CEQA checklist and regional databases to establish appropriate standards to be used by tiered projects. Please consider the Biological Resource Assessment (BRA) approach described below, as you develop standards for tiered project biological resource analysis.

Biological Resource Assessment (BRA): For tiered projects, a baseline biological resource assessment must be performed and submitted by a qualified biologist for any site that may impact sensitive biological resources. Sensitive biological resources triggering the need for the baseline BRA shall include wetlands occurrences or suitable habitat for special-status species, sensitive natural communities, and important movement corridors for wildlife such as green corridors and shorelines.

The BRA will assess natural habitats occurring on or adjacent to a project site including wetlands, mature trees, unused structures that could support species like swallows or special-status bats or other biological resources. The BRA will consider seasonality including nesting resources for migratory or locally resident birds.

The baseline BRA shall provide a determination on whether any sensitive biological resources are present on or adjacent to the site, including jurisdictional wetlands and waters, essential habitat for special-status species, and sensitive natural communities. If jurisdictional wetlands and/or waters are suspected to be present on the site, a jurisdictional delineation confirmed by the U.S. Army Corps of Engineers (USACE) will be provided as part of the baseline BRA.

The baseline BRA will also include consideration of existing conservation plans that apply to adjoining lands. For the RBDSP shoreline projects these include the Don Edwards National Wildlife Refuge (Refuge) Comprehensive Conservation Plan<sup>2</sup> and any similar plan the Midpeninsula Regional Open Space District (MPROSD) has for the Ravenswood Open Space Preserve. In such instances, the BRA will also include consultation with staff of the Refuge and of the MPROSD.

The baseline BRA for any project along the shoreline, regardless of natural resource owner, will also consider the US Fish and Wildlife Service Tidal Marsh Recovery Plan<sup>3</sup> and relevant references of the South Bay Salt Pond Restoration Project.

**The SEIR should perform a similar Biological Resource Assessment and identify both direct and indirect impacts using best available data.**

In addition to establishing the BRA role for tiered projects, please employ similar standards for the SEIR analysis, especially for areas along the shoreline, and identify both direct and indirect impacts based on the full development potential proposed in the RBDSP Update. Conservation

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<sup>2</sup> Don Edwards National Wildlife Refuge Comprehensive Conservation Plan 2012;  
<https://permanent.fdlp.gov/gpo51796/index.htm>

<sup>3</sup> US Fish and Wildlife Service Tidal Marsh Recovery Plan, 2013:  
[https://ecos.fws.gov/docs/recovery\\_plan/TMRP/20130923\\_TMRP\\_Books\\_Signed\\_FINAL.pdf](https://ecos.fws.gov/docs/recovery_plan/TMRP/20130923_TMRP_Books_Signed_FINAL.pdf)

managers for lands along the shoreline must be consulted as they have more relevant and complete data than any regional database, especially with regards to federally endangered species like Ridgway's rail and the salt marsh harvest mouse, both present along the RBDSP shoreline. The documents already mentioned should be used in SEIR analysis by qualified biologists. The SEIR must use the best available data in order to adequately update the RBDSP.

## **Impacts of Concern**

Priority: For all impacts on wildlife and habitats the highest and best mitigation is avoidance.

### Human Disturbance

Alternatives proposed in the NoP would produce exceptional increases in human density and activity near wetlands and other natural communities. The SEIR needs to analyze the biological impacts of such presence in regard to noise, litter, encroachment in habitats, dogs off leashes, food trucks, use of helium balloons and similar activities.

1. Evaluate and mitigate potential impacts on resident, nesting and migratory wildlife of any trash inclusive of food and food-contaminated trash that may be introduced by food vendors or picnickers especially along the shoreline inclusive of attraction of flocking gulls, pigeons or predators of any kind.
2. Evaluate and mitigate the potential impacts of increased human traffic using outdoor recreation infrastructure like trails. Studies have shown that wildlife retreat when humans move along trails<sup>4</sup> and that waterfowl are particularly intolerant of recreational trail use.<sup>5</sup>
3. Evaluate and mitigate impacts of noise on wildlife arising from events of any size or large gatherings along the shoreline or amidst developed shoreline projects.
4. Evaluate and mitigate impacts of human intrusion into and destruction of habitats.
5. Evaluate and mitigate impacts of people walking their dogs off-leash particularly adjoining shoreline wetland habitats, habitats of endangered species. Enforcement is challenging but some methods can be more effective than others as discussed by Mountain View's Senior Biologist Phil Higgins in a Palo Alto webinar last November.<sup>6</sup>

### Predation

Increased human presence and tall structures will increase predation along the shoreline. Analysis must identify and mitigate to minimize predation. For wetland species, those predators

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<sup>4</sup> Trulio, L. A., & Sokale, J. (2008). Foraging Shorebird Response to Trail Use around San Francisco Bay. *The Journal of Wildlife Management*, 72(8), 1775–1780. <http://www.jstor.org/stable/40208460>

<sup>5</sup> Lynne A. Trulio and Heather R. White "Wintering Waterfowl Avoidance and Tolerance of Recreational Trail Use," *Waterbirds* 40(3), 252-262, (1 September 2017). <https://doi.org/10.1675/063.040.0306>

<sup>6</sup> Phil Higgins, Balancing Public Access and Habitat Enhancement in the Baylands, 11/16/21, webinar @ ~1:50:02; <https://www.sfestuary.org/truw-pahlp/>

include racoons, opossums, skunks, foxes, rats and roaming cats. Predation is of major concern for the endangered species that live in the shoreline marshes.

1. Evaluate and mitigate outdoor feeding of animals along the shoreline by prohibiting the practice on lands of any new development and the Bay Trail. Outdoor feeding attracts and concentrates any and all of the species mentioned above and each will roam in wetlands consuming eggs, nestlings or adults inclusive of endangered species.
2. Evaluate and mitigate by controlling food trash that would cause gulls to congregate, species that also predate eggs or young of other wildlife.
3. Evaluate and mitigate building design near the shoreline to prevent perching or nesting of avian predators.
4. Evaluate and mitigate tree selection along or near the shoreline to control avian predators by prohibiting trees along the shoreline public access right of way and avoiding tall or spiking tree shapes in nearby, setback locations.
5. Evaluate and mitigate project level landscaping to avoid places where predator species might hide in daylight hours.

#### Disruption of tidal wetlands

Wetlands are uniquely sensitive to impacts from actions on surrounding lands and necessarily are subject to Clean Water Act as well as wildlife and habitat legal protections regardless of land ownership and location of the BCDC band. As such actions such as construction or landscape management along the RBDSP shoreline must be carefully monitored and mitigated even if equipment or workers never touch the marsh. Dust and seeds of invasive species can travel on even slight breezes. Oil spills or other contaminants may travel to sensitive habitats within the Plan area, particularly north of Bay Road and close to and within the BCDC buffer zone.

