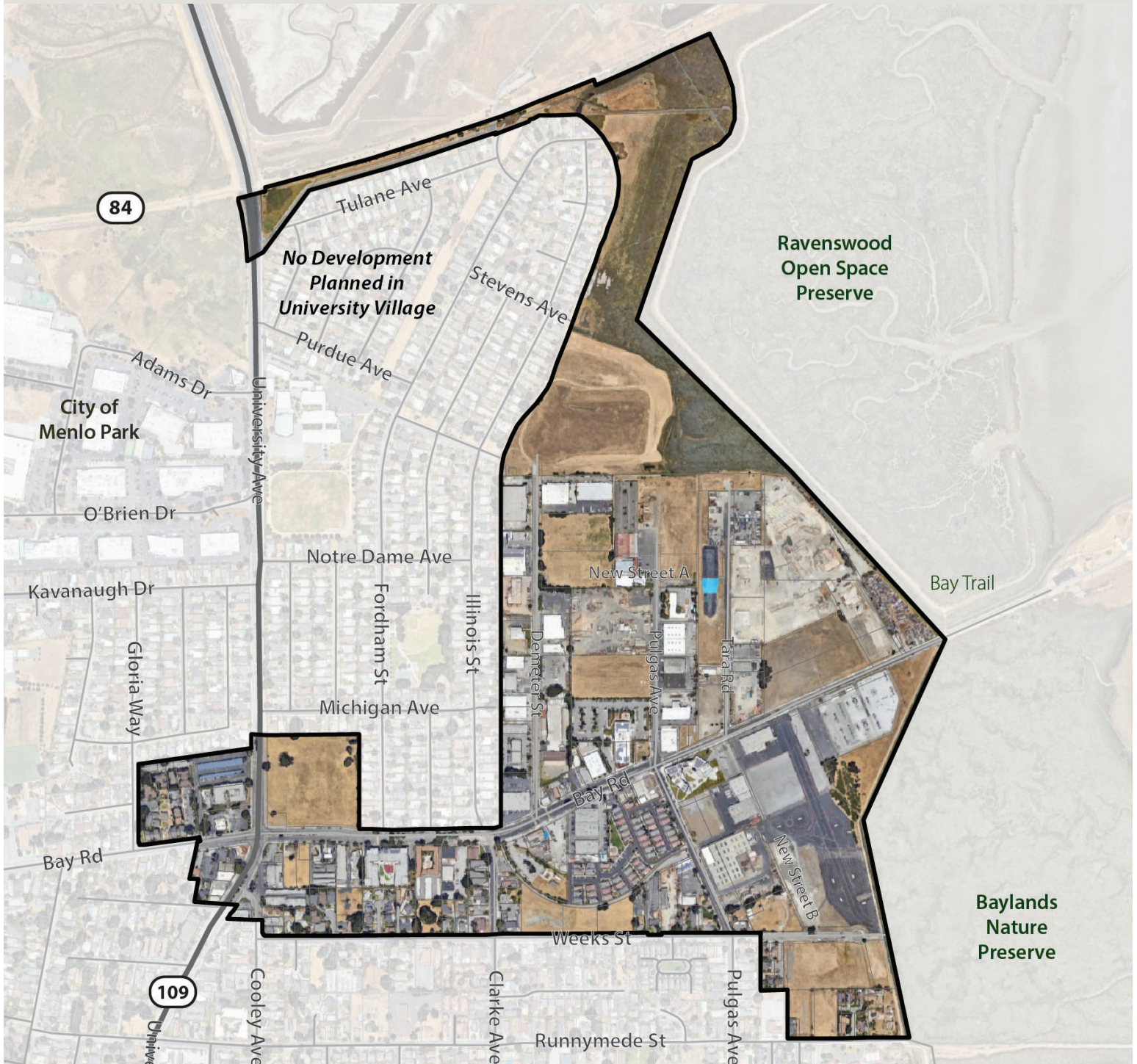


Final Subsequent Environmental Impact Report
Ravenswood/Four Corners Transit Oriented Development Specific Plan Update

SCH#: 2022040352



Prepared by

In Consultation with
DAVID J. POWERS
& ASSOCIATES, INC.
ENVIRONMENTAL CONSULTANTS & PLANNERS

November 2024



Table of Contents

Section 1.0	Introduction.....	1
Section 2.0	Draft SEIR Public Review Summary	3
Section 3.0	Draft SEIR Recipients	4
Section 4.0	Responses to Draft SEIR Comments	5
Section 5.0	Draft SEIR Text Revisions	166

Appendix A: Draft EIR Comment Letters

Appendix B: Supporting Documentation

Section 1.0 Introduction

This document, together with the Draft Subsequent Environmental Impact Report (Draft SEIR), constitutes the Final Subsequent Environmental Impact Report (Final SEIR) for the Ravenswood Business District/4 Corners Specific Plan Update (RBD/4 Corners Specific Plan Update).

1.1 Purpose of the Final SEIR

In conformance with the California Environmental Quality Act (CEQA) and CEQA Guidelines, this Final SEIR provides objective information regarding the environmental consequences of the proposed project. The Final EIR also examines mitigation measures and alternatives to the Specific Plan Update intended to reduce or eliminate significant environmental impacts. The Final SEIR is intended to be used by the City of East Palo Alto and any Responsible Agencies in making decisions regarding the RBD/4 Corners Specific Plan Update.

Pursuant to CEQA Guidelines Section 15090(a), prior to approving a project, the lead agency shall certify that:

- (1) The Final SEIR has been completed in compliance with CEQA;
- (2) The Final SEIR was presented to the decision-making body of the lead agency, and that, the decision-making body reviewed and considered the information contained in the Final SEIR prior to approving the project; and
- (3) The Final SEIR reflects the lead agency's independent judgment and analysis.

1.2 Contents of the Final SEIR

CEQA Guidelines Section 15132 specify that the Final EIR shall consist of:

- a) The Draft SEIR or a revision of the Draft;
- b) Comments and recommendations received on the Draft EIR either verbatim or in summary;
- c) A list of persons, organizations, and public agencies commenting on the Draft SEIR;
- d) The Lead Agency's responses to significant environmental points raised in the review and consultation process; and
- e) Any other information added by the Lead Agency.

1.3 Public Review

In accordance with CEQA and the CEQA Guidelines (Public Resources Code Section 21092.5[a] and CEQA Guidelines Section 15088[b]), the City shall provide a written response to a public agency on comments made by that public agency at least 10 days prior to certifying the SEIR. The Final SEIR and all documents referenced in the Final SEIR are available for public review at 1960 Tate Street, East Palo Alto, CA 94303, on weekdays during normal business hours. The Final SEIR is also available

for review on the City's website: <https://www.cityofepa.org/planning/page/rbd-specific-plan-update>.

Section 2.0 Draft SEIR Public Review Summary

The Draft SEIR for the RBD /4 Corners Specific Plan Update , dated July 2024, was circulated to affected public agencies and interested parties for a 46-day review period from July 26, 2024 through September 10, 2024. The City undertook the following actions to inform the public of the availability of the Draft EIR:

- A Notice of Availability of Draft EIR was published on the City’s website (<https://www.cityofepa.org/planning/page/rbd-specific-plan-update>) and in the Palo Alto Daily Newspaper and filed with the San Mateo County Clerk-Recorder’s Office;
- Notification of the availability of the Draft EIR was mailed to project-area residents and other members of the public who had indicated interest in the Specific Plan Update;
- The Draft SEIR was delivered to the State Clearinghouse on July 26, 2024, as well as sent to various governmental agencies, organizations, businesses, and individuals (see Section 3.0 for a list of agencies, organizations, businesses, and individuals that received the Draft SEIR); and
- Copies of the Draft EIR were made available on the City’s website (<https://www.cityofepa.org/planning/page/rbd-specific-plan-update>).

Section 3.0 Draft SEIR Recipients

CEQA Guidelines Section 15086 requires that a local lead agency consult with and request comments on the Draft EIR prepared for a project of this type from responsible agencies (government agencies that must approve or permit some aspect of the project), trustee agencies for resources affected by the project, adjacent cities and counties, and transportation planning agencies.

The NOA for the Draft EIR was sent to state and regional agencies, utility districts, tribes traditionally and culturally associated with the Specific Plan area, utility districts, and owners and occupants adjacent to the Specific Plan area and to adjacent jurisdictions. The following agencies received a copy of the Draft EIR from the City or via the State Clearinghouse:

- California Air Resources Board
- California Department of Conservation
- California Department of Fish and Wildlife, Bay Delta Region 3
- California Department of Fish and Wildlife, Marin Region 7
- California Department of Forestry and Fire Protection
- California Department of Housing and Community Development
- California Department of Parks and Recreation
- California Department of Transportation, Division of Aeronautics
- California Department of Transportation, Division of Transportation Planning
- California Department of Water Resources
- California Energy Commission
- California Governor's Office of Emergency Services
- California Highway Patrol
- California Native American Heritage Commission
- California Natural Resources Agency
- California Public Utilities Commission
- California Regional Water Quality Control Board, San Francisco Bay Region 2
- California State Lands Commission, Office of Historic Preservation,
- California Department of Toxic Substances Control
- California Department of Transportation, District 4
- San Francisco Bay Conservation and Development Commission
- State Water Resources Control Board, Division of Drinking Water, District 17
- State Water Resources Control Board, Division of Water Quality

Section 4.0 Responses to Draft SEIR Comments

In accordance with CEQA Guidelines Section 15088, this document includes written responses to comments received by the City of East Palo on the Draft SEIR.

Comments are organized under headings containing the source of the letter and its date. The specific comments from each of the letters and/or emails are presented with each response to that specific comment directly following. Copies of the letters and emails received by the City of East Palo Alto are included in their entirety in Appendix A of this document. Comments received on the Draft SEIR are listed below.

<u>Comment Letter and Commenter</u>	<u>Page of Response</u>
Federal and State Agencies	7
A. California Geological Survey (dated August 30, 2024)	7
B. California Department of Toxic Substances Control- (dated August 29, 2024)	8
C. California Department of Transportation (dated September 10, 2024)	14
D. California Department of Transportation, Division of Aeronautics - (dated September 9, 2024).....	19
E. U.S. Department of Transportation, Federal Aviation Administration - (dated September 10, 2024).....	24
Regional and Local Agencies	27
F. City of Palo Alto, Planning and Development Services - (dated September 10, 2024)...	27
G. Midpeninsula Regional Open Space District - (dated July 29, 2024).....	30
H. San Francisco Bay Conservation and Development Commission	50
I. San Francisco Public Utilities Commission - (dated July 29, 2024).....	53
Organizations, Businesses, and Individuals.....	56
J. The Amah Mutsun Tribal Band of San Juan Bautista and A.M.T.B., Inc. (dated August 2, 2024).....	56
K. Coblenz, Patch Duffy & Bass, LLP on behalf of Sycamore Real Estate Investment, LLC (dated September 10, 2024)	57
L. Dinan, Mark (dated September 10, 2024).....	78
M. Harvest Properties (dated September 10, 2024)	78
N. Kanyon Consulting (dated July 27, 2024)	84
O. Muwekma Ohlone Tribe of the San Francisco Bay Area (dated July 26, 2024)	86
P. Muwekma Ohlone Tribe of the San Francisco Bay Area (dated August 5, 2024)	86
Q. Nuestra Casa de East Palo Alto (dated August 13, 2024).....	91
R. Nuestra Casa de East Palo Alto (dated September 10, 2024).....	92

S. Pacific Gas and Electric Company (dated July 29, 2024) 93
T. Pacific Gas and Electric Company (dated August 30, 2024)..... 98
U. Ravenswood Shores Business District, LLC (dated August 9, 2024)..... 99
V. Sand Hill Property Company (dated September 10, 2024) 103
W. Sierra Club Loma Prieta Chapter, Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society (dated September 10, 2024) 122

Federal and State Agencies

A. California Geological Survey (dated August 30, 2024)

Comment A.1: Thank you for providing the City's Notice of Availability (NOA) of a draft Subsequent Environmental Impact Report (SEIR) for our review. This email conveys the following comments/recommendations from CGS concerning geologic and seismic hazard issues within the proposed project:

1. Tsunami Hazards

- The SEIR provides a discussion of tsunami inundation hazards and a map depicting Tsunami Hazard Areas within the Specific Plan boundary. The SEIR should also discuss CGS Tsunami Hazard Areas (THAs), which are mapped along the entire California coast. The purpose of a THA is to assist public agencies in identifying their exposure to tsunami hazards. It is intended for local jurisdictional, coastal evacuation planning uses only. Additional information and map files can be found at the links below: <https://link.edgepilot.com/s/92c1be9e/bESONy1FZEGEGC0szR6S6w?u=https://www.conservation.ca.gov/cgs/tsunami>
https://link.edgepilot.com/s/773d5e19/nBDdG-y0PEcKkJQz0x_NHw?u=https://maps.conservation.ca.gov/cgs/informationwarehouse/index.htm?map=regulatorymaps https://link.edgepilot.com/s/7317fce1/HA_yOUM9U2IFVltIE35TQ?u=https://www.conservation.ca.gov/cgs/Documents/Publications/Tsunami-Maps/Tsunami_Hazard_Area_Map_San_Mateo_County_a11y.pdf

Response A.1: Figure 3.10-2, on page 238 of the Draft Subsequent Environmental Impact Report (Draft SEIR) for the Ravenswood Business District/4 Corners Specific Plan Update (RBD/4 Corners Specific Plan Update) shows a map of the tsunami hazard areas based on the United States (U.S.) Geological Survey maps. The U.S. Geological Survey map is consistent with the California Geological Survey Tsunami Hazard Area Map which can be found using the following link: https://maps.conservation.ca.gov/cgs/informationwarehouse/ts_evacuation/. The first link in the above comment directs the user to the above webpage that includes maps of the tsunami hazard areas in this response. The second link directs the user to the webpage related to fault, landslide, and liquefaction hazard zones, which are discussed in Section 3.7 Geology and Soils of the Draft SEIR. The third link references a PDF of tsunami hazard areas in San Mateo County. Consistent with CEQA checklist question d) on page 244 of the Draft SEIR, the SEIR is required to describe if projects/plans within tsunami hazard areas would risk the release of pollutants due to inundation. CEQA does not require the evaluation of these impacts outside of the Specific Plan area (since areas outside of the Specific Plan area would not be a part of the project). As stated on page 244, existing and future development under the Specific Plan Update may use, store, and generate hazardous materials; however,

hazardous materials would be contained and stored properly on-site pursuant to existing federal, state, and local laws. On page 244, the Draft SEIR statement regarding hazardous materials storage on future sites references Impact HAZ-1 and checklist a) in Section 3.9.2 should be referenced instead of Impact HAZ-1 (this correction has been made in Section 5.0 Draft SEIR Text Revisions in the Final EIR). Impact HAZ-1 is related to checklist b): “Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?” Also, Figure 3.10-2, on page 238 of the Draft SEIR has been updated to reference the California Geological Survey Tsunami Hazard Areas Map (see Appendix B Supporting Documentation of this Final SEIR). As discussed on page 245, the Specific Plan Update would not substantially increase the risk of release of pollutants due to inundation.

Comment A.2:

- The City should also check to see if the Specific Plan boundary includes any Tsunami Design Zone established by the California Building Code (CBC). The CBC requires certain design standards for essential/critical or larger structures within these zones. The following website provides additional information regarding Tsunami Design Zones:
https://link.edgepilot.com/s/32b50fab/YpJ_8y_fZUee5Numw05Yew?u=https://asce7tsunami.online/.

Response A.2: As stated on Page 244 of the Draft SEIR and Response A.1 above, the SEIR is required to describe if projects/plans within tsunami hazard areas would risk the release of pollutants due to inundation. As shown on Figure 2.3-1 Land Use Map in the Draft SEIR (Page 11), no future structures under the Specific Plan Update would be located in the Tsunami Design Zone identified in the ASCE Tsunami Design Geodatabase (using the link in Comment A.2). Therefore, future projects under the Specific Plan Update would not conflict with the CBC related to Tsunami Design Zones. However, as described in Section 3.7 Geology and Soils of the Draft SEIR, as mentioned Mitigation Measure MM GEO-1, future developments would be required to be designed in compliance with a site-specific Geotechnical Investigation and California Building Code (CBC) requirements.

B. California Department of Toxic Substances Control- (dated August 29, 2024)

The Department of Toxic Substances Control (DTSC) received a Subsequent Environmental Impact Report (SEIR) for the Ravenswood Business District/Four Corners Specific Plan Update (project). The City adopted the existing Ravenswood Specific Plan in 2013. An update to the Specific Plan (Specific Plan Update) is proposed and would increase the total amount of development allowed within the Specific Plan area. The proposed Specific Plan Update would be implemented as one of two development scenarios, both of which are evaluated in the SEIR: Scenario 1 would consist of an additional 2.8 million square feet of office and research and development (R&D) space, 250,000

square feet of industrial space, 129,700 square feet of civic space, 112,400 square feet of retail space, 43,870 square feet of tenant amenity space, and 1,350 residential units.

Compliance with Airport Land Use Compatibility Plan (ALUCP)

Pursuant to the State Aeronautics Act, California Public Utilities Code Section 21676(b) mandates that local agencies refer proposed amendments to general or specific plans within airport land use commission boundaries to the commission for review. If the commission deems the proposed action inconsistent with its plan, the referring agency will be notified. Any development within safety zones or airport influence areas must comply with the safety criteria and restrictions outlined in the Airport Land Use Compatibility Plan(s).

A portion of the Project site lies within Safety Zone 6 (Traffic Pattern Zone) and in the Airport Influence Area (AIA) of the Palo Alto Airport. Therefore, it must adhere to the safety criteria and restrictions outlined in the 2020 Palo Alto Airport Comprehensive Land Use Plan (ALUCP), adopted by the ALUC pursuant to the PUC, Section 21674. The ALUCP is crucial for minimizing noise nuisance and safety hazards around airports while promoting orderly development. The ALUC is responsible for assessing potential risks to aircraft, airspace users, and people on the ground near the airport.

Scenario 2 would consist of an additional 3.3 million square feet of office and R&D space, 300,000 square feet of industrial space, 129,700 square feet of civic space, 112,400 square feet of retail space, 53,500 square feet of tenant amenity space, and 1,600 residential units. After reviewing the project, DTSC recommends and requests consideration of the following comments:

1. As listed in Table 3.9-1 Summary of Reported On-Site Spill Incidents of the SEIR, [Romic Environmental Technologies Corp](#) (Site) remains an open case. The United States Environmental Protection Agency (USEPA) is the lead agency regulatory agency overseeing the Site's corrective action implementation, while the DTSC is the lead regulatory agency responsible for overseeing the final closure and redevelopment. The San Francisco Regional Water Quality Control Board is providing further regulatory oversight as they are responsible for maintaining groundwater quality in the San Francisco Bay region. Per Table 3.9-1 of the SEIR, the Romic facility was historically used as a hazardous waste management facility. During facility operations, soil, soil vapor, and groundwater were contaminated with chlorinated and aromatic volatile organic compounds. Based on Figures 3.16-4 and 3.16-5, it appears that bike paths and pedestrian improvements will intersect the Site. The Site has a [Land Use Covenant and Agreement](#) (Covenant) that restricts uses of the Site to protect human health, safety and the environment. Additionally, remedial activities at the Site are ongoing for an indefinite period. In order to protect the health of project workers and future workers at the Site, the USEPA and DTSC should be consulted before moving forward with any project activities on or adjacent to the Site boundary

Response B.1: As discussed on page 219 and 221 (Policy LU-5.1) in the Draft SEIR, future projects under the Specific Plan Update would be required to prepare

property-specific Phase I Environmental Site Assessment (Phase I ESA). There is an application on file with the City for development on the Romic property; however, the project application is currently on hold. Based on a previous Phase I ESA of the Romic Property (the 2017 Bay Road site) and subsequent studies, the Romic property has been undergoing closure and remediation under DTSC and EPA oversight since 2008. Facility closure and remedial efforts are on-going. The current deed restriction for the Romic property requires EPA and DTSC approval prior to implementation of construction activities at the property. Prior to redevelopment of the property, the project applicant shall obtain written approval from the U.S. EPA and DTSC. Future bicycle and pedestrian improvements are shown on the Romic site on Figures 3.16-4 and 3.16-5 of the Draft SEIR, as the commenter noted. As required by the deed restriction, future improvements at the site would only be constructed once the oversight agencies (i.e., U.S. EPA and DTSC) confirm that their construction and use was determined to be safe and allowed by the deed restriction.

Comment B.2:

2. In addition to the Site mentioned in Number 1, the proposed Project encompasses multiple active and nonactive mitigation and clean-up sites where DTSC has conducted oversight that may be impacted as a result of this project. This may restrict what construction activities are permissible in the proposed project areas in order to avoid any impacts to human health and the environment.

Response B.2: The City acknowledges the Specific Plan Update allows for the redevelopment of a number of active and nonactive mitigation and clean-up sites.. As noted in Response B.1, future projects under the Specific Plan Update would be required to prepare a property-specific Phase I ESA (per Specific Plan Update Policy LU-5.1, Page 220 of the Draft SEIR). The Phase I ESA would identify if the property is a cleanup site or if the property is adjacent to a cleanup site. Based on the results of the Phase I ESA and any subsequent site investigations, any restrictions regarding construction activities will be determined at the time a specific development is proposed; and the City and project proponent would engage with the DTSC (or the appropriate oversight agency) during remediation, facility closure (if applicable), and construction to avoid impacts to human health and the environment (refer Policies LU-5.2 through LU-5.6, on Pages 220 and 221 of the Draft SEIR).

Comment B.3:

3. Due to the broad scope of the project, DTSC is unable to determine the locations of the proposed sites, whether they are listed as having documented contamination, land use restrictions, or whether there is the potential for the sites to be included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. Therefore, DTSC recommends providing further information on the proposed project and areas that may fall under DTSC's oversight within future

environmental documents]. Once received, DTSC may provide additional comments on future environmental documents as further information becomes available. Please review the project area in [EnviroStor](#), DTSC's public-facing database.

Response B.3: As stated in Responses B.1 and B.2, future projects would require a property-specific Phase I ESA and any land use restrictions due to contamination (pursuant to Government Code Section 65962.5) would be identified at the time a specific development is proposed. Any oversight agencies, including DTSC, would be identified, based on the Phase I ESA results, and contacted by the City prior to any remediation or ground disturbance activities (refer to Specific Plan Update Policy LU-5.1). Prior to the start of earthwork activities for future projects with properties have contain known contaminants of concern exceeding DTSC, RWQCB, or U.S. EPA screening levels, future projects will prepare a correction action/risk management plan and submit it to the oversight agency for review. Future projects will be required to obtain approval of the plan from the oversight agency prior to commencing earthwork activities (refer to Specific Plan Update Policy LU-5.2 (Page 220 of the Draft SEIR).

Comment B.4:

4. DTSC recommends that all imported soil and fill material should be tested to assess any contaminants of concern meet screening levels as outlined in [DTSC's Preliminary Endangerment Assessment \(PEA\) Guidance Manual](#). Additionally, DTSC advises referencing the [DTSC Information Advisory Clean Imported Fill Material Fact Sheet](#) if importing fill is necessary. To minimize the possibility of introducing contaminated soil and fill material there should be documentation of the origins of the soil or fill material and, if applicable, sampling be conducted to ensure that the imported soil and fill material are suitable for the intended land use. The soil sampling should include analysis based on the source of the fill and knowledge of the prior land use. Additional information can be found by visiting [DTSC's Human and Ecological Risk Office \(HERO\) webpage](#).

Response B.4: The comment speaks to the potential for future projects that propose to import soil or other fill material as part of the design of future development to unintentionally utilize soil or other fill material with contaminants. The recommendation is consistent with how the City would condition any/all projects that propose to utilize imported soil and fill material to ensure no contamination is inadvertently introduced to the project site. Prior to the issuance of a grading permit for future projects under the Specific Plan Update that propose to import soil or other fill material, future projects would be required to test any imported soil or fill material to assess if any contaminants that may be present would meet regulatory screening levels. Future projects' imported soil or other fill would be subject to the appropriate screening levels, such as screening levels outlined in DTSC's Preliminary Endangerment Assessment (PEA) Guidance Manual.

Comment B.5:

5. If buildings or other structures are to be demolished on any project sites included in the proposed project, surveys should be conducted for the presence of lead-based paints or products, mercury, asbestos containing materials, and polychlorinated biphenyl caulk. Removal, demolition, and disposal of any of the above-mentioned chemicals should be conducted in compliance with California environmental regulations and policies. In addition, sampling near current and/or former buildings should be conducted in accordance with [DTSC's PEA Guidance Manual](#).

Response B.5: As stated on Pages 221 and 222 of the Draft SEIR, future projects under the Specific Plan Update that have the potential to contain asbestos containing materials and lead-based paint as determined in the site-specific Phase I ESA (described in Specific Plan Update Policy LU-5.1 on Page 220 of the Draft SEIR), would be conditioned to complete asbestos and lead surveys in accordance with federal and state regulations (refer to Policies LU-5.7 through LU-5.10). As described on Draft SEIR Page 209, with the adoption of the San Francisco Bay Region Municipal Regional Stormwater National Pollutant Discharge Elimination System (NPDES) Permit (MRP) by the San Francisco Bay Regional Water Quality Control Board on November 19, 2015, Provision C.12.f requires that buildings constructed between 1950 and 1980 that are proposed for demolition (with the exception of single-family houses and wood-frame structures) be screened for the presence of PCBs prior to the issuance of a demolition permit. This clarification has been added to Draft SEIR Page 222 (refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR). In accordance with Specific Plan Update Policy LU-5.10, prior to future projects disposing of any demolition waste (e.g., as fluorescent lamps, PCB ballasts, lead acid batteries, mercury thermostats, and lead flashings), the demolition contractor shall coordinate with the Santa Clara County Department of Environmental Health (DEH) to determine if the waste is hazardous and ensure proper disposal of waste materials. Any sampling near buildings will be in accordance with state and the DEH regulations.

Comment B.6:

6. When agricultural crops and/or land uses are proposed or rezoned for residential use, a number of contaminants of concern (COCs) can be present. The Lead Agency shall identify the amounts of Pesticides and Organochlorine Pesticides (OCPs) historically used on the property. If present, OCPs requiring further analysis are dichloro-diphenyl-trichloroethane, toxaphene, and dieldrin. Additionally, any level of arsenic present would require further analysis and sampling and must meet [HHRA NOTE NUMBER 3, DTSC-SLs](#) approved thresholds. If they are not, remedial action must take place to mitigate them below those thresholds.

Response B.6: The issue raised in this comment is one that is recognized on Draft SEIR Pages 219 through 224. More detailed information about site-specific contaminants of concern (COC) will be identified at the time future developments are proposed. The Phase I ESAs required for future projects (as described in Specific Plan Update Policy LU-5.1 on Page 220 of the Draft SEIR), including residential projects, would identify potential COC including the COC identified in Comment B.6) at the sites and areas surrounding the sites. As stated in the above policy, soil, soil vapor and/or groundwater quality studies (which would identify the concentrations of COC) would subsequently be completed, if warranted based on the findings of the property-specific Phase I ESAs, to evaluate if remedial measures are needed to protect the health and safety of site occupants and construction workers. The oversight agency (or agencies) would be determined based on the results of the Phase I ESAs. For properties with known COC exceeding the lower of the current DTSC, RWQCB or U.S. EPA) residential screening levels/thresholds, an appropriate corrective action/risk management plan (as stated in Policy LU-5.2 on page 220 of the Draft EIR) would be prepared and subject to regulatory oversight.

Comment B.7:

7. Additional COCs may be found in mixing/loading/storage areas, drainage ditches, farmhouses, or any other outbuildings and should be sampled and analyzed. If smudge pots had been routinely utilized, additional sampling for Polycyclic Aromatic Hydrocarbons and/or Total Petroleum Hydrocarbons may be required.

Response B.7: Comment B.7 notes that contaminants of concerns may be located in specific areas of a site and that additional sampling for hydrocarbons may be required. The potential for these COCs to be present on a site would be determined in a site-specific Phase I ESA, and if deemed necessary, sampling would be completed in a site-specific Phase II. The comment does not raise a concern about the adequacy of the Draft SEIR analysis. Therefore, no further response is required.

Comment B.8:

DTSC believes the City of East Palo Alto must address these comments to determine if any significant impacts under the California Environmental Quality Act (CEQA) will occur and, if necessary, avoid significant impacts under CEQA. DTSC recommends the department connect with our unit if any hazardous waste projects managed or overseen by DTSC are discovered. Please refer to the [City of East Palo Alto EnviroStor Map](#) for additional information about the areas of potential contamination. If further concerns or impacts surface in light of the any forthcoming environmental documents, DTSC reserves the right to provide applicable comments at that time.

DTSC appreciates the opportunity to comment on the SIER for the Ravenswood Business District/Four Corners Specific Plan Update. Thank you for your assistance in protecting California's people and environment from the harmful effects of toxic substances. If you have any questions or

would like clarification on DTSC's comments, please respond to this letter or via [email](#) for additional guidance.

Response B.8: As a part of the property-specific Phase I ESAs, which would be prepared at the time of the entitlement process for future projects under the Specific Plan Update, a regulatory database search (including a search of DTSC's EnviroStor database) for contaminated properties (or potentially contaminated sites) would be completed for the project sites and properties near the sites. The City would consult the EnviroStor Map, and coordinate with DTSC regarding future projects that involve properties included on the EnviroStor Map. As stated on Draft SEIR Page 221, future development in compliance with existing regulations and proposed Specific Plan Update Policies LU-5.1 through LU-5.6 would reduce impacts from on-site soil, soil vapor, and/or groundwater contamination by requiring sampling for contaminants, proper handling of hazardous materials contamination, and remediation of contamination under regulatory agency oversight to less than significant.

C. California Department of Transportation (dated September 10, 2024)

Comment C.1: Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Ravenswood Business District/4 Corners Specific Plan Update. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the July 2024 Draft SEIR.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The proposed project is to update the Ravenswood Business District/4 Corners Specific Plan, which serves as a guide for development and redevelopment within the approximately 350-acre Specific Plan area. The proposed update to the Specific Plan would increase the total amount of development allowed within the 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. The plan area is within a mile of three freeways: U.S. Route 101 (U.S. 101), State Route 84 (SR 84), and State Route 109 (SR 109). A small portion of the plan area is directly adjacent to a segment of SR 109 that is within Caltrans right-of-way (ROW).

Response C.1: Comment C.1 notes a portion of the Specific Plan area is directly adjacent to State Route (SR) 109, which is within a Caltrans right-of-way (ROW). The commenter (Caltrans) also notes that the comments do not indicate an official position by Caltrans on the RBD/4 Corners Specific Plan Update SEIR and is for

informational purposes only. The comment does not raise a concern about the adequacy of the Draft SEIR analysis. Therefore, no further response is required.

Comment C.2: Travel Demand Analysis

The project Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the SEIR, this project is found to have a less than significant VMT impact and proposes a number of Transportation Demand Management measures to encourage multimodal options, which is in support of meeting state policy goals on VMT reductions.

Future projects under this Specific Plan Update would make fair share contributions towards the identified improvements listed in the SEIR. Please note that some proposed improvements may require coordination with and approval by Caltrans.

Response C.2: As described in the Draft SEIR, Pages 389 and 390, VMT would be below the City's VMT thresholds under all Specific Plan Update scenarios. Therefore, buildout of the Specific Plan Update would result in a less than significant VMT impact. The VMT analysis assumes future projects under the Specific Plan Update with the City's Transportation Demand Management (TDM) Ordinance which requires new developments to achieve a 40 percent reduction in daily trips through the implementation of TDM measures (refer to Specific Plan Update Policy 8.4-1, Standard 1 on page xxi of the Draft SEIR). TDM measures that can be implemented by future projects include the use of a shuttle program, transit passes for employees/residents, and design elements such as inclusion of carpool/vanpool parking and bicycle parking. Although not required under CEQA per the CEQA Guidelines Section 15064.3, a level of service (LOS) analysis of future intersections and freeway segments that would be effected by the buildout of the Specific Plan Update project scenarios was completed; the analysis included recommended improvements for intersections that would not meet the City's General Plan Policy Automobile LOS Standards. For any improvements requiring Caltrans coordination, the City or the City's TDM Consultants will coordinate with Caltrans prior to construction of the improvements .

Comment C.3: Multimodal Transportation Planning

Please review and include the reference to the Caltrans District 4 Pedestrian Plan (2021) and the Caltrans District 4 Bike Plan (2018) in the SEIR. These two plans studied existing conditions for walking and biking along and across the State Transportation Network (STN) in the nine-county Bay Area and developed a list of location-based and prioritized needs.

The Caltrans District 4 Bike Plan considers SR 109 from SR 84 to Donohoe Street/East Bayshore Road as a top priority for Corridor Improvement. The Caltrans District 4 Pedestrian Plan identifies the segment of SR 109 from SR 84 to Notre Dame Avenue a top priority for Highway Segment

Improvements for pedestrians. Within the project limits, please consider incorporating higher visibility striping for any planned pedestrian crosswalks, installing “YIELD TO PEDS” signs as needed, and incorporating curb ramps on the crosswalks that are compliant with American Disability Act (ADA) standards.

Please note that any Complete Streets reference should be updated to reflect Caltrans Director’s Policy 37 ([link](#)) that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also facilitating goods movement in a manner with the least environmental and social impacts. This supersedes Deputy Directive 64-R1, and further builds upon its goals of focusing on the movement of people and goods.

Response C.3: Comment C.3 does not raise concerns about the adequacy of the Draft SEIR analysis. The City has reviewed the Caltrans District 4 Pedestrian Plan and the Caltrans District 4 Bike Plan noted in Comment C.3. The State Route (SR) 109 from SR 84 to Notre Dame Avenue (i.e., north of Notre Dame Avenue), which is under Caltrans control, is within Menlo Park. Given the above-mentioned Caltrans District 4 Bike Plan bicycle and pedestrian improvements are outside of the City of East Palo Alto’s jurisdiction, the City of East Palo Alto is not required to ensure the above planned improvements are implemented. The above-referenced Caltrans District 4 Bicycle Plan planned improvements do not cover the segment of SR 109/University Avenue south of Notre Dame Avenue that is within East Palo Alto. However, the Specific Plan Update Policy MOB-2.1 (Chapter 8 of the Specific Plan Update) includes a goal to ensure that the future construction of new roadways and reconstruction of existing roadways follow the Specific Plan Update design standards (including striping) set forth in the Specific Plan Update Chapter 8, with goal of generally providing more complete streets in the Plan Area. For the segment of University Avenue/SR 109 within the Specific Plan area, future projects under the Specific Plan Update would include high visibility striping for any existing and planned pedestrian crosswalks, and incorporate curb ramps on the crosswalks that are compliant with American Disability Act standards in accordance with Caltrans requirements. Caltrans District 4 Pedestrian Plan (2021) and the Caltrans District 4 Bike Plan (2018) were reviewed per the commenter’s request and, therefore, have been added to Section 8.0 References of the Draft SEIR, Page 455 (refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR).

Comment C.4: Hydrology

Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated.

It is recommended to mention in Section 3.18.2.1, Project Impacts, Stormwater Drainage, 2013 Specific Plan Policy UTIL-3.1 that the latest storm water model analysis included in Appendix G - Utility Impact Study has been prepared with consideration of Sea Level Rise (SLR) and other current

and proposed flood resiliency projects (primarily levees) being constructed or proposed along the San Francisco Bay, in the direct vicinity of the proposed storm drain outfall locations.

Please note that Section 3.10.1.2, Flood Hazards references discussion of SLR effects in “Section 3.10.3 Non-CEQA Effects”; however, the SEIR does not have a section 3.10.3 and it appears that the intention was to reference “Section 3.11.3 Non-CEQA Effects”.

Response C.4: As discussed on Draft SEIR Pages 417 through 419, stormwater runoff from future projects under the Specific Plan Update would be directed to drainage systems and pump stations which would be operated by the City. Stormwater runoff would not be directed to state stormwater drainage or treatment facilities.

As stated on Draft SEIR Page 418, the stormwater model analysis completed as a part of the Utility Impact Study in Appendix G of the Draft SEIR, identified two new pump station CIPs for Specific Plan Update Scenarios 1 and 2. Section 3.18 Utilities and Service Systems, page 418, of the Draft SEIR provides a description of what was assumed in the stormwater system model analysis. Therefore, the clarification that the model analysis accounts for the San Francisco Bay Levee Project was added to page 418 of the Draft SEIR instead of page 239, Section 3.10.2.1 Project Impacts (see Section 5.0 Draft SEIR Text Revisions of this Final SEIR). As noted in Comment C.4, Section 3.11.3 Non-CEQA Effects (related to hydrology and water quality) was intended be a part of the Section 3.10 Hydrology and Water Quality Section of the Draft SEIR and this correction has been made in Section 5.0 Draft SEIR Text Revisions of this Final EIR. The text in Section 3.11.3 has been removed from Section 3.11 Land Use and Planning and has been added to Section 3.10 Hydrology and Water Quality.

Comment C.5: Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the STN.

Response C.5: Comment C.5 does not raise concerns regarding the Draft SEIR analysis. The City acknowledges that if future projects under the Specific Plan Update require the use of oversized or excessive load vehicles on state roadways (e.g., University Avenue/SR 109), future projects would be required to apply for a Caltrans transportation permit. The City also acknowledges that future projects may be required to coordinate with Caltrans to develop a Transportation Management Plan to address issues related to construction traffic.

Comment C.6: Lead Agency

As the Lead Agency, the City 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.

Response C.6: The City will be responsible for ensuring the various roadway improvements identified in the Draft SEIR would be implemented by future projects. Future projects' fair share contribution toward the improvements would be based on the LOS analysis completed as a part of the Draft SEIR Appendix F Transportation Analysis and identified on Draft SEIR Pages 360 through 385 (Table 3.16-6 through 3.16-8), would be considered a conditions of approval, and not mitigation. The improvements would not be required under CEQA (refer to CEQA Guidelines Section 15064.3); however, they would be implemented to be consistent with the City's General Plan Policy 7.1.

Comment C.7: Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet 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.

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look forward to collaborating with the City to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

Caltrans encourages the City to foster meaningful, equitable and ongoing public engagement in the Specific Plan development process to ensure future transportation decisions and investments reflect community interests and values. The public engagement process should include community-sensitive and equity-focused approaches seeking out the needs of individuals from underserved, Tribal, and low- income communities, the elderly, and individuals with disabilities.

Response C.7: Comment C.7 does not raise concerns about the adequacy of the Draft SEIR analysis. The Specific Plan area is within the City of East Palo Alto's jurisdiction and does not include Caltrans facilities. Therefore, future projects would not impact, i.e. physically modify, Caltrans facilities. Public engagement has been encouraged throughout the Specific Plan Update and Draft SEIR review process. The Draft SEIR had a public review period from July 26, 2024 through September 10, 2024 for the Draft SEIR. A May 2022 public scoping meeting was held to facilitate public input on the scope and content of the SEIR. A July 25, 2024 City Council study

session was held to provide a summary of the Specific Plan Update and EIR impact conclusions and facilitate the public's input. The Specific Plan Update adoption process includes an upcoming Planning Commission hearing and City Council hearing to facilitate public input on the Specific Plan Update.

Comment C.8: 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.

The Office of Encroachment Permit requires 100% complete design plans and supporting documents to review and circulate the permit application package. To obtain more information and download the permit application, please visit Caltrans Encroachment Permits ([link](#)). Please note that the checklist TR-0416 is used to determine the appropriate Caltrans review process for encroachment projects. Your application package may be emailed to D4Permits@dot.ca.gov. Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Luana Chen, Transportation Planner, via LDR-D4@dot.ca.gov.

For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Response C.8: The City acknowledges a Caltrans encroachment permit may be required for future projects under the Specific Plan Update, adjacent to the Caltrans ROW (i.e., SR 209), that have the potential to encroach into the ROW. Future specific projects that require encroachment within Caltrans ROW or have the potential to impact Caltrans ROW, would be referred to Caltrans for review and comment during the Planning entitlement process, and projects would be conditioned to obtain an encroachment permit, when warranted. Comment C.8 does not raise concerns about the adequacy of the Draft SEIR analysis and, therefore, no further response is required.

D. California Department of Transportation, Division of Aeronautics - (dated September 9, 2024)

The California Department of Transportation (Caltrans), Division of Aeronautics (Division), has reviewed the Subsequent Environmental Impact Report (SBE) for the Ravenswood Business

District/Four Corners Specific Plan Update (Project). The Division of Aeronautics collaborates with cities, counties, and Airport Land Use Commissions (ALUC) to ensure compliance with the State Aeronautics Act (California Public Utilities Code Section 21001 et seq.). We appreciate the opportunity to participate in the SBE review process.

The City of East Palo Alto is proposing to update the Ravenswood Specific Plan of 2013 and would increase the total amount of development allowed within the Specific Plan area by increasing the maximum square footages for office, R&D/life science, light industrial, civic/community, and tenant amenity, and the total number of residential units allowed under the Specific Plan. The Project would be implemented as one of two development scenarios. The Palo Alto Airport is located approximately 0.58 miles southeast of the Specific Plan area.

Compliance with Airport Land Use Compatibility Plan (ALUCP)

Pursuant to the State Aeronautics Act, California Public Utilities Code Section 21676(b) mandates that local agencies refer proposed amendments to general or specific plans within airport land use commission boundaries to the commission for review. If the commission deems the proposed action inconsistent with its plan, the referring agency will be notified. Any development within safety zones or airport influence areas must comply with the safety criteria and restrictions outlined in the Airport Land Use Compatibility Plan(s).

A portion of the Project site lies within Safety Zone 6 (Traffic Pattern Zone) and in the Airport Influence Area (AIA) of the Palo Alto Airport. Therefore, it must adhere to the safety criteria and restrictions outlined in the 2020 Palo Alto Airport Comprehensive Land Use Plan (ALUCP), adopted by the ALUC pursuant to the PUC, Section 21674. The ALUCP is crucial for minimizing noise nuisance and safety hazards around airports while promoting orderly development. The ALUC is responsible for assessing potential risks to aircraft, airspace users, and people on the ground near the airport.

Response D.1: As described in Draft SEIR on page 215 and shown Figure 3.9-2 (page 216 of the Draft SEIR), the Specific Plan area is located within the Palo Alto Airport Influence Area and a traffic pattern zone (Safety Zone 6). Draft SEIR pages 255 and 308 state that Palo Alto Airport Comprehensive Land Use Plan, which was adopted by the ALUC, focuses on three areas of ALUC's responsibility: (1) aircraft noise, (2) the safety of persons on the ground and in aircraft, and (3) the control of objects in navigable airspace. Comment D.1 provides background information of the Comprehensive Land Use Plan and ALUC and does not raise concerns about the adequacy of the Draft SEIR analysis.

Comment D.2: Noise Compatibility

A portion of the plan area falls within the 60-65 decibel (dB) Community Noise Equivalent Level (CNEL) contours for the Palo Alto Airport as shown in the ALUCP. Development within this area must adhere to the noise criteria and use restrictions outlined in the plan, particularly related to

Section 4.3.2.1. of the ALUCP. Due to its proximity to the airport, the Project site may be subject to aircraft overflights and subsequent aircraft-related noise impacts.

Specifically, related to the plan development scenarios please see the below noise policies of the ALUCP:

N-4 No residential construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential project. All property owners within the 65 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL.

N-5 Residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL.

N-6 Noise level compatibility standards for other types of land uses shall be applied in the same manner as the above residential noise level.

Response D.2: As discussed on Draft SEIR page 288, the southeastern portion of the Specific Plan area would be exposed to aircraft noise levels between 60 dB CNEL and 65 dB CNEL. ALUCP Policies N-4 through N-6 are listed in Section 3.12.1.1, Regulatory Framework, Draft EIR page 259. As stated on Draft SEIR Page 289, future projects under the Specific Plan Update would comply with ALUCP noise policies.

Comment D.3: Noise Sensitive Land Uses and Considerations

The project may encompass noise-sensitive land uses as defined by the Public Utilities Code Section 21669.5(3). This includes residential developments such as single-family and multi-family dwellings. Additionally, Section 21669.5(4) defines a "noise-sensitive project" as new construction or reconstruction for planned noise-sensitive land use within an airport's Community Noise Equivalent Level (CNEL) of 65 decibels (dB) or higher.

While California Code of Regulations (CCR: Title 21 CCR, §5006) defines 65 dB CNEL as the "acceptable level" for residents near airports, the Caltrans Aeronautics California Land Use Planning Handbook (Handbook) advises against using this standard for new noise-sensitive development. To mitigate the impact of aircraft noise, any new residential development within the airport's 65 dB CNEL contour should be designed and constructed to ensure that interior noise levels in all habitable rooms do not exceed 45 dB CNEL. To prevent this project from expanding the airport's Noise Impact Area (NIA), each residential unit should grant the airport proprietor an aviation easement, permitting aircraft noise over the property. However, while these construction measures

and the easement address interior noise, they will not reduce exterior aircraft noise levels, and future residents may still experience annoyance from aircraft noise in the surrounding area.

By implementing these recommendations as mitigation measures, the project can minimize noise impacts on future residents and ensure responsible development near the airport.

Response D.3: The comment recommends the City require the granting of an aviation easement by future residential projects within the 60 to 65 dB CNEL aircraft noise contour area. The granting of an easement would not mitigate or avoid an environmental impact, as it would not reduce noise levels experienced by future project occupants. Based on the Palo Alto Airport Comprehensive Land Use Plan (CLUP) Policy G-5, dedication of an aviation easement to the County of Santa Clara is required as a condition of approval on projects located within an Airport Influence Area (AIA). The Specific Plan area is not located within an AIA. Therefore, future residential projects under the Specific Plan Update would not be required to grant an aviation easement under CEQA.

Future residential uses in the southeast portion of the Specific Plan area would be located within the 60 to 65 dB CNEL airport noise contour area, as shown on Draft SEIR Figure 3.12-3. Residential construction allowed within the 60 to 65 dB CNEL contour area would be consistent with the Palo Alto Airport CLUP if it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL (refer to Draft SEIR Page 259). As stated in the CLUP, typical wood frame construction with drywall interiors provides noise reduction of between 15 and 20 dB; the CLUP states that residential units exposed to outdoors noise in the range between 60 and 65 dB CNEL can be attenuated to achieve the 45 dB CNEL level indoors when built using normal standards of construction. Draft SEIR Page 288 states that based on the noise assessment completed for the Specific Plan Update (Appendix D of the Draft SEIR), standard residential construction materials provide exterior-to-interior noise level reduction of 15 dBA with windows partially open and 20 dBA with windows shut. Therefore, with a 20 dBA noise reduction with windows shut, residential land uses in areas between 60 dB and 65 dB CNEL would have interior noise levels no greater than 45 dB CNEL, consistent with CLUP Policy N-5. Future residential developments in these areas would require mechanical ventilation to allow for future occupants to keep windows shut. In compliance with CLUP Policy N-5, future residential projects in the 60 dB and 65 dB CNEL will be required to prepare an acoustical noise study to demonstrate that the interior noise levels will be no greater than 45 dB CNEL (refer to Specific Plan Update Policies LU-4.10 and LU-4.11 on Draft SEIR Page 293).

During the preparation of the Specific Plan Update, in compliance with General Plan Policy 7.6, the City coordinated with the Santa Clara County Airport Land Use Commission (ALUC) to ensure the Plan was compatible with the Palo Alto Airport CLUP's aircraft noise criteria. As noted above, the Specific Plan update is compatible

with the CLUP's noise criteria includes CLUP Policy N-5, . The above General Plan Policy has been added to the noise policies on Draft SEIR Page 261 (refer to Section 5.0 Draft SEIR Text Revisions).

Comment D.4: Other Airport Hazards

California Public Utilities Code Section 21659 prohibits structural hazards near airports. Structures should not be at a height that will result in penetration of the airport imaginary surfaces. In accordance with Federal Aviation Regulation, Part 77 "Objects Affecting Navigable Airspace" a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). For further information or a copy of Form 7460-1, please refer to the FAA website <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

We recommend further review of potential compatibility concerns related to airport obstructions and hazards to flight, such as:

- **Wildlife attractants:** Project elements (e.g., open waste disposal areas) that could attract wildlife, posing a hazard to aircraft.
- **Lighting:** Improper lighting design or excessive light intensity could interfere with night-time airport operations and can cause safety hazards to pilots.
- **Glare:** Reflective surfaces (e.g., extensive use of solar panels) could create glare that disrupts pilots' visibility.

The Division encourages collaboration among the Lead Agency, the Airport Land Use Commission, and Palo Alto Airport representatives to prioritize the safety and well-being of current and future residents in the Ravenswood Business District/Four Corners Specific Plan area.

Thank you for the opportunity to review and comment. If you have any questions, please contact me by email at tiffany.martinez@dot.ca.gov.

Response D.4: Draft SEIR page 225 describes that future projects would be required to comply with Part 77 Objects Affecting Navigable Airspace height compatibility standards. Draft SEIR page 207 includes FAA Part 77 Height Compatibility Standards including Policy H-2 noting that a Notice of Proposed Construction or Alteration (Form 7460-1) may be required by the Federal Aviation Administration (FAA). Future projects shall comply with the additional policies related to airport obstructions listed in Comment D.4. In compliance with Specific Plan Update Policy LU-6.1, future projects under the Specific Plan Update would be required to comply with the land use planning and approval process in the Palo Alto CLUP and avoid land uses that negatively affect air navigation (such as hazardous, wildlife attractants, lighting, and glare). Draft SEIR Page 227 has been revised to include Specific Plan Update Policy LU-6.1 (refer to Section 5.0 Draft SEIR Text Revisions in the Final SEIR).

E. U.S. Department of Transportation, Federal Aviation Administration - (dated September 10, 2024)

Comment E.1: On July 26, 2024, the Federal Aviation Administration (FAA) received the City of East Palo Alto's Notice of Availability of the Subsequent Environmental Impact Report (SEIR) for the Ravenswood Business District/4 Corners Specific Plan (Plan) update. The notice indicated that the SEIR is for an update to the Specific Plan adopted in 2013 that guides development of up to 1,444,410 square feet of office and research and development (R&D) uses, 175,910 square feet of industrial uses, 112,400 square feet of retail uses, 61,000 square feet of civic and community uses, and 835 housing units located in the northeast area of East Palo Alto (City). The Plan update would increase the developable area under two scenarios. The first scenario would increase office and R&D uses to 2,824,000 square feet and increase residential to 1,350 units. The second scenario would increase office and R&D uses to 3,335,000 square feet and increase residential to 1,600 units. The Plan also includes utility, infrastructure, transportation, and sea level rise improvements.

The Plan Area is located approximately 0.6 miles southeast of the end of Runway 13 at Palo Alto Airport (PAO), Palo Alto, CA. PAO is an active General Aviation airport within the National Plan of Integrated Airport System that is owned and operated by the City of Palo Alto.

Response E.1: Comment E.1 describes the project and its relationship to the Palo Alto Airport, which is consistent with the SEIR's presentation, and does not raise concerns about the adequacy of the Draft SEIR analysis. .

Comment E.2: The FAA offers the following comments on the SEIR:

Noise: Due to the proximity of the Plan area to PAO, the City should anticipate that airport and aircraft noise will continue to be experienced in the Plan Area. It is advisable to incorporate an early notification process to inform future occupants and users of the Plan Area about the presence of the airport and the potential to hear noise from airport and aircraft operations. If any of the proposed developments would have noise sensitive uses, there should be coordination with the Airport Director at PAO. In accordance with *FAA Final Policy on Part 150 Approval of Noise Mitigation Measures: Effect on the Use of Federal Grants for Noise Mitigation Projects* (63 FR 16409), structures and new non-compatible development built after October 1, 1998, are not eligible for approval of remedial noise mitigation measures under Part 150 or Airport Improvement Plan (AIP) funding. The FAA recommends that the City consider the Yearly Day-Night Average Sound Levels (DNL) guidance provided in Advisory Circular (AC) 150/5020-1, *Noise Control and Compatibility Planning for Airports*, to ensure land use compatibility with aircraft noise levels.

Response E.2: The CEQA checklist c) under Section 3.12 Noise is as follows: "For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?" The southeast portion of the Specific Plan

area is within the 60 to 65 dB CNEL noise contour boundary in the Palo Alto Airport CLUP. In compliance with CLUP Policy N-5, future residential projects in the 60 dB and 65 dB CNEL will be required to prepare an acoustical noise study to demonstrate that the interior noise levels will be no greater than 45 dB CNEL. As described in Response D.3, in compliance with General Plan Policy 7.6 Coordination with Airport Land Use Commission, the City will coordinate with the Santa Clara County ALUC and Palo Alto Airport regarding future residential projects within the 60 to 65 dBA CNEL aircraft noise contour area (refer to Draft SEIR Figure 3.12-3, Page 269). No non-compatible uses within the 60 to 65 dB CNEL airport noise contour boundary would be allowed under the Specific Plan Update.

The noise compatibility policies related to noise levels in the Palo Alto Airport CLUP are based on Community Noise Equivalent Levels (in decibels) which is a standard noise metric for airport land use plans. The California Public Utilities Code Section 21001, State Aeronautics Act of 2019 requires the use of CNEL as the airport noise compatibility metric.¹ The Act defines a “Noise-Sensitive Project” as a project involving new construction or reconstruction for a planned noise-sensitive land use within an airport's 65 dB CNEL or higher noise contour. No future projects under the Specific Plan Update would be considered noise-sensitive projects given they would not occur in areas above 65 decibels CNEL. However, future projects under the Specific Plan Update located within areas exposed to 60 to 65 dB CNEL would be required to comply with the noise standards in the Palo Alto CLUP (as described on Draft SEIR page 289). The use of Yearly Day-Night Average Sound Levels (DNL) guidance, provided in Advisory Circular (AC) 150/5020-1, Noise Control and Compatibility Planning for Airports, as the noise metric is not required under CEQA.

Comment E.3: Navigable Airspace: The FAA notes that the Plan includes development of numerous multi-storied buildings. Projects that have the potential to affect navigable airspace as defined in 14 Code of Federal Regulations Part 77.9 must file a Notice of Proposed Construction or Alteration, Form 7460-1 with the FAA. The 7460-1 should be filed at least 45 days prior to the start of construction. Information about the Obstruction Evaluation/ Airport Airspace Analysis and Form 7460-1 are available at <https://oeaaa.faa.gov/oeaaa/external/portal.jsp>.

Response E.3: As stated in ALUCP Policy H-2 (Draft SEIR page 207, any project that may exceed a FAR Part 77 surface must notify the FAA as required by FAR Part 77, Subpart B on FAA Form 7460-1, Notice of Proposed Construction or Alteration. Future projects would be required to comply with ALUCP Policy H-2.

¹ Caltrans. California Public Utilities Code Section 21001 et seq. relating to the State Aeronautics Acts. March 2019. Accessed November 7, 2024. https://dot.ca.gov/-/media/dot-media/programs/aeronautics/documents/puc_ssa_r3_2019.pdf

Comment E.4: Wildlife Attractants: The FAA also recommends that the City utilize the guidance provided in AC 150/5200-33C, *Hazardous Wildlife Attractants On or Near Airports*, to ensure that the Plan elements do not introduce wildlife hazards to the aviation operations in the area. As explained in the AC, certain land use practices have the potential to attract wildlife that can be a threat to aviation safety. The land uses that individually, or in combination with each other, have the potential to attract hazardous wildlife include waste disposal operations, water management facilities, wetlands, and certain landscape features.

Response E.4: The proposed development under the Specific Plan Update would not include waste disposal operations or water management facilities. The Specific Plan area is not located within AIA. Further, the Specific Plan Update does not propose to create or enhance wetlands; however, as documented in the Draft SEIR's Section 3.4 Biological Resources and related Appendix C Biological Resources Report, the Specific Plan area is adjacent to expansive wetlands that exist along the Bay tidal margins, which are intended to be preserved and protected from impacts associated with new development under the Specific Plan Update. The Specific Plan Update does include new recreational and open space areas that would be landscaped, and those areas would be designed consistent with FAA guidance to ensure they do not serve to attract wildlife that would be a hazard to aircraft. In compliance with Specific Plan Update Policy LU-6.1, future projects under the Specific Plan Update would be required to comply with the land use planning and approval process in the Palo Alto CLUP and avoid land uses that negatively affect air navigation (such as hazardous, wildlife attractants, lighting, and glare).

Comment E.5: Funding: Should Federal funding be sought, all proposed projects must comply with the National Environmental Policy Act (NEPA), 42 U.S.C. §4321 et seq.

Response E.5: As noted above, any future projects that require federal funding would undergo a separate federal NEPA environmental review process and be required to comply with the standards under NEPA applicable to the federal agency serving as the NEPA Responsible Entity.

Comment E.6: The FAA advises that the City coordinate its Plan with the PAO Airport Manager, Mr. Andrew Swanson, to ensure the protection of aviation operations.

Response E.6: The City has to date coordinated with the City of Palo Alto, which manages the PAO Airport, in preparing the Plan Update, including soliciting Palo Alto's input on the Notice of Preparation, and soliciting comments on the Draft SEIR. The City of Palo Alto has commented on the Draft SEIR, see Comment letter F that follows below.

Regional and Local Agencies

F. City of Palo Alto, Planning and Development Services - (dated September 10, 2024)

Comment F.1: Thank you for including the City of Palo Alto in the environmental review process for the above-referenced project.

Project Understanding

The City of East Palo Alto adopted the existing Ravenswood Specific Plan in 2013 (2013 Specific Plan), which provided the policy and regulatory framework for reviewing development projects and public improvements in the Specific Plan area. The 2013 Specific Plan allows for development of up to 1.3 million square feet of office/R&D uses, 175,820 square feet of industrial uses, 112,400 square feet of retail uses, 36,000 square feet of civic/community uses, and 835 housing units (comprised of 816 multifamily and 19 single-family units). The 2013 Specific Plan assumed there would be a loop road with a multi-use path that would be located along the perimeter of the northern portion of University Village (immediately to the west of the Specific Plan area) and extend from the existing terminus of Demeter Street to connect with University Avenue. The loop road would provide a direct route between the Specific Plan area and University Avenue, avoiding the need to use Bay Road.

The proposed project is an update to the Specific Plan (Specific Plan Update) that would increase the total amount of development allowed within the Specific Plan area by increasing the maximum square footages for office, R&D/life science, light industrial, civic/community, and tenant amenity, and the total number of residential units allowed under the Specific Plan.

Response F.1: This comment summarizes the proposed Plan Update that was the subject of the Draft SEIR.

Comment F.2:

Hazards and Land Use

- In reviewing Figures 2.3.1 (proposed land uses) and 2.3.2 (existing land uses) of the Draft EIR, the project proposes to increase residential uses/density within the 60 and 65 CNEL contours of the Palo Alto Airport Influence Area. The Draft EIR does not properly disclose, and therefore does not identify appropriate mitigation, to address impacts related to the development of residential uses within the AIA and specifically within these contours, consistent with the policies set forth in the Palo Alto Airport Comprehensive Land Use Plan (CLUP). Please refer to the attached CLUP Figure 5 for the airports' Aircraft Noise Contours.
- Specifically, Criterion e in Section 3.9 of the Draft SEIR, asks "If located within an airport land use plan...would the project result in a safety hazard or excessive noise for people residing

or working in the project area?” The analysis concludes that impacts would be less than significant without the need for mitigation because the project would comply with policies set forth in the land use plan. However, the listed policies do not disclose the full language of the policy; omitting some of the requirements for residential development to ensure compliance with the plan. The underlined portion of N-4 (below) was omitted from the SEIR.

- *N-4: No residential construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential project. All property owners within the 65 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL.*

Response F.2: The text noted in the comment concerns disclosure of noise conditions affecting properties within the Plan area, and does not serve to actually mitigate the noise levels, rather it ensures future tenants exposed to aircraft noise are aware of that exposure prior to renting or leasing property. Future residential development under the Specific Plan Update in the southeast corner of the Specific Plan area (refer to Draft SEIR Figure 3.12-3) would be located in the 60 to 65 dB CNEL noise contour boundary,. CLUP Policy N-4 applies to residential construction in the 65 dB CNEL contour boundary. No future development would be located in the 65 dB CNEL contour boundary (see the green shaded area on Figure 3.12-3). As a result, future development under the Specific Plan Update would not be subject to CLUP Policy N-4. The reference to CLUP Policy N-4 has been removed from Pages 207, 208 and 259 of the Draft SEIR.

Comment F.3:

Further, no evidence has been provided to support the conclusion that the required interior noise levels could be met for future development, consistent with Policy N-5 (below) of the CLUP. Mitigation is warranted to ensure that future residential development within the identified noise contours complies with the CLUP.

- N-5 Residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL.

Due to the proximity of the Plan area to the Palo Alto Airport, the SEIR should anticipate that future residents will experience aircraft noise in the area. To prevent this project from expanding the airport’s noise impact area, each residential unit shall grant the airport an avigation easement, permitting aircraft noise over the property.

Response F.3: The Noise section of the Draft SEIR addresses the exposure of future residential uses to aircraft noise. Under the Specific Plan Update, medium/high-density residential uses are proposed in the southeastern portion of the Specific Plan area where aircraft noise would be greatest. As described on Draft SEIR Page 288, future projects within the 60 to 65 dB CNEL noise contour boundary would be required to comply with the Palo Alto Airport CLUP Policy N-5. Based on CLUP Policy N-5, residential construction will not be permitted in the area between the 60 dB CNEL contour boundary and the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound level will be no greater than 45 dB CNEL. Future projects under the Specific Plan Update would require the preparation of an acoustical analysis to demonstrate interior noise levels would be no greater than 45 dB in accordance with Specific Plan Update Policies LU-4.10 and LU-4.11 on Draft SEIR Page 293. Based on the noise assessment completed for the Specific Plan Update (Appendix D of the Draft SEIR), standard residential construction materials provide exterior-to-interior noise level reduction of 15 dBA with windows partially open and 20 dBA with windows shut. Therefore, with a 20 dBA noise reduction with windows shut, residential land uses in areas between 60 dB and 65 dB CNEL would have interior noise levels no greater than 45 dB CNEL, consistent with CLUP Policy N-5. Residential development in these areas would require mechanical ventilation to allow for future occupants to receive fresh air should they choose to keep windows shut to reduce the ambient noise. Please see Response D.3 above regarding the comment concerning aviation easements.

Comment F.4:

- As a modification to a specific plan within an Airport Influence Area,, the County of Santa Clara Airport Land Use Commission may require a consistency analysis to determine whether the proposed modifications to land use are consistent with the Palo Alto Airport CLUP. Please reach out to Carl Hilbrants ([REDACTED]) to confirm whether a hearing before the commission is required to evaluate consistency.

Response F.4: This comment pertains to the need to coordinate the Plan Update with the Santa Clara Airport Land Use Commission, which has occurred. In November 2022, the City coordinated with Carl Hilbrants at the ALUC regarding the Specific Plan Update. Based on the correspondence with ALUC, the Specific Plan Update did not require review by the ALUC. The ALUC only reviews projects within the Airport Influence Area (AIA) of an airport. The Specific Plan area is not within an AIA as the AIA ends at the Santa Clara County line. The Specific Plan area is within the Traffic Pattern Zone and the 60 to 65 dBA CNEL noise contour boundary (but is not located within the AIA). References to the Specific Plan area being located in the AIA on Draft EIR Pages 207, 224, and 291 have been updated to refer to the Traffic

Pattern Zone and residential uses within the 60 to 65 dB CNEL contour boundary. The updates would not result in changes to the impact conclusions in the Draft SEIR.

