

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
1	Page 51 of the PDF is inaccurate. Fig 3-4 Existing Bicycle Facilities only shows a small percentage of the city's bike lanes. Please get the latest bike lanes from Humza Javed, public works director. There are at least 8 miles of bike lanes missing in this diagram.	5	51	
2	I would like to see you guys add multi purpose sports places, youth shelters, cooling centers, and a resource center I think they would be really beneficial for our community	6		
3	people in our community dont really play bocce ball so a court would be pointless also if they add more fountains and cooling spaces	7		
4	Make sure that all roads have public and accessible sidewalks and if we could get more of the new buses with air conditioner and outlets for phones	8		
5	make the language more understandable and they didnt add any youth shelters also mabeey add water fountain that dispenses cold water	10		
6	no we don't want to prioritize a police station and you guys didn't add youth shelters	10-S		
7	I would like see a subsidized center for upcoming adults to rent out. For example young people who are more intrested in running their own business in doing nails, hair, barber and such. I would like to also see at least 2 youth group home here in East Palo Alto, it is very much needed. I would also like to see a general east palo alto resource center that is accesbile to the public and a multi purpose sport place.	6		
8	I would like see more parks since our community is very overcrowded and it is important to also have entertainment for youths and not only for children under the age of 12. Having more work out equipments getting installed into parks.	7		
9	Making sure we have sidewalks so people can walk and get around in the community. We would also like to see planter boxes that would protect bike lanes so people feel safe and making sure road is accesible to community members to walk on.	7		
10	We need to add more space into our roads instead of office spaces. I would like to see more sidewalks that are accesbile for people who walk, biking, and also using a wheelchair. Fixing the potholes on woodlands side and fixing the road next to the creek.	8		
11	The city being better about advocating for community members when they are bringing in new developments and making sure that part of that development is accesbile to the residents of East Palo Alto.	10		
12	Yes and No. You emphasized affordable housing but not specific on what kind of affordable housing at a low income community rate. Would like to see ADU and afforable units to keep our young people in our community. Funding a police station under community facilities does not sound right, they do not even meet the communitys needs, why would we fund these pigs?- if this is prioritized please make it the last last option or when they are ready to treat people like human.	10-S		
13	Having water foundtains that dispense cold water especially when it is summer for unhoused people and just in general.	GC		
14	I would like to see youth centers. For example studios for young entrepreneurs, this will help them shape their future and achieve what they want. It's also a great way for them to make money. Especially for youth that are on their own. And also creating youth shelters. To help them in any way they need it.	6		
15	I think we should include bathrooms that are open, and clean, to all 4 corners. I also believe that for athletics field they should include courts for sports that are played a lot in our community.	7		
16	I think there should be side walks implemented. Many streets don't have side walks which can be dangerous for anyone that walks especially on daily basis. Also for children that walk from school or walk to school. As well as making sure the side walks are wide enough.	8		
17	The frame work could be better, could build more that'll be beneficial for the community.	10		
18	I think we are missing implementing youth shelters. Which is something I wanna see to make a big impact on youths life's and being a big help for them. Also putting water fountains that keep water cold and filtered would make a huge impact. As well as keeping housing affordable.	10-S		
19	I would like to see a cooling center because its been really hot lately and a lot of apartments or homes don't own AC and it would be very cool to see a cooling center here in East Palo Alto.	6		
20	I would like to for sure see dog parks and also with all the parks make sure there are clean and usable bathrooms because a long day in the park we need to use the bathroom so I would like to see that and also make sure its being cleaned up everyday.	7		
21	I would like to see the big busses more in EPA because I know after school a lot of kids from Menlo Atherton take the bus and it gets really packed and with the big buesse it would be so much easier.	8		
22	I would like to see this a little better but for a start its good and I really hope from now on this will help be beneficial for our community	10		
23	For Affordable housing I didn't see youth shelter, to come into the RBD area, much needed and should be here in EPA, if you keep police station for community facilities and local business support it should be the very last thing to focus on.	10-S		
24	I would like to see a cooling center, studios for entrepreneurs, Subsidized Business center - nail shop, tattoo, lashes and a Youth shelter.	6		
25	That the bathrooms are always in good condition and well maintained (clean and always open to the public)	7		
26	Make sure you have bike lanes for cyclists, have signs to feel safe crossing streets and take into account disabled people in wheelchairs and families who have strollers!	8		
27	could be better	10		
28	Keep low-income people there and we realized there is no youth shelter. We would like to see youth shelters.	10-S		
29	Most of the things I want to see would be multi purpose sport area as in pickle ball, badminton, tennis, and volleyball nets. I say this because we have basketball courts, soccer, and football but I would like to see more sports be included.	6		
30	My feedback for this area is having clean bathrooms that are open, have maintenance often, and are disabled friendly.	7		
31	I would like to see better and safer bike lanes with a space within the cars bikes whether it's trees etc.	8		
32	I think we could charge them more to encourage them to build more benefits and make sure the community is getting the best use of the benesits.	10		

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33	For the most part yes. Love to see the affordable housing for low-income people but you all are missing a youth shelter. Personally to me it is very important for the community. I do think the police station is one of the least priorities for me and most likely a lot more other people. Another thing I would like to see is water fountains that dispense cold water around the city. Especially for these hot days.	10-S		
34	I would like to see a community center one similar to the onetta harris community center, Subsided business center (aimed to lease to east palo alto youth interested in this business), and more parks with a multi purpose sport space.	6		
35	I would say there is need need for a bocce ball space instead implemented a fountain that shoots from the ground. This fountain can helped with the heat and would allow youth and adults to cool off when necessary.	7		
36	I would ask for cleaner bathrooms in public areas (bathrooms that actually work and are being cleaned regularly)	7		
37	Making sure there are more bus stops in as many streets as possible and having the streets as safe as possible.	8		
38	Making sure all streets in East Palo Alto have sidewalks, wider streets (for wheelchairs, baby strollers, etc.), and having bike lanes	8		
39	Encouraging them to ask for more benefits in order for more space. This is because we have already seen companies come in the community without them giving anything in return.	10		
40	no, making sure that there are youth shelters while still focusing on affordable housing! keep afforbale housing for low in-come people in this community. Not putting police at the top of the priority, keeping it at the bottom of the list.	10-S		
41	Making spaces that are available and appealing to youth such as bowling alley, arcades, movie theater, etc.	6		
42	Make sure that when park are being constructed that they have clean bathroom that constantly are getting maintenance to ensure they stay in working condition.	7		
43	Ensuring that there are safe side walks and bike lanes.	8		
44	Something that was missing that is really important is a youth shelter. Don't prioritize a police station that should be one of the last things that should be thought of.	10-S		
45	District utilities	11		
46	Good place	5		
47	Good can't wait to see it	6		
48	None	7		
49	Don't make it a trespassing point, allow public free parking, allow smoking, no security,	5		
50	Is y'all really go give these benefits tho cuz y'all always say that	10-S		
51	Put the levee on the existing trail	GC		
52	Will this area have a nice observation deck where you can sit and eat and look at the view? Maybe Also picnic areas? Would the roof have gardens similar to Facebook? Would there be tennis courts or other sports available also? Would there be exercise equipment on the exterior or a futuristic playground? Maybe a small kid water park?	5		
53	I like this East Palo Alto needs move things for people to do especially for kids	6		
54	Maybe a dog park	7		
55	None right now	7		
56	I feel like you guys have a lot of great ideas and it would be great if you guys can add some outdoor workout equipment as well.	10-S		
57	This is kind of new to me and I want more information on this map	5		
58	Need more information on all of this.	6		
59	Is there a public city meeting on this coming up.	7		
60	Can't read this map and want clear maps	7		
61	Can't read this map and want clear maps	8		
62	Would like more info on this.	8		
63	No, what's the cost to Residents.	10-S		
64	Cost and if any benefits to residents	11		
65	Cost to Residents	GC		
66	N/A			
67	More cafes / storefronts would be great to have to encourage residents to go out!	5		
68	Can something be done about the marsh smell	7		
69	has to be of benefit to the community, in usability and pleasant/ recreational, look and feel beautiful, walkable. Needs lots more greens and trees (Canopy: EPA is a tree desert compared to neighboring cities). Otherwise need more detail and I am looking forward to improvements and to do it right.	5		
70	I am not for high buildings and high intensity office/ lab space. It makes it more exclusive and less lively and usable for people who live here or want ti live here, see parts of Mtv where you are not allowed to walk.	6		
71	the more the better and walkways and the Bay Trail lined with trees.	7		
72	I'd think that the levee at the existing Bay trail alignment would be best and provides a more open feel and possibly more recreational/ nature area, similar to Shoreline in Mtv.	7		
73	need more info	8		
74	need more info	9		
75	need more info	10		

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76	I think that we also need housing for people with 100% and 100%+ AMI to possibly accommodate more people who will work in EPA or nearby. People who work in EPA may have preferences for housing in EPA. Otherwise, I want a walkable green beautiful and lively city. The plan looks good.	10-S		
77	need more info	11		
78	lets do it right for this generation and generations to follow and with respect for the land and all who live here and want to live and work here in beauty.	GC		
79	Think there should be less office. More focus on community, housing and parks	6		
80	Parks are a good use for this space so it's good	7		
81	Good. Need easily navigation through populated areas	8		
82	We'd more information	5		
83	Graphic not clear	6		
84	Need dog parks and outdoor lounging space	7		
85	Need wheel chair activation spaces	8		
86	N/A			
87	N/A			
88	More green space	5		
89	yes	10-S		
90	There should be parks and rec that is intentional on south side	6		
91	More access the better	7		
92	Extend further south	8		
93	Parks and nearby retail. Look at San Mateo!	10-S		
94	Let's get this going!	GC		
95	The levee being so close to homes will block the view and potentially erase the marsh, which were decisive factors in many of us moving here in the first place.  We would only support raising the existing levee at the bay trail to preserve the marsh, preserve our view, and maintain the distance between us and various human traffic. Having the levee further away also means the water that threatens our homes is further away, with a marsh sponge as a buffer. It seems overall to be the lowest impact option for the community.	8		
96	Levee at existing bay trail	7		
97	For bloom house, prefer levee at existing bay trail with increased bay access	7		
98	I love the wide variety of recreation courts. Using as much space as possible for sports courts is ideal and will be great for the community. I also love the chance for amenities and a greenhouse!	5		
99	all good	6		
100	all good	7		
101	I am in strong favor of the Bay Trail placement for the levee. It feels safer, as it creates a wider buffer between the levee and the land. Also, it would be a shame not to make full use of the space as the plan proposes. East Palo Alto is small and lacking in many amenities. Let's place the levee on the Bay Trail so we can develop the land to the fullest extent.	7		
102	I'm glad there is minimal disruption to the University Village neighborhood - let's keep it that way by following the plans proposed vehicular entrances.	8		
103	n/a	8		
104	all good	9		
105	We should provide as many low income units as possible and give East Palo Alto residents priority for all units.	10		
106	yes	10-S		
107	all good	11		
108	Let's make this happen!	GC		
109	I think a levee at existing bay trail alignment would be best. Thanks	7		
110	The proposed development is on marshland that should not be used for commercial development and more than 30 years ago, a group of citizens from the the village University village have fought to keep that area to be continued to be wetland and not to be developed	ALL		
111	Definitely think it would be nice to have a community center within all of the buildings. Our community does not have a community center that includes recreational and other activities for residents. I believe having a community center can bring more inclusivity and community building within our residents.	6		
112	I definitely think it is great to keep open space and utilize the natural environment in relation to the space itself.	7		
113	The plan on the brochure does not state the cost differential between the 10 and 15 acres projects or who will pay for these.	5		
114	I prefer the option of larger space and access to the bay	7		
115	As in item 7	7		
116	I'd like to prioritize access to water fountains	9		

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117	Access to public restrooms if these can be cleaned periodically. Great the promotion of community art and engagement. Would love to see development of community vegetable gardens.	10		
118	I prefer the levee to be at the existing bay trail alignment.	7		
119	I prefer option 1, Levee at Existing Bay Trail Alignment, because it provide more open space, increases Bay access (which has been historically pretty bad in EPA), and doesn't block views of the bay from the trail. In my mind, there's no advantage to option 2.	7		
120	Build the levee along the existing bay trail, do not let the developers expand into protected marshlands. Our ecosystems need to be preserved for flood protection	7		
121	I love Bloomhouse and would like to see the levee set at the more distant site so they have more open space.	7		
122	Levee set further out is my opinion	7		
123	I believe that we should make sure that the open space is as publicly engaging as possible, it should be easy to access and should be sure to activate Bay rd. I also believe that there should be plenty of reasources dedicated to sustaining the parks and open space and continue to add to environmental safety of East Palo Alto. That would include shady areas, green infrastructure, and areas to charge devices for free.	7		
124	I believe that the community, civic, and job space percentages could receive an overall increase. I generally do enjoy the tier system but maybe would like to see a point up in the system and more incentive to focus on housing and jobs. When smaller projects are being brought to the table for development, make sure that the jobs they may bring are going to be attainable for East Palo Alto residents. Some kind of process to make sure that local entrepreneurs can get some of the first opportunities to rent out spaces that are brought.	10		
125	I believe that these make a lot of sense, but would want to see an expansion of the low-income AMI to include 20-25%. Also a decrease in the middle income AMI to cap out around 80-90%. The jobs and workforce priorities are all in line. I do not think that police stations should be a priority, I would rather have an increase in overall care including mental health services, youth homeless shelters, emergency services, animal care, and rehab centers. I would like to make sure that public art and art programs are culturally competent so that they reflect the culture and history of our city.	10-5		
126	I'm happy to see an emphasis on environmental impacts and site remediation, as well as overall culture and neighborhood conservation. I feel that GOAL LU-3 is a bit thin on specifics. There must be more ways development can strengthen and enhance nearby neighborhoods, and those need to be explicitly stated to ensure that developers adhere to them. And many of the items in this goal are not about strengthening neighborhoods, but are instead about not weakening them, which is not the same thing. Among sub-goals listed under GOALS LU-1 -2 and -3, I would like to see some mention of San Mateo County's loneliness epidemic declaration and ways in which this development could address that issue via explicit requirements to build what sociologist Ray Oldenberg called "The Third Place," gathering places that create curiosity, serendipity, and community - basically the family room for people within walking distance. And to the extent that the City of East Palo Alto is able, I think it would be beneficial to explicitly state an expectation that the owners and developers of this land meet regularly, collaborate on design and flow, and develop some cohesion of design so the City's waterfront looks like something created with a macro-level design scheme in place - a group project like this could take a "divide up the work and each do a piece" approach (not ideal) or a "let's work through it piece by piece, together" approach that makes it possible for the whole to be greater than (and not merely equal to) the sum of its parts. This can happen only if the Land Use Goals and Policies explicitly require collaborative efforts toward cohesive design via a certain frequency of cross-developer meetings, conversations, and presentations.	5		
127	Regarding Figure 6-15: Active Frontages, I think the High Activity Zones across the development area need to be increased by at least a factor of 2, preferably more. These zones should not be limited to curb and street appeal, only, and should instead be added to internal elements of these developments. To make a walkable city, one that promotes community and gathering, these High Activity Zones must be emphasized and required in those areas we expect pedestrians to gather. Our community doesn't have a downtown, and the only way to make one a reality is to mandate it, and that must come from as many walkable pathways in these development zones being High Activity, communal, warm, inviting, interesting, art-filled, and comfortable - all the things we wish to create in own homes.  Regarding 6.4.1 - Item 3: Blank Wall Avoidance - whoever came up with this deserves a raise. Bravo, and thank you.  Regarding 6.7.3 - Guidelines, Item 1: Unified district wayfinding palette - "strong encouraged" will not lead to a unified, cohesive design palette. I would like the city to determine the signage to be used throughout the city, including these developments. It just makes sense from a practical viewpoint (our eyes will be trained to find that signage, react to that signage), and it will create flow and unity in design.	6		
128	Regarding GOAL POS 1.1, I am wondering how an interconnected parks system will be implemented. Although they are not part of the RBD, both MLK Park and Jack Farrell Park are close to the RBD and future developments, and any means of providing easier, more direct access to the those parks via improvements and changes within the RBD would be appreciated. This would include greater signage, direct pathways through neighborhoods and developments (where permissible), and safer walking and biking paths to the parks.	7	176	GOAL POS 1.1
129	Regarding Figure 7-1, I think the intersection of Bay and Clarke could use a public plaza, even a small one, to support small gatherings and transit pickup/dropoff. And to the extent it is possible, Street Tree Improvements should be added to the parts of Clarke and Weeks that are included in the RBD. Also, I would like to see/hear more information on the levee placement. I believe it makes more sense to build a levee at the existing Bay Trail site, reducing curvature, avoiding right angles, preserving land for community use, and setting the boundary out away from the community. If there are reasons related to structural integrity, safety, and long-term sustainability of the levee that would make the more interior option more preferable, they should be shared with the community so a more informed overall opinion could be made.	7		
130	It's difficult to comment on mobility without knowing the details of the development projects. Overall, though, I would like to see wide sidewalks, ample space for buses and shuttles to pull over (and out of the way of traffic), and traffic slowing measures up and down Bay and Pulgas. Many people run the stop sign at Bay and Pulgas, and there is still drag racing in front of EPACENTER, both down Bay toward Cooley Landing and in the space between Bay/Pulgas and Weeks/Pulgas. We need stop lights, stop signs, speed bumps/humps, and timely maintenance of those things.	8		