Both temporary and permanent impacts to these wetlands must be evaluated and avoided, including impacts resulting from construction activities such as grading, installation of subsurface infrastructure and placing of fill to raise the height of buildings or installation of flood barriers such as anticipated in the SAFER Bay Project. In addition,

1. Mitigation Measure BIO-5 from the 2013 Ravenswood Four Corners/TOD Specific Plan FEIR should be amended to apply to all potentially impacted wetland habitats, private or publicly owned, inclusive of those identified as under State or federal jurisdiction and to require that no fill material be placed on the wetlands.
2. Construction and landscaping practices should evaluate and mitigate impacts of work like construction (temporary impact) and landscaping (temporary and repetitive) on sensitive wetlands by setting standards and monitoring compliance for all such actions.
  - a. Place dirt piles away from the shoreline, covering with tarps when not in use.
  - b. Require tire washing for all vehicles used on the site to avoid import of invasive plant species.
  - c. If pile driving is necessary, use methods that minimize noise and are confined to limited periods of time and incorporate all actions needed to protect the federally endangered Ridgway's rail. See 2f below.

- d. Do not permit night-time construction activities along the shoreline to avoid impacts on night-active species in the marshes. If any exceptions to night-time construction activities, require that all needed lighting be shielded, directed down and away from the sensitive habitats.
- e. Landscapers should not use blowers near the wetlands as the practice will send seeds, dust, and other contaminants into the wetlands. Blower noise would also disrupt the quiet of the shoreline environment for people and wildlife.
- f. Construction and noise require all appropriate protections for the federally endangered Ridgway's rail. The BRA of shoreline projects must (1) include rail surveys to establish existing conditions and again prior to any noise or other marsh impacts, (2) observe nesting season construction restrictions if the rails are within 700' and (3) work in consultation with the US Fish and Wildlife Service before and throughout construction activity having any potential impacts.
- g. Consistent with 2013 RBDSP Policy LU-9.4, the SEIR should establish development standards that ensure adequate "Rights-of-way" for SAFER project preferred-design levees and be sufficiently wide on the upland side to allow for future levee widening to support additional levee height and ensure that no fill for levee construction or widening is placed in the Bay. Please see further comments under Land Use and Planning.

### Bird Safety

Human infrastructure threatens communities and ecosystems with significant impacts. Collisions with buildings alone kill nearly 1 billion birds per year, highlighting the necessity for bird-safe design to protect local and migratory bird populations. Please study any potential impacts of the project's design on bird populations, such as the likelihood of bird-strikes. Consider the following policies as mitigation:

1. The applicability of the Bird-safe policy of the 2013 RBDSP should be expanded to include all commercial development regardless of habitat proximity.
2. For residential development, we ask for the addition of bird-safe design requirements for developments within 300-ft from riparian habitats, wetlands and open space.

### Light Pollution

Artificial light at night from this infrastructure causes significant impacts. Light disrupts the circadian rhythm of living beings which can impact mating, foraging, and migration behaviors, sometimes with lethal results. Light pollution has also been correlated with increased cancer risks and hormone disruption in humans. To mitigate these impacts, we recommend that the impacts of light pollution be studied and that the following standards be established.

1. Require shielded lights and prohibit up-lighting.
2. All lighting shall have a correlated color temperature of 2700 Kelvin or less City-wide.

3. All lighting shall be angled downwards and facing away from the Bay or other habitat areas<sup>7</sup>.
4. Timers, dimmers, shades, and occupancy sensors should be used in commercial buildings to ensure that lights are turned off when buildings are not in use. Non-essential lights should be turned off at 10pm.
5. Lighting fixtures should be coordinated with street tree placement and species.
6. Construction lighting should not be exempted from outdoor lighting standards in shoreline areas within the plan area.

### Shading

Analyze and mitigate daylight attenuation impacts on the health and survival of the bayland ecosystem due to shadowing by tall adjacent buildings. Studies have shown the importance of sunlight<sup>8</sup> to estuarine ecosystems and that shadowing from bridges<sup>9</sup> and docks<sup>10</sup> can negatively affect plant growth and invertebrate density in estuarine ecosystems. By extension, tall buildings along East Palo Alto's treeless marsh plain that thrives in open sunlight are likely to introduce even broader shadow impacts. Please include shadow studies to analyze shading impacts on the baylands from buildings. Mitigations should include setback standards that apply to shoreline projects developed under the RBDSP and also require stepped-back heights for building design as well as avoidance of recreation or other features that extend over bayland habitat.

### Glare and lightcast

Analyze and mitigate glare and night light cast from windows with building design guidelines that avoid both impacts on surrounding natural communities especially marsh wetlands.

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<sup>7</sup> This aligns with East Palo Alto Municipal Code Section 18.34.110 - Outdoor Light and Glare: All outdoor lighting shall be arranged so as to keep light directed only on the subject property. It is unlawful to create illumination exceeding 0.1 foot-candles on any adjacent property. It is unlawful to create or allow direct glare, whether from floodlights or from high temperature processes (e.g., combustion, welding, etc.) visible at the property line in violation of Section 18.34.110

<sup>8</sup>Thom et al. 2008 Light Requirements for Growth and Survival of Eelgrass *Zostera marina* L in Pacific Northwest USA Estuaries

[https://www.researchgate.net/publication/226247644\\_Light\\_Requirements\\_for\\_Growth\\_and\\_Survival\\_of\\_Eelgrass\\_Zostera\\_marina\\_L\\_in\\_Pacific\\_Northwest\\_USA\\_Estuaries](https://www.researchgate.net/publication/226247644_Light_Requirements_for_Growth_and_Survival_of_Eelgrass_Zostera_marina_L_in_Pacific_Northwest_USA_Estuaries)

<sup>9</sup> Broome et al. 2005 Effects of Shading from Bridges on Estuarine Ecosystems. CTE/NCDOT Joint Environmental Research Program Final Report

<https://connect.ncdot.gov/projects/research/RNAProjDocs/2001-12FinalReport.pdf>

<sup>10</sup> Logan et al. 2017 Effects of Docks on Salt Marsh Vegetation: An Evaluation of Ecological Impacts and the Efficacy of Current Design Standards <https://www.mass.gov/doc/effects-of-docks-on-salt-marsh-vegetation-an-evaluation-of-ecological-impacts-and-the-efficacy/download>

### Pesticides and rodenticides

Analyze and mitigate both pesticides and rodenticides with avoidance practices as each is known to kill desired species, directly or indirectly. Pesticides used along the often windy shoreline can both impact habitat and become a water quality contaminant.

## **GEOLOGY AND SOILS**

Please see Hazards and Hazardous Materials, below.

## **HAZARDS AND HAZARDOUS MATERIALS**

### **The Ravenswood District Specific Plan SEIR should evaluate the cumulative impacts of all hazardous waste sites and other chemical pollution within the Plan Area**

1. Due to chemical contamination of large areas of the Plan Area by past and ongoing land uses, it is critical that the SEIR evaluate the impact of hazardous chemicals on anticipated future land uses. It is not appropriate to defer those evaluations to the project-specific EIRs, as the Plan's development goals may not be realistic or economically feasible due to the decades-long timeframes and high costs of site remediation. Additionally, the SEIR should address the cumulative health and environmental impact of pollutant releases from multiple hazardous waste sites within the Plan Area.