In addition, the City issued a Notice of Preparation of the RBD/Four Corners Specific Plan Update SEIR on April 15, 2022 and Notice Availability of the Draft SEIR on July 26, 2024 to Carl Hilbrants at the Santa Clara County ALUC. No comments on the Notice of Preparation or Notice of Availability were received by the ALUC. This comment does not raise concerns regarding the adequacy of the Draft SEIR.

G. Midpeninsula Regional Open Space District - (dated July 29, 2024)

Comment G.1: On behalf of the Midpeninsula Regional Open Space District (Midpen), we respectfully submit the following comments regarding the Draft SEIR for the Ravenswood Specific Plan Update.

Midpen appreciates attending the May 9, 2022 public scoping meeting and the City's review and consideration of the May 13, 2022 comments we submitted for the Notice of Preparation (NOP) for this SEIR.

Midpen commends the City of East Palo Alto in this significant planning and environmental review effort to deliver a comprehensive policy and regulatory framework for addressing development projects and public improvements in the Ravenswood Specific Plan area. The City has implemented robust and inclusive public and stakeholder engagement where Midpen's comments were received in focused meetings with environmental organizations and community meetings/open houses.

As an adjacent public land management agency on the eastern boundary of the 207-acre Ravenswood Specific Plan area, Midpen is responsible for protecting open space, natural ecosystems, sensitive habitat and wetland areas and providing public recreational trails and community benefits to city residents, employers and workers at Ravenswood Open Space Preserve and a portion of San Francisco Bay Trail within the preserve. Our comments are focused on the following environmental resource areas: Aesthetics, Biological Resources, Hydrology and Water Quality, and Recreation.

Response G.1: Comment G.1 summarizes the topics discussed in Comments G.2 through G.15 below, for which specific responses are provided below.

Comment G.2: 3.2 AESTHETICS

Midpen recognizes the City's Vista 2035 East Palo Alto General Plan policies for Land Use and Urban Design provide guidance on scenic views and viewsheds toward adjacent natural resources which would include the San Francisco Bay, adjacent shoreline areas and Ravenswood Open Space Preserve, viewshed analysis requirement and protection of the east- west view corridor through Ravenswood north of Bay Road.

Policy 13.8 - Viewsheds. Encourage developers to design projects that capitalize on views of adjacent natural resources. Require viewshed analysis as part of any potential development application. New development shall allow for the proposed east-west view corridor through Ravenswood north of Bay Road (see Specific Plan for details)

However, the SEIR does not provide any viewshed analysis of the proposed buildings' heights and bulk along the waterfront-levee edge transition zone, which will be closest to Ravenswood Preserve. Photos 1 through 16 from pages 38-45 show existing conditions but not the development scenarios. For example, viewshed analyses should be conducted and provided for public review for these two transition zones to evaluate the visual impacts along the Ravenswood Bay Trail corridor north of Bay Road:

- 100' to 150' from BCDC Shoreline Band: maximum 64' (four stories)
- 150' to 200' from BCDC Shoreline Band: maximum of 96' (six stories)

Response G.2: The SEIR provides program-level review (i.e. it does not evaluate specific projects, including building architecture, on specific sites) and does not provide a viewshed analysis as such an analysis would be completed when development applications for future projects within the transition zones are under review and specific building plans and site plans are available. Photosimulations/renderings of future developments under Specific Plan Update will be available at the time the specific development applications undergo review for entitlements. The intention of General Plan Policy 13.8 is to require individual projects to complete viewshed analysis for developments adjacent to natural resources, at the time a specific project is proposed, i.e. a development application is on file. The Draft SEIR is a program-level analysis of the foreseeable environmental impacts of future projects under the Specific Plan Update.

Future projects under the Specific Plan Update would require project-level environmental review, including the type of review requested in the comment. Consistent with General Plan Policy 13.8 noted above and in Draft SEIR Page 35, future projects within transition zones and viewshed corridor zones would complete a viewshed analysis, to ensure future projects do not result in a significant impact to views of the Ravenswood Open Space Preserve and San Francisco Bay. As described on Draft SEIR Page 49, based on building setback and view corridor standards described in Chapter 4 of the Specific Plan, future developments shall be required to enhance public views of the Bay's waterfront, through an upper floor step back zone for buildings fronting along Bay Road east of Tara Road, and through step back and building separation standards along major and minor view corridors (shown on Figure 3.2-2 in the Draft SEIR). The transition zones described in Comment G.2 are also shown on Figure 3.2-2 in the Draft SEIR. No waterfront-levee edge transition zones or future development are proposed along the Ravenswood Bay Trail Corridor north of Bay Road. Figure 3.2-2 in the Draft SEIR has been replaced to show an

overlay of the transition zones, future land uses, and the Bay Trail on Page 50 (see Section 5.0 Draft SEIR Text Revisions in this Final EIR).

Comment G.3: 3.4 BIOLOGICAL RESOURCES

Shadow Impacts on Sensitive Habitat Areas

As shown in Figure 2.3-2 Maximum Building Heights, the Specific Plan Update allows for maximum building heights ranging from approximately 30 feet to 122 feet above the ground surface and the tallest buildings (seven to eight stories, between 104 to 122 feet above the ground surface) proposed to occur along the eastern end of the Specific Plan area, which will greatly impact the sensitive marsh habitat areas north and south of Bay Road by the shadows cast by these tall buildings, even with setback and stepback standards applied.

3.4.2 Impact Discussion – 2) Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the CDFW or USFWS?

Shading from future developments along the eastern portions of the Specific Plan area could affect vegetation in salt marshes. Future developments along the eastern portion of the Plan area have some potential to cast shadows over tidal marsh habitats to the east during the late afternoon and evening, when the sun is in the west. However, as depicted on Figure 2.3-2 (Maximum Building Heights), future buildings along the eastern portions of the Plan area, adjacent to the sensitive salt marshes, are limited to lower heights (35 to 60 feet above grade), compared to building heights (up to 120 feet above grade) in other portions of the Plan area. All new buildings would be constructed outside the 100-foot BCDC setback, therefore, limiting the amount of shade that would reach the tidal salt marsh habitat throughout the day. These marshes are also expected to remain open to the sky to the north, south, and east, and are expected to receive enough light that shading from the buildings would not result in substantial adverse effects on marsh vegetation.”

Midpen conducted a preliminary analysis to understand the potential for shading on the adjacent marshland. The analysis casts shadows based on 30-minute increments from sunrise to sunset at three different times of the year based on the Specific Plan Update’s allowed building heights (summer, fall and winter). The preliminary analysis projects the shade that would result from the building heights for an entire building zone based on maximum building height including stepbacks, but does not account for setbacks, and is therefore a conservative estimate. The videos provide a number of scenarios (e.g. baseline conditions without proposed project, anticipated development with full building heights, varying shade coverage for the different seasons) to illustrate the amount of shading that may occur in the marshlands. The videos indicate that new, significant shading of the Ravenswood and Faber-Laumeister marshlands is possible due the proposed development associated with the Specific Plan Update, particularly in the winter months.

Based on Midpen’s preliminary analysis and the finding that there is a potential for new significant shading of sensitive marshland, Midpen requests that the City conduct a formal shade study and impacts analysis. Currently the SEIR does not adequately analyze and address the potential for shade impacts associated with the proposed development to the adjacent marshland which support critical habitats for the aquatic species.

Response G.3: The City and the City’s biological consultant reviewed Midpen’s preliminary analysis for shading on the adjacent marsh. Draft SEIR Figure 2.3-3 shows publicly accessible park and open space areas would be present along the project’s eastern boundary, in addition to the 100-foot BCDC setback. Therefore, in most areas, the area immediately adjacent to the 100-foot BCDC setback would not be built up with tall buildings; rather, any buildings associated with parks and open space would be limited to the heights indicated. New taller buildings from 104 to 120 feet in height (with rooftop equipment exceptions) would be set back approximately 120 to 300 feet from the marsh, depending on location (see Draft Figure 2.3-3). Thus, any tall buildings would be set back at least 120 feet from the marsh.

Since the sun rises in the east, buildings would cast shade to the east primarily in the late afternoons and evenings, with longer shadows that potentially affect the adjacent marsh occurring in the winter season. However, this increased shading would not occur during the peak growing season of plants in the adjacent marsh, and hence would have no substantive impact on the health or extent of this vegetation. Based on the anticipated increased shading occurring primarily in the winter months, as well as the setbacks shown on Figure 2.3.3 of the Draft SEIR, the impact of increased winter-season shading by development under the Specific Plan Update would be extremely limited, and less than significant.

Shading is not anticipated to result in a significant impact to salt marsh habitat (based on the conclusions of the Draft SEIR (Page 137) and the Appendix C Biological Resources Report. Based on information from the City’s biological consultant supporting the SEIR, it is not typical for jurisdictions to require shading and shadow studies of new construction’s effects on salt marsh habitat since there is no rule of thumb or standard threshold regarding the amount of shading that is considered significant. The above discussion describes why impacts of shading on salt marsh habitat would be less than significant.

Comment G.4: Biological Resources Mitigation Measures

Midpen understands that MM BIO-1.1 in the 2013 Specific Plan EIR will be replaced by MM Bio 1.1– 1.3 in the Specific Plan Update SEIR.

MM BIO- 1.2: Special-Status Plant Avoidance Buffers

If complete avoidance is not feasible and more than 10 percent of a population (by occupied area or individuals) would be impacted as determined by a qualified plant ecologist, MM BIO1.3 shall be implemented.

Midpen appreciated the intent of MM Bio-1.2 to avoid all impacts to special status species to the extent feasible. When complete avoidance is not feasible, all impacts to special status plants should be mitigated for, not only when more than 10 percent of a population is impacted. The replaced MMBIO-1.1 in the 2013 Specific Plan EIR was more protective calling for development of a compensatory mitigation plan and coordination with regulatory agencies. Midpen supports mitigation for impacts to all species status species in coordination with appropriate resource agencies.

Response G.4: Impacts to a small proportion of a population of special-status plants is not expected to cause the extirpation of that population, as the remaining plants would allow a viable population to persist. Guidelines to minimize impacts of seed collection on wild plant populations suggest that no more than 10 percent of the seeds from a plant population should be collected.^{2, 3} Occurrences of annual plant species are assumed to retain long-term viability if the decline in population size and percent cover, relative to pre-activity conditions, is less than 25 percent five years after the activity is conducted, and perennial plant occurrences are assumed to retain long-term viability if the decline is less than 25 percent three years after the activity.⁴ Therefore, impacts to 10 percent or less of a population of special-status plants would not be expected to cause the extirpation of such a population as long as the remaining plants are avoided and protected.

Coordination with resource agencies will occur as part of the CEQA process for future projects. To the extent that any regulatory agencies, such as the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or California Department of Fish and Wildlife, regulate impacts of activities performed under the Specific Plan, the proponents of such activities would be required to coordinate with those agencies

² Menges, E. S., E. O. Guerrant Jr., and S. Hamze. 2004. Effects of seed collection on the extinction risk of perennial plants. In: Guerrant EO, Havens K, Maunder M, editors. Ex-situ Plant Conservation. Washington: Island Press; 2004. pp. 305–324.

³ Center for Plant Conservation. CPC best plant conservation practices to support species survival in the wild. Accessed October 28, 2024. <https://saveplants.org/best-practices/collecting-seeds-wild-rare-plant-populations/>.

⁴ Santa Clara Valley Habitat Agency. Final Santa Clara Valley Habitat Plan. August 2012. Prepared for the City of Gilroy, City of Morgan Hill, City of San José, County of Santa Clara, Santa Clara Valley Transportation Authority, and Santa Clara Valley Water District.

(e.g., under the Federal or California Endangered Species Acts). However, not all special-status plants are regulated by such agencies; for example, of the special-status plants determined to have some potential to be impacted by Specific Plan Update activities, Congdon's tarplant, alkali milk vetch, and Point Reyes bird's beak are not protected by state or federal agencies, and thus there is no need for coordination with any agencies regarding mitigation for such species.

Comment G.5:

MM BIO-1.3: Preserve and Manage Mitigation Populations of Special-Status Plants

If avoidance of special-status plants is not feasible and more than 10 percent of the population would be impacted, compensatory mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population.

When complete avoidance is not feasible, all impacts to special status plants should be mitigated for, not only when more than 10 percent of a population is impacted. The replaced MMBIO-1.1 in the 2013 Specific Plan EIR was more protective calling for development of a compensatory mitigation plan and coordination with regulatory agencies. Midpen supports mitigation for impacts to all species status plants in coordination with appropriate resource agencies, not only when more than 10 percent of a population is impacted.

MM BIO-1.3: Continued.

A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis. Approval of the HMMP by the City shall be required before project impacts occur to the species.

Additionally, MM BIO-1.3 should document that for any HMMP, approval of not just the City, but by appropriate resource agencies, is required before a project is approved and initiated.

MM BIO-1.3: Continued.

A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist).

To avoid the potential to introduce or spread weeds and pathogens when salvaging or transplanting plants, Midpen recommends including the following best management practices as part of the City's measures for transplanting plants.

BMPs for minimizing the spread of Phytophthora pathogens:

<https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/>

Response G.5: Please refer to Response G.4 for information on why it is not necessary to compensate for small impacts on special-status plant populations (10 percent or more of a population), and why it is not necessary to obtain approval of mitigation for impacts to species that are not regulated by any resource agencies. In response to the above comment, the second sentence in paragraph 3 of Draft SEIR MM BIO-1.3 (Page 110) has been revised as follows to require approval of the HMMP by the relevant resource agency if a state or federally listed plant species requires mitigation. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

In addition, revisions to the fourth bullet point of MM BIO-1.3 detailing contents of the HMMP have been made to reduce the potential for spread of plant pathogens when salvaging or transplanting plants. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR. These revisions have also been made to Mitigation Measure BIO-3 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR).

The above revisions to MM BIO-1.3 clarifications to MM BIO-1.3 regarding the relevant approval agencies for the HMMP and requirement that any salvaging or transplanting of plants occur in accordance with appropriate best management practices, do not change the less than significant with mitigation incorporated impact conclusion, related to special-status plants, on Draft SEIR Page 111.

Comment G.6:

MM BIO-2.3: Prohibit Rodenticides

The use of rodenticides shall not be allowed within 100 feet of any salt marsh habitat.

The use of rodenticides in the community poses a significant threat to the wildlife in the neighboring areas, especially predators and scavengers. To avoid impacts, Midpen recommends that the City promote alternative pest control methods, and prohibit or limit rodenticides to areas adjacent to wetlands. When rodenticides are necessary, Midpen recommends that the City only allow rodenticides with the least impacts, and conduct outreach and education efforts about the effects of commonly available pesticides on wildlife.

[Rodenticides | Midpeninsula Regional Open Space District](#)

Response G.6: As shown on Draft SEIR Figure 3.4-1, all of the wetlands within the Specific Plan area are mapped as salt marsh, and therefore MM BIO-2.3 (Draft SEIR Page 119) would apply to all areas within 100 feet of wetlands. Salt marsh harvest

mice are not expected to occur more than 100 feet from such salt marsh habitat, and rodenticides are not expected to be mobilized into salt marshes if used more than 100 feet from such habitats. Therefore, MM BIO-2.3, as written, would provide the appropriate protection of salt marsh harvest mice and any other species associated with wetlands. Limits on the use of rodenticides more than 100 feet from wetlands are not necessary to avoid a significant impact given the highly urban nature of areas more than 100 feet from wetlands and the limited use of such areas by sensitive species. It would not be feasible for the City to monitor what rodenticides are used within those areas of the Plan where they are allowed, i.e. more than 100 feet from wetlands.

Comment G.7:

MM BIO-2.4: Restrict Pesticide Use in and near Salt Marsh Habitats

All pesticides used within 100 feet of salt marsh habitats must be utilized in accordance with the manufacturer's directions. No pesticides shall be applied within tidal marsh habitats as part of Specific Plan Update activities. Any pesticides used in areas where they could be washed, or could drift via wind, into tidal marsh habitat must be approved by the City of East Palo Alto for use in aquatic habitats.

To avoid impacts to salt marsh habitats, alternative Integrated Pest Management strategies should be encouraged prior to use of pesticides to minimize risks to people and the environment. Additionally, the pesticide application buffer of salt marsh habitats should be increased beyond 100 feet, especially for pesticides not approved for aquatic application. All storage, loading and mixing of pesticides should be set back at least 300 feet from any aquatic feature or special-status species or their habitat or sensitive natural communities. Pesticides should not be applied in areas or manners where they could be washed or drift via wind into tidal marsh habitats

Response G.7: In response to the above comment, the first sentence of MM BIO-2.4 (Draft SEIR Page 119) has been revised to state that all pesticides used within 300 feet of salt marsh habitats must be utilized in accordance with the manufacturer's directions, and pesticides shall not be stored, loaded, or mixed within 300 feet of any salt marsh or open water/tidal slough habitat unless the user's property is located entirely within 300 feet of those habitats (in which case off-site storage may be infeasible). The revisions to MM BIO-2.4 provide a correction to a typographical error regarding the buffer for pesticide use within salt marsh habitat and clarification for uses not allowed within the buffer area. These revisions have also been made to Mitigation Measure BIO-7 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR). The above revisions do not change the less than significant impact with mitigation incorporated conclusion (related to salt marsh harvest mouse and salt marsh wandering shrew habitat populations and habitat) on Draft SEIR Page 120.

Requiring all users of pesticides to store, load, and mix pesticides more than 300 feet from salt marsh or aquatic habitats would be infeasible if the user's property does not include any areas more than 300 feet from those habitats. Therefore, it is not necessary for MM BIO-2.4 to prohibit application of pesticides in areas where they could be washed or drift via wind into tidal marsh habitats if the pesticides in question are approved for use in aquatic habitats.

Comment G.8:

MM BIO-2.5: Raptor Perch Deterrents

Within 300 feet of any salt marsh habitats within or adjacent to the Specific Plan area, raptor perch deterrents will be placed on any edges of building roofs, terraces, or other structures (e.g., light poles or electrical towers) that are high enough to overlook the marsh and that have an unobstructed view to the marsh. The specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City.

To avoid unanticipated impacts to other native wildlife, Midpen recommends that MM Bio-2.5 includes specific language to prohibit features like flagging, and flashing or lighting that result in negative impacts to other wildlife.

Response G.8: In response to the above comment, the second sentence of MM BIO-2.5 (Draft SEIR Page 119) has been revised to state that the specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City but shall not include flagging or other wind-activated materials, or any deterrents that include lights. The above revisions to MM BIO-2.5 provide clarification regarding perch deterrent restrictions. These revisions have also been made to Mitigation Measure BIO-8 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR). The above revisions do not change the less than significant impact with mitigation incorporated conclusion (related to salt marsh harvest mouse and salt marsh wandering shrew populations and habitat) on Draft SEIR Page 120.

Comment G.9:

MM BIO-2.7: Restrictions on Outdoor Cat Feeding Stations and Off-Leash Dogs

Future developments shall prohibit outdoor cat feeding stations within 300 feet of salt marsh habitats. Future developments shall also prohibit off-leash dogs within 100 feet of salt marsh habitats unless within fenced areas.

East Palo Alto's Parks, Recreation, and Open Space Master Plan includes guidelines to protect the salt marsh harvest mouse, a species protected under the Endangered Species Act. The plan states "Discourage feral cats, feeding stations, and improper trash storage. Prohibit or limit dog access near sensitive habitats and wetland areas." These design guidelines were intended to apply to the

RBD Shoreline Parks Area, and not only 100-300 feet of salt marsh habitat. To align with the City's Park Master Plan and to avoid impacts to wildlife, Midpen supports the prohibition of all outdoor cat feeding stations, not just those within 300 feet of salt marsh habitats. Midpen also supports an overall increase in the off-leash dog buffer to greater than within 100 feet of salt marsh habitat, with specific buffer distance determined by the ease of access to the salt marsh habitat. Midpen also strongly supports a prohibition of dogs on bayfront perimeter trail, consistent with Midpen's Ravenswood Preserve management practices. Midpen recommends that MM BIO-2.7 be updated as follows:

MM BIO-2.7: Future developments shall prohibit outdoor cat feeding ~~stations within 300 feet of salt marsh habitats~~. Future developments shall also prohibit off-leash dogs within areas that would provide direct access to sensitive salt marsh habitat and at a minimum of 100 feet of salt marsh habitats unless within fenced off-leash dog areas and that these areas do not drain into salt marsh habitat without treatment.

Response G.9: The restrictions provided by MM BIO-2.7 (Draft SEIR Page 120) would adequately reduce the occurrence of feral cats and off-leash dogs in areas that could be occupied by salt marsh harvest mice and salt marsh wandering shrews to reduce the potential for predation on these special-status mammals by cats and dogs. This measure would prohibit any off-leash dogs being present within 100 feet of salt marsh, including dogs that may have started off-leash more than 100 feet of the salt marsh and, therefore, expanding this zone is not necessary. Although the City recognizes that Midpen does not allow dogs at Ravenswood Open Space Preserve, allowing leashed dogs on the Bayfront perimeter trail within the Specific Plan area would not result in significant disturbance, predation, or other impacts on sensitive tidal marsh species. It is reasonable to assume that the vast majority of future users of the trail would comply with the leash restrictions and that prohibition of dogs on bayfront perimeter trail would not be necessary. While compliance by 100 percent of future users with the leash restriction would not be likely, that would also be expected with a complete prohibition, and the instances of off-leash dogs would be expected to be rare.

Comment G.10:

MM BIO-2.8: Food Waste Management

The following measures shall be implemented by future developments within 100 feet of salt marsh habitats to reduce impacts on salt marsh harvest mice and salt marsh wandering shrews due to the attraction of nuisance predators.

Midpen supports the specific measures association with MM BIO-2.8 to prevent impacts to salt marsh harvest mice and salt marsh wandering shrews.

In accordance with EPA's Parks Master Plan, and to prevent impacts to salt marsh harvest mice, the following additional measure should be added:

- *Any observations of over flowing or non-functioning (not tightly sealed) trash bin or community/illegal feeding stations should result in action to dismantled the feeding station and the installation of educational signage about the negative impacts of outdoor cat feeding station on native and special-status species.*

Response G.10: In response to the above comment, the second bullet in MM BIO-2.8 has been revised to state that any observations of overflowing or non-functioning trash bins shall be reported to those responsible for emptying the bins, and to the City, to ensure that they are emptied when necessary. This revision provides clarification regarding the reporting requirements for overflowing and non-functioning trash bins. These revisions have also been made to Mitigation Measure BIO-11 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR). The above revisions do not change the less than significant impact with mitigation incorporated conclusion (related to salt marsh harvest mouse and salt marsh wandering shrew populations and habitat) on Draft SEIR Page 120.

The second part of the proposed additional text described in the above comment, regarding cat feeding stations, are not necessary as MM BIO-2.7 addresses restrictions on outdoor cat feeding stations.

Comment G.11:

MM BIO-3.1 Seasonal Avoidance or Protocol-level Surveys and Buffers around Calling Centers

To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated.

Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs. If breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season.

To avoid impacts to California Ridgway's rail and California black rail or abandonment of their nests, MMBIO-3.1 should be updated to include coordination with USFWS and CDFW. Midpen requests the following:

To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist in coordination with USFWS and CDFW determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs. If breeding rails are determined to be present, a qualified biologist should consult with USFWS and CDFW regarding appropriate buffers and protective measures. Encroachment of construction activities within a designated buffer zone around occupied nests may occur only after consultation with and concurrence by USFWS and CDFW and with nest monitoring and restrictions on the type of operations. ~~construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season.~~

Response G.11: In response to above comment, MM BIO-3.1 (Draft SEIR Page 122) has been revised state that independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist in coordination with USFWS and CDFW determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development.

In addition, MM BIO-3.1 has been revised to state that if breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season unless the USFWS and CDFW provide guidance regarding the types of activities that may occur within lesser distances from calling centers, in which case USFWS and CDFW guidance shall be followed. The above revisions were added to clarify that coordination with USFWS and CDFW is required regarding the buffer from the California Ridgway's rail or California black rail nest during construction. These revisions have also been made to Mitigation Measure BIO-12 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR). The revisions do not change the less than significant impact with mitigation incorporated conclusion related to California black rail and/or California Ridgway's rail populations and their habitats on Draft SEIR Page 122.

Nest monitoring, as recommended by this comment, would be infeasible for the California Ridgway's rail and California black rail; these species build inconspicuous nests, so monitoring of actual nests would be infeasible unless the monitor were in the marsh, which would cause enough disturbance to the nesting birds as to be inappropriate. As long as the measures described in MM BIO-3.1 are complied with, no monitoring should be necessary.

Comment G.12:

MM BIO-7.1 Nesting Birds - Buffers. *If an active nest is found within areas that would be disturbed by project activities, the qualified biologist shall determine the extent of a construction-free buffer zone to be established around the nest (typically 300 feet for raptors and 100 feet for other species, though buffers may be reduced by the biologist based on intervening structures or vegetation, the magnitude of disturbance produced by the activity, and the level of human activity to which the birds are already habituated), to ensure that no active nests of species protected by the MBTA and California Fish and Game Code will be disturbed during project implementation.*

To avoid impacts to nesting birds, required buffers of 250 feet for passerines, 500 feet for small raptors (accipiters), and 1,000 feet for larger raptors (buteos and eagles) should be applied. If special-status birds or their nests, are present, the project proponent shall consult with the USFWS and CDFW regarding the implementation of appropriate protective measures.

Measures shall generally include establishing a “no-work” buffer zone in the vicinity of active occupied nests, with the size of the buffer to be determined by the ornithologist in consultation with USFWS and CDFW. All buffer zones shall be designated on construction drawings and delineated in the field by orange construction fencing or a similar visual barrier to equipment operators and personnel. The buffer zone barrier shall be monitored and maintained until the end of the breeding season and as approved by a qualified biologist. Additional protections may be required for Bald and Golden Eagles due to Bald and Golden Eagle Protection Act. Additionally, when corvid nests (e.g. common ravens) are identified, removal should be encouraged whenever acceptable to wildlife agencies.

Response G.12: The buffers suggested in the above comment are greater than are necessary to avoid violations of the Migratory Bird Treaty Act (MBTA) and California Fish and Game Code (per the City’s biological consultant, H.T. Harvey & Associates). A number of nests of non-raptors, small raptors, and large raptors occur well within the buffers suggested by the above comment, and given Specific Plan Update activities would occur in areas that are already subjected to considerable human activity, birds nesting near such activities are already habituated to human activity. Further, consultation with the USFWS and CDFW regarding appropriate buffers is not necessary; the guidance of a qualified biologist would be adequate to avoid a significant impact under CEQA. The City also disagrees with suggestions regarding

how buffer zones around active nests should be depicted or marked. For example, because pre-activity surveys for nesting birds are to be completed no more than seven days prior to the initiation of project activities, depicting buffer zones on construction drawings (which are prepared much more than seven days prior to project activities) is infeasible. How individual project proponents or contractors delineate or mark buffers in the field does not need to be prescribed in MM BIO-7.1 (Draft SEIR Pages 130 and 131), as long as the appropriate buffer identified by the qualified biologist is maintained.

No bald or golden eagles are expected to nest in or close to the Specific Plan area, based on the current distributions of nesting pairs of these species and the habitat types present in and near the Specific Plan area, so no Specific Plan activities are expected to risk violation of the Bald and Golden Eagle Protection Act.

Although the City recognizes that corvids such as common ravens pose a threat to sensitive species, ravens currently nest in and near the Specific Plan area, and with implementation of appropriate mitigation measures (such as MM BIO-2.8, Food Waste Management), Specific Plan Update activities would not cause an increase in populations of corvids. Therefore, no mitigation related to removal of corvid nests is necessary to avoid a significant impact under CEQA.

Comment G.13:

MM BIO-9.1: Implement Invasive Weed Best Management Practices (BMPs). The invasion and/or spread of noxious weeds will be avoided by the use of the following invasive weed BMPs:

- *Prohibit the use of moderate or highly invasive and/or noxious weed (as defined by California Department of Food and Agriculture) for landscaping.*
- *During project construction, all seeds and straw materials used in the Specific Plan area shall be weed-free rice (or similar material acceptable to the City) straw, and all gravel and fill material will be certified weed-free to the satisfaction of the City. Any deviation from this will be approved by the City.*
- *During project construction within, or within 100 feet of, tidal salt marsh, open water, or tidal slough habitats, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or car washes.*
- *Following construction of project, a standard erosion control seed mix (acceptable to the City) from a local source, and free of invasive species, will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from nonnative, invasive plant species.*

To prevent the invasion and/or spread of noxious weeds, also prohibit use of California Invasive Plant Council's rated weeds (<https://www.cal-ipc.org/>). If seed is installed adjacent to sensitive salt marsh and tidal slough habitat, seed mix should be a specialized mix with locally collected seed from coastal salt marsh plant species that occur in the habitat. Ornamental species not native to the area, but that are drought tolerant may pose threats to neighboring sensitive habitats.

Also, straw should be certified weed free and wattles should be 100% biodegradable to prevent wildlife entrapment and washing into storm drains.

In addition to requiring vehicle washing before and after entering the project footprint, all equipment should be inspected upon arrival to the construction site and any equipment with soil, vegetative material and weeds should be turned away. Only clean and sanitized equipment, especially when working adjacent to sensitive habitat, should be allowed entry.

Additional information and BMPs for minimizing the spread of pathogens and weeds can be found here:

http://phytosphere.com/publications/Phytosphere_GGNPC_Soil_Phytophthora_BMPs_Jan2018.pdf

Response G.13: In response to the above comment, the first bullet under MM BIO-9.1 (Draft SEIR Pages 135 and 136) has been revised to clarify that highly invasive and/or noxious weeds are defined by the *California Invasive Plant Council* in addition to the California Department of Food and Agriculture.

The first sentence of the second bullet has been revised to state that all seeds and straw materials used in the Specific Plan area shall be *certified*-weed-free rice (or similar material acceptable to the City) straw.

It is not feasible for the City to monitor, for all future developments over the decades the Plan would be built out, that all vehicles (of which there would be thousands over the timeframe for Plan buildout) and equipment are inspected upon arrival to the construction site or that any vehicles or equipment with soil or vegetative material would be turned away. Therefore, the above recommendation has not been included in MM BIO-9.1.

The revisions to MM BIO-9.1 are clarifications regarding the requirements of the mitigation. These revisions have also been made to Mitigation Measure BIO-20 in Draft SEIR Appendix C Biological Resources Report (refer to Appendix B Supporting Documentation in this Final SEIR). The revisions do not change the less than significant impact with mitigation incorporated conclusion related to California black rail and/or California Ridgway's rail populations and their habitats on Draft SEIR Page 122.

It is not required to specify that seed installed adjacent to salt marsh and tidal slough habitat consist of seed from salt marsh plant species; habitats adjacent to salt marshes and tidal sloughs would not necessarily be suitable for salt marsh plant species, which have different microhabitat requirements and tolerances (e.g., with respect to soil saturation/inundation and salinity) from plants growing in adjacent upland areas. Further, the above comment does not provide evidence that ornamental species which are drought tolerant may threaten neighboring sensitive habitats; as long as those species are not considered invasive (which would be prohibited per MM BIO-9.1), ornamental plants would not threaten salt marsh habitats.

Comment G.14:

MM BIO10-1: Jurisdictional Waters Avoidance and Minimization Measures. The following measures will be implemented to avoid and minimize impacts to jurisdictional waters to less than significant levels.

- *During or prior to project design, a wetland delineation of the project area shall be conducted to determine precise boundaries of jurisdictional wetlands and other waters. Impacts to any jurisdictional habitats shall be avoided to the extent practicable. If wetlands or other waters under state or federal jurisdiction occur in the construction areas and involve the placement of fill or dredged materials or other alteration, the necessary and appropriate permits and approvals from responsible resource agencies shall be secured. As appropriate for the type of permit to be considered, options that avoid, minimize, or mitigate potential impacts on jurisdictional wetlands shall be evaluated. Conditions of approval attached to the permits shall be followed.*
- *Sensitive habitat areas including wetlands adjacent to, but outside of, the construction area shall be demarcated with orange construction fencing to exclude workers, vehicles, and equipment.*
- *The locations of habitats to be avoided shall be identified in the contract documents (plans and specifications) as “Sensitive Biological Resources – Do Not Disturb.”*
- *Jack-and-bore or other trenchless methods shall be used as feasible to reduce the need for surface construction within identified sensitive habitats and exclusion zones, and construction activities and vehicles shall be restricted to a specified right-of-way.*
- *Temporarily impacted wetlands and other waters shall be restored in place based on a restoration plan prepared by a qualified biologist and approved by the City.*
- *Where possible, trenches shall be worked from only one side to minimize impacts on adjacent habitat.*
- *Watering of exposed earth shall be conducted consistent with construction BMPs to minimize dust production.*

- *Trench lines shall be reseeded with native vegetation appropriate for the affected habitat type, and/or a doubletrenching technique shall be used through sensitive habitats to help preserve the existing seedbank*
- *To avoid impacts to jurisdictional waters and salt marsh habitat, and prevent the spread of pathogens and weeds, any imported fill should be clean with no pathogens or weed seeds. When seed mixes are applied, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat should be utilized.*

To avoid impacts to jurisdictional waters and salt marsh habitat, and prevent the spread of pathogens and weeds, any imported fill should be clean with no pathogens or weed seeds. When seed mixes are applied, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat should be utilized.

Response G.14: In response to the above comment, text has been added to MM BIO-10.1 (Draft SEIR Pages 139 and 140) to state that any imported fill within wetlands shall be clean with no pathogens or weed seeds. When seed mixes are applied to wetlands, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat shall be utilized.

The above update to MM BIO-10.1 does not change the less than significant impact with mitigation incorporated conclusion related to impacts to jurisdictional wetlands (Draft SEIR Page 140). The above revision to was also made to Mitigation Measure BIO-21 in Draft SEIR Appendix C Biological Resources Report.

Comment G.15:

Proposed Specific Plan Update Bird Safe Standard 6.8.4: *The Specific Plan Update includes bird-safe design standards that would reduce avian collisions (refer to Appendix C). The following Specific Plan Update standards would be implemented to enhance and modify the standards to ensure buildout of the Specific Plan Update results in less than significant impacts to migratory birds.*

- *6. Bird-safe glazing treatments may include any of the following: o Fritting o Netting o Permanent stencils o Frosted glass o Exterior screens o Physical grids placed on the exterior of glazing o Ultraviolet (UV) patterns visible to birds*

To avoid impacts to migratory birds due to entrapment hazards, remove “netting” from list of bird-safe glazing treatments, or clarify that “netting” refers to a net-like design applied to windows, rather than netting material applied to windows and facades.

Response G.15: In response to the above comment regarding ensuring that future projects would not result in entrapment hazards for migratory birds, “netting” has been removed as an option for bird-safe glazing treatment (refer to Draft SEIR Page

143). Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR and Appendix B Supporting Documentation (for the Biological Resources Report). The revision does not change the Draft SEIR conclusions related to bird safe treatments (to prevent bird collisions).

Comment G.16: 3.10 HYDROLOGY AND WATER QUALITY

The SEIR states that, “In addition, future development projects and the multi-use path and loop road would comply with the following Specific Plan Update standards to reduce impacts to the City’s drainage system.” The Proposed Specific Plan Update Storm Drainage Standards (pages 243-44) states:

- Avoid adjacent flooding. New developments shall ensure that proposed site topography and connection to the City's storm drain system does not cause new or additional flooding to City streets and other properties. The City Engineer shall have final determination over the direction/flow of drainage. See Figure 9-5 for Mass Grading Plan.
- Design storm condition. The City Engineer shall have final determination of the design storm condition required to be used by applicants. At time of adoption, the standard is a 10-year storm condition.

Furthermore, Midpen recognizes the City’s Vista 2035 East Palo Alto General Plan policies for hydrology and water quality and the Specific Plan Updates standards and guidelines for stormwater and low impact development.

Vista 2035 East Palo Alto General Plan

Various policies in the City’s General Plan have been adopted for the purpose of avoiding or mitigating hydrology and water quality impacts resulting from planned development within the City, including the following:

1.2 On-site stormwater management. Encourage development projects to manage stormwater on-site to reduce burdens on the City’s stormwater system. Whenever possible, stormwater should be infiltrated, evaporated, reused or treated on-site in other ways to improve stormwater quality and reduce flows into the storm drain system.

RBD Specific Plan Update

6.8.2 Stormwater & Low Impact Development

STANDARDS

1. Permit Requirements. Projects shall meet the Municipal Regional Permit Requirements per NPDES Permit Number C A5612008.

2. C-3 Standards. The most restrictive C-3 requirements shall be used for the design of stormwater management systems for projects. This also includes employing Best Management Practices (BMPs) pre-, during, and postconstruction.

GUIDELINES

- 1. Stormwater Reuse. Cisterns and other design features should be used to capture, store, and reuse stormwater.*
- 2. Paved Parking. The amount of paved parking area should be minimized, and pervious parking materials should be considered where feasible.*
- 3. Detention Features. Stormwater detention features should be used to minimize runoff into streets and parking lots. Stormwater detention features include drainage swales and detention basins.*
- 4. Roof Runoff Diversion. Stormwater runoff from roofs should be diverted to vegetated swales or detention areas rather than storm drains.*

Response G.16: The City acknowledges Comment G.16 . The comment does not raise concerns about the adequacy of the Draft SEIR analysis. The General Plan Policies and Specific Plan Update Guidelines related to stormwater are listed in the comment.

Comment G.17: To avoid impacts to water quality of sensitive salt marsh habitats, Midpen requests that specific measures be prescribed through a mitigation measure containing the following requirements:

- New development shall incorporate water/stormwater detention features to manage stormwater on-site.
- Detention basins should be planted with native plants when feasible.
- All untreated runoff should be directed away from salt marsh habitat.

Response G.17: As discussed on Page 239 of the Draft SEIR, future developments under the Specific Plan Update would comply with existing regulations including the San Francisco Regional Water Quality Control Board Municipal Regional Stormwater National Pollutant Discharge Elimination System Permit (MRP) which regulates stormwater discharges, the State Water Resources Control Board Construction General Permit, and General Plan Policies 1.1 through 1.5, 1.8, and 1.9, to reduce impacts future impacts of stormwater runoff on water quality impacts to less than significant. Under Provision C.3 of the MRP, new and redevelopment projects that create or replace 5,000 square feet or more of impervious surface area would be required to implement site design, source control, and Low Impact Development (LID)-based stormwater treatment controls (which could include stormwater detention features) to treat post-construction stormwater runoff. The MRP requires new development to incorporate stormwater control/stormwater detention features to manage stormwater on-site. In addition, Mitigation Measure MM BIO-

4.2, on Draft SEIR Page 124, includes construction best management practices that would reduce future project impacts on the water quality of sensitive habitats Section 3.4 Biological Resources, checklist question b) of the Draft SEIR addresses impacts of future projects on riparian habitat or other sensitive natural communities.. With the implementation of MM BIO-4.2, MM BIO-9.1, MM BIO-10.1, MM BIO-10.2 (Draft SEIR Pages 124-125, 135-136 , 138-139, respectively, future projects would result in a less than significant impact on riparian habitat and wetlands. In addition, future projects adjacent the salt marsh habitat would comply with Specific Plan Update Policy UTIL-1.7, which requires all untreated runoff to be directed away from the salt marsh habitat and Specific Plan Update Chapter 9 Guideline which requires detention basins to be planted with native plants when feasible. The above policy and guideline has been added to Draft SEIR Page 140. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment G.18: 3.15 RECREATION

Under Section 3.15.1.2, the SEIR should mention the anticipated use of the nearby Ravenswood Bay Trail and Ravenswood Open Space Preserve due to their proximity to the proposed development. While the project increase may not result in a significant impact, there would still be a future increase in the use of the existing regional open space and Bay Trail.

While the SEIR's Recreation section references the State Government Code Section 66477 (Quimby Act) and the City's Vista 2035 East Palo Alto General Plan under the Regulatory Framework, Midpen recommends that SEIR also reference the City's Parks, Recreation, and Open Space Master Plan. The City's Parks Master Plan contains important design guidelines about recreation near sensitive habitat that should apply to development of recreational facilities adjacent to marsh areas that could impact sensitive habitats, special status plant and animal species. Specific reference to design guidelines for development of recreation facilities near sensitive habitats include:

- appropriate low-impact recreational uses,
- use of native plants in landscaping,
- reduced night lighting and alignment with International Dark-Sky Association guidelines, and
- prohibitions and limitations to dog access near sensitive habitat areas.

Midpen appreciates the opportunity to review and submit comments on the SEIR. We recognize the significance of the City's Specific Plan Update and adoption of this planning framework to implement the vision and strategies that would promote greater community benefits and environmental sustainability of the area.

Please follow-up with Jane Mark, Planning Manager, with any questions related to Midpen's comments. Jane can be reached at jmark@openspace.org or at (650) 625-6563. Thank you for the opportunity to submit comments on the SEIR for the Ravenswood Specific Plan Update.

Response G.18: Draft SEIR Section 3.14 Public Services, Pages 309 and 310 and Section 3.15 Recreation, Page 321, have been updated to note the location of the San Francisco Bay Trail relative to the Specific Plan area. Draft SEIR pages 321 and 322 (Recreation) have been updated to note that future development under the Specific Plan Update could increase the use of the Bay Trail and Ravenswood Open Space Preserve. As described on Draft SEIR Page 322, the proposed additional 30.5 acres of park and open space would be adequate to serve the increased demand from future residents from development under the Specific Plan Update, given the Specific Plan Update meets the City’s service standard of three acres per 1,000 residents. Therefore, development under the Specific Plan Update would not result in substantial physical deterioration of existing neighborhood and regional parks or other recreational facilities.

The City’s Park Master Plan is included in the Regulatory Framework of Section 3.2 Aesthetics (Pages 35 and 36) and Section 3.14 Public Services (Page 308) of the Draft SEIR. The regulatory background for the Parks Master Plan has been added to Section 3.15 Recreation (Page 320). Refer to Section 5.0 Draft SEIR Text Revisions in the Final SEIR. The above revisions do not change the conclusions related to public services/recreation impacts in the Draft SEIR.

H. San Francisco Bay Conservation and Development Commission

Comment H.1: Thank you for the opportunity to comment on the Ravenswood Business District/4 Corners Specific Plan Update SEIR (SEIR), released for comment on July 24, 2024.

Although the San Francisco Bay Conservation and Development Commission (BCDC) itself has not reviewed the SEIR, BCDC staff comments discussed below are based on BCDC’s law, the McAteer-Petris Act, BCDC’s San Francisco Bay Plan (Bay Plan), BCDC’s federally-approved management plan for the San Francisco Bay, and the federal Coastal Zone Management Act (CZMA).

The San Francisco Bay Conservation and Development Commission is a State of California government agency located in the City of San Francisco with regulatory and planning responsibilities over San Francisco Bay, the Suisun Marsh, and along the Bay Area’s nine-county shoreline. BCDC is guided in its actions by two particular state laws under its charge, the McAteer-Petris Act and the Suisun Marsh Preservation Act, as well as the policies which further implement these laws, respectively, the San Francisco Bay Plan (including certain special plans which are part of the Bay Plan such as the Richardson Bay Special Area Plan) and the Suisun Marsh Protection Plan (and the locally-adopted Suisun Marsh Local Protection Program).

Response H.1: This introductory comment describes the role, regulatory authority, and purpose of the BCDC. No further response is required.

Comment H.2: Jurisdiction and Authority

As a state permitting authority along the San Francisco Bay shoreline, BCDC is responsible for granting or denying permits for any proposed fill (earth or any other substance or material, including pilings or structures placed on pilings, and floating structures moored for extended periods), extraction of materials or change in use of any water, land, or structure within the Commission's jurisdiction. Generally, BCDC's jurisdiction over San Francisco Bay extends over Bay tidal areas up to the mean high tide level, including all sloughs, and in marshlands up to five feet above mean sea level; a shoreline band consisting of territory located between the shoreline of the Bay and 100 feet landward and parallel to the shoreline; salt ponds; managed wetlands (areas diked from the Bay and managed as duck clubs); and certain waterways tributary to the Bay, specifically as mentioned in the San Francisco Bay Plan. Any fill, extraction of material, or substantial change in use of land or water within BCDC's jurisdiction requires a permit, and BCDC applies all relevant laws, policies, and documents mentioned above to evaluate the project. The McAtteer-Petris Act provides for fill in the Bay for water-oriented uses where there is no alternative upland location and requires that any fill that is placed in the Bay is the minimum that is necessary for the project. The McAtteer-Petris Act also requires that proposed projects include the maximum feasible public access consistent with the project to the Bay and its shoreline.

BCDC staff determined Commission jurisdiction is relevant along the entire eastern span of the project location, and along the northern span from the Ravenswood Preserve to University Avenue. The northern sections of the project, and particularly where the proposed loop road would be located within the Commission's Bay jurisdiction, because portions of the project may be within tidal marsh up to five feet above mean sea level.

Response H.2: This comment describes the physical extent of the BCDC jurisdiction and conveys the BCDC staff determination as to what portions of the Specific Plan area appear subject to BCDC jurisdiction. The precise boundary of BCDC jurisdiction as applied to a specific property would be determined during the entitlement process for a given development application, given the footprint of the future project would be determined at this time. This comment does not raise concerns about the adequacy of the SEIR's analysis. Therefore, no further response is required.

Comment H.3: The description of BCDC jurisdiction in the SEIR and the Ravenswood Business District Specific Plan Update does not seem accurate. For example, the Specific Plan Update states: *"The shoreline infrastructure will be primarily constructed approximately along the alignment indicated in Figure 9.5, most of which is within the BCDC shoreline jurisdictional area which stretches 100 feet landward of the Mean High Water Line (MHWL); in marshlands this jurisdiction extends five feet inland,(sic)" and refers to a "100' BCDC building setback". Both of these are incorrect descriptions of BCDC's jurisdiction. BCDC Bay jurisdiction in marshlands is not measured "inland", but rather anywhere tidal marsh is present up to five-feet above mean sea level. BCDC will not have Bay jurisdiction above that elevation where marsh is present. Where there is no marsh present BCDC's Bay jurisdiction is located bayward of the mean high tide. BCDC's 100-foot shoreline band is*

a jurisdiction, and not a setback. Pursuant to the requirements of the McAteer-Petris Act, any fill, extraction of material, or change in use of land or water within BCDC's jurisdiction (such as the 100-foot shoreline band) triggers the requirement to obtain a permit from BCDC for that activity. However, there is no general prohibition or requirement to avoid development within the 100-foot shoreline band, as would be the case for more setbacks. If project proponents choose to move buildings beyond the 100-foot shoreline band, they may, but they are not prohibited from doing so. BCDC requests that these inaccuracies are corrected in the documents.

As a result, a BCDC permit would be required for any work within BCDC's jurisdiction. BCDC notes that the SAFER Bay project, located along the northern section of the project area, is a separate project which is also in the process of obtaining a permit by BCDC and other agencies as part of the BRITT program. BCDC asks that you make sure to coordinate closely with the SAFER Bay project. To minimize disturbance to habitat, it would likely be beneficial to build the loop road/multi-use path concurrently with the levee, though it may be difficult due to project timelines.

Response H.3: This comment clarifies the extent of BCDC jurisdiction, and requests edits to text in the Specific Plan Update and the Draft SEIR (Pages 89, 91, and 137) to correctly reference and describe BCDC jurisdiction. No future buildings or structures under the Specific Plan Update would be developed within the 100-foot shoreline band. Please see Section 5.0 Text Revisions.

Comment H.4:

Public Access

Section 66602 of the McAteer-Petris Act states, in part, that "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." And "... maximum feasible public access to and along the waterfront and on any permitted fills should be provided in and through every new development on the Bay or on the shoreline, whether it be for housing, industry, port, airport, public facility, wildlife area or other use, " Furthermore, the McAteer-Petris Act authorizes the placement of fill in the Bay only for water-oriented uses or minor fill for improving shoreline appearance or public access.

The SEIR reflects BCDC's policies on Public Access, as seen by the opening project objectives, such as:

Project Objective 5: Improve circulation and mobility in the Plan area by increasing the interconnectedness of the network and increasing opportunities to access the Bay/waterfront. Promote walkability through wide sidewalks covered with tree canopy, buffered bicycle facilities on key public streets, and a welcoming network of open space.

The Specific Plan Update would add over 30 acres of public access in open spaces, parks, and trails, much of this found along the shoreline, and within BCDC jurisdiction.

Response H.4: This comment highlights a section of the McAteer-Petris Act pertaining to public access along the Bay, quotes a Plan objective that is consistent with the intent of the Act, and summarizes the open space and recreational features included in the Plan, which would also serve to further facilitate public access to the Bay shoreline. This comment does raise concerns about the adequacy of the SEIR’s analysis. Therefore, no further comment is required.

Comment H.5: Sea Level Rise

BCDC’s San Francisco Bay Plan includes policies related to sea level rise and flooding. In addition, BCDC has developed tools and guidance documents to support development plans in the Bay and along the shoreline. Among other things, these policies require applicants of larger shoreline projects to prepare risk assessments for rising sea level based on the 100-year flood elevation, and projects in BCDC’s jurisdiction are required be designed to be resilient to a mid-century sea level rise projection, with adaptive management plans in place for projects anticipated to remain longer than mid-century. For a more detailed resource that describes how BCDC applies these Climate Change policies, we recommend reviewing BCDC’s Climate Change Policy Guidance. Wherever feasible and appropriate, effective, innovative sea level rise adaptation approaches should be encouraged.

BCDC considers the best estimates of future sea level rise to be those provided in the Ocean Protection Council’s State of California Sea Level Rise Guidance. OPC recently adopted the 2024 Sea Level Rise Guidance

Response H.5: The City has reviewed and considered the future sea level rise provided in the Ocean Protection Council’s State of California Sea Level Rise Guidance. Based on the guidance, sea level rise in California could range from 0.8 to 1.2 feet by 2050. This comment describes BCDC’s San Francisco Bay Plan policies regarding sea level rise and flooding, and requirements applicants subject to BCDC jurisdiction must comply with to prepare for sea level rise. As this comment pertains to future environmental conditions and requirements that would be applied by another public agency, and not baseline conditions at the time of the SEIR’s analysis, no further response is required.

I. San Francisco Public Utilities Commission - (dated July 29, 2024)

Comment I.1: Thank you for sending SFPUC a public notification regarding the SEIR for the Ravenswood Business District/ 4 Corners Specific Plan Update. SFPUC previously submitted comments regarding this SEIR on May 16, 2022. I have attached these comments for your information and as part of the public record for this SEIR. We would appreciate your responses to these comments in the final SEIR.

Thank you for this opportunity to provide comments on the Supplemental EIR (SEIR) for the above-referenced project on behalf of the San Francisco Public Utilities Commission (SFPUC). I am

providing the attached SFPUC comments on the draft EIR for the proposed 2035 East Palo Alto General Plan submitted on June 14, 2016. The 2035 East Palo Alto General Plan included the 4 Corners (University Village) neighborhood where the SFPUC owns a right-of-way (ROW) in fee for its Bay Division Pipeline Nos. 1, 2 and 5. Similar to the 2035 East Palo Alto General Plan, the current RBD/4 Corners TOD Specific Plan Update identifies the SFPUC ROW for future use as a linear park and trail (Hetch Hetchy ROW Park, Hetch Hetchy ROW Trail). Please consider the attached comments as the SFPUC's current comments on the proposed project SEIR, in addition to the following comments.

The SFPUC ROWs are primarily used for utility purposes and are vital to the reliable operation of a regional water system. The SFPUC has policies that limit third-party uses and improvements on San Francisco property due to the presence of high-pressure, subsurface water transmission lines and appurtenances and other infrastructure located above-grade. Please see the attached Interim Water Pipeline ROW Use Policy and Integrated Vegetation Management Policy for more information about restrictions on the ROW.

Certain secondary uses by third parties on SFPUC property are allowed under a fee-based lease or license agreement requiring payment of fair market value to the SFPUC. Such a secondary use may occur only if the SFPUC determines that the secondary use does not in any way interfere with, endanger, or damage existing or future SFPUC operations, security, or facilities.

Response I.1: This comment attaches a prior comment letter submitted in connection with the 2035 General Plan EIR, which the City responded to in the context of that EIR. The comments from SFPUC on the 2016 2035 General Plan EIR suggests including a discussion and analysis of impacts from "Land Use Goal 17 - Policy 17.8 Hetch Hetchy linear park" on SFPUC property. SFPUC noted the proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies. In the General Plan Final EIR Page 2-121, 11-3, the City responded noting that Goal LU-17, and Policy 17.8 would make it a policy of the City to pursue the creation of a public park atop the SFPUC Hetch Hetchy right of way and that the extent, character, or nature of such a park is not defined in the General Plan Update. Therefore, analysis of prospective impacts to the Hetch Hetchy right-of-way would be speculative. The City noted that a linear park could be consistent with SFPUC right-of-way policies and that the City would work with SFPUC in the future for guidance and input as it seeks to develop much-needed public recreation facilities. It was also noted that the City would work with SFPUC in the future to ensure that future projects go through the SFPUC review process and are consistent with applicable SFPUC policies. Comments from SFPUC (on General Plan Final EIR Page 2-120, 11-1) also suggested that the General Plan EIR should include a description of SFPUC policies regarding right-of-way lands. The suggested description has also been added to Pages 320 and 401 of the Specific Plan Update Draft SEIR. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment I.2: The SFPUC prohibits any use on its ROW property that:

1. Cannot be removed promptly, to allow SFPUC construction, maintenance, or emergency repairs of its facilities.
2. Would conflict with SFPUC legal obligations to adjoining property owners or tenants. Some SFPUC parcels could be subject to easements or other agreements held by adjoining landowners or third parties which may present conflicts with the proposed park and trail. Further research by the SFPUC's Real Estate Services is needed, but it is possible that certain SFPUC parcels may not be available for trail use.
3. Would conflict with the resolution of unauthorized third-party encroachments that currently exist on some SFPUC ROW parcels.
4. Would create an unreasonable burden for the SFPUC (or its ratepayers) in the use of its property for utility purposes. The SFPUC reasonably anticipates that its property in the City of East Palo Alto will be available for future utility infrastructure and capital projects. Revocable licenses and leases issued by the SFPUC contain standard language requiring any lessee or licensee of SFPUC lands to mitigate the effects for the disruption of its recreational use on SFPUC lands, even if the SFPUC is causing the disruption of the recreational use. This includes required mitigation under the California Environmental Quality Act (CEQA).
5. Is otherwise inconsistent with SFPUC plans and policies.

Response I.2: The comment summarizes prohibited uses within SFPUC ROW, and is acknowledged, and does not question the SEIR's analysis. As the City reviews future development projects within the Plan area or undertakes public improvements, such as a trail, that would involve or affect SFPUC ROW, the City would coordinate with the SFPUC to confirm the proposed action would comply with SFPUC policies, and not involve the prohibited uses noted in the comment.

Comment I.3: This list is not exhaustive. The SFPUC retains the right to disallow any use that, at the SFPUC's sole discretion, may interfere with, endanger or damage existing or future SFPUC operations, security, or facilities. If you have any questions or require more information, please contact me

Response I.3: Please refer to Response I.2 above

Organizations, Businesses, and Individuals

J. The Amah Mutsun Tribal Band of San Juan Bautista and A.M.T.B., Inc. (dated August 2, 2024)

Comment J.1: To whom it may concern:

It is our pride and privilege to be of service for any Native American Cultural Resource Monitoring, Consulting and/ or Sensitivity Training you may need or require. We take our Heritage and History seriously and are diligent about preserving as much of it as we can. Construction is a constant in the Bay Area and with that new discoveries are bound to happen. If you choose our services, we will gladly guide all personnel through proper procedures to safely protect and preserve: Culture, Heritage, and History.

It is highly recommended, if not previously done, to search through Sacred Lands Files (SLF) and California Historical Resource Information Systems (CHRIS) as well as reaching out to the Native American Heritage Commission (NAHC) In order to determine whether you are working in a Cultural and/ or Historic sensitivity.

If you have received any positive cultural or historic sensitivity within 1 mile of the project area here are A.M.T.B Inc's and Amah Mutsun Tribal Band of San Juan Bautista's recommendations:

- All Crews, Individuals and Personnel who will be moving any earth be Cultural Sensitivity Trained.
- A Qualified California Trained Archaeological Monitor is present during any earth movement.
- A Qualified Native American Monitor is present during any earth movement.

If further Consultation, Monitoring or Sensitivity Training is needed please feel free to contact A.M.T.B. Inc. or Myself Directly.

Response J.1: The comment is from a tribe that is culturally affiliated with the Plan area, and provides recommendations for the analysis the City would conduct as future individual projects that would implement the Plan are reviewed by the City at the Planning entitlement stage. A plan-level CHRIS and Sacred Land Files search was completed for the Specific Plan area as described on Draft SEIR Pages 146, 394 and 395. The recommended approach to conduct a literature search through the SLF and CHRIS is consistent with the process the Draft SEIR Pages 157 through 159 describes, as are the various recommendations during construction noted in the comment. The City would determine on a project-by-project basis the specific requirements necessary to ensure the appropriate identification and treatment of cultural resources that could be present on a given site within the Plan area, as described in the Draft SEIR Section 3.5 Cultural Resources (Pages 157 through 159) and Section

3.17 Tribal Cultural Resources Sections (Pages 396 and 397). The comment does not question the adequacy of the SEIR's analysis and no further response is required.

K. Coblentz, Patch Duffy & Bass, LLP on behalf of Sycamore Real Estate Investment, LLC (dated September 10, 2024)

Comment K.1: Coblentz, Patch Duffy & Bass, LLP is legal counsel for Sycamore Real Estate Investment LLC, which owns property located within the Ravenswood Business District/4 Corners Specific Plan area. On behalf of Sycamore Real Estate Investment, we thank you for the opportunity to provide the following comments on the Ravenswood Business District/4 Corners Specific Plan Public Review Draft Subsequent Environmental Impact Report (SEIR), dated July 2024. Sycamore Real Estate Investment is committed to working with the City of East Palo Alto and the City's consultant team to propose an EPA Waterfront Project that will truly benefit the City and community. As such, we provide the following comments on the SEIR intended to ensure clear, efficient tiering from the SEIR and maximum utility for projects proposed within the Specific Plan Update area.

Response K.1: The above comment provides background information about the comment author and their client. No further response is required.

Comment K.2:

Global Comments

- Throughout the SEIR, each impact statement could be more clearly delineated and consistently labeled, which will allow subsequent projects tiering from the SEIR to more clearly restate the SEIR's conclusions to better support analysis of whether a future project is within the envelope of impacts studied in the SEIR.

Response K.2: The impact statements (e.g., less than significant, less than significant with mitigation incorporated) are identified at the end of each impact analysis. Table ES-1, on Draft SEIR Pages xi through xlv of the Draft SEIR, provides a summary of impacts, mitigation measures, and Specific Plan Update Policies and Standards that are included throughout the Draft SEIR. The impacts are included on the left column of Table ES-1. The "Less than Significant Impact with Mitigation Incorporated" was inadvertently not included next to Impact BIO-2 and Impact BIO-9 (on Draft SEIR Page xix and xxx, respectively). However, the impact statement for Impact BIO-2 and Impact BIO-9 is included on Draft SEIR Pages 120 and 136, respectively. A text revision which includes the addition of the "Less than Significant Impact with Mitigation Incorporated" has been added to Page xix (see Section 5.0 Draft Text Revisions of this Final SEIR). The above text revisions does not change the impact conclusion

Comment K.3:

- Throughout the SEIR, it is not clear if the 2013 EIR Mitigations still apply or if they are being replaced by the 2024 SEIR. For example, the Biological Resources chapter clearly replaces 2013 measures, the Geology chapter often states the 2013 measures still apply, but the Air Quality chapter (see pages 79–81) includes mitigation measures from the 2013 EIR and new mitigation measures, but does not state whether the 2013 measures still apply or are replaced.

Response K.3: Whether the 2013 EIR mitigations still apply or are being replaced by the 2024 SEIR depends on the topic, as in some instances the 2013 EIR mitigations are still adequate, and in others, the 2024 SEIR proposes new/updated mitigations. For instance, for air quality, the 2013 Specific Plan EIR includes Mitigation Measure MM AQ-2, which requires future development under the 2013 Specific Plan that includes sensitive receptors (such as residences, schools, hospitals, daycare centers, or retirement homes) located within 60 feet of University Avenue to complete a site-specific analysis to determine the level of toxic air contaminant (TAC) and PM_{2.5} exposure. The above 2013 EIR measure MM AQ-2 addresses the effects of the existing environment on future Plan residents, i.e. TACs and PM_{2.5} concentrations on future projects' sensitive receptors, which is not considered a CEQA impact. Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. Mitigation Measure MM AIR-4.1, on Draft SEIR Pages 41 and 42 replaces 2013 EIR MM AQ-2 to be consistent with current BAAQMD CEQA Guidelines. Mitigation Measure MM AIR-4.1 states that future project applicants proposing development of projects within 1,000 feet of existing sensitive receptors as defined by the BAAQMD (e.g., residential uses, schools) shall prepare a site-specific construction health risk assessment (HRA). A clarification has been added to Draft SEIR Page 82 to note that MM AIR-4.1 would replace MM AQ-2 (refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR).

Comment K.4:

- Further, not every impact chapter lists the applicable policies. For example, Cultural Resource-related Specific Plan policies are listed, even though the impacts are “not significant” (as Table ES-1 requires), but other sections of the SEIR do not list the applicable policies. Consistently including the applicable policies would make it considerably easier for future applicants to understand their mitigation obligations.

Response K.4: Specific Plan Policies and Standards related to Section 3.5 Cultural Resources, Section 3.9 Hazards and Hazardous Materials, Section 3.17 Tribal Cultural Resources that are standard measures to mitigate impacts related to these resources were included in Table ES-1, as without the inclusion of these policies in the Plan Update, the impacts to those topic areas would be significant. Other

resource areas described in the Draft SEIR, such as Section 3.2 Aesthetics and 3.18 Utilities and Service Systems, include policies that are specific to the Plan and are not typically identified as mitigation measures. Therefore, these policies were not included in Table ES-1.

Comment K.5:

Executive Summary

- For clarity and ease of tiering, the Executive Summary could be revised to clearly identify the level of significance of each impact. For example, the Executive Summary table currently does not include all less than significant with mitigation (LTSM) impacts, and the table does not provide impact numbers for less than significant (LTS) or No impact (NI) topics. Specifically, Transportation Impact (a) requires implementation of mitigation measures and polices (see page 388–389) but is shown as less than significant and not included in the table as LTSM. Thorough and consistent numbering and identification of impacts would assist with later tiering.

Response K.5: The discussion provided in Draft SEIR Pages 388 and 389 identifies future roadway improvements that would help alleviate congestion, and states the environmental impacts from future roadway improvements would be evaluated under supplemental environmental review at the time the design and construction details were developed. Based on preliminary environmental analysis using available information, and assuming implementation of applicable mitigation measures and policies, the foreseeable environmental impacts of these roadway improvements would be anticipated to be reduced to a less than significant level. Table ES-1 only includes impacts that require mitigation or Specific Plan Update Policies to reduce the impacts. Table ES-1 is not intended to include less than significant impact conclusions (which don't require mitigation measures to reduce impacts) or conclusions for resource areas that have no impact. The Less than Significant Impact conclusion on Draft SEIR Page 389 addresses checklist question a): "Would the project conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadways, bicycle lanes, and pedestrian facilities?" Given future projects implementing the Plan would be consistent with City's policies and plans related to the circulation system, buildout of the Specific Plan Update would not result in a significant impact related to the transportation/circulation system.