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131	To me, the most essential element is robust, well attended community forums to provide needs and feedback once design proposals have been presented to the city. Overall, though, please prioritize communal spaces, like the library, community meeting rooms, community film and TV viewing spaces (a place to watch the Olympics together, for example), a communal kitchen and cafeteria, communal marketplace stalls, communal dance and music rooms, and more. We are a community that likes to come out and share the space and be together. And our small businesses will thrive if they have the spaces to rent or use for free that they otherwise could not afford to buy or lease on a long-term basis.	10		
132	Looks good right now.	10		
133	This is a bit bigger than me and my skillset. What I will ask is that you please mandate, to the extent possible, cohesion and collaboration among the property owners/developers, and also be kind to them. There have been attempts to vilify developers - certainly, if any are acting in bad faith and are not engaging with East Palo Altans, its history, cultures, needs, and viewpoints, then their behavior must be called out. But the people I have talked to from Harvest and Emerson have shown a willingness to engage with the community, listen to its people, and adapt their designs to the needs of people of EPA.	11		
134	More needs to be communicated to the community regarding the levee placement. An interior placement would take away significant land for parks and recreation development. An exterior placement could affect the baylands habitat. A short piece created by the engineers (JPA and Army Corps of Engineers and others) detailing the pros and cons of the two potential placements is necessary if the community is to know what is happening with one of the biggest and most important construction projects in the city's history.	GC		
135	I just hope you build accessible living for people who don't make enough with 1 job only, AND ALSO I HOPE YOU BUILD ENOUGH FOR EVERYONE, NOT 600 APARTMENTS FOR 6,000 PEOPLE LIVING AND WORKING IN THE AREA.	5		
136	Unable to view it on this form	5		
137	The industrial area seems very close to homes, just a street in-between. Are there any health concerns from these companies, we already have superfund sites near this area. Will noise be an issue?  Am very much on board and agree with the addition of residential and retail areas.  The green areas are great, my only concern is the area between Georgetown and Fordham. Will there be additional foliage or fencing to protect the residents privacy and property? Will there be any additional exits added and not just the one on either end? Will there be lights? Will the area be closed off at night like MLK park? Will the Rutgers street access be opened?  Is the city not worried about water rising, how much more time will the levee give the city before flooding occurs? Some of the area that is addressed in your maps will be experiencing groundwater level rising, there is already some flooding that occurs on some of these streets and the area residents carry flood insurance. With rising cost of insurance is it really feasible for people to move into these new developments that are planned? Here's a recent article addressing this issue. <a href="https://www.almanacnews.com/east-palo-alto/2024/07/02/new-report-analyzes-the-devastating-impact-that-rising-groundwater-could-have-on-east-palo-alto/#:~:text=According%20to%20the%20report%2C%20without,access%20basic%20needs%20and%20services.">https://www.almanacnews.com/east-palo-alto/2024/07/02/new-report-analyzes-the-devastating-impact-that-rising-groundwater-could-have-on-east-palo-alto/#:~:text=According%20to%20the%20report%2C%20without,access%20basic%20needs%20and%20services.</a>	6		
138	The green areas are great, my only concern is the area between Georgetown and Fordham. Will there be additional foliage or fencing to protect the residents privacy and property? Will there be any additional exits added and not just the one on either end? Will there be lights? Will the area be closed off at night like MLK park? Will the Rutgers street access be opened?	7		
139	The mobility is great, families from the village area will no longer have to get on university to access the Ravenswood Open Space trail. I appreciate the sidewalk addition but an opening on Rutgers would be safer than walking into University to access the trail. A dog area where you can have your dog unleashed would be a great addition as well.	8		
140	Most of the sidewalks have been long overdue as well as addressing the road improvements on Rutgers. In the 20+ years we've lived in this area there hasn't been a time where there weren't major potholes. As far as the walkable areas they are very much welcome, unlike our neighboring city many residents walk around every area not just the major roads/downtown areas, they will be well used and appreciated.	8		
141	There have been and seems there will continue to be increased in all utilities. The programs that were offered by some companies have expired but everything continues to increase, it would be great if there was additional help provided for those who need it.	9		
142	I believe the areas will be a great addition to the community. Depending on what retail shops move in there will be many people accessing them and the park will be a nice meeting place for the neighborhood. A jardin type area like they have in Mexico would be great to hold small events. Or even like they have in Redwood City where they have summer movies or other small vents/fairs. Please don't add hostile architecture when adding seating the areas. And add plenty of shade for people to be able to enjoy the outdoors more. I've been walking the ravenswood trail since it opened and every year it gets busier, which is definitely a great thing to see. Additional green spaces closer to home will contribute to more people using them.	10		
143	Definitely agree with all of these and am glad they are being addressed.	10-S		
144	I truly appreciate all the programs and improvements that have been made in the city. I've lived here my entire life and am glad to see that although the city is gentrifying they are keeping in mind the people that have made up our community.	GC		
145	I like that you are balancing the growth needs of the city with the preservation of the city's history. I also like that the city wants to make Bay Road a more visible "center" of town and that you are also taking the traffic patterns into account when it comes to the planning. Even though we live closer to Ikea, it is important to think of how the traffic patterns will affect the entire town, especially with people trying to access Dumbarton Bridge.	5		
146	I think there is a good mix between open space and building construction, and being thoughtful about incorporating both, in the plan.	6		
147	The goals do a good job of balancing the need for new green spaces with respecting the current ecosystems.	7		

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148	I love the idea of having the waterfront promenade and also the idea of greenways being incorporated throughout the city. Adding in more green spaces is a great idea. The Baylands and the Open Space preserve are great resources and making them more accessible/connected to EPA is a good idea. As far as the levee question goes, I prefer the existing Bay Trail Alignment option.	7		
149	I think they are reasonable goals for the city. I like the idea of adding sidewalks for better pedestrian access and also improving bicycle access throughout the city.	8		
150	I of course would like to make sure that developers are paying their fair share of the costs for utilities improvements instead of relying on homeowners to shoulder the costs.	9		
151	I think this is a good list of priorities.	10-S		
152	It seems like there is a good plan in place for moving forward with implementation.	11		
153	A. First Page: Pg111 On the first page, please make one of the bulleted titles consistent with the section title used later. · Ecological Standards Ecology and Sustainability	6	111	
154	B. 6.1.2 General Land Use Standards Sierra Club is very supportive of the Biotech industry and all the benefits that the industry has brought and continues to bring to society and our Bay Area communities. We believe that the addition of R&D and biotech labs is an important addition to the DSPU. There are a few issues to consider that would make biotech labs more readily acceptable. We note that the Land Use Policies LU 4.1 through LU 4.8 all caution against introducing potential hazards within ¼ mile of sensitive receptors. Though many Life Sciences labs are very like a commercial office, the core of a Life Sciences building is the laboratory. Therefore, we generally recommend BSL1 and BSL 2 labs be a Conditional Use if it is within ¼ mile of residential property, schools, community centers, creeks or the Bayfront in order to have an orderly process to address issues of safety as well as noise, deliveries, animal lab facilities, smells from exhausts, lights at night, transport of potentially hazardous agents, and other concerns residents may reasonably have. While BSL4 ( the highest biosafety risk group) labs are not allowed in the DSPU, we also recommend that, for reasons briefly outlined below, BSL 3 labs not be permitted in the RBD-SPU area. BSL 3 “high containment” labs depend on specialized equipment and systems to contain and safely exhaust highly infectious, often lethal agents that are easily transmitted through the air. Not all mechanical systems perform optimally and they are subject to failure.2 Human error too can play a role in creating failures. In addition, the WO and REC zones are known to be in a high seismic liquefaction zone, with the added structural problem of relatively high ground water now or in the future (with sea level rise), causing soil shear strength problems. In disaster events such as earthquakes, along with liquefaction, causing systems to fail or structures to fail, BSL-3 labs can inadvertently be the cause of potentially deadly circumstances for the population. San Carlos and Redwood City (in their Mixed Use Downtown Area Specific Plan) have banned BSL-3 labs for public safety. East Palo Alto’s Safety Element fails to address these new biohazards. San Mateo County Environmental Health staff, similarly report that they have no authority or responsibility in biohazard accidents, except for tracking the Coronavirus. The state hazardous materials databases, which emergency responders depend upon, do not have a category for these new biological hazards. The intent is not to discourage business applicants, but to secure public safety, and to ensure the City and County Emergency Response personnel are aware of and are trained to respond to the presence of approved bio-hazardous materials in buildings in an emergency or disaster situation. <b>Recommendation: Make BSL1 and BSL Conditional Use, and ban BSL 3 &amp; BSL 4 in the DSPU.</b>	6		6.1.2
155	C. 6.1.3 Development Intensity Table 6.2: Residential Density Standards <b>Please clarify whether the numbers in the table are “dwelling units per acre”.</b>	6		6.1.3
156	D. “6.1.3 4 Aggregated FAR. “At city discretion, floor area ratio can be aggregated over two or more different land use zones using a weighted average, provided the site’s total Maximum FAR and the maximum allowable building height in each zone is not exceeded.” <b>Please clarify what exactly is meant by the qualifier “using a weighted average”; possibly this can be clarified by giving an illustrative example.</b>	6		6.1.3.4
157	E. 6.1.4 Setbacks 1.c. “Table 6-4. Setback and Build-To Development Standards Inner Levee Edge setback is 50’” Levee setbacks are measured from the BCDC jurisdictional line, as established by individual project applicants in consultation with BCDC.3  Is 50’ setback from Inner levee edge sufficient space to widen and raise the levee in the future? And does it allow sufficient space for construction equipment on the landward side to widen and raise the levee, since construction equipment cannot effectively work on the other side in the wetlands?  <b>Recommendation: Reconsider whether 50’ is an adequate setback to allow construction space for the levee to be raised higher in the future.</b>	6		6.1.4.1.c

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
158	<p>F. Underground Parking Encroachment. .... Underground parking, when fully below grade, may encroach into setback”</p> <p>Groundwater currently close to the surface and future rising groundwater needs to be taken into consideration when planning for underground features. This includes limiting below ground uses in areas vulnerable to these risks. It also precludes allowing underground parking in high groundwater areas, as this would move groundwater, along with possible contaminants, into adjacent sites. Of special concern is encroachments of underground parking into setbacks which may be the only corridors through which groundwater can flow. This encroachment exception should not be permitted in any areas where there is groundwater.</p> <p>Dewatering of sites during construction may also be problematic as it could cause movement of groundwater and therefore of potentially toxic contaminants, putting new areas at risk. Understanding how toxic contaminants will migrate under these scenarios requires comprehensive groundwater flow and contaminant transport modeling studies.</p> <p>A comprehensive groundwater modeling study of the Plan Area is needed to prevent increased human and ecological risk from contaminated groundwater. See also comments in the “Hazardous Materials” section of the joint letter.</p> <p><b>Recommendation #1: To account for groundwater flows as well as movement of contaminants in the soil, modify this exception to clarify that this exception for underground parking will not apply where groundwater is present at some depth now and anticipated to rise in the future.</b></p> <p><b>Recommendation #2: It is important to preclude underground structures in areas of high groundwater.</b></p>	6		6.1.4.8
159	<p>G. Assuming that a 10’ zone around the edge of a rooftop is kept clear and that all of the remaining rooftop may have very tall mechanical equipment, up to 30’ higher than the allowable height limit, and which has a screened enclosure per para e. That means that instead of 120’ tall buildings in WO (Waterfront Office), the buildings can be effectively 150’ tall along the waterfront.</p> <ol style="list-style-type: none"> <li>1. Is a 25% increase in height in the 120’ height limit Waterfront Office (WO) area acceptable to the community and to the City Council which reduced the earlier proposed heights in response to public concerns about height?</li> <li>2. In the REC zone, a 60’ high building would also be allowed 30’ tall equipment. That is a 50% increase in height. Is this acceptable?</li> <li>3. Assuming the allowable roof coverage areas are not cumulative, at least 30% of the roof area is allowed to have structures 15’ - 30’ tall. Is this correct?</li> <li>4. There is no maximum allowable % of rooftop area specified for equipment space. What is the allowable coverage of roof area before the roof is considered to be another story?</li> <li>5. For the rooftop equipment enclosures to be so tall, does this require the building to be of Type1 construction?</li> <li>6. If screening is required, will the tops of the many rather unsightly exhausts, as shown in the photos below, be screened? Will codes allow them to be screened?</li> </ol>	6		6.3.1.4-b,c,e,f