The SEIR should address the following topics related to hazardous chemicals within the Plan Area should:

Evaluate the suitability of properties within the Plan Area for future development using current toxicity values published by the USEPA and DTSC. The cleanup requirements for the Rhone-Poulenc<sup>11</sup> and Romic<sup>12</sup> sites are based on toxicity screening values for cancer risk, noncancer health impacts, and estuarine protection from 1988 (Rhone-Poulenc) and 2004 (Romic), respectively. If more health-protective values have since been published, the contractor should use those values to assess the risk associated with future land uses.

1. Anticipate likely near-term changes to cleanup requirements based on toxicity assessments currently in progress at USEPA or DTSC. Several examples follow:

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<sup>11</sup> *UNITED STATES OF AMERICA, Plaintiff, vs. STARLINK LOGISTICS, INC., Defendant. Consent Decree.* [https://elr.info/sites/default/files/doj-consent-decrees/r\\_starlink\\_logistics\\_inc.\\_consent\\_decreefinal.pdf](https://elr.info/sites/default/files/doj-consent-decrees/r_starlink_logistics_inc._consent_decreefinal.pdf)

<sup>12</sup> *Land Use Covenant and Agreement, Environmental Restrictions, and Final Remedy Decision for Former Romic Environmental Technologies Corporation Facility, East Palo Alto, California.* <https://19january2017snapshot.epa.gov/www3/region9/waste/romic-eastpaloalto/pdf/Romic-Decision-Comment-Response.pdf>

- a. The IRIS reevaluation of inorganic arsenic, expected to be completed in the next year, may result in more stringent soil and groundwater cleanup levels. This would impact the Rhone-Poulenc site, where arsenic at up to 500 parts per million remains in subsurface soils.
  - b. USEPA has declared the intention to add two chemicals within the category of Per-and-poly-fluorinated alkyl substances (PFAS) to the RCRA and CERCLA hazardous chemicals lists in 2022, and to promulgate Ambient Water Quality Criteria for those chemicals. The Romic facility treated wastes from electronics manufacturing, which could indicate the presence of PFAS in soil and groundwater at this site. New site investigations could be required to determine if these chemicals are present in soil and groundwater, as well as in adjacent estuarine waters and sediments.
2. Evaluate the impact of land covenants or deed restrictions on the entire Plan Area. The Romic site (12.6 acres) and Rhone-Poulenc site (5 acres) have land covenants or deed restrictions prohibiting many land uses, and that also prohibit any activities disturbing soil or pumping groundwater without written permission from the regulator. Construction of multi-story buildings on soil prone to liquefaction will require extensive boring and dewatering.
3. Evaluate the impact of construction activities and new construction across the Plan Area on the following:
  - a. **Compatibility with existing remediation and groundwater monitoring systems**

Construction activities and new construction should not damage or prevent operation of existing remediation and monitoring systems, such as impermeable caps, monitoring wells, or the biobarrier at the Romic site that is attempting to prevent pollutants from entering the Eastern Slough. In addition, redevelopment should not be allowed to prohibit, limit, or significantly complicate future environmental remediation.
  - b. **Changes to groundwater flow directions or rates due to pumping for borehole drilling and dewatering of building foundations**

Consolidation of soils by dewatering and placement of building foundations will create a subsurface barrier, shifting groundwater flow.
  - c. **Transport of contaminated soils as dust to adjacent residential neighborhoods, schools, sensitive or vulnerable populations, and wetlands**
  - d. **The potential for subsurface utilities such as sewers or electrical lines to act as conduits for transport of hazardous soil vapors into buildings**

This is of particular concern at the Romic site, which has both a dense non-aqueous phase layer (DNAPL) of halogenated solvents such as trichloroethene

(TCE) at the bottom of several aquifers and a floating oil layer atop the groundwater that may contain toxic pollutants such as benzene and toluene.<sup>13</sup>

4. Address the potential human health and environmental impacts of the current and historical auto salvage yards and other industries that bordered the western and southern sides of the Romic site<sup>14</sup>, and were not investigated in the Romic assessment. Several of those properties have deed restrictions.<sup>15</sup> Pollutants commonly present at auto salvage sites include oil, heavy metals, ethylene glycol, and arsenic.<sup>16</sup>
5. Investigate the transport of hazardous substances from the Plan Area to estuarine sediments and waters. Neither the Romic nor the Rhone-Poulenc site actions included an assessment of sediment contamination or water quality in estuarine channels adjacent to those sites. The 2008 Romic remediation plan states that such an assessment would take place at a future date, but as of 2022 that has not occurred. The Plan EIR contractor should evaluate cumulative impacts to aquatic species from all pollution sources on the East Slough and other waters that could potentially receive groundwater or surface runoff from the Plan Area. Eventually, there will need to be a long-term monitoring plan for estuarine water quality.

**The SEIR should evaluate the potential for sea-level rise to worsen pollution of surface soils within and beyond the Plan Area.**

Sea-level rise is projected to lead to increased direct flooding of the Plan Area (see Figure 1), which is already at risk from King Tides and storm surges. Without raised levees or other shoreline protection along the entire bayfront, future development will be at risk from more frequent floods. A less recognized hazard that should be evaluated in the Plan EIR is groundwater flooding and the potential for rising water tables to bring buried pollutants to the ground surface and to transport additional pollutants into wetlands. Land within the Plan Area is likely to experience groundwater flooding with a 1-meter rise in sea level.<sup>17</sup> In the East Bay, groundwater bubbling out of manhole covers has been reported 250 feet from the shoreline.<sup>18</sup> Rising water tables and tidal fluctuations could move contamination from buried soils to the surface and force hazardous vapors along utility conduits into buildings. The Plan EIR should include a detailed hydrologic evaluation of this potential pathway for chemical exposures.

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<sup>13</sup> *First Semiannual 2021 Groundwater Monitoring and Remediation Evaluation Report, Bay Road Holdings Site, 2081 Bay Road, East Palo Alto, California. August 16, 2021.* <https://www.epa.gov/ca/bay-road-holdings-llc-formerly-romic-environmental-technologies-corporation>

<sup>14</sup> Google Earth Historical Imagery, October 1991.

<sup>15</sup> State Water Resources Control Board Geotracker. <https://geotracker.waterboards.ca.gov/>

<sup>16</sup> [https://www3.epa.gov/npdes/pubs/sector\\_m\\_autosalvage.pdf](https://www3.epa.gov/npdes/pubs/sector_m_autosalvage.pdf)

<sup>17</sup> Plane, E., Hill, K., and C. May. "A Rapid Assessment Method to Identify Potential Groundwater Flooding Hotspots as Sea Levels Rise in Coastal Cities." *Water*. 2019, 11, 2228.

<sup>18</sup> "Groundwater and sea level rise: What's at risk?" Kristina Hill, UC-Berkeley. *Sea Level Rise and Shoreline Contamination Regional Workshop*, December 2021.