Comment K.6:

- Similarly, it would be helpful for the table to also include the level of significance for each impact following implementation of any mitigation measures.
- Overall, the summary table would be more informative if it includes all impacts (consistently labeled/numbered), applicable mitigation measures (either from the old Specific Plan or the Specific Plan Update), the level of impact before mitigation, and the level of impact after mitigation.

Response K.6: The above comment suggests revisions related to formatting and labeling of the identified impacts in Table ES-1 of the Draft SEIR. The comment does not raise concerns about the Draft SEIR analysis. As suggested in the above comment, “Less than Significant Impact with Mitigation Incorporated” has been added following Impact BIO-2 and Impact BIO-9 in Table ES-1 (see Section 5.0 Draft SEIR Text Revisions of this Final SEIR). The “(Less than Significant Impact with Mitigation Incorporated)” statement is already included after the Impact BIO-2 mitigation measures on Page 120 of the Draft SEIR. All other impacts in Table ES-1 include an impact conclusion (e.g., less than significant impact, less than significant impact with mitigation incorporated, or significant and unavoidable impact). Policies that are proposed under the Specific Plan Update (2024) are labeled as Specific Plan Update Policies and policies that are included under the current 2013 Specific Plan are labeled as 2013 Specific Plan Policies. Identification of the level of impact before mitigation, and the level of impact after mitigation, is commenter’s preference related to the formatting of the document. If the level of impact is identified as “Less than Significant Impact with Mitigation Measures Incorporated,” this indicates the impact would be significant without mitigation. If the level of impact is significant and avoidable, this indicates there is no feasible mitigation reduce the impact to less than significant and/or with the implementation of mitigation measures and/or Specific Plan Update Policies/Standards, the impact would still be significant and unavoidable. Table ES-1 is not intended to include less than significant impact conclusions (which don’t require mitigation measures to reduce impacts) or conclusions for resource areas that have no impact.

Comment K.7:

Air Quality

- MM AIR 1.1 states that idling should be limited to 2 minutes but should be revised to 5 minutes, as indicated in our comments to Appendix B below.
- MM AIR 1.1 is inconsistent with MM AIR 4.1 and with the discussion on page 81–82 of the SEIR and Appendix B page 7. MM AIR 1.1 requires Tier 4 for all construction equipment larger than 25 horsepower and should be revised to 50 horsepower to be consistent with MM AIR 4.1 and Appendix B.

Response K.7: Mitigation Measure AIR-1.1 requires quantification of construction criteria pollutant emissions for future individual projects. The two-minute idle limit is necessary to limit NO_x emissions enough such that the 50 percent reduction in emissions is achieved. Increasing the limit to five minutes would reduce the effectiveness of the mitigation measure and the 50 percent reduction may not be met.

If emissions exceed BAAQMD construction criteria pollutant thresholds measured in pounds per day (see Table 3.3-14, Draft SEIR Page 67), then MM AIR 1.1 provides a

list of measures that could be incorporated to reduce emissions below significant levels. These measures are only binding if necessary to reduce emissions to below significant levels. The use of Tier 4 equipment shall apply to all diesel construction equipment larger than 25 horsepower if necessary to reduce emissions below significant levels. Mitigation Measure AIR 4.1 addresses a different air quality impact, i.e. the localized health risk from toxic air contaminants from project construction, and these health risks are subject to different thresholds, (see also Table 3.3-14, Draft SEIR Page 67) than criteria pollutant emissions. Because they are addressing different types of construction air quality impacts, subject to different thresholds, they can employ different requirements.

Comment K.8:

- For clarity to future developers within the Specific Plan Update area and to maintain consistency with the methodology used for the SEIR, it would be helpful to clarify MM AIR 4.1 to specifically indicate that any project specific health risk analysis should be prepared pursuant to the 2017 BAAQMD Guidelines.

Response K.8: Mitigation measure MM AIR-4.1 requires that future projects be evaluated against the applicable BAAQMD thresholds. The measure does not indicate what particular methodology would be used to calculate construction emissions and health risk. The 2017 BAAQMD Guidelines were in place when the Draft SEIR analysis was initiated, however they were updated by the Air District Board in 2023 before the Draft SEIR was circulated for public review. The thresholds of significance did not change from the 2017 Guidelines to the now current 2023 Guidelines. The current version of the BAAQMD Guidelines does contain updated guidance on the methodologies lead agencies can use to calculate project emissions and resulting health risk. It is the City's intent that future projects would be evaluated using the then-current methodology recommended by BAAQMD, as the methodologies for completing health risk assessments are occasionally updated to reflect best available information and refined modeling, with the goal of protecting human health. For this reason, health risk assessments for future construction projects implementing the Plan shall be prepared in accordance with the latest approved guidance, including modeling methodologies issued by BAAQMD.

Comment K.9:

- There are two references to MM AIR 3.3, but that mitigation measure does not exist (see pages 82 and 83). Should that reference MM AIR-4.1?

Response K.9: On Draft SEIR Pages 82 and 83, the reference to MM AIR-3.3 should reference MM AIR-4.1. This is a typographical error that has been updated in Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment K.10:

Biological Resources

- The compensatory mitigation requirement of MM BIO-2.2 is above and beyond what is typically required for the Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew. We recommend that the mitigation measure be clarified to require compensatory mitigation for tidal marsh habitat suitable for these species instead of the broader language currently in the measure, which states: “Compensatory mitigation shall be provided for any potentially suitable habitat for these species that is permanently lost to development or that is present within 50 feet of any new or higher-intensity lighting installed by Specific Plan activities. We recommend the measure be revised to: “Compensatory mitigation shall be provided for any potentially suitable tidal marsh habitat for these species that is permanently lost to development or that is present within 50 feet of any new or higher-intensity lighting installed by Specific Plan activities.”

Response K.10: As described in the Draft SEIR Page 102, salt marsh harvest mice use several habitat types including salt marsh, non-tidal managed wetlands, and some adjacent upland habitats. Salt marsh harvest mice forage in uplands and may take refuge in these habitats during high tides. Draft SEIR Pages 106 and 107 includes a summary of impacts that future projects could have on sensitive habitats, which include both upland grassland and salt marsh habitats. Upland habitats are important to salt marsh harvest mouse, a state and federally endangered species, because they provide foraging and cover resources, especially during high tides when adjacent marsh habitats are inundated. Therefore, impacts future projects would have on all suitable habitats for these species would be considered significant under CEQA. As a result, the existing mitigation language (for MM BIO-2.2, Draft SEIR Page 118), which states that "Compensatory mitigation shall be provided for any potentially suitable habitat for these species" (rather than any potentially suitable tidal marsh habitat) is appropriate, and necessary to reduce the project's impacts to less than significant levels.

Comment K.11:

- We recommend that the following items be corrected or clarified to ensure clarity of the analysis and efficient tiering:
 - For impact (a), operation of buffer zones should be clarified for species not located within a specific project's area to clarify that the buffer zone extends only to the extent of each individual developer's property.

Response K.11: All buffer zones for special-status plant and animal species discussed under checklist question a) in the Draft EIR apply specifically to future project-related activities, rather than to a particular property. Future project activities can include access, staging, utility improvements, and other activities that may occur outside of a given property line, and these activities have the potential to

result in the loss or disturbance of sensitive biological resources. As a result, revisions to change buffer distances based on property boundaries are not appropriate. Activities occurring on adjacent properties that are not part of the current project (e.g., ongoing use of an existing development, pedestrian and vehicle traffic, etc.) and that are not under the control of a particular project proponent would not be subject to buffer requirements required for that project proponent's activities. The need for, and applicability of, buffer zones for future development will be confirmed as part of the project-specific, site-specific biological report prepared for future projects implementing the Plan that have the potential to impact special status species in and adjacent to the Plan area.

Comment K.12:

- On page 142, the analysis states that "implementation of mitigation measure MM BIO-1.4 and MM BIO-1.20 would mitigate the impacts of the loop road wildlife movement to less than significant levels." Therefore we believe this impact conclusion should be revised to less than significant with mitigation, and the impact should be added to Table ES-1.

Response K.12: Draft SEIR Pages 141 and 142 stated that construction of the loop road or multi-use trail would impede wildlife movement in upland and tidal marsh areas by increasing human activity (and potentially vehicular activity with the loop road) and lighting within the narrow strip of wetland-upland ecotone in the northeast part of the Specific Plan area where wildlife movement is expected to be concentrated. As stated in the Draft SEIR (Page 142), given the importance of wildlife movement along the edge of the baylands to populations of mammals, this would be a significant impact. Implementation of Mitigation Measure MM BIO-1.4 (including restoration of ecotone vegetation on the marsh side of the loop road or multi-use trail) and Mitigation Measure MM BIO-1.20 (to minimize lighting impacts) would mitigate the impacts of the loop road on wildlife movement to less than significant levels. As requested by the comment, the Less than Significant Impact statement has been updated with the Less than Significant Impact with Mitigation Incorporated conclusion under checklist question d) on Draft SEIR Page 143 and the statement has been added to Table ES-1 under Impact BIO-10 on Draft SEIR Page xxxiii . However, this does not serve to disclose a new impact given the significant impact and mitigation measures related to wildlife movement were disclosed in the above statement on Draft SEIR Pages 141 and 142 (refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR).

Comment K.13:

- For additional clarity, the following revisions should be made to the mitigation measure references and discussions in the Biological Resources chapter:
 - Also on page 136, the discussion states that MM BIO-1.22 would apply, but that mitigation measure does not appear to exist. Should this discussion reference MM BIO-9.1?

Response K.13: The Draft SEIR, Section 3.4 Biological Resources mitigation measures were renumbered and some of the mitigation measure numbering was inadvertently not updated in the conclusion statements. As requested by the comment, the Draft SEIR Page 136 mitigation numbering has been revised from MM BIO-1.22 to MM BIO-9.1. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment K.14:

- On page 138, the discussion for impact BIO-10 references MM BIO-1.14 and MM BIO-15. These mitigation measures do not appear to exist and so the correct measures should instead be identified.

Response K.14: As requested by the above comment, the references to MM BIO-1.14 and MM BIO-1.15 (which are typographical errors) on Draft SEIR Page 138 have been updated to reference MM BIO-4.2, which includes construction best management practices to reduce impacts to water quality. Refer to the Section 5.0 Draft SEIR Text Revisions in the Final SEIR.

Comment K.15:

- Page 140 reads "With implementation of mitigation measures MM BIO-1.22 through MM BIO-1.24, buildout of the proposed Specific Plan update would result in a less than significant impact to jurisdictional wetlands." As noted, above, MM BIO-1.22 does not appear in the SEIR and so this reference should be corrected.

Response K.15: As requested by the above comment, the references to MM BIO-1.22 through MM BIO-1.24 (which are typographical errors) on Draft SEIR Page 140 have been updated to reference MM BIO-10.1 and MM BIO-10.2, which would reduce the impacts to jurisdictional wetlands to less than significant. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment K.16:

- On page 141, the last sentence references MM BIO-1.22 through 1.24, but these mitigation measures do not appear in the SEIR and so the references should be corrected.

Response K.16: As requested by the above comment, the references to MM BIO-1.22 through MM BIO-1.24 (which are typographical errors) on Draft SEIR Page 141

have been updated to reference MM BIO-10.1 and MM BIO-10.2, which would reduce the impacts to jurisdictional wetlands (and other waters) to less than significant. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment K.17:

- On page 142, please correct the references to MM BIO-1.4 and MM BIO-1.20. These measures are not listed in the SEIR.

Response K.17: As requested by the above comment, the references to MM BIO-1.4 through MM BIO-1.20 (which are typographical errors) on Draft SEIR Page 142 have been updated to reference MM BIO-2.1 (including restoration of ecotone vegetation on the marsh side of the loop road or multi-use trail) and MM BIO-8.1 and MM BIO-8.2 (to minimize lighting impacts), which would mitigate the impacts of the loop road on wildlife movement to less than significant levels. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment K.18:

- To ensure clear implementation of mitigation measures, we also request that the following revisions:
 - Revise MM BIO-2.1 to clarify that a qualified biologist will be on-call during construction to inspect vehicles and equipment:
“During construction, a qualified biologist will be on-call to check underneath vehicles and equipment for salt marsh harvest mice and salt marsh wandering shrews before such equipment is moved, unless the equipment is surrounded by harvest mouse exclusion fencing.”

Response K.18: Mitigation Measure MM BIO-2.1 includes measures to reduce impact to the salt marsh harvest mouse and salt marsh wandering shrew populations and their habitat. One of the measures on Draft SEIR Page 117 states that, during construction, a qualified biologist will check underneath vehicles and equipment for salt marsh harvest mice and salt marsh wandering shrews before such equipment is moved, unless the equipment is surrounded by harvest mouse exclusion fencing. The above comment suggests that a revision be added to clarify that the biologist would be on-call. As requested by the comment, the Mitigation Measure MM BIO-2.1 has been updated to clarify that the biologist would be on-call, which does not substantively change the measure’s purpose or effect. Please refer to Section 5.0 Draft SEIR Text Revisions in this Final EIR.

Comment K.19:

Hazards and Hazardous Materials

- The Regulatory Authority section should reference the San Francisco Regional Water Quality Control Board’s authority to issue investigation and cleanup orders, and to conduct

environmental oversight of redevelopment activities to ensure protection of human health and the environment. We recommend adding the following:

“San Francisco Regional Water Quality Control Board (Water Board) has authority under Division 7 of the California Water Code (and other authority) to regulate the investigation, cleanup, and redevelopment of environmentally impacted sites. In addition to the authority to issue orders, the Water Board reviews and approves environmental risk management plans for redevelopment activities of properties known to be environmentally impacted. The Water Board will oversee the implementation of the environmental and construction measures and protocols required under the risk management plan to ensure the protection of future site users, the public and the environment.”

Response K.19: This comment requests that additional background information regarding the San Francisco Bay Regional Water Quality Control Board (SF Bay RWQCB) be added to the Draft SEIR discussion of the regulatory setting for hazards and hazardous materials. Draft SEIR Page 230 notes the Specific Plan area is within the jurisdiction of the SF Bay RWQCB. As stated on Draft SEIR Page 230, Section 3.9 Hazards and Hazardous Materials, Subsection 3.9.1.1 Regulatory Framework, Page 230, has been updated to include the suggested regulatory background for the SF Bay RWQCB pertaining to hazardous materials. Under the Porter-Cologne Water Quality Control Act (the state’s primary law for regulating water quality), the State Regional Water Quality Control Board and the nine Regional Water Quality Control Boards (RWQCBs), including the SF Bay RWQCB, were established to protect groundwater and surface waters of the State.⁵ The SF Bay RWQCB oversees site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments. The SF Bay RWQCB oversees cleanup programs such as the Site Cleanup Program and Underground Storage Tank Program. To protect the public and environment, the SF Bay RWQCB oversees and approves the site assessments that determine the appropriate cleanup strategy, site cleanup, and the closure (no further action) letter once the corrective action requirements are met.⁶ The above comment, which suggests regulatory background regarding the SF Bay RWQCB does not include a source. The regulatory background information regarding the SF Bay RWQCB is based on that agency’s webpage and work plan (refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR).

⁵ San Francisco Bay Regional Water Quality Control Board. Strategic Workplan. May 2024. Accessed October 21, 2024. <https://www.waterboards.ca.gov/sanfranciscobay/>.

⁶ San Francisco Bay Regional Water Quality Control Board. Underground Storage Tank (UST) Program. May 2024. Accessed October 21, 2024. <https://www.waterboards.ca.gov/sanfranciscobay/undergrd.html>.

Comment K.20:

- Table 3.9-1 regarding Historical Uses and Reported Spills sites should be clarified to identify that several of the listed sites have been fully assessed and remain "open" only due to land use covenants directing the measures required to the development of the property. We recommend that Figure 3.9-1 be revised to depict properties that have been fully assessed, have recorded a land use covenant, and an approved risk management plan. Further, Section 3.9.1.2, Ravenswood Industrial Area, p. 215, should be updated to include the following information, which we recommend adding to paragraph 2, following sentence 2:

To address these conditions and facilitate community revitalization in 1992 the San Francisco Bay Regional Water Quality Control Board (Water Board) required, under two orders, the owner of each property within the Ravenswood Industrial Area to submit site use histories, develop workplans to identify the extent of soil and groundwater impacts, report results of these investigations, and propose further characterization as needed.

The Water Board concluded that property owners had met the requirements for all the properties. Therefore, on March 19, 2024, the Water Board rescinded the orders, finding:

Environmental Assessments (Phase I and Phase 2) had been conducted, identifying the nature and extent of environmental impacts; Site Remediation was conducted at several of the properties; and Risk Management of Residual Contamination at some of the properties has either been addressed by land use covenants, risk management plans, other orders, or continued oversight by the Water Board.

While many of the sites remain "open/long-term monitoring", this designation is based on the presence of land use covenants (agreements between the property owner and the Water Board that specify the uses of the property and the environmental measures and protocols to be followed during site revitalization). These sites have undergone extensive environmental review and will be redeveloped under the jurisdiction of the Regional Water Quality Control Board to ensure protection of future site users, the public, and the environment. These sites are designated with an "*" in the below Table 3.1-1, including Sites 1-7.

Response K.20: Draft SEIR Figure 3.9-1 (Page 214) is intended to show the reported open and closed leaking underground storage tank (LUST) and cleanup program site (CPS) cases in the Specific Plan area, as of the time when the SEIR was prepared. It is acknowledged that the conditions on sites within the Plan area and their regulatory status may change over time. Figure 3.9-1a (which is Figure 3 in the Appendix D Screening Level Environmental Site Assessment), which shows the properties with land use covenants (deed restrictions) in the Specific Plan area, has been added after Figure 3.9-1 (refer to Section 5.0 Draft SEIR Text Revisions). Each property on the above figures is labeled with a number (which is also shown in Draft SEIR Table 3.9-1, Page 213). Draft SEIR Table 3.9-1 provides information available about the

status of the Specific Plan area properties at the time the SEIR and screening level ESA was prepared. Table 1, in the Appendix D Screening Level ESA) includes a note that an Area-Wide Risk Management Plan for Sycamore Real Estate Investments properties was prepared and approved by the RWQCB; Draft SEIR Table 3.9-1 has been updated to note the Area-Wide Risk Management Plan has been prepared and approved by the SF Bay RWQCB for the Sycamore Real Estate Investments properties. This correction has been made in Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

The Draft SEIR provides a program-level environmental review of future project impacts under the Specific Plan Update. As stated in Specific Plan Update Policy LU-5.1 (Draft SEIR Page 220), prior to the development or redevelopment of site parcels, a property-specific Phase I ESA shall be completed. More specific detail about an individual property's site conditions will be reviewed at the time a development or redevelopment is proposed. The commenter recommends adding text regarding previous environmental studies, site investigations, and RWQCB oversight coordination for properties within the Ravenswood Industrial Area; however, the commenter does not note the source of the suggested text additions. The information provided in the comment, as well as the then-current status of the property(ies), will be confirmed at the time a specific development is proposed at the above properties.

Based on the CEQA Guidelines Section 15125, the Draft SEIR describes the physical environmental conditions of the Specific Plan area as they were at the time the Notice of Preparation (NOP) was released (April 2022). The Screening Level Environmental Site Assessment (ESA) for the Specific Plan Update was prepared in March 2023. The commenter's information refers to coordination with the RWQCB after the NOP was released, including as recently as March 2024. The existing conditions at the properties within the Specific Plan area and surrounding properties may change over time, however, after the NOP is released, CEQA does not require the SEIR (including Appendix D Screening Level Environmental Site Assessment) to be updated as conditions change. However, as mentioned above, at the time specific development is proposed at the referenced properties, the then-current conditions will be evaluated as a part of the project-level environmental review, and coordination will occur with the oversight agency.

Comment K.21:

- On page 219, it seems that this needs its own impact number and summary of the policy referenced, consistent with criteria (b), Impact HAZ-1. In addition, we recommend the following text changes to clarify that properties that have an LUC, and risk management plan would manage the issues addressed by Specific Plan Policy LU-7.1 through their prior and ongoing Water Board compliance:

Sentence 2 of the first paragraph on page 219:

“However, implementation of Specific Plan Policy LU-7.1, or ongoing compliance with Water Board land use covenants and risk management plans under the Water Board’s jurisdiction, would ensure that future projects would prepare Phase I Environmental Assessment (ESA), as necessary.”

Response K.21: The commenter proposes edits that suggest that “ongoing compliance with Water Board land use covenants and risk management plans under the Water Board’s jurisdiction” would be a suitable alternative to completion of a site-specific Phase I ESA and other studies pursuant to Specific Plan Policy Update LU-7.1. The Specific Plan Policy LU-7.1 (Draft SEIR Page 219) is a policy requiring Phase I ESAs for projects under the 2013 Specific Plan. The Specific Plan Update Policy LU-5.1 (which also require property-specific Phase I ESAs) would replace Policy LU-7.1 as described in the last paragraph on Draft SEIR Page 219. Ongoing compliance with existing RWQCB land use covenants and risk management plans under the RWQCB’s jurisdiction may be sufficient at some sites; however, as noted in our Response to K.20, in some instances, prior studies (e.g., LUST cases) may have been focused only on certain potential concerns, and existing land use covenants and risk management plans may, or may not, be sufficient to address other potential environmental concerns that could exist that were not considered or assessed during prior studies. Additionally, historical risk assessments and previously implemented remedial measures may, or may not, be consistent with current regulatory guidance. Cleanup requirements and contaminant concentrations that are considered to be acceptable often become more health-protective over time. Additionally, some exposure pathways may or may not have been historically evaluated in a manner consistent with current regulatory guidance. The suitability of existing land use covenants and risk management plans should be evaluated prior to site redevelopment at the time a site-specific Phase I ESA is prepared (as recommended in the Screening Level Environmental Site Assessment for the Ravenswood Plan). Therefore, the City has not added the above suggested text revisions to the Draft SEIR.

Comment K.22:

Sentences one and two of the second paragraph:

“As discussed in the proposed Specific Plan Update Policies LU-5.1 through LU- 5.6, future projects would be required to prepare a site-specific Phase I Environmental

Site Assessment (Phase I ESA) prior to development/redevelopment, to the extent such properties are not already subject to ongoing compliance with Water Board land use covenants and risk management plans under the Water Board’s jurisdiction. If the above-mentioned chemicals/substances are identified as contaminants of concern, these contaminants would be subject to screening levels published by the California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB) and/or U.S. Environmental Protection Agency (U.S. EPA), or as directed by the Water Board pursuant to recorded site- specific land use covenants and risk management plans. Future development projects would comply with the following proposed Specific Plan Update Policies to reduce impacts related to groundwater, soil, and soil vapor, unless otherwise directed by the Water Board pursuant to existing site-specific land use covenants and risk management plans.”

Response K.22: The commenter proposes three revisions to be added to Draft SEIR Page 219 as underlined in the following text:

“As discussed in the proposed Specific Plan Update Policies LU-5.1 through LU- 5.6, future projects would be required to prepare a site-specific Phase I Environmental Site Assessment (Phase I ESA) prior to development/redevelopment, to the extent such properties are not already subject to ongoing compliance with Water Board land use covenants and risk management plans under the Water Board’s jurisdiction. If the above-mentioned chemicals/substances are identified as contaminants of concern, these contaminants would be subject to screening levels published by the California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB) and/or U.S. Environmental Protection Agency (U.S. EPA), or as directed by the Water Board pursuant to recorded site- specific land use covenants and risk management plans. Future development projects would comply with the following proposed Specific Plan Update Policies to reduce impacts related to groundwater, soil, and soil vapor, unless otherwise directed by the Water Board pursuant to existing site-specific land use covenants and risk management plans.”

The first and third revisions will not be added the Draft SEIR text (Page 219). For reasons discussed in the above Responses K.20 and K.21, the suitability of existing land use covenants and risk management plans should be evaluated prior to site redevelopment at the time a site-specific Phase I ESA is prepared (as recommended in the Screening Level Environmental Site Assessment for the Specific Plan Update). Existing land use covenants and risk management plans should be considered in conjunction with, and not as an alternative to, the Specific Plan Update Policies.

The above recommended second revision has been modified to state, “or other cleanup goals that are consistent with current regulatory guidance and approved by the overseeing regulatory agency.” The intent of this clarification is to allow for the

consideration of published screening levels, as well as other cleanup goals that may be approved by the overseeing regulatory agency, to the extent that the other cleanup goals are consistent with current regulatory guidance and not outdated/obsolete. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment K.23:

- Related to the above comment, the discussion of the Specific Plan Policies applicable to Impact HAZ-1 could be revised to account for Phase 1 and Phase 2 environmental site assessments performed under Water Board oversight, development and recordation of protective land use covenants and risk management plans, and ongoing Water Board oversight during site development. We recommend the following revisions on page 220 and as indicated:

“Specific Plan Policies LU-5.1 through LU-5.6, have been included to reduce the groundwater contamination related impacts of future developments to less than significant levels. For properties with Phase 1 and Phase 2 environmental site assessments performed under Water Board oversight, recorded, protective land use covenants and risk management plans, and ongoing Water Board oversight during site development, compliance with Water Board direction and existing obligations will ensure that impacts will be less than significant.”

Response K.23: The above proposed text addition to Draft SEIR Page 220 is not necessary. Future projects that meet the criteria stated in above text addition would meet the conditions outlined in Specific Plan Update Policies LU-5.1 and LU-5.2. Therefore, the suggested text revisions will not be added to the Draft SEIR.

Comment K.24:

We also recommend the following new sentence following the introductory sentence:

“Properties covered by recorded land use covenants and approved risk management plans, and ongoing Water Board oversight during site development would reduce this impact to a less than significant level through compliance with Water Board direction and existing obligations.”

Additionally, we recommend that the final paragraph on page 223 be modified as follows:

“In the Specific Plan area, one facility (see Table 3.9-1, #10) is listed as an open LUST case, two facilities (Table 3.9-1, #15 and #20) are listed as closed LUST cases, and four facilities (Table 3.9-1, #14, #16, #24, and #25) are listed as closed LUST cases (with residual contamination), and seven facilities (Table 3.9- 1, #s 1-7) have Water Board approved recorded land use covenants and risk management plans on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.”

Response K.24: As stated Response K.21, on-going compliance with existing RWQCB land use covenants and risk management plans under the RWQCB’s jurisdiction may

be sufficient to reduce impacts to less than significant at some sites; however, as noted in Response K.20, in some instances, prior studies (e.g., LUST cases) may have been focused only on certain potential concerns, and existing land use covenants and risk management plans may, or may not, be sufficient to address other potential environmental concerns that could exist that were not considered or assessed during prior studies. Therefore, the first recommended text edit need not be added to the Draft SEIR. The commenter recommends adding text regarding the RWQCB approval of the e Risk Management Plans and land use covenants at properties #s1-7 in Table 3.9-1 on Draft SEIR Page 223. This text addition has been made in Section 5.0 Draft SEIR Text Revisions of the Final SEIR. This text revision does not change the conclusions of the Draft SEIR. In compliance with existing regulations and proposed policies (including the Specific Plan Update Policies identified under checklist b), future development would not create a significant hazard to the public or the environment due to the redevelopment of sites on the Cortese List.

Comment K.25:

Transportation

- On page 376, Table 3.16-6, regarding Intersection #42, the Draft SEIR proposes that a single-lane roundabout be constructed to improve the affected intersection, which “would require adjacent properties to dedicate right-of-way.” Our traffic consultant conducted a traffic analysis for the cumulative plus projects conditions and found that an all-way stop would result in the intersection operating at LOS C or better and may not require an additional dedicated right-of-way. Analysis results are attached (“Transportation comment page 3.16_analysis regarding intersection 42”). Given this conclusion, a roundabout that requires greater dedication should not be required.

Response K.25: Based on CEQA Guidelines Section 15064.3, and the City’s Transportation Policy, vehicle miles traveled is the most appropriate measure of transportation impacts and not a project’s effect on automobile delay (i.e., level of service). The traffic analysis completed by the commenter’s traffic consultant for Intersection #42, Pulgas Avenue and Emerson Street (under cumulative plus project conditions) has been reviewed by the City and the City’s traffic consultant, Hexagon Transportation Consultants. While Intersection #42, Pulgas Avenue and Emerson Street, would operate at an acceptable level under all-way stop control, the City of East Palo Alto staff has determined that a roundabout is preferable at this location since it would improve traffic flow and reduce delays resulting in an improved level of service (LOS A with a roundabout compared to LOS C under all-way stop control). Furthermore, compared with stop-controlled intersections, roundabouts have been shown to reduce fatal and injury crashes, decrease fuel consumption and emissions, and provide an opportunity to improve the central island with landscaping. This comment’s preference for an all way stop-control rather than roundabout at Intersection #42 will be considered by the City Council as part of the decision-

making process for the Plan Update, including what roadway improvements should be implemented to accommodate future cumulative growth.

Comment K.26:

Alternatives

- Also in Table 7.3.1, as indicated in Footnote f to the Table, “25,000 square foot EPA Center (civic use) was constructed and in operation in 2022 under the 2013 Specific Plan.” As such, please confirm whether this existing development (and other existing development) should be included in the No Project/No New Development Alternative. Clarify whether the No Project/No Development Alternative means no existing development and, assuming not, consider revising to include existing development in the assumptions or otherwise clarify why the table reflects 0, consistent with narrative on following page.

Response K.26: The 25,000 square foot EPA Center is considered a part of the existing development in the Specific Plan area as described in Draft SEIR Table 2.3-1, Pages 12 and 12, footnote “b), and for that reason, it is not considered new development that would occur under one or more of the Alternatives discussed in the SEIR. The EPA Center is part of the baseline conditions disclosed in the SEIR, in that the EPA Center’s traffic, water demand, electricity demand, etc. are part of the existing environment. The zeros associated with the No Project/ No New Development Alternative in Draft SEIR Table 7.3-1 (Page 440) indicate that no additional development would occur under this scenario. Since no additional development would occur under the No Project/ No New Development Alternative, the net increase of development would be zero. The other alternatives shown in Table 7.3-1 represent the net increase in development. The alternative that assumes implementation of the current adopted Specific Plan is the No Project/2013 Specific Plan alternative, which complies with CEQA’s requirement to evaluate a no project alternative that assumes new development that is reasonably foreseeable based on existing plans and policies and available infrastructure.

Comment K.27:

- Similarly, please clarify whether the No Project/2013 Specific Plan Alternative is the total development analyzed in the 2013 EIR and included in the 2013 Specific Plan, or that proposed total development minus projects constructed pursuant to the Specific Plan (total buildout net actual development).

Response K.27: As noted in Draft SEIR Page 440 and Section 5.0 Draft SEIR Text Revisions in this Final EIR (the text revisions includes minor edits to the footnote labeling), the No Project/2013 Specific Plan Alternative includes the total square footage and number of residential units minus any existing uses to be redeveloped and the projects that have been built since the 2013 Specific Plan’s adoption . For example, the amount of office/R&D uses under the No Project/Adopted 2013

Specific Plan Scenario is the total allowed office/R&D uses under the 2013 Specific Plan shown in Draft SEIR Table 2.3-1, Page 12 (1,444,410 square feet), minus the 32,650 square foot completed Ravenswood Health Center, minus the 65,000 square feet of office to be redeveloped. See Section 5.0 Draft SEIR Text Revisions in this Final EIR.

Comment K.28:

Appendix C, Biological Resources Analysis

- The report should be updated to correct the municipal code citations and descriptions to conform to City's code. See H. T. Harvey Report, pp. 20-21 and SEIR, pp. 90-91, 144. Tree protection references and requirements in the SEIR are not consistent with the description in the H. T. Harvey report. For example, the H. T. Harvey report references Section 6420 of the City's Municipal Code and states that permit is required for removal of trees with a "main stem or trunk that measures 40 inches in circumference." (H. T. Harvey report, p. 20). The SEIR cites to Municipal Code Chapter 18, Section 18.28.040 and requires a permit for trees with a main stem 24 inches or greater. (pp. 90-91).

Response K.28: Draft SEIR Pages 90 and 91 state the correct City tree regulations under Municipal Code Chapter 18, Section 18.28.040. The existing East Palo Alto Tree Protection Policies text in Draft SEIR, Appendix C, Biological Resources Report Pages 20 and 21 is based on the City's previous tree policies; Pages 20 and 21 of the Appendix C Biological Resources Report (regarding the City's tree protection policies) have been updated to be consistent with the City's Municipal Code Chapter 18, Section 18.28.040 tree protection policies, adopted in 2022. Revisions are included in Appendix B Supporting Documentation of this Draft SEIR.

Comment K.29:

- The report's General Plan discussion should be updated to conform with the Vista 2035 East Palo Alto General Plan's Parks, Open Space, and Conservation Element. See H. T. Harvey Report, pp. 22-23. For example, the H. T. Harvey report describes Policy 2.1 of the General Plan's Conservation and Open Space Element. (H. T. Harvey report, p. 22). The SEIR describes the Vista 2035 East Palo Alto General Plan Parks, Open Space, and Conservation Element's policies 4.2, 4.7, 4.8, 4.9 and 6.2.

Response K.29: The East Palo Alto General Plan text in Page 22 of the H.T. Harvey, Biological Resources Report, Appendix C of the Draft SEIR, is based on the City's previous General Plan; however, the previous policies (which were included in error) are similar in purpose and substance to the Vista 2035 East Palo Alto General Plan Policies to protect wildlife and native species (General Plan Policies 4.2 and 4.7), requiring interagency coordination such as the San Francisquito Creek Joint Powers Authority (General Plan Policy 4.8). Future projects would be required to comply

with the Policies in the Vista 2035 General Plan noted in the comment above. The revisions to the General Plan Policies in the , Biological Resources Report, Appendix C of the Draft SEIR, do not change the conclusions to the Biological Resources Report or the Draft SEIR. See text revisions included in Appendix B - Supporting Documentation of this Draft SEIR.

Comment K.30:

- Page 97, Table 3.4-1 of the SEIR lists the American peregrine falcon, but the report does not include a listing for the American peregrine falcon. Please resolve this inconsistency.

Response K.30: The American peregrine falcon was removed from the list of fully protected species by Senate Bill No. 147 on July 10, 2023 and, therefore, it no longer meets the criteria for a special-status species. As a result, the discussion of the peregrine falcon was removed from a previous version of the Biological Resources Report in Appendix C, but that change was not made in the Draft SEIR. References to the peregrine falcon have now been removed from Table 3.4-1 of the SEIR. See Section 5.0 Draft SEIR Text Revisions in this Final EIR.

Comment K.31:

- The maximum height should be corrected from 120 feet above ground surface to 122 feet, consistent with the SEIR. Please also ensure that jobs and population figures in the report are updated to reflect the SEIR figures.

Response K.31: A previous version of the Specific Plan Update showed the maximum building height allowed for future developments in the Specific Plan area would be 122 feet above the ground surface. However, Specific Plan Update Figure 4-5 has been revised and shows the maximum building height allowed under the Specific Plan update is 120 feet above the ground surface. Draft SEIR Page 14 (in Section 2.0 Project Information and Description) states the maximum building heights under the Specific Plan Update would range from approximately 30 feet to 122 feet above the ground surface, which reflects the maximum height that was previously proposed. The 122 feet has been revised to 120 feet on Draft SEIR Page 14. The remainder of the Draft SEIR text references the 120-foot maximum height. The Draft SEIR Figure 2.3-2 Maximum Building Heights(Page 16) has been replaced to be consistent with Figure 4-5 in the Specific Plan Update. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment K.32:

Appendix D, Screening Level Environmental Site Assessment

- Table 1, page 2 regarding Sycamore Real Estate Investment (multiple properties) requires updating as follows:

Sycamore Real Estate Investment is listed as a multi-property CPS case (Open Case – Long Term Management (due to land use covenant) ID T10000019768) consisting of the following seven separate CPS cases.

An “Area-Wide Risk Management Plan” (Ninyo & Moore, 2021), including Phase 1 and Phase 2 environmental site assessments prepared for each property, that is applicable to each of these properties has been prepared and approved by the Water Board. Additionally, a Land Use Covenant was recorded in 2022 that, among other provisions, restricts certain uses and activities at the properties unless approved by the Water Board, and the environmental protocols and measures to be taken during redevelopment under the Water Board’s oversight. Separate Land Use Covenants also were previously recorded for some of the individual properties (151 Tara Road, 264 Tara Road, and 2555/2565 Pulgas Avenue) and are concurrently applicable. On December, 7, 2023, the Water Board terminated the previously recorded land use covenants on these properties, including those covering 151 Tara Road, 264 Tara Road, and 2555/2565 Pulgas Avenue.

Response K.32: Please refer to Response K.20. The commenter does not note the source of the suggested text additions. The specific details about an individual property’s site conditions will be documented at the time specific development or redevelopment is proposed, as conditions may change over time, and the SEIR disclosed publicly available information at the time the SEIR was prepared. It is acknowledged that conditions and the regulatory status of individual properties may change from the time the Draft SEIR was prepared and the time the Final SEIR is certified, and up to the time a development project is filed for review with the City to implement the Plan. The information provided in the comment will be confirmed at the time a specific development is proposed at the referenced properties.

Comment K.33:

- Pages 4–5, section 2.1: We recommend deleting this section because (1) the subject orders have been rescinded; (2) the orders were issued to promote redevelopment by placing the properties within the Ravenswood Industrial Area to establish one environmental oversight agency (the Water Board) and disclose environmental conditions; and (3) the rescission was based on the completion of property specific evaluation by the property owners and implementation of appropriate controls.

Response K.33: The above comment pertains to the Draft Appendix D Screening Level ESA and requests revisions related to the RWQCB orders that were rescinded after Draft SEIR Appendix D Screening Level ESA was prepared. The commenter does not note the source of the suggested text additions. As stated in Response K.20, CEQA requires an EIR to analyze the existing conditions of a project area at the time the NOP was released. See also Response K.32 above.

Comment K.34:

- Page 6, section 3.1 should be revised to account for rescission of Water Board Orders 92-037 and 92-086. We recommend that paragraph 2 be revised as follows:

“At parcels with open LUST or CPS cases, ~~and those within the RIA that are subject to Water Board Orders 92-037 and 92-086,~~ any planned redevelopment activities should be coordinated with the overseeing regulatory agencies.”

Response K.34: The above comment pertains to the Draft Appendix D Screening Level ESA. Please refer to Responses K.32 and K.33 above. The commenter does not note the source of the information of the suggested text additions. The information provided in the comment will be confirmed at the time a specific development is proposed at the referenced properties.

Comment K.35:

- Related to the above, because these Orders have been rescinded, they could be removed as an appendix, or the rescission could also be included.

Response K.35: Refer to Responses K.33 and K.34.

Comment K.36:

- Page 7, section 3.2 at the conclusion to the recommended "Property-Specific Studies and Plans" could be modified to include an exception for sites subject to (1) existing land use covenants, (2) risk management plans, and (3) ongoing Water Board jurisdiction, as follows:

"Sites with site assessments approved by the Regional Water Quality Control Board, recorded land use covenants, approved risk management or similar plans, and which remain under the jurisdiction of the Regional Water Quality Control Board, should be redeveloped under agency oversight and consistent with applicable agency directives."

Response K.36: Refer to Responses K.20 through K.22. The suitability of existing land use covenants and risk management plans should be evaluated prior to site redevelopment at the time a site-specific Phase I ESA is prepared (as recommended in the Screening Level Environmental Site Assessment for the Specific Plan Update). Therefore, the above suggested revisions will not be added to the Draft SEIR.

Comment K.37:

Appendix F, Transportation Analysis

- Page 334 of the Update SEIR states that there is 1,267,500 square feet of R&D for Scenario #2, while Table 11 of Appendix F assume 1,167,250 square feet of R&D. These figures should be revised to be consistent

Response K.37: The reference to 1,267,500 square feet of office that would be added under Scenario 2 (on page 334 of the Draft SEIR) is a typographical error. The sentence should state that Scenario #2 would consist of 2,135,100 square feet of office and 1,167,500 square feet of R&D (which is consistent with Table 2.3-1 Development under Scenarios #1 and #2 on Draft SEIR Page 13).

L. Dinan, Mark (dated September 10, 2024)

Comment L.1: I recommend that the Bay and University land, currently owned by Sand Hill, be removed entirely from the RBD. It has none of the environmental or ingress/egress issues, and is located on two major streets with public transportation available. This development should be considered on its own, and not be lumped in with sites that are directly on the Bay.

Response L.1: This comment expresses a policy recommendation that certain lands within the Plan be excluded for the reasons noted. The comment does not pertain to the SEIR's analysis, and will be considered by the decision-makers. No further response is required.

M. Harvest Properties (dated September 10, 2024)

Comment M.1: We appreciate the opportunity to provide our comments on the Ravenswood Business District/4 Corners Specific Plan ("2024 Draft Specific Plan") Subsequent Environmental Impact Report ("2024 Draft SEIR") for the City of East Palo Alto. We look forward to continued collaboration with the community and City of East Palo Alto as this process continues to move forward.

Below please find our comments on the 2024 Draft SEIR:

- *Executive Summary Table (ES-1) and the Mitigation Monitoring and Reporting Program (MMRP)*: Please note that the Executive Summary Table and the Mitigation Monitoring and Reporting Program would benefit from the following recommended changes:
 - Clearer description of all impacts, in terms of being consistently labeled and numbered;
 - Consistency in the identification of impact determinations (i.e., including all less-than-significant- with-mitigation (LTSM) impacts);
 - Clearer identification of all applicable mitigation measures, and whether the mitigation measures from the previous 2013 Specific Plan EIR still apply or if they are universally replaced by the 2024 Draft SEIR. This concern is also applicable to the Ravenswood Business District Specific Plan (2013 Specific Plan or 2024 Draft Specific Plan) references to policies. Furthermore, policies are inconsistently listed. Please ensure that these issues are resolved in the Final SEIR.
 - Identification of the level of impact before mitigation, and the level of impact after mitigation.

Response M.1: Comment M.1 suggests revisions related to formatting and labeling of the identified impacts in Table ES-1 of the Draft SEIR. The comment does not raise concerns about the Draft SEIR analysis. As suggested in the above comment, “Less than Significant Impact with Mitigation Incorporated” has been added following Impact BIO-2 in Table ES-1 (see Section 5.0 Draft SEIR Text Revisions of this Final SEIR). The “(Less than Significant Impact with Mitigation Incorporated)” statement is already included after the Impact BIO-2 mitigation measures on page 120 of the Draft SEIR. All other impacts in Table ES-1 include an impact statement (e.g., less than significant impact, less than significant impact with mitigation incorporated, or significant and unavoidable impact). Policies that are proposed under the Specific Plan Update (2024) are labeled as Specific Plan Update Policies and policies that are included under the current 2013 Specific Plan are labeled as 2013 Specific Plan Policies. Identification of the level of impact before mitigation, and the level of impact after mitigation, is commenter’s preference related to the formatting of the document. If the level of impact is identified as “Less than Significant Impact with Mitigation Measures Incorporated,” this indicates the impact would be significant without mitigation. If the level of impact is significant and avoidable, this indicates there is no feasible mitigation reduce the impact to less than significant and/or with the implementation of mitigation measures and/or Specific Plan Update Policies/Standards, the impact would still be significant and unavoidable.

Comment M.2:

- *Transportation*
 - *Trip Generation*: Please note that on page 334 of the 2024 Draft SEIR, it states that there is 1,267,500 square feet of R&D for Scenario #2, while Table 11 of the TA

report assumes 1,167,250 square feet of R&D. If the TA analysis was performed with a lower square footage value for R&D, this may result in an underrepresentation of the number of trips generated for Scenario #2. Please clarify this discrepancy.

- *Freeway Segment Improvements:* Please note that on page 388 of 2024 Draft SEIR, it states that projects shall make a fair share contribution towards VTA and C/CAG freeway projects related to HOV/express lanes and other freeway related improvements. As we have previously stated in our comments related to the 2024 Draft Specific Plan as well as the City's draft Nexus Study, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects. This should be included in the Impact Fees.
- *Intersection and Corridor Improvements:* Please note that the Executive Summary of the TA describes the funding responsibilities for the recommended improvements with the City of East Palo Alto, with developers' responsibilities ranging from full responsibility to a fair share contribution. Similar to the Freeway Segment improvements comment above, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects, particularly as they relate to the Nexus Study that the City is in the process of preparing. Developers should only be responsible for their fair share and this contribution should be included in the Impact Fees.

Response M.2: The reference to 1,267,500 square feet of R&D that would be added under Scenario 2 (on Draft SEIR page 334) is a typographical error, which will be corrected. The sentence should state that Scenario #2 would consist of 2,135,100 square feet of office and 1,167,500 square feet of R&D (which is consistent with Table 2.3-1 Development under Scenarios #1 and #2 on Draft SEIR page 13). Please refer to the Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

The commenter notes the infrastructure and traffic-related improvements under the Specific Plan Update and their associated costs should be reviewed and considered, which does not raise any concerns regarding the adequacy of the Draft SEIR analysis. More specifically, pursuant to CEQA Guidelines Section 15064, economic changes resulting from the project, that do not result in related physical changes to the environment, are not considered significant impacts. Because CEQA is concerned with physical changes in the environment, these comments are outside of the scope of the Draft SEIR's analysis. The City Council will consider the feasibility/costs of improvements identified to support the Specific Plan Update.

Comment M.3:

- Intersection at Tara Road and Bay Road: Please note that on page 376, Table 3.16-6 Intersection #45 (Tara Road and Bay Road), the 2024 Draft SEIR proposes that a single-lane roundabout be constructed to improve the affected intersection, which "would require the adjacent industrial properties to dedicate right-of-way a part of redevelopment." Configuring a roundabout at this intersection may be difficult due to existing buildings and impacting the parking lot for the EPACENTER. In our previous comments on the 2024 Draft Specific Plan, we have pointed out that there is an inconsistency in the 2024 Draft Specific Plan document regarding the need for this Roundabout. Please clarify whether this Roundabout, as described in the 2024 Draft Specific Plan, is needed.

Response M.3: The commenter has requested clarification regarding the need for, and feasibility of, a roundabout at Intersection #45 Tara Street and Bay Road (under existing plus Specific Plan Update conditions), which is a level of service concern and is not a CEQA-related issue. Since the preparation of the Appendix G Transportation Analysis, the City completed preliminary designs for a roundabout at this intersection, which showed that it would substantially affect adjacent properties. The City's preferred improvement at this location is the installation of a four-legged signalized intersection. Table 3.16-6, Draft EIR SEIR Page 376 has been updated with the currently proposed improvement at the Tara Street and Bay Road Intersection (see Section 5.0 Draft SEIR Text Revisions of this Final SEIR).

Comment M.4:

- *Air Quality:*
Shuttle Program
 - The Air Quality section (page 72) of the 2024 Draft SEIR references the Shuttle Program specifically, using the following language:
 - *"Shuttle Program: The TMA shall fund and operate a shuttle program that connects employees and residents with nearby commercial, transit, and employment centers and provides long haul service to housing and employment centers in other communities."*
 - In the 2024 Draft Specific Plan, Transportation Demand Management (TDM), Section 8.5.4: Shuttle Program Standards (page 268), the Shuttle system is not described as mandatory: "If the TMA is required (or otherwise decides on its own) to fund and operate a shuttle program for the purposes of reducing trips in the Plan Area, the following standards shall apply."
 - Given that the Shuttle is not a mandatory requirement, but rather one of several TDM options described in the 2024 Draft Specific Plan, please revise Section 2.3.6 (Transit Improvements) of the Project Description (2024 Draft SEIR) and Section 8.3.4 (Transit Network) of the 2024 Draft Specific Plan (page 228) to clarify and ensure that there is consistency between the 2024 Draft SEIR and the 2024 Draft

Specific Plan, in describing the Shuttle as not a mandatory requirement, but one of several TDM options available in the future to the TMA.

Response M.4: Comment M.4 notes a clarification of a TDM element, i.e. a shuttle program that would be funded and operated by the TMA, included in the draft Specific Plan Update. The reference to the Shuttle Program as a Required TDM Element (Specific Plan Update Policy 8.4-3) has been revised. The Shuttle Program is now listed as a TDM Element and the word “Required” has been removed; the Policy text has been revised to note the Shuttle Program is optional on Page 72 of the Draft SEIR, to be consistent with the Draft Specific Plan Update. The policy has been updated to clarify that future projects’ participation in the shuttle program is an option among others and that projects could achieve the 40 percent trip reduction required by the City’s TDM Ordinance by implementing alternative TDM measures.

Comment M.5:

Construction Criteria Pollutant Emissions

- MM AIR-1.1 (page 68) describes a measure related to requiring the provision of line power to a development project site, which may not be commercially available and practicable to proceed and complete construction. A similar mitigation measure was described in MM AIR-4.1 that we would recommend be utilized in lieu of the language from MM AIR-1.1.
- The language of MM AIR-1.1 reads:
“Construction criteria pollutant and TAC quantification shall be required for individual projects developed under the Specific Plan Update once construction equipment and phasing details are available through modeling to identify impacts and, if necessary, include measures to reduce emissions below the applicable BAAQMD construction thresholds. Reductions in emissions can be accomplished through, not limited to, the following:
 - *(3rd bullet) Provide line power to the site during the early phases of construction to minimize the use of diesel-powered stationary equipment.”*
- We recommend replacing the above language, with the language from MM AIR-4.1 (page 81), which is more reflective of construction conditions in the field.

“Measures to avoid significant construction health risks impacts that could be included in projects, depending on the results of the project-specific HRAs could include:

- *(6th bullet) Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall*

utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines are not necessary in order to provide power to portions of the site distant from existing utility lines; (3) when use of portable extension lines is practicable given construction safety and operational limitations; and (4) when use of electrical grid power does not compromise construction schedules.

Response M.5: The above recommended revisions to MM AIR 1.1 is acceptable, noting that this is one of several measures that may be necessary to reduce health risk from construction below significant levels. The above revisions to Draft SEIR Page 69 acknowledge that some electric powered equipment may be powered by other sources than line power and not all portable equipment may be electrified due to the feasibility of installing line power during early construction stages. Refer to Section 5.0 Draft Text Revisions of this Final SEIR. The above revisions are minor clarifications and do not change the conclusions of the Draft SEIR.

Comment M.6:

- *Noise: Traffic Noise*
 - Traffic Noise (page 280, 2024 Draft SEIR): To reduce noise levels on two Bay Road segments, which have sensitive residential receptors along the roadway, certain measures are required which involve installing quieter pavement and reducing average traffic speeds. MMNOI-2.1 states that *"Future development projects under the Specific Plan Update shall pay a fair share contribution toward the City's installation of quieter pavement types..", and "Future development projects shall install or pay a fair share contribution toward the City's installation of traffic calming measures along Bay Road (between University Avenue and Pulgas Avenue).."*
 - Similar to the comment made above regarding traffic improvements, any infrastructure and traffic-related improvements and their associated costs should be reviewed and considered holistically when considering the financial impact and burden on future development projects, particularly as they relate to the Nexus Study that the City is in the process of preparing. Developers should only be responsible for their fair share and this contribution should be included in the Impact Fees.

We appreciate the opportunity to share our comments on the Draft 2024 SEIR. If you should have any questions regarding the above comments, please do not hesitate to let us know.

Response M.6: As mentioned in Response M.2, the commenter notes the infrastructure and traffic-related improvements under the Specific Plan Update and their associated costs should be reviewed and considered holistically, which does

not raise any concerns regarding the adequacy of the Draft SEIR analysis. More specifically, pursuant to CEQA Guidelines Section 15064, economic changes resulting from the project, that do not result in related physical changes to the environment, are not considered significant impacts. Because CEQA is concerned with physical changes in the environment, these comments are outside of the scope of the Draft SEIR's analysis. Subsequent to the release of the Draft SEIR, based on the results of a pavement analysis completed for the Bay Road segments from University Avenue to Clarke Avenue and Clarke Avenue to Pulgas Avenue by Illingworth & Rodkin in September 2024, the City has confirmed the feasibility of the installation of quieter pavement along the impacted segments of Bay Road. Future project applicants would pay a one-time fair share contribution toward the improvements. Repaving of the quieter pavement would be required every 10 years. The City will fund the repaving (after the initial payment from future project applicants) as a part of its Capital Improvement Program.

The roadway noise impact is no longer significant and unavoidable, and instead considered less than significant with mitigation, see Section 5.0 Text Revisions.

N. Canyon Consulting (dated July 27, 2024)

Comment N.1: Kan rakat Canyon Sayers-Roods. I am writing this on behalf of the Indian Canyon Band of Costanoan Ohlone People as requested, responding to your letter

As this project's Area of Potential Effect (APE) overlaps or is near the management boundary of a potentially eligible cultural site, I am interested in consulting and voicing our concerns. With some instances like this, usually we recommend that a Native American Monitor and an Archaeologist be present on-site at all times during any/all ground disturbing activities. The presence of a Native monitor and archaeologist will help the project minimize potential effects on the cultural site and mitigate inadvertent issues.

Response N.1: This comment notes the tribe is aware of a cultural site that could be affected by future development under the Plan Update, and recommends a tribal monitor and an archaeologist be present during ground disturbing activities. As discussed in Draft SEIR Section 3.5 Cultural Resources, there are four known prehistoric archaeological resources within the Specific Plan area. All of the Specific Plan area has an overall moderate to very high level of cultural sensitivity to known and potential Native American prehistoric and archaeological resources. The City has satisfied the tribal consultation requirements required under both SB 18 and AB 52, as detailed in Draft SEIR Section 3.17 Tribal Cultural Resources. The recommendations provided in the comment are consistent with the proposed Specific Plan Update Policies LU-7.3 through LU-7.10,, which require for future development projects the preparation of a cultural resources assessment and archaeological monitoring, and General Plan Policies 9.1 and 9.7, which require

projects to protect areas of important archaeological resources and to stop work when archaeological resources are discovered during construction.

Comment N.2: Kanyon Consulting, LLC has numerous Native Monitors available for projects such as this, if applicable, we recommend a Cultural Sensitivity Training at the beginning of each project. This service is offered to aid those involved in the project to become more familiar with the indigenous history of the peoples of this land that is being worked on.

Kanyon Consulting is a strong proponent of honoring truth in history, when it comes to impacting Cultural Resources and potential ancestral remains, we need to recognise the history of the territory we are impacting. We have seen that projects like these tend to come into an area to consult/mitigate and move on shortly after - barely acknowledging the Cultural Representatives of the territory they steward and are responsible for. Because of these possibilities, we highly recommend that you receive a specialized consultation provided by our company as the project commences, bringing in considerations about the Indigenous peoples and environment of this territory that you work, have settled upon and benefit from.

Response N.2: This comment recommends construction worker cultural sensitivity training, and offers to provide consultation services for future projects. Proposed Plan Update Policy LU-7.8 requires worker awareness (or sensitivity) training. The City acknowledges the tribe is available to provide such training to future projects construction teams.

Comment N.3: As previously stated, our goal is to Honor Truth in History. And as such we want to ensure that there is an effort from the project organizer to take strategic steps in ways that #HonorTruthinHistory. This will make all involved aware of the history of the Indigenous communities whom we acknowledge as the first stewards and land managers of these territories.

Potential Approaches to Indigenous Cultural Awareness/History:

Signs or messages to the audience or community of the territory being developed. (ex. A commemorable plaque, page on the website, mural, display, or an Educational/Cultural Center with information about the history/ecology/resources of the land)

Commitment to consultation with the Native Peoples of the territory in regards to presenting and messaging about the Indigenous history/community of the land (Land Acknowledgement on website, written material about the space/org/building/business/etc, Cultural display of cultural resources/botanical knowledge or Culture sharing of Traditional Ecological Knowledge - Indigenous Science and Technology)

Advocation of supporting indigenous lead movements and efforts. (informing one's audience and/or community about local present Indigenous community)

Response N.3: This comment provides suggestions for the City and future project developers within the Plan Update area to provide awareness of the connection indigenous people have had and continue to have to the Plan area. The potential approaches are acknowledged and will be considered as future development projects are reviewed by the City, as well as during the City’s implementation of public improvements included in the Plan. This comment does not concern the adequacy of the draft SEIR, and no further response is required.

O. Muwekma Ohlone Tribe of the San Francisco Bay Area (dated July 26, 2024)

Comment O.1: Thank you for reaching out to Muwekma Ohlone Tribe, Inc., we are interested in your project and would like to have further discussions in assisting you with our services. Please allow this letter serve as an introduction to our tribal administration with regards to future Tribal Consultations as defined under Section 106, CEQA, Assembly Bill (AB) 52, Senate Bill (SB) 18 Consultation, and California Public Resources Code § 21080.3.1.

Should your agency and/or project developers choose to work with our Tribe for monitoring and, if necessary, burial recovery services after reviewing documents our Senior Tribal Archeologist and Ethnohistorian Alan Levantahl will have further discussions with you.

At your request we can email you our services and our Muwekma Rate sheet for your review. Any other future concerns please contact us.

Response O.1: This comment introduces the tribe’s administration, and offers to provide monitoring services for future projects under the Plan Update. The comment refers to future tribal consultation efforts under AB 52 and SB 18. It should be noted that the City has satisfied AB 52 and SB 18 tribal notification and consultation requirements related to the Plan Update and the Draft SEIR, as documented in Draft SEIR Section 3.17 Tribal Cultural Resources. To the extent that future City actions or private development projects undertaken to implement the Plan are subject to AB 52 and/or SB 18, the City would notify and offer to consult with the tribe and any other culturally-affiliated tribe, as required by law.

P. Muwekma Ohlone Tribe of the San Francisco Bay Area (dated August 5, 2024)

Comment P.1: Thank you for contacting the Muwekma Ohlone Tribal administration with regards to the preparation of “a Subsequent Environmental Impact Report (SEIR) in accordance with the California Environmental Act (CEQA) for the Ravenswood Business District/4 Corners Specific Plan Update.”

In the letter dated July 26, 2024, it states that: “The current Ravenswood Business District/4 Corners Specific Plan, adopted in 2013, serves as a guide for development and redevelopment, including a policy and regulatory framework. The Adopted 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, and 835 housing units (816 multifamily, 19 single- family).”

This letter further states that: “this SEIR is seeking to analyze the potential environmental impacts of 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 analyzed in this SEIR. The Specific Plan update (under both Project scenarios) also includes comprehensive utility, infrastructure, transportation, and sea level rise improvements.”

Based up this information, we gather that it is too premature for either the City or Cultural Resource Management subcontractors to have conducted a archival literature search at the California Historical Resources Information System (CHRIS)/Northwest Information Center at Sonoma State University. Obviously, this should be conducted and included in the EIR in order to see if any of our ancestral heritage sites were previously recorded within the subject property or located within a .25 miles radius of the project area. If one has previously been conducted, then please share those results of that search with our administration.

Response P.1: As described in Draft SEIR Section 3.17 Tribal Cultural Resources, on May 12, 2022, the City requested a Sacred Land File (SLF) search for evidence of cultural resources or traditional properties of potential concern that might be known on lands within or adjacent to the Specific Plan area by the NAHC. On June 26, 2022, the NAHC stated the results of the SLF search were positive and recommended the City to contact the tribes included in the results letter. The tribes included in the July 26, 2022 NAHC results letter were the same tribes the SB 18/AB 52 notification of the Specific Plan Update was sent to on April 18, 2022. No tribes responded to the notification letters (issued under AB 52). Further, as discussed in Draft SEIR Section 3.5 Cultural Resources, in 2022 a cultural resources assessment was prepared for the Plan Update to support the SEIR. Refer to Draft SEIR Pages 146, 394, and 395.

As a part of the 2022 assessment, a prehistoric and historic site record and literature search of the Plan Area was completed by the CHRIS/NWIC (File No. 21-1898). Based on the 2022 records search, there are 46 studies within or adjacent to the Specific Plan area with 11 additional studies within one quarter mile. Four recorded prehistoric archaeological resources are present either within or immediately adjacent to the Specific Plan area, and four potential (unrecorded) prehistoric resources are within or immediately adjacent to the Plan area. Refer to Draft SEIR Pages 151 through 153.

Comment P.2: The subject study area falls with the ethnohistory territories/boundary between the Lamchin and the Puichon Ohlone-speaking tribal groups, which is included in our Tribe’s aboriginal territory of the greater San Francisco Bay Area.

Our principal response is that the Muwekma Ohlone Tribal leadership respectfully requests to continually be included in this process by establishing tribal consultation meetings with the administration of the City of East Palo Alto as proscribed under the provisions of the Section 106 of the National Historic Preservation Act (NHPA), National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA), California Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014, SB 18, and AB 52 relative to the mitigation of potential adverse impacts to any of our recorded and unrecorded tribal ancestral heritage sites that may exist within any current and/or proposed construction projects located within the greater city limits of the City of East Palo Alto.

Response P.2: With regard to tribal consultation required under AB 52 and SB 18, please refer to Response O.1 above. In the event that future actions to implement the Plan were subject to federal agency jurisdiction, e.g. Department of Housing and Urban Development funding, the City would ensure that consultation was conducted with the tribe(s) pursuant to the NHPA and NEPA.

Comment P.3: As you may already know, our Tribe has been engaged in CRM work since the mid-1980s, and since the 1990s have worked on our ancestral heritage sites including site **CA-SMA-267** located adjacent to **1416 Bay Road** in East Palo Alto where in June 1986 we recovered the remains of an adult male ancestor. Site CA-SMA-267 was named by our Muwekma Ohlone Language Committee Loškowiš 'Awweš Táareštak [**White Salt Man Site**] due to the fact that our ancestral remains were covered with a caliche (calcium carbonate) deposit. Furthermore, we named our ancestor Loškowiš 'Awweš Táareš which literally translates as "**White Salt Man**" aka "**Caliche Man.**" Please note that the City of East Palo Alto would not provide either funding for analysis of our ancestral remains or a place to rebury him (see attached report).

Our Tribe has also worked on several Stanford University-related projects such as at **CA-SCL-287/CA-SMA-623** site complex which was named by our Tribe **Yuki Kutsuimi Šaatoš Inūx** [Sand Hill Road] Sites, and the **Ronald McDonald House** site **CA-SCL-609** which was named **Horše 'Iššèete Ruwwatka** meaning **Place of the Good Health House Site**, as well as several other sites. More recently, we have been involved in the recovery of ancestral remains in the **City of San Mateo** at site **CA-SMA-309** (**Wirak Tayyi Trépam Táareš-tak** which translates as **Man with the Bird Bone Tubes Site**).

Over these past decades we have co-authored in many published archaeological reports pertaining to our ancestral heritage sites and human remains, including recent burial recovery field work at several sites in the Sunol region under the jurisdiction of the **San Francisco Public Utilities Commission: CA-ALA- 565** which our Tribe named **Sii Túupentak** meaning **Place of the Water Roundhouse Site** and at **CA- ALA-704 Rummey Ta Kuččuwiš Tiprectak** (**Place of the Stream of the Lagoon Site**), and with Caltrans at **CA-ALA-677 'Ayttakiš 'Éete Hiramwiš Trépam-tak** (**Place of Woman Sleeping Under the Pipe**). Furthermore, we have also co-authored many journal articles about our ancestral remains, ceremonial grave regalia, AMS dating, Stable Isotope, and modern and aDNA studies (see attached).