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
160	<p>We believe this height increase, from this exception, could come as a surprise to the community and the City Council who had carefully negotiated a reduction in heights for the Waterfront Office area and in the REC zoning where biotech labs are now allowed. We question if these excessive rooftop height exceptions might only be needed for BSL-3 labs with their extremely high containment regulations and could be eliminated or greatly reduced if BSL-3 labs are not allowed in the SPU area.<sup>4</sup></p> <p><b>Recommendation #1: These exemptions to the height limit need to be re-examined in light of community concerns about height limits<sup>5</sup> and alternate exhaust options.</b></p> <p><b>Recommendation #2: Screening requirements need to be clarified to include exhaust stacks as there are clearance requirements for equipment exhaust systems that are screened. There are sound problems related to the mechanical equipment as well. This type of large powerful mechanical equipment is noisier than standard office systems and needs to be enclosed in sound attenuating material, like concrete panels, to attenuate the noise.</b></p> <p><b>Recommendation #3: Require sound attenuation screening of mechanical equipment in order to meet noise requirements.</b></p> <p><b>The added height, if allowed along the Bayfront, will also throw additional shadows on the wetlands causing added negative environmental impacts. At a minimum, rooftop equipment screens should be set back from the edge of the roof, if it faces wetlands, so that the setback equals the height of the equipment and screening in order to somewhat reduce the shadowing of the wetlands.</b></p> <p><b>Recommendation #4: Where the building faces Bay wetlands, rooftop equipment enclosures should have a setback from the roof edge at least equal to the height of the screen above the roof.</b></p> <p><b>REFER TO THE LINK IN THE DOCUMENT</b></p> <p><i>4 Rooftop Exhaust Fans: Environmental considerations, Tall exhaust stacks ...Another consideration when retrofitting or designing new roof exhaust systems includes the aesthetics of stack height. The lowest possible profile not only eliminates the smoke stack look and negative connotations perceived by many people, but may also help conformance to applicable ordinances</i></p> <p><i>Exhaust re-entrainment can also be affected by building location, with regard to adjacent buildings, as well as prevailing wind and weather conditions. As a result, for both renovations and new construction, wind studies have become important with regard to IAQ, since harmful exhaust gasses must not be allowed to re-enter a building or adjacent buildings.</i></p> <p><i>5 American Laboratory: These shortcomings can be added to a relatively new concern in many locations, that is, the sight of tall exhaust stacks on a building's roof, which usually imparts negative connotations in a community, in other words, another neighborhood polluter</i></p>	6		6.3.1
161	<p><b>Maximum Building Height</b></p> <p>The exceptions for rooftop equipment appear to be excessive as height of buildings, including near the bay, has been of major concern to the community. Building heights were reduced in the DSPU in response to these community concerns.</p> <p>At Waterfront Office (WO) zoning, the 120 foot height limit will be effectively increased to 150 feet if the rooftop equipment is allowed to be 30 feet tall per the rooftop equipment exception <b>(6.3.1 item 4)</b>. At Ravenswood Employment Center (REC) zoning, at 60' allowable height, the resultant effective height would be 90' tall.</p> <p>We believe the height increases allowed by this exception could come as a surprise to the community and the City Council who had negotiated a reduction in heights for the Waterfront Office area and in the REC zoning where Biotech labs are now allowed and the only use which would use this exception.</p> <p>The added height, if allowed along the Bayfront, will also throw additional shadows on the wetlands causing added negative environmental impacts. At a minimum, rooftop equipment screens should be set back from the edge of the roof, if it faces wetlands, so that the setback equals the height of the equipment and screening in order to somewhat reduce the shadowing impact on the wetlands.<sup>22</sup></p> <p><b>Recommendation: These exemptions to the height limit need to be re-examined in light of community concerns about height limits. Also, screening requirements need to be clarified as to how much of the equipment will be allowed to be screened per DSPU requirements, by equipment codes. Where the building faces wetlands, rooftop equipment enclosures should be set back from the roof edge at least the total height of the enclosure to minimize the shading of wetlands.</b></p> <p><i>22 American Laboratory: These shortcomings can be added to a relatively new concern in many locations, that is, the sight of tall exhaust stacks on a building's roof, which usually imparts negative connotations in a community—in other words, another neighborhood polluter. A Case Study in Evaluating Biofacility Exhaust Systems,.... Community ordinances often restrict total building height or the height of various appurtenances and accessories above rooflines. In addition, tall exhaust stacks can impart negative connotations in a community....</i></p>	6		6.3.1



#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
162	<p>H. 6.3.1. Maximum Building Height</p> <p><i>"5. Design Flood Elevation (DFE). DFE, or the minimum elevation of the finish floor of buildings above Base Flood Elevation (BFE), is per <del>Figure 6.3,</del>"</i><sup>6</sup> Fig 6-4</p> <p>With reference to Design Flood Elevations and ground floor elevations needing to be raised to be out of the flood risk, Emergency Generators (mandatory for biotech labs) need particular protection so they remain operational during storm and flood events when power failures are most common.</p> <p><b>Recommendation: Emergency Generators shall be located outdoors on a raised platform, higher than the DFE shown on Figure 6.4, to avoid flooding issues and be screened from view.</b></p> <p><sup>6</sup> <b>Note typographical error: this should read Figure 6.4 not 6.3</b></p>	6		6.3.1.5
163	<p>I. 6.3.3 Special Height Zones (Stepbacks)</p> <p>The 2013 RBDSP prioritized preserving view corridors to the Bay, especially along Bay Road, reflecting the community's strong connection to the Bay. This remains a priority today. The DSPU establishes a stepback standard for the Bay Road View Corridor and offers three design options for compliance.</p> <p>From a pedestrian or driver's viewpoint on Bay Road, the height of the building closest to the street has the most significant impact on the view. This base height should be kept as low as possible. The expansiveness of the view is also defined by the visible sky. We also note, the ground floor of buildings in the Bay Road view corridor will be raised above the street for the DFEs (Minimum Design Flood Elevations per Figure 6.4), making them appear even taller.</p> <p>The design options are:</p> <ul style="list-style-type: none"> <li>● Option 1: 2-story frontage</li> <li>● Option 2: 4-story frontage</li> <li>● Option 3: 3-story frontage</li> </ul> <p>We believe that 2- and 3-story frontages would better maintain a connection to the Bay along Bay Road while preserving an open feeling of a big sky. Therefore, we recommend that the scale along the Bay Road view corridor be limited to 2 and 3 stories.</p> <p><b>Recommendation: To optimize for an open view to the bayfront, we suggest deleting Option 2 from the Bay Road View Corridor stepback.</b></p>	6		6.3.3
164	<p>J. 6.3.3 Adjust Waterfront-Levee Transition Zone in relation to Infinity Auto Salvage</p> <p>Figure 6.5 shows Waterfront Transition Zones featuring stepped back building heights. We have noted in previous communications that the Infinity Salvage Yard's location at the end of Bay Road, makes it somewhat anomalous in its relation to the proposed waterfront stepback zones. Note that the outboard edge of waterfront stepbacks follow the shoreline, north of Bay Road, along the Infinity Salvage Yard property's east edge. Since the DSPU indicates, in Figure 7.1: Parks, Open Space and Trails, that the Infinity Salvage Yard property is intended to be a public park/open space, the stepbacks need to bend and follow the salvage yard's <u>west</u> edge property line to have their desired effects.</p> <p>This is an important detail if the park becomes a reality. The stepbacks are intended to ensure that buildings fronting the future waterfront public park will have reduced ecological impacts, such as shading of the park.</p> <p><b>Recommendation: Revise Figure 6.5 to include the bayfront transition zones to also follow the west edge of the Infinity Salvage Yard at the end of Bay Road, between New Street A and Bay Road.</b></p>	6		6.3.3
165	<p>K. 6.3.3 Special Height Zones (Stepbacks)</p> <p>STANDARDS</p> <p><i>"5 Adjustments to required stepbacks. At the discretion of the Director,<sup>7</sup> building massing may extend into a required levee stepback area or major/minor view corridor stepback area (except the Bay Road stepback area) if an equivalent or greater amount of floor area/building massing volume is reduced from the same or an adjacent façade. See Figure 6-6."</i></p> <p>Shading of the wetlands area, which will be inevitable with extra tall buildings along the Bay frontage, in spite of being mitigated by the stepbacks, is damaging to the environment. Therefore, for facades facing the Bay, unless it is unavoidable, it is important not to allow further encroachments into these setbacks and stepbacks as proposed in 6.3.3, (Guideline) 5 shown above.</p> <p><b>Recommendation: Delete the following words in 6.3.3 item 5 above:</b></p> <p><i>"At the discretion of the Director,<sup>8</sup> building massing may extend into a required <del>levee stepback area or</del> major/minor view corridor stepback (except the Bay Road) if an equivalent..."</i></p> <p><sup>7,8</sup> <b>Clarify to which Director this refers.</b></p>	6		6.3.3.5

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166	<p>L. 6.5.2 On-site Private and Common Usable Open Space &amp; Landscaping</p> <p><b>GUIDELINES</b></p> <p><i>"10. Turf Grass Limitation. The amount of turf grass in landscaping should be minimized, and alternatives to turf should be used where practical. Consult the City's Water Efficient Landscaping Ordinance for additional requirements."</i></p> <p>California recently passed legislation that allows cities to ban synthetic turf. Much of the DSPU is along the Bayfront and Sierra Club California has issued a policy against the use of synthetic turf which states the following.</p> <p>Synthetic turf:</p> <ul style="list-style-type: none"> <li>- is harmful, especially to aquatic organisms,</li> <li>- is made up of "forever chemicals" (PFAs) that build up in the environment and eventually in human tissue.</li> <li>- is NOT recyclable, despite industry claims. Old turf ends up in landfills, for as long as plastic remains, which is longer than any of us.</li> <li>- can kill trees when installed around them</li> <li>- contributes to Nature Deficit Disorder, a growing concern for our children.</li> <li>- gets hotter than asphalt on a hot day, up to 140 degrees; hotter than surrounding buildings and streets.</li> </ul> <p><b>Recommendation:</b> insert the following underlined sentence in the para below:</p> <p>6.5.2 10 Turf Grass Limitation. The amount of turf grass in landscaping should be minimized, and alternatives to turf should be used where practical. Consult the City's Water Efficient Landscaping Ordinance for additional requirements. <b><u>Synthetic turf (artificial grass/plastic grass) shall not be allowed anywhere in the Specific Plan Update area.</u></b></p>	6		6.5.2.10
167	<p>M. 6.5.3 Access &amp; Loading</p> <p><b>GUIDELINES</b></p> <p><i>"1. Loading &amp; Delivery Areas. The impact of service, delivery, and storage areas should be mitigated by locating these areas on the sides or backs of buildings, away from public streets and pedestrian circulation wherever possible.</i></p> <p><i>a. An exception to this rule is that where R&amp;D or industrial uses are adjacent to residential uses, then these functional areas should be located away from the residential uses."</i></p> <p>It is well understood that labs frequently have to operate all night and that labs are very dependent on multiple deliveries and other outside services. For this reason, such activities need to be restricted to daylight hours in proximity to residential neighborhoods and in mixed use areas where residential buildings are allowed as part of the overlay zoning See Figure 4.1</p> <p>Plan Concept for locations of housing overlay.</p> <p><b>Recommendation: Insert the following underlined words:</b></p> <p>6.5.3 a. An exception to this rule is that where R&amp;D or industrial uses are adjacent to residential uses, then these functional areas should be located away from the residential uses and <b><u>service, delivery and pick up hours shall be limited to daytime hours, as a condition of the permit.</u></b></p>	6		6.5.3.1
168	<p>N. 6.8 Ecology &amp; Sustainability</p> <p>Life Sciences labs are well-known to be one of the more unsustainable building uses, having a larger environmental footprint, being proposed on the Peninsula, entailing intensified water and energy use, waste disposal issues, and animal research concerns. However, cities are requiring these buildings to meet Climate Action goals. Does the RBD-SPU, the General Plan or the City Sustainability code require R&amp;D buildings to achieve sustainability goals like LEED silver or LEED gold or other sustainability standards?<sup>9</sup></p> <p>Recommendation: In Section 6.8.1 Green Building or elsewhere where appropriate, include sustainability goals such as USGBC's LEED standards or other in the DSPU.</p> <p><b>REFER TO THE LINK IN THE DOCUMENT</b></p> <p><sup>9</sup><i>Connections between laboratory research and climate change: what scientists and policy makers can do to reduce environmental impacts, The Scientists Forum "... In 2015, the global pharmaceutical industry had a carbon emission intensity 55% higher than the automotive industry ... Given the immense environmental impact of scientific research, a dramatic shift in how research is conducted and supported is necessary to help combat the global climate crisis . My Green Lab has the first internationally recognized Green Lab Certification Program with widespread adoption, but there are also other options ... While voluntary programs and individual laboratory initiatives can have significant effects, even greater lasting impact could be achieved through institutional, corporate, and government-level policy changes that incentivize and even require sustainability in laboratory environments.</i></p>	6		6.8 6.8.1
169	<p>O. Sustainability: Some of the potential environmental impacts of biotech lab buildings include:</p> <p>1. Biohazardous Environmental Concerns from Flooding and Earthquake Liquefaction. The Waterfront Office and REC zones are located in a high liquefaction zone on Bay fill. In the event of a fire, flood, earthquake or any sustained power outage, failure of any one of a number of containment systems could lead to failure of containment systems or, in the case of BSL3 labs, release of toxic or deadly pathogens to either the air or water. Any release of toxins adjacent to the bay multiplies the public health risk.</p> <p><b>Recommendation: High-containment labs (BSL3 and BSL4) should not be permitted in FEMA flood zones, or in areas prone to flooding+C183, sea level rise or seismic liquefaction.</b></p>	6		

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170	<p>2. Energy Use. Biolabs use 5 - 10 times the amount of energy as other traditional offices in order to operate complex equipment, exhaust and containment systems. Therefore, the added energy use needs to be accounted for in the climate action plan. Unfortunately, they often cannot use rooftop solar panels due to many required tall exhaust systems. Lab research also requires the use of natural gas or other types of tanked flammable gasses for research.</p> <p><b>Recommendation #1: Labs need to meet specific energy efficiency measures in order to meet Climate Action Plan goals for resilience.</b>  <b>Recommendation #2: Emergency generators should preferably be electric or natural gas which produces fewer harmful emissions than diesel generators.</b></p>			
171	<p>3. Light at night. Lab buildings often operate through the night with lights on all night. Given the buildings' proximity to the Bayfront, a wildlife habitat area, it is important to shield wildlife from light at night, from tall buildings facing the wetlands. Lab buildings that face residential or Mixed Use buildings shall also provide shielding at night. Facades facing the Bay wetlands would also need similar protection such as automatic shades that are timed to close after daylight hours so that night foragers are not disturbed in their feeding schedules nor easily predated and residents can get rest.</p> <p><b>Recommendation: Require automatic shades, that are timed to close after daylight hours, for facades facing Bay wetlands or residential zones.</b></p>			
172	<p>4. Noise and Odors. Prominent rooftop mechanical equipment is critical to required ventilation systems and for hazardous fumes containment. However, these powerful machines generate noise 24/7 and chemical odors are sometimes generated from extensive lab exhaust systems. 10 Labs also are dependent on more frequent than normal deliveries and pick-ups servicing the lab functions, generating traffic on public roads. These need to be accounted for in evaluating impacts on noise and traffic in CAP goals</p> <p><b>Recommendation: Include Noise standards for limiting noise by providing maximum noise levels with required monitoring and reporting.<sup>11</sup></b></p>			
173	<p>5. Water Use. Biolabs use 4 - 5 times more water than a typical office, and cannot use recycled water (except for landscaping). Labs will not be able to function without their water supply. Life Science labs were not foreseen in the 2013 RBD SP.</p> <p>From Chapter 9. Utilities "... <i>The Ravenswood Business District Project (RBD Project) is projected to increase water demand to 1,027 MG at buildout with a net incremental increase of 100 MGD. As the 2035 General Plan did not account for the incremental increase from the RBD Project above the 2013 RBD Specific Plan EIR and SEIR, the increase in water use at the Site has not been accounted for in the projected growth in water use shown in the 2020 UWMP ...</i>" <i>"Shortfalls of up to 58% are projected for single dry-years and for multiple dry-years assuming the Bay Delta Plan is implemented. Under all conditions, the City may need to impose water conservation measures, per East Palo Alto Municipal Code, Section 13.24 Article III and Article VI and Section 17.04, to reduce demand"</i></p> <p>The DSPU is envisioning a greater water demand than has been included in the City's water planning to date. In addition, biotech labs require a lot more water than commercial office buildings. Therefore</p> <ul style="list-style-type: none"> <li>● Will R&amp;D labs have a water budget? How will R&amp;D labs be kept accountable for their water usage?</li> <li>● Should there be a total maximum allowable square footage for biolabs in the DSPU to calculate water requirements?</li> <li>● How will the water requirements for the DSPU affect the emergency water supply available?</li> <li>● Will there be a policy that lab water needs will not preempt residential water needs in drought water rationing? If labs cannot function without water supply, how will the DSPU ensure that residents will not experience water rationing, before labs do, during water shortage periods, as a result of adding R&amp;D biolabs in the RBD-SPU?</li> </ul> <p><b>Recommendation #1: With water shortages anticipated, the projected water needs of the RBD-SPU area needs to be carefully reviewed in order to account for Life Sciences lab buildings being allowed in the RBD and to ensure that water supply will be adequate.</b>  <b>Recommendation #2: Consider adding Policies for Water Supply and Usage specific to the Bioscience industry.</b></p>	9		
174	<p>6. Waste Disposal. Labs generate large amounts of single-use plastics that will affect the goals of the City's Climate Action Plan (CAP) and waste reduction targets. However, the industry is under some pressure to improve their practices. What are the waste reduction requirements for R&amp;D labs in the SPU to align with the City's overall goals for waste reduction ?</p> <p><b>Recommendation: Consider including the following policy in an appropriate location in the SPU: "R&amp;D projects shall submit a zero-waste management plan to the city, with monitoring requirements, which will cover how the applicant plans to minimize waste to landfill and incineration in accordance with all applicable state and local regulations".</b></p>			