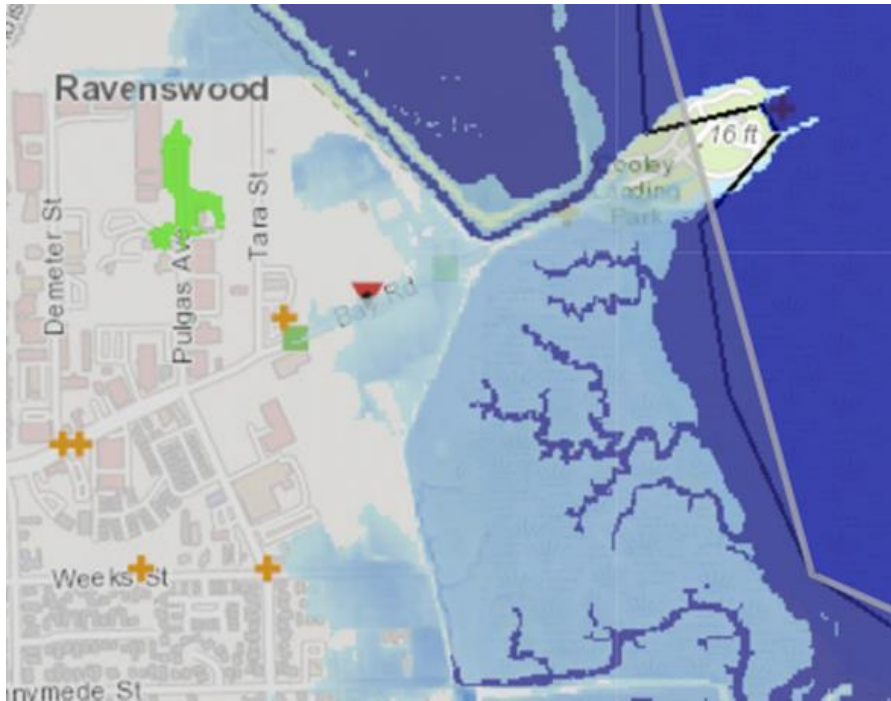


Figure 1. Projected flooding (blue shading) with 1-meter sea-level rise (<https://cimc.epa.gov/>)

**BioScience projects may bring heightened safety risks due to sea level rise and associated groundwater rise.**

Please evaluate and mitigate potential safety risks related to an expansion of life science/lab facilities in the plan area. In an urbanized setting, the biological materials being studied could become a regional health hazard if allowed to escape. Furthermore, siting of such facilities in shoreline areas, identified as flood zones, can create vulnerabilities for the Bay ecology as sea levels rise and 100-year flood events occur with increased frequency; placement in areas where soil liquefaction in seismic events could lead to structural failure also pose heightened biosafety hazards. Please consider guidance in the attached April 11, 2022 letter to East Palo Alto.

**HYDROLOGY AND WATER QUALITY**

**Stormwater Services**

As part of its analysis of EPASD Sewer Services, the LAFCo MSR<sup>19</sup> reviewed and described other service systems in East Palo Alto including Stormwater Services. Those findings identified several vulnerabilities that could impact the RBDSP area and that should be analyzed in the SEIR. Notably and related to the RBDSP, the MSR discussion noted risks associated with City location by the Bay, sea level rise, and deficiencies of the pump station and storm drain system. Currently 56% of the City is designated at elevated risk of flooding.

<sup>19</sup> LAFCo Municipal Service Report, East Palo Alto Sewer District: p. 74

## Areas of Concern

### O'Connor Street Pump Station improvements

This is the stormwater system's sole pump station, draining into San Francisquito Creek. The MSR cited the City's 2015 Storm Drain Master Plan as a resource that identified in good detail improvements needed in the Stormwater System including the pump station. East Palo Alto has made some improvements recently and is planning more work in 2022-2023. Equipment in the facility, such as its water pumps, no longer work efficiently and thus pose risk to the community upstream in major storm events. As this is critical infrastructure and an existing condition, the SEIR needs to discuss and analyze potential impacts if the pump station continues in status quo.

### Storm drain deficiencies

The MSR discussion describes the entire stormwater system of which the RBDSP area is a major component. The city-wide system of drainpipes includes some 430 nodes (manholes, inlets, similar). Of those, modeled analysis identified 68 nodes where some level of flooding could be expected. Among those, 33 would be locations of flooding of one foot or more. In the SEIR, analysis should identify impacted nodes within the RBDSP area and provide a map to show locations inclusive of degree of risk such as the depth of potential flooding.

### **Climate Challenge: Water above and below ground**

Associated with climate change, meteorological shifts have already changed the local climate: extended periods of drought and less frequent but intense, major storms or sequential storms such as last October's atmospheric river. Such storms test local stormwater systems and, by infiltration, sewer systems and produce surface ponding and localized flooding. Steadily, over the decades of development envisioned for the RBD, rising groundwater (subsurface aquifers) will exacerbate the problem. For the RBDSP, the SEIR needs to set a framework for development actions that can adapt and survive these climate changes and to preserve the outcomes the Specific Plan pursues.

An important reference to consult is a report prepared by the San Francisco Estuary Institute for the City of Sunnyvale: Sea-level rise impacts on shallow groundwater in Moffett Park.<sup>20</sup> This report is specific to findings in Moffett Park but its analysis is useful, discussing potential impacts and adaptation action for development. Notably its sources for groundwater data are from existing well databases, not involving any physical hydrologic study. SFEI has consulted with East Palo Alto on urban ecology and should be on groundwater risk planning. Although, in the scoping meeting, Troy Reinhalter said that there would be no groundwater study, we urge

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<sup>20</sup> SFEI et al, Sea-level rise impacts on shallow groundwater in Moffett Park, November 2021; <https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/61a7b37743ec4b770e11ee73/1638380421678/Moffett+Park+Specific+Plan+Groundwater+Addendum.pdf>

the project team to reconsider that decision so that the RBD might benefit from that baseline preparation for the future.

As food for thought, here is the list of potential impacts compiled in the SFEI report:

- Corrosion. Salinity impacting below ground infrastructure
- Buoyancy. Buoyant force impact on foundations, buried utilities and pipes, roads
- Seepage. Seepage into subsurface structures, floors, walls
- Infiltration: Infiltration into stormwater and sewage pipelines reducing capacity
- Liquefaction: Higher water tables increase liquefaction risk
- Damage to vegetation: Saturated soils and/or higher salinity can impact plants
- Contaminant mobilization: Movement in existing remediation or of unidentified contaminants
- Emergence flooding. Site-dependent; even non-emergent levels can exacerbate surface flooding

Again, given the RBDSP hydro-geologic location, we strongly urge inclusion of groundwater analysis in the SEIR and use it to set an adaptive framework for RBDSP area development.

## LAND USE AND PLANNING

### Consider shoreline overlay to accommodate SAFER Levee and avoid Bay fill.

In the 2013 RBDSP on p. 73, the City established the following policy:

Policy LU-9.4: For development projects within the BCDC jurisdiction:  
New projects on fill or near the shoreline should either be set back from the edge of the shore so that the project will not be subject to dynamic wave energy, be built so the bottom floor level of structures will be above a 100-year flood elevation that takes future sea level rise into account for the expected life of the project, be specifically designed to tolerate periodic flooding, or employ other effective means of addressing the impacts of future sea level rise and storm activity. **Rights-of-way for levees or other structures protecting inland areas from tidal flooding should be sufficiently wide on the upland side to allow for future levee widening to support additional levee height so that no fill for levee widening is placed in the Bay.** (emphasis added)

This policy statement makes several important points. Sufficient land width must be provided for flood protection structures and no fill is to be placed in the Bay. In 2013 the SAFER Bay levee was already under discussion through the San Francisquito Creek Joint Powers Authority (SFCJPA) and was anticipated to protect a flood-weary city from oncoming sea level rise. Even in 2013 the City anticipated, as reflected in LU-9.4, that the original levee, when built, would subsequently require added height and width.