Response P.3: This comment describes the tribe’s past efforts to safeguard and preserve tribal cultural resources within their ancestral lands. The tribe’s efforts and expertise are acknowledged. This comment does not raise concerns about the adequacy of the SEIR, and no further response is required.

Comment P.4: Based upon the review of our site sensitivity maps we have not identified any specific ancestral heritage sites within or immediately adjacent to the subject property. However, we are concerned that this very large project area is located near the historic Bayshore where our ancestors established settlements and large cemeteries in the form of what archaeologists have called “Shellmounds.” These so-called Shellmounds are in fact territorial markers that also served as large ancestral cemeteries. As a result, we are concerned that previous construction projects within the Ravenswood Business District /4 Corners Specific Plan area was developed prior to CEQA or, if any of our ancestral remains were encountered were never recorded or reported upon, therefore any subsurface excavations should be considered as potentially sensitive and monitored by qualified archaeologists and Muwekma Ohlone monitors.]

Response P.4: This comment expresses a concern that shellmounds may be present within the Plan area, and have been disturbed by past development or may be disturbed by future development under the Plan Update. Shellmounds are a recognized type of tribal cultural resource, and the potential for individual projects to disturb shellmounds that may be present within the Plan area would be determined as part of the project-specific CEQA analysis completed by the City as it reviews individual development applications. Projects would be subject to the proposed Specific Plan Update Policies LU-7.3 through LU-7.10, which require for future development projects the preparation of a cultural resources assessment and archaeological monitoring, and General Plan Policies 9.1 and 9.7, which require projects to protect areas of important archaeological resources and to stop work when archaeological resources are discovered during construction. Please also refer to Response J.1 above.

Comment P.5: Brief Background Information:
Muwekma Tribe’s Formal Determination of Previous Unambiguous Federal Recognition

Our enrolled Muwekma members are directly descended from the aboriginal tribal groups who were missionized into Missions San Francisco, Santa Clara, and San Jose, and our tribal member’s genealogy and descendance was independently verified by the Bureau of Indian Affairs’ Office of Federal Acknowledgement in 2002 as part of our petitioning efforts to regain our Tribe’s previous federally acknowledged status (under 25 C.F.R. Part 83.8). Furthermore, as the only BIA documented previously Federally Recognized Ohlone Tribe, we, along with our over 600+ BIA documented tribal members claim the greater San Francisco Bay region and surrounding counties, as part of our ancestral and historic homeland. Although, through various marginalizing mechanisms enacted by the Spanish, Mexican and American dominant societies, our ancestors nonetheless, found safe havens on several of our rancherias that were established in the East Bay,

where it was one of the few regions where our people were able to work and live mostly unharmed by the newly arrived American colonists.

In 1989 our Tribe sent a letter to the Branch of Acknowledgement and Research in order to have our Acknowledged status restored. After eight years in the petitioning process, and after the submittal of several hundred pages of historic and legal documentation, on May 24, 1996 the Bureau of Indian Affairs' Branch of Acknowledgment and Research (BAR) made a positive determination that:

Based upon the documentation provided, and the BIA's background study on Federal acknowledgment in California between 1887 and 1933, we have concluded on a preliminary basis that the Pleasanton or Verona Band of Alameda County was previous acknowledged between 1914 and 1927. The band was among the groups, identified as bands, under the jurisdiction of the Indian agency at Sacramento, California. The agency dealt with the Verona Band as a group and identified it as a distinct social and political entity.

On December 8, 1999, the Muwekma Tribal Council and its legal consultants filed a law suit against the Interior Department/BIA – naming DOI Secretary Bruce Babbitt and AS-IA Kevin Gover over the fact the Muwekma as a previously Federally recognized tribe should not have to wait 24 or more years to complete our reaffirmation process.

In 2000 – D.C. District Court Justice Ricardo Urbina wrote in his **Introduction of his Memorandum Opinion Granting the Plaintiff's Motion to Amend the Court's Order** (July 28, 2000) and **Memorandum Order Denying the Defendants' to Alter or Amend the Court's Orders** (June 11, 2002) that:

The Muwekma Tribe is a tribe of Ohlone Indians indigenous to the present-day San Francisco Bay area. In the early part of the Twentieth Century, the Department of the Interior ("DOI") recognized the Muwekma tribe as an Indian tribe under the jurisdiction of the United States." (Civil Case No. 99-3261 RMU D.D.C.)

Our families were identified and listed on the two 1900 Federal Indian Censuses for Pleasanton and Niles; Special Indian Agent Charles E. Kelsey's Census of 1905-1906; 1910 Federal Indian Census of Indian Town; the 1910 and 1913 Indian Rancheria maps prepared by Kelsey for the Department of Interior and Congress; 1914, 1923 and 1927 Superintendent reports; 1928-1932 BIA enrollment under the 1928 California Indian Jurisdictional Act; attendance at Indian Boarding Schools in the 1930s and 1940s; enrollment with the 2nd BIA enrollment period (1950-1957); enrollment with the 3rd BIA enrollment period (1968-1971); as Ohlone members and contacts for protecting our Ohlone Indian Cemetery associated with Mission San Jose (1962-1971); and other historic documents and newspapers.

Response P.5: This comment describes the tribe's efforts to be federally recognized, and does not concern the adequacy of the SEIR's analysis of the Plan Update's reasonably foreseeable impacts. No further response is required.

Comment P.6: In conclusion, we are formally requesting tribal consultation under Senate Bill 18 (Government Codes §65352.3 and §65352.4) and Assembly Bill 52 (Public Resources Codes §21080.3.1 & §21080.3.2). Muwekma Tribal Councilman and Executive Director for Tribal Cultural Resources will be your main contact person for Tribal Consultation along with Tribal Chairwoman Charlene Nijmeh and Alan Leventhal, Tribal Archaeologist. Furthermore, should the City and/or your Cultural Resource Management contractors choose to work with our Tribe for monitoring and, if necessary, burial recovery services we will make ourselves available for this project.

We are attaching related historic and legal documents and examples of our previous ancestral heritage recovery work for your review and consideration. and look forward in working closely with you and your team on this (if necessary) and any future related projects within our ethnohistoric homeland within the City of East Palo Alto.

Response P.6: Please refer to Response O.1 above.

Q. Nuestra Casa de East Palo Alto (dated August 13, 2024)

Comment Q.1: My name is Claudia and I am the Housing Program Coordinator at Nuestra Casa. We have been following the Ravenswood Business District Draft Specific Plan and disseminating information to community members at a more accessible level.

We have been sharing information about the SEIR to community members and directing them to where they can find more info and provide feedback. We wanted to know if there will be any specific form community members can fill out to give that feedback? Many may not have access to an email to provide feedback in that manner, so we wanted to know if there's any additional ways for them to provide feedback.

If not, is there any plan to have forms to gather additional community feedback later in the process?

Thanks in advance! Hope you can provide some insight.

Response Q.1: The public review period for the Draft SEIR for the RBD/4 Corners Specific Plan Update was from July 26, 2024 to September 10, 2024. The Draft SEIR and the Notice of Availability of the Draft SEIR was (and is) available on the City's RBD Specific Plan Update/4 Corners webpage which can be accessed via the following link: <https://www.cityofepa.org/planning/page/rbd-specific-plan-update>. CEQA does not require local agencies to provide any particular form as a tool for the public to provide feedback. However, as stated in the Notice of Availability, written public comments on the Draft SEIR could be submitted via the following email address: rbd@cityofepa.org. The Draft SEIR was also available for public review on the State Clearinghouse's CEQANet webpage and at the San Mateo County Clerk-Recorder's Office per CEQA Guidelines Section 15087. The City continues to

welcome community input and feedback on the RBD/4 Corners Specific Plan Update itself ahead of the Planning Commission and City Council hearings.

R. Nuestra Casa de East Palo Alto (dated September 10, 2024)

Comment R.1: On the last day of public comments, this is what I noticed. The 45 days is too short because of the technical breakdown that needs to happen. The SEIR was only in English although 60% of residents are Latinx. This is a major oversight and effectively already removes more than half of the people in providing feedback. The comment submission format is also a barrier, it would be better to have a form like in the specific plan. More work and collaboration needs to happen with community-based organizations to get the community's input.

Response R.1: The public review period for the Draft SEIR for the RBD/4 Corners Specific Plan Update was from July 26, 2024 to September 10, 2024. The 45-day public review period is established by the CEQA requirements for the public review of Environmental Impact Reports (refer to CEQA Guidelines Section 15105). The Draft SEIR was made available for public review in English; CEQA does not require agencies to make environmental documents available in multiple languages. The City will not be able to translate technical documents to Spanish or other languages. However, all notices (e.g., the Notice of Availability) are translated into Spanish and Spanish translation will be provided at the Planning Commission and City Council meetings. This comment does not raise concerns about the adequacy of the Draft SEIR, and no further response is required.

Comment R.2: Pertaining to the EIR, how will new development plans ensure that building on contaminated sites does not affect the mobilization of contaminations due to groundwater rise? What are the health impacts to the contamination present in the RBD area?

Response R.2: CEQA requires the analysis of environmental impacts of a project (or plan) based on baseline conditions. The baseline conditions for the Specific Plan area are the existing conditions of the Plan area at the time the Notice of Preparation was released (in April 2022). The potential for the groundwater table to rise (due to sea level rise) is considered a future condition. The rate and magnitude of sea level rise will depend on a number of factors, however, as noted in Comment Letter H, the BCDC considers the best estimates of future sea level rise to be those provided in the Ocean Protection Council's State of California Sea Level Rise Guidance. OPC recently adopted the 2024 Sea Level Rise Guidance. Based on sea-level rise scenarios studied as a part the guidance, global mean seal level rise could increase by 0.1 to 0.2 meters by 2040.

An analysis of the rise of the groundwater table due to sea level rise, and its effects on the mobilization of contaminants and human health would be speculative at the current time, and the Plan Update itself has no direct role in the rate or amount of sea level rise, beyond the Plan's very minor cumulative contribution to global

climate change and resulting sea level rise, as discussed in Draft SEIR Section 3.8 Greenhouse Gas Emissions. As the City reviews projects implementing the Specific Plan Update over the next 20 or so years, the CEQA process for each project would involve considering the current groundwater level, based on a Phase I Environmental Site Assessment and/or geotechnical report prepared specific to that site, and the City would consider the potential for the project to encounter and release (e.g. during excavation and dewatering) into the environment any contaminants that may be present on the site, as well as considering the potential for contaminants to pose a health risk to future site occupants. As noted, this analysis is not possible now, and would occur for a given project when it underwent project-level CEQA review, and would account for then-current groundwater conditions, including any contaminants then present and the extent to which sea level rise had caused the groundwater under the site to rise over current conditions.

S. Pacific Gas and Electric Company (dated July 29, 2024)

Comment S.1: Thank you for submitting the Ravenswood Business District plans. The PG&E Plan Review Team is currently reviewing the information provided. Should this project have the potential to interfere with PG&E's facilities, we intend to respond to you with project specific comments. Attached is some general information when working near PG&E facilities that must be adhered to when working near PG&E's facilities and land rights.

This email and attachment does not constitute PG&E's consent to use any portion of PG&E's land rights for any purpose not previously conveyed. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

Response S.1: The above comment is an introduction to Comments S.2 through S.7 and notes the intent to provide project specific comments. The comment does not raise concerns about the adequacy of the Draft SEIR analysis. Therefore, no further response is required.

Comment S.2: Thank you for submitting the Ravenswood Business District plans for our review. PG&E will review the submitted plans in relationship to any existing Gas and Electric facilities within the project area. If the proposed project is adjacent/or within PG&E owned property and/or easements, we will be working with you to ensure compatible uses and activities near our facilities.

Attached you will find information and requirements as it relates to Gas facilities (Attachment 1) and Electric facilities (Attachment 2). Please review these in detail, as it is critical to ensure your safety and to protect PG&E's facilities and its existing rights.

Below is additional information for your review:

1. This plan review process does not replace the application process for PG&E gas or electric service your project may require. For these requests, please continue to work with PG&E

Service Planning: <https://www.pge.com/en/account/service-requests/building-and-renovation.html>.

2. If the project being submitted is part of a larger project, please include the entire scope of your project, and not just a portion of it. PG&E's facilities are to be incorporated within any CEQA document. PG&E needs to verify that the CEQA document will identify any required future PG&E services.

3. An engineering deposit may be required to review plans for a project depending on the size, scope, and location of the project and as it relates to any rearrangement or new installation of PG&E facilities.

Any proposed uses within the PG&E fee strip and/or easement, may include a California Public Utility Commission (CPUC) Section 851 filing. This requires the CPUC to render approval for a conveyance of rights for specific uses on PG&E's fee strip or easement. PG&E will advise if the necessity to incorporate a CPUC Section 851 filing is required.

This letter does not constitute PG&E's consent to use any portion of its easement for any purpose not previously conveyed. PG&E will provide a project specific response as required.

Response S.2: Comment S.1 does not raise concerns about the adequacy of the Draft SEIR analysis RBD/4 Corners Specific Plan Update SEIR, which provides a program-level of the environmental impacts of future projects under the Specific Plan Update. There is no project that is currently being proposed under the Specific Plan Update. As described on Page 419 of the Draft SEIR, future development under the Specific Plan Update would be subject to subsequent environmental review to confirm if all site-specific and project-specific impacts were evaluated in this SEIR, including the need for new or expanded infrastructure for natural gas, electricity, and telecommunications. At the time future projects that are adjacent to or within PG&E owned property and/or easements are proposed, or would use PG&E facilities, the proposed use of these facilities would be evaluated in the project-level environmental review, and the City would refer the proposed project application to PG&E for review. The payment of any required PG&E fees, PG&E application process, or CPUC filings by future project applicants will occur separate from the CEQA process.

Comment S.3: Attachment 1 – Gas Facilities

There could be gas transmission pipelines in this area which would be considered critical facilities for PG&E and a high priority subsurface installation under California law. Care must be taken to ensure safety and accessibility. So, please ensure that if PG&E approves work near gas transmission pipelines it is done in adherence with the below stipulations. Additionally, the following link provides additional information regarding legal requirements under California excavation laws: <https://www.usanorth811.org/images/pdfs/CA-LAW-2018.pdf>

Response S.3: As described on Draft SEIR Page 408, CEQA requires projects to evaluate if projects would result in the relocation or construction of electric power and natural gas facilities which could cause significant environmental effects. At the time future projects are proposed that are adjacent to or within PG&E owned property and/or easements, or would use PG&E facilities, the proposed use of these facilities would be evaluated in the project-level environmental review, and the City would refer the proposed project application to PG&E for review. Future projects would coordinate with PG&E if gas transmission lines are identified on the project sites, prior to excavation, which would be separate a separate process from CEQA; future projects would be subject to any excavation laws required by the state.

Comment S.4:

1. Standby Inspection: A PG&E Gas Transmission Standby Inspector must be present during any demolition or construction activity that comes within 10 feet of the gas pipeline. This includes all grading, trenching, substructure depth verifications (potholes), asphalt or concrete demolition/removal, removal of trees, signs, light poles, etc. This inspection can be coordinated through the Underground Service Alert (USA) service at 811. A minimum notice of 48 hours is required. Ensure the USA markings and notifications are maintained throughout the duration of your work.

2. Access: At any time, PG&E may need to access, excavate, and perform work on the gas pipeline. Any construction equipment, materials, or spoils may need to be removed upon notice. Any temporary construction fencing installed within PG&E's easement would also need to be capable of being removed at any time upon notice. Any plans to cut temporary slopes exceeding a 1:4 grade within 10 feet of a gas transmission pipeline need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

3. Wheel Loads: To prevent damage to the buried gas pipeline, there are weight limits that must be enforced whenever any equipment gets within 10 feet of traversing the pipe. Ensure a list of the axle weights of all equipment being used is available for PG&E's Standby Inspector. To confirm the depth of cover, the pipeline may need to be potholed by hand in a few areas.

Due to the complex variability of tracked equipment, vibratory compaction equipment, and cranes, PG&E must evaluate those items on a case-by-case basis prior to use over the gas pipeline (provide a list of any proposed equipment of this type noting model numbers and specific attachments). No equipment may be set up over the gas pipeline while operating. Ensure crane outriggers are at least 10 feet from the centerline of the gas pipeline. Transport trucks must not be parked over the gas pipeline while being loaded or unloaded.

Response S.4: The above comment describes measures PG&E would require of future projects under the Specific Plan Update, that could impact PG&E gas

transmission pipelines and facilities, to implement during construction. Future projects would be required to adhere to the above-listed PG&E inspections, monitoring, and measures to prevent damage to PG&E facilities during construction. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis.

Comment S.5:

4. Grading: PG&E requires a minimum of 36 inches of cover over gas pipelines (or existing grade if less) and a maximum of 7 feet of cover at all locations. The graded surface cannot exceed a cross slope of 1:4.

5. Excavating: Any digging within 2 feet of a gas pipeline must be dug by hand. Note that while the minimum clearance is only 24 inches, any excavation work within 24 inches of the edge of a pipeline must be done with hand tools. So to avoid having to dig a trench entirely with hand tools, the edge of the trench must be over 24 inches away. (Doing the math for a 24 inch wide trench being dug along a 36 inch pipeline, the centerline of the trench would need to be at least 54 inches [$24/2 + 24 + 36/2 = 54$] away, or be entirely dug by hand.)

Water jetting to assist vacuum excavating must be limited to 1000 psig and directed at a 40° angle to the pipe. All pile driving must be kept a minimum of 3 feet away.

Any plans to expose and support a PG&E gas transmission pipeline across an open excavation need to be approved by PG&E Pipeline Services in writing PRIOR to performing the work.

6. Boring/Trenchless Installations: PG&E Pipeline Services must review and approve all plans to bore across or parallel to (within 10 feet) a gas transmission pipeline. There are stringent criteria to pothole the gas transmission facility at regular intervals for all parallel bore installations.

For bore paths that cross gas transmission pipelines perpendicularly, the pipeline must be potholed a minimum of 2 feet in the horizontal direction of the bore path and a minimum of 24 inches in the vertical direction from the bottom of the pipe with minimum clearances measured from the edge of the pipe in both directions. Standby personnel must watch the locator trace (and every ream pass) the path of the bore as it approaches the pipeline and visually monitor the pothole (with the exposed transmission pipe) as the bore traverses the pipeline to ensure adequate clearance with the pipeline. The pothole width must account for the inaccuracy of the locating equipment.

Response S.5: The above comment includes measures PG&E would require future projects under the Specific Plan Update, that could impact PG&E gas transmission pipelines and facilities, to implement during excavation, grading, and boring/trenching. Future projects would be required to adhere to the above-listed measures and monitoring to prevent damage to PG&E facilities. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis, which provides program-level review of the Plan Update's implementation,

but defers project-level environmental review to future individual developments implementing the Plan, which is the stage at which the concerns and requirements noted in the comment would be addressed.

Comment S.6:

7. Substructures: All utility crossings of a gas pipeline should be made as close to perpendicular as feasible (90° +/- 15°). All utility lines crossing the gas pipeline must have a minimum of 24 inches of separation from the gas pipeline. Parallel utilities, pole bases, water line 'kicker blocks', storm drain inlets, water meters, valves, back pressure devices or other utility substructures are not allowed in the PG&E gas pipeline easement.

If previously retired PG&E facilities are in conflict with proposed substructures, PG&E must verify they are safe prior to removal. This includes verification testing of the contents of the facilities, as well as environmental testing of the coating and internal surfaces. Timelines for PG&E completion of this verification will vary depending on the type and location of facilities in conflict.

b

8. Structures: No structures are to be built within the PG&E gas pipeline easement. This includes buildings, retaining walls, fences, decks, patios, carports, septic tanks, storage sheds, tanks, loading ramps, or any structure that could limit PG&E's ability to access its facilities.

9. Fencing: Permanent fencing is not allowed within PG&E easements except for perpendicular crossings which must include a 16 foot wide gate for vehicular access. Gates will be secured with PG&E corporation locks.

10. Landscaping: Landscaping must be designed to allow PG&E to access the pipeline for maintenance and not interfere with pipeline coatings or other cathodic protection systems. No trees, shrubs, brush, vines, and other vegetation may be planted within the easement area. Only those plants, ground covers, grasses, flowers, and low-growing plants that grow unsupported to a maximum of four feet (4') in height at maturity may be planted within the easement area.

Response S.6: The above comment includes measures PG&E would require future projects, that could impact PG&E gas transmission pipelines and facilities, to implement during construction. Future projects would be required to adhere to the necessary measures to prevent damage to PG&E facilities during construction activities such as the construction of structures, and installation utilities and landscaping. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis, which provides program-level review of the Plan Update's implementation, but defers project-level environmental review to future individual developments implementing the Plan, which is the stage at which the concerns and requirements noted in the comment would be addressed.

Comment S.7:

11. Cathodic Protection: PG&E pipelines are protected from corrosion with an “Impressed Current” cathodic protection system. Any proposed facilities, such as metal conduit, pipes, service lines, ground rods, anodes, wires, etc. that might affect the pipeline cathodic protection system must be reviewed and approved by PG&E Corrosion Engineering.

12. Pipeline Marker Signs: PG&E needs to maintain pipeline marker signs for gas transmission pipelines in order to ensure public awareness of the presence of the pipelines. With prior written approval from PG&E Pipeline Services, an existing PG&E pipeline marker sign that is in direct conflict with proposed developments may be temporarily relocated to accommodate construction work. The pipeline marker must be moved back once construction is complete.

13. PG&E is also the provider of distribution facilities throughout many of the areas within the state of California. Therefore, any plans that impact PG&E’s facilities must be reviewed and approved by PG&E to ensure that no impact occurs which may endanger the safe operation of its facilities.

Response S.7: The above comment includes measures PG&E would require future projects, that could impact PG&E pipelines and facilities (such as distribution facilities), to implement during and prior to construction. Future projects would be required to adhere to the above-listed measures. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis, which provides program-level review of the Plan Update’s implementation, but defers project-level environmental review to future individual developments implementing the Plan, which is the stage at which the concerns and requirements noted in the comment would be addressed.

T. Pacific Gas and Electric Company (dated August 30, 2024)

Comment T.1: Thank you for giving us the opportunity to review the subject plans. The proposed Ravenswood Business District project is within the same vicinity of PG&E’s existing facilities that impact this property.

PG&E has easements for its facilities within proximity to this project. The easements have expressed building restrictions which do not allow for construction, drilling, structures or any other obstruction from being within the easement area. Portions of this project appear to be within PG&E’s facility easement areas which is the reason for this letter.

Please contact the Building and Renovation Center (BRSC) for facility map requests by calling 1-877-743-7782 and PG&E’s Service Planning department at www.pge.com/cco for any modification or relocation requests, or for any additional services you may require.

As a reminder, before any digging or excavation occurs, please contact Underground Service Alert (USA) by dialing 811 a minimum of 2 working days prior to commencing any work. This free and independent service will ensure that all existing underground utilities are identified and marked on-site.

Response T.1: Comment T.1 notes PG&E has easements for its facilities within and in proximity to the Specific Plan area. Future projects under the Specific Plan Update that could impact PG&E facilities and/or are within or adjacent to PG&E easements, would be required to contact PG&E's Building and Renovation Center and Service Planning Department prior to construction or excavation. Prior to digging or excavation, future projects would also be required to contact USA to identify and mark the location of underground utilities at the sites. The above comment does not raise any concerns regarding the adequacy of the Draft SEIR analysis, which provides program-level review of the Plan Update's implementation, but defers project-level environmental review to future individual developments implementing the Plan, which is the stage at which the concerns and requirements noted in the comment would be addressed.

U. Ravenswood Shores Business District, LLC (dated August 9, 2024)

Comment U.1: Attached are some comments to the draft SEIR for the Ravenswood / 4 Corners Specific Plan update. Thanks for your consideration.

General Comments

1. Reference to the 2013 Specific Plan / EIR - throughout the SEIR document, when referencing the square footages of office, industrial etc. studied in the 2013 EIR, the SEIR states these are the "allowable" square footages of new development. I believe the 2013 Specific Plan and EIR do not state these are the maximum allowable development square footages, rather these are the studied new development square footages. I would think it is appropriate to correct this reference.

Response U.1: The Specific Plan Update (Scenarios 1 and 2) would increase the amount of allowable development within the Specific Plan area, and the SEIR evaluated the foreseeable environmental impacts from developing those amounts of new non-residential square footage and new housing units. The Plan Update would not allow for more development than studied in the SEIR under Scenario 2, which was identified as the preferred Plan Update scenario by the City Council on September 25, 2024. Based on the above comment, a clarification has been made to Draft SEIR Page 9, which states that compared to the 2013 Specific Plan, the Specific Plan Update would result in increasing the allowable intensity and height for proposed land uses up to the amounts included within Scenario 1 and 2. The text has been updated to state that the Specific Plan Update would result in increasing the allowable non-residential square footage and the number of residential units (as

shown in Table 2.3-1, Pages 12 and 13, of the Draft SEIR). Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR. This clarification does not change the conclusions of the Draft SEIR.

Comment U.2:

2. TDM - Shuttle Services - In several sections of the SEIR, (i.e. AIR 8.4-3) the report identifies a "shuttle program" as a requirement of the TDM. My recollection from our recent discussion on this topic in our Ravenswood Developer Meeting, we noted that a "shuttle program" was exceptionally expensive and the objective of a TDM program would be to achieve the 40% reduction in ADT and avoid a "shuttle program" if possible. The reference included should be conditioned on something like, "If needed to achieve a 40% reduction in ADT, ...". I would suggest that there be a maximum of flexibility in the tools necessary to achieve the 40% ADT reduction.

Response U.2: Draft SEIR Page 72 includes the Proposed Specific Plan Update Policy 8.4.3 referenced in the comment. The policy has been revised to state that future projects could participate in the shuttle program but could alternatively implement other TDM elements to achieve the 40 percent trip reduction requirement. Therefore, future projects would not be required to participate in the shuttle program, rather a shuttle program could be an option to satisfy the 40 percent trip reduction requirement. The comment suggests there should be flexibility in the Plan in what strategies are used to achieve the 40% trip reduction, and that the shuttle program could be expensive to operate. These comments will be considered by the City Council, as part of the decision whether to adopt the Plan Update and what TDM requirements to require of future development implementing the Plan.

Comment U.3:

3. Mitigation Measures for Biological Resources - The Mitigation Measures for Biological Resources have a significant impact and influence on the several of the proposed new development projects because of these projects' proximity to the wetlands and critical habitat in the Ravenswood Open Space Preserve and the Bayland Nature Preserve. While these mitigation measures may be "standard practice" some of the requirements such as specified study area boundaries and limited construction window seem onerous. I've addressed a couple specific areas of concern below.

Response U.3: The comment expresses concerns about the applicability and difficulties for implementation of certain biological mitigation measures proposed in the SEIR. Specific concerns are presented below in comments that follow, along with specific responses.

Comment U.4:

4. Loop Road - There are numerous references to the “Loop Road” which I believe can be removed from the SEIR as the City Council has given direction to eliminate the Loop Road from consideration and implementation at this time. Ideally, all references to the Loop Road could be removed but short of that would suggest that you add a clarify statement in the Summary of the Project that states the Loop Road is no longer part of the Specific Plan.

Response U.4: As discussed on Draft SEIR Pages 18 and 19, the Specific Plan Update (both Scenarios 1 and 2) includes an option to construct a Loop Road; the SEIR also includes an analysis for an option without the Loop Road. The adopted 2013 Specific Plan includes the Loop Road The City Council will ultimately decide whether the Loop Road will continue to be included as a part of the Specific Plan Update buildout.

Comment U.5: Specific Comments

1. Table - ES-1 Mitigation Measures – Air Quality - TDM Requirements - As noted above a requirement that a TMA fund and operate a shuttle program should be condition on the need for such a program to be undertaken to meet the 40% reduction in Average Daily Trips. As noted in our August RBD Developer meeting, implementing a “shuttle program” will be horrendously expensive and will put East Palo Alto at a competitive disadvantage in attracting tenants.

Response U.5: Please see prior Response U.2. Future projects would have the option to participate in the shuttle program, if one is established, and would have the option to implement other TDM elements to meet the 40 percent trip reduction required by the City’s TDM Ordinance.

Comment U.6:

2. Table - ES-1 Mitigation Measures – Air Quality MM AIR 3.1 / MM AIR 3.2. - It sure seems that some of these mitigation measures are redundant and at times contradictory. (exposed surfaces watered 2 a day (even if it is raining?) - exposed surfaces to maintain a 12 % soil moisture). Is it possible to make this consistent?

Response U.6: The Draft SEIR mitigation measures related to construction air quality impacts noted in the comment are taken from the 2022 BAAQMD Guidelines and are typical requirements applied to construction across the Bay Area. The need to water exposed surfaces is dependent upon meteorological conditions, with the objective of preventing fugitive dust from leaving a site during construction.

Comment U.7:

3. Table – ES-1. Mitigation Measures - Biological Resources MM BIO-2.1. Salt Marsh Harvest Mouse & Salt Marsh Wandering Shrew Mitigation Measures – Mitigation Measures in this section reference the requirement to erect “exclusion fencing” and then the follow mitigation measure specifies the need to engage a qualified biologist to check under vehicles & equipment for mouse or shrew presence unless the equipment is surrounded by exclusion fencing. These mitigation measures seem redundant. Can the second measure be clarified to say something like “to the degree that exclusion fencing is not erected between the construction areas and harvest mouse / shrew habitat a qualified biologist ...”.

Response U.7: The proposed mitigation measure noted in the comment was developed by qualified biologists, based on their experience with similar projects that have involved the potential for the noted special status species to be present on construction sites near Bay salt marsh habitats, and reflect the requirements of wildlife agencies who ensure the protection of those special status species that are the subject of the measure.

Comment U.8:

4. Table - ES-1 Mitigation Measures – BIO-2 - MM BIO-2.5. I would suggest that Raptor Perch Deterrents need to be conditioned on a caveat such as “to the extent feasible” or “to the degree that Raptor Perch Deterrent locations are in the control of the project. Lots of these “Raptor Perch Deterrents” would be required to be placed on power poles owned by PG&E where I’m guessing PG&E will determine what deterrent (if any) is permitted.

Response U.8: The mitigation measure referenced in the comment would apply to sites within the Plan area that are undergoing development (or redevelopment), and would not apply to properties that would not undergo development to implement the Plan Update.

Comment U.9:

5. Figure 2.3-1 Specific Plan Update Land Use Map - (page 11) - This diagram identifies the site at the end of Tara as part of the Ravenswood Employment Zone when this wants to be Waterfront Office. Not sure what the rational is to now include the east side of Demeter Street as Industrial Transition. West side of Demeter makes sense, but the east side doesn't.

Response U.9: This comment pertains to land uses proposed for certain properties within the Plan, and not the SEIR’s analysis of the environmental impacts from buildout of the Plan. The opinion expressed in the comment would be considered by the City Council prior to taking action on the Plan Update. The parcel at the end of Tara Street would be within the Ravenswood Employment Zone (REC) so that there

will be an equal acreage of REC and Waterfront Office. In addition, the Plan calls for lower-intensity uses (such as the REC) near the marshes/wetlands.

Comment U.10:

6. Figure 2.3-6 Multi Use Path Cross Sections - (page 22) - The PUE easement as proposed by the SFCJPA as diagramed in the lower drawing is 22 feet - not 10 feet.

Response U.10: This comment pertains to the width of an easement, and does not concern the Draft SEIR's analysis of the Specific Plan Update's buildout. The commenter is correct. The section for the SFCJPA will be updated to reflect the correct buffer width. See Section 5.0 Text Revisions for the updated Figure 2.3-6 on Draft SEIR Page22.

Comment U.11:

7. Figure 3.10-2 (page 238). Tsunami Hazard Zone - I'm not clear how this map was established but it seems arbitrary and maybe not inaccurate.

Response U.11: As shown on Draft SEIR Page 238, Figure 3.10-2, the source of the Tsunami Hazard Area within and adjacent to the Specific Plan area is shown as the U.S. Geological Survey. Figure 3.10-2 has been updated to reference the California Geological Survey (which shows the same Tsunami Hazard Area identified on Figure 3.10-2 of the Draft SEIR). The reference to the U.S. Geological Survey is a typographical error. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

V. Sand Hill Property Company (dated September 10, 2024)

Comment V.1: We write today with comments on the Ravenswood Business District/4 Corners Specific Plan Update DSEIR. Thank you for circulating the environmental document. We have been anxiously waiting for this milestone as the processing of our project-level DEIR for our Four Corners mixed-use project is behind the City's Specific Plan. The City's delayed Specific Plan and associated DSEIR for several years have long delayed our project application review.

We have actively participated in the Specific Plan Update process since it began in 2020. We have respectfully asked the City to maintain a narrow scope, consistent with City Council's original direction. We have also advocated for the update to facilitate our proposed development at the Four Corners site. To date, the City has pursued a broad scope for the Specific Plan Update, significantly changing the development standards and criteria and proposing policies that make development and community desired benefits infeasible.

We continue to request that you revise the Specific Plan—and its associated documents, including the DSEIR, Nexus Study and Financial Feasibility Analysis—to promote much-needed development within the RBD. I have attached a memorandum from our attorney with comments on the DSEIR.

Please take these into account as you take the next incremental steps toward adoption of a Specific Plan update.

We look forward to the revised draft Specific Plan and the associated changes being made to the DSEIR.

Response V.1: The above comment provides background information about the commenter’s involvement in the Specific Plan Update process and includes a request to revise the Specific Plan Update (and associated documents) and the Draft SEIR. The commenter’s specific concerns about the Draft SEIR analysis are presented in comments that follow. Therefore, no further response is required.

Comment V.2: You have requested an analysis of the DSEIR for the Ravenswood Business District Specific Plan Update. We have reviewed the DSEIR and have the following comments.

Public Hearing

The City scheduled a public hearing on the SDEIR for September 9, 2024. We repeatedly attempted to join the meeting. The electronic screen indicated to re-join at 7:45. Later, the screen indicated to arrive at 8:00. After 8:00, there was simply no meeting to join. It does not appear that the public hearing occurred. The City prioritizes public hearing and community engagement. It is important that a public hearing be held on the DSEIR, in accordance with the notices that have been sent and the principles of good governance that the City upholds.

Response V.2: The Draft SEIR was available for public review from July 26, 2024 to September 10, 2024 (which was a 46-day public review period). The Draft SEIR’s public review period was consistent with CEQA Guidelines Section 15105 (a) which states that the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances.

The City intended to hold a public hearing on September 9, 2024 during the public review period to facilitate public review of the Draft SEIR , however, technical/sound issues for remote participants unfortunately prevented the hearing from occurring. While the City attempted to hold a hearing during the Draft SEIR public review period, CEQA does not require lead agencies to hold public hearings to solicit Draft SEIR comments. The Draft SEIR and the Notice of Availability of the Draft SEIR was (and is) available on the City's RBD Specific Plan Update/4 Corners webpage which can be accessed via the following link:

<https://www.cityofepa.org/planning/page/rbd-specific-plan-update>. The Draft SEIR was also available for public review on the State Clearinghouse's CEQANet webpage and at the San Mateo County Clerk-Recorder's Office per CEQA Guidelines Section 15087. The City continues to welcome community input and feedback on the RBD/4 Corners Specific Plan Update itself ahead of the Planning Commission and City Council hearings.

Comment V.3:

Project Description

CEQA Guideline 15124 requires an accurate project description, but there are a number of problems with the draft project description in the DSEIR, as explained below.

Table 2.2-1 “Existing and Remaining Development Capacity within 2013 Specific Plan Area” is inaccurate, creating an uncertain baseline for CEQA analysis. The baseline should be, under CEQA Guideline 15125(a)(1), “the physical conditions that exist in the area affected by the project at the time the EIR process begins.” Under “Existing Conditions 2022,” the table lists zero housing units, but there are hundreds of existing housing units in the 2013 Specific Plan Area, including all of University Village, and apartments along Bay Road. See p. 8. Similarly, there are existing light industrial uses within the Specific Plan Area, but the table indicates zero square feet associated with this use. This table should be updated with accurate information about the Existing Conditions in 2022.

Response V.3: As described on Draft SEIR Page 3, University Village, a single-family neighborhood located immediately east of University Avenue, and Cooley Landing Park (a nine-acre nature preserve), which is located immediately to the east at the end of Bay Road, were formerly located within the Specific Plan area, however, they are not a part of the Specific Plan Update (the updated Specific Plan area is therefore a smaller subset of the original 2013 Ravenswood Specific Plan area, which was 350 acres in size). Therefore, the residences in University Village are not a part of the Specific Plan area. Draft SEIR, Table 2.3-1, Page 12, shows the existing number of residential units in the Specific Plan area is 350. The Draft SEIR analysis accounted for the 350 existing residential units within the Plan area and the number of existing residential units shown in Table 2.2-1 has been revised from zero to 350 units (the zero units in Table 2.2-1 was instead reflecting the amount of housing that has been implemented under the 2013 Specific Plan, i.e. none of the 850 units allowed under the 2013 Specific Plan have been constructed). The non-residential uses that were operation in 2022 included 125,000 square feet of office, 125,000 square feet of light industrial, 200,000 square feet of retail, 75,000 square feet of civic, and 25,000 square feet of amenity space, as shown in Draft SEIR Table 2.3-1. Similarly, the zero square feet of light industrial uses in Table 2.2-1 was instead reflecting the amount of industrial development that has been implemented under the 2013 Specific Plan, i.e. none of the 175,820 square feet allowed under the 2013 Specific Plan has been constructed and has been revised to 125,000 square feet (consistent with Draft SEIR Table 2.3-1). Refer to Section 5.0 Draft SEIR Text Revisions in this Final EIR.

Comment V.4: Section 2.3.1 Land Use Zones is also inaccurate:

- It indicates at page 9 that in the Four Corners zone, the maximum residential density is 60 dwelling units per acre. In fact, the 2016 General Plan updated this land use designation to Mixed Use High, which allows up to 86 dwelling units per acre. See 2016 General Plan p. 4-8. The 2016 designation upwardly revised the permissible number of overall dwelling units in the Specific Plan area, thereby increasing any residential development cap within the Specific Plan area above the 835 units described in the DSEIR.

Response V.4: Draft SEIR Figure 2.3-1 Land Use Map, Page 11 shows that the residential density in the Four Corners mixed-use area could range from 22 to 86 dwelling units per acre under the Specific Plan Update. The maximum of 60 dwelling units per acre designation shown on Draft SEIR Page 9 was based on the maximum residential density for the 2013 Specific Plan and was included in error. The 60 dwelling units per acre has been revised to show the range of 22 to 86 dwelling units per acre on Draft SEIR Page 9 (refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR). The maximum of 835 units allowed under the 2013 Specific Plan (based on the maximum 60 dwelling units per acre) was established prior to the City adopting the 2016 General Plan (which included the maximum residential density of 86 dwelling units per acre in the Four Corners area). While individual properties may develop up to 86 dwelling units per acre, the 835 unit cap within the Specific Plan remains in effect. Therefore, the residential cap of 835 units under the 2013 Specific Plan is accurate, as the 2016 General Plan did not establish a new residential buildout scenario for the Specific Plan beyond 835 units.

Comment V.5:

- There is an internal inconsistency between "Urban Residential" as described in the text versus how it is described on Figure 2.3-1. The text lists a maximum density of "40 dwelling units per acre" whereas the figure indicates "43 du/a."

Response V.5: The maximum residential density for the Urban Residential designation on Draft SEIR Page 10 has been revised from 40 dwelling units per acre to 43 dwelling units per acre. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR. The 40 units per acre was based on a previous draft of the Specific Plan Update. The update to the residential density does not change the maximum number of residential units allowed under the Specific Plan Update. The update to the residential density does not change the maximum number of residential units allowed under the Specific Plan Update, which is 1,350 residential units for Scenario 1 and 1,600 residential units for Scenario 2, and the Draft SEIR conclusions would not change. The 1,350 and 1,600 maximum residential units were not tied to a specific projection of the available residential-zoned land in the Specific Plan Area multiplied by the maximum allowed residential density. Rather, they are estimates

of how much housing could be subsidized by non-residential development which is why the larger non-residential development scenario supports more housing.

Comment V.6: Table 2.3-1: Development under Scenarios #1 and #2 on page 12 is inconsistent with Table 2.2-1. The “Existing Conditions 2022” is different from the same line in Table 2.2-1. For example, Table 2.2-1 shows zero existing housing units whereas Table 2.3-1 shows 350 existing housing units. It is not clear why they are different. This inconsistency creates a problem with the environmental baseline for the DSEIR. CEQA Guideline 15125(a) provides that “the lead agency should describe the physical environmental conditions as they exist at the time environmental analysis is commenced...” Without accurate or complete information about the physical environmental conditions, there is no clear baseline against which to analyze environmental effects.

Response V.6: As stated in Response V.3, Draft SEIR, Table 2.3-1, Page 12, shows the existing number of residential units in the Specific Plan area is 350. The Draft SEIR analysis accounted for the existing residential units and the number of existing residential units shown in Table 2.2-1 has been revised from zero to 350 units (the zero units in Table 2.2-1 was instead reflecting the amount of housing that has been implemented under the 2013 Specific Plan, i.e. none of the 850 units allowed under the 2013 Specific Plan have been constructed).). Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR. The existing 350 units (i.e., baseline conditions for the number of housing units in the Specific Plan area) is accurately shown in Draft SEIR Table 2.3-1 and Table 3.13-1 in Section 3.13 Population and Housing, Page 298.

Comment V.7: A second problem with Table 2.3-1 is that there is no reference or explanation as to what “Existing Developments to be Redeveloped” means or includes. What 100 housing units will be redeveloped? Would those count as existing units or new units? Which office, light industrial/flex, and retail space is slated for redevelopment? How will that re-development be considered under the new Specific Plan? What does “Reallocation” mean? There is no explanation. There is a reference to footnote “bb,” but no such footnote exists.

Response V.7: The above comment includes suggested clarifications Draft SEIR Table 2.3-1, Page 12. Revisions to the Draft SEIR text based on the above request for clarifications would not change the project description or conclusions to the Draft SEIR analysis. A footnote has been added to Table 2.3-1 (Page 13 of the Draft SEIR) to describe what the “existing developments to be redeveloped” refer to. Existing developments to be redeveloped refers to properties within the Plan area developed with existing uses that the Plan assumes would be removed and replaced by future development under the Specific Plan Update. The locations of the properties that currently contain 100 housing units that could be redeveloped are shown on Draft SEIR Figure 3.13-1 Multi-family Housing Units to be Replaced (Page 304). The locations of the properties currently developed with office, light industrial or flex, and retail uses that could be redeveloped are unknown at this time, as it will depend on property owners within the Plan area filing applications to redevelop their properties with new uses that would implement the Plan Update.

The “Reallocation” section of Table 2.3-1 refers to how the square footages of development would be distributed amongst the different land uses under the 2013 Specific Plan, Specific Plan Update Scenario 1, and Specific Plan Update Scenario 2. However, for clarification purposes, the word “Reallocation” has been replaced with “Development Scenarios.” The “bb” reference has been revised to reference footnote “b” which notes that 25,000 square feet of civic/community space has been subtracted from the development allowed under all scenarios given the EPACenter has been constructed and is in operation consistent with the 2013 Specific Plan. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment V.8: Figure 2.3-3 (p. 17) indicates an exact location for a publicly accessible plaza on the Four Corners site, but the property owner has not agreed to that location. Sand Hill’s comments on the Specific Plan requested that this issue be resolved. There should not be small, precise rectangles indicating open space at Four Corners.

Section 2.3.5.1 describes the public roadway network and loop road. It references “an internal street at Four Corners (see Figure 2.3-4), between University Ave and Bay Rd.” See p. 18. Similarly, Figure 2.3-4 Roadway Network and Improvements shows “Access Street with Ped/Bike Facility (Privately owned with public access easement).” Sand Hill’s comments on the Specific Plan requested that any requirement to dedicate a public access easement across private property at Four Corners be removed. Converting privately owned land to public use without just compensation would create a taking. (Similar changes are required to the Transportation Analysis.)

Together, these flaws with the Project Description fall short of what is required by CEQA. The Project Description must be updated in accordance with these comments, and the resulting environmental analysis should consider the updated Project Description.

Response V.8: The above comment raises concerns about features in the Specific Plan Update itself, such as the publicly accessible plaza on Draft SEIR Page 17 Figure 2.3-3, an internal street and an access street with pedestrian/bicycle facility on Draft SEIR Page 20, Figure 2.3-4, and not the Draft SEIR’s analysis of the Specific Plan Update. The figures have been revised based on the above recommendations. Refer Section 5.0 Draft SEIR Text Revisions of this Final SEIR. .

Comment V.9:

Project Objectives

CEQA requires a “clearly written” list of project objectives so that decision-makers can evaluate whether any alternatives may be environmentally superior ways of achieving the objectives. CEQA Guidelines 15124(b). The objectives must not be so narrow as to foreclose other alternatives from being considered.

Here, the DSEIR lists seventeen vague objectives that create an internally inconsistent set of goals that cannot all be met. The list includes subjective standards like “blend,” “evolve,” “improve,” “enhance,” “respect,” “seek to address,” “facilitate,” and “enable.” These are vague, subjective goals that reasonably have different interpretations. It is impossible to objectively compare the manner in which various forms of Specific Plan would achieve these amorphous and subjective goals.

Response V.9: The commenter raises concerns about the subjective nature of the wording of the project objectives on Draft EIR Pages 438 and 439; however, CEQA does not require that project objectives must necessarily be quantitative, qualitative objectives are allowed under CEQA. Nor can the objectives simply restate the amounts of development proposed by the project. The stated objectives, while qualitative and subject to interpretation, speak to the goals and intent of the Plan Update, which cover many issues and topics.

Comment V.10:

In addition, Objective 7, “achieve a 40 percent or greater reduction in single-occupancy vehicle trips to and from the plan area” suffers several flaws. First, it is not clear what baseline is being considered. Assuming it is the existing physical conditions, it would be impossible and unreasonable to expect that future development within the area would yield a 40 percent reduction in existing vehicle trips. That is, bringing new homes and workplaces to the area would inherently increase the number of trips, not reduce it by more than 40 percent. Second, this objective is alternatively treated as an objective, a project feature, and a mitigation measure. The lead agency should be clear as to what this is—it cannot be all three at once. Third, this standard is simply not achievable. The City Council agreed it was a “reach” goal when the TDM Ordinance was adopted, and that existing technologies and tools would not achieve the goal. Developers have repeatedly confirmed that a 40% reduction is not feasible. For these reasons, the 40% reduction should not be listed as an objective, project feature, or mitigation measure.

Response V.10: This objective is directed at the trips produced by future development under the Plan Update, and not existing conditions. Because it is an objective of the Plan Update, based on the City’s TDM ordinance, the proposed Specific Plan Update includes the TDM Requirement 8.4-1, Standard 1: 40 Percent Trip Reduction Requirement (as described on Draft SEIR Page 72), which provides the daily trips generated by future developments under the Specific Plan Update would be required to be 40 percent below ITE trip estimates, which would reduce mobile emissions by 40 percent. In turn, this trip reduction would serve to reduce the Plan’s air quality and greenhouse gas emissions to the extent feasible, although they would remain significant and unavoidable, as disclosed in the SEIR. The City has an adopted TDM Ordinance, and Specific Plan Update TDM Requirement 8.4-1 is based on that TDM Ordinance. Accordingly, the Draft SEIR’s analysis is based on the 40 percent TDM trip reduction (which was determined to be feasible at the time it

was adopted), and the impacts disclosed in the Draft SEIR reflect that amount of trip reduction.

Comment V.11:

Cumulative Projects List

CEQA requires an EIR to analyze the cumulative impacts of the proposed project, together with the impacts of other reasonably foreseeable projects. The lead agency can choose the “list of projects” approach or the “summary of projections” method. It appears that the City has chosen the list of projects approach, but the list of projects is incomplete. For example, it omits projects within 1 mile that have been entitled, including the 851 Weeks Street affordable housing project and the 1201 Runnymede residential development. There may be other projects that have been omitted; the list should be complete to ensure that the cumulative impacts are properly studied. Updating the list may require updates to the impact analyses.

Response V.11: Based on the CEQA Guidelines Section 15125, the Draft SEIR Table 3.0-1 (Pages 28 through 31) includes a list of pending and approved (but not yet constructed) projects that were on file with the Cities of East Palo Alto and Menlo Park, within one mile of the Specific Plan area at the time the NOP was released (April 2022). The City received the developer’s application for the 851 Weeks Street project in January 2023⁷ and the 1201 Runnymede Village One project in February 2023.⁸ Therefore, it is not required for the above projects to be added to the Table 3.0-1 Cumulative Projects list, as CEQA does not require that the list of cumulative projects must be regularly updated, as the list is continually evolving over time while the Plan Update SEIR process plays out over multiple years. No updates to the Draft SEIR cumulative impact analyses are required once the list was established at the time of the NOP.

Comment V.12:

Aesthetics Analysis

The analysis at page 49 discusses a maximum building height of 120 feet whereas elsewhere (Figure 2.3-2) the DSEIR discusses a maximum building height of 122 feet. The document should be internally consistent, and the impact analyses should be based on a consistent maximum building height.

⁷ City of East Palo Alto. Planning: 851 Weeks Street. Accessed October 23, 2024. <https://www.ci.east-palo-alto.ca.us/planning/project/851-weeks-street>.

⁸ City of East Palo Alto. Planning: 1201 Runnymede Village One. Accessed October 23, 2024. <https://www.ci.east-palo-alto.ca.us/planning/project/1201-runnymede-village-one>.

Response V.12: Refer to Response K.31. A previous version of the Specific Plan Update showed the maximum building height allowed for future developments in the Specific Plan area would be 122 feet above the ground surface. However, Specific Plan Update Figure 4-5 has been revised and shows the maximum building height allowed under the Specific Plan Update is 120 feet above the ground surface. Draft SEIR Page 14 in Section 2.0 Project Information and Description states the maximum building heights under the Specific Plan Update would range from approximately 30 feet to 122 feet above the ground surface, which reflects the maximum height that was previously proposed. The referenced height of 122 feet has been revised on Page 14 to 120 feet. The remainder of the Draft SEIR text references the 120-foot maximum height. The Draft SEIR Page 16, Figure 2.3-2 Maximum Building Heights has been revised to be consistent with Figure 4-5 in the Specific Plan Update. Refer to Section 5.0 Draft SEIR Text Revisions in the Final SEIR.

Comment V.13:

Air Quality Analysis

Figure 3.3-1 indicates the locations of “Residential Sensitive Receptors.” It places dots on particular locations. It is not clear why those locations include sensitive receptors but other residences do not. The methodology for making this determination should be outlined in the DSEIR.

Response V.13: Draft SEIR Page 60 Figure 3.3-1 includes the location of toxic air contaminant (TAC) sources and sensitive receptors within the Specific Plan area and within 1,000 feet of the Specific Plan area. The large circles which identify the location of residential receptors indicate there are receptors at the location and in the vicinity of the location. A footnote has been added to Draft SEIR Page 59 with this clarification. As discussed in Mitigation Measure MM AIR-4.1 (Draft SEIR Page 81), future project applicants proposing development within 1,000 feet of existing sensitive receptors as defined by the BAAQMD (e.g., residential uses, schools, etc.) shall prepare a site-specific construction health risk assessment (HRA). The site-specific HRA would identify sensitive receptors and TAC sources within 1,000 feet of the project site.

Comment V.14: Table 3.3-2 discusses the consistency of the draft Specific Plan with the Bay Area Air Quality Management District (“BAAQMD”) control strategy measures. The table concludes (at p. 63) that the Specific Plan is consistent with TR1: Clean Air Teleworking Initiative. There is no evidence to support this conclusion. To the extent that the Specific Plan would enable the construction of workplaces like offices, light industrial, or life science buildings, such buildings would be designed and built to be used by workers. There is no market for buildings to be “occupied” by teleworkers, who do not need a workplace. There is no evidence in the record to suggest that employment uses in the Specific Plan area will support telework.

Response V.14: As described in Table 3.3-2 (Draft SEIR Page 63), under the City’s TDM Ordinance, future developments under the Specific Plan Update would be required to implement TDM measures, which could include measures such as providing incentives for telecommuting, which would allow for some workers associated with non-residential uses included within the Plan Update to work remotely some or all of the time. Future development projects could offer telecommuting incentives in order to comply with the required 40 percent reduction. While it is true that light industrial and laboratory uses are not conducive for remote work, teleworking could be an attractive option for certain types of employees and workplaces expected to be built in the Plan Area, such as offices and managerial staff. Alternatively, a company could implement a flex schedule (i.e., requiring employees to only come into the office on certain days of the week) to reduce trips to comply with TDM.

Comment V.15:

The table also determines (p. 63) that the proposed project is consistent with BAAQMD strategy TR2 on the basis that future projects will be required to reduce daily trips by 40 percent. This TDM standard is impossible to meet. As above, the City Council has confirmed that this is a stretch goal and developers have repeatedly confirmed that there is no feasible way to achieve this goal. There is no evidence to support the conclusion that future developments can achieve this goal, so it should not be relied upon in any consistency analysis.

Response V.15: Please refer to response V.10. [

Comment V.16: At p. 65, the table determines that because future projects will be subject to reduced parking standards, the draft Specific Plan will be consistent with BAAQMD BL4: Urban Heat Island Mitigation. Developers have repeatedly commented that the parking standards in the Specific Plan need to increase in order to reflect commercial realities so that there are potential occupants of any future workplaces in the Specific Plan area. Without changes to the parking standards, new development will not occur. This consistency analysis must be updated after the Specific Plan is updated on this point.

Response V.16: The above comment is related to the Plan Update itself, namely the developers’ concerns about projects not being allowed to provide sufficient parking due to the Plan’s requirement for reduced parking standards. Reduced parking, which encourages alternative modes of transportation, is consistent with the City’s goals and the BAAQMD CAP. The comment would be considered by the City Council as part of the decision to adopt the Plan Update as proposed by City staff, or whether to adjust the Plan’s parking requirements. The comment does not raise concerns about the Draft SEIR analysis and, therefore, no further response is required.

Comment V.17: The air quality impact analysis and determinations are internally inconsistent within the DSEIR. Table ES-1 at p. xi indicates that Impact Air-1 is less than significant with mitigation measures incorporated. In contrast, the air quality analysis concludes at pages 66 and 67 that there would be a significant and unavoidable impact because implementation of the Specific Plan would conflict with the 2017 Clean Air Plan. This is also problematic because there is no mitigation measure proposed to mitigate this significant impact. Public Resources Code (“PRC”) § 21100(b)(3) requires an EIR to identify and describe feasible mitigation measures for each of the project’s significant environmental effects. There is no mitigation measure for this significant and unavoidable impact.

Response V.17: The significant and unavoidable impact conclusion identified on Draft SEIR Page 75 addresses the overall checklist question a) which is: *Would the project conflict with or obstruct implementation of the applicable air quality plan?* On a plan-level, as shown in Table 3.3-3 (Draft SEIR Page 66) and described on Draft SEIR Page 67, because the Specific Plan Update, under Scenarios 1 and 2, would exceed 2017 BAAQMD Clean Air Plan (CAP) projections by causing the rate of growth in VMT to exceed the rate of growth in population and jobs (after the 30 percent TDM trip reduction), impacts would be significant and unavoidable. There are not feasible ways of mitigating this impact given the location, nature and size of the project.

As described on Draft SEIR Page 73, given the operational criteria pollutant (ROG, NO_x, and PM₁₀) emissions from Specific Plan Update buildout would exceed BAAQMD project-level thresholds, buildout of the Specific Plan Update would result in significant impacts related to criteria pollutant emissions and, therefore, would not be consistent with the 2017 CAP. Impact Air-1 is related to future projects’ construction criteria air pollutant emissions. As stated on Draft SEIR Page 73, the implementation of Mitigation Measure AIR-1.1 (listed on Draft SEIR Pages 68 and 69), would reduce ROG emissions from architectural coatings at the initial application of coatings. Although it is feasible and enforceable for the City to require super compliant VOC coatings be applied during construction, the City cannot ensure that future occupants or tenants will use compliant VOC coatings during reapplication over the multiple-decade lifespan of new buildings and impacts are expected to be significant and unavoidable. Draft SEIR Pages 72 and 73 include Proposed Specific Plan Policies and Standards pertaining to TDM Elements that would reduce mobile emissions. As stated on Draft SEIR Page 73, the Specific Plan Update could substantially reduce emissions of regional air pollutants over the long-term through implementation of the Specific Plan Update TDM standards/TMA requirements, however, the policies and standards would not be capable of reducing the impact to a less than significant level given the magnitude of the impact.

Comment V.18:

The impact analysis for Impact AIR-2 is similarly improper for failure to consider any mitigation measures for the significant and unavoidable impact (see p. 72-73). Moreover, the analysis relies on alleged project features that both the City Council and developers have acknowledged to be impossible. For example, the analysis at pages 72 and 73 discusses the 40% trip reduction “requirement.” Record evidence demonstrates that this requirement is impossible. It cannot be relied upon as a project standard or a mitigation measure if it is impossible. It cannot be relied upon as a project standard or a mitigation measure if it is impossible. Similarly, the analysis requires a shuttle program that includes “long-haul service to housing and employment centers in other communities.” This is similarly impossible as there are simply not funds to create such an expensive program. The City’s own financial feasibility analysis indicates that development within the Specific Plan area is not feasible, and that analysis excluded any costs of the TDM program implementation, including the costs of a shuttle. Adding the additional significant expense of long- and short-haul shuttles would add to the overall infeasibility of development.

Response V.18: The commenter did not provide record evidence that the 40 percent reduction currently required under the City’s TDM Ordinance is infeasible. The discussion of Impact AIR-2 identifies the several policies included in the Plan Update that would serve to reduce or mitigate the air pollution generated by future trips resulting from Plan buildout. As noted in the discussion of Impact AIR-2, vehicle emissions account for approximately 95 percent of the operational criteria pollutant emissions generated by the Plan Update. There are not meaningful additional mitigation measures available beyond those already included as Plan Update policies. Based on the City’s TDM ordinance and the proposed Specific Plan Update TDM Requirement 8.4-1, Standard 1: 40 Percent Trip Reduction Requirement (as described on Draft SEIR Page 72), the daily trips generated by future developments under the Specific Plan Update would be required to be 40 percent below ITE trip estimates, which would reduce mobile emissions by 40 percent. The 40 percent trip reduction could be achieved through the participation in the shuttle or through the implementation of other TDM Elements (per Specific Plan Update Policy 8.4-3). The emissions values included in Draft SEIR Tables 3.3-4 and 3.3-5, which are primarily related to the amount of vehicle trips generated by Plan buildout, reflect the TDM requirement of 40 percent trip reduction, and project emissions would nonetheless remain significant and unavoidable.

Comment V.19: The analysis of health impacts associated with significant operational ROG, NO_x, and PM₁₀ emissions similarly lacks any mitigation measures (see p. 75).

Response V.19: The discussion of health impacts on Draft SEIR Pages 74-75 is required based on a state Supreme Court decision that CEQA requires that when a project would result in a significant and unavoidable criteria air pollutant impact(s), the EIR must describe whether the resulting amounts of air pollution would lead to discernable negative health outcomes.

Draft SEIR Page 75 text states that the criteria pollutant emissions resulting from the Specific Plan Update would not cause regional ROG, NO_x, or PM₁₀ levels to measurably change (based on the Draft SEIR Table 3.3-6 Comparison of Project Emissions to Air Basin ROG, NO_x, and PM₁₀ Emissions results). As a result, the project would not measurably increase ozone levels. Therefore, the ROG, NO_x, and PM₁₀ health effects associated with Specific Plan Update would not be discernable or measurable. Therefore, while the Plan Update's operational ROG, NO_x, and PM₁₀ emissions would be significant, i.e. exceeding the relevant BAAQMD thresholds, the Plan Update's criteria air pollutant emissions would not lead to substantial health effects above what exists within the San Francisco Air Basin. Therefore, no mitigation is needed to reduce the Specific Plan Update's operational impacts to health on a regional level.

Comment V.20:

The analysis of Impact AIR-3 discusses two mitigation measures, which are internally inconsistent. MM AIR-3.1 requires implementation of BAAQMD best construction measures while MM AIR-3.2 requires implementation of BAAQMD "Enhanced Construction Best Management Practices." These are different standards, and it is not clear which would be required in what circumstance, or why there are duplicative and inconsistent requirements on the same topics.

Response V.20: Mitigation Measure MM AIR-3.1 on Draft SEIR Pages 77 and 78 includes standard BAAQMD best management practices to reduce the impacts of fugitive dust emissions and is required to be implemented by all future projects (which is not dependent on whether or not the future projects' construction emissions exceed BAAQMD threshold). MM AIR-3.1 includes BAAQMD's enhanced best management practices to reduce fugitive dust emissions, which are only required for future projects which would have construction emissions that exceed BAAQMD thresholds. A clarification has been added to MM AIR-3.2 (refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR).

Comment V.21:

Biological Resources Analysis

CEQA requires that mitigation measures be feasible. There are feasibility concerns with MM Bio-1.1 (see p. 108). First, it requires a survey of a 50-foot buffer around any project area. In developed urban areas, it may be infeasible to access that 50-foot buffer area because it belongs to other property owners who may not permit survey access. Second, the requirement that surveys be conducted in a year with near- or above-average precipitation would preclude development during a multi-year drought, which is a possibility at any given time.

Response V.21: In response to the above comment, the first paragraph of MM BIO-1.1 has been revised as follows to account for limitations on access to the 50-foot survey buffer

Text was added to clarify that for the Congdon's tarplant Alkali milk vetch, and Point Reyes bird's beak pre-construction surveys, areas within 50 feet around a future project's footprint will be surveyed to the extent possible using binoculars and/or by requesting permission from adjacent landowners. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR for the revisions to MM BIO-1.1. The clarifications regarding the 50-foot buffer for the pre-construction survey for special-status species plants does not change the Draft SEIR impact conclusions regarding special status species (Draft SEIR Page 111).

The comment also expresses concerns about the need for surveys to occur during a year with near- or above -average rainfall. Mitigation Measure MM BIO-1.1 provides an alternative means of determining whether conditions are appropriate for detecting special-status plants in the event of below-average rainfall, indicating that "surveys conducted in a year of below-average rainfall would be considered valid if examination of reference populations of the target species indicate that the species would be detectable if present." If the qualified plant ecologist is able to detect the target species at a similar reference site, regardless of precipitation levels, then it can be assumed that weather conditions have been suitable for detecting the species on the project site.

Comment V.22:

Cultural Resources Analysis

The analysis of Impact CUL-2 regarding unknown archeological resource creates uncertainty. There is no express provision for how to proceed with a project if unknown archeological resources are discovered. Policy LU-7.9 defers the development of mitigation measures until such time as a Professional Archaeologist determines that cultural resources exposed during construction constitute a historical resource. See p. 158. This creates significant uncertainty as to whether and how impacts would be mitigated and whether a project could proceed. There should be a policy or mitigation measure affirmatively allowing recordation of resources and data recovery, followed by project implementation.