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175	<p>7. Animal Research. Will research animals be allowed in R&amp;D? Will A-BSL labs (animal biosafety labs) be allowed? Some companies provide animal labs as a lab service to other labs that need animals as research subjects for diseases and experiments, but do not have facilities to house their animal research onsite.</p> <p><b>Recommendation#1: If animal research labs are allowed in the SPU area, include separation distance from sensitive receptors as there is potential for smells and other undesirable impacts. Since some of biotech lab development is speculative, with unknown future tenants, Development Agreements with the developer need to include procedures to keep the City and County properly informed before planning entitlements are approved for this type of R&amp;D use.</b></p> <p><b>Recommendation #2: Appropriate procedures need to be identified to keep the City informed and so that Emergency Response teams are educated in developing safe emergency procedures for the health and safety of the animals under a disaster scenario. Biotech labs can be required to meet climate action standards for sustainability. In addition, for the sustainability issues in general, we believe it could be helpful to review the following documents</b></p> <p>REFER TO THE LINKS IN THE DOCUMENT</p> <ul style="list-style-type: none"> <li>• Redwood City’s Amendments: Conditional Use Permit for Research and Development ( page 10) that addresses some of these issues,</li> <li>• Menlo Park’s Life Sciences District ordinance and include appropriate mitigation for the RBD-SPU sustainability concerns that are addressed.</li> <li>• Sierra Club Loma Prieta, Sustainable Land Use “Guidelines for BioSafety Labs” specifically to help decision makers plan for biotech labs.</li> </ul>			
176	<p>We commend the diligent efforts of the City Council, City staff, and the consultant team in developing a thoughtful plan for the future development of the RBD/4 Corners area. We are particularly pleased that the DSPU reflects a strong commitment to conserving tidal marshes, tidal flats, and their vital habitats. The proposed inland levee alignment and shoreline transition zones preserve important opportunities for long-term resilience. We also applaud the DSPU’s innovative community benefits framework, which ties development entitlements directly to specific, community-identified priorities, increases financial transparency, and enables the City to comparatively evaluate proposed community benefits.</p> <p>We remain concerned that Scenario 2, including more than 3.3 million square feet of new office/R&amp;D space, will overwhelm East Palo Alto with impacts that irreversibly alter the character and resilience of the community. Nevertheless, we offer comments below to strengthen the efficacy of the Plan across all scenarios.</p> <p>Many of the issues we raise do not fit neatly into a single chapter of the DSPU, so we have organized them into the following sections based on subject matter.</p> <ol style="list-style-type: none"> <li>1. Overarching concern about the reliance on the 100-foot BCDC band</li> <li>2. Protection of Wetlands</li> <li>3. Biological resources: Habitat Enhancement, Expansion and Protection</li> <li>4. Lighting</li> <li>5. Hazardous Materials</li> <li>6. Additional Comments by Chapter</li> </ol> <p>Please note that as a jurisdiction that borders the Bay, East Palo Alto is required to submit a shoreline resilience plan by 2034 for approval by the Bay Conservation and Development Commission (BCDC). The City and this Specific Plan should recognize BCDC’s upcoming release of its Regional Shoreline Adaptation Plan (RSAP) expected, by State requirement, in December 2024. The RSAP will include minimum standards and criteria for sea level rise adaptation planning that must be met to secure approval for local resiliency plans. Jurisdictions with BCDC approved plans will receive priority consideration for State funds.</p>	GC		

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
177	<p><b>1. OVERARCHING CONCERN ABOUT RELIANCE ON THE 100-FOOT BCDC BAND</b></p> <p>The DSPU's shoreline strategy relies on the Bay Conservation and Development Commission's (BCDC) shoreline jurisdiction, specifically the 100-foot BCDC band, to accommodate public access, Bay-facing amenities and aesthetics, bayland habitat protection, and the future SAFER Bay levee. However, due to variability in tide and topography, the BCDC band's alignment fluctuates by location. In East Palo Alto, much of that 100-foot band lies offshore, encompassing tidal marsh and other wetlands.</p> <p>In multiple locations, therefore, the desired facilities, including the SAFER levee, will not fit within the BCDC band without encroaching on the Bay. To avoid Bay fill, the Joint Powers Authority might forgo the larger levee size recommended for the SAFER project in favor of less flexible, less sustainable, and more ecologically damaging flood walls. Additionally, new developments, including buildings as much as eight stories, could be much closer to Bay habitats than intended, potentially causing greater impacts. It could result in reduced setbacks, increased light and shadow effects, and possible narrowing or elimination of shoreline parks. These changes could harm wetland habitats and the species that rely on them, while also reducing public open space.</p> <p>To address these concerns and ensure more consistent development standards and outcomes, we strongly recommend that the RBD SPU use a different reference point to define the desired 100-foot shoreline band for the Plan area. Instead of relying on the BCDC band, we recommend establishing an overlay zone that extends 100 feet or more inland from the edge of Waters of the United States closest to the shore, determined by obtaining a Jurisdictional Wetland Determination (JD)<sup>1</sup> from the US Corps of Engineers (USACE). Waterfront developers with wetland property can be required to obtain a JD for Pre-application packets. Using a delineated landward edge of wetlands would provide a more stable Bay edge reference for shoreline setback and stepback measurements, reduce environmental impacts, and preserve natural wetland infrastructure that can serve as a vital adaptive complement to the SAFER levee.</p> <p><b>REFER TO THE LINK IN THE DOCUMENT</b></p> <p><sup>1</sup> <i>Jurisdictional Determination (JD) is a two step process. First a Jurisdictional Delineation is performed to identify and delineate areas within a site that qualify as Waters of the United States (WOTUS). Then a Jurisdictional Determination can be made for lands so delineated as to whether those waters will be regulated under Section 404 of the Clean Water Act and subject to a permit. Reference: <a href="https://www.epa.gov/cwa-404/how-wetlands-are-defined-and-identified-under-cwa-section-404">https://www.epa.gov/cwa-404/how-wetlands-are-defined-and-identified-under-cwa-section-404</a></i></p>	6		
178	<p><b>2. PROTECTION OF WETLANDS</b></p> <p>The DSPU includes significant strategies aimed at embracing Bay wetlands, such as a Waterfront Promenade, alignment of roadways as Bay view corridors, restoration requirements north of 391 Demeter, and spatial planning for the SAFER levee project to minimize impacts on existing wetlands. We appreciate these elements of the DSPU, reflecting the community's strong appreciation for and relationship with Bay marshlands. Our comments in this section highlight some important clarifications to strengthen the DSPU's approach to wetland protection.</p> <p><b>a. Correct inaccurate identification of wetland responsibility</b></p> <p>The DSPU describes lands within and adjoining the wetlands in text and maps. Please change the descriptions of "Baylands Nature Preserve" to "Don Edwards San Francisco Bay National Wildlife Refuge" to reflect management authority held by the Refuge.</p> <p>Lying southeast of Cooley Landing, most of the marshes from Bay Road to San Francisquito Creek are owned in fee-title by the City of Palo Alto. However, because the marshes are situated across city and county boundaries, Palo Alto lacked jurisdiction over the lands, limiting its ability to protect and conserve them. In 1994, Palo Alto signed a Cooperative Licensing Agreement with the United States Fish and Wildlife Service (USFWS)/Don Edwards San Francisco Bay National Wildlife Refuge (Refuge).<sup>2</sup> Under that agreement the lands have been held in Federal jurisdiction, with the Refuge performing as land conservation manager within its authorities as a National Wildlife Refuge. Management plans for this area, known as the "Faber and Laumeister Tract," are outlined in the Refuge's Comprehensive Conservation Plan.<sup>3</sup> All decisions regarding these lands are made solely by Refuge management.<sup>4</sup> This includes any type of access into these marshlands.</p> <p>Misrepresentation of management authority for these lands may cause City administration and adjoining landowners to incorrectly direct inquiries to the City of Palo Alto, rather than the Refuge. This would slow resolution of incidents such as accidents, homeless encampments or even toxic chemical spills, as well as impede planning procedures. For example, the DSPU Concept proposes a new pump station at the location of an existing stormwater outfall at Runnymede, which drains directly into Laumeister Marsh. The Refuge, not the City of Palo Alto, would be the partner working with East Palo Alto on such a project.</p> <p>Recommendation: We recommend that all DSPU maps and text replace the label "Baylands Nature Preserve" with the "Don Edwards National Wildlife Refuge." We also recommend that all text references referring to offshore marsh management name the Don Edwards SFBNWR in addition to the MidPeninsula Regional Open Space District. Contact should be to Refuge Management.<sup>5</sup></p> <p><sup>2</sup> <i>Cooperative Licensing Agreement discussed with Troy Reinhalter, Raimi Associates July 17, 2024 and sent to him by email the same day.</i></p> <p><sup>3</sup> <i>Don Edwards San Francisco Bay National Wildlife Refuge Comprehensive Conservation Plan 2012: <a href="https://ecos.fws.gov/ServCat/Reference/Profile/43999">https://ecos.fws.gov/ServCat/Reference/Profile/43999</a></i></p> <p><sup>4</sup> <i>Refuge Contact: Ann Spainhower, Manager, Don Edwards San Francisco Bay National Wildlife Refuge; <a href="mailto:ann_spainhower@fws.gov">ann_spainhower@fws.gov</a>, 510-792-0222.</i></p> <p><sup>5</sup> <i>Ann Spainhower, Manager, Don Edwards SF Bay NWR; <a href="mailto:ann_spainhower@fws.gov">ann_spainhower@fws.gov</a>, 510-792-0222</i></p>	GC		

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
179	<p><b>b. Establish a reliable Bay edge reference, identify all shoreline properties that include wetlands, and extend protections to all privately-owned wetlands</b></p> <p>As discussed above, multiple locations in East Palo Alto include wetlands within the BCDC band. In at least two cases, private developers are known to own Bay wetlands. Emerson Collective's project documents indicate that their property, identified generally in the DSPU as 391 Demeter, includes tidal marshes that lie within the BCDC band.<sup>6</sup> Similarly, Harvest Properties' survey maps show their ownership of wetlands outboard of the Bay Trail, also within the BCDC band alignment.<sup>7</sup></p> <p>We did not find any mention of the wetlands owned by Harvest Properties in the DSPU. Wetland protection requirements, akin to those included for the 391 Demeter wetlands, should be applied to these privately-held wetlands. We do not have comparable information about other shoreline properties.</p> <p><b>Recommendation:</b> We reiterate the importance of Jurisdictional Delineation and Determination to establish a more definitive boundary between lands and waters within the Plan area. We recommend that the DSPU require all properties that include or border wetlands to provide preliminary jurisdictional determinations of those lands in the pre-application packet for any proposed development. Additionally, the DSPU's wetland protection requirements should be applied to all privately-owned wetlands, and landowners should be encouraged to protect their wetlands, e.g. with Conservation Easements and agreements for ongoing, qualified conservation management.</p> <p><sup>6</sup> Preliminary Application-Project Description and Site Plans July 2020, Emerson Collective;  <a href="https://www.cityofepa.org/sites/default/files/fileattachments/planning/project/16491/200731_epa_waterfront_pre-application_reduced.pdf">https://www.cityofepa.org/sites/default/files/fileattachments/planning/project/16491/200731_epa_waterfront_pre-application_reduced.pdf</a></p> <p><sup>7</sup> The Landing Architectural Material-Part 1 2021, Harvest Properties;  <a href="https://www.cityofepa.org/sites/default/files/fileattachments/planning/project/15121/the_landing_architectural_material_-_part_1.pdf">https://www.cityofepa.org/sites/default/files/fileattachments/planning/project/15121/the_landing_architectural_material_-_part_1.pdf</a></p>	GC		
180	<p><b>c. Clarify Bay fill and marshland restoration standards and guidelines</b></p> <p>We were very pleased to find that Section 7.3.4, Tidal Marshes, includes thoughtful and substantive guidelines for marsh protection, enhancement and ongoing conservation as well as important limitations on Bay fill. Please consider the following clarifications.</p> <p>1. Clarify Bay fill limitations. The only mentions of Bay fill in the DSPU appear in Section 7.3.2, Standard 12, pertaining to Waterfront Parks, Open Space, and Levee<sup>8</sup> and in Section 7.3.4, Guideline 6, pertaining to Tidal Marshes.<sup>9</sup> It appears that the intention is to disallow Bay fill except for these purposes and under the stated circumstances. However, the absence of reference to Bay fill in the Land Use Chapter, may beg the question.</p> <p><b>Recommendation: State explicitly in the Land Use Chapter that Bay fill is permissible only in the limited locations and circumstances described in the above cited Standard and Guideline and only when the action is necessary and unavoidable.</b></p> <p><sup>8</sup> "Permitted Bay Fill. Minimal fill may be permitted if the fill is 'necessary and is the minimum absolutely required to develop the project' in accordance with BCDC requirements." DSPU Section 7.3.2, Standard 12, p. 197</p> <p><sup>9</sup> "Bay Fill. Based on scientific ecological analysis, project need, and consultation with the relevant federal and state resource agencies, fill may be authorized for habitat enhancement, restoration, or sea level rise adaptation of habitat." DSPU Section 7.3.4, Guideline 6, p. 203</p>	7		7.3.4 7.3.2.12 7.3.4.6
181	<p>2. Add "enhancement" to the marshland restoration standard. Section 7.3.4, Standard 1 requires major development projects north of 391 Demeter to include tidal marsh restoration.<sup>10</sup> A unique characteristic of the wetlands along the RBD shoreline is that even in locations like those of 391 Demeter, tidal marsh vegetation is widely in evidence if varying in density. Commonly associated with the areas of lower density are insufficient flows of tidal waters. Actions to improve those flows may not be perceived as restoration per se, but seem likely to improve the overall health of the marsh.</p> <p><b>Recommendation: Revise Standard 1 to include "Marshland restoration or enhancement."</b></p> <p><sup>10</sup> "Marshland restoration. Major development projects north of 391 Demeter shall include restoration of significant areas of tidal marsh along the perimeter of the Bay." DSPU Section 7.3.4, Standard 1, p. 202+C191</p>	7		7.3.4.1
182	<p><b>d. Include "protection" in wetlands description and add a long-term management standard</b></p> <p>Chapter 4, Section 4.2 Plan Concept and Figure 4-1 describe areas reserved for open space and marshes as "Restored Wetlands and Open Spaces." We are very pleased to see restoration emphasized throughout the Plan. Nevertheless, we suggest that these areas instead be referred to as "Protected Wetlands and Open Space" to reflect that the most important action for wetlands is protection.</p>	4		4.2
183	<p>In addition, please add a Standard in Section 7.3.4 that implements the Community Design narrative calling for 16 acres of restored wetlands and natural open spaces to be "protected and put under long-term management."<sup>11</sup></p> <p><sup>11</sup> DSPU Section 4.4.2 Community Design, p. 80</p>	7		7.3.4