Time has moved on. The SFCJPA completed a feasibility study and its NoP for a programmatic EIR has been released concurrent with the scoping period of the RBDSP Update. Clearly much more is known about the SAFER levee and requirements of its construction.

The LAFCo MSR discussion mentioned that, since 1940, City residents have suffered through eight major flood events, all fluvial. As is well understood and the purpose of the SAFER levee, City residents, schools and businesses require this sea level rise protection, need it as a priority construction for long-term health and safety.

It is time to use recent, available information to define and apply a land use overlay preserving lands for the SAFER levee and critical community protection and to update or replace LU-9.4 using that information.

**Reserve land for the SAFER levee.** To date neither the 2013 RBDSP nor any other City document identifies and protects land needed to prepare the City for sea level rise. In recent years, the City has seen multiple proposals from developers whose projects encroach on the shoreline, allowing only sufficient land for the Bay Trail with no set aside for the City's critical levee infrastructure.

**SAFER levee width.** In a discussion with the Tess Byler,<sup>21</sup> SAFER Project Manager for the SFCJPA, we learned that the SFCJPA's *preferred* engineered levee design would be a structure with a 3:1 slope, 20' wide upper surface. Such a structure could have a width footprint of potentially 100' or more particularly if including the width for height requirements of the 2013 LU-9.4. In comments about flood walls (vertical structures), we learned they were not preferred but would be used where shoreline space is limited such as the bayward side of the PG&E substation on Bay Road. **We recommend that the SEIR analysis include discussions with the SFCJPA to directly acquire data to be used to define the width of land that needs to be reserved for the levee.** The same conversations should substantiate the value the preferred levee type provides to the City and its residents.

**SAFER levee location.** As stated in the existing LU-9.4, the City does not want any fill for levee construction put into the Bay. That reference was speaking only to the addition of height to a future levee. Revisions need to include all actions regarding the levee including original construction. Regulatory oversight for the SAFER levee is coordinated by the BIRRT (Bay Integrated Restoration Regulatory Team), a team composed of representatives of all regulatory agencies that have Bay responsibilities. We learned that the SAFER project has committed to the BIRRT that the levee will not be built in Bay wetlands. As such, the City must set aside sufficient land that lies inland from the Bay wetland edge and without regard to existing locations of the Bay Trail or the BCDC band. For SEIR analysis, here again discussions with the SFCJPA are essential.

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<sup>21</sup> Virtual meeting, Tess Byler, SFCJPA, 04/19/22

**SAFER levee and the BCDC band.** There is a popular misunderstanding that the BCDC band is the only jurisdiction affecting where development can occur on the shoreline. The SAFER Bay levee is critical city infrastructure, the project has initiated CEQA and levees are already being built or planned in other Bay locations. For the SEIR, analysis should include discussion with BCDC to clarify jurisdictional status regarding the levee in addition to discussions with the SFCJPA.

**We strongly recommend that the RBDSP Update adopt specific SAFER levee guidelines and establish a dedicated levee right-of-way.**

**SAFER levee and the Loop Road.** Considering the levee needs discussed above, it is apparent that lands proposed for the Loop Road in the 2013 RBDSP will be needed for construction of a levee that will protect the University Village area. It is our recommendation that that is the best and highest use of the “Loop Road” location. **The SEIR should update the Loop Road analysis accordingly.**

## **POPULATION AND HOUSING**

Given the substantial proposed increase in development intensity under the RBDSP Update, the SEIR should study the expanded project’s impact on city-wide and regional jobs/housing balance and evaluate and mitigate displacement impacts as well as gentrification impacts due to poor jobs match and proposed new amenities.

## **PUBLIC SERVICES**

Please evaluate the potential for the RBDSP Update to necessitate the expansion or construction of additional facilities or services and include potential new facilities for public safety services, schools, community services and similar institutions. in the Water Supply Assessment.

## **RECREATION**

East Palo Alto is currently well below the City’s target ratio of 3.9 acres of parkland per 1,000 residents. The 2013 Specific Plan proposed adding 30 acres of new parks and trails. Because the RBDSP Update scenarios anticipate much more residential and commercial growth in the plan area, the SEIR should evaluate how park and recreation facilities in the plan area will fulfill the Specific Plan’s goals and parkland requirements. The SEIR should:

1. Analyze what the potentially underserved recreational needs are for future residents, employees, and visitors to the Plan area and evaluate the need for additional parkland and recreation facilities (including access and parking) to accommodate increased demand.

2. Evaluate the impacts of increased resident and employee recreational activity on the quality and accessibility of recreational facilities in and near the Plan area including libraries, community centers, Cooley Landing, Ravenswood Open Space Preserve, the Bay Trail, and Jack Farrell Park. Include mitigations to maintain service levels and address increased wear and tear on existing nearby facilities.
3. Consider the mitigation potential of recreational open space along the bay front serving as temporary stormwater catchment areas for flooding in extreme storm events.

## **TRANSPORTATION**

1. Loop road: Analyze whether the loop road indicated around the west side marsh can be built on existing land and if so, whether it is feasible without taking space from the backyards of residences (using eminent domain), impacting adjoining wetlands or obstructing alignment of the planned SAFER Bay levee along the planned route.
2. If a loop road is included, provide traffic studies for traffic that such a loop road would carry (especially during commute hours), and the safety impacts on the adjacent neighborhood, from cut through traffic generated by the loop road.
3. Analyze traffic studies with no loop road. See comments under Land Use, above.
4. Analyze potential for including a safe slow network of streets with slow auto traffic, pedestrian priority and safe bike lanes to encourage mode shift away from auto usage.
5. Analyze the effectiveness of including wider sidewalks and adequate street lighting to encourage safe walking on streets that would benefit from these amenities.

## **UTILITIES AND SERVICE SYSTEMS**

### **Impact of rising groundwater**

The RBDSP area is served by a variety of utilities that rely on underground conduits and other utilities that may be seriously impacted by rising groundwater associated with sea level rise. Please see the rising groundwater discussion in our comments on Hydrology and Water Quality.