Response V.22: Prior to the approval of a specific development project, based on Policy LU-7.3 (Draft SEIR Page 158), a Cultural Resources Assessment Report will be prepared and specific mitigation measures to be implemented for the site prior to, or during, construction will be established. In accordance with Specific Plan Update Policy LU-7.9 (listed on Draft SEIR Page 158), if a Professional Archaeologist (PA) determines that any cultural resources exposed during construction of future projects constitute a historical resource and/or unique archaeological resource or

tribal cultural resource under CEQA, the PA shall notify the project proponent and Community Development Director, or their designee, of the evaluation. The PA shall recommend mitigation measures to mitigate to a less than significant impact in accordance with CEQA Guidelines Section 15064.5. Mitigation measures in the event of a discovery identified in CEQA Guidelines 15064.5 may include, but would not be limited to, avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery, followed by project implementation.

Comment V.23:

Energy Analysis

The energy analysis references the City's 2024 updated REACH codes. See p. 164. These codes extend beyond existing state law and impose infeasible standards. For example, they require significant expenditure in electric vehicle charging infrastructure even where there is not demand for such infrastructure. These standards are infeasible because they add significantly to the overall cost of the already infeasible Specific Plan development.

Response V.23: The above comment is related to the commenter's concern about the feasibility of standards in the City's 2024 REACH Codes. The Draft SEIR correctly identifies the City's 2024 REACH Codes as among the existing regulations enforced by the City that would serve to avoid wasteful, excessive, or unnecessary consumption of energy. The commenter's concerns about the REACH Codes can be addressed separate from the CEQA process, as they pertain to an existing regulatory requirement, independent of the Plan Update. The comment does not raise a concern about the Draft SEIR analysis; therefore, no further response is required.

Comment V.24:

Geology Analysis

Impact Geo-3 relates to future development adjacent to the San Francisco Bay. It concerns the possibility of lateral spreading and requires projects to implement MM GEO-3 to mitigate the impact. However, MM GEO-3 is not appropriately tailored to project adjacent to San Francisco Bay. It should be revised to apply only to projects adjacent to San Francisco Bay.

Response V.24: As stated on Draft SEIR Page 181, areas most susceptible to lateral spreading would be areas closest to the San Francisco Bay. Future development adjacent to the San Francisco Bay could be affected by lateral spreading. Draft SEIR Page 181 text has been revised to state that future projects adjacent to the San Francisco Bay shall implement Mitigation Measure MM GEO-3 to reduce impacts related to lateral spreading to less than significant. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment V.25:

Greenhouse Gas Analysis

The Greenhouse Gas (“GHG”) analysis suffers many of the same flaws as the Air Quality analysis. The DSEIR concludes that there will be a significant and unavoidable impact due to GHG emissions, but there are no mitigation measures proposed (see pp. xxxviii, 198). PRC §21100(b)(3) requires an EIR to identify and describe feasible mitigation measures for each of the project’s significant environmental effects.

Response V.25: As described on Draft SEIR Page 197, mobile emissions would account for up to 90 percent of operational emissions generated by Specific Plan Update buildout. Per the City’s TDM ordinance and the proposed Specific Plan Update TDM Requirement 8.4-1, Standard 1: 40 Percent Trip Reduction Requirement (as described on Draft SEIR Page 72), the daily trips generated by future developments under the Specific Plan Update would be required to be 40 percent below trip estimates, which would reduce mobile emissions by 40 percent. The 40 percent reduction in emissions is accounted for the greenhouse gas emissions modeling. As described on Draft SEIR Page 198, future development projects shall comply with electric vehicle (EV) system requirements in the most recently adopted version of CALGreen Tier 2 requirements, which would reduce emissions. Compliance with the CALGreen Tier 2 requirements is included as an Off-Street Parking Management Standard 5 in the Specific Plan Update and has been added to Draft SEIR Page 198 (refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR). Specific Plan Update Section 6.8.1, Standard 2 has also been added which requires future developments to comply with the City’s and state’s solid waste minimization programs that include increased rates of recycling and composting of food. No other measures that substantially reduce operational GHG emissions are known at this time. As described on Draft SEIR Page 198, achieving carbon neutrality is not within the ability of the City in its role of regulating land use, and would require state regulations and technological solutions that are not yet known or available, therefore the Draft SEIR discloses that by the year 2045, GHG emissions from the Plan Update buildout are likely to remain above the applicable threshold (i.e. are not capable of being carbon neutral based on factors within the City’s control).

Comment V.26: To the extent that the analysis relies on the 40% vehicle trip reduction, that standard is infeasible as described elsewhere in this letter and there is no record evidence to support its feasibility. It is inaccurate to state (p. 199-200) that “future development project would be required to implement the City’s TDM requirements which would reduce average daily trips to 40 percent.” Similarly, the measures listed on p. 201 including a TMA-funded shuttle program and EV parking requirements are infeasible and therefore would not mitigate this impact.

Response V.26: This comment takes issue with specific policies and requirements of the Plan itself, which in turn were relied upon in the Draft SEIR's analysis. Per the City's TDM ordinance and the proposed Specific Plan Update TDM Requirement 8.4-1, Standard 1: 40 Percent Trip Reduction Requirement (as described on Draft SEIR Page 72), the daily trips generated by future developments under the Specific Plan Update would be required to be 40 percent below trip estimates developed based on rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition. Therefore, the Draft SEIR disclosed impacts related to vehicle trips (e.g. air pollution, greenhouse gas emissions, gasoline consumption, roadway noise, etc.) based on future projects complying with the existing TDM Ordinance because it is a policy included within the Specific Plan Update that future projects must satisfy. It is appropriate and reasonable for an EIR's analysis of a project's impacts to rely upon compliance with existing policies and regulations that would serve to reduce the project's impacts.

Comment V.27:

Noise Analysis

The Noise analysis includes two contradictory mitigation measures. MM NOI-1.1 (p. 272) limits construction activity to weekdays between 7:00 am and 7:00 pm and Saturdays and holidays between 9:00 am and 7:00 pm, with no construction on Sundays. MM NOI-4.1 (p.286) has different hours. We request that MM NOI-4.1 be revised to align with MM NOI-1.1.

Response V.27: Mitigation Measure MM NOI-4.1 lists the correct allowed construction hours, consistent with the City's Municipal Code 15.04.125, which allows construction activities between the hours 7:00 a.m. and 6:00 p.m. on weekdays and between 9:00 a.m. and 5:00 p.m. on Saturdays. The construction hours in MM NOI-1.1 were included in error and have revised on Draft SEIR Page 272 to reflect the construction hours listed in MM NOI-4.1 (Draft SEIR Page 286). Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR. The above update has also been included in the construction measures from Draft SEIR Appendix E Noise and Vibration Assessment (under Impact 1a: Temporary Construction Noise). Refer to this Final SEIR Appendix B Supporting Documentation.

Comment V.28:

Transportation Analysis

The summary of existing transit facilities on page 331 and the text description on page 338 is incomplete. It should include the on-demand SamTrans service that is available within the City of East Palo Alto.

Response V.28: The summary of existing SamTrans facilities described on Draft SEIR Pages 331 and 338 is based on the existing SamTrans facilities in the City at the time of the Draft SEIR Appendix F Transportation Analysis was prepared (March 2023). Based on the CEQA Guidelines Section 15125, the Draft SEIR is required to describe the physical environmental conditions of the Specific Plan area as they were at the time the Notice of Preparation (NOP) was released (April 2022). The SamTrans Ride Plus (On-Demand Service) became available in East Palo Alto starting in June 2023,⁹ and, therefore, the discussion of Ride Plus (transit) service is not required to be included on the Page 331 and Page 338 Draft SEIR discussions.

Comment V.29: There are a number of figures that propose to use private property for public transportation uses. These need to be revised unless/until there is an agreement reached with the property owner as to whether and how its land may be used by the public. Figure 3.16-4 (p. 337) includes a “Flexible Connection, Bicycle Access Required” through the middle of the Four Corners site and a Class 1 multi-use path through other portions of the site. This should be revised to indicate that it is not a definitive location for any required paths through the middle of private property. Similarly, a “conceptual RBDSP shuttle loop” is shown through the Four Corners site that intersects the other paths. The property owner has not agreed to this. Any potential future connection would need to work within the approved project at that site.

Response V.29: The above comment pertains to multi-use path and shuttle stop locations shown in the draft Specific Plan, and does not raise concerns about the Draft SEIR analysis. The implementation of the roadway improvements and multi-modal improvements included in the Specific Plan Update would be coordinated with affected property owners at the time development is proposed under the Specific Plan Update. Flexible Connections are suggested locations only and while the City expects that future connections will be made approximately where shown, the definitive final location for any required paths through the middle of private property will be determined during project approval.

Comment V.30: Table 3.16-6: Summary of Affected Intersections (pp. 364-5) indicates in Number 11 that improvements would be required at University Ave. & Bay Road. The second bullet point should be deleted because years of work with traffic consultants and collaboration with the City (including its traffic consultants) has confirmed that additional right-of-way would NOT be required. Intersection improvements can be made without any additional right-of-way. Alternatively, right-of-way could be acquired on the west side of University or the south side of Bay.

⁹ SamTrans. New On-demand Microtransit Service Launched to Expand Mobility in East Palo Alto and Half Moon Bay. June 21, 2023. Accessed October 22, 2024. <https://www.samtrans.com/news/new-demand-microtransit-service-launched-expand-mobility-east-palo-alto-and-half-moon-bay>.

Response V.30: The above comment suggests that intersection improvements at Intersection 11, Bay Road and University Avenue (described on Draft SEIR Pages 364 and 365) can be made without an additional right-of-way. The future improvements that would be implemented at this intersection are based the level of service (LOS) results analyzed as a part of Draft SEIR Appendix F Transportation Analysis; therefore, the improvements are not required under CEQA (per Section 15064.3).

Future improvements would be implemented to address LOS deficiencies at intersections effected by traffic from the Specific Plan Update buildout, consistent with General Plan Policy 7.1 (see Draft SEIR Page 326). The City reviewed preliminary design drawings provided by Sand Hill Properties and has determined that construction of a second southbound left-turn lane on University Avenue could likely be accomplished within the existing right of way. However, construction of a second westbound left-turn lane on Bay Road is expected to require the acquisition of about four feet of additional right-of-way from the adjacent property on the north side of Bay Road east of University Avenue to accommodate the intended street cross section including a nine-foot wide sidewalk. Furthermore, it is noted that the construction of a northbound right-turn lane on University Avenue, which would be required under existing plus project without loop road, Scenarios 1 and 2, is expected to require the acquisition of about four feet of additional right-of-way from the adjacent property on the east side of Bay Road south of University Avenue. The design of these intersection improvements and the extent of any right-of-way acquisition will be finalized during the development review process for the adjacent properties. Future improvements would require project-level environmental review, prior to City approval.

Comment V.31: Table 3.16-9: VMT Results (p. 390) confirms that the impacts of the project will be less than significant for both residential VMT and employment VMT, even without the imposition of the (infeasible) 40% trip reduction TDM measure. The residential and employment VMT calculations are below the thresholds of significance for all scenarios, even before the 40% trip reduction is taken into account. This infeasible requirement for 40% trip reductions should be removed.

Response V.31: Per the City's TDM ordinance and the proposed Specific Plan Update TDM Requirement 8.4-1, Standard 1: 40 Percent Trip Reduction Requirement (as described on Draft SEIR Page 72), the daily trips generated by future developments under the Specific Plan Update would be required to be 40 percent below trip estimates developed based on rates published in the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 11th Edition. The Draft SEIR analysis assumes future projects under the Specific Plan Update would meet the 40 percent trip reduction requirement. While the Plan's requirement of 40 percent trip reduction is not needed to further reduce the Plan's VMT impacts, the 40 percent trip reduction serves as mitigation to help reduce the Plan's significant and unavoidable criteria air pollutant emissions and GHG emissions to the extent feasible, as required by CEQA.

Comment V.32: The analysis of emergency access is inadequate. Community members have reported significant traffic impacts throughout the plan area and the non-CEQA LOS analysis shows significant delays on freeways and surface streets near the project area. There is no analysis as to how emergency access vehicles can access the project area or exit the project area given these delays. There is no record evidence as to how ambulances, fire trucks, or police vehicles can access the project area during a peak hour emergency.

Response V.32: As described on Draft SEIR Page 392, future development allowed under the Specific Plan Update would be reviewed by Menlo Park Fire Department and the City's Police Department for compliance with the Emergency Operations Plan and other applicable codes/plans, so that emergency access and safety would not be compromised. As a result, the program-level analysis of Specific Plan Update impacts related to emergency access is adequate. The Plan area is served by numerous roads emergency responders can use during emergencies, and while those roads today experience congestion during weekday commute hours and will continue to do so, the peak hour congestion accounts for roughly 10-15 percent of the week, assuming four hours per day (two hours in the AM and two hours in the PM). Emergency access during commute congestion is the most challenging condition for emergency response, yet emergency vehicles are able to access the Plan area during emergencies. In the event that response times became excessive, for whatever reasons, the Menlo Park Fire District would evaluate the need for a new (or relocated) fire station to adequately serve the area. At the time detailed site plans (which would include emergency vehicle routes to future project sites) are available for an individual project under the Specific Plan Update, project-level environmental review would be completed, including the analysis of emergency access (including emergency vehicle exit and entrance) to the site.

W. Sierra Club Loma Prieta Chapter, Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society (dated September 10, 2024)

Comment W.1: The Sierra Club Loma Prieta Chapter's Bay Alive Campaign, Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society are pleased to submit these comments regarding the Draft Subsequent Environmental Impact Report (DSEIR) for the Draft Ravenswood Business District/Four Corners Specific Plan Update (DSPU). Our organizations work to enhance sea level rise resilience and to protect wetlands, open space, wildlife habitat, and other ecological and natural resources in the Bay Area. We collectively represent thousands of members in and around East Palo Alto who care deeply about open space, nature, and community resilience. We recognize the critical role that the Ravenswood Business District/4 Corners Specific Plan 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.

In this letter, we will first address a few overarching points that apply to the overall DSEIR, followed by noting a few errors/omissions in the document that should be corrected in the final report. Then we will address our concerns regarding individual CEQA-related environmental factors.

Response W.1: The above comment describes the purpose of the several organizations who joined to author a comment letter on the Draft SEIR - the Sierra Club Loma Prieta Chapter's Bay Alive Campaign, Citizens Committee to Complete the Refuge, Green Foothills, and Sequoia Audubon Society - and provides a brief introduction to the organizations' comments below. The organizations provided the referenced comments in detail below (Comments W.2 through W.45). Please refer to Responses W.2 through W.45 below.

Comment W.2:

Shallow Groundwater Mitigation

We are pleased that the DSEIR acknowledges the threat of future project impacts related to shallow groundwater rise. By identifying the DSPU Standard 9.7.6, (which requires assessment of a project's vulnerability to shallow groundwater rise), as a required mitigation measure (GEO- 2) in Section 3.7, Geology and Soils, the DSEIR lays important groundwork for ensuring public safety in anticipation of known future threats associated with climate change. As we stated in comments regarding the DSPU, limiting the applicability of Standard 9.7.6 to shoreline parcels is inadequate. At this time, we do not know if the DSPU has or hasn't been amended per our comment.

We believe that a similar standard applied across the entire Specific Plan (SP) Area could mitigate groundwater rise impacts discussed in Sections 3.8 (Geology and Soils), 3.9 (Hazards and Hazardous Materials) and 3.10 (Hydrology and Water Quality). For example, the Hydrology section of Sunnyvale's Final EIR for its Moffett Park Specific Plan identifies a suite of potential shallow groundwater impacts to be addressed through a Site Management Plan.

- *Please consider comments below for Sections mentioned here and provide mitigation that addresses the full breadth of potential impact issues, geologic, toxic contamination and hydrologic, across the entire SP footprint.*

Response W.2: The above comment suggests the Specific Plan Update Standard 9.7-6 should require all future development projects in the entire Specific Plan area (rather than, as currently written, only the development properties adjacent to the shoreline area) to complete a geotechnical assessment of each site's vulnerability to shallow groundwater rise and submit a list of project measures that will monitor and mitigate seasonal and permanent emergent groundwater impacts.

Documentation which shows shallow groundwater levels in the Specific Plan area is provided, however, the documentation does not show that groundwater rise would affect the entire Specific Plan area by 2040 (when Specific Plan Update buildout occurs). The Specific Plan Update Standard 9.7-6 (Draft SEIR Pages 180 and 181) has been updated to state that future projects shall perform a geotechnical assessment

which shall establish depth to groundwater, and for sites with shallow groundwater levels of six feet or less, the geotechnical assessment would evaluate the project's vulnerability to shallow groundwater rise and submit a list of project measures that will monitor and mitigate seasonal and permanent emergent groundwater impacts, including: buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization hazards. Groundwater rise due to future sea level rise in the latter half of this century is a future concern beyond the timeframe of implementation of the Specific Plan, and is not related to how the development projects implementing the Plan would impact current conditions, therefore, the topic is outside the scope of CEQA. Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal 4th 369 (BIA v. BAAQMD), the potential future effects of the environment on a project (e.g., the effects of forecast groundwater rise decades following the implementation of the Specific Plan Update) are not considered CEQA impacts. Further, the specific issue of whether future sea level rise must be accounted for in CEQA was addressed in the Ballona Wetlands case where the appellate court found CEQA does not require an evaluation of future sea level rise, refer to *Ballona Wetlands Land Trust v. City of Los Angeles* (2011) 201 Cal.App.4th 455, 473 ["The Revised EIR Was Not Required to Discuss the Impact of Sea Level Rise on the Project"].

Groundwater elevation fluctuations are usually related to seasonal rainfall patterns, pumping of groundwater for domestic water supply or agricultural irrigation purposes, and for some sites (e.g., those near the coast or bay) tidal influences. Sea level rise also has the potential to influence groundwater levels, but over a much longer timeframe (however, this would not be considered an impact under CEQA per case law noted above). As is customary, potential fluctuations in groundwater levels (increases or decreases), and other subsurface conditions, would be considered in the preparation of the site-specific corrective action/risk management plans described in Specific Plan Update Policy LU-5.2 (refer to Draft SEIR Page 220).

Comment W.3:

Wetland Delineation, Setbacks and the BCDC Band

We are pleased to see that Biological Resources analysis and mitigation includes MM BIO-10.1, Jurisdictional Waters Avoidance and Mitigation Measures. In our comments responding to the DSPU, we strongly recommended that wetland delineation (the basis for Jurisdictional Waters Decisions) replace the use of the BCDC band wherever it was proposed to be the basis for setback measurements. The purpose of shoreline setbacks is to protect wetlands, and because the BCDC band varies substantially by location and its definition does not consider wetland habitat location, the wetland delineation is a more appropriate tool.

MM BIO-10.1 is very thorough in its requirements protecting sensitive wetland habitats. It requires all properties on the shoreline and those that include or sit adjacent to wetlands to have wetland

delineations performed during or prior to project design. However, this measure does not address heights, setbacks, and setbacks defined in the DSPU and analyzed under Land Use in this DSEIR.

- *Because all shoreline properties will be required to obtain wetland delineations under MM BIO-10.1, we recommend that the inner edge of delineated wetland be used as the basis for all shoreline setbacks, stepbacks or height decisions, documented through a new Land Use impact analysis and mitigation.*

Response W.3: The limits of BCDC's shoreline band jurisdiction will need to be established by a wetland delineation. The baseline for the shoreline band is set as the mean high water elevation in areas without marsh vegetation, and in areas supporting marsh vegetation, it is defined as the elevation "mean sea level plus five feet" or the upper edge of marsh vegetation, whichever is located closest to the San Francisco Bay. In the case of properties in the Specific Plan area that adjoin tidal wetlands or waters, a wetland delineation would help determine the baseline for the 100-foot BCDC shoreline band accurately, and setbacks for new development immediately adjacent to baylands areas will be determined based on a project-specific wetland delineation.

However, in the Specific Plan area, the baseline is fairly clear-cut due to the clearly defined borders between upland areas and tidal wetlands along the eastern edge of the Specific Plan area. As a result, the BCDC shoreline band depicted on Figure 3.2-2 in the Draft SEIR, which was based on habitat mapping from aerial photos, should be accurate to within five to 10 feet (and possibly even more accurate). While this accuracy would not be adequate for purposes of BCDC permitting and determination of setbacks for projects along the immediate edge of the baylands, it is adequate for purposes of the City's planning for stepbacks further inland from the baylands.

Comment W.4: DOCUMENT CORRECTIONS

- **2.1 Project Location**

The project location has multiple errors.

1. "Palo Alto Baylands Nature Preserve" is not the correct name for the lands described. The marshes lining the shoreline from Bay Road to Runnymede Street are the Faber-Laumeister Unit of the Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).
2. Lands referred to as "16 acres of restored wetland/marsh areas at the northern and eastern areas of the Specific Plan area" are inaccurately described. These are legacy tidal marshlands and have not been restored.

Response W.4: The U.S. Fish and Wildlife Service (USFWS) identifies the wetland area to the south of the Ravenswood Open Space Preserve, and east of the Specific Plan area, as the Don Edwards San Francisco Bay National Wildlife Refuge (wildlife

refuge). The USFWS identifies a Faber Laumeister Trail within the refuge area. However, the area is not referred to as a District. The reference to the Palo Alto Bayland Nature Preserve on Draft SEIR Page 3 has been updated to reference the wildlife refuge. The changes to the Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR. This update does not change the conclusions of the Draft SEIR analysis (as the Draft SEIR accounted for the wetlands at the wildlife refuge).

The referenced 16 acres of restored wetland/marsh areas at the northern and eastern areas of the Specific Plan area” has been corrected to state the Specific Plan area includes approximately 22 acres of salt marsh, open water/tidal slough areas (consistent with Draft SEIR Figure 3.4-1 Existing Habitats in the Specific Plan area) at the northern and eastern areas of the Specific Plan area. [

Comment W.5:

- **2.3.2 Maximum Building Height**

The description states: “The maximum building heights range from approximately 30’ to 122’ above the ground surface. The DSPU’s height standards would allow the tallest buildings (seven to eight stories, between 104 and 122 feet above the ground surface) to occur at the eastern end of the Specific Plan area. While this lists the allowable height of buildings up to the roof, it misrepresents by omitting mention that roof-based equipment may add up to 30 feet in height depending on the use proposed for the building.

- *Please add a statement that rooftop equipment may increase height above the rooftop by up to 30 feet.*

Response W.5: Refer to Response K.31. The Draft SEIR Page 14 (in Section 2.0 Project Information and Description) states the maximum building heights under the Specific Plan Update would range from approximately 30 feet to 122 feet above the ground surface, which reflects the maximum height that was previously proposed. The 122 feet has been revised to 120 feet (on Page 14). The remainder of the Draft SEIR text references the 120-foot maximum height. Rooftop Mechanical Exception Standards for future developments are described in the Specific Plan Update, Section 6.3.1 Maximum Building Height, Standard 4. A maximum of 30 percent of total roof coverage for rooftop equipment that exceeds the maximum height by more than 15 feet would be allowed and a maximum of 15 percent total roof coverage for equipment that exceeds the maximum building height by more than 20 feet, and by up to 30 feet. Rooftop equipment that exceeds 30’ in height (excepting electrical or external communication equipment) shall count towards the building’s maximum height. Draft SEIR Page 14 has been revised to state that in accordance with the Section 6.3.1 Maximum Building Height, Standard 4, Rooftop Mechanical Standards in the Specific Plan Update, rooftop equipment could exceed the maximum height by up to 30 feet with a maximum roof coverage of 15 percent.

Comment W.6:

- Figure 2.3-4
The legend of this map does not explain the meaning of the letters A to F seen on the map.
- Section 3.10
In the last line of the discussion of Flood Hazard Existing Conditions, the text on page 235 refers the reader to a Non-CEQA discussion in “Section 3.10.3”. There is no such section. We believe the intended reference is 3.11.3.

Response W.6: The Public Roadway Network shown on Draft SEIR Figure 2.3-4 (Page 20) is described on Draft SEIR Page 18. The associated letters shown on Figure 2.3-4 have been added to the roadway network description on Page 18 for clarification. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Please refer to Response C.4 regarding the reference to Section 3.10.3 Non-CEQA Effects on Draft SEIR Page 235. The Section 3.10.3 Non-CEQA Effects (for hydrology and water quality) was inadvertently included in Draft SEIR Section 3.11.3, Pages 254 and 255. The Non-CEQA Effects discussion regarding hydrology and water quality has been moved to Draft SEIR Page 247. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment W.7: ENVIRONMENTAL IMPACT ANALYSIS AND MITIGATION CATEGORIES

SECTION 3.2 - AESTHETICS

We appreciate that the DSEIR includes an evaluation of aesthetic impacts, despite these being omitted from the scope of analysis in the Notice of Preparation for this project. The inclusion of Policy LU-3.7 and Policy POS-1.10 in the DSPU, which establish building height limits and stepback requirements to preserve view corridors, is a welcome response to community concerns. These policies, along with the 2013 Specific Plan Policy 13.8, which encourages projects to enhance views of natural resources and mandates viewshed analysis for potential developments, show a commendable effort to address the community's high interest in reducing building heights and preserving view corridors.

However, we are concerned about the substantial exceptions to the height limits for the Waterfront Office (WO) and Ravenswood Employment Center (REC) zones. While the height limits for these zones are set at 120 feet and 60 feet, respectively, both zones allow exceptions that could significantly impact the area's aesthetics.

In the WO zone, exceptions permit rooftop equipment to extend an additional 30 feet above the height limit, resulting in a potential maximum height of 150 feet, rather than the stipulated 120 feet. Similarly, in the REC zone, a building with a height of 60 feet could have rooftop equipment that raises the total height to 90 feet—a 50% increase. These exceptions are particularly concerning

because they apply to zones adjoining major view corridors identified in the DSPU. However, the impact analysis fails to address these exceptions and refers only to the plan area’s maximum height of 120 feet.

Recommended Mitigation Measures

1. General: Rooftop equipment exceptions should be limited to approximately one story in height. If the equipment exceeds this height, it should be counted as a floor within the basic height limit—120 feet in the WO zone, and 60 feet in the REC zone.
2. Setbacks for facades facing wetlands: The DSPU requires a 10-foot setback for rooftop equipment. However for facades facing the Bay or marsh areas, this equipment and its screening will be visible from the Bay Trail and make the buildings appear taller than their allowable height. Additionally, the equipment enclosures could cause unwanted shading of the wetlands, which is to be avoided. Therefore, at facades facing wetlands, rooftop equipment and screening should be set back from the roof’s edge using a 45-degree view line from the wetlands delineation line to the edge of the roof.

Response W.7: Refer to comment W.5 regarding the rooftop equipment exceptions. The Specific Plan Update Section 6.3.1 Maximum Building Height, Standard 4 includes limits rooftop equipment coverage limits for future developments. Refer to Response G.3 regarding setbacks and shading. Taller buildings would be setback from the marsh and would not result in significant shading impacts. The commenter does not provide documentation for the above recommended setback requirements from wetlands or rooftop equipment exceptions. Therefore, no changes to the setback or rooftop equipment standards will be made to the Specific Plan Update.

Comment W.8:

SECTION 3.3 - AIR QUALITY AND GREENHOUSE GAS EMISSIONS

The DSEIR predicts that implementation of the DSPU would result in a considerable net increase of criteria pollutants (Impact AIR-2) and greenhouse gas emissions (Impact GRG-1) that would be significant and unavoidable. Nevertheless, it is crucial that every possible effort be made to mitigate them. The health and well-being of East Palo Alto residents—who already experience disproportionate levels of pollution and related health issues—should be prioritized. Even if full mitigation is not achievable, reducing these impacts as much as possible is imperative.

Address Significant and Unavoidable Air Quality Impacts in East Palo Alto

The DSEIR presents alarming findings regarding the anticipated increase in air pollution, including ozone (O₃), nitrogen oxides (NO_x), and particulate matter (PM₁₀ and PM_{2.5}) emissions. These pollutants are already disproportionately high in industrial areas and along transportation corridors, such as those in East Palo Alto, which lies along the heavily congested Highway 101 corridor and hosts numerous small industrial businesses. The DSEIR acknowledges that East Palo Alto residents currently face significantly higher rates of asthma-related emergency room visits and hospitalizations compared to the San Mateo County average. Specifically, asthma hospitalization

rates for children in East Palo Alto are nearly triple those of the County (15.0 versus 6.6 per 1,000 children), with rates for all ages being 40% higher than the County and above the statewide average.

The DSEIR further indicates that the implementation of the 2013 Specific Plan and Options 1 and 2 of the 2024 Specific Plan Update would result in substantial increases in traffic on Bay Road, with projected increases of 25%, 41%, and 46%, respectively, even after assuming a 30% trip reduction due to the City's Traffic Demand Management (TDM) requirements. The resulting rise in criteria pollutants, including ROG, NO_x, and PM₁₀, is noted, yet the DSEIR asserts that the associated health effects would be "not measurable" due to limitations in current modeling tools.

We challenge this conclusion. It is both feasible and essential to monitor pollutant concentrations at the most congested locations prior to implementing any alternative of the DSPU to establish a reliable baseline. Ongoing monitoring post-implementation can then quantify any changes in pollutant emissions attributable to the project. If local pollutant concentrations increase, it is imperative that additional mitigation measures be implemented to protect the health of nearby residents. The potential for increased local pollutant concentrations leading to adverse health outcomes is unacceptable and must be proactively addressed.

Recommended Additional Mitigation Measure: *Local Monitoring and Mitigation: Establish baseline pollutant monitoring at key congestion points and implement ongoing monitoring to ensure development does not exacerbate air quality issues. If pollutant levels increase, further mitigation measures must be mandated.*

Response W.8: Draft SEIR Pages 76 and 77 state that the Specific Plan Update buildout would result in operational ROG, NO_x, and PM₁₀ emissions above BAAQMD thresholds, resulting in a cumulatively considerable net increase of criteria pollutants in the region, i.e., the San Francisco Air Basin. The comment asserts that the Plan Update's criteria pollutant emissions would contribute to localized health effects on nearby residents. However, the Plan Update's criteria pollutant emissions will contribute to regional, not local, air quality impacts as the pollutants mix in the atmosphere and affect air quality broadly throughout the San Francisco Air Basin.

The Plan Update's significant and unavoidable criteria pollutants impact to regional San Francisco Air Basin conditions is a separate impact distinct from the localized health risk resulting from toxic air contaminants (TAC) and PM_{2.5} emissions that affect receptors in and near the Specific Plan. Draft SEIR Page 75 states that the Specific Plan Update buildout would not cause measurable increases to regional (ozone) air pollutant levels or the health effects associated with the project's ROG NO_x, and PM₁₀ emissions to materially change, refer to Draft SEIR Table 3.3-6. Therefore, the health effects associated with Specific Plan Update ROG, NO_x, and PM₁₀ emissions would not be measurable on a regional level.

Draft SEIR Page 82 Table 3.3-7 presents the localized health risks (cancer and non-cancer) for residents and other sensitive receptors resulting from future Plan Update vehicle emissions, which are all well below BAAQMD single and cumulative source thresholds. Therefore, while the Plan Update's regional air quality impacts are significant and unavoidable due to the magnitude of the vehicle trips which contribute to regional ozone (smog) and fine particulate matter, the health effects from the Plan Update buildout are less than significant, and monitoring of local conditions is not warranted. Furthermore, local monitoring of air quality is already performed by BAAQMD and is publicly accessible on their website (refer to <https://www.baaqmd.gov/about-air-quality/current-air-quality/air-monitoring-data/#/>).

Comment W.9:

Address Greenhouse Gas Emissions

The DSEIR also predicts significant and unavoidable increases in greenhouse gas (GHG) emissions due to the implementation of the 2013 Specific Plan and both scenarios of the 2024 Specific Plan Update. These increases directly conflict with East Palo Alto's Climate Action Plan 2030, which aims to reduce GHG emissions to 2005 levels by 2030 and achieve carbon neutrality by 2045. Yet, the only mitigation measure identified in the DSEIR is to implement TDM standards. Even if GHG emissions cannot be reduced to less than significant levels, every effort should be made to reduce them as much as feasible.

***Recommendation:** Implement a Connected Safe Green Slow Network of streets within the plan area to promote walking and biking, reduce vehicle miles traveled, and create pollution-free, quiet, and safe routes for residents of all ages. .*

In addition, we urge the City to pursue the following city-wide strategies to reduce the significant and unavoidable cumulative air quality impacts identified in the DSEIR.

- 1. Electric Transportation Initiatives:** Require all transportation shuttles serving the plan area to be electric and advocate for zero-emission SamTrans buses in the area.*
- 2. Incentives for Electric Vehicle Adoption:** The City of East Palo Alto should offer significant incentives for residents to purchase electric vehicles, using Development Impact Fees to fund this program and mitigate air quality impacts.*
- 3. City-Wide Electrification:** Promote the electrification of existing residential, commercial, and industrial buildings throughout East Palo Alto, reducing reliance on fossil fuels and helping to offset project-related GHG emissions.*
- 4. Solar Energy Expansion:** Encourage the installation of rooftop solar systems with battery backup on existing buildings city-wide, further contributing to the reduction of GHG emissions.*

Development Impact Fees should be utilized to fund these initiatives, ensuring that new development aligns with both air quality and climate goals. These measures are crucial to protect the health and well-being of East Palo Alto residents and ensure that future development is sustainable and equitable.

Response W.9: Refer to Responses V.25. In addition to requiring future projects to comply with the 40 percent vehicle daily trip reduction requirement through implementation of a TDM Plan, the Specific Plan Update includes policies and standards such as requiring future projects to comply with CalGreen EV standards and solid waste minimization standards. The Specific Plan Update includes a robust network of multi-use paths and pedestrian improvements.

As stated on Draft SEIR Page 19, all new streets under the Specific Plan Update would include sidewalks, and sidewalks on existing streets would include improvements such as widening and streetscape improvements, which would increase the connectivity and pedestrian safety within Plan area. Pedestrian improvements also include multi-use paths (i.e., shared bicycle/pedestrian paths) throughout the Specific Plan area (refer to Draft SEIR Figure 3.16-5, Page 339). The pedestrian and bicycle improvements would encourage residents within the Specific Plan area to walk or bike, which is anticipated to result in the reduction of vehicle trips. Therefore, the addition of the above recommended Connected Safe Green Slow Network of Streets policy is not expected to substantially reduce vehicle trips beyond measures and features already included in the Plan Update.

Specific Plan Update Policy 6.8.1 Green Building, Standard 3 Renewable Energy, states that new buildings should incorporate on-site renewable energy systems such as solar panels, other photovoltaic systems, and wind turbines where practical. The City's Reach Code encourages the electrification of new developments (Draft SEIR Page 164), however, based on preemption by federal law, the City cannot enforce natural gas bans.

The commenter recommends that the four above standards to reduce air pollutant and GHG emissions be implemented on a City-wide level, which is outside of the scope of the Specific Plan Update and Draft SEIR.

Comment W.10:

SECTION 3.4 - BIOLOGICAL RESOURCES

We were pleased to find discussion, analysis and mitigation that often was very detailed and covered issues that we had identified in our earlier scoping comments. Clearly there is a strong intention to protect sensitive species and habitat. While we provide additional comments here, we do so with an eye on strengthening this analysis along with habitat and species protections.

3.4.1.1 Regulatory Framework, Sensitive Habitat Regulations

The National Marine Fisheries Service (NMFS) is omitted. As the RBD adjoins the Bay, it is possible that NMFS may need to be involved if shoreline development impacts fish habitats.

Recommendation: *Please add NMFS to this section.*

Response W.10: In response to the above comment, it is acknowledged that National Marine Fisheries Service (NMFS) regulates species present in adjacent bay waters, and a reference to NMFS' jurisdiction over federally listed, threatened, and endangered species has been added to Draft SEIR Section 3.4.1.1 Regulatory Framework Page 88. Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR.

Comment W.11:

3.4.1.2 Existing Conditions

- The Bay Conservation and Development Commission (BCDC) "band" is inaccurately described as "BCDC's shoreline jurisdiction extends 100 feet inland from those areas of Bay jurisdiction." Actually, the BCDC band extends 100 feet inland from the mean high tide line. A portion or even all of the band may lie offshore as happens in/adjoining the RBD.

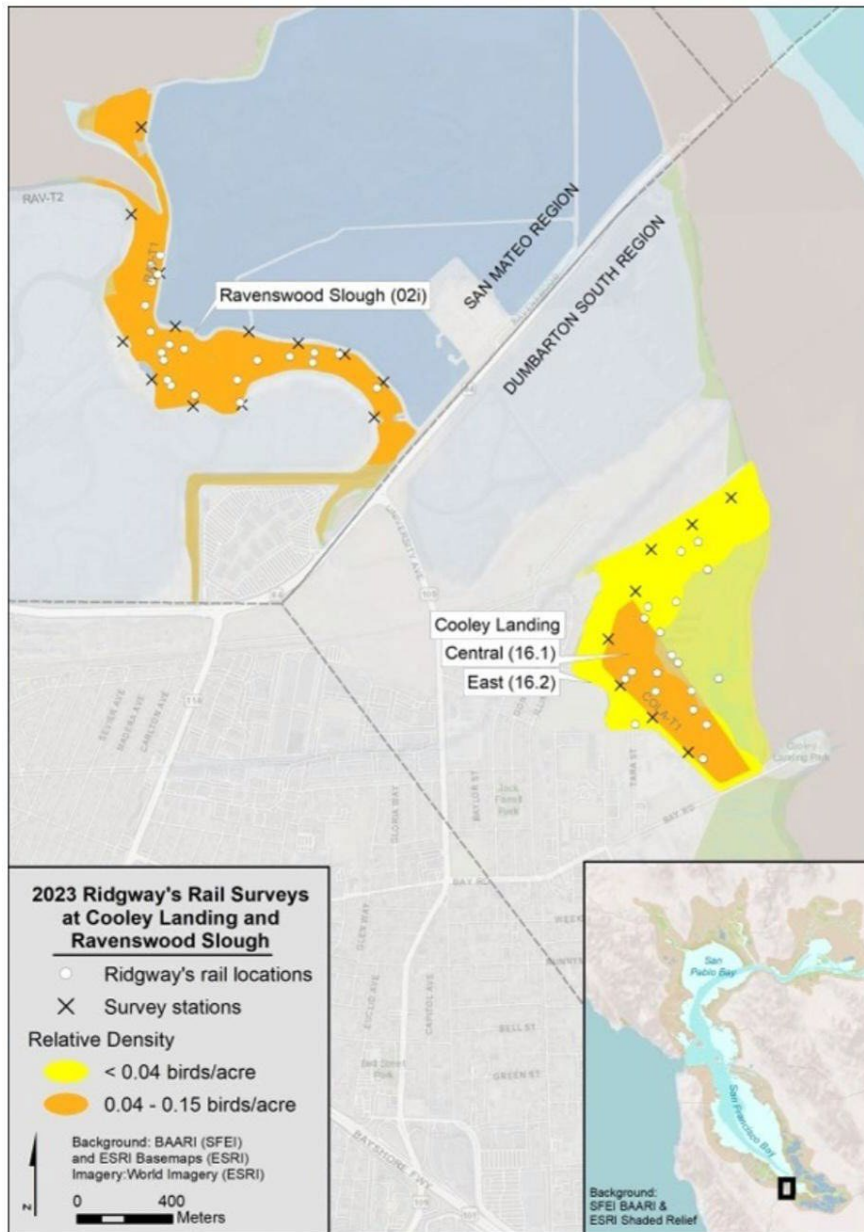
Recommendation: *Please reword the text to more accurately describe the BCDC band location.*

Response W.11: Based on BCDC Comment Letter H in this Final SEIR, the BCDC Bay jurisdiction in marshlands is considered to be anywhere tidal marsh is present up to five-feet above mean sea level. BCDC does have Bay jurisdiction above that elevation where marsh is present. Where there is no marsh present, BCDC's Bay jurisdiction is located bayward of the mean high tide. Refer to Section 5.0 Draft SEIR Text Revisions in the Final SEIR.

Comment W.12: Table 3.4-1 Special Status Species re: Ridgway's rail

"Occurrence in Ravenswood/4 Corners": This table identifies lands within the RBD Area and adjoining the northeast part of the project that are known habitat for California Ridgway's rails (RIRA).

Recommendation: *Please also describe marshes between Cooley Landing and Runnymede Street, the Laumeister Marsh, a unit of the Don Edwards National Wildlife Refuge. 2023 survey report data maps a substantial number of these rails in the Ravenswood Open Space Preserve. Like surveys were not performed in the Refuge's Laumeister Marsh for that report but, by proximity and historical surveys, it is highly likely that Ridgway's rails use that marsh as well.*



Response W.12: The City agrees that California Ridgway's rails occur in the Laumeister Marsh as indicated by the comment. The discussion of the species' occurrence in the Specific Plan area in Table 3.4-1 (Page 100) of the Draft SEIR intended to convey this by stating "Breeding season records of California Ridgway's rail are present throughout the tidal marshes within and adjacent to the Specific Plan area." Therefore, the Draft SEIR takes into consideration the known presence of California Ridgway's rails in the tidal salt marsh within the Specific Plan area as well as in adjacent areas such as Laumeister Marsh and Ravenswood Open Space Preserve. No additions to Table 3.4-1 are necessary. Mitigation Measure MM BIO-3.1 would protect any Ridgway's rails nesting in Laumeister Marsh, in addition to those in Ravenswood Open Space Preserve discussed in the Draft SEIR. Thus, impacts of activities under the Specific Plan Update on Ridgway's rails nesting in

Laumeister Marsh and elsewhere are less than significant with implementation of the prescribed mitigation measures.

Comment W.13: Special Status Species: General Comment, Mitigation Requirements

1. By definition, Special Status Species, plant or animal, are listed-species that fall under one or more categories of jurisdiction by Resource Agencies (USFWS, CDFW, NMFS) or CNPS/CDFW rare plant protocols.
2. Over the duration of the SPU, perhaps decades, the protective requirements and protocols of Resource Agencies may change for any Special Status species discussed in the DSEIR. An example: the CDFW has initiated the State process to move the Western Burrowing Owl to a category requiring increased regulatory overview, a decision due possibly in 2025. Through such agency actions, mitigation actions as written in this DSEIR are likely to become outdated. In fact, we do not know if these agencies would agree fully with the mitigations proposed. For that reason, draft species and habitat mitigation plans must be reviewed in consultation with the appropriate resource agency before they are finalized, essentially certified as appropriate, prior to submission to the City.
3. MM BIO-1.3 mandates that “A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis.” *Please add the following to the list of information that must be included in a HMMP: a lighting plan/analysis for parcels adjacent to habitat areas to ensure that no light trespass encroaches into habitat areas.*
4. We note that the BIO mitigation measures are, overall, quite detailed. It is unfortunate then that most of these mitigation measures for Special Status Species and their habitats, including: MM BIO-1.1, 1.2, 1.3, 2.1, 2.2, 2.3, 2.4, 2.5, 3.1, 4.1, 4.2, 5.1, 6.1, 7.1, 9.1, and 10.2, omit consultation with the appropriate Resource Agencies before or during project design. Each of those mitigations needs to be corrected to require such consultation. That omission can be corrected in the text of each mitigation measure or by creating a new mitigation measure that applies to all actions with special status species.

Response W.13: Special-status species are defined based on regulatory jurisdiction of resource agencies such as the USFWS, NMFS, and CDFW, and based on designations of species as being rare or of concern by CNPS or CDFW. However, not all special-status species are actually regulated by an agency; for example, designation of species as being rare by CNPS, or as being species of special concern by CDFW, do not convey any regulatory protection of those species the way species listed under the Federal Endangered Species Act, or listed or candidates for listing under the California Endangered Species Act, have regulatory protection.

To the extent that any regulatory agencies, such as the USFWS, NMFS, or CDFW, regulate impacts of activities performed under the Specific Plan, the proponents of such activities would be required to coordinate with those agencies (e.g., under the Federal or California Endangered Species Acts). For example, please see Response G.4 above, as text has been added to MM BIO-1.1 to indicate that the habitat,

mitigation, and monitoring plan (HMMP) for mitigation of impacts to special-status plants must be approved by the USFWS and/or CDFW if the plant species in question is federally or state listed. However, not all special-status plants are regulated by such agencies; for example, of the special-status plants determined to have some potential to be impacted by Specific Plan activities, Congdon's tarplant, alkali milk vetch, and Point Reyes bird's beak are not protected by state or federal agencies, and thus there is no need for coordination with any agencies regarding mitigation for such species, and the City as lead agency would determine the appropriate mitigation based on a project-level impact assessment by a qualified biologist.

Analyses under CEQA are required to be based on existing conditions; therefore, impacts of development under the Specific Plan are assessed based on the current status (i.e., at the time the EIR is prepared) of any special-status species. If any species are listed as state or federally endangered following CEQA review of the Specific Plan and a project that is covered under the Specific Plan will potentially impact the species, the project would either implement measures to avoid take of individuals and their habitat (e.g., by adjusting project plans, implementing non-disturbance buffers, or working during periods when the species is not present) or pursue a permit for take with the applicable agency (i.e., an Incidental Take Permit from the California Department of Fish and Wildlife and/or a Biological Opinion from the U.S. Fish and Wildlife Service) in order to ensure compliance with state and federal laws. These agencies may require mitigation as a condition of any permits issued; however, mitigation for potential future impacts on habitat for species that are not yet listed is not required under CEQA now at the time of SEIR certification and Specific Plan Update adoption. Further, species that are likely to be listed under the Federal or California Endangered Species Acts in the near future are likely already considered in the Draft SEIR (e.g., as California species of special concern, CNPS-ranked plants, or fully protected species). Future projects will be will subject to project-level environmental review and additional analysis and mitigation measures may be required if new species are identified as part of the baseline conditions for a particular development project.

With respect to the burrowing owl, the species is only expected to occur within and adjacent to the Specific Plan area as a nonbreeding migrant. Development under the Specific Plan will result in a reduction in available habitat for any birds that should use these areas for roosting and foraging. However, burrowing owls are known to occur more widely in the South San Francisco Bay region in winter than they do during the nesting season. Given the vast extent of grassland and ruderal habitat along the San Francisco Bay that provide suitable wintering habitat for owls, the loss of habitat within the Specific Plan area is not expected to have a substantial impact on populations of burrowing owls that winter in the Specific Plan area but nest elsewhere. Therefore, no mitigation is necessary to reduce impacts due to the loss of habitat for this species by projects under the Specific Plan to less than significant levels under CEQA.

The HMMP specified in Mitigation Measure BIO-1.3 on page 110 of the Draft SEIR is intended to ensure that impacts to special-status plants are appropriately mitigated on selected mitigation lands, which may or may not be located within and adjacent to the Specific Plan area. The effects of lighting are analyzed (and mitigation measures are provided) separately on page 132 of the Draft SEIR. Because light trespass is not expected to be a factor related to plant survival, and because the mitigation lands may not even be located within or adjacent to the Specific Plan area, it is not appropriate to include monitoring of light trespass as part of the special-status plant HMMP.

The City will ensure that the specifications for any lighting installed within the Specific Plan area comply with requirements of Mitigation Measure BIO-8.1, which will minimize light trespass. Thus, no monitoring of light trespass is necessary under CEQA.

Comment W.14:

5. The DSEIR correctly cites the use of “qualified” biologist but does not further define the qualifications. In the SEIR or perhaps in an associated glossary, the term should be clarified with substantial, species-specific qualifications, including related experience, advanced studies and/or career specialization involving the species and habitats of concern.

6. MM BIO-10.1 will require that wetland delineations must be performed to identify areas of jurisdictional wetlands. As those sensitive tidal habitats lie within and directly adjoining the SPU Area, we are concerned that the DSEIR does not require consultation with Resource Agencies or with landowners (MROSD, USFWS / Refuge) prior to any physical entry into these lands, to determine if permits are needed prior to entry, and to avoid actions that can potentially cause a “take” of a special status species. *We ask that such a mitigation requirement be added to the SEIR.*

Response W.14: A biologist is considered qualified if they have a degree in an applicable field and sufficient experience to be able to perform the work appropriately. This may be a combination of educational and field experience with the species in question. There are no standard definitions of "qualified" with respect to a biologist's qualifications and, therefore, the City will determine whether a biologist is qualified to complete the necessary activities described in the biological mitigation measures throughout the Draft SEIR.

A wetland delineation would not require entry into sensitive tidal habitats; rather, the wetlands ecologist would walk along the periphery of these habitats, which are located at the base of the existing levee roads and trails. Existing roads and trails support regular pedestrian and/or vehicle traffic, and levee slopes are periodically maintained by mowing and/or habitat restoration crews. A biologist walking along the base of a levee slope adjacent to tidal areas is not expected to result in greater levels of disturbance to sensitive species compared to these existing levels of

disturbance. Requesting access from the landowner to any private properties is a standard step for any survey to avoid trespassing. Because this is a standard step undertaken to comply with laws and regulations, it is not necessary to include this in the CEQA mitigation measure to avoid a significant impact.

Comment W.15:

MM BIO-2.2: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Compensatory Mitigation

The mitigation recommended: "...will be provided via the purchase of credits from a conservation bank or mitigation bank that has restored suitable salt marsh habitat for these species; project-specific mitigation via the preservation and management of suitable habitat for this species; or some combination of the two approaches."

This mitigation does not consider actions that could sustain and enhance the long-term environmental health of the marshes that line the RBD shoreline. The more robust the marsh, the better it can serve the special status species it supports and the longer it can serve as protective natural infrastructure for sea level rise. Certain actions appear to be available such as:

1. Hydrology serving the inner marsh (between the Bay Trail and the fixed shoreline) might be improved by enhanced tidal flow in the unnamed slough in its northerly reach between the Bay and the inner marsh. In its northwesterly area, the inner marsh is of lower quality than elsewhere. It appears that berms placed in the area between the railroad right-of-way and the boundary of the Ravenswood Open Space Preserve (OSP) obstruct and reduce flow from the Bay.
2. Hydrology could also be improved by breaching or removing the existing Bay Trail berm that is a boundary for the Ravenswood OSP. As the trail may need to be maintained until an alternate route is available, breaching combined with a bridge structure could be used.
3. Increased sediment deposition is needed to sustain the marshes longer as the sea level rises. Similar to the hydrology water supply issue described above, existing non-natural berms along the Bay-facing edges of both the Ravenswood OSP and the adjoining northerly wetlands obstruct tidal delivery of sediment that could otherwise help build up the marsh beds. Such changes benefit both the special status species and shoreline integrity.

Recommendation: *This mitigation measure should be changed to include a preferred compensatory action that assesses and, where possible, takes advantage of opportunities to improve the health and sustainability of tidal marshes in and adjacent to the RBD.*

Response W.15: The suggestions for mitigation actions represent potential mitigation options, if compensatory mitigation for the salt marsh harvest mouse and salt marsh wandering shrew are necessary for a project covered by the Specific Plan

Update. However, to reduce impacts to less than significant levels for CEQA purposes, it is not necessary to identify the specific mitigation actions that will be taken by future individual projects now at the program-level Draft SEIR stage. If compensatory mitigation becomes necessary, the applicant of the future project requiring mitigation will consider all available options, select one (or a combination of multiple approaches), and obtain the City's approval of those options. Further, the City does not have the authority, nor permission from the Refuge or Midpen, to restore tidal marsh areas located on lands owned by those entities, and thus, the feasibility of implementing the specific mitigation options recommended by this comment is unknown.

Comment W.16: Special Status Species: Omitted Recovery Plan References

Please add the following US Fish & Wildlife Service documents to the references for the species named:

1. California Ridgway's rail and the Salt Marsh Harvest Mouse: Recovery Plan for Tidal Marsh Ecosystems of Northern and Central California
2. Western Snowy Plover: Western Snowy Plover Recovery Plan

Response W.16: It is not necessary under CEQA for recovery plans for listed species to be referenced in the Draft SEIR. Therefore, the above references have not been added to the Draft SEIR.

Comment W.17:

MM BIO-2.3 Prohibit Rodenticides

The measure states: "The use of rodenticides shall not be allowed within 100 feet of any salt marsh habitat." With a shoreline that attracts avian predators that can cover substantial distances in search of prey, there is a high likelihood some of these birds will consume a poisoned rodent and die as a result.

Recommendation: Please change the text of the measure to prohibit any use of rodenticides in the RBD.

Response W.17: The purpose of MM BIO-2.3 (Draft SEIR Page 119) is to avoid the potential for poisoning of salt marsh harvest mice. Salt marsh harvest mice are not expected to occur more than 100 feet from such salt marsh habitat, and rodenticides are not expected to be mobilized into salt marshes if used more than 100 feet from such habitats. Further, the land uses (both current and proposed more than 100 feet from salt marsh habitat are highly developed urban/suburban land uses, and though rodent predators such as raptors do occur in such land uses, they occur in low densities. Therefore, no significant impact necessitates a prohibition on the use of rodenticides more than 100 feet from salt marsh habitat. Further, it is possible that some rodenticide use in the urban/suburban areas more than 100 feet from salt marsh habitat may be necessary to control infestations of

nonnative rodents (e.g., for human health purposes). Therefore, no revisions to MM BIO-2.3 are necessary.

Comment W.18:

MM BIO-2.4 Pesticide Use

We are concerned that this mitigation may be inadequate to protect surface, groundwater and Bay water quality, fish, and other wetland species that may be harmed by inappropriate choice and use of pesticides. Choice of pesticide products needs to follow NPDES requirements. Per the State Water Board: "Except for discharges on tribal lands that are regulated by a federal permit, this General Permit covers the point source discharge to waters of the United States of residues resulting from pesticide applications using products containing 2,4-D, acrolein, copper, diquat, endothall, flumioxazin, fluridone, glyphosate, hydrogen peroxide, imazamox, imazapyr, penoxsulam, peroxyacetic acid, sodium carbonate peroxyhydrate, and triclopyr-based algacides and aquatic herbicides, and adjuvants containing ingredients represented by the surrogate nonylphenol."

On a shoreline with groundwater levels no deeper than six feet and in some places emergent, there is substantial concern for groundwater contamination in addition to runoff into the Bay and surrounding marshes. Even at 100 feet from the shoreline, strong winter rains can carry pesticides to the Bay, especially if repeated applications increase presence of pesticide residue.

Recommendation: *Please strengthen the requirement by applying the NPDES limitations on product choice and also consider moving pesticide use to 150 feet from runoff points.*

Response W.18: In response to this comment and comment G.6, the first sentence of MM BIO-2.4 has been revised as follows: "All pesticides used within 300 feet of salt marsh habitats must be utilized in accordance with the manufacturer's directions, and pesticides shall not be stored, loaded, or mixed within 300 feet of any salt marsh or open water/tidal slough habitat unless the user's property is located entirely within 300 feet of those habitats (in which case off-site storage may be infeasible)." Refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR. The purpose of MM BIO-2.4 is to avoid a significant impact of pesticides on salt marsh habitats. Application of the NPDES limitations on product choice is not necessary to achieve this purpose. However, as stated on Draft SEIR Page 239 reduce water quality impacts post-construction, future development, including the loop road, which disturbs more than 5,000 square feet would be required to comply with San Francisco Bay RWQCB Municipal Regional Stormwater NPDES Permit (MRP), including low impact development (LID) self-treating and self-retaining areas, to reduce the impacts from contaminated stormwater runoff on water quality to less than significant. Therefore, no revisions to MM BIO-2.4 regarding NPDES requirements are necessary.

Comment W.19: Impact BIO-8 and Impact BIO-1

Dark Skies and Light Impacts

We appreciate the quality of the mitigation measures included under Impact BIO-8 and the inclusion of light mitigation in Special Status discussion in Section 3.4. We add a few comments here that we feel will make the mitigations more effective.

MM BIO-8.1

This measure states: "Exterior lighting within the Specific Plan area shall be shielded to block illumination from shining upward or outward into the sensitive habitats (i.e., salt marshes) within and adjacent to the Specific Plan area. Uplighting shall be avoided."

Fully shielded fixtures are recommended by lighting experts from the International Dark Sky Association due to their ability to control and prevent light trespass. Similarly, illumination best practices would prohibit uplighting as it serves no functional purpose.

Recommendation: *We recommend that exterior lighting "... be fully shielded" and that uplighting "...be prohibited."*

MM BIO-8.2

Spillage of lighting from building interiors shall be minimized using occupancy sensors, dimmers, blinds, or other mechanisms from midnight until dawn, at a minimum, during migration seasons (February through May and August through November).

During migration, birds are aloft after dusk and until dawn. Dusk occurs early in most of the months mentioned and light in those pre-midnight hours can significantly confuse birds, altering flight patterns and increasing bird collisions in taller buildings. Especially as the SPU would allow buildings higher than the 60' height from ground where glazing is required, a midnight light-minimizing requirement can be particularly harmful. A time frame of 10pm to dawn would reduce that impact.

Recommendation: *We recommend changing the go-dark time from "midnight" to "10pm."*

Response W.19: In general, up-lights within very dark areas are more likely to "capture" and disorient migrating birds, whereas up-lights in brightly lit areas (e.g., highly urban areas, such as East Palo Alto) are less likely to capture birds. Birds are also known to be more susceptible to capture by artificial light when they are descending from night migration flights in the early mornings compared to when they ascend in the evenings; as a result, switching off up-lights after midnight can minimize adverse effects on migrating birds. However, more powerful up-lights (e.g., 3,000 lumen spotlights) may create issues for migrating birds regardless of the time of night they are used.

Based on the information above, and because: 1) up-lights will be avoided in the future projects' design and 2) the future projects would be located in an urban area

that includes existing lighting, in the opinion of the qualified biologist the City consulted with for Specific Plan Update Draft SEIR (H.T. Harvey & Associates), switching lights off after 10 p.m. rather than midnight is not necessary to reduce impacts to less than significant levels under CEQA. The recommendation to switch lights off after 10 p.m. will be considered by the decision-makers as part of the Plan Update adoption process.

Comment W.20:

MM BIO-1.3

This measure mandates that “A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis.”

This issue discusses the fact that protection of habitat lands also serves species migration. In those considerations, and along marsh shorelines, habitat mitigation requires planning to prevent light intrusions. Many species prefer to migrate in the darkness of night which reduces exposure to predators. These species include the federally-endangered salt marsh harvest mouse. Light, both during construction and after build-out, must be used minimally and directed away from the habitat edge at all times.

Recommendation: *We recommend that a lighting requirement be added that restricts any lighting use at any time, whether under construction or in the built environment, and requires any necessary lighting to be fully shielded and fully directed away from habitat lands. The requirement should be included under Impact BIO-8 due to subject matter and added to requirements listed for the HMMP described in MM BIO-1.3.*

Response W.20: Mitigation Measure MM BIO-8.1 (Draft SEIR Page 134) requires exterior lighting to be shielded to block illumination from shining upward or outward into the adjacent marsh habitats. This applies to both construction activities and new permanent lighting. As written, MM BIO-8.1 and MM BIO-8.2 are adequate to avoid increases in lighting that could significantly impact wildlife movement in or near the Specific Plan area.

Because MM BIO-1.3 (Draft SEIR Page 109) pertains to special-status plants, light trespass is not expected to be a factor related to plant survival, and the mitigation lands may not even be located within or adjacent to the Specific Plan area, it is not necessary or appropriate to include monitoring of light trespass as part of Mitigation Measure BIO-1.3 and the special-status plant HMMP.

Comment W.21:

Bird Safe Design

We are pleased to see updates to the Bird Safe Design standards of the 2013 Specific Plan. Overall, we agree with the updates suggested. We do recommend one change to the Proposed Specific Plan Update Bird Standard 6.8.4 (p. 143):

6. Bird-safe glazing treatments may include any of the following:

- Fritting
- Netting
- Permanent stencils
- Frosted glass
- Exterior screens
- Physical grids placed on the exterior of glazing
- Ultraviolet (UV) patterns visible to birds

Recommendation: *We ask that Ultraviolet (UV) patterns be removed from the list. UV patterns are visible to some, but not all bird species, therefore rendering them less effective than other bird-safe glazing treatments already listed.*

Response W.21: The commenter requests that the above measure related to future developments including glazing treatments with ultraviolet (UV) patterns visible to birds be removed. A number of ultraviolet bird-safe patterns have been determined through scientific studies to be effective at reducing bird collisions. Twenty-two (22) ultraviolet products have been tested and approved by the American Bird Conservancy as effective at reducing collisions.¹⁰ Based on these results, it is appropriate to include ultraviolet patterns in the list of bird-safe glazing treatments that may be used for projects under the Specific Plan Update. Therefore, the bird-safe glazing treatments measure that includes UV patterns visible to birds (on Draft SEIR Page 143) is adequate and will remain as one of the measures available to reduce impacts related to bird collisions to less than significant.

Comment W.22:

MM BIO-9.1 Implement Invasive Weed Best Management Practices (BMPs)

The mitigation measure provides good standards for control of invasive weeds both during and after construction. For post-construction we recommend prohibiting use of landscaping blowers within at least 100 feet of the marsh edge. Non-native and invasive seeds become airborne and can

¹⁰ American Bird Conservancy. Glass Collisions: Products and Solutions Database. Accessed October 24, 2024. https://abcbirds.org/glass-collisions/products-database/?_product_interest=professionals&_product_archtype=new-glass&_product_type=glass-uv-pattern&_product_surface1=yes.

spread even further by breezes more prevalent along the shore. On a continuous basis, prohibiting use of blowers will reduce spread of seeds, dust and debris into the marshes. Please add a bullet to enact this prohibition.

Policies protecting Biological Resources

On p.143 of the DSEIR, impact analysis discussion responds to this question:

“e) Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?”

The discussion does not mention local policies pertinent to adjoining and potentially impacted wetlands:

1. US Fish and Wildlife Service: Comprehensive Conservation Plan of the Don Edwards San Francisco Bay National Wildlife Refuge
2. MidPeninsula Regional Open Space District: As the District manages the Ravenswood Open Space Preserve in part under permits issued by various agencies, the District should be consulted regarding its policies that are protective of the Preserve.

Recommendation: *Please mention these agency policy documents to be consulted and provide them as references.*

Response W.22: In response to the comment regarding the use of landscaping blowers, MM BIO-9.1 (Draft SEIR Pages 135 and 136) has been revised to include the following bullet: “To avoid mobilizing weed seeds, use of landscaping blowers within 100 feet of the edge of salt marsh is prohibited.” The revision does not change the less than significant impact with mitigation incorporated conclusion on Draft SEIR Page 136 pertaining to development under the Specific Plan Update effects on riparian/sensitive habitat.

No future development is proposed on Midpeninsula Open Space District or Don Edwards San Francisco Bay National Wildlife Refuge (wildlife refuge) lands. No future development under the Specific Plan Update is proposed adjacent to the wildlife refuge, located at the salt ponds approximately 250 feet north of the Specific Plan area. A future loop road could be constructed along the northern edge of the Specific Plan area. However, the Specific Plan area and the wildlife refuge are separated by a Union Pacific Railroad right-of-way. Once the loop road is proposed and detailed plans for the construction of the loop road are available, the City, in consultation with a qualified biologist, will determine if coordination with the US Fish and Wildlife Service is necessary. Future development under the Specific Plan Update could occur approximately 200 feet west of the Ravenswood Open Space Preserve; the Specific Plan area and the Open Space Preserve are separated by a levee and the wildlife refuge to the southeast. If the preferred SAFER BAY levee

alignment is located such that it would physically separate future development from the (adjacent to the Open Space Preserve), a multi-use path would be constructed on top of the levee under the Specific Plan Update. A project-level environmental review would be required for construction of the multi-use path. At the time multi-use path is proposed, the City would consult with a qualified biologist to determine if coordination with the Midpeninsula Open Space District will be required.