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184	<p><b>3. BIOLOGICAL RESOURCES: HABITAT ENHANCEMENT, EXPANSION AND PROTECTION</b></p> <p>The Draft Specific Plan Update provides an encouraging and promising vision that describes actions that would increase biodiversity throughout the Plan area. Putting the Urban Forest Master Plan (UFMP) into action along with creating the view corridors and greenway serves wildlife for foraging, nesting, and as navigation pathways for birds, butterflies and a myriad of other species to move through neighborhoods and connect with parks, parklets and open space. It benefits both wildlife and community. Toward that end, we provide comments meant to help ensure the best outcomes for biodiversity.</p> <p><b>a. Strengthen biodiversity by improving standards for non-tree plant selection</b></p> <p>The UFMP is an excellent resource for improving the tree landscape, and we look forward to its implementation. However, the absence of a City plan for non-tree species is unfortunate. A combination of trees, understory, meadow, and wetland plants provides habitat services that enhance biodiversity and improve heat and air quality. Native, drought-tolerant, and non-invasive plants are particularly beneficial.</p> <p>The DSPU discusses non-tree plant selection in Chapters 6, 7, and 8, expressing a preference for native plants but setting no standards (e.g., minimum 50% native) or plant selection list. Without a City list, independent project site lists will vary in native plant ratios.</p> <p>The UFMP can guide the selection of non-tree plants based on soil, salinity, and groundwater conditions. The San Francisco Estuary Institute (SFEI), primary author of the UFMP, might also provide guidance. For instance, the UFMP notes that Martin Luther King Park requires strategic tree plantings with input from ecological experts due to its location near the Baylands. Similar ecological considerations should apply to all landscaping.</p> <p><b>We recommend the DSPU improve its standards and guidance for non-tree plants as suggested above.</b></p>	6 7 8		
185	<p><b>b. Prevent avian predation in marshes</b></p> <p>1. Maintain a treeless waterfront. The entire marsh shoreline of the Plan area, inclusive of tidal marsh habitat under private ownership, is naturally treeless and should stay that way.<sup>12</sup> The BCDC band does not apply as nature doesn't recognize the artificial boundaries of mankind.</p> <p><b>Recommendation: Add a wetland-adjacent landscape standard to Section 7.3.3 Urban Forest and Landscaping, requiring that "Wherever there is an adjoining edge of native marsh wetland habitat, (such as along the Bay Trail, the Waterfront Promenade, and along building frontage on the Bay), landscaping must exclude trees and be restricted to upland plants, primarily native and non-invasive, for a setback of at least 100 feet."</b></p> <p>2. Reduce predator perches in the built environment. The DSPU recommends limiting locations of the tallest buildings to near the Waterfront. Even with the setbacks and stepbacks proposed, these structures will provide substantial avian perching opportunities that increase predation. Every ledge, balcony, ornamental facade, lighting fixture or rooftop utility structure could be a perch that would potentially endanger marsh wildlife.</p> <p><b>Recommendation: We strongly urge that you include a Policy standard requiring all Waterfront property owners to install avian-predator deterrent fixtures on all marsh-facing surfaces.</b></p> <p><sup>12</sup> East Palo Alto's Urban Forest Master Plan (UFMP) speaks to the topic of trees and tidal marsh habitat: "While tree planting throughout the city can help create wildlife corridors and provide resources to animals, it should be avoided in and directly adjacent to tidal marsh areas along the Bay. These special and unique habitats support endangered species like the salt marsh harvest mouse, and offer an opportunity to experience a remaining patch of the historical ecosystem. Tidal marsh does not naturally include trees so tree planting is not recommended in these areas. The addition of trees could even have detrimental effects in the tidal marsh, as it could allow raptors new places to perch and catch the endangered salt marsh harvest mouse and other wildlife." UFMP Appendix IV, p. 6.</p>	7		7.3.3
186	<p><b>c. Reduce shadow impacts of tall buildings</b></p> <p>We are disappointed that the DSPU permits eight-story buildings, especially near the Waterfront, with additional rooftop provisions potentially adding 30 feet in height (see Land Use Chapter comments regarding Section 6.3.1). Wetland habitats thrive under direct light with no shadows from dawn to dusk. Despite setbacks and stepbacks, these buildings will cast long shadows into the wetlands closest to the shore as the sun moves west.</p> <p>Our concern about shadow effects is heightened by the DSPU's decision to base setback and setback measurements on the BCDC band location. The variability of this band reduces the protective effects of setbacks and stepbacks in multiple locations, increasing shadow, light, and noise impacts.</p> <p><b>Recommendation: We request increased limitations on tall buildings along the Waterfront, including a combination of reduced height, increased setbacks, and stepbacks measured from the inboard edge of wetlands as delineated in Jurisdictional Determinations.</b></p>			

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187	<p><b>d. Apply bird safe standards to entire Plan area</b></p> <p>The DSPU includes strong standards to reduce bird strikes and collision fatalities, but limits their applicability to projects within 1,000 feet of shoreline open space, open water, or wetlands.<sup>13</sup> While it is critical to ensure that Bird-Safe Standards are applied near habitat areas, birds will be found outside of these habitat areas, e.g. in every parking lot or neighborhood. The applicability trigger of “any shoreline open space, open water, or wetlands” does not capture the trees, shrubs and other small pockets of nature that will still be used by birds. Birds will frequent the Plan area outside of 1,000-foot zones and can fall victim to unsafe building design in these areas.</p> <p><b>Recommendation: We strongly recommend applying the bird safe standards across the entire Plan area to help protect birds from harm while keeping the application of standards consistent.</b></p> <p><sup>13</sup> DSPU Section 6.8.4, Bird Safe Standards, Standard 1: Applicability, p. 171</p>	6	171	6.8.4
188	<p><b>e. Reduce waterfront trash and other pollution</b></p> <p>The DSPU envisions a vibrant waterfront attracting more visitors, picnics, and public events with refreshed landscaping. However, this will result in more trash, balloon decorations, and landscape maintenance, including the use of blowers.</p> <p>The waterfront is windier than other parts of the Plan area, which poses additional challenges. By implementing these recommendations, the DSPU can better protect the waterfront's unique environment.</p> <p>1. Trash Management: While the DSPU discusses trash management, it overlooks the heightened need for containment on the waterfront. Increased foot and bike traffic, lunch spots, and group gatherings will generate more trash, which can easily escape containment and blow into the marsh and Bay.</p> <p><b>Recommendation: The DSPU should set waterfront standards for sufficient, visible trash bins, frequent trash and recyclables collection, and educational signage for visitors.</b></p> <p>2. Balloons: Wildlife can become entangled in balloon strings or suffer from ingesting balloons, causing severe harm or death. This is a significant issue in all environments, from local parks to oceans.<sup>14</sup></p> <p><b>Recommendation: The DSPU should prohibit balloons on the waterfront, including terraces and rooftops of buildings, and provide signage in English and Spanish to inform visitors.</b></p> <p>3. Landscape Blowers: Landscape blowers along the waterfront will annoy shoreline visitors and create dust clouds, spreading dirt, pesticides, herbicides, seeds of invasive plants, and insects into the wetlands and Bay, harming the marsh and wildlife as well as visitors.</p> <p><b>Recommendation: The DSPU should prohibit the use of landscape blowers within 100 feet of the wetland edge.</b></p> <p><sup>14</sup> US Fish &amp; Wildlife Service, Balloons and Wildlife: Please don't release your balloons:  <a href="https://www.fws.gov/story/2015-08/balloons-and-wildlife-please-dont-release-your-balloons">https://www.fws.gov/story/2015-08/balloons-and-wildlife-please-dont-release-your-balloons</a></p> <p style="text-align: center;"><a href="#">LINK TO DOCUMENT</a></p>			
189	<p><b>4. LIGHTING</b></p> <p>We were pleased to see several standards included in the DSPU intended to minimize light pollution impacting habitat areas. Revising those standards to address additional known threats and broadening the applicability of those standards would improve the efficacy of the DSPU approach.</p> <p><b>a. Extend Lighting Standard 2 to the entire Plan area.</b></p> <p>Section 6.8.3 Lighting, Standard 2 includes strong standards to minimize ecological impacts on open space. Unfortunately, limiting the applicability of this standard to 100 feet inland of the BCDC band's edge provides insufficient and ineffective protection for shoreline habitat. Light from tall buildings and streets can travel significant distances, especially on a treeless shore and, as noted in section 1 of this letter, due to the variability of the BCDC band, wetlands in some locations will be closer to new development than others. Importantly, habitat exists in every tree, park, landscaped campus, and residential yard in the Plan area, and residents, too, would benefit from the valuable provisions in Standards 2a, 2b, and 2c.</p> <p>For instance, Standard 2b requires that "Interior and exterior lighting that is not necessary for safety, building entrances, or circulation shall be automatically shut off from 10 pm to sunrise." Automatic timers are crucial to reduce sky glow that can disorient migrating birds and waste energy, keeping light trespass to a minimum at night.</p> <p>Additionally, Standard 2c sets a 2,700 Kelvin color temperature for habitat areas, but this requirement should apply everywhere. Lower color temperatures reduce circadian rhythm disruptions for humans and wildlife, as bluer light (around 3,000 Kelvin) is more harmful. Redder lights are better for both habitat and the entire Plan area. Given that the tallest development would be near the Waterfront, its height and mass would significantly contribute to light glow and trespass.</p> <p><b>Recommendation: Apply Standard 2 to the entire Plan area to minimize sky glow, benefiting habitats and residential areas alike.</b></p>	6		6.8.3 Standards 2a,2b,2c
190	<p><b>b. Revise Standard 3 to further reduce light pollution from parking lots</b></p> <p><b>Recommendation: Expand Standard 3, Parking Lighting to require motion sensitive lighting to allow lights to brighten only when a person or a vehicle is perceived as moving. Otherwise maintain light levels very low. Fixed and vehicle headlamp lighting shall be shielded on Bay-facing frontages to protect Bayfront habitat. Lighting shall automatically shut off during daylight hours.</b></p>			



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191	<p><b>c. Protect wetlands from car headlights</b> Carefully locate parking and driveways so that headlights of cars heading toward the wetlands do not shine their headlights over the wetlands disturbing nocturnal creatures.</p> <p><b>Recommendation: In addition to the DSPU policy prohibiting parking in the 100-foot waterfront setback, parking policy should ensure that driveways and parking lots for buildings are located behind the buildings away from the shore and are not able to cast their headlights onto the wetlands from any position.</b></p>			
192	<p><b>5. HAZARDOUS MATERIALS</b> The DSPU includes goals and policies to protect future residents and workers within the Plan area from hazardous chemicals, whether from existing legacy sources or from future industrial uses. However, the update has not fully addressed 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 “development is unlikely.”<sup>15</sup> Similar concerns exist for other parts of the Plan area. To protect not only users of the new developments but the entire East Palo Alto community and the environment, we recommend the following changes to the DSPU. Expand Phase II Environmental Site Assessments (ESAs), Vapor Intrusion Assessments, and Health Risk Assessments</p> <p><b>Policy LU-5.1</b> requires a Phase I ESA for any new development or substantial renovation, and a Phase II ESA with soil and groundwater sampling if indicated by the Phase I results. Phase I ESAs are limited to a review of historical land use information and existing chemical analysis data. Figure 3-8 shows that most parcels east of Demeter Street and north of Runnymede would likely require a Phase II ESA based on deed restrictions or known or suspected contamination. The few parcels shown in white likely have no sampling or analysis data available to determine contamination levels. <b>We recommend that all projects east of Demeter Street and north of Runnymede conduct a Phase II ESA.</b></p> <p><sup>15</sup> Steve Armann, Manager, Corrective Action Office, EPA Region 9, January 24, 2024; Presentation: Former Romc Bay Road Holdings for Youth United for Community Action (YUCA).</p>	5		Policy LU-5.1
193	<p><b>Policy LU-5.2</b> requires preparation of a Risk Management Plan (RMP) for all sites with known or potential contamination, including all sites east of Demeter Street/Clarke Ave. The purpose of a RMP is to describe engineering controls to reduce the risk of accidental releases of hazardous materials during construction and site occupancy.<sup>16</sup> <b>A RMP is not a substitute for a health risk assessment.</b> As discussed below, a multimedia health risk assessment should be performed at all sites with legacy soil or groundwater contamination.</p> <p><sup>16</sup> <a href="https://dtsc.ca.gov/california-accidental-release-prevention-program-calarp-fact-sheet/">https://dtsc.ca.gov/california-accidental-release-prevention-program-calarp-fact-sheet/</a></p>	5		Policy LU-5.2
194	<p><b>Policy LU-5.3</b> requires any project proposing residential, medical, community, civic, or institutional uses to conduct a site assessment or screening for vapor intrusion risk. This list should include commercial uses — there is no risk-based justification for excluding workers at new offices or industrial facilities from this policy. Vapor assessment and mitigation plans should follow the most recent Department of Toxic Substances Control (DTSC)/Water Board guidelines for “future buildings”.<sup>17</sup></p> <p><sup>17</sup> Supplemental Guidance: Screening and Evaluating Vapor Intrusion. FINAL DRAFT. California Department of Toxic Substances Control. California State Water Resources Control Board. February 2023.C205</p>	5		Policy LU-5.3
195	<p>The DSPU requires assessment of health risks to nearby sensitive receptors for facilities producing potentially hazardous air emissions (Policy LU-4.3), identification of school sites within one quarter mile of those facilities (LU-4.5), and a “targeted health evaluation” for any new developments with sensitive receptors (e.g., housing or schools) within one quarter mile (LU-4.8). These policies fail to protect all the community, as they ignore risks to existing residential areas (other than sensitive populations). They also do not address risks from exposures to nonvolatile contaminants, such as the high levels of arsenic remaining in soil at the former Rhone-Poulenc Superfund site.<sup>18</sup></p> <p><sup>18</sup> Covenant of Deed Restriction, Rhone-Poulenc, Inc. 1990 Bay Road, May 13, 1994.</p>	5		Policy LU-4.3 Policy LU-4.5 Policy LU-4.8