### **Sewer System Analysis**

Recently, San Mateo County LAFCo released a draft Municipal Services Report<sup>22</sup> (MSR), an updated review of sewer services provided by the East Palo Alto Sanitary District. EPASD is the primary sewer service provider for the RBDSP area. The MSR's Summary<sup>23</sup> includes a long list of issues of concern and companion list of recommendations. Currently management of action on the issues is in the hands of EPA SD. Per the MSR, that management could be in the hands

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<sup>22</sup> SMC LAFCo, draft MSR Update, East Palo Alto Sewer District: [https://www.cityofepa.org/sites/default/files/fileattachments/city\\_manager039s\\_office/page/21302/epa-epasd-wbsd\\_msr-update\\_2022-03-28\\_draft.pdf](https://www.cityofepa.org/sites/default/files/fileattachments/city_manager039s_office/page/21302/epa-epasd-wbsd_msr-update_2022-03-28_draft.pdf)

<sup>23</sup> LAFCo Municipal Service Report, East Palo Alto Sewer District: pp. 96-99, "Summary of East Palo Alto Determinations"

of the City of East Palo Alto through an available LAFCo action that would transfer jurisdictional authority.

#### Deficiencies of the EPASD sewage collection system

It is a serious health and safety concern that, as reported in the MSR,<sup>24</sup> 70% (~21 miles) of the existing EPASD sewer system has a carrying capacity that is substandard at 6" diameter, needing upgrading to 8", and increasing the risk of surcharge or overflows during major storm events. Additionally substantial but unidentified parts of the collection system are still composed of the original clay pipe with brick and mortar manholes, aged infrastructure that is at high risk of failure.

1. **The SEIR should analyze and provide a baseline of existing location and physical conditions of the sewer services, especially for the EPASD-served area.** The analysis should provide maps of the existing sewer pipeline system showing where it is located and what is known about pipe conditions. Even if EPASD cannot or will not provide all the necessary data (as the MSR reported), analysis should report all pipeline data that is available, provide a method to add pipeline data for planning use as it becomes available and evaluate impact significance arising from lack of data.
2. The West Bay Sanitary District (WBSD) provides sewer services to a small portion of the RBDSP area. As such **the SEIR analysis should include a description of that service area, primarily the University Village area including certain adjoining lands on the shoreline.** In its discussion of WBSD,<sup>25</sup> the MSR remarks mention that collection capacity issues exist in that system as well but without identifying location. A map of that collection system with locations of substandard pipelines, if any exist in the RBDSP area, should be included. WBSD is a significantly larger service that the MSR discussion describes as better managed and generally more reliable.
3. New RBDSP Utility Policy: One action taken in the SEIR can be to create a new utility policy establishing a process toward resolution of significant sewer services impacts. In addition to condition issues already discussed, the MSR exposes a wide-ranging list of deficiencies that together indicate that the EPASD, as current service provider, is unable or unlikely to fulfill requirements in the RBDSP area. The Specific Plan should analyze and address that issue as a priority. **We suggest that the RBDSP Update include a new policy**, such as the following:

The City of East Palo Alto will pursue actions to improve sewer services for health and safety reliability, timeliness for new tie-ins and expansion of collection capacity for the purpose of providing for community quality of life and economic growth.

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<sup>24</sup> LAFCo Municipal Service Report, East Palo Alto Sewer District: p. 105, "Wastewater Services"

<sup>25</sup> LAFCo Municipal Service Report, East Palo Alto Sewer District: p. 155

Thank you for the opportunity to submit comments on the RBDSP Update NOP. We look forward to continued engagement in the Specific Plan Update process and review of the draft SEIR.

Sincerely,



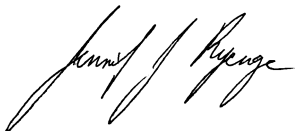
Jennifer Chang Hetterly  
Campaign Lead, Bay Alive  
Sierra Club Loma Prieta Chapter



Eileen McLaughlin  
Board Member  
Citizens Committee to Complete the Refuge



Alice Kaufman  
Policy and Advocacy Director  
Green Foothills



Jennifer Rycenga  
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Curt Riffle  
Pete Siemens

May 13, 2022

City of East Palo Alto, Planning Division  
1960 Tate Street (Attn: RBD Project)  
East Palo Alto, CA 94303  
Submitted via email: [rbd@cityofepa.org](mailto:rbd@cityofepa.org)

**Re: Notice of Preparation of a Supplement Environmental Impact Report (SEIR)**

To Whom It May Concern,

On behalf of the Midpeninsula Regional Open Space District (Midpen), we respectfully submit the following comments regarding the Notice of Preparation (NOP) of a Supplement Environmental Impact Report (SEIR) for the Ravenswood Business District (RBD) / 4 Corners Transit-Oriented Development (TOD) Specific Plan Update (Specific Plan Update).

Preserving nearly 65,000 acres of open space on the San Francisco Peninsula, Midpen is one of the largest regional open space districts in California. Our mission is:

*To acquire and preserve a regional greenbelt of open space land in perpetuity, protect and restore the natural environment, and provide opportunities for ecologically sensitive public enjoyment and education.*

Located immediately adjacent to the RBD Specific Plan Update area, Ravenswood Open Space Preserve (Ravenswood Preserve) and Ravenswood Bay Trail offer much needed open space, natural ecosystems, protected sensitive habitat and wetland areas, as well as public recreational trails and community benefits to city residents, employers and workers. There has been significant public investment in the Ravenswood Bay Trail, including funds from the voter-approved Measure AA general obligation bond, San Mateo County Measure K, Santa Clara County Stanford Mitigation Fund, California Natural Resources Agency grant, Caltrans Mitigation Fund, and Facebook. The Ravenswood Bay Trail was completed and opened to the public in August 2020. This newest trail segment, closing a critical 0.6-mile gap to connect 80 miles of continuous San Francisco Bay Trail, has enhanced land that was once a diked, working salt pond and is now restored to a thriving tidal marsh habitat for countless waterbirds and other wildlife. Our mission-driven work, which is consistent with the City's 2013 RBD Specific Plan and City of Menlo Park's Bay Trail Feasibility Study, has built a beautiful new trail, bridge and boardwalk that expand community access to nature close to many neighborhoods within East Palo Alto and the Belle Haven community of Menlo Park.

We would like to highlight the critical importance of continuing to protect the natural-systems and community-serving infrastructure found at Ravenswood Preserve, including the connection to the San Francisco Bay Trail, tidal marshes and wetlands, and sensitive species and habitats, to ensure the ongoing health and sustainability of local communities and native wildlife. Use of

best management practices and infrastructure design in the wildland urban interface is encouraged to protect sensitive habitats.

As stated in the NOP,

[T]he proposed update to the Specific Plan would increase the total amount of development allowed within the Specific Plan area by increasing the maximum square footages for office, research and development/life science, light industrial, civic/community, tenant amenity, and the total number of residential units allowed to be developed within the Specific Plan area. The SEIR will evaluate two scenarios for non-residential development consisting of 2.82 million square feet of office and Research and Development (R&D) and 3.35 million square feet, respectively. The SEIR will also evaluate two scenarios for residential development consisting of 1,350 residential units and 1,600 residential units, respectively. The project will also include comprehensive utility, infrastructure, transportation, and sea level rise improvements.

Based on the stated project description in the NOP, the City should conduct the following studies and include their findings in the SEIR.