No activities under the Specific Plan would occur within lands owned by the USFWS (as part of the Don Edwards San Francisco Bay National Wildlife Refuge) or the Midpeninsula Regional Open Space District, and thus the policies of those two entities are not relevant to the CEQA guideline pertaining to conflicts with local policies or ordinances. Therefore, those entities' guidelines do not need to be discussed in the SEIR

Comment W.23: SECTION 3.7 - GEOLOGY AND SOILS

Mitigation of Groundwater Rise Impacts

We appreciate that the DSEIR incorporates DSPU Standard 9.7.6 as a mitigation measure for addressing liquefaction concerns as reflected in GEO MM-2. The requirement for groundwater studies under this standard is crucial for ensuring that potential risks associated with liquefaction are properly mitigated. However, upon reviewing the entirety of Section 3.7, it is evident that Standard 9.7.6 is similarly relevant to other mitigation measures, including GEO MM-1, GEO MM-3, GEO MM-4, and GEO MM-5, as well as to Impact Question e) on page 184 and the discussion of cumulative impacts in Section 3.7.2.2 (p. 187).

That said, it is a major concern that Standard 9.7.6 is limited to shoreline properties given that a much broader portion of the DSPU area may be exposed to higher risks associated with the various geological impacts discussed in Section 3.7 when groundwater rise is taken into account. Moreover, there is potential for these impacts to affect, or to be exacerbated by, conditions on adjoining lands with similar groundwater characteristics.

Shallow groundwater rise is a pervasive issue that affects nearly all geology impacts discussed in Section 3.7. This includes repeated references to liquefaction throughout the Section. Groundwater rise is relevant to discussion regarding the exacerbation of expansive soils, vertical movement, settlement, and lateral spreading—all of which could produce more severe outcomes as groundwater levels rise. Standard 9.7.6 explicitly identifies threats from shallow groundwater, such as buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization, as significant threats to both developed and undeveloped environments.

Response W.23: Future groundwater rise, as a result of forecast sea level rise in the latter half of this century, is a future concern, and is not related to how the development projects implementing the Specific Plan Update would impact current conditions, therefore the topic is outside the scope of CEQA, which is concerned with how a project would change the baseline, i.e. existing conditions. Per California

Building Industry Association v. Bay Area Air Quality Management District, 62 Cal 4th 369 (BIA v. BAAQMD), the future potential effects of the environment on a project (e.g., the potential future effects of rising groundwater levels on the development implementing the Specific Plan Update) are not considered CEQA impacts. Although Standard 9.7.6 requiring future developments to include a geotechnical assessment of the project's vulnerability to shallow groundwater rise and submit a list of project measures that will monitor seasonal and permanent emergent groundwater impacts, is listed under liquefaction impact discussion, future developments would not be limited to using the assessment to address liquefaction-related geological hazards (as described in the standard). The standard could address geological issues such as soil expansion, lateral spreading, and differential settlement. Groundwater elevation fluctuations are usually related primarily to seasonal rainfall patterns, pumping of groundwater for domestic water supply or agricultural irrigation purposes, and for some sites (e.g., those near the coast or bay) tidal influences. Sea level rise also has the potential to influence groundwater levels, but over a much longer timeframe, expected the latter half of this century. Future development projects implementing the Specific Plan Update would not exacerbate the potential for mobilization of contaminants due to groundwater rise, as the magnitude of sea level rise and related increase in groundwater elevation would not be influenced by development within the Specific Plan. See also Response W.2

Comment W.24: Below ground disruptions associated with utilities, basements, below-ground garages, and septic tanks raise a concerning risk that shallow groundwater may be redirected to adjoining properties, including the Baylands, potentially redistributing buried contaminants to nearby locations.

When these factors are considered together, the cumulative impacts that may affect the SPU Area could become significant. It is important to note that the 2013 SP did not include any policy regarding shallow groundwater rise. That is understandable given that relevant science and reports detailing the impacts of sea level rise on shallow groundwater have only emerged in recent years. Given direct DSEIR relevance, we provide links to some of these recent studies.^{11, 12, 13}

Response W.24: Refer to Responses W.2 and W.23 above. Potential fluctuations in groundwater levels (increases or decreases), and other subsurface conditions, would

¹¹ SPUR, Map, Current Groundwater Levels, Look Out Below, Case Study of East Palo Alto, p.18, May 2024. https://www.spur.org/sites/default/files/2024-06/SPUR_Look_Out_Below.pdf

¹² Pathways and the San Francisco Estuary Institute, Shallow Water Response to Sea Level Rise: Alameda, Marin, San Francisco, and San Mateo Counties. 2022. <https://www.sfei.org/documents/shallow-groundwater-response-sea-level-rise-alameda-marin-san-francisco-and-san-mateo>

¹³ SFEI, Sea-Level Rise Impacts on Shallow Water in Moffett Park, Report prepared for the City of Sunnyvale, November 2021.

be considered in the preparation of the site-specific corrective action/risk management plans described in Specific Plan Update Policy LU-5.2. Future development projects would not exacerbate the potential for mobilization of contaminants due to groundwater rise, as the development implementing the Plan would not influence the rate or magnitude of sea level rise itself. The potential for contamination on a particular property to migrate off-site as a result of the project's subsurface disturbance would be evaluated and addressed under regulatory oversight at the time a specific development is proposed; therefore, the cumulative impacts from contamination that could be mobilized from rising groundwater levels are anticipated to be less than significant. The comment also refers to septic tanks, however future development implementing the Plan Update would not be reliant on septic tanks, all development would be served by the East Palo Alto Sanitary District wastewater collection system serving East Palo Alto.

Comment W.25: Our comments on the DSPU document strongly recommended that a policy like Standard 9.7.6 be applied across the entire SPU Area. "The Specific Plan area is entirely located within a State designated liquefaction hazard zone." That MM GEO-2 finding alone seems sufficient to support SPU Area-wide application of Standard 9.7.6 requirements.

Recommendation: *We recommend that mitigations GEO MM-1, -3, -4 and -5 all include Standard 9.7.6. While the DSEIR has already done so in GEO MM-2, structural integrity issues could be even greater due to shallow groundwater, particularly in relation to lateral spreading, vertical movement, differential settlement, and expansive soils. If the final SPU expands Standard 9-7-6 we ask that the change be incorporated in Section 7 mitigations.*

Response W.25: Refer to Responses W.2 and W.23. Standard 9.7-6 (Draft SEIR Pages 180 and 181) requiring future developments adjacent to the shoreline to prepare a shallow groundwater vulnerability assessment is not a part of Mitigation Measure MM GEO-2 (which requires future projects' foundations to be designed to compensate for effects of liquefaction, differential settlement, and lateral spreading due to earthquakes). Future applicants would not be limited to using the results from the vulnerability assessment to address liquefaction-related geological hazards. Therefore, the mitigation measures referenced in the comment above would not liquefaction-related geological hazards. The standard could address geological issues such as soil expansion, lateral spreading, and differential settlement. Standard 9.7-6 would not need to be included in the mitigation measures mentioned in the comment above. The commenter requests Standard 9.7.6 should apply to the entire Specific Plan area instead of the properties adjacent to the shoreline. Documentation which shows shallow groundwater levels in the Specific Plan area is provided, however, the documentation does not show that groundwater rise would affect the entire Specific Plan area by 2040 (when Specific Plan Update buildout occurs). However, the Specific Plan Update Standard 9.7.6 has been revised so that it is required to be implemented by future project sites with

depths to groundwater of six feet or less at the time they undergo environmental review. Refer to Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment W.26: SECTION 3.9 - HAZARDS AND HAZARDOUS MATERIALS

The DSEIR does not provide sufficient basis to conclude that proffered mitigations will result in Less than Significant Impact and Less than Significant Cumulative Impact for IMPACT HAZ-1,

Future development projects could create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

or as answer to items b and c of the CEQA checklist:

b) Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?

c) Would the project emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?

The additional information needed to answer these questions relates to existing soil and groundwater contamination and hydrology within the RBD, and includes the following:

- Identification of health-protective cleanup standards for the RBD
- Detailed assessment of existing soil and groundwater contamination
- Impacts of groundwater rise on contaminant mobilization
- Descriptions of mitigation measures that may be required
- Potential impacts to the environment

Response W.26: The commenter suggests that the SEIR include more project-specific information regarding the existing soil and groundwater contamination, regulatory cleanup standards, and a description of mitigation measures that may be required based on the potential impacts to the environment. The Draft SEIR evaluates environmental impacts of future projects under the Specific Plan Update at a program-level, given the large number of properties involved and the timeframe over which the Plan Update will be implemented. More detailed information (such as then-current site conditions and proposed grading plans) about individual sites within the Specific Plan area will be developed at the time each future development is proposed under the Specific Plan Update. As stated in Specific Plan Update Policy LU-5.1 (Draft SEIR Page 220), prior to the development or redevelopment of parcels within the Specific Plan area, each future project would be required to prepare a property-specific Phase I Environmental Site Assessment (ESA), and if necessary, Phase II. The Phase I/II ESA would identify any known information about soil and

groundwater contamination at the future project site and surrounding properties, applicable regulatory cleanup standards, and any measures (identified in the corrective action/risk management plans) necessary reduce the impacts from contamination to less than significant.

Groundwater elevation fluctuations are usually related to seasonal rainfall patterns, pumping of groundwater for domestic water supply or agricultural irrigation purposes, and for some sites (e.g., those near the coast or bay) tidal influences. Sea level rise also has the potential to influence groundwater levels, but over a much longer timeframe than the implementation of the Plan Update over the next decade or two. As is customary, potential fluctuations in groundwater levels (increases or decreases), and other subsurface conditions, would be considered in the preparation of the site-specific corrective action/risk management plans described in Specific Plan Update Policy LU-5.2. Future development projects would not be expected to exacerbate the potential for mobilization of contaminants due to groundwater rise.

Comment W.27:

The DSEIR cites policies LU-5.1 through LU-5.6 from the draft SPU that are intended to provide protection from chemical exposures, whether from legacy contamination or from future industrial chemical usage within the RBD. Evaluation of chemical impacts is also related to Standard 9.7.6: “Shallow Groundwater Vulnerability Assessment and Mitigation,” which requires a geotechnical assessment of potential contaminant mobilization.

None of the above policies provide protection to residents outside of the RBD, other than students at schools within one-quarter mile of a project.

Policy LU-5.1 requires each project to evaluate whether “remedial measures are needed to protect the health and safety of site occupants and construction workers.” Policy LU-5.2 likewise sets requirements for protection of onsite workers and future site residents from chemical hazards released during construction.

Offsite residents (including sensitive populations) are not protected. There are no policies in the DSEIR requiring evaluation of soil or groundwater contamination impacts on the environment. Thus, the DSEIR analysis of IMPACT HAZ-1 is incomplete and the mitigations are inadequate to conclude that there will be less than significant “hazard to the public and the environment.”

Response W.27: The soil, soil vapor and/or groundwater quality studies described in Specific Plan Update Policy LU-5.1 (Draft SEIR Page 220) would include, if warranted, sampling of off-site areas (including, if warranted, outside the Specific Plan area boundaries) to establish the lateral and vertical extent of impacts from identified releases. Such work is routinely required by overseeing regulatory agencies. Establishment of the lateral and vertical extent of impacts also is required to

evaluate appropriate corrective action/risk management measures described in Specific Plan Update Policy LU-5.2.

The corrective action/risk management plans described in Specific Plan Update Policy LU-5.2 (Draft SEIR Page 220) would establish appropriate management practices for handling and monitoring of impacted soil, soil vapor and groundwater that potentially may be encountered during construction activities. The “appropriate management practices” would include measures that are protective of off-site populations. For example, various dust control measures and air monitoring are commonly conducted (and required by overseeing regulatory agencies) during excavation of impacted soil. Regulatory agency approval of the corrective action/risk management plans is stipulated in Specific Plan Update Policy LU-5.2. Given the measures related to contamination in Policies LU-5.1 and LU-5.2 account for protection of off-site properties/residences, no changes to these policies are required. Future projects’ implementation of Specific Plan Update Policies LU-5.1 through LU-5.10 in the Draft SEIR Section 3.9 Hazards and Hazardous Materials would be adequate to reduce the potential impacts of hazardous materials on the public and environment to less than significant.

Comment W.28: Additionally, neither the DSPU nor the DSEIR address the major, and possibly cost-prohibitive, challenges posed by building in a heavily contaminated area that will be impacted by rising groundwater. The level of concern among some regulators is such that a spokesman for the U.S. Environmental Protection Agency stated that, at the ROMIC site on Bay Road, “development is unlikely.” When the DSEIR states that mitigations will be performed, identification of specific mitigations are deferred to the individual projects. There is no assurance that mitigation measures that would achieve sufficient cleanup within a reasonable timeframe, or under conditions of emergent groundwater are feasible. Under CEQA, an EIR is inadequate if it fails to suggest mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness.

Response W.28: The above comment is pertaining to an individual site within the Specific Plan area. Refer to Response W.26. The purpose of the Draft SEIR is to evaluate environmental impacts of future projects under the Specific Plan Update at a program-level. More detailed information (such as then-current site conditions and proposed grading plans) about individual sites within the Specific Plan area will be developed at the time each future development is proposed under the Specific Plan Update; detailed information regarding the conditions on each parcel within the Plan area is not available at this time and identifying the specific measures a future project must implement to reduce hazardous materials impacts at a particular site would be speculative. Specific Plan Policies LU-5.1 through LU-5.6 require future projects to conduct site investigations and implement, under regulatory agency oversight, measures sufficient to reduce hazardous materials/contamination impacts to less than significant levels. A project application was previously on file at 2020 Bay Road for the ROMIC site; however, the project is

currently on hold until a decision is made on the Specific Plan Update. Refer to W.26 to address the comment about emergent groundwater. Groundwater elevation fluctuations would be considered in the preparation of the site-specific corrective action/risk management plans described in Draft SEIR Policy LU-5.2, Page 220. For the above reasons, the Draft SEIR adequately addresses, at a program level, hazardous materials impacts related to future development under the Specific Plan Update.

Comment W.29:

Recommendation: *The following changes to the DSEIR and Appendices are requested, to more accurately evaluate chemical hazards.*

Establish program-wide, default cleanup standards for the Plan Area. Policy LU-5.1 uses the results of a Phase I ESA to determine the need for additional sampling, but does not identify the contaminant levels that will trigger additional investigation or remediation. Multiple regulatory agencies (RWQCB, USEPA, and DTSC) have oversight over properties within the Plan Area with known or suspected contamination. Cleanup requirements across these properties are not uniform and do not provide equal levels of health protection for a given land use. The DSEIR should list default health-protective, maximum allowable contaminant soil concentrations for residential and industrial uses, and for construction workers. For properties with contaminants above those levels, developers should be required to perform a multi-pathway human health risk assessment to determine site-specific cleanup levels. The DSEIR should define the circumstances that would mandate an ecological risk assessment and require the developer to work with the RWQCB to define site-specific conditions triggering remedial action.

Response W.29: Please refer to Response W.28. Contaminant levels are set by oversight agencies, and they would be whatever levels are in effect at the time a project was undergoing review, as they may change (i.e. become more stringent) over time. The identification of contaminant levels that will trigger additional investigation or remediation will be included in the property-specific Phase I ESA at the time a future development is proposed, and the oversight agency will be determined at that time and. Site-specific cleanup levels and triggers for remedial action would also be established in consultation with the oversight agency at the time a specific development is proposed. There would be site investigation to determine then-current conditions, the potential for those conditions to pose a health risk to construction workers, nearby receptors, the environment, and future project occupants, and the necessary measures to address those health risks would be determined by the oversight agency.

Comment W.30:

Without area-wide standards protective of human health and the environment, individual property owners may develop separate plans that are not protective of human health. For example, in March

2024, RWQCB approved a Risk Management Plan (RMP) for seven properties north of Bay Road within the Ravenswood Industrial Area (RIA) owned by Sycamore Real Estate LLC. The RMP is described as an attachment to the Land Use Covenant (LUC) for those properties, intended to ensure that future development is protective of onsite and offsite human exposures to volatile organic compounds (VOCs) in reused soil or fill placed above a durable cap. However, the allowable concentrations in surface soil are Environmental Screening Levels (ESLs) that are intended as indicators of a need for further evaluation, not final cleanup levels. RWQCB guidance (page 1-5) states:

“The ESLs should not be used as the sole basis for determining whether fill soil is clean because the ESLs do not address all exposure pathways (e.g., transport of pollutants in dissolved or particulate phases via surface water).”

“Cleanup levels are approved on a case-by-case basis by the Regional Water Board. Proposed final cleanup levels are based on a discharger-developed feasibility study of cleanup alternatives that compares effectiveness, cost, time to achieve cleanup standards, and a risk assessment to determine impacts on beneficial uses, human health, and the environment. Cleanup levels must also take into account the mobility and volume of pollutants.”

Upon approving the RMP, which applies only to the properties listed and only to VOCs in soil, RWQCB issued Order R2-2024-0003 rescinding the previous cleanup orders for all 29 properties in the Ravenswood Industrial Area (RIA), including those that, as the DSEIR (p. 215) states, “have not yet been investigated or remediated.” The Order notes that pollutants at these properties other than VOCs include “petroleum hydrocarbons, pesticides, and metals”. Other than the light fraction of petroleum (e.g., benzene), none of these contaminants would be addressed by the VOC mitigation measures described in the RMP and would continue to pose risk to human health.

Response W.30: Refer to Responses W.26 and W.29. The comment requests the City in the SEIR set area-wide standards protective of human health and the environment, and claims individual property owners may develop separate plans that are not protective of human health. However, individual property owners do not set the cleanup levels for their properties. As quoted in the comment, cleanup levels are approved on a case-by-case basis by the Regional Water Board, or other applicable oversight agency, e.g. state Department of Toxic Substances Control or the County Department of Environmental Health.

Based on information from the hazardous materials consultant for the Specific Plan Update Draft SEIR, the City is aware the San Francisco Bay RWQCB issued Order No. R2-2024-0003 on May 19, 2024, which rescinded previous orders subsequent to completion of the Draft SEIR Appendix D 2023 Screening Level Environmental Site Assessment for the Specific Plan Update and the release of the NOP (in April 2022). Refer to Response K.20. Therefore, the above updates are not required to be

included in the Draft SEIR but would be reviewed at the time development/redevelopment is proposed, per Policy LU-5.1.

Comment W.31: Revise and Expand the Screening Level Environmental Site Assessment (ESA).

Policy LU-5.1 requires property-specific Phase I ESAs for all development projects, an appropriate first step. However, the scope of the DSEIR ESA (Appendix D), which is used to support the “No Significant Impact” conclusion, was limited to a review of “selected, readily available public information” [page D-8]. Primary sources of contaminant monitoring data, such as the 1995 USEPA Brownfields Program Phase II report and groundwater analyses in the DTSC GAMA database, were not compiled or evaluated. There is no attempt to compare existing concentrations to screening levels. The SEIR should summarize current RWQCB and DTSC cleanup requirements for residential and industrial/commercial use and note any that have changed since the 1980s, as earlier cleanup levels may not be considered health-protective today. The SEIR ESA should identify data gaps for all properties, such as the lack of any data on emerging contaminants (e.g., PFAS), failure to analyze for all likely contaminants of concern, and measurements conducted by older analytical methods with detection limits above applicable cleanup levels.

As noted above, the RWQCB Orders in Appendix A of the ESA were rescinded and superseded by Order No. R2-2024-0003. The ESA and SEIR should summarize the current remediation status and any required cleanup levels for all 29 properties within the RIA, as it is unclear what requirements apply to the 22 parcels not called out in the Sycamore Real Estate Investments RMP.

Response W.31: Refer to Responses W.29 and W.30. Clean up levels for various contaminants are set by oversight agencies, and not the City as part of the SEIR, and the cleanup requirements would be whatever levels are in effect at the time a project was undergoing review, as they may change over time. Site-specific cleanup levels and triggers for remedial action would be established by the applicable oversight agency, at the time a specific development is proposed. The San Francisco Bay RWQCB issued Order No. R2-2024-0003 on May 19, 2024 which rescinded previous orders for the above properties subsequent to the release of the NOP in April 2022 (i.e., the baseline conditions for the Draft SEIR are based on the existing conditions in April 2022). Refer to Responses K.20 and W.30. Therefore, no updates to the RWQCB orders after the NOP release date are required to be included in the Draft SEIR (as existing conditions change over time). The then-current conditions at the above properties will be confirmed at the time a specific development undergoes project-level environmental review.

Comment W.32: Evaluate impacts of groundwater rise on contaminant mobilization and on current and future remediation efforts. Standard 9.7.6 (pp. xxxvi, 180) requires projects to evaluate vulnerability to contaminant mobilization due to groundwater rise, but only for “shoreline-adjacent” projects. This limitation is inappropriate. The SPUR study concludes that most of the RBD south of Bay Road will experience flooding by emergent groundwater with two feet of seawater

rise, projected to occur by the end of the century. With three feet of rise, nearly 60 percent of East Palo Alto is projected to be inundated.

The DSEIR fails to consider this impact, stating only that shoreline-adjacent properties shall “submit a list of project measures that will monitor and mitigate seasonal and permanent emergent groundwater impacts.” This statement is very vague and provides no indication of what mitigations might be possible. Raising new developments above the current ground elevation will not stop contaminated groundwater from migrating inland as the water table rises, where it could pose a risk to offsite residents. The SEIR should require all projects with soil contamination above default soil or groundwater cleanup levels to conduct a mobilization study.

Groundwater rise may damage, or render ineffective, existing or planned remediation infrastructure such as monitoring wells, extraction wells, slurry walls, and in-situ treatment. A durable cap, specified in RBD closure orders and Land Use Covenants (LUC), is not an appropriate long-term remedy for preventing contaminant migration, since groundwater rise may disrupt the cap. Neither the DSPU nor the DSEIR requires developments to evaluate and mitigate public health and environmental impacts associated with destruction of remediation systems.

Response W.32: Groundwater rise to the degree described in the comment is a future concern, multiple decades away, and not anything related to how specific development implementing the Plan Update would impact current conditions. Therefore, the issue being raised+ is outside the scope of CEQA, as it does not pertain to the project’s change to baseline conditions. Rather, the issue pertains to future environmental conditions (i.e. sea level rise predicted later this century that could lead to rise of local groundwater levels) that may change independent of the project. Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal 4th 369 (BIA v. BAAQMD), effects of the environment on a project (e.g., the effects of rising groundwater level to the development of the Specific Plan Update) are not considered CEQA impacts. Further, the specific issue of whether future sea level rise must be accounted for in CEQA was addressed in the Ballona Wetlands case where the appellate court found CEQA does not require an evaluation of future sea level rise (refer to (Ballona Wetlands Land Trust v. City of Los Angeles (2011) 201 Cal.App.4th 455, 473 [“The Revised EIR Was Not Required to Discuss the Impact of Sea Level Rise on the Project.”])). This does not, however, preclude the City from considering adaptation strategies outside of the CEQA process. Groundwater elevation fluctuations are usually related primarily to seasonal rainfall patterns, pumping of groundwater for domestic water supply or agricultural irrigation purposes, and for some sites (e.g., those near the coast or bay) tidal influences. Sea level rise also has the potential to influence groundwater levels, but over a much longer timeframe, long after the Specific Plan is expected to be implemented. Potential fluctuations in groundwater levels (increases or decreases), and other subsurface conditions, would be considered in the preparation of the site-specific corrective action/risk management plans described in Specific Plan Update Policy LU-5.2. Future development projects would not be expected to exacerbate

the potential for mobilization of contaminants due to groundwater rise, as the forecast sea level rise (and related increase in groundwater levels) is due to global climate change, and not any particular development within the Plan area.

The comment above notes that groundwater rise would occur two feet by the end of this century. The Draft SEIR includes an analysis of environmental impacts of the Specific Plan Update buildout (which is in 2040). The issue of groundwater rise due to forecast sea level rise multiple decades into the future extends beyond the 2040 buildout of the Specific Plan Update and is outside of the scope of the Specific Plan Update SEIR. The commenter does not provide documentation to justify why Standard 9.7.6, which requires future shoreline-adjacent development projects to complete a geotechnical assessment of the projects' vulnerability to shallow groundwater rise, should be updated to include all future development within the Specific Plan area. As discussed in Response W.25 above, Standard 9.7.6 has been revised to apply to properties within the Plan that have depths to groundwater of six feet or less at the time they undergo environmental review. It is not required under CEQA that the Draft SEIR analyze impacts to the destruction of remediation systems. Future developments will implement Specific Plan Update Policies LU-5.1 through LU-5.6 to reduce the impacts of hazardous materials on the public and environment.

Comment W.33: Evaluate the adequacy of the soil cleanup levels and remediation plans for arsenic and other contaminants at the Rhone-Poulenc (Starlink Logistics) property and adjacent properties. The Final Cleanup Order for this site allows arsenic in surface soils up to 20 mg/kg for residential use (the South of Weeks operable unit (OU)), to 70 mg/kg for nonresidential use with deed restrictions and a durable cap (the Upland OU and Upland OU Annex), and to 500 mg/kg for "accessible" soils treated by chemical fixation. These values are far higher than the current DTSC screening level of 0.11 mg/kg for residential use and 0.36 mg/kg for industrial use. They are also far higher than the RWQCB ESLs for residential and industrial exposure to arsenic in shallow soils, 0.062 and 0.31 mg/kg respectively, and the 2.0 mg/kg ESL for construction workers (any land use, any depth).

Response W.33: Refer to Responses W.29 through W.31. Given the Draft SEIR is a program-level CEQA document, the Draft SEIR does not provide an analysis of site-specific conditions, including arsenic cleanup levels for soil pertaining to specific sites. The Draft SEIR includes policies (LU-5.1 through LU-5.6) that future developments will be required to implement to reduce the impacts of hazardous materials on the public and environment. Information such as the appropriate regulatory screening levels will be included in a property-specific Phase I ESA (per Draft SEIR Policy LU-5.1, Page 220).

Comment W.34:

Both DTSC and RWQCB recognize that even natural levels of arsenic can pose an excessive cancer risk; thus, they recommend a site-specific risk assessment. Such assessments often conclude that it is impractical to remediate below background levels. The Final Cleanup Order states that the 20

mg/kg residential limit is based on a soil background concentration. However, the RWQCB-accepted background concentration of arsenic in Bay Area urban soils is 11 mg/kg,²⁷ which is also the limit specified in a Harvest Properties RMP for imported fill at the Rhone-Poulenc site. Also concerning is that the Order states that arsenic cleanup limits are adjusted to achieve an excess cancer risk of 1 in 10,000. Target risks in health risk assessments typically range from 1 in 10,000 (less protective) to 1 in one million (more protective). No explanation was provided as to why the least protective end of the risk range was selected for this site. The SEIR should provide more detail on how all the limits were developed and evaluate options to modify the Final Order for this site, based on newer arsenic toxicity information.

Response W.34: Please refer to Response W.33. As this is a program-level SEIR, information regarding appropriate arsenic concentrations and cleanup limits, and the associated risks in the above-mentioned cleanup order will be evaluated as a part of a property-specific Phase I ESA, at the time development or redevelopment is proposed for a particular site and based on then-current regulatory requirements.

Comment W.35: The EIR should require a geotechnical study at this site as specified in Standard 9.7.6, to evaluate the potential impact of future groundwater rise and increased aquifer salinity on the effectiveness of the remedial measures. Any future project on this property should be required to conduct a study to evaluate the potential for the following outcomes:

- **Mobilization of arsenic and other inorganic elements in untreated and fixated soil.** Studies have shown that saltwater intrusion in coastal aquifers can increase the solubility of inorganic arsenic. The Final Cleanup Order omits cleanup requirements for other metals and metalloids present at elevated levels in soil (cadmium, lead, mercury, and selenium) on the basis that the concentrations of these contaminants are generally correlated with that of arsenic. That correlation may not apply under different redox conditions, as can occur with saltwater intrusion. A geochemical evaluation is needed to better understand the mobility of all contaminants in untreated and fixated soils under high salinity conditions.
- **Migration of contaminated groundwater to the Bay and to inland areas.** The Final Cleanup Order has no requirement to remediate arsenic or other contaminants in groundwater, on the basis that there is no evidence of migration to the lower aquifer. This ignores the potential for discharge of shallow groundwater to the Bay or migration of the contaminant plume inland as sea level rises. Shallow groundwater is not used for drinking water in East Palo Alto, but due to the shallow depth of the water table, migration of contaminants inland could pose a risk to residents through contact with emergent groundwater or ingestion of home-grown produce.

Response W.35: Refer to the Response W.32. The above details regarding the Final Cleanup Order pertaining to a particular property within the Plan area will be reviewed at the time development or redevelopment is proposed for the property under the Specific Plan Update. The future effects of groundwater rise due to sea level rise forecast to occur by the end of the century on the Specific Plan area are

not considered an impact under CEQA, as it is related to the effects of potential future conditions' on the Specific Plan area, while CEQA is concerned with a project's impacts on baseline conditions. The commenter does not include documentation for why all properties should be required to prepare a shallow groundwater vulnerability assessment under Standard 9.7.6, on Draft SEIR Pages 180 and 181; therefore, no revisions will be made to the standard at this time. However, Specific Plan Update Standard 9.7.6 has been revised so that it is required to be implemented by future projects with sites that have shallow groundwater (less than six feet below the ground surface at the time they undergo environmental review). See Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment W.36: Evaluate the potential for contamination at the Infinity Salvage property.

Future use of this property as an open space or park, as proposed in the DSPU, could expose the City to high remediation costs. In addition to likely contamination of soil and groundwater from decades of automobile fluid leaks, the July 2024 fire at the facility may have deposited heavy metals, combustion byproducts and other contaminants on nearby properties and Bay wetlands.

Response W.36: The above comment pertains to concerns about a specific property. The purpose of the Draft SEIR is to provide a program-level analysis of environmental impacts from implementing the Specific Plan Update, and the Draft SEIR does not attempt to evaluate the potential effects of development on particular properties, as that will happen at the time a specific project is subject to project-level environmental review. The cost of remediation for a specific property is beyond the scope of this program-level SEIR. The contamination at a specific site, and the remediation options and cost, will be addressed at the time development or redevelopment is proposed. As described in Specific Plan Update Policy LU-5.2 (Draft SEIR Page 220), future projects would be required to implement the appropriate corrective action/risk management plan [e.g., RAP, removal action workplan (RAW) or Site Management Plan (SMP)] which would include measures such as requiring appropriate management practices for handling and monitoring of impacted soil that would reduce impacts to off-site areas.

Comment W.37:

Evaluate contaminant impacts on estuarine ecosystems. The DSEIR does not address the potential for hazardous chemicals in soils and groundwater to impact the salt marsh/open water/tidal slough habitat adjacent to the RBD shoreline. Transport pathways by which contaminants could enter the Refuge include groundwater discharge, rainfall or flood water runoff, bank erosion, and dust deposition. The SEIR should evaluate whether development in the RBD could lead to contamination of habitat via these pathways, and identify regulations that would require mitigation if contamination occurs. Additionally, the SEIR should evaluate whether construction could disrupt the following existing remediation systems that protect the habitat in the channel and marsh bordering the RBD.

Response W.37: Draft SEIR Mitigation Measure MM BIO-4.2 (Page 124 and 125) includes construction best management practices that future projects would be required to implement during construction activities that occur near the tidal salt marsh, open water, or tidal slough habitats. Measures include requiring fueling, washing, and maintenance of vehicles to occur in developed habitat (away from all tidal salt marsh, open water, and tidal slough habitats), requiring that no litter, debris, or sediment be dumped into storm drains, and stockpiles that would remain on the site throughout the wet season to be protected to prevent erosion. As stated on Draft SEIR Page 239, to reduce water quality impacts during construction, future development projects that would disturb one acre or more of soil would comply with the statewide NPDES Construction General Permit to reduce runoff and pollution in runoff from construction activities, including preparation of a NOI and a Storm Water Pollution Prevention Plan (SWPPP), and implementation of stormwater control BMPs. In the event contaminated groundwater is encountered during future construction activities, the SWPPP would also include provisions for proper management of dewatered effluent and would ensure proper disposal.

During project operations, vehicles traveling on roadways may release gasoline, oil, antifreeze, and other contaminants, resulting in contaminated stormwater runoff. To reduce water quality impacts post-construction, future development, which disturbs more than 5,000 square feet would be required to comply with the Municipal Regional Permit (including Provision C.3) low impact development (LID) site design. LID features for future development could include self-treating and self-retaining areas to allow on-site retention, percolation, and evaporation of stormwater runoff which would prevent significant contamination of salt marsh habitat. The potential for future projects to disrupt existing remediation systems that protect salt marsh habitat will be reviewed as a part of the specific development's project-level environmental review, as applicable, as it is beyond the scope of the program-level SEIR.

Comment W.38:

- Recent sampling and analysis of surface water in the channel adjacent to the ROMIC site suggests that an installed biobarrier is effective in preventing VOCs from entering the channel. The SEIR should discuss whether development can occur at that site without disrupting that remediation system.
- The Final Cleanup Order for the Rhone-Poulenc (Starlink Logistics) site required placement of a barrier or slurry wall to prevent migration of contaminated groundwater to the marsh. The SEIR should discuss how development at that site can occur without disrupting that remediation system.

Response W.38: The purpose of the Draft SEIR is to include an analysis of environmental impacts of future projects at a program-level. As described in

Responses W.29 through W.31 and W.33, the above comments pertain to contamination and a cleanup order at or adjacent to specific properties. At the time development or redevelopment is proposed for these properties, the then-current conditions will be confirmed as a part of the project-level environmental review (including the property-specific Phase I ESA), and any measures necessary to prevent the release of contamination into the environment as a result of redevelopment would be determined under regulatory agency oversight.

Comment W.39: Impact AIR-2: Chemical Exposure Hazards to Site Workers and the Public During Construction. The DSEIR does not require projects to evaluate exposures to site workers and to nearby residents/sensitive populations from any air toxic other than diesel particulate matter. RMPs for each development should be required to evaluate risks from airborne transport and inhalation exposure for all chemicals of concern. We recommend requiring onsite and downwind VOC and particulate air sampling and analysis of the air samples for chemicals of concern at every project site where soil concentrations exceed cleanup levels.

Response W.39: This comment touches on two separate issues that arise during construction activities, and these are dealt with in separate chapters of the Draft SEIR. The first issue concerns toxic air contaminant emissions from construction activity, such as diesel exhaust from construction equipment engines, and this is addressed in the Draft SEIR Section 3.3 Air Quality, where Draft SEIR Mitigation Measure MM AIR-4.1 requires project applicants for future projects within 1,000 feet of sensitive receptors (e.g., residential uses and schools) to complete a site-specific construction health risk assessment to assess the impacts of exposure to construction toxic air contaminants (TACs) and PM_{2.5}. Some examples of TACs include benzene, butadiene, formaldehyde, and hydrogen sulfide, as well as fine particulate matter. The second issue concerns the potential for construction activity to disturb soils on sites that have contamination, such as volatile organic compounds (VOCs), and this is addressed in Section 3.9 Hazards and Hazardous Materials. As stated in Specific Plan Policy LU-5.3, future applicants shall prepare a Health and Safety Plan (HSP), under appropriate regulatory agency oversight, to establish health and safety protocols for personnel working at a project site (which could include monitoring air contaminants). Protocols for monitoring air contaminants would be established during project-level environmental review, and projects with contamination that could be released into the local environment would be subject to regulatory agency oversight, e.g. the Regional Water Quality Control Board.

Comment W.40: SECTION 3.10 - HYDROLOGY AND WATER QUALITY

Key issue: Inadequacy of Flood Impacts Analysis due to Shallow Groundwater Rise. Section 3.10, Hydrology and Water Quality, reviews all the topics included in the 2013 Specific Plan EIR, while omitting the significant new environmental concern regarding impacts produced by rising levels of shallow groundwater. On that topic, while the DSPU proposed Standard 9.7.6 re shallow

groundwater rise, there was no corresponding discussion in the Groundwater discussion in this Section. There should be.

This Section cites the City's Vista 2035 General Plan which, under Safety and Noise, has: Policy 2.2 Flood related to sea level rise. Consider expanding boundaries of development control particularly where sea level rise could worsen flooding above predicted conditions. [emphasis added]

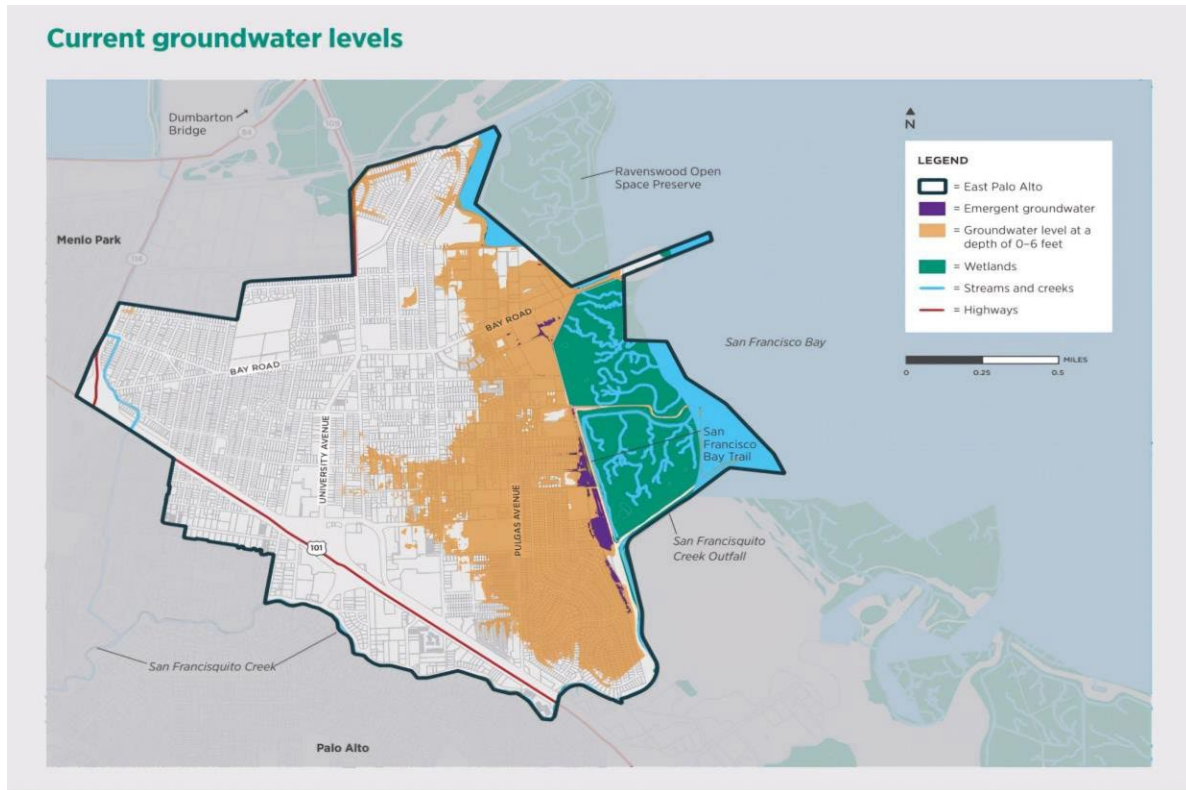
That General Plan policy and the inclusion of a Shallow Groundwater Standard in the DSPU are a sufficient basis for analysis in Section 3.10. We see that Standard 9.7.6 does not include flooding among its list of potential impacts. But its inference is clear: shallow groundwater will rise. In a report on groundwater prepared for Sunnyvale, the San Francisco Estuary Institute included the following in its list of potential impacts:

“Emergence flooding. Across much of Moffett Park, depth to water is 3-6 feet, and in many places groundwater is deeper than 6 feet below ground surface. Therefore, emergence flooding is unlikely to be a concern in the near future: subsurface impacts will be seen sooner. Flooding as a result of rising groundwater may first be seen during storm events in wet winters. As average water table elevations increase, groundwater may seep into channels, increasing base flow and decreasing channel capacity, so that when storms occur there may be reduced capacity to convey stormwater. When SLR exceeds three feet or more (likely toward the end of the century, but possible as early as 2070), emergence flooding may become a regular occurrence if adaptation strategies are not implemented.” [emphasis added]

Response W.40: Refer to Responses W.2 and W.23. Groundwater rise and associated emergence flooding due to sea level rise is a future concern as noted in the comment that may occur as early as 2070 (or 2050 based on the data from the state's Ocean Protection Council), and is not related to how the implementation of the Specific Plan would impact the environmental baseline, i.e. current conditions. The topic is outside the scope of CEQA, which is focused on how a proposed project would change existing baseline conditions, and not how future potential conditions may affect a project long after it has been implemented. The Draft SEIR provides analysis of the environmental impacts of the full implementation Specific Plan Update up to the year 2040. As noted in the comment, the issue of groundwater rise resulting from the rise in sea levels is forecast 50 to 70 years into the future, around the end of the century, well beyond the buildout of the Plan in 2040 and is outside the SEIR's scope.

Comment W.41: Section 3.10 Groundwater discussion focuses on recharge of groundwater and notes that historical groundwater levels vary from zero to 10 feet below existing grade, citing California Geological Survey data from 2006. The discussion omits more recent data such as was the

basis for the report, Look Out Below,¹⁴ a case study built on recent, substantial, and local scientific studies that provided data specific to East Palo Alto. In it, maps displayed large areas of East Palo Alto and the SP Area with groundwater levels either at zero to six feet below grade or emergent. These areas lay along the shoreline, extend substantially inland and have underground flow adjacency with non-SPU areas. The Look Out Below map seen here includes an isolated zero to six feet site along University Avenue near 4 Corners.



While 9.7-6, as proposed, is limited to shoreline properties, recent data demonstrate that shallow groundwater impacts apply much more broadly in the SP Area. As shallow groundwater areas connect across project and Specific Plan boundaries, a development action in one location, such as a below-ground garage, can redirect subsurface water onto other parcels or the Bay, impacting conditions on those sites.

Recommendation: *We ask that the Groundwater findings, analysis and mitigation be changed using more recent data. We have strongly recommended in our prior DSPU comment letter that 9.7.6 be corrected to apply to the entire SP Area as its potential impacts are broadly relevant to public and environmental safety and structural integrity inclusive of flooding.*

¹⁴ SPUR, Look Out Below, Groundwater Rise Impacts on East Palo Alto. A Case Study for Equitable Adaptation, May 2024, map excerpt from Exhibit 6, p. 17: https://www.spur.org/sites/default/files/2024-06/SPUR_Look_Out_Below.pdf

We ask that the Section 3.10 findings, impact analysis and mitigation discussions regarding Groundwater, Storm Drainage Systems and Flood Hazards incorporate rising shallow groundwater with reference to DSPU Standard 9.7.6 and recent, scientific references on the topic.

Response W.41: Refer to Responses W.2, W.23 and W.25. The information provided in the comment about groundwater levels in the eastern portion of the Plan area, as shown in the figure provided, being zero to six feet below ground is not conflict with the information provided in the Draft SEIR that historical groundwater levels vary from zero to 10 feet below existing grade, as that statement was referring to conditions across the entire Plan area, while the information provided in the comment is regarding the eastern portions of the Plan area closer to the bay, where the groundwater table is higher. Specific Plan Update Standard 9.7.6 has been revised so that it is required to be implemented by future projects with sites that have shallow groundwater (less than six feet below the ground surface to account for shallow groundwater rise. See Section 5.0 Draft SEIR Text Revisions in this Final SEIR. Groundwater elevation fluctuations are usually related primarily to seasonal rainfall patterns, pumping of groundwater for domestic water supply or agricultural irrigation purposes, and for some sites (e.g., those near the coast or bay) tidal influences. Sea level rise also has the potential to influence groundwater levels, but over a much longer timeframe, expected the latter half of this century, as discussed in Response W.40 above.

Comment W.42: SECTION 3.11 - LAND USE AND PLANNING

Development Standards

- **DSPU Standard 9.7.6**

This new DSPU Standard requires shallow groundwater vulnerability assessment and mitigation of impacts such as buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization hazards for all shoreline-adjacent development projects. Standard 9.7.6 is included as GEO MM-2 in the DSEIR. As discussed above in our comments on Section 3.7 - Geology and Soils, shallow groundwater rise can contribute to several additional GEO Impacts identified in the DSEIR (beyond Impact GEO-2) and expose a much broader portion of the DSPU area to higher risks associated with the various geological impacts discussed in Section 3.7. Additionally, as noted in this letter's Hydrology section, recent mapping suggests that groundwater rise could also exacerbate flood risks well beyond shoreline-adjacent parcels.

Recommendation: *DSPU Standard 9.7.6 should be amended to apply area-wide and flooding should be added to the impacts articulated in the Standard. Additionally, like DSPU Policy LU-6.4, Standard 9.7.6 should be incorporated throughout the SEIR's Land Use and Planning Impact Discussion, Section 3.11.2, and Non-CEQA Effects discussion, Section 3.11.3.*

Response W.42: Refer to Responses W.2, W.23 and W.25. In addition, Standard 9.7.6 is a Specific Plan Update policy and is separate from the mitigation measures discussed in Draft SEIR Section 3.7 Geology and Soils, e.g., it is not a part of MM GEO-2. Standard 9.7.6 does not need to be added to Section 3.7 Geology and Soils mitigation measures.

Comment W.43:

- **Setbacks and Stepbacks**

As discussed in the Biological Resources section of this letter, MM BIO-10.1 requires all properties on the shoreline and those that include or sit adjacent to wetlands to have wetland delineations performed during or prior to project design.

Recommendation: *Use the inner edge of delineated wetland as the basis for all shoreline setbacks, stepbacks or height decisions, and incorporate that standard in the Land Use impact analysis and mitigation.*

Response W.43: Refer to Response W.3. In the case of properties in the Specific Plan area that adjoin tidal wetlands or waters, a wetland delineation would help determine the baseline for the 100-foot BCDC shoreline band accurately, and setbacks for new development immediately adjacent to baylands areas will be determined based on a project-specific wetland delineation. Draft SEIR Figure 3.2-2 is adequate for purposes of the City's planning for stepbacks further inland from the Baylands. Therefore, no changes to the MM BIO-10.1 are necessary.

Comment W.44:

- **Height Limits**

As discussed in the Aesthetics section of this letter, we are concerned about substantial exceptions to DSPU's height limit standards that would allow rooftop equipment to extend up to 30 feet beyond a building's height limit. In some zones, this could effectively raise the total height by 50 percent. Such an effect would run counter to the DSPU's Key Community-Generated Land Use and Design Goal #7: Enhance public views of the Bay34 and the DSPU's stated intention to "reduce the apparent size of buildings."

Recommendation: *Limit rooftop equipment exceptions to approximately one story in height. If the equipment exceeds this height, it should be counted as a floor within the basic height limit.*

Recommendation: *At facades facing wetlands, rooftop equipment and screening should be set back from the roof's edge using a 45-degree view line from the wetlands delineation line to the edge of the roof.*

Response W.44: Refer to Responses W.5 and W.7 regarding the rooftop equipment exceptions. The Specific Plan Update Section 6.3.1 Maximum Building Height, Standard 4 includes rooftop equipment coverage limits for future developments.

Refer to Response G.3 regarding setbacks and shading. Taller buildings would be setback from the marsh and would not result in significant shading impacts. While the recommended setback requirements from wetlands or rooftop equipment exceptions are not necessary to reduce or avoid a potential significant impact from buildout of the Plan Update, the recommendations provided in the comment would be considered by the decision-makers in the Plan adoption process.

Comment W.45:

- **Specific Plan Update Policy LU-6.4**

We appreciate the retention of this policy from the 2013 Specific Plan. However, in the years since that plan was adopted, the scientific and policy communities have become much more aware and concerned about the threat and impacts of shallow groundwater rise and groundwater displacement due to rising sea levels. As such, it is appropriate to update Policy LU-6.4 to reflect this more recent, but substantial concern.

Recommendation: Add “shallow groundwater rise” to LU-6.4 as shown in green: “...Verify that environmental review of this report includes an assessment of flood and **shallow groundwater** rise risks to the building itself and...”

Response W.45: Refer to Responses W.2 and W.32. Although shallow groundwater rise (due to future forecast sea level rise the latter half of this century, well beyond the 2040 timeframe of buildout of the Specific Plan), is not considered an impact under CEQA, Specific Plan Update Policy LU-6.4 has been updated with the suggested edit to account for shallow groundwater rise. See Section 5.0 Draft SEIR Text Revisions of this Final SEIR.

Comment W.46: SECTION 3.13 - POPULATION AND HOUSING

Failure to Analyze Indirect Displacement Impacts

The DSEIR concludes that direct displacement impacts will be less than significant due to a net gain in housing units and no net loss of affordable housing. Additionally, it notes that displaced residents would be protected by tenant safeguards. However, in East Palo Alto, the greater risk may come from indirect displacement, particularly gentrification resulting from the creation of thousands of jobs that may be inaccessible to current residents.

East Palo Alto faces significant socio-economic challenges, including a very low jobs-to- employed residents ratio (0.35 compared to 1.0 County-wide), high levels of moderate to severe household overcrowding (26% versus 8% County-wide), and a large segment of the population with limited educational attainment. According to the Vista 2035 General Plan, 35% of adults over 25 have not completed high school, and another 45% lack Associate or Bachelor’s degrees. In a March 23, 2021, City Council Study Session, City staff presented data showing the correlation between educational attainment and income, as well as employment sector trends in East Palo Alto. Given this context, both residents and the City Council have consistently stressed the importance of job fit to counteract gentrification and displacement as the City grows.

Market Pressure from New Households and Affordability of Housing for Existing Residents



Source: CoStar, 2021; Santa Clara County Housing Authority, 2021; Strategic Economics, 2021.

39



Displacement concerns are already pronounced in East Palo Alto. Currently, 64.7% of households live in neighborhoods “susceptible to or experiencing displacement.” An impact analysis presented by the City’s Specific Plan Update (SPU) consultant in September 2021 indicated that 25% of East Palo Alto households—approximately 2,045 households—could be vulnerable to displacement due to the DSPU growth scenarios. The analysis also revealed that the maximum affordable rent for households in industrial, tech office, or research and development sectors could be 2.5 to 3 times higher than what current East Palo Alto residents can afford. Thus, existing residents could struggle to compete with new employees for limited housing supply in the City. Compounding displacement impacts, the real estate market in neighboring cities is already cost-prohibitive for most East Palo Alto residents.

Although the DSEIR projects an improvement in the jobs-to-housing ratio by adding up to 11,340 new jobs under the DSPU, it does not assess whether these jobs will be accessible to local residents. If a significant portion of these jobs is unattainable by the local workforce, the potential benefits of an improved jobs-housing balance may bypass the very community it is meant to serve.

Response W.46: Under CEQA, the Draft SEIR is required to discuss if the Specific Plan Update would displace substantial numbers of existing people or housing, necessitating construction of replacement housing elsewhere. As stated on Draft SEIR Page 302, the Specific Plan Update would not result in a net loss of housing. Although redevelopment could result in the removal of existing multi-family residences, the Specific Plan Update would replace the multi-family residences removed with more housing (an additional 1,250 units [1,170 multi-family units and 80 single-family units] under Scenario 1 and 1,500 units [1,372 multi-family units and 128 single-family units] under Scenario 2). Therefore, buildout of the Specific Plan Update would not result in the direct displacement of people or housing or require replacement housing elsewhere. The concern raised in the comment

pertains to the socioeconomic effects of the Plan Update’s implementation, and CEQA does not require an analysis of socioeconomic effects, housing affordability, or the effects of gentrification on East Palo Alto residents. As shown in Draft SEIR Table 3.13-1 (Page 298), the Specific Plan Update would result in a net increase of approximately 9,640 jobs for Scenario 1 and 11,340 jobs for Scenario 2, which would substantially increase employment opportunities within the City. A variety of employment types could be accommodated over the economic lifespan (expected to be at least several decades) of the non-residential development allowed under the Plan Update, and the accessibility of those jobs to local residents will depend on many factors, which may vary over time. CEQA does not require the Draft SEIR to forecast the portion of planned jobs that would be accessible to the local residents, as this is a planning issue to be addressed over time as the Plan is implemented. Strategic Economics, the City’s fiscal consultants, completed a displacement vulnerability analysis and a future jobs estimate in 2021-for the Specific Plan area. This report is on file with the City and is available upon request.

Comment W.47: Furthermore, the DSEIR acknowledges that the DSPU “would not provide sufficient new housing to accommodate the net new jobs generated.” If there is a poor job fit, this could lead to an influx of commuters competing for existing housing, worsening gentrification and displacement.

Recommendations

- 1. Use Jobs per Employed Resident Ratio:** Replace the jobs-per-housing unit metric with the jobs-per-employed resident ratio.
- 2. Utilize Local Data and Analyze Job Fit:** The SEIR should include a detailed analysis of how the new jobs created under the DSPU will align with the qualifications and skill levels of existing residents. While Plan Bay Area 2050 may not offer city-specific data, the City’s presentations on March 23, 2021, and September 22, 2021, suggest that relevant data and analysis are available.
- 3. Analyze and Mitigate City-Specific Indirect Displacement Vulnerability:** The SEIR should incorporate a job fit analysis as well as local data on displacement vulnerability, such as income, education, employment and household overcrowding—outlined in the Adopted 2023-2035 Housing Element and the September 22, 2021 Public Workshop #2 presentation—into its analysis of indirect displacement impacts.

Response W.47: Refer to Response W.46. The requested socioeconomic analysis is outside the scope of CEQA. A Citywide jobs-housing fit analysis is included in the City’s Housing Element adopted in March 2024. Based on the City’s Housing Element, the jobs to employed residents ratio is 0.35. This ratio is included in the Draft SEIR. However, the ratio is referenced as the jobs-housing balance number. The reference to the jobs-housing balance number has been revised to jobs to employed residents ratio (refer to Section 5.0 Draft SEIR Text Revisions in this Final SEIR).

Section 5.0 Draft SEIR Text Revisions

This section contains revisions to the text of the RBD/4 Corners Specific Plan Update Draft EIR dated July 2024. Revised or new language is underlined. All deletions are shown with a ~~line through the text~~.

Page x **ADD** the following text after the second bullet point:

In addition, the Specific Plan Update proposes a multi-use path along the northern and eastern perimeter of the Specific Plan area with an option to have a loop road and an option without the loop road. The multi-use path and loop road would continue to be located and function as discussed above under the 2013 Specific Plan. Refer to Section 2.0 of this Draft SEIR for a further description of the Specific Plan Update. On September 25, 2024, the City Council held a study session for the Specific Plan Update. At the September 2024 study session, the City Council selected Scenario 2 as the preferred scenario.

Pages xii-xii **ADD** the text pertaining to Policy 8.4.3, in Table ES-1:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
Air Quality	
<p>Impact AIR-2: At buildout for development Scenarios 1 and 2, Specific Plan Update operational criteria emissions would exceed the BAAQMD project-level significance thresholds, for both average daily and total annual emissions, for ROG, NOx, and PM10 emissions, with or without the loop road, resulting in a cumulatively considerable contribution to a significant regional air quality impact. (Significant and Unavoidable Air Quality Impact)</p>	<p>Proposed Specific Plan Update 8-4.3 Required TDM Elements</p> <ul style="list-style-type: none"> • 1. Shuttle Program: The TMA shall <u>may</u> fund and/or operate a shuttle program that connects employees and residents with nearby commercial, transit, and employment centers and provides long-haul service to housing and employment centers in other communities. If the TMA operates a shuttle program, future projects will be expected to participate in the shuttle program to achieve the required 40 percent trip reduction required by the City’s TDM ordinance. Future projects could alternatively implement other TDM elements to achieve the 40 percent trip reduction requirement.

ADD the following text in MM AIR-3.1, after the fifth bullet point:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
<p>Impact AIR-3: Fugitive dust emissions from future projects' construction diesel exhaust and equipment could result in significant health risk impacts to nearby sensitive receptors. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM AIR-3.1: The applicant shall require all construction contractors to implement the best construction measures recommended by BAQMD to reduce fugitive dust emissions. Emission reduction measures will include, at a minimum, the following measures:</p> <ul style="list-style-type: none"> • <u>All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour</u> • <u>All trucks and equipment, including their tires, shall be washed off prior to leaving the site.</u> • <u>Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.</u> • <u>Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.</u> <p>• All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.</p> <p>• Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.</p>

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
<p>Impact AIR-3: Fugitive dust emissions from future projects' construction diesel exhaust and equipment could result in significant health risk impacts to nearby sensitive receptors. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM AIR-3.2: Future projects <u>which would have construction emissions that exceed BAAQMD thresholds</u> shall implement the following Enhanced Construction Best Management Practices, which include but would not be limited to the measures below. Future project applicants shall submit these measures to the City for approval.</p> <ul style="list-style-type: none"> • All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe. • All haul trucks transporting soil, sand, or other loose material off-site shall be covered. • All visible mud or dirt track out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited. • All vehicle speeds on unpaved roads shall be limited to 15 mph. • All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used. • All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation. • Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations. • All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries. • Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind

	<p>breaks should have at maximum 50 percent air porosity.</p> <ul style="list-style-type: none"> • Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established. • The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time. • Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site. • Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent. • <u>Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.</u> • <u>Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.</u> • <u>Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.</u> • <u>Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.</u> • <u>Minimize the amount of excavated material or waste materials stored at the site.</u> • <u>Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.</u>
--	---

ADD the following text to MM BIO-1.1 in Table ES-1:

<p>Impact BIO-1: Disturbance or destruction of individual special-status plant species such as the Congdon’s tarplant, alkali milk vetch, and Point Reyes bird’s beak could occur during construction activities associated with future development projects, resulting in a significant impact to these species. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM BIO-1.1:Pre-Activity Surveys for Special-Status Plants. “Prior to initial ground disturbance for Specific Plan-related projects in salt marsh, tidal slough, and grassland/ruderal habitats as depicted on Figure 3.4-1, a qualified plant ecologist shall conduct an appropriately timed survey for Congdon's tarplant, Alkali milk vetch, and Point Reyes bird's beak within the project footprint, and <u>(as access and visibility allow)</u> a 50-foot buffer around the project footprint. <u>If areas within 50 feet around the project footprint extend into adjacent properties, the buffer area will be surveyed as feasible using binoculars and/or by requesting permission from adjacent landowners.</u> This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the areas but must be at least 50 feet wide <u>(to the extent that access and visibility allow)</u>. Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading; potential for project activities to alter hydrology supporting habitat for the species; or proximity to proposed structures that may shade areas farther than 50 feet away.</p> <p>Surveys should be conducted in a year with near-average or above-average precipitation; surveys conducted in a year of below-average rainfall would be considered valid if examination of reference populations of the target species indicate that the species would be detectable if present. The purpose of the survey shall be to assess the presence or absence of special-status plants, including Congdon’s tarplant, alkali milk vetch, and Point Reyes bird’s beak.</p> <p>If the target species are not found in the impact area or the identified buffer, then no further mitigation shall be warranted. If the target species, or any other special-status plants are found in the impact area or identified buffers, MM BIO-1.2 and MM BIO-1.3 would be implemented.</p>
---	---

Pages xvii-xix **ADD** the following text to MM BIO-1.3 in the third paragraph and in the fourth bullet point of Table ES-1:

<p>Impact BIO-1: Disturbance or destruction of individual special-status plant species such as the Congdon’s tarplant, alkali milk vetch, and Point Reyes bird’s beak could occur during construction activities associated with future</p>	<p>MM BIO-1.3: Preserve and Manage Mitigation Populations of Special-Status Plants. If avoidance of special-status plants is not feasible and more than 10 percent of the population would be impacted, compensatory mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population. To compensate for impacts on special-status</p>
--	---

development projects, resulting in a significant impact to these species. **(Less than Significant Impact with Mitigation Incorporated)**

plants, habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant impacted, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10 percent significance threshold. Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for impacts to special-status plants beyond the 10 percent significance threshold) or establish an entirely new population in suitable habitat.

Areas proposed to be preserved as compensatory mitigation for impacts to special-status plants must contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation areas shall be managed in perpetuity to encourage persistence and even expansion of this species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat quality will be achieved by the mitigation activities. The mitigation habitat shall be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and shall contain at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase.

A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis. Approval of the HMMP by the City-U.S. Fish and Wildlife Service or California Department of Fish and Wildlife shall be required if the impacted plant species is listed under the Federal and/or California Endangered Species Act, and for non-listed species, approval by the City shall be required before project impacts occur to the species.

The HMMP shall include, at a minimum, the following information:

- A summary of habitat impacts and the proposed mitigation;

	<ul style="list-style-type: none"> • A description of the location and boundaries of the mitigation site and description of existing site conditions; • A description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the species; • A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist), <u>as well as a requirement that any salvaging or transplanting of plants occur in accordance with appropriate best management practices for minimizing the spread of plant pathogens</u> (https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/) ; • Proposed management activities to maintain high-quality habitat conditions for the species; • A description of habitat and species monitoring measures on the mitigation site, including specific, objective final and performance criteria, monitoring methods, data analysis, reporting requirements, monitoring schedule, etc. At a minimum, performance criteria will include demonstration that any plant population fluctuations over the monitoring period of a minimum of 5 years for preserved populations and a minimum of 10 years for enhanced or established populations do not indicate a downward trajectory in terms of reduction in numbers and/or occupied area for the preserved mitigation population that can be attributed to management (i.e., that are not the result of local weather patterns, as determined by monitoring of a nearby reference population, or other factors unrelated to management); and <p>Contingency measures for mitigation elements that do not meet performance criteria.</p>
--	---

Page xix **ADD** the following text to Impact BIO-2 (left column) in Table ES-1:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
Impact BIO-2: Future projects' construction activities could result in a significant impact to the salt	MM BIO-2.1: Salt Marsh Harvest Mouse and Salt Marsh Wandering Shrew Minimization Measure. Any development projects, including the loop road or multi-use path, within 100

marsh harvest mouse and salt marsh wandering shrew populations and their habitat. <u>(Less than Significant Impact with Mitigation Incorporated)</u>	feet of an area identified as salt marsh, open water, or tidal slough shall be subject to a habitat assessment prepared by a qualified biologist. All habitats identified by the biologist as suitable habitat for the salt marsh harvest mouse or salt marsh wandering shrew shall be avoided for development and preserved in their existing state, to the extent feasible. If avoidance of salt marsh habitats is infeasible, the following measures shall be implemented:
---	---

Page xxi **ADD** the following text in the second bullet point:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
Impact BIO-2: Future projects' construction activities could result in a significant impact to the salt marsh harvest mouse and salt marsh wandering shrew populations and their habitat. <u>(Less than Significant Impact with Mitigation Incorporated)</u>	<p>The fencing will be inspected daily during construction, and any necessary repairs will be made within 24 hours of when they are found. If any breaks in the fencing are found, the qualified biologist will inspect the work area for salt marsh harvest mice and salt marsh wandering shrews.</p> <ul style="list-style-type: none"> • During construction, a qualified biologist will <u>be on-call to check underneath vehicles and equipment for salt marsh harvest mice and salt marsh wandering shrews</u> before such equipment is moved, unless the equipment is surrounded by harvest mouse exclusion fencing. • No animals (e.g., dogs or cats) will be brought to the project site by project personnel to avoid harassment, killing, or injuring of wildlife.