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196	<p>All projects where levels of contaminants in soil, soil vapor, or groundwater exceed screening levels of concern for the proposed land use should conduct a multimedia health risk assessment in accordance with DTSC guidance.<sup>19</sup> Risk assessments should consider not only emissions from new facilities but from any project activity producing dust or vapor, including modifications to current site remediation processes, dirt moving, building construction, and post-construction emissions.</p> <p>East Palo Alto should make available for public comment all draft work plans for project Phase II site assessments, soil vapor assessments, and risk assessments, to provide the community with assurance that the scope will be sufficiently thorough.</p> <p>A comprehensive groundwater modeling study of the Plan Area is needed to prevent increased human and ecological risk from contaminated groundwater</p> <p>The DSPU requires individual projects <u>on the shoreline</u> to consider the impact on mobilization of subsurface contaminants of remedial actions (Policy LU-5.1, p. 107) and groundwater rise (p. 305). These policies will be ineffective unless they are part of an area-wide effort to measure water tables and contaminant plumes across the entire Plan Area, not just those on the shoreline. Groundwater does not respect property boundaries. An extraction well on one parcel may result in a change of direction of a plume of contaminated groundwater from another parcel. Construction of underground utilities or structures (e.g. parking garages) will change shallow groundwater flows, potentially moving contamination to areas distant from the project or increasing transport of toxic chemicals to the Bay.</p> <p>In a recent study, <u>Look Out Below</u>, SPUR evaluated the potential for groundwater rise to mobilize contaminants within the Plan Area, identifying 50 open or closed toxics sites that are vulnerable to sea-level rise.<sup>20</sup> Construction of sea walls or levees will not stop groundwater from infiltrating these sites by the end of the century. Pumping groundwater from behind a levee into the Bay could worsen contaminant migration and pull salt water inland, unless a deep barrier is installed along the entire shoreline.</p> <p>Understanding how toxic contaminants will migrate under these scenarios requires a comprehensive groundwater flow and contaminant transport model. To try to accomplish this on a project-by-project basis is like the proverbial blind man trying to describe an elephant. No single project will have the resources or authority to prepare and maintain such a comprehensive model; it needs to be designed and managed by an organization with that expertise. <u>We recommend the addition of a DSPU policy that the City will identify and pursue sources of funding to support this study. Depending on what the groundwater modeling finds about contaminant flow to the wetlands and Bay, an area-wide ecological risk assessment may be needed as well.</u></p> <p><sup>19</sup> <a href="https://dtsc.ca.gov/human-health-risk-hero/">https://dtsc.ca.gov/human-health-risk-hero/</a></p> <p><sup>20</sup> Look Out Below. SPUR Case Study. May 2024. <a href="https://www.spur.org/publications/spur-report/2024-06-12/look-out-below">https://www.spur.org/publications/spur-report/2024-06-12/look-out-below</a></p>	5	107	Policy LU-5.1
197	<p><b>Vision and Strategies</b></p> <p>The Vision Statement captures many priorities that emerged in public feedback throughout the Specific Plan Update process. However, perhaps due to its heavy focus on the built environment, the Vision neglects to reflect the community's oft-stated desire to protect East Palo Alto's treasured wetlands and secure a climate resilient future.</p> <p><b>Please add</b> the following underlined words to the <u>end</u> of the Vision Statement to make it more complete.</p> <p>"... A continuous waterfront linear park will become a signature amenity for the entire City, connecting to acres of existing and new public open spaces <u>while vibrant marshes and wetlands, which support wildlife, line the shoreline on the Bay side of the future flood control improvements</u>"</p>	4		

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198	<p><b>6.1.2 General Land Use Standards</b></p> <p><b>LU 4.1 through LU 4.8</b> all caution against introducing potential hazards within ¼ mile (1,300 feet) of sensitive receptors. Though many Life Sciences labs are very like a commercial office, the heart of a Life Sciences building is a laboratory. Therefore, we generally recommend biosafety level labs BSL-1 and BSL-2 labs be a Conditional Use if it is within ¼ mile of residential property, schools, community centers, creeks or the Bayfront in order to address issues of safety as well as noise, deliveries, animal lab facilities, smells from exhausts, lights at night, transport of potentially hazardous agents, and other concerns neighboring communities and mixed use residents may reasonably have.</p> <p>While BSL-4 high containment labs are not allowed in the DSPU, we also recommend that, for reasons briefly outlined below, BSL-3 labs not be permitted in the DSPU area. BSL-3 “high containment” labs depend on specialized equipment and systems to contain and safely exhaust highly infectious, often lethal agents that are easily transmitted through the air.<sup>21</sup> The WO and REC zones are known to be in a high seismic liquefaction zone, with the added structural problem of high ground water causing soil strength problems. In disaster events such as earthquakes, with liquefaction, that cause systems to fail or structures to fail, BSL-3 labs can inadvertently result in potentially deadly consequences for the population. San Carlos and Redwood City (in the Mixed Use downtown area) have banned BSL-3 and BSL-4 labs for public safety.</p> <p>East Palo Alto’s Safety Element fails to address these new biohazards. San Mateo County Environmental Health staff similarly report that they have no authority or responsibility in biohazard accidents, except for tracking the Coronavirus. The state hazardous materials databases, which emergency responders depend upon, do not have a category for these new biological hazards.</p> <p>The intent is not to discourage business applicants, but to secure public safety, and to ensure the City and County Emergency Response personnel are aware of and are trained to respond to the presence of approved bio-hazardous materials in buildings in an emergency or disaster situation.</p> <p><b>Recommendation: Make all BSL-1 and BSL-2 Conditional Use in the DSPU, as opposed to Administrative Use permits and ban BSL-3 high containment labs in this very vulnerable area.</b></p> <p><sup>21</sup> <i>American Laboratory: Exhaust discharges from BSL laboratories may be highly toxic (or noxious) or both. Their danger to people covers a broad spectrum, which may be mildly annoying to seriously unhealthy. Also, government agencies are continually setting more stringent standards, with allowable exposure limits dropping lower and lower. Obviously there is no room for tolerance with regard to possible contamination from some agents that are exhausted at BSL Level 3 and 4 facilities. In many cases, even if the fumes are not toxic, public tolerance for odiferous discharges has decreased sharply in recent years.</i></p>	6		6.1.2
199	<p><b>Publicly Accessible Parks and Open Spaces or “PAPOS”</b></p> <p>The DSPU is inadequate in terms of requirements for Publicly Accessible Parks and Open Spaces or “PAPOS” (section 7.3, pp 191-193). For example, the DSPU allows residential projects to count courtyard and plaza space as a “publicly accessible park.” Courtyards and plazas in front of residential buildings are typically mere entryways that do not offer either park facilities or green space. These features should only be allowed to count towards the fulfillment of this requirement if they provide demonstrable recreational benefits towards the community, such as usable green space.</p> <p>In addition, while the DSPU requires a public access easement for PAPOS in non-residential projects, public access easements are not required for residential projects. Easements should be required for all projects within the Plan area, to ensure that PAPOS are not at risk of someday being closed off to the public, converted to a different purpose, or proposed to be used for future development.</p> <p>Finally, while the DSPU requires that PAPOS in residential projects must be publicly accessible for a minimum of 12 consecutive hours per day, no similar requirement is included in the DSPU for non-residential projects. All projects within the Plan area should be required to make PAPOS available for 12 hours (or from sunrise to sunset, as is typical for public parks) in order to count towards fulfillment of this requirement.</p>	7	191-193	7.3
200	<p><b>7.3.2 Waterfront Parks, Open Space, and Levee, Standard 1</b></p> <p>“A key component of the Plan is a laying the framework for a contiguous public waterfront amenity space integrated with a future flood control improvement. This space would contain active and passive open spaces, and be designed to maximize community gathering and recreation, while supporting FEMA-accredited flood control infrastructures.”<sup>23</sup></p> <p>Outdoor recreation access is critical for local communities’ health and economic benefits. However, the waterfront borders a wildlife habitat, and various recreational activities can impact this habitat. Research shows that even quiet, non-consumptive activities like hiking and wildlife viewing can negatively affect wildlife behavior, habitat use, reproduction, and survival.</p> <p>To balance public access and species conservation goals, we recommend using the precautionary principle, considering physical separation of uses, and directing the most impactful activities away from sensitive areas. Active recreation areas, such as sports courts, picnic areas, and amphitheaters, should be located far from the shoreline. Passive recreation areas, like the Bay Trail and quiet zones, should be prioritized near the trail. Additionally, pets should be leashed at all times to protect habitat areas.</p> <p><b>Recommendation: Add the underlined clause to Standard 1, Maximum Public Access: “All projects along the waterfront shall increase public access to the Bay to the ‘maximum extent feasible’ in accordance with the policies for Public Access to the Bay, while respecting and protecting habitat and keeping active areas furthest from habitat areas.”</b></p> <p><sup>23</sup> DSPU Section 7.3.2 Waterfront Parks, Open Space, and Levee, p. 195</p>	7	195	7.3.2

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
####	<p>Creating a Slow Safe Green Network<sup>24</sup></p> <p>During COVID, many cities around the Bay Area and the world developed slow, safe street networks for bicycles and pedestrians. These changes, often made permanent, shifted cities from automobile dominance to healthier, more enjoyable lifestyles.</p> <p>The DSPU plan to add new streets and create walkable blocks can evolve into a comprehensive slow, safe, green network. This network would prioritize pedestrians, bicycles, and micro-mobility with a speed limit of 15 mph for all traffic. Features would include shade-providing trees, wide or undefined sidewalks, green stormwater drainage, native plants, and active frontages with outdoor seating. <b>Figures 8-2 and 8-3</b> show the potential for combining pedestrian and bicycle networks into a single "Slow, Safe, Green Network" with safe crossings at trafficked streets. Additionally, East Palo Alto's Urban Forest Master Plan aims to "Become a Tree City USA," providing a lush canopy for pedestrians and bicyclists.</p> <p><b>Recommendation: Combine the pedestrian and bicycle networks in the Parks, Open Space, and Trails Concept (Figure 7-1) into a single "Slow, Safe, Green Network" in the SPU area. Additionally, please consider including the following policy within Goal MOB-1 Enhance pedestrian and bicycle circulation throughout the Plan Area.</b></p> <p><sup>24</sup> <i>Guideline for Master Planning a Sustainable Green Street Network. How to move from Vision to Practice, Sustainable Land Use Committee, Sierra Club Loma Prieta.</i></p>	8		
202	<p><b>MOB 1.12:</b> Use changes required during new development as well as independent opportunities to complete a slow, safe, green network of connected streets that are primarily for the use of pedestrians, bicycles and micro mobility, with speed limit, including for auto traffic, at 15 mph. Such streets should include wide or no sidewalks, street trees for shade, and green infrastructure for storm drainage that uses swales to water and irrigate plants and trees.</p> <p><b>1. Incorporate micro mobility into the bicycle network</b></p> <p>Micromobility has grown considerably in popularity and provides mobility at about the same speed as bicycles. Micromobility includes bikes, e-bikes, e- scooters, skateboards, e-skateboards, kick scooters, onewheel, in line and roller skates, segways, unicycles, tricycles, handcycles, mobility scooter, quadracycles, and electric and manual wheelchairs.</p> <p><b>Recommendation: Integrate micromobility into the bicycle network and revise the title and description of the Bicycle Network in Section 8.3.3 to reflect the addition.</b></p>	8		8.1 8.3.3
203	<p>In Section 9.5, Stormwater System Improvements, the DSPU discusses the City's plans for future conditions due to climate change. These plans include the possibility of adding a pump station to the Runnymede Storm Drain System. In discussion above about the Don Edwards National Wildlife Refuge, we mentioned that the City needs to work closely with the Refuge as a partner if a pump station is to be built. The existing stormwater outfall flows directly onto Refuge marshland that hosts the federally endangered Ridgeway rail. We are concerned that if this outfall location is used, the force of pumped stormwater is likely to dramatically increase stormwater impact on the marsh, perhaps excavating some portion of this healthy, established tidal marsh, which is a potential that must be avoided.</p> <p><b>Recommendation: Please include a requirement to contact the Refuge early in pump station planning in both the DSPU and any other relevant City planning documents.</b></p>	9		9.5
204	<p>General - throughout the document, you use the terms "ensure, encourage, support" - I'm thinking "ensure" is sort of like "require" - but maybe not. I think you need to define what you mean by these terms and more carefully apply them to the Goals &amp; Policies.</p>	5		
205	<p>Policy LU-1.9 - I believe these items are features that are addressed in the Community Benefits Matrix. This should be an "encourage or support, rather than an ensure as this is a really big ask.</p>	5		
206	<p>Policy LU-1.10 - There is no need for the "and allow" here.</p>	5		
207	<p>Policy LU-1.11 - This is a pretty ambiguous Policy - What is "adequate" - and what are "potentially" incompatible land uses.</p>	5		
208	<p>Policy LU-2.6. - Are you talking about "all" of Pulgas Avenue in the RBD - or is this just between the North end and then Weeks Street.</p>	5		
209	<p>Policy LU-3.1 - Prohibit is a pretty strong word and doesn't allow for any flexibility. Maybe you want to use the word "Restrict" or "Discourage" rather than prohibit.</p>	5		
210	<p>Policy LU-3.2 - This is a stretch to "ensure" that new development improves all of this in adjacent neighborhoods. I'd think there is no "nexus" here and this is not a reasonable ask.</p>	5		
211	<p>Policy LU-5.2 - I think your definition of all sites east of Demeter Street / Clarke basically includes almost all of the RBD except for 4 Corners. I'd take out that inclusion and just leave it as sites with known or potential contamination and then leave it up to DTSC or RWQCB to determine.</p>	5		
212	<p>Policy LU-5.3. - I'd suggest you eliminate your specification that "remediation should be the preferred response ... etc." - I'd leave this determination up to the experts</p>	5		
213	<p>General - I'm generally not supportive of detailed specific design requirements as I think this should be left up to the "architects" and provide for flexibility. I'm hoping you have received comments from the development group regarding the reasonableness of the specifications. I certainly don't feel qualified to opine if these are appropriate or rather an overreach.</p>	6		
214	<p>Table 6-1 Allowed Land Uses</p> <p>a. Why aren't emergency shelters also permitted in Urban Residential?</p> <p>b. Why are Community Use - Assembly permitted in Urban Residential?</p> <p>c. Why are Schools prohibited from industrial transition?</p> <p>d. Why isn't a Bank permitted in Industrial Transition?</p> <p>e. Why is general retail permitted in Waterfront Office?</p>	6		
215	<p>6.1.4. Setbacks 1c - What is a "levee setback".</p>	6		6.1.4