### **Biological Resources**

Ravenswood Preserve contains critical wildlife habitat for many native species and due to the proximity to the RBD Specific Plan Update area, Midpen recommends studying both shade and light pollution impacts for development near the bayfront. We are concerned that building heights could lead to significant shade impacts to the Preserve and adjacent sensitive bayland habitats. We urge the City of East Palo Alto (City) to conduct a study to determine the extent of shade impacts to these delicate habitats, which harbor federally-endangered and protected species, including Ridgway's rail and salt marsh harvest mouse.

The SEIR should consider impacts to local and migratory birds who may be affected by new development near the bayland. Bird safe design mitigations can be included in the RBD Specific Plan Update to mitigate bird strikes and other bird impacts from light, noise, window glaze reflection, and increased urban predation. In analyzing impacts on birds and aquatic habitats, Midpen recommends that the City consider measures to address bird safety around buildings in the Specific Plan Area:

- Apply bird-safe treatments to windows and glass (glazing) features.
- Point external lights towards the ground, never emitting light upwards.
- Shield light fixtures to reduce glare ensuring the majority of light is directed at the intended area, which will also promote energy efficiency.
- Use motion activated lights to ensure light is emitted only when needed for both indoor and outdoor uses.
- Use green or blue external light when possible. Other wavelengths are more disorienting to birds, especially white and red.
- Avoid the use of spotlights or searchlights during migratory season; only use when needed for security.
- Use flashing or interrupted external light beams, rather than continuous beams.
- Use wildlife-proof trash containers to prevent the congregation of opportunistic animals that may prey on native wildlife. Enforce no feeding of wildlife or feral cats.

## **Hydrology and Water Quality**

Midpen appreciates the City incorporating new relevant data into the SEIR, including the Sea Level Rise/flood plain maps, *Strategy to Advance Flood protection, Ecosystems and Recreation along the San Francisco Bay* (SAFER Bay) levee alignment and design, and FEMA 2.0 data. Incorporating sea level rise adaptation strategies into the SEIR for inclusion in future development plans will protect both the EPA community and infrastructure. Midpen encourages the use of storm water detention basins and other low-impact designs as mitigation measures to minimize storm water runoff issues arising from hardscaping of new development projects.

We strongly recommend that the City work closely with the San Francisquito Creek Joint Powers Authority (SFCJPA) to evaluate potential flood protection measures for the built environment that are fully protective of the adjacent sensitive wetland and tidal marsh lands and that these be integrated as potential shoreline protection measures in the Specific Plan Update. Given the highly sensitive and regulated resources found on Midpen lands, Midpen should be included in discussions with the City and SFCJPA to ensure that the natural resource values are well protected into the future. Other key stakeholders that would likely need to be included in these discussions given their proximity and regulatory oversight include the City of Menlo Park, San Francisco Public Utilities Commission, SamTrans, Bay Conservation Development Commission, Regional Water Quality Control Board, U.S. Fish and Wildlife Service and California Department of Fish and Wildlife.

## **Noise/Vibration**

The Ravenswood Preserve provides a tranquil nature experience for the community and for maintaining critical wildlife habitat. Midpen recommends any construction noise near the bayfront be studied for impacts to both recreational users and wildlife. The study should consider nesting bird seasons, impacts to small breeding mammals like salt marsh harvest mouse, and other sensitive species who may be directly impacted by noise or vibration. In addition to construction noise, the City should study the type and length of time associated with noise impacts resulting from the proposed uses listed in the NOP (office, research and development /labs, light industrial, retail, civic and housing).

The City should also notify Midpen of proposed developments adjacent to open space preserves for the opportunity to review and comment.

## **Transportation**

The SEIR should include a study of equitable transportation and public access to the bayfront, providing continuous public access through development areas to the shoreline. Any new development plans should ensure the bayfront is accessible and welcoming to East Palo Alto residents and those visiting the area. The SEIR should analyze any proposed Project impacts to pedestrian and bicycle connectivity in the area.

Currently, the neighborhood experiences limited access and parking for both Ravenswood Preserve and Cooley Landing, where the new development in the RBD Specific Plan Area will increase traffic and circulation impacts on Bay Road, which is the primary road for residents and visitors to access Ravenswood Preserve and Cooley Landing Park. Midpen would like to ensure that sufficient on-site parking and adequate circulation be provided and maintained within the new developments to minimize traffic congestion impacts to nearby facilities and neighborhoods.

In addition to the resources outlined in the NOP, Midpen recommends that the City also include Aesthetics and Recreation as key environmental resource topics to analyze in the SEIR for the following reasons.

### **Aesthetics**

The 2013 Specific Plan (Figure 6-2) identified three key viewsheds that should be preserved from the Specific Plan Area to Ravenswood Open Space Preserve and the San Francisco Bay, where the Northern Viewshed is aligned with the Bay Trail, Central Viewshed aligned with a proposed new street and Southern Viewshed aligned with Bay Road. The SEIR should evaluate the aesthetic impacts to these viewsheds that may result from the proposed Project. Key viewsheds from the proposed Project should maintain continuous, open views towards the bay, Ravenswood Preserve and the Bay Trail for the residents, workers and visitors in the Specific Plan Area.

### **Recreation**


The NOP does not include Recreation as one of the key environmental resource topics for the SEIR analysis. However, both Specific Plan Update SEIR Buildout Scenarios anticipate increased numbers of residents in the Specific Plan area (1,350 residential units and 1,600 residential units), which is much greater than the 835 residential units proposed in the 2013 adopted Specific Plan (19 units of Single-Family Residential and 816 units of Multi-family Residential). As a result, the SEIR should analyze the additional recreational and open space needs and impacts on the existing park, open space and trails within the vicinity of the Specific Plan Area. There will be additional demand created with the increased residential units in the area that will result in some level of impact on Ravenswood Preserve, Cooley Landing Parks, Bay Trail and other nearby park facilities.

As outlined in the 2013 Specific Plan, approximately 30 acres of new parks and trails were proposed to be added to East Palo Alto. At that time, there existed approximately 16 acres of parks in East Palo Alto. “The 2013 Specific Plan’s proposed park and trail expansion would increase the existing amount of park and trail space in East Palo Alto by nearly 200 percent, which represents the largest open space expansion to be undertaken in East Palo Alto to-date.” The SEIR should evaluate how the Specific Plan Area’s proposed park and recreational facilities will fulfill the Specific Plan’s goals and parkland requirements.

As stated in the 2013 Specific Plan, “... trails and parks should also be improved as a system for their cumulative benefit. That is to say that the proposed park and trail improvements, when designed as an open space system, will benefit East Palo Alto by providing a comprehensive and substantial alternative to driving in the Specific Plan Area, but will also result in a unique, varying and critical open space system that can serve as a model for additional Bay Area jurisdictions.” The SEIR should analyze the adequacy of the additional acreage of new parks and trails that will be proposed as part of the Specific Plan Update to meet the cumulative needs of the new residents residing (1,350 to 1,600 residential units) and new employees working in the area (2.82 million square feet to 3.35 million square feet of office and R&D space).

Midpen appreciates the City’s planning process and community and stakeholder engagement activities for the RBD Specific Plan Update. We look forward to continued engagement in the RBD Specific Plan Update and review of the draft SEIR. Please follow-up with Jane Mark, Planning Manager, on coordination meetings with the City, SFCJPA and other stakeholders. Jane can be reached at [jmark@openspace.org](mailto:jmark@openspace.org) or at (650) 625-6563. Thank you for the opportunity to submit comments on the RBD Specific Plan Update NOP.