Pages xxiii-xxiv **ADD** the following text to MM BIO-2.4 and MM BIO-2.5:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
Impact BIO-2: Future projects' construction activities could result in a significant impact to the salt marsh harvest mouse and salt marsh wandering shrew populations and their habitat. <u>(Less than Significant Impact with Mitigation Incorporated)</u>	MM BIO-2.4: Restrict Pesticide Use in and near Salt Marsh Habitats. All pesticides used within 100 feet of salt marsh habitats must be utilized in accordance with the manufacturer's directions, <u>and pesticides shall not be stored, loaded, or mixed within 300 feet of any salt marsh or open water/tidal slough habitat unless the user's property is located entirely within 300 feet of those habitats (in which case off-site storage may be infeasible).</u> No pesticides shall be applied within tidal marsh habitats as part of Specific Plan Update activities. Any pesticides used in areas where they could be washed, or could

	<p>drift via wind, into tidal marsh habitat must be approved by the City of East Palo Alto for use in aquatic habitats.</p> <p>MM BIO-2.5: Raptor Perch Deterrents. Within 300 feet of any salt marsh habitats within or adjacent to the Specific Plan area, raptor perch deterrents will be placed on any edges of building roofs, terraces, or other structures (e.g., light poles or electrical towers) that are high enough to overlook the marsh and that have an unobstructed view to the marsh. The specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City <u>but shall not include flagging or other wind-activated materials, or any deterrents that include lights.</u></p>
--	--

Pages xxiv-xxv **ADD** the following text to MM BIO-2.8:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
<p>Impact BIO-2: Future projects’ construction activities could result in a significant impact to the salt marsh harvest mouse and salt marsh wandering shrew populations and their habitat. <u>(Less than Significant Impact with Mitigation Incorporated)</u></p>	<p>MM BIO-2.8: Food Waste Management. The following measures shall be implemented by future developments within 100 feet of salt marsh habitats to reduce impacts on salt marsh harvest mice and salt marsh wandering shrews due to the attraction of nuisance predators:</p> <ul style="list-style-type: none"> • Any bins used for food waste shall include lids that seal tightly to prevent access by animals and incorporate a mechanism to prevent them from being inadvertently left open when not in active use. • Outdoor trash and recycling receptacles shall be emptied frequently enough that cans do not fill up and allow food waste to spill out. <u>Any observations of overflowing or non-functioning trash bins shall be reported to those responsible for emptying the bins, and to the City, to ensure that they are emptied when necessary.</u>

Page xxv **ADD** the following text to MM BIO-3.1 in Table ES-1:

<p>Impact BIO-3: Future project construction could result in the loss of California black rail and/or California Ridgway’s rail populations and their habitats, which would constitute a significant impact. (Less than</p>	<p>MM BIO-3.1: Seasonal Avoidance or Protocol-level Surveys and Buffers around Calling Centers. <u>The mitigation measures described below may be modified or substituted with equivalent mitigation that achieves the same or greater reduction of impacts, if approved in writing by the City and applicable regulatory agencies.</u></p>
---	--

<p>Significant Impact with Mitigation Incorporated)</p>	<p>To avoid causing the abandonment of an active California Ridgway’s rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist <u>in coordination with USFWS and CDFW</u> determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs.</p> <p>If breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified California Ridgway’s rail calling center or within 300 feet of a California black rail calling center during the breeding season <u>unless the USFWS and CDFW provide guidance regarding the types of activities that may occur within lesser distances from calling centers, in which case USFWS and CDFW guidance shall be followed.</u></p>
--	---

Page xxx **ADD** text after Impact BIO-9 and in MM BIO-9.1 (Table ES-1):

<p>Impact BIO-9: Construction and operation of future development would result in soil disturbance adjacent to sensitive salt marsh and tidal slough habitats which could result in the spread of non-native plant species in wetland areas in and adjacent to the Specific Plan area. <u>(Less than Significant Impact with Mitigation Incorporated)</u></p>	<p>MM BIO-9.1: Implement Invasive Weed Best Management Practices (BMPs). The invasion and/or spread of noxious weeds will be avoided by the use of the following invasive weed BMPs:</p> <ul style="list-style-type: none"> • Prohibit the use of moderate or highly invasive and/or noxious weed (as defined by California Department of Food and Agriculture <u>and California Invasive Plant Council</u>) for landscaping. • During project construction, all seeds and straw materials used in the Specific Plan area shall be <u>certified</u> weed-free rice (or similar material acceptable to the City) straw, and all gravel and fill material will be certified weed-free to the satisfaction of the City. Any deviation from this will be approved by the City. • During project construction within, or within 100 feet of, tidal salt marsh, open water, or tidal slough habitats, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint.
---	--

	<p>Vehicles will be cleaned at existing construction yards or car washes.</p> <ul style="list-style-type: none"> • Following construction of project, a standard erosion control seed mix (acceptable to the City) from a local source, and free of invasive species, will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from nonnative, invasive plant species. • <u>To avoid mobilizing weed seeds, use of landscaping blowers within 100 feet of the edge of salt marsh is prohibited.</u>
--	---

Pages xxx-xxxii **ADD** text after the last bullet point of MM BIO-10.1:

<p>Impact BIO-10: Future projects adjacent to the salt marsh habitat could result in a significant impact to jurisdictional waters of the state or U.S. habitat. (Less than Significant Impact with Mitigation Incorporated)</p>	<p>MM BIO-10.1: Jurisdictional Waters Avoidance and Minimization Measures. The following measures will be implemented to avoid and minimize impacts to jurisdictional waters to less than significant levels.</p> <ul style="list-style-type: none"> • <u>Any imported fill within wetlands shall be clean with no pathogens or weed seeds. When seed mixes are applied to wetlands, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat shall be utilized.</u>
--	--

Pages xxxiii- **ADD** text after Impact BIO-10 in Table ES-1:

<p>Impact BIO-11: <u>Construction of the loop road or multi-use trail would impede wildlife movement along the upland/tidal marsh interface on the eastern edge of the Specific Plan area. (Less than Significant Impact with Mitigation Incorporated)</u></p>	<p><u>Implementation of the above Mitigation Measure MM BIO-1.4 (including restoration of ecotone vegetation on the marsh side of the loop road or multi-use trail) and Mitigation Measure MM BIO-1.20 (to minimize lighting impacts) would mitigate the impacts of the loop road on wildlife movement to less than significant levels.</u></p>
---	---

Pages xlvi-xlviii- **REVISE** the text in MM NOI-2.1 Table ES-1:

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
<p>Impact NOI-2: Traffic noise levels would result in an increase of three dBA CNEL or more at two roadway segments on Bay Road when 2040 cumulative plus project scenarios</p>	<p>MM NOI-2.1: To address impacts related to traffic noise, the City shall ensure implementation of the following noise reduction strategies:</p>

Table ES-1: Summary of Significant Impacts and Mitigation Measures/ Specific Plan Update Policies	
Impact	Mitigation Measure/Proposed Specific Plan Update Policy
are compared to existing conditions and would increase noise levels by one dBA CNEL over cumulative no project conditions, resulting in a significant increase in permanent noise levels. (Less than Significant Impact with Mitigation Incorporated Significant and Unavoidable Impact)	<ul style="list-style-type: none"> Future development projects under the Specific Plan Update shall pay a fair share contribution toward the City’s installation of quieter pavement types, <u>at Bay Road segments from University Avenue to Clark Avenue and Clark Avenue to Pulgas Avenue</u>, such as <u>Open-Grade Rubberized Asphaltic Concrete or a New Rubberized Asphalt Concrete</u> which could <u>would</u> reduce noise levels by five (5) two (2) to three (3) dBA or more from existing conditions (assuming the affected segments are repaved every 10 years) depending on factors such as existing pavement type and traffic speed allowed. <u>Future development projects that contribute traffic to the affected segments of Bay Road shall pay a one-time fair share contribution toward the repaving of the two Bay Road segments.</u> Future development projects shall install or pay a fair share contribution toward the City's installation of traffic calming measures along Bay Road (between University Avenue and Pulgas Avenue) that include, but not limited to, speed humps, bumps, or tables, or traffic circles. Future traffic calming measures would be coordinated with the Menlo Park Fire Protection District to ensure there would be no substantial effects on response times.

Page 3 **REPLACE** and **REVISE** the text in the second and third paragraphs, as follows:

The Specific Plan area is generally bounded by the City limits/Union Pacific Railroad (UPRR) tracks to the north, residential, office/R&D, industrial uses, and vacant grassland area to the west, Weeks Street or Runnymede Street and residential uses to the south, and the Ravenswood Open Space Preserve and ~~Palo Alto Baylands Nature Preserve~~ Don Edwards San Francisco Bay National Wildlife Refuge to the east. Existing development within the Specific Plan area includes single-family and multi-family residential, retail, medical office, light and general industrial, and civic/institutional land uses. The Specific Plan area includes approximately two acres of the San Francisco Bay Trail at the northern end of the Plan area 0.3-acres of private open space with a children’s play, which is a part of a townhouse development on Montage Circle, at the southern end of the Plan area, and 16 acres of restored wetland/marsh areas at the northern and eastern areas of the Specific Plan area.

The Specific Plan area is generally bounded by the City limits/Union Pacific Railroad (UPRR) tracks to the north, residential, office/R&D, industrial uses, and vacant grassland area to the west, Weeks Street or Runnymede Street and residential uses to the south, and the Ravenswood Open Space Preserve and Don Edwards San Francisco Bay National Wildlife Refuge to the east. Existing development within the Specific Plan area includes single-family and multi-family residential, retail, medical office, light and general industrial, and civic/institutional land uses. The Specific Plan area

includes approximately two acres of the San Francisco Bay Trail at the northern end of the Plan area, 0.3-acres of private open space with a children’s play ~~area~~, which is a part of a townhouse development on Montage Circle, at the southern end of the Plan area, and 2216 acres of restored wetland/marsh areas at the northern and eastern areas of the Specific Plan area.

Page 8 **REVISE** the following text in Table 2.2-1:

Table 2.2-1: Existing and Remaining Development Capacity within 2013 Specific Plan Area							
	Office (s.f.)	R&D/Lab (s.f.)	Light Industrial (s.f.)	Retail (s.f.)	Civic (s.f.)	Amenity (s.f.)	Housing Units
Existing Conditions (2022)	125,000 ^a	0	125,000	200,000	75,000 _b	25,000	0 <u>350</u>
Allowed Under Adopted 2013 Specific Plan	1,268,500	176,000	175,820	112,400	61,000	0	835
Built under the Adopted 2013 Specific Plan	32,650 ^a	0	0	0	25,000 _b	0	0
<i>Remaining Development Allowed under the Adopted 2013 Plan Allocation ^c</i>	<i>1,235,850</i>	<i>176,000</i>	<i>175,820</i>	<i>112,400</i>	<i>36,000</i>	<i>0</i>	<i>835</i>
Notes							
^a Ravenswood Family Health Center was constructed and in operation by 2015. The 32,650 square foot health center is included in the existing conditions (office).							
^b The 25,000 square foot EPACenter was constructed in 2021 and in operation by 2022. The EPACenter is assumed in the existing conditions (civic).							
^c The entitled projects under the 2013 Specific Plan have been approved by the City but are not yet constructed. 108,000 square feet of office and 168 housing units are entitled. However, it is unclear if these projects will move forward. Therefore, the entitlements were not assumed in the remaining development calculations.							

Page 8 **ADD** the following text after the second bullet point:

This SEIR evaluates two development scenarios:

- Scenario #1 would consist of 2.8 million square feet of office and R&D, 250,000 square feet of industrial space, 43,870 square feet of tenant amenity space, and 1,350 residential units.
- Scenario #2 would consist of 3.3 million square feet of office and R&D, 300,000 square feet of industrial space, 53,500 square feet of tenant amenity space, and 1,600 residential units.

The other land uses (e.g. retail, civic, etc.) proposed in the Specific Plan Update would remain consistent between the two scenarios, as shown in Table 2.3-1. On September 25, 2024, the City Council held a study session for the Specific Plan Update. At the September 2024 study session, the City Council selected Scenario 2 as the preferred scenario.

Page 9 **REVISE** the following text in the second paragraph:

Compared to the 2013 Specific Plan, the Specific Plan Update would result in increasing the allowable non-residential square footage and number of residential units intensity and height for proposed land uses. Under both buildout scenarios, all proposed increases in non-residential development square footage would occur on parcels within the Specific Plan area that currently allow such non-residential land uses. In contrast, the proposed Specific Plan Update would allow for residential uses in more zones/parcels than ~~what~~ is allowed under the 2013 Specific Plan (refer to Figure 2.3-1).

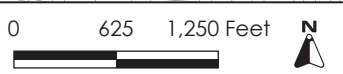
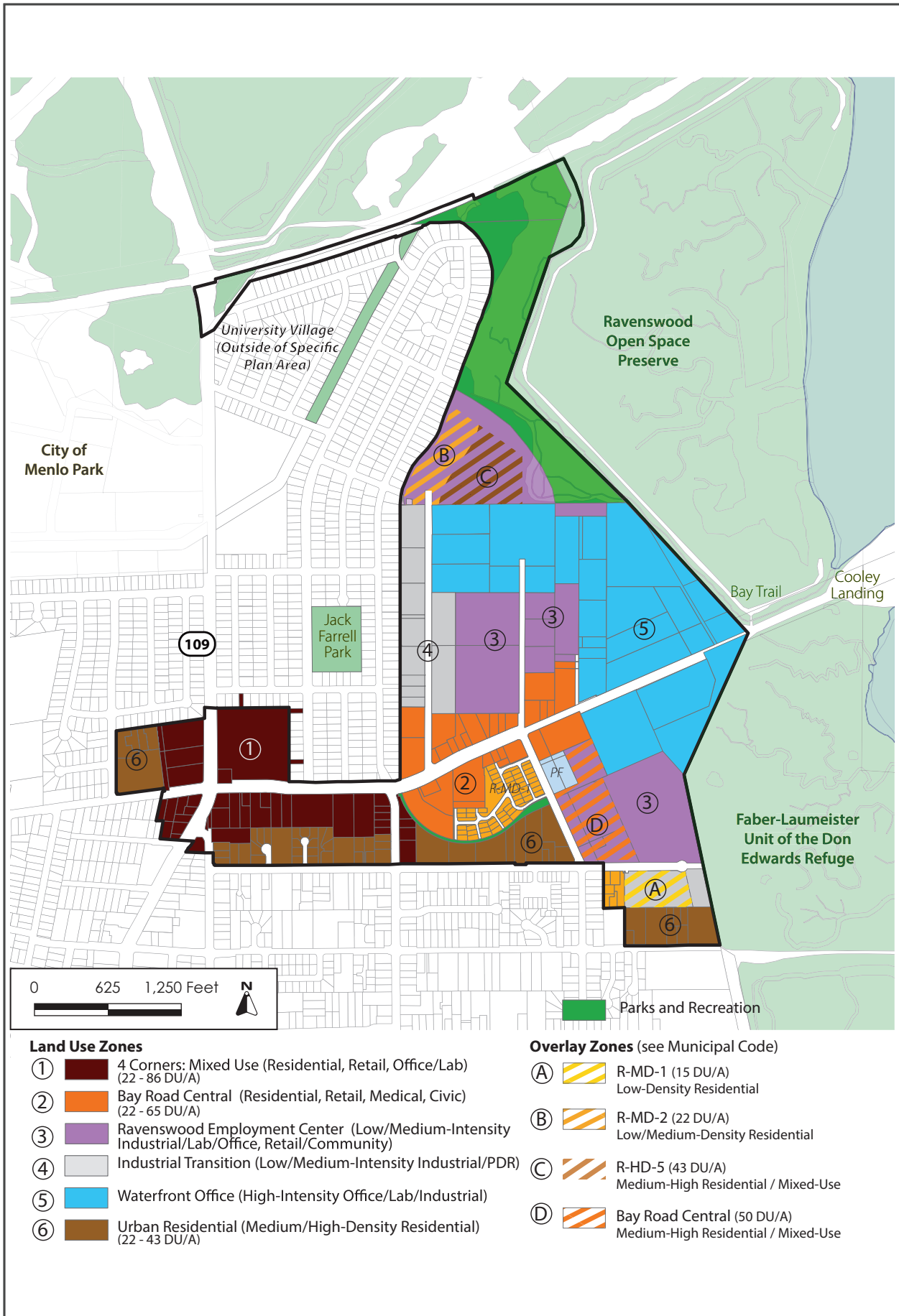
Pages 9-10 **REVISE** the following text after the first paragraph under Section 2.3.1 (Page 9) and in the third bullet point (Page 10):

The proposed Specific Plan Update includes amendments to the East Palo Alto General Plan and Zoning Ordinance, which would amend certain existing land use designations in the Specific Plan area and update existing or establish new development standards to replace current zoning provisions applicable to the Specific Plan area. The Specific Plan Update includes the following land use zones, which are also shown in Figure 2.3-1.

- **Four Corners (Up to 2.0 Floor Area Ratio [FAR], ~~22 to 8660~~ Dwelling Units per Acre [du/ac]; Mixed-Use – Residential, Retail, Office/Lab).** This designation is intended to support downtown East Palo Alto focused around the intersection of University Avenue and Bay Road. It accommodates multi-story mixed-use buildings that have retail stores or community facilities on the ground floor, with housing and/or offices on upper floors.
- **Bay Road Central (Up to 0.75 FAR, ~~22-6550~~ du/ac; Residential, Retail, Medical, Civic).** Intended to make Bay Road a lively, inviting place that creates a strong connection between Four Corners and Cooley Landing. Accommodates multi-story mixed-use buildings that have individual residential entries, retail stores, or storefront-type offices on the ground floor, with housing (or offices to a lesser extent) on upper floors.
- **Industrial Transition (Up to 0.75 FAR; Low/Medium-Intensity Industrial).** Accommodates low-intensity light industrial, manufacturing, and repair businesses that do not attract large amounts of traffic or adversely affect nearby homes. Provides spaces for local businesses. Serves as a transition between single-family homes and more intense employment areas.
- **Waterfront Office (Up to 2.0 FAR; High-Intensity Office/Lab/Industrial).** Intended to create a higher-intensity, urban office district within the Plan Area. Accommodates professional offices, research & development facilities, limited light industrial uses, and supporting retail or similar uses.

- **Urban Residential (Up to ~~43-40~~ du/ac; Medium/High-Density Residential).** Intended to provide opportunities for the development of a variety of housing types at moderate densities. Accommodates single-family attached residential units)and multi-family apartments or condominiums.

Page 11: **REPLACE** Figure 2.3-1 Ravenswood/4 Corners TOD Specific Plan Update Land Use Map with the following Figure 2.3-1 Ravenswood/4 Corners Specific Plan Update Land Use Map which includes a correction to the residential density in the Four Corners area and the correction to the name of the wetland area adjacent to the southeast portion of the Plan area:



Land Use Zones

- ① 4 Corners: Mixed Use (Residential, Retail, Office/Lab)
(22 - 86 DU/A)
- ② Bay Road Central (Residential, Retail, Medical, Civic)
(22 - 65 DU/A)
- ③ Ravenswood Employment Center (Low/Medium-Intensity
Industrial/Lab/Office, Retail/Community)
- ④ Industrial Transition (Low/Medium-Intensity Industrial/PDR)
- ⑤ Waterfront Office (High-Intensity Office/Lab/Industrial)
- ⑥ Urban Residential (Medium/High-Density Residential)
(22 - 43 DU/A)

Overlay Zones (see Municipal Code)

- (A) R-MD-1 (15 DU/A)
Low-Density Residential
- (B) R-MD-2 (22 DU/A)
Low/Medium-Density Residential
- (C) R-HD-5 (43 DU/A)
Medium-High Residential / Mixed-Use
- (D) Bay Road Central (50 DU/A)
Medium-High Residential / Mixed-Use

RAVENSWOOD/4 CORNERS SPECIFIC PLAN UPDATE LAND USE MAP

FIGURE 2.3-1

Pages 12-13 **REVISE** text in Table 2.3-1, as follows:

Table 2.3-1: Development under Scenarios #1 and #2										
Development Scenarios	Non-Residential (square feet)							Housing (dwelling units)		
	Office/ R&D	Office	R&D/Lab	Light Industrial or Flex	Retail	Civic/ Community	Tenant Amenity	All	Multi- family	Single- family attached units
Existing Conditions (2022)	N/A	125,000 ^a	0	125,000	200,000	75,000 ^b	25,000	350	248	102
Existing Developments to be Redeveloped^c	N/A	65,000	0	35,000	25,000	0	0	100	100	0
Total Allowed Under Adopted 2013 Specific Plan	1,444,410	1,268,500	176,000	175,820	112,400	61,000	0	835	816	19
Development Scenarios Reallocation										
Adopted 2013 Specific Plan Scenario (not including the projects constructed and in operation under the 2013 Plan)	1,411,850	1,235,850 ^a	176,000	175,820	112,400	36,000 ^b	0	835	816	19

Table 2.3-1: Development under Scenarios #1 and #2

Development Scenarios	Non-Residential (square feet)							Housing (dwelling units)		
	Scenario #1	2,791,350	1,802,950 ^a	988,400	250,000	112,400	129,700 ^{bb}	43,870	1,350	1,270
<i>Net Change #1 (compared to Adopted 2013 Plan allowed development)</i>	<i>+1,379,590</i>	<i>+567,100</i>	<i>+812,490</i>	<i>+74,090</i>	<i>0</i>	<i>+93,700</i>	<i>+43,870</i>	<i>+515</i>	<i>+454</i>	<i>+61</i>
Scenario #2	3,302,350	2,135,100 ^a	1,167,250	300,000	112,400	129,700 ^b	53,500	1,600	1,472	128
<i>Net Change #2 (compared to Adopted 2013 Plan allowed development)</i>	<i>+1,890,590</i>	<i>+899,250</i>	<i>+991,340</i>	<i>+124,090</i>	<i>0</i>	<i>+93,700</i>	<i>+53,500</i>	<i>+765</i>	<i>+656</i>	<i>+109</i>

^a Existing conditions (office space) includes 32,650 square foot Ravenswood Health Center that has been constructed and is in operation since 2015 under the 2013 Specific Plan. 32,650 square feet of office has been subtracted from the office development allowed under all scenarios given the health center has been construction and is in operation.

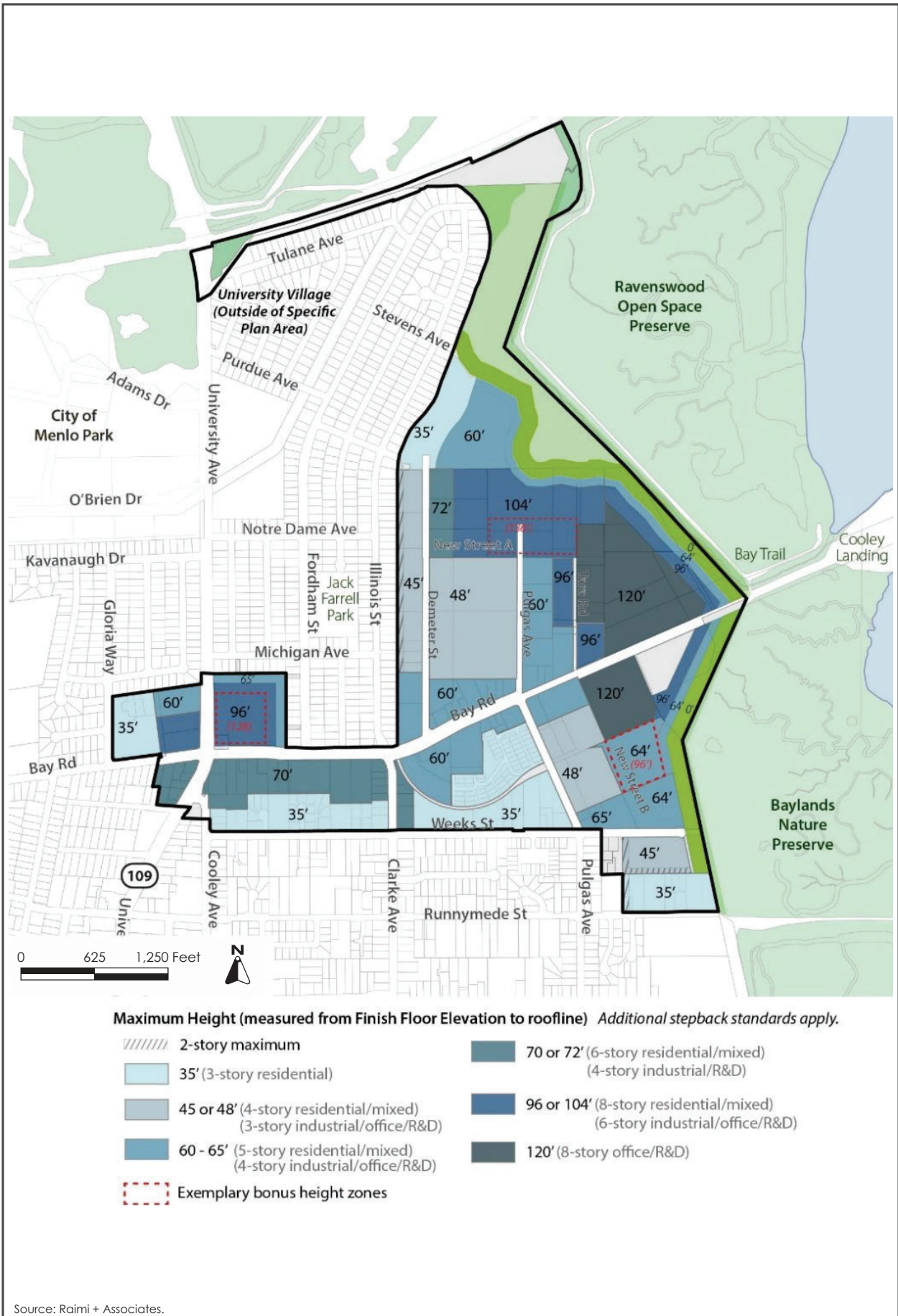
^b Existing conditions (civic space) includes 25,000 square foot EPACenter which has been constructed and in operation since 2022 under the 2013 Specific Plan. 25,000 square feet of civic/community space has been subtracted from the development allowed under all scenarios given the EPACenter has been constructed ~~in~~ and is in operation.

^c Existing developments to be redeveloped are existing uses in the Specific Plan area that could be removed and replaced by future development under the Specific Plan Update.

Page 14 **REVISE** the following text in the first paragraph:

The Specific Plan update includes maximum building heights allowed for future developments in the Plan area. The maximum building heights range from approximately 30 feet to 120 ~~122~~ feet above the ground surface. The Specific Plan update’s height standards would allow the tallest buildings (seven to eight stories, between 104 to 120 ~~122~~ feet above the ground surface) to occur at the eastern end of the Specific Plan area. In accordance with the Section 6.3.1 Maximum Building Height, Standard 4, Rooftop Mechanical Standards in the Specific Plan Update, rooftop equipment could exceed the maximum height by up to 30 feet with a maximum roof coverage of 15 percent. In general, the allowed maximum heights would decrease in areas adjacent to existing single-family neighborhoods. The maximum building heights allowed under the proposed Specific Plan update are shown on Figure 2.3-2.

Page 16 **REPLACE** Figure 2.3-2 Maximum Building Heights with the Specific Plan Update figure that shows the maximum building height of 120 feet instead of 122 feet:

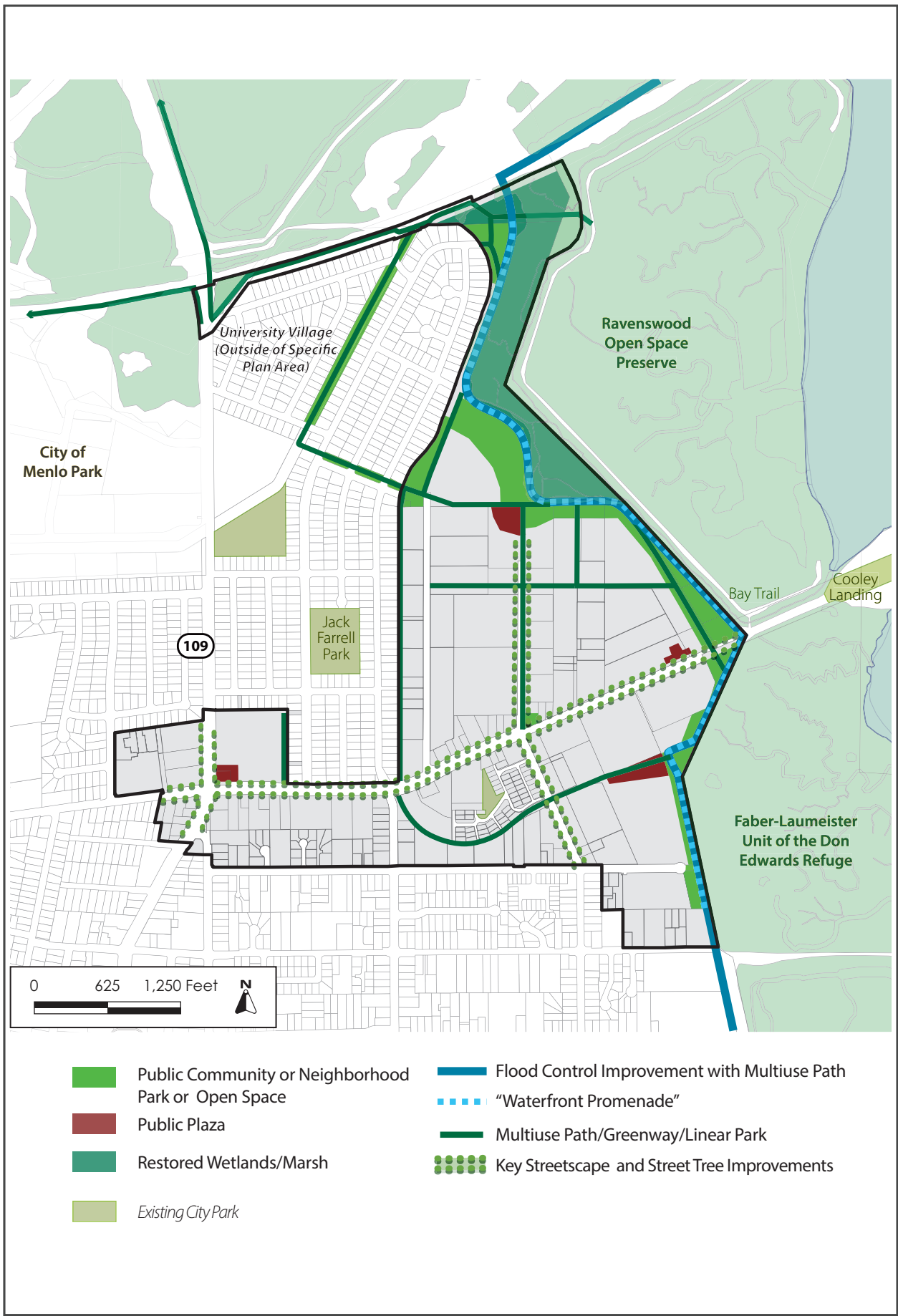


Source: Raimi + Associates.

MAXIMUM BUILDING HEIGHTS

FIGURE 2.3-2

Page 17: **REPLACE** Figure 2.3-3 Open Space Network Diagram with the following Figure 2.3-3 that shows revisions to the conceptual public plaza in the Four Corners area:



OPEN SPACE NETWORK DIAGRAM

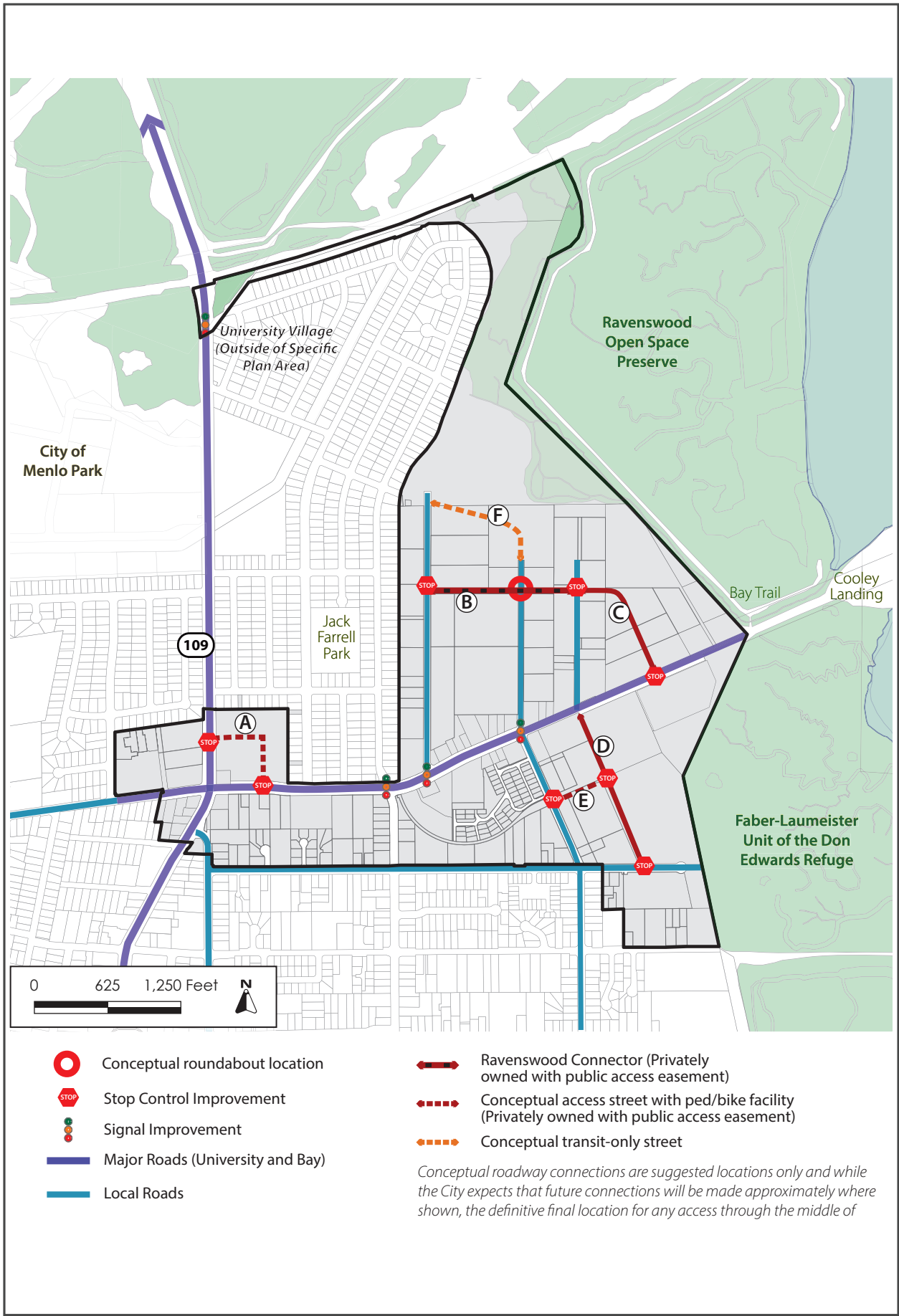
FIGURE 2.3-3

Page 18 **REVISE** the following text after the first paragraph:

The proposed street network for the Specific Plan area would consist of existing streets (public and private) and new streets for vehicles and/or people who would walk or bike in the Specific Plan area. Under the Specific Plan Update (under both project scenarios), new roadway connections, which would be privately owned/maintained, but publicly accessible, or public rights-of-way (ROWS), would be constructed. The following roadway improvements would be constructed under the Specific Plan Update (refer to Figure 2.3-4)

- A. An internal street at Four Corners (see Figure 2.3-4), between University Ave and Bay Road.
- B. ~~East-West Ravenswood Connector~~, New Street A, which is a new east-west street to improve circulation and reduce vehicle trips on Bay Road.
- C. A new street running southeast from Tara ~~Street Road~~ to Bay Road
- D. New Street B, A southern extension of Tara Street Road to Weeks Street
- E. An east-west street south of Bay Road between the Tara Street Road extension and Pulgas Avenue
- F. A transit-only street between Demeter Street and Pulgas Avenue

Page 20: **REPLACE** Figure 2.3-4 Public Roadway Network and Improvements with the following Figure 2.3-4 Roadway Network and Improvements which includes which shows the access street through the Four Corners area is conceptual:

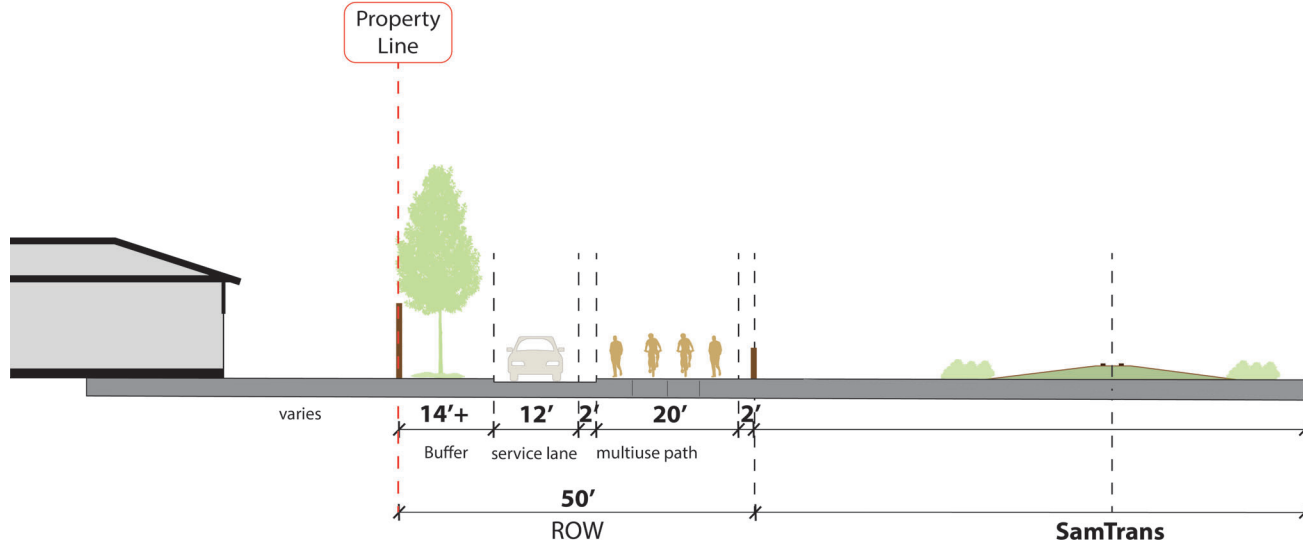


ROADWAY NETWORK AND IMPROVEMENTS

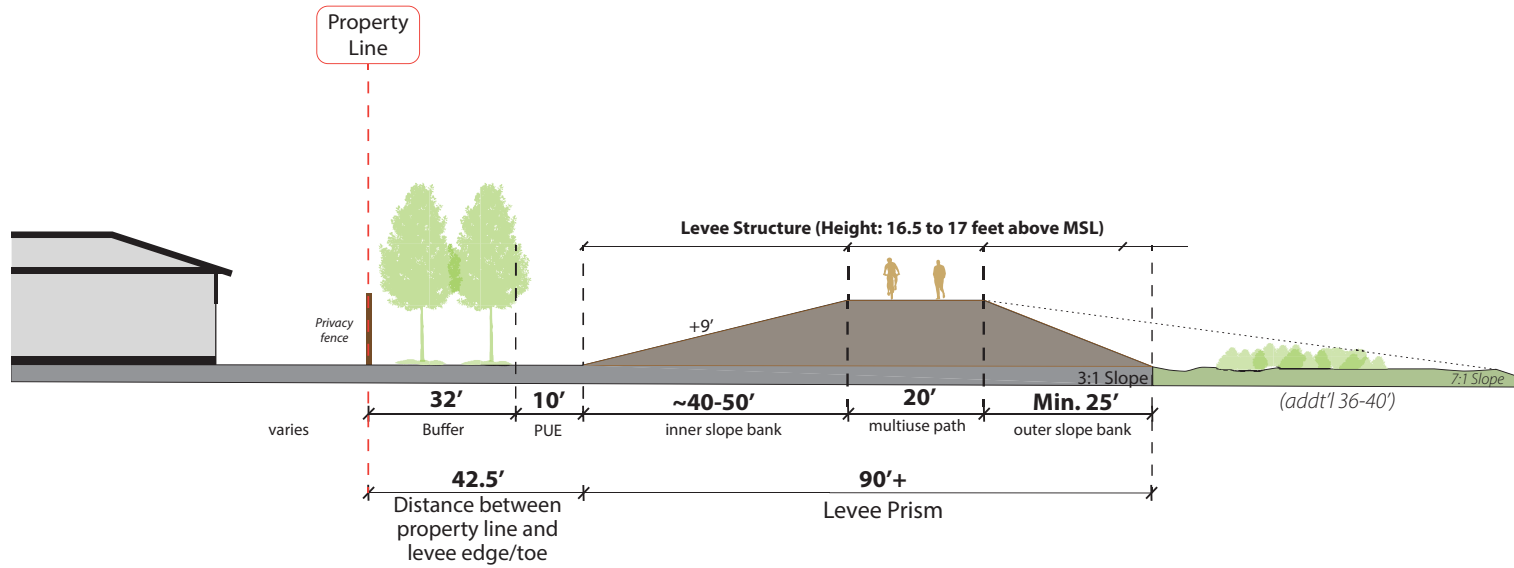
FIGURE 2.3-4

REPLACE Figure 2.3-6 Multi-use Path Cross Sections without Loop Road with the following figure which includes the correction to the buffer width between the property line and levee at the eastern perimeter of the Plan area:

Northern Perimeter, without Loop Road (no Levee)



Eastern Perimeter, without Loop Road, with Levee



MULTI-USE PATH CROSS SECTIONS WITHOUT LOOP ROAD

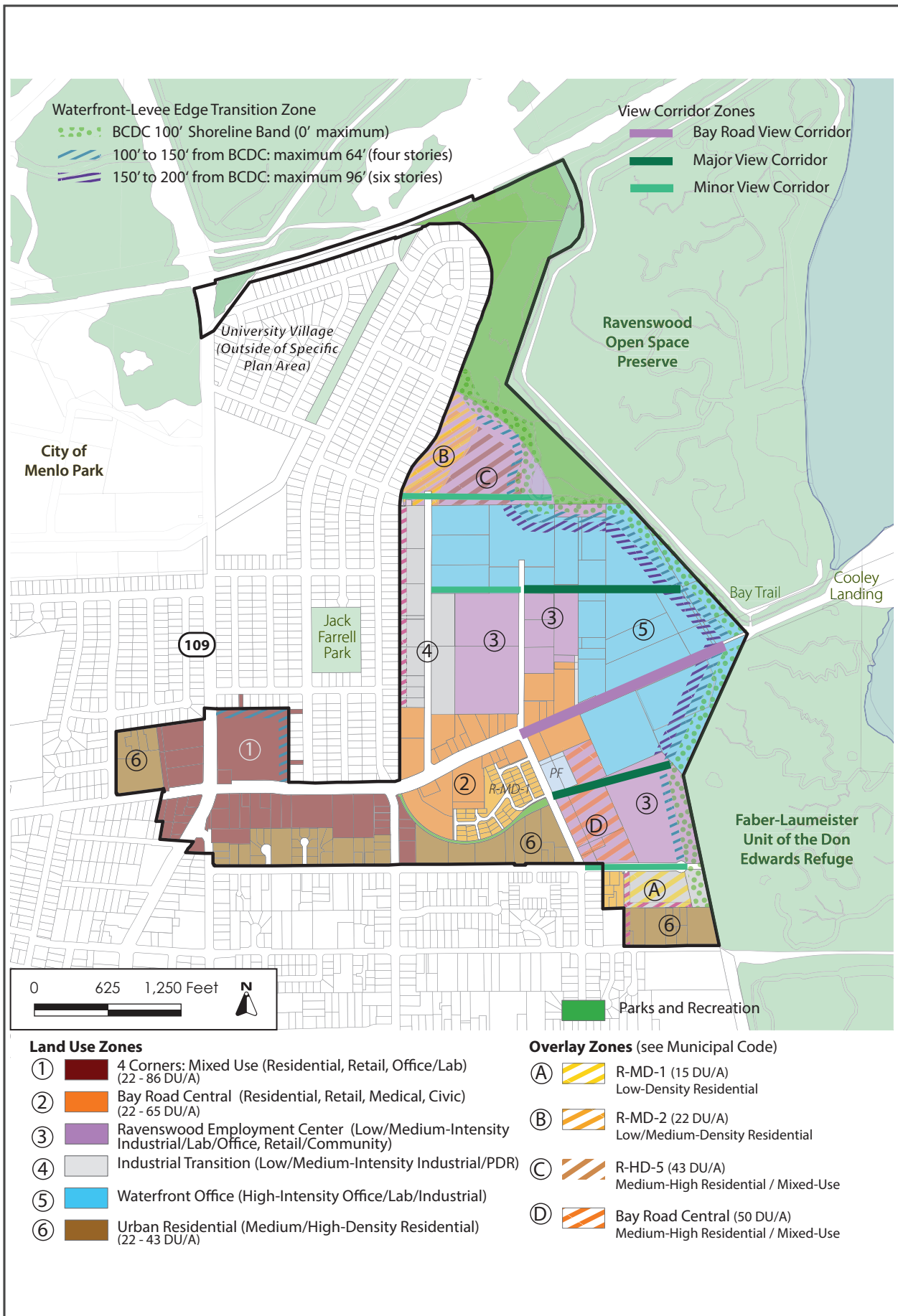
FIGURE 2.3-6

Page 48 **ADD** the following text at the bottom of the page, after the last bullet point:

Future development projects under the Specific Plan Update (under both development scenarios) would comply with General Plan Policies, such as the ~~2013 Specific~~ General-Plan Policy 13.8 encouraging developers to design projects to enhance views of adjacent natural resources (i.e., the Ravenswood Open Space Preserve and San Francisco Bay east of the Ravenswood Specific Plan area) and requiring viewshed analysis as part of potential development applications. Detailed plans of the potential loop road are not available. Further project-level environmental review would be required at the time the details of the loop road are available and prior to the City's decision to implement that design. However, the loop road would be required to be designed to maintain the viewshed of the Bay.

Additionally, future development projects would comply with the proposed Specific Plan Update policies encouraging preservation of public views, including the following.

Page 50 **REVISE** Figure 3.2-2 Stepback Locations and View Corridors to show an overlay of the transition zones, future land uses, and the Bay Trail:



STEPBACK LOCATIONS AND VIEW CORRIDORS

FIGURE 3.2-2

REVISE the following text after the third sub-bullet point of MM AIR-1.1:

- Special equipment that cannot meet the above requirements must be approved as exempt by the City after considering reasons for requesting an exemption.
- ⊖ Use portable electrical equipment where commercially available and practicable to complete construction. Construction contractors shall utilize electrical grid power instead of diesel generators when (1) grid power is available at the construction site; (2) when construction of temporary power lines is not necessary in order to provide power to portions of the site distant from existing utility lines; (3) when use of portable extension lines is practicable given construction safety and operational limitations; and (4) when use of electrical grid power does not significantly compromise construction schedules. Use electric equipment such as aerial lifts, air compressors, cement mortar mixers, concrete/industrial saws, cranes, and welders.

REMOVE the following text above the last paragraph:

Proposed Specific Plan Update 8.-4.3 Required TDM Elements

- **1. Shuttle Program:** The TMA ~~shall~~ may fund and/or operate a shuttle program that connects employees and residents with nearby commercial, transit, and employment centers and provides long-haul service to housing and employment centers in other communities. If the TMA operates a shuttle program, future projects will be expected to participate in the shuttle program to achieve the required 40 percent trip reduction required by the City's TDM ordinance. Future projects could alternatively implement other TDM elements to achieve the 40 percent trip reduction requirement..

Pages 77-78 **REVISE** the following text after the fifth bullet point in MM AIR-3.1:

- All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 miles per hour
- All trucks and equipment, including their tires, shall be washed off prior to leaving the site.
- Unpaved roads providing access to sites located 100 feet or further from a paved road shall be treated with a 6- to 12-inch layer of compacted layer of wood chips, mulch, or gravel.

- Publicly visible signs shall be posted with the telephone number and name of the person to contact at the lead agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's General Air Pollution Complaints number shall also be visible to ensure compliance with applicable regulations.
- ~~All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~
- ~~Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.~~

Pages 78-79 **ADD** the following text to MM AIR-3.2:

MM AIR-3.2: Future projects which would have construction emissions that exceed BAAQMD thresholds shall implement the following Enhanced Construction Best Management Practices, which include but would not be limited to the measures below. Future project applicants shall submit these measures to the City for approval.

- ~~All exposed surfaces (e.g., parking areas, staging areas, soil piles, graded areas, and unpaved access roads) shall be watered at a frequency adequate to maintain minimum soil moisture of 12 percent. Moisture content can be verified by lab samples or moisture probe.~~
- ~~All haul trucks transporting soil, sand, or other loose material off-site shall be covered.~~
- ~~All visible mud or dirt track-out onto adjacent public roads shall be removed using wet power vacuum street sweepers at least once per day. The use of dry power sweeping is prohibited.~~
- ~~All vehicle speeds on unpaved roads shall be limited to 15 mph.~~
- ~~All roadways, driveways, and sidewalks to be paved shall be completed as soon as possible. Building pads shall be laid as soon as possible after grading unless seeding or soil binders are used.~~
- ~~All construction equipment shall be maintained and properly tuned in accordance with manufacturer's specifications. All equipment shall be checked by a certified mechanic and determined to be running in proper condition prior to operation.~~
- ~~Post a publicly visible sign with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District's phone number shall also be visible to ensure compliance with applicable regulations.~~

- ~~All excavation, grading, and/or demolition activities shall be suspended when average wind speeds exceed 20 mph and visible dust extends beyond site boundaries.~~
- ~~Wind breaks (e.g., trees, fences) shall be installed on the windward side(s) of actively disturbed areas of construction adjacent to sensitive receptors. Wind breaks should have at maximum 50 percent air porosity.~~
- ~~Vegetative ground cover (e.g., fast-germinating native grass seed) shall be planted in disturbed areas as soon as possible and watered appropriately until vegetation is established.~~
- ~~The simultaneous occurrence of excavation, grading, and ground-disturbing construction activities on the same area at any one time shall be limited. Activities shall be phased to reduce the amount of disturbed surfaces at any one time.~~
- ~~Avoid tracking of visible soil material on to public roadways by employing the following measures if necessary: (1) Site accesses to a distance of 100 feet from public paved roads shall be treated with a 6 to 12-inch compacted layer of wood chips, mulch, or gravel and (2) washing truck tires and construction equipment of prior to leaving the site.~~
- ~~Sandbags or other erosion control measures shall be installed to prevent silt runoff to public roadways from sites with a slope greater than one percent.~~
- Limit the simultaneous occurrence of excavation, grading, and ground-disturbing construction activities.
- Install wind breaks (e.g., trees, fences) on the windward side(s) of actively disturbed areas of construction. Wind breaks should have at maximum 50 percent air porosity.
- Plant vegetative ground cover (e.g., fast-germinating native grass seed) in disturbed areas as soon as possible and watered appropriately until vegetation is established.
- Install sandbags or other erosion control measures to prevent silt runoff to public roadways from sites with a slope greater than one percent.
- Minimize the amount of excavated material or waste materials stored at the site.
- Hydroseed or apply non-toxic soil stabilizers to construction areas, including previously graded areas, that are inactive for at least 10 calendar days.

Page 79 **REVISE** the following text in the second paragraph after Community Health Risks:

2013 Specific Plan EIR Mitigation Measure AQAIR-2: The following measures shall be utilized in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within 60 feet of University Avenue:

ADD and REVISE the following text in the first paragraph

The 2013 Specific Plan MM AQ-2 addresses the effects of TACs and PM_{2.5} concentrations on future projects' sensitive receptors, which is not considered a CEQA impact. Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on the project are not considered CEQA impacts. Mitigation Measure MM AIR-4.1 would replace MM AQ-2 to be consistent with current BAAQMD CEQA Guidelines to reduce impacts (related to health risks) to sensitive receptors. Implementation of Mitigation Measure MM AIR-4.1~~3-3~~ represents the best available methods to minimize emissions of air pollutants and TACs from implementation of the Specific Plan Update. These measures would reduce emissions of TACs and PM_{2.5} from construction by at least 85 percent below those generated by uncontrolled projects.

REVISE the following text in the second paragraph:

The implementation of Mitigation Measure AIR-4.1~~3-3~~ would reduce construction TAC and PM_{2.5} emissions to below BAAQMD thresholds, and health risk impacts associated with the proposed Specific Plan Update (under both development scenarios) to a less than significant level.

ADD the following text after the third paragraph:

Magnuson-Steves Fishery Conservation and Management Act

The National Marine Fisheries Service (NMFS) has jurisdiction over federally listed, threatened, and endangered species under the Federal Endangered Species Act. The Magnuson-Stevens Fishery Conservation and Management Act governs all fishery management activities that occur in federal waters within the United States' 200-nautical-mile limit. The Act establishes eight Regional Fishery Management Councils responsible for the preparation of fishery management plans (FMPs) to achieve the optimum yield from U.S. fisheries in their regions. These councils, with assistance from the NMFS, establish Essential Fish Habitat (EFH) in FMPs for all managed species. Federal agencies that fund, permit, or implement activities that may adversely affect EFH are required to consult with the NMFS regarding potential adverse effects of their actions on EFH, and respond in writing to recommendations by the NMFS.

ADD the following text after the third paragraph:

McAteer-Petris Act

The McAteer-Petris Act was enacted on September 17, 1965 and serves as a legal provision under California state law to preserve San Francisco Bay from indiscriminate filling. The act initially established the San Francisco Bay Conservation and Development Commission (BCDC) as a temporary state agency charged with preparing a plan for the long-term use of the San Francisco Bay. In August 1969, the McAteer-Petris Act was amended to make BCDC a permanent regulatory agency to incorporate the policies of the Bay Plan. BCDC jurisdiction includes a 100-foot wide band

along the shoreline of the San Francisco Bay. The shoreline is defined as all areas that are subject to tidal action from the south end of the San Francisco Bay to the Golden Gate (Point Bonita–Point Lobos), and to the Sacramento River line (a line between Stake Point and Simmons Point, extended northeasterly to the mouth of Marshall Cut). Work within BCDC’s Bay jurisdiction or the 100-foot shoreline band would require a permit from the BCDC.

Pursuant to the requirements of the McAteer-Petris Act, any fill, extraction of material, or change in use of land or water within BCDC’s jurisdiction (such as the 100-foot shoreline band) triggers the requirement to obtain a permit from BCDC for that activity. However, there is no general prohibition or requirement to avoid development within the 100- foot shoreline band.

Page 91: **ADD** the following text to the first paragraph:

3.4.1.2 *Existing Conditions*

The Specific Plan area is comprised of mostly developed property. A small portion of the Plan’s eastern area is within the 100-foot BCDC jurisdiction. The unnamed tidal slough north of Bay Road and all tidal salt marsh along the eastern edge of the Specific Plan area fall within BCDC’s Bay jurisdiction due to their connectivity to San Francisco Bay. ~~BCDC’s shoreline jurisdiction extends 100 feet inland from those areas of Bay jurisdiction.~~ BCDC Bay jurisdiction in marshlands is considered to be anywhere tidal marsh is present up to five-feet above mean sea level. BCDC has Bay jurisdiction above that elevation where marsh is present. Where there is no marsh present, BCDC’s Bay jurisdiction is located bayward of the mean high tide.

REMOVE the following text from Table 3.4-1:

Table 3.4-1: Special Status Animal Species that Occur or Potentially Occur in Specific Plan Area		
Species (Status)	Habitat	Occurrence in Ravenswood/4 Corners
American peregrine falcon (State Fully Protected)	Forages in many habitats; nests on cliffs and tall bridges and buildings.	High potential for occurrence; potential presence as breeder. The 2012 EIR did not address the American peregrine falcon. Peregrine falcons are known to nest on structures around the edges of the South Bay and have nested in recent years on an electrical tower at Ravenswood ponds R1 and R2, approximately one mile north of the Specific Plan area. Individuals may nest on tall structures within or immediately adjacent to the Specific Plan area, and may forage in the Specific Plan area year-round.

Page 108: **REVISE** the text in MM BIO-1.1:

MM BIO-1.1: Pre-Activity Surveys for Special-Status Plants. “Prior to initial ground disturbance for Specific Plan-related projects in salt marsh, tidal slough, and grassland/ruderal habitats as depicted on Figure 3.4-1, a qualified plant ecologist shall conduct an appropriately timed survey for Congdon's tarplant, Alkali milk vetch, and Point Reyes bird's beak within the project footprint, and (as access and visibility allow) a 50-foot buffer around the project footprint. If areas within 50 feet around the project footprint extend into adjacent properties, the buffer area will be surveyed as feasible using binoculars and/or by requesting permission from adjacent landowners. This buffer may be increased by the qualified plant ecologist depending on site-specific conditions and activities planned in the areas but must be at least 50 feet wide (to the extent that access and visibility allow). Situations for which a greater buffer may be required include proximity to proposed activities expected to generate large volumes of dust, such as grading; potential for project activities to alter hydrology supporting habitat for the species; or proximity to proposed structures that may shade areas farther than 50 feet away.”

Pages 109-110 **ADD** the following text to:

MM BIO-1.3: Preserve and Manage Mitigation Populations of Special-Status Plants. If avoidance of special-status plants is not feasible and more than 10 percent of the population would be impacted, compensatory mitigation shall be provided via the preservation, enhancement, and management of occupied habitat for the species, or the creation and management of a new population. To compensate for impacts on special-status plants, habitat occupied by the affected species shall be preserved and managed in perpetuity at a minimum 1:1 mitigation ratio (at least one plant preserved for each plant impacted, and at least one occupied acre preserved for each occupied acre affected), for any impact over the 10 percent significance threshold. Alternately, seed from the population to be impacted may be harvested and used either to expand an existing population (by a similar number/occupied area to compensate for impacts to special-status plants beyond the 10 percent significance threshold) or establish an entirely new population in suitable habitat.

Areas proposed to be preserved as compensatory mitigation for impacts to special-status plants must contain verified extant populations of the species, or in the event that enhancement of existing populations or establishment of a new population is selected, the area must contain suitable habitat for the species as identified by a qualified plant ecologist. Mitigation areas shall be managed in perpetuity to encourage persistence and even expansion of this species. Mitigation lands cannot be located on land that is currently held publicly for resource protection unless substantial enhancement of habitat

quality will be achieved by the mitigation activities. The mitigation habitat shall be of equal or greater habitat quality compared to the impacted areas, as determined by a qualified plant ecologist, in terms of soil features, extent of disturbance, vegetation structure, and dominant species composition, and shall contain at least as many individuals of the species as are impacted by project activities. The permanent protection and management of mitigation lands shall be ensured through an appropriate mechanism, such as a conservation easement or fee title purchase.

A habitat mitigation and monitoring plan (HMMP) shall be developed by a qualified biologist or restoration ecologist and implemented for the mitigation lands on a project-by-project basis. Approval of the HMMP by the City U.S. Fish and Wildlife Service or California Department of Fish and Wildlife shall be required if the impacted plant species is listed under the Federal and/or California Endangered Species Act, and for non-listed species, approval by the City shall be required before project impacts occur to the species.

The HMMP shall include, at a minimum, the following information:

- A summary of habitat impacts and the proposed mitigation;
- A description of the location and boundaries of the mitigation site and description of existing site conditions;
- A description of measures to be undertaken to enhance (e.g., through focused management that may include removal of invasive species in adjacent suitable but currently unoccupied habitat) the mitigation site for the species;
- A description of measures to transplant individual plants or seeds from the impact area to the mitigation site, if appropriate (which will be determined by a qualified plant or restoration ecologist), as well as a requirement that any salvaging or transplanting of plants occur in accordance with appropriate best management practices for minimizing the spread of plant pathogens (<https://www.suddenoakdeath.org/welcome-to-calphytos-org-phytophthoras-in-native-habitats/resources/>);

Page 117 **ADD** the following text to the first bullet point:

- During construction, a qualified biologist will be on call to check underneath vehicles and equipment for salt marsh harvest mice and salt marsh wandering shrews before such equipment is moved, unless the equipment is surrounded by harvest mouse exclusion fencing.

ADD text to MM BIO-2.4 and MM BIO-2.4 as follows:

MM BIO-2.4: **Restrict Pesticide Use in and near Salt Marsh Habitats.** All pesticides used within 100 feet of salt marsh habitats must be utilized in accordance with the manufacturer’s directions, and pesticides shall not be stored, loaded, or mixed within 300 feet of any salt marsh or open water/tidal slough habitat unless the user's property is located entirely within 300 feet of those habitats (in which case off-site storage may be infeasible). No pesticides shall be applied within tidal marsh habitats as part of Specific Plan Update activities. Any pesticides used in areas where they could be washed, or could drift via wind, into tidal marsh habitat must be approved by the City of East Palo Alto for use in aquatic habitats.

MM BIO-2.5: **Raptor Perch Deterrents.** Within 300 feet of any salt marsh habitats within or adjacent to the Specific Plan area, raptor perch deterrents will be placed on any edges of building roofs, terraces, or other structures (e.g., light poles or electrical towers) that are high enough to overlook the marsh and that have an unobstructed view to the marsh. The specific type of perch deterrent(s) used shall be approved by a qualified biologist and the City but shall not include flagging or other wind-activated materials, or any deterrents that include lights.

ADD the following text to the second bullet point of MM BIO-2.8:

MM BIO-2.8: **Food Waste Management.** The following measures shall be implemented by future developments within 100 feet of salt marsh habitats to reduce impacts on salt marsh harvest mice and salt marsh wandering shrews due to the attraction of nuisance predators:

- Any bins used for food waste shall include lids that seal tightly to prevent access by animals and incorporate a mechanism to prevent them from being inadvertently left open when not in active use.
- Outdoor trash and recycling receptacles shall be emptied frequently enough that cans do not fill up and allow food waste to spill out. Any observations of overflowing or non-functioning trash bins shall be reported to those responsible for emptying the bins, and to the City, to ensure that they are emptied when necessary.

ADD the following text to MM BIO-3.1:

MM BIO-3.1: **Seasonal Avoidance or Protocol-level Surveys and Buffers around Calling Centers.** The mitigation measures described below may be modified or substituted with equivalent mitigation that achieves the same or greater

reduction of impacts, if approved in writing by the City and applicable regulatory agencies.

To avoid causing the abandonment of an active California Ridgway's rail or California black rail nest, independent project activities within 700 feet of salt marsh habitats within or adjacent to the Specific Plan area will be avoided during the rail breeding season (from February 1 through August 31) unless 1) a qualified biologist in coordination with USFWS and CDFW determines that a reduced buffer (but no less than 200 feet) is appropriate due to intervening development or obstructions, the level of disturbance by the activity (in terms of noise and equipment), or other factors that would reduce the potential for the activity to disturb nesting rails, or 2) protocol-level surveys are conducted by a qualified biologist to determine rail locations and territories during the year in which construction is initiated. Protocol-level surveys are typically initiated in late January, so proactive planning is necessary to ensure that such surveys are conducted according to the protocol during the year in which construction occurs.