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
216	6.1.4 Setbacks 2.5 - this uses the term "request" - does this actually mean the term "require."	6		6.1.4
217	6.3.1 Building Heights & Stepbacks . 5 - Designed Flood Elevation - This needs to comply with the guidelines established by OneShoreline - Hopefully we have gotten comments from this group.	6		6.3.1.
218	Figure 6-4 - Want to make sure the base elevation is NAV 88 reference.	6		
219	Figure 6-13 - The easement is located within the residential property.	6		
220	General - I'm concerned that there may be some discrepancies between the numbers in the Specific Plan Update and the numbers in the Nexus Study. I haven't gone over these in detail, but they don't seem to be the same to me.	9		
221	Policy UTIL-1.3. - Needs to say "if necessary" as there will be situations where utilities are not needed to be upgraded or replaced	9		
222	Policy UTIL 1.4. This should say "possible" rather than "likely."	9		
223	Policy UTIL 1.6. There is some typo at the end of this paragraph - or at least I don't understand it.	9		
224	Policy UTIL - 2.2 This should reference EPASD as well as WestBay.	9		
225	General Utility Standards. 1 - This states development over 150,000 will be "required" to construct public infrastructure improvements needed for the new development. Again, don't you want to have some flexibility here and say, "may be required".	9		9.2
226	Sewer System Phasing - The dual trunk CIP is a line located in Palo Alto from the O'Conner Street bridge to the Palo Alto Treatment Plant. This line will not be impacted by the SAFER Bay Project however, the line that goes through the 1990 Bay Road Property and the 1175 Weeks Street property will be significantly impacted by the SAFER Bay levee construction.	9		
227	Consistency with OneShoreline and SFCJPA Guidance - I'm concerned that there may be discrepancies between the Guidance from OneShoreline / the SFCJPA SAFER Bay and Paragraphs 9.6.3 and Paragraphs 9.7.1	9		9.6.3 9.7.1
228	General - As I have noted many times previously, I find the Community Benefits aspect of the specific plan cumbersome, confusing and awkward. I'm guess there is little that can done about this now, given how many times this has gone before Council. Basically, what is lacking are a few examples as to how this would work. Is the Harvest Landing project a base, standard or exemplary tier? How do you incorporate something like Emerson's Center for Economic Mobility into the equation - or their proposed housing project at 391 Demeter into the evaluation of their future office project comprising 350 Demeter, 2555 Pulgas and 151 Tara? Unfortunately, I'm pretty sure that you don't have an answer to this.  Also, given where we seem to be in the economic cycle, for real estate it is unlikely that anything will be developed on the 4 main office / r&d sites, regardless of the option for additional FAR if exemplary community benefits are achieved by a projects design.	10		
229	General - Given the economic climate, the quick timing on the "Immediate Allocation Window" seems inappropriate. Maybe if someone files for this that could then trigger a 120-day window for others to file. But having this all open and close within 120 days of the SEIR Certification seems silly. Additionally, I hope we drop the consideration and analysis of the Loop Road. This is a project which has limited benefit and huge costs - the \$25MM price tag is likely low by a factor to 10. And regulatory approvals will be almost impossible to obtain. In my mind this is a waste of time to be considering any further.	11		
230	Paragraph 11.2.2.1. How many "minor" office / R&D projects do you think there might be?	11		11.2.2.1
231	Paragraph 11.2.3.2. You note a Specific Plan Fee - what's that amount? (ok I see it defined later but what do you forecast the amount to be)	11		11.2.3.2
232	Paragraph 11.4 Implementation Actions - There sure are a lot of things to do here. And it's not clear how the City plans to collaborate with the Development group. It certainly seems like this needs a "Stakeholder Task Force" or something.	11		11.4
233	SAFER Bay Project Preferred Alignment The Specific Plan (Figures 4-11 and 9-5) shows the SAFER Bay Project's preferred and alternative alignment options. Due to the proximity to Ravenswood Open Space Preserve, Midpen has been coordinating regularly with the San Francisquito Creek Joint Powers Authority (SFCJPA). Through this coordination, Midpen's understanding is that the SFCJPA's preferred alignment just north of Bay Road to the future planned terminus of Purdue Ave aligns with the existing Ravenswood levee, rather than the parcel line, due to site challenges. Midpen requests that the City confirm the current preferred alignment for the SAFER Project and update the associated figures if needed.	7		
234	Ravenswood Bay Trail Public Access The Specific Plan's description of the SAFER Bay Project (page 190) states "The northern reach may include the breaching and/or lowering of the current Bay Trail berm to restore tidal connectivity to existing marsh west of the Bay Trail levee." Midpen requests that any modifications to the existing levee trail include improvements to maintain public access and replace the newly built trail, bridge and boardwalk and that the Specific Plan policies include this language.	7	190	

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
235	<p>Coordination with Midpen Related to the SAFER Bay Project, Bay Trail and Ravenswood Open Space Preserve</p> <p>Chapter 7 (Parks, Open Spaces, and Public Facilities) of the Specific Plan includes Goals and Policies related to Midpen's Ravenswood Open Space Preserve, the existing Ravenswood Bay Trail and SFCJPA's SAFER Bay Project. As a public agency/ landowner of the Ravenswood Preserve and the existing Ravenswood Bay Trail, Midpen requests that the Plan's relevant policies include collaboration with Midpen for activities related to the Ravenswood Open Space Preserve, the existing Ravenswood Bay Trail and SFCJPA's SAFER Bay Project. Specific requested updates are shown in underline below:</p> <ul style="list-style-type: none"> <li>- <b>POS-1.4:</b> Work with the SFC Joint Powers Authority (JPA) and Midpeninsula Regional Open Space District to design and develop a flood control project (known as SAFER Bay) and non-vehicular multiuse path adjacent to the Ravenswood Open Space Preserve consistent with Figure 9.5 in Chapter Nine. Ensure that regular access is provided to all publicly accessible open spaces and pathways.</li> <li>- <b>POS-1.5:</b> Collaborate with property owners, the JPA, Midpeninsula Regional Open Space District, San Francisco Public Utilities Commission, MTC/ABAG, and other regional agencies as relevant on the future design and alignment of the Bay Trail north of Bay Road as development occurs, and connections to the current Bay Trail alignment, and the SAFER Bay flood control project is constructed.</li> </ul>	7		POS-1.4 POS-1.5
236	<p>Wetland/Marsh on SAFER Bay Project Figures</p> <p>The Specific Plan includes figures that display wetland and marsh inconsistently and do not reflect the current extent of these areas. Midpen requests that minimally the following figures are updated to reflect the current extent of wetland/marsh areas:</p> <ul style="list-style-type: none"> <li>o Figure 3-2: Existing Land Use</li> <li>o Figure 4-11: SAFER Bay Flood Control Project, Alignment Options</li> <li>o Figure 9-5: SAFER Bay Preferred Alignment and Options</li> </ul> <p>As reference, the City's General Plan Figures 4-9: Ravenswood Business District Designations, 4-14: University Village Neighborhood Land Use Designations and 8-1: Existing City Parks and Open Space reflect a more accurate extent of the current wetland/marsh within the plan area.</p>	3,4,9		
237	<p>Ravenswood Open Space Preserve</p> <p>The Specific Plan (page 50) states "The Ravenswood Open Space Preserve is owned and managed by the Midpeninsula Regional Open Space District. The 373-acre preserve is largely within the City of Menlo Park and is located north and south of the Dumbarton Bridge." Midpen's Ravenswood Open Space Preserve is located entirely to the south of the Dumbarton Bridge. A map of the Preserve can be found at <a href="http://www.openspace.org/preserves/ravenswood-preserve">www.openspace.org/preserves/ravenswood-preserve</a>. Midpen requests that this language be updated to accurately reflect the location of the Ravenswood Preserve.</p>	3	50	
238	<p>Vegetation for Waterfront Adjacent Developments</p> <p>The Specific Plan's Goal POS-4 states "An abundant, robust urban forest that contributes to quality of life for residents and visitors of the Plan Area." Midpen requests that a new policy is added to clarify appropriate vegetation and urban forest standards for waterfront adjacent developments, including, appropriate native species planting palette, pathogen prevention BMPs (Phytophthora), and a requirement that new tree plantings are setback from sensitive habits to minimize raptor perches and nesting habitat.</p>	7		GOAL POS-4
239	<p>Building height and building step Waterfront Adjacent</p> <p>The Specific Plan's Figure 6-10: Waterfront-Levee Transition Zone illustrates the required height setbacks for waterfront adjacent development. Midpen appreciates the modifications of the allowed building heights adjacent to sensitive habitat and will review the shade impact analysis in the forthcoming Environmental Impact Report.</p>	6		
240	<p>Lighting</p> <p>Lighting Standard 6.8.3 – 5 states "Uplighting shall be designed to light buildings rather than the sky." Midpen requests that this standard is modified to state: Uplighting should be minimized whenever possible, and only designed to light infrastructure as needed. Lighting should be directed downward to minimize impact on nearby shoreline and neighborhood areas and habitats.</p>	6		6.8.3
241	<p>Bird Safe Design</p> <p>Bird Safe Design Standard 6.8.4, 5 Modification states "The City may waive or reduce any of this chapter's bird safe design requirements based on analysis by a qualified biologist indicating that proposed construction will not pose a collision hazard to birds. Similarly, it may impose additional design measures if proposed measures are deemed insignificantly protective of bird strikes." Midpen requests that the standard is modified to eliminate the ability to waive or reduce the bird safe design requirements, or to clarify the criteria used to make the determination.</p> <p>Section 6.8.4 Bird Safe Standards reference both 40 feet and 60 feet for bird strike zone. Midpen requests that the section is updated to include only the more conservative description of the bird strike zone as a portion of the building façade, beginning at grade and extending upwards for 60 feet.</p>	6		6.8.4

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
242	<p><b>Native Trees and Tree Wells/Planting Strips</b></p> <p>The Specific Plan's Section 7.3.3 Urban Forest and Landscaping Standards states that "Projects shall plant native species, especially oaks" and that "the minimum width of the tree well is 3 feet." Midpen supports the City's effort to plant native species, including oaks. Midpen suggests the following updates and additions to the Urban Forest and Landscaping Standards:</p> <ul style="list-style-type: none"> <li>- Mature native oak trees may not be compatible with the minimum tree well size standard stated in Section 7.3.3. Midpen request that the tree well size (and tree spacing) is increased appropriately to accommodate mature, native oak trees.</li> <li>- Oaks and other native tree species typically do better when installed at smaller sizes because it allows the root system to develop at the installation site rather than potentially become root bound when held in smaller containers or if they are damaged during upsizing. Midpen requests a new standard recommending the installation of smaller sized native trees of 1-gallon (or smaller) plants.</li> </ul>	7		7.3.3
243	<p><b>East Palo Alto Parks Master Plan</b></p> <p>The City's Park Master Plan section 5.7 Urban Landscape Ecology provides design guidelines for recreation near sensitive habitats, where several of the guidelines refer to elements addressed above and #5 specifically calls out that these guidelines "should apply to parks and open space with in the RBD Shoreline parks area." Midpen requests that the guidelines be applied to the RBD Shoreline parks area.</p>	7		
244	<p>The SAFER Bay alignments shown in the draft RBD update do not always reflect the proposed SAFER Bay levee alignments. In discussions about the differences with Humza, we believe that the RBD update may have inadvertently missed some of the updated alignments. In addition, some alignments have changed due to engineering designs that have progressed since the draft RBD Update was released. This memo describes the differences in the current proposed SAFER Bay levee alignments and those in the draft RBD Specific Plan Update.</p> <p>Suggested Action: Please incorporate the current designs into the final plan. If the City prefers the alignments shown in the Draft RBD update, then the SFCJPA needs to be made aware of these changes for the HMGP SOW bidding process.</p>	9		
245	<p><b>Differences and Updates in Proposed Levee Alignments</b></p> <p>Figure 4-11 of the RBD Specific Plan Update shows flood protection alignment options. The following describes the differences based on current draft 10 to 30% SAFER Bay designs.</p> <p><b>South of Bay Road:</b></p> <ul style="list-style-type: none"> <li>• For the alignment by Harvest property, a sheetpile floodwall is proposed as there are current land use controls and infrastructure that can be mostly avoided by using a floodwall. In all cases with a floodwall, there is a transition zone on the water side and a pedestrian/bike pathway on the landward side of the floodwall. The team reduced the landward alignment from 3:1 to 2:1, and responding to maintenance concerns by the City, and proposed a textured concrete wall on the landward side.</li> <li>• For the alignment just south of Cooley Landing within the Harvest properties bioremediation area that is planted with trees, the SAFER Bay proposed alignment is outside of the remediation area, nearer to the current Bay Trail. Figure 4-11 shows an inward jog that is not reflected in the draft 30% design plans.</li> </ul>	4		
246	<p><b>North of Bay Road:</b></p> <ul style="list-style-type: none"> <li>• For 2020 Bay Road, the current concept is a levee within the Ravenswood Open Space Preserve lands. This was done because of the land use controls and remediation systems that are present on the 2020 Bay property. Figure 4-11 shows a potential floodwall in the northern part of the 2020 Bay Road property. This option was evaluated, but not selected as it did not significantly shrink the footprint in the marsh and was more expensive.</li> <li>• Just north of the Emerson property on SFPUC lands at the pedestrian bike walkway, the alignment has been moved closer waterward, closer to the bay, due to a constraint on SFPUC property (existing water main in that location). The levee will cross the railroad tracks at a 90-degree angle and will not interact with SFPUC facilities in a way that could damage them.</li> </ul> <p>We have explored two alignment options near Infinity Auto Salvage (2091 Bay Road).</p> <ul style="list-style-type: none"> <li>• Alignment with levee behind Infinity Auto Salvage property (landward)</li> <li>• Alignment with levee outside of Infinity Auto Salvage property (waterward). This alignment is being carried forward in the EIR.</li> </ul> <p>East Palo Alto will need to determine long-term plans for the Infinity Auto Salvage property.</p>	4		
247	<p><b>Net Development Potential (p. 72)</b></p> <p>As is shown in this Table, there is 300,000 sq. ft. set aside for 'Industrial' and 3.35 million sq. ft. set aside for 'Office/R&amp;D.' Given that the Land Uses (as proposed in the Specific Plan Update, in WO and REC areas) allow for "Manufacturing and Production," please confirm that these types of uses are included in the 3.35 million sq. ft. set aside, as shown in the Table. If this is not the case, given the current market conditions for lower-density development (which could include more manufacturing/industrial types of uses), we would recommend that that the 3.35 million sq. ft. set aside allow for these types of uses.</p>	4	72	