Sincerely,

DocuSigned by:  
  
B0890649F640410...

Ana M. Ruiz  
General Manager

cc: Midpeninsula Regional Open Space District Board of Directors  
Patrick Heisinger, Interim City Manager, City of East Palo Alto  
Amy Chen, Community & Economic Development Director, City of East Palo Alto  
Elena Lee, Planning Manager, City of East Palo Alto  
Margaret Bruce, Executive Director, San Francisquito Creek Joint Powers Authority  
Lee Huo, MTC/ABAG San Francisco Bay Trail Project  
Alice Kaufman, Green Foothills  
Eileen McLaughlin, Citizens Committee to Complete the Refuge  
Jennifer Chang Hetterly, Sierra Club



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*Brad Paul*  
Deputy Executive Director, Local  
Government Services

May 13, 2022

Attn: Ravenswood Business District (RBD)  
Elena Lee, Planning Manager  
City of East Palo Alto, Planning Division  
1960 Tate Street  
East Palo Alto, CA 94303

RE: RBD / 4 Corners Transit Oriented Development (TOD) Specific Plan Notice of  
Preparation (NOP)

Dear Ms. Lee,

On behalf of the San Francisco Bay Trail, I am writing to submit comments on the NOP for the Supplemental EIR on the Ravenswood Business District / 4 Corners TOD Specific Plan (RBD Project). The Bay Trail is a joint project of the Metropolitan Transportation Commission (MTC) and the Association of Bay Area Governments (ABAG) that plans, promotes, and advocates for the implementation of the Bay Trail. The Bay Trail is a planned 500-mile continuous network of multi-use bicycling and hiking paths that, when complete, will encircle San Francisco and San Pablo Bays in their entirety. It will link the shoreline of all nine Bay Area counties, as well as 47 cities. To date, over 350 miles of the proposed Bay Trail system has been developed.

Based on the project information and maps provided within the NOP, the Bay Trail has three (3) comments:

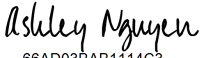
1. From Figure 3 in the NOP, the Bay Trail enters the Specific Plan area at the Bay Road crossing, and the Bay Trail is immediately adjacent to the Specific Plan area from Runnymede Street to the Dumbarton Rail Corridor. As such, the EIR should analyze any potential impacts of the RBD Project on the Bay Trail alignment and mitigate these impacts. The Bay Trail must continue to provide safe, attractive, seamless, and connected travel for pedestrians and bicyclists.
2. Further, the Bay Trail is recognized as both an important active transportation and recreational corridor as evidenced by its inclusion the MTC Regional Active Transportation Plan (forthcoming), C/CAG San Mateo County Comprehensive Bicycle and Pedestrian Plan (2021), Caltrans District 4 Bike Plan (2018), East Palo Alto 2035 General Plan Transportation Chapter (2016), Ravenswood / 4 Corners Transit Oriented Development Plan (2012), East Palo Alto Bicycle Transportation Plan (2011), and East Palo Alto Bay Access Master Plan (2007). The EIR must analyze the RBD Project's consistency and compliance with these various plans and the adopted Bay Trail alignment.
3. Per the [MTC Bay Trail website](#) interactive map, there is an existing gap in the Bay Trail north of Weeks Street consisting of a narrow dirt path in poor condition.



The RBD Project should consider improvements to this segment of Bay Trail (i.e., widening the path and improving surface quality or paving the path) to enhance connectivity to the proposed development and throughout the region.

The Bay Trail appreciates the opportunity to comment on the NOP for the RBD Project. We look forward to working with the City of East Palo Alto and the other stakeholders on this project to improve bicycle and pedestrian access along the Bay Trail. Please do not hesitate to contact Joel Shaffer of my staff at [jshaffer@bayareametro.gov](mailto:jshaffer@bayareametro.gov) or 415-778-5257 if you have any questions regarding the above comments or the Bay Trail.

Sincerely,

DocuSigned by:  
  
66AD03BAB1114C3...

Ashley Nguyen  
Director, Design & Project Delivery

**RAVENSWOOD SHORES BUSINESS DISTRICT, LLC (RSBD)**

PO Box 51862, Palo Alto CA 94303

Jeff Poetsch, President -

Phone - 650-207-4994 / email - jeffcp@earthlink.net

May 11, 2022

Ms. Elena Lee, Planning Manager  
City of East Palo Alto, Planning Division  
1960 Tate Street (attn: RBD Project)  
East Palo Alto, CA 94303

Via e-mail - rbd@cityofepa.org

RE: Comments to the Notice of Preparation ("NOP") for the Ravenswood Business District / 4 Corners Transit-Orient Development Specific Plan Update Supplemental Environmental Impact Report

Dear Ms. Lee:

Pursuant to the April 15, 2022 Notice of Preparation ("NOP") for the Ravenswood Business District / 4 Corners Transit-Orient Development Specific Plan Update Supplemental Environmental Impact Report, I wanted to raise the following issues, comments and concerns:

1. Studied versus Allowed - The NOP indicates that the current Specific Plan "allows" for development up to 1.268MM square feet of office.... - To the best of my knowledge, the 1.268MM square feet is the amount of square footage "studied" and is not referred to in the current "Specific Plan" as a "cap" or "limit". The NOP then on the following page (Page 3) states that the future allocation of development will NOT EXCEED the total cleared under the approved SEIR. I would think that the City would not want to explicitly limit development to the square footages studied but rather limit the square footage to the "impacts" that result from the square footage studied. As we know, the main determinant of the square footage to be studied currently in the SEIR, was based upon the traffic analysis - as we also know, this traffic analysis is based on "pre-COVID" traffic patterns - If actual traffic impacts remain depressed due to work from home ("WFH"), and other flex scheduling, and traffic impacts were significantly less than forecast in the studies, I'd think the City would want to have the flexibility to modify the total square footage appropriate pursuant to this SEIR.

2. Areas of Study - I'm not sure why Archeological/Cultural Resources, Biological Resources, Geology and Soils, Hazards and Hazardous Material are being reviewed under this SEIR. Nothing is changing as the result of additional square footage of development in these areas so not sure why these areas are being revisited.

3. Transportation - In this SEIR, I would suggest that Hexagon should consider lower VMT and improved LOS that result from continued impacts from WFH and flex scheduling. Analyzing traffic solely on the basis of pre-COVID traffic patterns is not comprehensive.

4. Utilities & Services - As this SEIR will be undertaking a robust analysis of the current infrastructure deficiencies, I would think this analysis would need to include a robust discussion of how these infrastructure improvements will be paid for. There is a lot less money available for these improvements (as well as community benefits) when the programed development studied is reduced.

City of East Palo Alto, Planning Division  
Notice of Preparation  
May 11, 2022

Thank you for your consideration of these issues.

Sincerely,

*Jeff Poetsch*

Jeff Poetsch, President and Executive Director  
Ravenswood Shores Business District'