If breeding rails are determined to be present, construction activities shall not occur within 700 feet of an identified California Ridgway's rail calling center or within 300 feet of a California black rail calling center during the breeding season unless the USFWS and/or CDFW provide guidance regarding the types of activities that may occur within lesser distances from calling centers, in which case USFWS and/or CDFW guidance shall be followed.

Page 135-136 **ADD** the following text to MM BIO-9.1:

MM BIO-9.1: Implement Invasive Weed Best Management Practices (BMPs). The invasion and/or spread of noxious weeds will be avoided by the use of the following invasive weed BMPs:

- Prohibit the use of moderate or highly invasive and/or noxious weed (as defined by California Department of Food and Agriculture and California Invasive Plant Council) for landscaping.
- During project construction, all seeds and straw materials used in the Specific Plan area shall be certified weed-free rice (or similar material acceptable to the City) straw, and all gravel and fill material will be certified weed-free to the satisfaction of the City. Any deviation from this will be approved by the City.
- During project construction within, or within 100 feet of, tidal salt marsh, open water, or tidal slough habitats, vehicles and all equipment shall be washed (including wheels, undercarriages, and bumpers) before and after entering the proposed project footprint. Vehicles will be cleaned at existing construction yards or car washes..

- Following construction of project, a standard erosion control seed mix (acceptable to the City) from a local source, and free of invasive species, will be planted within the temporary impact zones on any disturbed ground that will not be under hardscape, landscaped, or maintained. This will minimize the potential for the germination of the majority of seeds from nonnative, invasive plant species.
- To avoid mobilizing weed seeds, use of landscaping blowers within 100 feet of the edge of salt marsh is prohibited.

Page 136 **REVISE** the following text in the paragraph after the first bullet point:

With implementation of mitigation measure MM BIO-~~9.11-22~~, buildout of the proposed Specific Plan Update, under either scenario, and with the loop road or multi-use trail, would not contribute to the spread of nonnative and invasive species in adjacent salt marsh habitats. **(Less than Significant Impact with Mitigation Incorporated)**

Page 137 **ADD** the following text after the second paragraph:

Shading from future developments along the eastern portions of the Specific Plan area could affect vegetation in salt marshes. Future developments along the eastern portion of the Plan area have some potential to cast shadows over tidal marsh habitats to the east during the late afternoon and evening, when the sun is in the west. However, as depicted on Figure 2.3-2 (Maximum Building Heights), future buildings along the eastern portions of the Plan area, adjacent to the sensitive salt marshes, are limited to lower heights (35 to 60 feet above grade), compared to building heights (up to 120 feet above grade) in other portions of the Plan area. All new buildings would be constructed outside BCDC's jurisdiction, the which is 100 feet-foot within the shoreline band BCDC jurisdiction setback and, therefore, limiting the amount of shade that would reach the tidal salt marsh habitat throughout the day. These marshes are also expected to remain open to the sky to the north, south, and east, and are expected to receive enough light that shading from the buildings would not result in substantial adverse effects on marsh vegetation.

Page 138 **REVISE** the following text in the first paragraph:

Standard conditions under the Construction General Permit require that the applicant utilize various measures including: on-site sediment control BMPs, damp street sweeping, temporary cover of disturbed land surfaces to control erosion during construction, and utilization of stabilized construction entrances or wash racks, among other elements. Refer to Section 3.10 Hydrology and Water Quality. Implementation of mitigation measures ~~MM BIO-1.14 and BIO-1.15~~ MM BIO-4.2 would reduce such water-quality impacts. Nevertheless, in the absence of additional mitigation measures presented below, proposed Specific Plan Update construction activities adjacent to the salt marsh habitat could result in significant impacts to jurisdictional wetlands and other waters. The magnitude of the impact is unrelated to the amount of development that occurs within the Specific Plan area, and so therefore, there are not meaningful differences in the level of impact

between the Update Scenarios #1 and #2, in that they all propose development in the same locations and have the same potential to impact jurisdictional waters. The following mitigation measures, which have been updated to reflect the current standards for protecting sensitive habitats (including wetlands) would be implemented.

Pages 138-139 **ADD** the following text after the last bullet point of MM BIO-10.1:

MM BIO-10.1: **Jurisdictional Waters Avoidance and Minimization Measures.** The following measures will be implemented to avoid and minimize impacts to jurisdictional waters to less than significant levels.

- Any imported fill within wetlands shall be clean with no pathogens or weed seeds. When seed mixes are applied to wetlands, only specialized mixes with locally collected seed from coastal salt marsh plant species that occur in the habitat shall be utilized.

Page 140 **ADD** the following text after the last paragraph:

With implementation of mitigation measures ~~MM BIO-1.22 through MM BIO-1.24~~ MM BIO-10.1, and MM BIO-10.2, buildout of the proposed Specific Plan Update would result in a less than significant impacts to jurisdictional wetlands.

(Less than Significant Impact with Mitigation Incorporated)

To further reduce impacts to sensitive riparian and wetland habitats, future projects would include the following measures in Specific Plan Policy UTIL-1.7 and Specific Plan Update Chapter 9 Guideline as a part of stormwater management during operations. Future projects would be required to comply with MRP requirements to manage stormwater quality.

Specific Plan Update Policy UTIL-1.7

- All untreated runoff shall be directed away from salt marsh habitat.

Specific Plan Update Chapter 9 Guideline

- Detention basins should be planted with native plants when feasible.

Pages 141- **REVISE** the following text in the second paragraph:

Future development allowed under the Specific Plan Update (under both development scenarios with the loop road or multi-use path) would occur within the same area as the 2013 Specific Plan EIR, with the exception of the University Village neighborhood which is no longer considered a part of the Specific Plan area. Therefore, future development allowed under the Specific Plan Update

would result in the same potentially significant impacts to protected wetlands as previously identified in the 2013 Specific Plan EIR. In particular, if the loop road (which includes a multi-use path) or multi-use path by itself are constructed it would impact wetlands and other waters of the U.S./state where it would overlap open water and tidal salt marsh habitat. If the loop road with the multi-use path is constructed, this would result in the loss of more wetlands compared to the construction of the multi-use path (without the loop road), as depicted on Figure 3.4-2. As discussed under ~~Impact BIO-2 checklist question a)~~ above, with implementation of ~~MM BIO-1.22 through MM BIO-1.24~~ MM BIO-10.1 and MM BIO-10.2, buildout of the proposed Specific Plan Update under either Scenario 1 or 2 would result in a less than significant impact to jurisdictional wetlands and other waters.

(Less than Significant Impact with Mitigation Incorporated)

Pages 141-142 **REVISE** and **ADD** the following text after the third paragraph of Page 141:

As discussed in Section 3.4.1.2, the Specific Plan area is heavily urbanized and does not provide a particularly important area for movement by non-flying wildlife due to structural impediments. However, animals are able to move relatively unimpeded along the rail line on the northern edge of the Specific Plan area and along the upland/tidal marsh interface on the eastern edge of the Specific Plan area. However, the construction of the loop road or multi-use trail would impede wildlife movement in these areas by increasing human activity (and potentially vehicular activity with the loop road) and lighting within the narrow strip of wetland-upland ecotone in the northeast part of the Specific Plan area where wildlife movement is expected to be concentrated. Given the importance of wildlife movement along the edge of the baylands to populations of mammals, this would be a significant impact.

Impact BIO-11: Construction of the loop road or multi-use trail would impede wildlife movement along the upland/tidal marsh interface on the eastern edge of the Specific Plan area.

Mitigation Measures: Implementation of Mitigation Measure MM ~~BIO-2.1-BIO-1.4~~ (including restoration of ecotone vegetation on the marsh side of the loop road or multi-use trail) and Mitigation Measures ~~MM BIO-8.1 and MM BIO-8.2~~ BIO-1.20 (to minimize lighting impacts) would mitigate the impacts of the loop road on wildlife movement to less than significant levels. **(Less than Significant Impact with Mitigation Incorporated)**

Page 143 **REMOVE** the second sub-bullet point as follows:

- **6. Bird-safe glazing treatments may include any of the following:**
 - Fritting
 - ~~Netting~~
 - Permanent stencils
 - Frosted glass
 - Exterior screens

- Physical grids placed on the exterior of glazing
- Ultraviolet (UV) patterns visible to birds

Page 143 **REVISE** the following text after the third bullet point:

With implementation of the Specific Plan Update Standards 6.8.4, Numbers 2 through 8. above placing strict requirements for glazing treatments and lighting on new development, and Mitigation Measures MM BIO-1.4 (including restoration of ecotone vegetation on the marsh side of the loop road or multi-use trail) and Mitigation Measure MM BIO-1.20 (to minimize lighting impacts) described above, the Specific Plan Update would result in less than significant impacts to native wildlife corridors and migratory birds.

(Less than Significant Impact with Mitigation Incorporated)

Pages 180-181 **REVISE** text in Standard 9.7.6:

Specific Plan Update Development Requirements

- **Standard 9.7.6:** Shallow Groundwater Vulnerability Assessment and Mitigation. ~~Shoreline-adjacent development projects~~ Future projects on sites with shallow groundwater depths of six feet or less below ground surface shall perform a geotechnical assessment of the project’s vulnerability to shallow groundwater rise and submit a list of project measures that will monitor and mitigate seasonal and permanent emergent groundwater impacts, including: buoyancy, seepage, infiltration, liquefaction, corrosion, and contaminant mobilization hazards.

Page 181 **ADD** the following text after Impact GEO-3:

Mitigation Measure: Future projects with shallow groundwater depths less than six feet below ground surface shall implement the above Mitigation Measure MM GEO-3 to reduce impacts related to lateral spreading to less than significant.

Page 198 **REVISE** the following text in the third and fourth paragraphs:

As identified in Section 3.3 Air Quality, the Specific Plan Update includes standards (Standard 8-4.1 in the Specific Plan Update) that require future development to implement a TDM Plan to reduce daily vehicle trips by 40 percent (which, in turn, reduces mobile GHG emissions). The 40 percent trip reduction is accounted for in the emissions reported in Table 3.8-2. In addition, future development projects shall comply with EV system requirements in the most recently adopted version of CALGreen Tier 2 requirements (consistent with BAAQMD’s project-level GHG thresholds), in accordance with Specific Plan Update 8.6.2 Off-Street Parking Management Strategies Standard 5 (listed below). Future developments would implement the state’s and City’s solid waste minimization standards to increase the rates of recycling and composting of food (in accordance with Specific Plan Update Section 6.8.1 Standard 2). ~~Achieving carbon neutrality will rely on multiple~~

~~factors including future state regulations (including the future statewide CARB Scoping Plans) and technologies, and changes to human behavior.~~

Proposed Specific Plan Update 8.4.2 Off-Street Parking Management Strategies

- **Standard 5. Electric Vehicle (EV).** EV parking for all developments shall be provided in accordance with CalGreen Tier 2 guidelines. As an incentive for EV adoption, parking spaces for EVs should be designated, time limited and marked as reserved in prominent and convenient locations. Electric vehicle spaces shall count toward the total parking supply and parking maximum.

Proposed Specific Plan Update Section 6.8.1 Green Building

- **Standard 2 Solid Waste.** All future developments shall implement the state’s and City’s solid waste minimization standards to increase the rates of recycling and composting of food, and reduce greenhouse gas emissions.

Achieving carbon neutrality will require multiple factors including future state regulations (including the future statewide CARB Scoping Plans) and technologies, and changes to human behavior. Moreover, since achieving carbon neutrality is not within the ability of the City in its role of regulating land use, and would require state regulations and technological solutions that are not yet known or available, it is conservatively concluded that the buildout of the Specific Plan update will result in a significant and unavoidable GHG impact.

Page 206 **ADD** the following text before the last paragraph:

San Francisco Bay Regional Water Quality Control Board

Under the Porter-Cologne Water Quality Control Act (primary state law for regulating water quality), the State Regional Water Quality Control Board and the nine Regional Water Quality Control Boards (RWQCBs), including the San Francisco Bay RWQCB, were established to protect groundwater and surface waters of the State.¹⁵ The San Francisco Bay RWQCB oversees site investigation and cleanup for unauthorized releases of pollutants to soils and groundwater and in some cases to surface waters or sediments. The San Francisco Bay RWQCB oversees cleanup programs such as the Site Cleanup Program and Underground Storage Tank (UST) Program. Under the Site Cleanup Program, the San Francisco Bay RWQCB can issue cleanup and abatement orders requiring a discharger to cleanup and abate wastes where the discharger has caused or permitted waste to be discharged or deposited. A deed restriction (also known as an environmental restriction and covenant or land use covenant) may be required to protect human health and the environment

¹⁵ San Francisco Bay Regional Water Quality Control Board. Strategic Workplan. May 2024. Accessed October 21, 2024. <https://www.waterboards.ca.gov/sanfranciscobay/>.

by reducing the risk of exposure to residual hazardous materials. The San Francisco Bay RWQCB can also provide no further action (NFA) confirmations and no-further-active-cleanup confirmations to responsible parties when no further action is needed.

Under the UST Program, the San Francisco Bay RWQCB oversees and approves the site assessments that determine the appropriate cleanup strategy, site cleanup, and the closure (no further action) letter once the corrective action requirements are met. ¹⁶

Page 207 **REMOVE** the following text before Policy H-1:

General Compatibility

- ~~G-6 Any proposed uses that may cause a hazard to aircraft in flight are not permitted within the AIA. Such uses include electrical interference, high intensity lighting, attraction of birds (certain agricultural uses, sanitary landfills) and activities that may produce smoke, dust, or glare. This policy requires the height at maturity of newly planted trees to be considered to avoid future penetration of the FAA FAR Part 77 Surfaces.~~

- ~~G-7 All new exterior lighting or large video displays within the AIA shall be designed so as to create no interference with aircraft operations. Such lighting shall be constructed and located so that only the intended area is illuminated and off-site glare is fully controlled. The lighting shall be arrayed in such a manner that it cannot be mistaken for airport approach or runway lights by pilots.~~

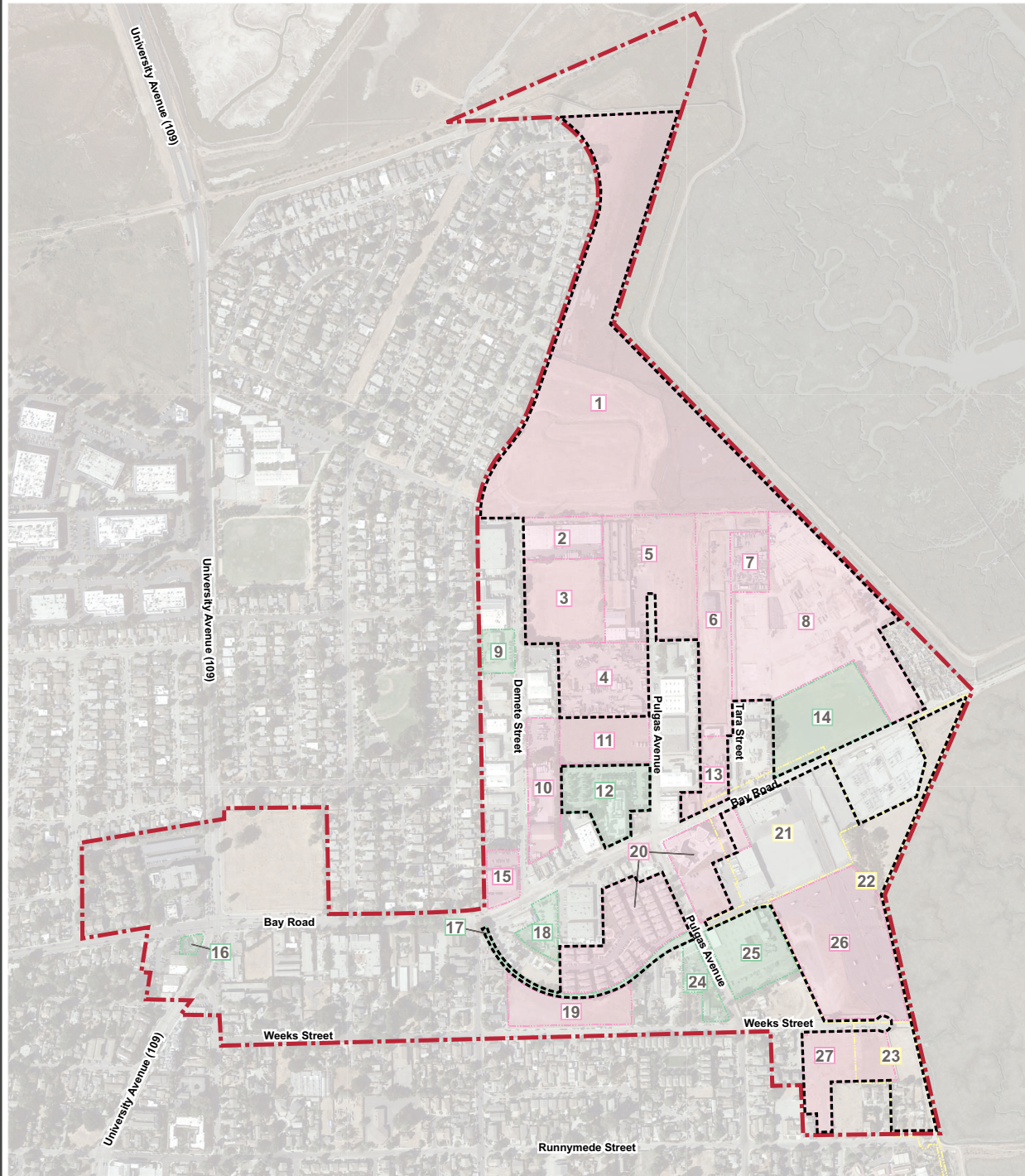
Pages 207-208 **REMOVE** the following text after Policy N-3:

- ~~N-4 No residential or transient lodging construction shall be permitted within the 65 decibel (dB) CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential portion of a mixed-use residential project of a multi-unit residential project.~~

¹⁶ San Francisco Bay Regional Water Quality Control Board. Underground Storage Tank (UST) Program. May 2024. Accessed October 21, 2024. <https://www.waterboards.ca.gov/sanfranciscobay/undergrd.html>.

Table 3.9-1 Summary of Reported On-Site Spill Incidents	
Site Name (Location)	Description
Open Cleanup Program Sites	
<p><u>Sycamore Real Estate Investments</u> <u>(Multiple addresses)</u></p>	<p><u>Sycamore Real Estate Investments is listed as a multi-property CPS case (open Case ID T10000019768) consisting of the following seven separate CPS cases.</u></p> <p><u>An “Area-Wide Risk Management Plan” that is applicable to each of these properties has been prepared and approved by the RWQCB.</u></p> <p><u>Additionally, a Land Use Covenant was recorded in 2022 that, among other provisions, restricts certain uses and activities at the properties unless approved by the RWQCB. Separate Land Use Covenants also were previously recorded for some of the individual properties (151 Tara Road, 264 Tara Road, and 2555/2565 Pulgas Avenue) and are concurrently applicable.</u></p>
1	<p>Sycamore Real Estate Investments (391 Demeter Street)</p> <p>Listed as open case on the CPS database</p>

Page 214: **ADD** Figure 3.9-1a Properties with Land Use Covenants after Figure 3.9-1 Properties with LUST Cases and Cleanup Program Sites:



Legend

- Approximate Site Boundary
- Properties with identified Land use covenants (deed restrictions)



Source: Comerstone Earth Group, Inc., February 2023.

Page 219: **ADD** the following text after to the first paragraph and following the first paragraph:

The 2013 Specific Plan EIR concluded that development allowed under the Specific Plan could cause existing contamination in the soil and groundwater to be released to ground or surface water. However, implementation of Specific Plan Policy LU-7.1 (below) would ensure that future projects would prepare a Phase I Environmental Site Assessment (ESA). The policy also requires that if recommended by the Phase I ESA, a Phase II ESA shall be prepared and the appropriate remediation shall be completed (if necessary). With the implementation of this policy, the 2013 Specific Plan impacts related to soil and groundwater would be less than significant.

- **2013 Specific Plan Policy LU-7.1:** For all new development, or substantial renovation or redevelopment (greater than 20 percent of assessed valuation) of sites in Subareas II and III (as defined by Figure 4.8-3 in the Specific Plan EIR), in the 4 Corners area, or on the south side of Bay Road, require a Phase I Environmental Site Assessment (ESA), and, if recommended by the Phase I ESA, a Phase II ESA to include soil and groundwater sampling and analysis. Share the results of the Phase I/II ESA with appropriate regulatory agencies to enable an appropriate remediation plan is to be developed. The remediation plan may include soil and groundwater cleanup, engineering controls such as vapor barriers or venting systems, and institutional controls such as deed restrictions or activity use restrictions.

Page 219: **ADD** the following text to the third paragraph:

As discussed in the proposed Specific Plan Update Policies LU-5.1 through LU-5.6, future projects would be required to prepare a site-specific Phase I Environmental Site Assessment (Phase I ESA) prior to development/redevelopment. If the above-mentioned chemicals/substances are identified as contaminants of concern, these contaminants would be subject to screening levels published by the California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB) and/or U.S. Environmental Protection Agency (U.S. EPA), or other cleanup goals that are consistent with current regulatory guidance and approved by the overseeing regulatory agency.

Page 223 **ADD** the following text to the last paragraph:

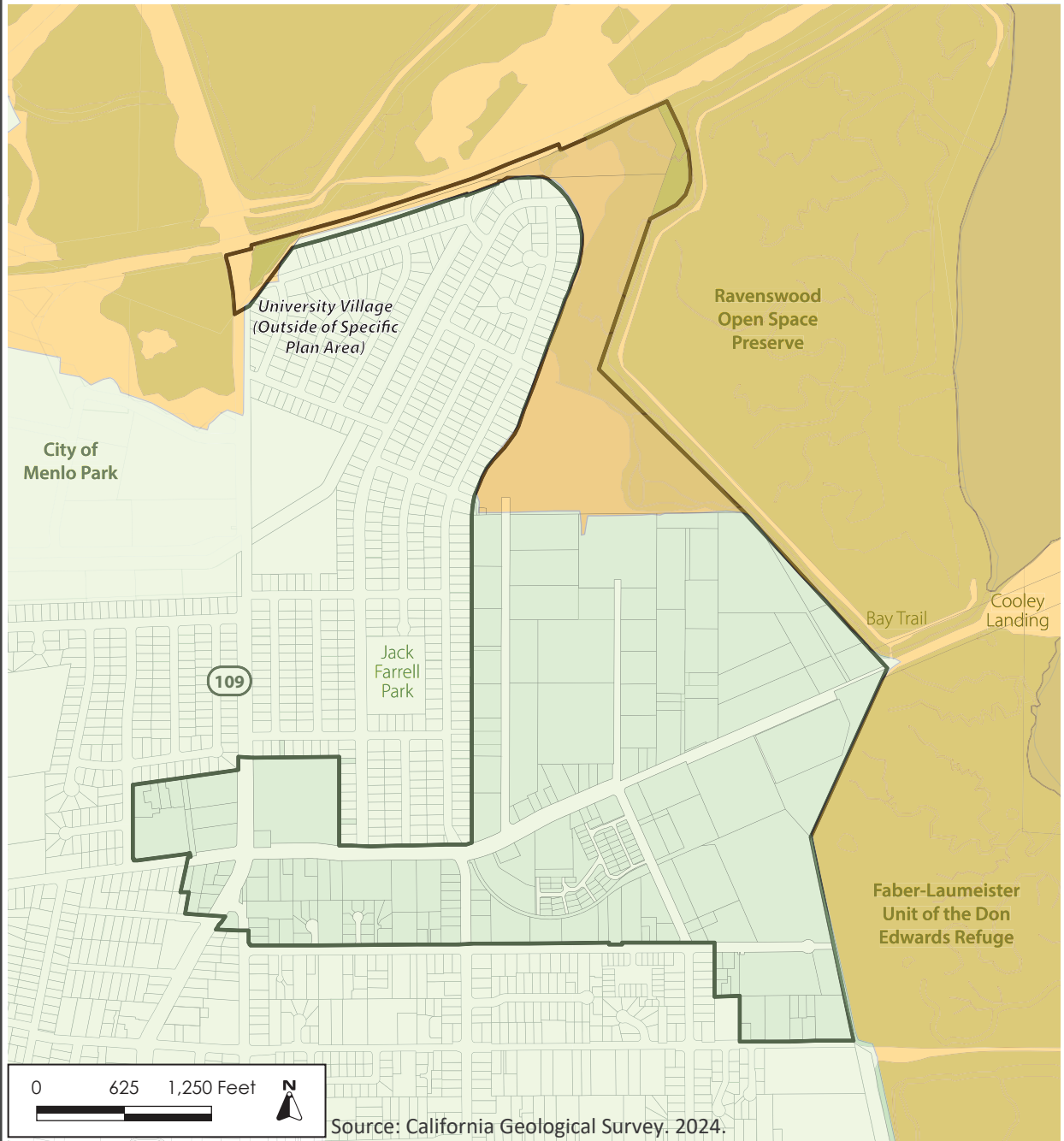
In the Specific Plan area, one facility (see Table 3.9-1, #10) is listed as an open LUST case, two facilities (Table 3.9-1, #15 and #20) are listed as closed LUST cases, and four facilities (Table 3.9-1, #14, #16, #24, and #25) are listed as closed LUST cases (with residual contamination), and seven facilities (refer to Table 3.9-1, one through seven) have an Area-Wide Risk Management Plan or a land use covenant approved by the San Francisco Bay RWQCB, on the list of hazardous materials sites compiled pursuant to Government Code Section 65962.5. In compliance with existing regulations and policies (including the Specific Plan Update Policies identified under checklist b), future development would not create a significant hazard to the public or the environment due to the redevelopment of sites on the Cortese List.

Page 224 **REMOVE** the following text in the third paragraph:

Safety of Persons

The southeast corner of Specific Plan area is located within the traffic pattern zone of the CLUP, which is the portion of the airport area routinely overflowed by aircraft operating in the airport traffic pattern. The potential for aircraft accidents is relatively low and the need for land use restrictions is minimal. Based on the CLUP, the traffic pattern zone (TPZ) has no limits for residential use or maximum population density. The CLUP stipulates that if non-residential uses are not feasible, residential infill is allowed. Office, residential, employment center, medical, civic, and retail uses are proposed within the traffic safety zone (refer to Figure 3.9-2). Future Specific Plan Update development would comply with CLUP ~~safety compatibility policies G-6 and G-7 related aircraft operations in the AIA~~ and height compatibility policies H-1 and H-2 to ensure the safety compatibility with Palo Alto Airport operations.

Page 238: **REPLACE** Figure 3.10-2 Tsunami Hazard Area with the following figure which references California Geological Survey as the map source:



- Within Tsunami Hazard Area
- Not within Tsunami Hazard Area

Page 244 **REPLACE** the following text in the second paragraph under checklist d):

Existing and future development under the Specific Plan Update may use, store, and generate hazardous materials; however, as stated in Section 3.9.2, under checklist a) Impact HAZ-1, hazardous materials would be contained and stored properly on-site pursuant to existing federal, state, and local laws, regulations, and programs, including the RCRA, TSCA, and CFR 49.

Page 244 **REPLACE** the following text in the first paragraph under 3.16.2 Impact Discussion:

As discussed in Section 2.3 Project Description, the SEIR evaluates two development scenarios. Scenario #1 would consist of 1,802,950 square feet of office space,¹⁷ 988,400 square feet of R&D space, 250,000 square feet of industrial space, 43,870 square feet of tenant amenity space, and 1,350 residential units. Scenario #2 would consist of 2,135,100 square feet of office¹⁸ and 1,126,500 square feet of R&D, 300,000 square feet of industrial space, 53,500 square feet of tenant amenity space, and 1,600 residential units. Both scenarios include 112,400 square feet of retail and 154,700 square feet of civic uses.¹⁹

Page 247: **ADD** the following text after the last paragraph:

3.10.3 Non-CEQA Effects

Per California Building Industry Association v. Bay Area Air Quality Management District, 62 Cal. 4th 369 (BIA v. BAAQMD), effects of the environment on a project or Specific Plan are not considered CEQA impacts. The following discussion on sea-level rise is included for informational purposes only.

Sea level rise results from climate change caused by global increases in greenhouse gas emissions. The increased temperatures cause sea level rise through thermal expansion of the oceans and melting of ice sheets. Sea level rise of about eight inches has occurred in the last century, and several feet or more of sea-level rise is projected by the end of this century.

A number of state and federal agencies have been regularly updating global projections for sea-level rise and precipitation. These agencies have also provided regional and local projections. This data will be reviewed regularly by the City, as well as projections of future change, and used to understand how flood hazards will change in East Palo Alto. BCDC mapped areas throughout the

¹⁷ The 32,650 square foot Ravenswood Health Center was subtracted from the allowed office development given it was constructed under the 2013 Specific Plan and is in operation

¹⁸ Ibid.

¹⁹ Although the 25,000 square foot EPACenter (civic use) was constructed and in operation under the 2013 Specific Plan by 2022, the square footage was not subtracted from the allowed development for the purposes of the Traffic Analysis. Therefore, the evaluation of traffic generated by civic uses is a conservative estimate.

Bay region susceptible to inundation from potential sea level rise scenarios and under the low sea level rise scenario (16 inches), substantial bayside portions of Specific Plan area would be at risk of inundation if no inundation protections are implemented.²⁰

As discussed in Section 3.10.1.2 above, much of the northwestern portion of the Specific Plan area is within Zone A or Zone X, and portions are located within a tsunami and seiche zone; however, future development projects under the proposed project (under either development scenario) would be required to implement Specific Plan Update Policy LU-6.4. The Specific Plan Policy LU-6.5 ensures that future projects comply with Chapter 15.52 of the City's Municipal Code, which requires projects located in a 100-year flood plain (Flood Zone A) have structures elevated so that the bottom of the lowest floor is one foot above the base flood elevation for residential structures and flood-proofed to one foot above flood level for non-residential structures. Specific Plan Update Policy LU-6.4 (which is the same as 2013 Specific Plan Policy LU-9.3) ensures that geotechnical reports for each future development take into account flood risks and potential impacts on surrounding buildings.

Proposed Specific Plan Update Policies

- **Policy LU-6.4:** Require preparation of a geotechnical report calculating the building load and placement of fill for each development. Verify that environmental review of this report includes an assessment of flood risks to the building itself, shallow groundwater rise, and the impacts on neighboring structures from displacement of flood waters. Require the report to consider the cumulative flood risks to other structures from the building in addition to other known, planned, and reasonably foreseeable development.
- **Policy LU-6.5:** As per Chapter 15.52 of the Municipal Code, ensure that at the time a project is proposed in the Plan Area that each proposed new structure in the 100-year flood plain as identified in the current Flood Insurance Rate Map (FIRM) is elevated so that the bottom of the lowest floor is one foot above the base flood elevation (1 BFE) for residential structures, flood-proofed to 1 BFE for nonresidential structures, or granted a Variance pursuant to the procedures outlines in Section 15.52080 (a) to (k).

In addition, future projects under the Specific Plan Update would be required to implement the following design standards to reduce the effects of flood risks and sea level rise on future projects in the Specific Plan area.

Proposed Specific Plan Update Maximum Building Height Standard 6.3.1

- **5. Design Flood Elevation (DFE).** All buildings shall have a minimum elevation of the finish floor of buildings above Base Floor Elevation (BFE), per Figure 6-3 (Chapter 6 of the Specific

²⁰ City of East Palo Alto. *Vista 2035 East Palo Alto General Plan*. October 2016. Page 10-8.

Plan Update). All buildings shall have a ground floor finish grade elevation of at least 13.5 feet above sea level (NAD 83 / NAVD 88). Buildings located in portions of the Flood Zone shall have higher DFEs as indicated on Figure 6-3 equaling the Base Flood Elevation of 11' plus a minimum of 2.5'-4'-5' of expected sea level rise; this DFE increases as buildings are located closer to the shoreline. Areas subject to flooding from the 100-year storm should be elevated in conformance with FEMA flood protection standards and buildings shall meet all current FEMA Flood Zone standards (subject to change).

Pages 254-255 **REMOVE** the following text after the first paragraph:

3.11.3 ~~Non-CEQA Effects~~

~~Per *California Building Industry Association v. Bay Area Air Quality Management District*, 62 Cal. 4th 369 (*BIA v. BAAQMD*), effects of the environment on a project or Specific Plan are not considered CEQA impacts. The following discussion on sea level rise is included for informational purposes only.~~

~~Sea level rise results from climate change caused by global increases in greenhouse gas emissions. The increased temperatures cause sea level rise through thermal expansion of the oceans and melting of ice sheets. Sea level rise of about eight inches has occurred in the last century, and several feet or more of sea level rise is projected by the end of this century.~~

~~A number of state and federal agencies have been regularly updating global projections for sea level rise and precipitation. These agencies have also provided regional and local projections. This data will be reviewed regularly by the City, as well as projections of future change, and used to understand how flood hazards will change in East Palo Alto. BCDC mapped areas throughout the Bay region susceptible to inundation from potential sea level rise scenarios and under the low sea level rise scenario (16 inches), substantial bayside portions of Specific Plan area would be at risk of inundation if no inundation protections are implemented.²⁴~~

~~As discussed in Section 3.10.1.2 above, much of the northwestern portion of the Specific Plan area is within Zone A or Zone X, and portions are located within a tsunami and seiche zone; however, future development projects under the proposed project (under either development scenario) would be required to implement Specific Plan Update Policy LU-6.4. The Specific Plan Policy LU-6.5 ensures that future projects comply with Chapter 15.52 of the City's Municipal Code, which requires projects located in a 100-year flood plain (Flood Zone A) have structures elevated so that the bottom of the lowest floor is one foot above the base flood elevation for residential structures and flood proofed to one foot above flood level for non-residential structures. Specific Plan Update Policy LU-6.4 (which is the same as 2013 Specific Plan Policy LU-9.3) ensures that geotechnical~~

²¹ City of East Palo Alto. *Vista 2035 East Palo Alto General Plan*. October 2016. Page 10-8.

reports for each future development take into account flood risks and potential impacts on surrounding buildings.

Proposed Specific Plan Update Policies

- ~~**Policy LU-6.4:** Require preparation of a geotechnical report calculating the building load and placement of fill for each development. Verify that environmental review of this report includes an assessment of flood risks to the building itself and the impacts on neighboring structures from displacement of flood waters. Require the report to consider the cumulative flood risks to other structures from the building in addition to other known, planned, and reasonably foreseeable development.~~
- ~~**Policy LU-6.5:** As per Chapter 15.52 of the Municipal Code, ensure that at the time a project is proposed in the Plan Area that each proposed new structure in the 100-year flood plain as identified in the current Flood Insurance Rate Map (FIRM) is elevated so that the bottom of the lowest floor is one foot above the base flood elevation (1 BFE) for residential structures, flood proofed to 1 BFE for nonresidential structures, or granted a Variance pursuant to the procedures outlines in Section 15.52080 (a) to (k).~~

In addition, future projects under the Specific Plan Update would be required to implement the following design standards to reduce the effects of flood risks and sea level rise on future projects in the Specific Plan area.

Proposed Specific Plan Update Maximum Building Height Standard 6.3.1

- ~~**5. Design Flood Elevation (DFE).** All buildings shall have a minimum elevation of the finish floor of buildings above Base Floor Elevation (BFE), per Figure 6-3 (Chapter 6 of the Specific Plan Update). All buildings shall have a ground floor finish grade elevation of at least 13.5 feet above sea level (NAD 83 / NAVD 88). Buildings located in portions of the Flood Zone shall have higher DFEs as indicated on Figure 6-3 equaling the Base Flood Elevation of 11' plus a minimum of 2.5'-4'-5' of expected sea level rise; this DFE increases as buildings are located closer to the shoreline. Areas subject to flooding from the 100-year storm should be elevated in conformance with FEMA flood protection standards and buildings shall meet all current FEMA Flood Zone standards (subject to change).~~

Page 259 **REMOVE** the following text after Policy N-3:

- N-4 ~~No residential construction shall be permitted within the 65 dB CNEL contour boundary unless it can be demonstrated that the resulting interior sound levels will be less than 45 dB CNEL and there are no outdoor patios or outdoor activity areas associated with the residential project. All property owners within the 65 dB CNEL contour boundary who rent or lease their property for residential use shall include in their rental/lease agreement with the tenant, a statement advising that they (the~~

~~tenants) are living within a high noise area and the exterior noise level is predicted to be greater than 65 dB CNEL.~~

Page 261 **ADD** the following text after General Plan Policy 7.2:

7.6 **Coordination with Airport Land Use Commission.** Work with the Santa Clara County Airport Land Use Commission and the Palo Alto Airport to reduce aircraft noise in East Palo Alto.

Pages 280-281 **REVISE** the following text in the first paragraph:

As shown in Table 3.12-6, buildout of the Specific Plan Update with the loop road would generally result in slightly lower traffic noise levels than without the loop road, for both scenarios, as the loop road would handle some traffic that would otherwise be traveling on existing streets, such as Bay Road. However, the traffic volumes on the loop road would not be substantial enough to increase noise levels by more than two (2) dBA CNEL, and would not therefore result in a substantial increase in noise levels above existing conditions along the planned route of the loop road. The noise produced by the multi-use trail (i.e. bicyclists, pedestrians) would be less than the loop road traffic noise. Traffic noise levels for development Scenarios 1 and 2 are similar, with Scenario 2, which includes about 15 percent more development than Scenario #1, producing the larger traffic volumes. Traffic noise increases by two (2) dBA when compared to the existing conditions for all scenarios for the loop road segments (refer to Table 3.12-6). The traffic volumes on the loop segments do not substantially differ between the scenarios. The traffic for Scenario 1 would result in 645 peak hour trips and Scenario 2 would have 702 peak hour trips on both loop road segments.

Pages 280-281 **REVISE** the following text in MM NOI-2.1:

Mitigation Measure: Implementation of the following mitigation measures will reduce impacts from traffic noise to a less than significant level.

MM NOI-2.1: To address impacts related to traffic noise, the City shall ensure implementation of the following noise reduction strategies:

- Future development projects under the Specific Plan Update shall pay a fair share contribution toward the City's installation of quieter pavement types, at Bay Road segments from University Avenue to Clark Avenue and Clark Avenue to Pulgas Avenue, such as Open-Grade Rubberized Asphaltic Concrete or a New Rubberized Asphalt Concrete which ~~could~~ would reduce noise levels by five (5) ~~two (2) to three (3)~~ dBA or more from existing conditions (assuming the affected segments are repaved every 10 years) ~~depending on factors such as existing pavement type and traffic speed allowed.~~ Future development projects that contribute traffic to the affected segments of Bay Road shall pay a one-time fair share contribution toward the repaving of the two Bay Road segments.

- ~~Future development projects shall install or pay a fair share contribution toward the City's installation of traffic calming measures along Bay Road (between University Avenue and Pulgas Avenue) that include, but not limited to, speed humps, bumps, or tables, or traffic circles. Future traffic calming measures would be coordinated with the Menlo Park Fire Protection District to ensure there would be no substantial effects on response times.~~

Implementation of Mitigation Measure MM NOI-2.1 would reduce traffic noise impacts along the impacted roadway segments to less than significant (refer to Table 3.12-6). In August 2022, Illingworth & Rodkin (the noise consultant for the Specific Plan Update SEIR) completed a noise survey and pavement analysis of the affected Bay Road segments to determine if installation of quieter pavement would reduce the traffic noise impact to a less than significant level. Based on the roadway noise survey and pavement analysis, it was concluded that installation of quieter pavement along the affected Bay Road segments would reduce noise levels by five (5) dBA and would, therefore, reduce the traffic noise impact at these segments to a less than significant level. ~~Installing traffic calming measures to slow traffic along Bay Road (between University Avenue and Pulgas Avenue) could provide reduce noise levels caused by speeding vehicles. Installing quieter pavement types such as Open-Grade Rubberized Asphaltic Concrete or New Rubberized Asphalt Concrete would reduce noise levels by five (5) dBA, which would reduce noise levels generated Specific Plan Update traffic (Scenarios 1 and 2, with and without the loop road) to below the existing traffic noise levels at the two identified Bay Road segments. The quieter pavement on the affected Bay Road segments would need to be repaved every 10 years to achieve the five (5) dBA reduction in noise levels. The City would fund the repaving of the affected Bay Road segments through a Capital Improvement Program once the funds from the above-mentioned fair share contribution from future applicants are expended. With the implementation of Mitigation Measure NOI-2.1, buildout of the Specific Plan Update (under Scenarios 1 and 2, with and without the loop road), would result in a less than significant impact related to traffic noise. However, engineering issues may affect the feasibility of installing quieter pavement along the impacted Bay Road segments and it may not be feasible to reduce traffic noise at all affected sensitive receptors along Bay Road (between University Avenue and Pulgas Avenue); and, in that event, the impact of the Specific Plan Update buildout (including with or without the loop road for both scenarios) would be significant and unavoidable.~~

(Less than Significant Impact with Mitigation Incorporated) Significant and Unavoidable Impact)

Page 227 **ADD** the following text after the second paragraph:

In addition, future projects would be required to comply with the following Specific Plan Update Policy to reduce aircraft hazards.

- **Specific Plan Update Policy LU-6.1:** Follow the land use planning and approval processes outlined in the Palo Alto Airport Land Use Compatibility Plan (ALUCP). Avoid land uses that

negatively affect air navigation as described in the ALUCP or are in excess of maximum heights identified in the ALUCP from the Traffic Pattern Zone.

Future development under the Specific Plan Update would comply with Specific Plan Update Policy LU-6.1 and CLUP height compatibility policies, including notification requirements and obtaining necessary No Hazard Determinations, to prevent aviation hazards.

Page 291 **REVISE** the following text in the third paragraph:

The geographic area for cumulative airport noise impacts is the Palo Alto Airport CLUP Traffic Pattern Zone and 60 to 65 dB CNEL noise contour boundary AIA. All future cumulative projects within the above geographic area AIA would be subject to the CLUP and comply with applicable policies to reduce airport-related noise impacts to less than significant. As described under Impact NOI-3, future development under the Specific Plan Update would comply with the CLUP noise compatibility policies. Therefore, implementation of the Specific Plan Update would not result in a cumulatively considerable contribution to a significant cumulative aircraft noise impact to people working and residing within the above Palo Alto Airport CLUP AIA geographic area.

Page 296: **REVISE** the following text in the last paragraph:

The jobs-housing balance represents the number of jobs divided by the number of housing units. A jobs-housing balance number of one indicates a community with the same number of jobs as housing units. Numbers greater than one indicate a jobs-rich community and below one indicates a shortage of jobs in that community. A low jobs-housing balance can also indicate that most people living in the community travel beyond their community for employment. East Palo Alto's jobs-to-employed residents housing balance number ratio in recent years has been 0.35.²²

Pages 309-310 **ADD** the following text in the first paragraph of Page 310:

The City of East Palo Alto owns and maintains seven parks totaling approximately 25 acres, including five main parks and two smaller "pocket" parks.²³ No City-owned parks are located within the Specific Plan area. Two City parks are located within 0.3 miles (walking distance) of the Specific Plan area, including the 3.7-acre Jack Farrell Park (located at 2509 Fordham Street, approximately 300 feet west of the Specific Plan area) and 10 acre Cooley Landing Park (located at 2100 Bay Road, approximately 690 feet west of the Specific Plan area). Jack Farrell Park includes a softball field, play structure, workout equipment, restrooms, tables, small grass area, and power for inflatables,²⁴ and

²² City of East Palo Alto. *Revised East Palo Alto Housing Element*. March 2024~~December 2023~~.

²³ City of East Palo Alto. "Parks, Recreation, and Open Space Master Plan" Accessed March 2023.

²⁴ City of East Palo Alto. "Jack Farrell Park." Accessed February 7, 2023. Available at: <https://www.ci.east-palo-alto.ca.us/parksrec/page/jack-farrell-park>

Cooley Landing Park includes a 3,000 square foot education center and walking ²⁵ The City contains approximately two-miles of the San Francisco Bay Trail which is located along the eastern edge of the City, adjacent to the San Francisco Bay. A connection to the Bay Trail is located north of University Village, and east of University Avenue. The City also contains 18.5 acres of open space including the Baylands Nature Preserve (5.5 acres) and Don Edwards San Francisco Wildlife Preserve (13 acres).

Page 320 **ADD** the following text after the first paragraph:

Regional

San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way (ROW) in three Bay Area counties that are part of the Hetch Hetchy Regional Water System providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities that may affect SFPUC lands and infrastructure for consistency with SFPUC policies and plans.

Proposed projects and other activities on SFPUC property must undergo the Project Review Process if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. The SFPUC’s Project Review Committee performs this review. In addition, projects within SFPUC’s jurisdiction must comply with current SFPUC policies.

Page 320 **ADD** the following text after Vista 2035 East Palo Alto General Plan Policies:

City of East Palo Alto Parks Master Plan

In March 2023, the City adopted the East Palo Alto Parks Master Plan to ensure the City’s residents have safe access to parks and open space, reduce the impacts of park facilities on the environment, encourage sustainable practices, and enhancing and improving safe and equitable access to all natural preserves and resources. The Plan includes design guidelines for trails and privately owned,

²⁵ City of East Palo Alto. “Cooley Landing Education Center.” Accessed February 7, 2023. Available at: <https://www.cityofepa.org/parksrec/page/cooley-landing-education-center>

publicly accessible spaces to ensure new parks meets the community needs. The Plan also includes guidelines for recreation near sensitive habitats including the following measures:

- Prioritizing lower-impact recreational uses, such as trails and native plant gardens, near sensitive habitats, and high-impact facilities, such as playgrounds and sports fields, the furthest away from sensitive habitats.
- Reducing night lighting, persistent human use, and excessive noise near sensitive habitats.
- Implementation of the Model Lighting Ordinance developed by the International Dark-Sky Association and the Illuminating Engineering Society of North America for guidance on lighting within parks and open space preserves in developed areas.
- Prohibiting or limiting dog access near sensitive habitats and wetland areas.

Pages 321 **ADD** the following text in the first paragraph of Page 321, under Section 3.15.1.2 Existing Conditions :

The City of East Palo Alto owns and maintains seven parks totaling approximately 25 acres, including five main parks and two smaller “pocket” parks.²⁶ No City-owned parks are located within the Specific Plan area. Two City parks are located within 0.3 miles (walking distance) of the Specific Plan area, including the 3.7-acre Jack Farrell Park (located at 2509 Fordham Street, approximately 300 feet west of the Specific Plan area) and 10 acre Cooley Landing Park (located at 2100 Bay Road, approximately 690 feet west of the Specific Plan area). Jack Farrell Park includes a softball field, play structure, workout equipment, restrooms, tables, small grass area, and power for inflatables.²⁷ and Cooley Landing Park includes a 3,000 square foot education center and walking.²⁸ The City contains approximately two-miles of the San Francisco Bay Trail which is located along the eastern edge of the City adjacent to the San Francisco Bay. A connection to the Bay Trail is located north of University Village, and east of University Avenue. The City also contains 18.5 acres of open space including the Baylands Nature Preserve (5.5 acres) and Don Edwards San Francisco Wildlife Refuge (13 acres).

Page 322 **ADD** the following text in the first paragraph:

An additional 30.5 acres of parks and open space would be added to the Specific Plan area as a part of the Specific Plan Update. The Specific Plan Update (under both development scenarios, with and without the loop road) would add a total approximately 4,190 to 5,015 new residents in East Palo Alto under Scenario 1 and 2, respectively. Therefore, implementation of the Specific Plan Update would result in a parkland to resident ratio of 7.3 acres per 1,000 residents under development scenario 1 and 6.1 under development scenario 2, exceeding the City’s service standard of three

²⁶ City of East Palo Alto. Parks, Recreation, and Open Space Master Plan” Accessed March 2023.

²⁷ City of East Palo Alto. “Jack Farrell Park.” Accessed February 7, 2023. Available at: <https://www.ci.east-palo-alto.ca.us/parksrec/page/jack-farrell-park>

²⁸ City of East Palo Alto. “Cooley Landing Education Center.” Accessed February 7, 2023. Available at: <https://www.cityofepa.org/parksrec/page/cooley-landing-education-center>

acres per 1,000 residents (required under the City’s Municipal Code 18.62.030) under both development scenarios. The proposed additional 30.5 acres of park and open space would, therefore, be adequate to serve the increased demand from future residents from development under the Specific Plan Update. Therefore, development under the Specific Plan Update would not result in substantial physical deterioration of existing neighborhood and regional parks and trails (including the Bay Trail) or other recreational facilities.

Page 334 **REVISE** the following text in the third paragraph:

As discussed in Section 2.3 Project Description, the SEIR evaluates two development scenarios. Scenario #1 would consist of 1,802,950 square feet of office space,²⁹ 988,400 square feet of R&D space, 250,000 square feet of industrial space, 43,870 square feet of tenant amenity space, and 1,350 residential units. Scenario #2 would consist of 2,135,100 square feet of office³⁰ and 1,126,500 square feet of R&D, 300,000 square feet of industrial space, 53,500 square feet of tenant amenity space, and 1,600 residential units. Both scenarios include 112,400 square feet of retail and 154,700 square feet of civic uses.³¹

²⁹ The 32,650 square foot Ravenswood Health Center was subtracted from the allowed office development given it was constructed under the 2013 Specific Plan and is in operation

³⁰ Ibid.

³¹ Although the 25,000 square foot EPACenter (civic use) was constructed and in operation under the 2013 Specific Plan by 2022, the square footage was not subtracted from the allowed development for the purposes of the Traffic Analysis. Therefore, the evaluation of traffic generated by civic uses is a conservative estimate.

Table 3.16-6: Summary of Affected Intersections – Existing Plus Specific Plan Conditions						
No.	Intersection	Requires Improvement (Y/N)				Improvements
		Scenario #1		Scenario #2		
		Without Loop Road	With Loop Road	Without Loop Road	With Loop Road	
42	Pulgas Ave & Emmerson St (future)	N	Y	Y	Y	<ul style="list-style-type: none"> With the loop road for Scenarios 1 and 2 and without the loop road for Scenario 2, a new east-west roadway (Emmerson Street) is planned to extend from Demeter Street to Tara Road (north of Bay Road). A single-lane roundabout shall be installed at the future Emmerson Street and Pulgas Avenue intersection. A roundabout would require the adjacent properties (currently industrial and vacant parcels) to dedicate right-of-way. With the above improvement, this intersection would operate at LOS A. No improvements are necessary under Scenario 1, without loop road.
45	Tara Rd and Bay Rd	Y	Y	Y	Y	<ul style="list-style-type: none"> Installation of a four-legged signalized intersection single-lane roundabout shall be installed at this intersection. A roundabout would require the adjacent industrial properties to dedicate right-of-way as a part of redevelopment. With the above improvement, this intersection would operate at LOS A.
<p>Notes: NB = northbound; WB = westbound; SB = southbound; EB = eastbound; L/T/R = left/through/right *These intersections have been analyzed using a simulation model due to their proximity to each other. Improvements proposed along Donohoe Street and University Avenue would affect the delay at all these intersections.</p>						

Page 401 **ADD** the following text after the first paragraph:

Regional

San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way (ROW) in three Bay Area counties that are part of the Hetch Hetchy Regional Water System providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities that may affect SFPUC lands and infrastructure for consistency with SFPUC policies and plans.

Proposed projects and other activities on SFPUC property must undergo the Project Review Process if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. The SFPUC’s Project Review Committee performs this review. In addition, projects within SFPUC’s jurisdiction must comply with current SFPUC policies.

Page 418 **ADD** the following text to the second paragraph:

The stormwater system model analysis in Appendix G identified two new pump station CIPs for Specific Plan Update Scenarios 1 and 2. The stormwater system model analysis accounted for the planned SAFER Bay levee project, which includes the construction of future levees, including the construction of the future levee proposed to be located along the eastern edge of the Specific Plan area, adjacent to the Ravenswood Open Space Preserve. The future levees target protection of up to 3.5 feet of sea level rise projected by 2050. One of the CIPs includes construction of a new Bay Road Pump Station, which will be required as soon as development is constructed on the north side of Bay Road, which will require new public storm drain infrastructure that is unable to drain to the existing public system by gravity.

For development and CIP models, boundaries were altered to reflect the construction of new levees currently being planned by the JPA. Levee heights vary based on the shoreline conditions. However, the levees generally target protection against up to 3.5 feet of sea level rise projected by 2050. Model boundary conditions on the Bay-O’Connor system have been adjusted by 3.5 feet to better reflect future conditions and support analysis of CIPs. Adjustments have only been made on the systems draining to Runnymede and O’Connor Pump Station, as the focus of this analysis is development impacts.

Table 3.16-9: VMT Results							
	Existing	Significance Threshold ⁶	Existing Plus Project (without Loop Road) ⁷		Cumulative No Project (includes 2013 Specific Plan with Loop Road) ⁸	Cumulative Plus Project (with Loop Road) ⁸	
			Scenario #1	Scenario #2		Scenario #1	Scenario #2
Residential VMT ¹	377,064		45,148	52,704	30,394	43,698	50,148
Households	8,107		1,350	1,600	868 ^{1a}	1,350	1,600
Total Population	32,278		4,519	5,352	2,894	4,519	5,352
Residential VMT per Capita before TDM ²	11.68		9.99	9.85	10.50	9.67	9.37
Residential VMT per Capita after TDM⁵	N/A	11.68	6.69	6.74	7.04	6.72	6.70
Employment VMT ³	89,158		151,570	179,563	87,849	147,762	166,009
Number of Jobs	4,626		9,914	11,609	5,366	9,914	11,609
Employment VMT per Job before TDM ⁴	19.27		15.29	15.47	16.37	14.40	14.30
Employment VMT per Job after TDM⁵	N/A	16.38	10.60	10.82	10.35	10.34	10.39

Notes: ¹ Residential VMT determined from the EPA Model. Residential VMT = Home-Based Trip Productions x Distance
^{1a} The traffic analysis assumed 868 units for the 2013 Specific Plan under the cumulative no project. This provided a slight over estimate of VMT as the number of residential units under the 2013 Plan is 835 units, which would result in 2,781 residents . The VMT per capita would be 10.90 (without the TDM reduction) and 7.3 VMT per capita with the TDM reduction
² Residential VMT per Capita = Residential VMT / Population
³ Employment VMT determined from the EPA Model. Employment VMT = Home-Based Work Trip Attractions x Distance
⁴ Employment VMT per Job = Employment VMT / Jobs
⁵ The reduction in VMT that may be achieved by satisfying the City’s TDM requirement was estimated based on a comparison of the vehicle trips per person estimated by the model without TDM compared to the estimated vehicle trips per person with a 40 percent trip reduction below baseline conditions. ~~The TDM reduction in this table is based on a 30 percent reduction in VMT which provides a conservative estimate for VMT per capita and VMT per employee. However, the VMT per capita before implementation of the TDM Ordinance already reflect a reduction in trips compared to ITE as the travel demand model predicts fewer vehicle trips per person than the baseline Institution of Transportation Engineers (ITE) rate. This is because the Specific Plan Update itself would result in a higher share of trips via transit, carpool, bike and more internal trips due to the projects density, mix of uses, and congestion even without any programmatic TDM measures like transit subsidies. Therefore, to meet the City’s TDM goal of a 40 percent reduction compared to ITE rates, the TDM program needs only to further reduce trip by approximately 30 percent to achieve the 40 percent goal.~~

Table 3.16-9: VMT Results

	Existing	Significance Threshold ⁶	Existing Plus Project (without Loop Road) ⁷		Cumulative No Project (includes 2013 Specific Plan with Loop Road) ⁸	Cumulative Plus Project (with Loop Road) ⁸	
			Scenario #1	Scenario #2		Scenario #1	Scenario #2

⁶ The VMT impact significance threshold is equal to the existing citywide average home-based VMT per resident for residential developments and 15 percent below the existing citywide average home-based work trip VMT per employee for office and other employment developments.

⁷ The Loop Road is expected to have a negligible effect on VMT/capita and VMT/job. Thus, for simplicity and for consistency with the roadway network under existing conditions, the VMT reported under existing plus Specific Plan conditions reflects the without Loop Road scenario given this option results in lower traffic volumes.

⁸ The Loop Road is expected to have a negligible effect on VMT/capita and VMT/job. Thus, for simplicity and for consistency with the roadway network under cumulative no project conditions, the VMT reported under cumulative plus project conditions reflects the with Loop Road scenario.

Personal Communications. Email: van den Hout, At. Hexagon Transportation Consultants. Re: Ravenswood Specific Plan Update – VMT for 2013 Adopted Plan. May 24, 2024.

Under the Cumulative plus project, scenario the average trip length is shorter because there are more job opportunities nearby, and, because of improved transit service, the future residents/employees of the Specific Plan Update would experience higher transit mode shares.

Table 7.3-1: Development Summary of Project and Alternatives Selected						
	Land Use					
	Residential (units)	Industrial (square footage)	Office/R&D (square footage)	Retail (square footage)	Civic/ Comm. (square footage)	Tenant Amenity (square footage)
Net Increase SPU Scenario #1	1,250 ^a	215,000 ^b	2,726,350 ^c	87,400 ^d	129,700 ^f	43,870
Net Increase SPU Scenario #2	1,500 ^e	265,000 ^e	3,237,350 ^e	87,400 ^e	129,700 ^f	53,500
Alternatives Selected						
No Project/ No New Development Alternative ^c	0	0	0	0	0	0
Net Increase No Project/Adopte d 2013 Specific Plan Alternative	735 ^g	140,910 ^g	1,346,760 ^g	87,400 ^g	36,000 ^f	0
Net Increase Reduced Scale Alternative ^h	900	159,000	1,424,4100	52,440	77,820	32,100
<p>Notes: SPU = Specific Plan Update Square feet = sf</p> <p>^a SPU Scenario 1 residential units (1,350 units) – 100 units to be redeveloped = 1,250 resid. Units. ^b SPU Scenario 1 industrial (250,000 square feet) – 35,000 square feet industrial to be redeveloped = 215,000 square feet ^c SPU Scenario 1 office/R&D (2,824,000 sf) – 65,000 sf office to be redeveloped – 32,650 sf Ravenswood Health Center (built out) = 2,759,000 sf ^d SPU Scenario 1 retail (112,400 sf) – 25,000 sf to be redevelopment = 87,400 sf ^e SPU Scenario 2 includes increase – existing conditions to be redeveloped (same as SPU Scenario 1) ^f 25,000 square foot EPACenter (civic use) was constructed and in operation in 2022 under the 2013 Specific Plan. ^g 2013 Specific Plan sf/unit increase – existing conditions to be redeveloped (same as SPU Scenarios 1 and 2) - 32,650 sf Ravenswood Health Center (built out) ^h SPU Scenario #2 units/sf net increase – (SPU Scenario #2 units/sf net increase * 0.40) = 40 percent reduced development in units/sf</p>						

Page 441 **REMOVE** the following text in the second paragraph:

In the discussion below two No Project Alternatives are analyzed: (1) a No Project/No New Development Alternative and (2) a No Project/Adopted 2013 Specific Plan Alternative. Under the first, the No Project/No Development Alternative, the Specific Plan area would remain as it is today (i.e., developed with a total of 125,000 square feet of office, 125,000 of light industrial, 200,000 square feet of retail, 75,000 square feet of civic/community, and 25,000 square feet of tenant amenity space). The No Project/Adopted 2013 Specific Plan Alternative assumes what would be reasonably expected to occur in the foreseeable future if the Specific Plan Update were not approved, based on current plans, i.e. the existing adopted 2013 Specific Plan is implemented. The No Project/Adopted 2013 Specific Plan Alternative would result in net new development of 735 units, 1,346,760 square feet of office/R&D space, 140,910 square feet of industrial space, 87,400 square feet of retail space, and 36,000 square feet of civic/community space. ~~For these reasons,~~

Pages 447-448 **REVISE** text on Page 448 in the first paragraph:

The Reduced Scale Alternative would result in approximately 40 percent less operational criteria pollutant emissions for NO_x and PM₁₀, which would be below BAAQMD thresholds, avoiding the significant and unavoidable impact for these criteria pollutants, but not for ROG which would be reduced to approximately 130 pounds per day ~~for Scenario 2~~ with and without the loop road (when compared to Scenario 2), still exceeding the 54 pounds per day BAAQMD threshold. The NO_x emissions would be reduced to 63 pounds per day with and without the loop road (exceeding the 54 pounds per day threshold) and PM₁₀ would be reduced to 70 pounds per day ~~for Scenario 2~~ with and without the loop road (when compared to Scenario 2), which is below the BAAQMD threshold of 82 pounds per day. The emissions for PM_{2.5} would be below BAAQMD thresholds for both the Reduced Scale Alternative and the Specific Plan Update. The Reduced Scale Alternative would be environmentally superior due to substantially reduced operational criteria pollutant emissions compared to the two Specific Plan Update scenarios.

Table 7.3-2: Comparison of Impacts of the Specific Plan Update Scenarios to Project Alternatives							
Impacts	Project Scenario #1 w/o Loop Road	Project Scenario 1 w/ Loop Road	Project Scenario 2 w/o Loop Road	Proposed Project Scenario 2 w/ Loop Road	No Project/Adopted 2013 Specific Plan	No Project/No New Development Alternative	Reduced Scale Alternative
Meets All City’s Objectives?	Yes	Yes	Yes	Yes	Partially	Partially	Partially
Objective 1	Yes	Yes	Yes	Yes	Yes	Yes <u>Partially</u>	Yes
Objective 2	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 3	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes	Yes
Objective 4	Yes	Yes	Yes	Yes	Partially <u>Yes</u>	Yes <u>No</u>	Yes
Objective 5	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 6	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 7	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 8	Yes	Yes	Yes	Yes	Partially <u>Yes</u>	Yes <u>Partially</u>	Yes
Objective 9	Yes	Yes	Yes	Yes	No <u>Partially</u>	Partially <u>No</u>	Partially
Objective 10	Yes	Yes	Yes	Yes	No <u>Partially</u>	Partially <u>No</u>	Partially
Objective 11	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 12	Yes	Yes	Yes	Yes	Yes <u>Partially</u>	Partially <u>Yes</u>	Partially
Objective 13	Yes	Yes	Yes	Yes	No <u>Yes</u>	Yes <u>No</u>	Yes
Objective 14	Yes	Yes	Yes	Yes	No <u>Partially</u>	Partially <u>No</u>	Partially

Table 7.3-2: Comparison of Impacts of the Specific Plan Update Scenarios to Project Alternatives

Impacts	Project Scenario #1 w/o Loop Road	Project Scenario 1 w/ Loop Road	Project Scenario 2 w/o Loop Road	Proposed Project Scenario 2 w/ Loop Road	No Project/Adopted 2013 Specific Plan	No Project/No New Development Alternative	Reduced Scale Alternative
Objective 15	Yes	Yes	Yes	Yes	No Partially	Partially No	Partially
Objective 16	Yes	Yes	Yes	Yes	No Partially	Partially No	Partially
Objective 17	Yes	Yes	Yes	Yes	Partially	Partially	Partially

Notes:

Bold text indicates being environmentally superior to the proposed Specific Plan.

NI = No impact; LTS = Less than significant impact; LTSM = Less than significant impact with mitigation incorporated; SU = Significant and unavoidable

Page 455 **ADD** text after the California Department of Tax and Fee Administration reference:

California Department of Transportation, District 4. Bike Plan. 2018.

California Department of Transportation, District 4. Pedestrian Plan. 2021.