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
248	<p>Allowed Land Uses (p. 121)</p> <ul style="list-style-type: none"> <li>- Why is General Retail Sales not permitted in Waterfront Office? This appears to be in conflict with the activity zone requirement.</li> <li>- In the Waterfront Office / Ravenswood Employment Center: <ul style="list-style-type: none"> <li>- Why isn't Manufacturing &amp; Production – Heavy not allowed?</li> <li>- Why is an AUP needed for Manufacturing &amp; Production - General – Large?</li> <li>- Why is an AUP needed for Manufacturing &amp; Production – Light - Large?</li> <li>- Why is an AUP needed for Warehousing, Wholesaling, and Distribution?</li> <li>- Why is Storage (Mini-Storage) not allowed?</li> </ul> </li> <li>- Additionally, please confirm the Parking Facility designation that requires a CUP includes full site parking as the primary use and not an accessory use to other development.</li> </ul>	6	121	
249	<p>Upper Floor Mass Reduction (p.132)</p> <p><i>“Upper Floor Mass Reduction. No floor plate above 96’ in building height shall be greater than 30,000 square feet in size.”</i></p> <ul style="list-style-type: none"> <li>- Clarify if the 30,000 square feet in floor plate size includes the core or is part of the City's calculation of FAR. If not, please note that in the current plans for the Landing project, the largest floor plate (including the building's core) above 96' is 36,100 square feet, which would exceed this limit.</li> </ul>	6	132	6.3.2
250	<p>Maximum Height Map (p.133)</p> <ul style="list-style-type: none"> <li>- Please clarify the exemplary bonus height for Waterfront Office? In earlier discussions with City staff and the City's consultant team, we understood that the building height was 136 feet. This information seems to be missing from Figure 6-3: Maximum Height Map.</li> <li>- What is the maximum height of the Standard Community Benefit Tier? Is it the same as the Base Tier?</li> </ul>	6	133	
251	<p>Vehicle Parking Maximums (p. 274)</p> <ul style="list-style-type: none"> <li>- Please clarify how the mid-term parking maximum would be implemented in practice? What event would trigger a 50% build out of the Plan Area, to reduce the parking maximum to 2.5? Please confirm this would only be applied to projects that were not yet approved?</li> </ul>	8	274	8.6.1
252	<p><i>“Work with the sanitary sewer provider and regional wastewater agency to ensure that additional wastewater treatment capacity is available as development occurs under the Specific Plan. Partner on the engineering study required when 80% of City capacity is reached to redefine the future needs of the treatment plant.”</i></p> <p>We are assuming that the responsibility to 'partner on the engineering study' is the City's with the Sanitary District, but please confirm.</p>		283	Policy UTIL-2.1
253	<p>General Utility Standards (p. 285), it states:</p> <p><i>“Fairshare improvements. Development projects shall construct - or where infeasible, fund - the required proportion of the water, sewer, and storm drainage improvements which are identified in the Nexus Study as the 'fair share responsibility' of the applicant's project. The specific allocation to each project for capital improvement contributions will be established through individual Development Agreements or through a subsequent nexus study. In either case, there will be a clear proportionality or 'nexus' between the required improvements and each project's impacts (such as LOS delay impacts or percentage of added daily trips).”</i></p> <p>Please provide additional information regarding how this will be implemented. For example, if a project does not have a Development Agreement, how will fair share be established for a project?</p>	9	285	9.2.2
254	<p>In Retaining walls (p. 308), it states:</p> <p><i>“Developments are permitted to construct temporary retaining walls during construction, in between major phases of construction, or to facilitate integration of site topography/grade with SAFERBAY shoreline infrastructure.”</i></p> <p>Please clarify if permanent retaining walls are also permitted, in addition to temporary walls during construction.</p>	9	302	
255	<p>For Policy HCB-3.9 (p. 315), it states:</p> <p><i>“Consider establishing Community Opportunity to Purchase (COPA) first right of offer and first right of refusal requirements for surplus or underutilized lands in the Plan Area.”</i></p> <p>Please clarify this language of 'surplus or underutilized land.' We are assuming that this would only apply to publicly owned lands, not privately owned, but please confirm.</p>	10	315	Policy HCB-3.9
256	<p>Community Benefits Requirements to receive Allocation of Development Capacity (p. 319)</p> <ul style="list-style-type: none"> <li>- Can you please clarify if these are the requirements for all Tiers (including Base), or just Standard and Exemplary?</li> </ul>	10	319	10.2.2
257	<p>Exemplary Framework Targets/Expectations (p. 331)</p> <ul style="list-style-type: none"> <li>- How do you plan to define 'maker space'?</li> </ul>	10	331	
258	<p>Development Allocation Process for Major Office / R&amp;D Projects (p. 338)</p> <p>There is an inconsistency in the language in the narrative section and the Table 8-3 below it. The language states:</p> <p><i>“Conditional Development Allocation. Projects may apply for a conditional allocation at the <b>Standard</b> Benefits FAR Tier, subject to Council discretion,” but the Table 8-3, describes that the Conditional Development Allocation is for both the <b>Base</b> and the <b>Standard</b>.</i></p> <p>Can you please clarify which Tier is available for the Conditional Development Allocation?</p>	11	338	11.2.3
259	<p>Dedications and Easements (p. 347)</p> <p>It is unclear what rights or control the City has with respect to Harvest's new Western Access Road (north/south road connecting Bay Road to Weeks Street), as is depicted in this Figure and other diagrams. This street will be constructed by Harvest, in addition to the underground utilities in the street. The intention of this new street is to provide public access to the community via automobiles, pedestrians and bicycles. However, it was not the intention for the City to have the right or ability to have access to the underground utilities.</p>	11	347	



#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
260	Assumed Responsibility for Dedications (p. 348) - It's not clear if the Roundabout at Bay Road and Tara Road is required. Other references in the Specific Plan document show that it may not be required. Please clarify and ensure that this is consistent in the Specific Plan Update.	11	348	
261	Land Use Zones (pg. 114, 121, 122) - The definition of Waterfront Office should not be limited to "limited light industrial" but should include industrial and manufacturing uses given the permitted uses and desire for flexibility - Consider an AUP or CUP for Maintenance & Repair on Waterfront Office as a temporary use - Consider AUP's for temporary uses such as parking facilities - Consider an AUP or CUP for Outdoor storage - Consider longer-term AUP/CUPs to allow for longer-term leases to be signed. One year leases make it very hard to attract a tenant.	6	114, 121, 122	6.1.1
262	Required Setbacks (p. 124), it states: <i>"Required setbacks. For new privately owned publicly accessible streets, front setbacks are measured from the edge of the public access easement or public right-of-way"</i> - If a public easement needs to be dedicated to the Landing Project's Western Access Road, and building setbacks need to be measured from the edge of the public access easement or public right-of-way instead of from the property line, the buildings would need to be setback for an additional 20', resulting in a significant loss of building footprint and square footage. The City should not be able to require setbacks on private property that is being opened up to the public. - Surface parking should be allowed in these areas if a landscape screen or public space can be provided to separate the parking from the public right-of-way.	6	124	6.1.4
263	Parking in setbacks. (p. 125) <i>"Surface parking (excepting ADA-required parking) is prohibited within 30' of the back of publicly accessible sidewalk. Driveways parallel to the street frontage are prohibited within the minimum setback."</i> - This poses a challenge for lower-density projects, as most, if not all, parking will be provided as surface parking. Prohibiting surface parking within 30 feet and driveways within the minimum setback from the back of the publicly accessible sidewalk would be restrictive and is not typical. Surface parking should be allowed in these areas if a landscape screen or public space can be provided to separate the parking from the public right-of-way. As previously discussed, it is crucial that requirements be adaptable based on the project's density and what is feasible at that density, as well as comparable to other cities.	6	125	6.1.4
264	Landscaping and Paving Coverage (p.127) - Please clarify whether surface parking is included in the paving coverage percentage. If it is included, staying within the paving coverage maximum would be very challenging. Typical lower density projects (R&D, manufacturing, warehouse) are built to 0.35-0.50 coverage ratios to allow for enough surface parking. This will not be possible for most sites based on this requirement. - Open spaces, public plazas, streets, and sidewalks should not be factored into the paving coverage percentage.	6	127	6.1.5
265	6.4.2 Land Use in Active Frontage Zones (149) - Regardless of whether building areas are located within the Active Frontage, Flex Zone, or Active Non-Retail Zone, retail, community, and civic uses should not be mandatory for Base FAR Tier projects. Public plazas, open spaces, and other alternative options should be considered as ways to activate building frontage, as lower-density developments may not be able to support retail or community spaces and shouldn't be required to.	6	149	6.4.2
266	Maximum Building Height 4. Rooftop Mechanical Exception Standards (p.131) <i>"Maximum of 30% of total roof coverage for rooftop equipment that exceeds 15'; Maximum of 15% total roof coverage for equipment that exceeds 20'"</i> - Clarify if the 15% roof coverage is in addition to the 30%. - If a roof screen was set back 10' on all sides of the building. Roof coverage should only be counting the area/footprint of the equipment and not the entire area enclosed by the roof screen. <i>"Roof-mounted equipment greater in height than the parapet wall shall be screened to a height equal to the height of the equipment."</i> - Roof screens typically have a height of around 15 feet and should not match the height of the equipment. Doing so would create a highly visible and prominent screen, giving the impression of a taller building. It's worth noting that a conventional cooling tower can be around 20 to 22 feet tall, and exhaust stacks are advised to extend beyond the top of the roof screen by 3 to 4 feet to prevent the exhaust plume from being pushed back down to roof level by gusts of wind.	6	131	6.3.1
267	Design for all Active Frontage Zones and Design Standards (p. 148) - The design standards and FAR/square footage requirements associated with Active Frontage retail uses should not be required for Base FAR Tier projects as well. Given the infeasibility of retail uses for lower density projects, it doesn't make sense to require standards such as minimum storefront depth, minimum ground floor height and entrance frequency etc.	6	148	6.4.1
268	Liner for parking structure (p. 148) - Clarify if the State Density Bonus Law can be used to waive the requirement of wrapping parking structure with another ground-floor use along street frontages. This requirement could significantly increase costs, potentially making the affordable housing project infeasible due to the extremely competitive nature of these funding sources. Further, funding is not typically available for retail or community uses.	6	148	6.4.1
269	Block Structure and Building Placement (p.151) <i>"Breaks in Blocks. Blocks may be broken by private or public streets, publicly accessible service streets/fire access streets, or greenways or paseos"</i> - Public plaza and open space should also be included as features that break up blocks.	6	151	6.5.1

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270	<p>Access &amp; Loading (p.155)</p> <p><i>“Driveways. Driveways shall be minimized to the extent feasible on the primary bike network to minimize conflicts between cyclists and vehicles. Driveways shall not exceed 26’ in width.”</i></p> <p>- Driveways should be permitted to have a width of up to 40’ to accommodate truck access for projects contemplating R&amp;D, warehouse or manufacturing uses. Without it, these types of projects are not feasible.</p>	6	155	6.5.3
271	<p><i>“Curb Cuts. Each project site should be limited to one curb cut (including driveways, service streets and alleys) per 200 feet of public street frontage, unless otherwise required for emergency vehicle access (or two curb cuts per parking garage frontage). Curb cuts should be located a minimum of 50 feet from street corners.”</i></p> <p>- Given that for Harvest’s Landing project, the 1175 Weeks Street building fronts the proposed central plaza to the north, Bay Trail to the east, and Weeks Street to South, the only feasible location for loading and garage entrances are along the proposed Western Access Road. With two parking garage entrances to alleviate queuing and two loading docks (one needed for each building), it is impossible to have one curb cut per 200 feet (if the Western Access Road would be considered as a public street). In this case, the Western Access Road should be regarded as a back-of-house street and not be subject to this requirement. Even though public access is allowed, significant pedestrian traffic is not expected along this street.</p>	6	155	6.5.3
272	<p><i>“Side Street Loading. Street-side loading shall be prohibited unless the loading dock is set back at least 50 feet from the street; is screened with materials that have a similar color, texture, roof style, and architectural detailing to the overall site and building design; and is screened by an opaque screen up to a height of 8 feet.”</i></p> <p>- Due to the constraints stated above for the 1175 Weeks Street building, street-side loading should be allowed without setback and significant screening elements.</p>	6	155	6.5.3
273	<p>Parking (p.156)</p> <p><i>“Surfacing Parking Location. Waterfront Office and Ravenswood Employment Center. Surface parking shall be prohibited in front setbacks (and all Bay Road frontages).”</i></p> <p>- Surface parking should be permitted in all setbacks. Certain screening elements (i.e. landscape or wall) or open space could be provided between the parking and the public right of way. Otherwise, no surface parking could be proposed for lower density development options.</p>	6	156	6.5.4
274	<p>Building Massing (p. 158)</p> <p><i>“Maximum Building Length. Buildings shall not exceed the following lengths: a. 350’ in Mixed Use zones (4 Corners Gateway, Bay Road Central, Waterfront Office)”</i></p> <p>- For Harvest’s Landing project (as submitted to the City), the design of the building podium contemplates 450’ maximum length for the 1990 Bay Road building, which is located in the Waterfront Office zone. This requirement would severely impact the footprint and developable square footage.</p>	6	158	6.6.1
275	<p>General Gound Floor Design (p. 160)</p> <p>- This section is heavily geared towards ground floor retail and commercial uses, with design standards such as windows providing views into active interiors and a high percentage of windows to increase visual transparency etc. These requirements could be cost prohibitive and architecturally unsuitable for Base FAR Tier projects contemplating uses such as advanced manufacturing, R&amp;D or industrial.</p>	6	160	6.6.2
276	<p>Façade Design &amp; Composition (p.161)</p> <p><i>“All Building Elevations. All facades of a building facing a street or public space should be treated with variations in massing and articulation.”</i></p> <p>- The 1175 Weeks Street building fronts the proposed public plaza to the north, the Bay Trail to the east, Weeks Street to the South, and the Western Access Road to the west, which offers public access. However, some portions of the building façade need to be dedicated to back-of-house uses such as loading, service yards, MEP rooms, trash rooms, and circulation/egress etc. These areas will have limited massing variations or articulation.</p>	6	161	6.6.3
277	<p>Green Building (p. 168)</p> <p>- Given that life-science/laboratory buildings and food establishments require natural gas, this section should include a provision stating that a request for an exemption can be made to the Reach Code.</p>	6	168	6.8.1
278	<p>Bird Safe Standards (p. 171)</p> <p><i>“Glazing Treatments. Bird-safe glazing treatments may include any of the following: a) fritting, b) netting, c) permanent stencils, d) frosted glass, e) exterior screens, f) Physical grids placed on the exterior of glazing, or g) ultraviolet (UV) patterns visible to birds.”</i></p> <p>- This paragraph should include the phrase “or other approved treatment” to account for new materials and methods that may become available at the time of permitting and construction.</p>	6	171	6.8.4
279	<p>Vehicle Parking Maximims (p. 274)</p> <p>- As we have previously stated, we continue to be concerned that if the parking requirements aren't increased, projects will not be able to be financed and built. As we have stated previously, parking ratios need to be maintained at 3.0 for Commercial Office and R&amp;D/Manufacturing. The current ratios will put EPA at a significant disadvantage to other Bay Area cities and will likely make certain development infeasible.</p>	8	274	8.6.1

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280	<p>For Policy UTIL-1.3 (p. 282), it states:  <i>"When publicly accessible streets are replaced/reconstructed, it is the City's expectation that any existing utilities will be concurrently replaced/upgraded."</i></p> <p>- Please confirm who the responsible party is for the infrastructure improvements in the Policy statement above. If this statement is implying that a developer has responsibility for this cost, then this would be contrary to the purpose of the Nexus Study, which is to determine a developer's 'fair share' of infrastructure and utility improvements in publicly accessible streets. Further, in situations such as along Bay Road where infrastructure has recently been upgraded, there should be no requirement to upgrade or replace it.</p>	9	282	Policy UTIL-1.3
281	<p>For Policy UTIL-3.3 (p. 283), it states:  <i>"Through easements and/or Development Agreements, property owners shall convey all rights to construct, operate and maintain, repair, rehabilitate and replace the levee, access roads, and associated facilities to the City."</i></p> <p>- This above statement is overly broad with "shall" language, requiring developers and/or property owners to convey all rights to the City, without any qualifications for this language. We do not believe the City has the legal right to require this. Instead, reasonable efforts should be made to work with SAFER Bay.</p>	9	283	Policy UTIL-3.3
282	<p>In Policy UTIL-4.2 (p.284), it states:  <i>"The City will require applicants and property owners to form a Landscaping and Lighting Maintenance Districts to support the long-term maintenance of infrastructure, streetscapes, and parks in the Specific Plan Area. Alternatively, the City may support the formation of a Property Owners Association for this same purpose. Two separate entities may be appropriate; one to cover Four Corners and one for the Business District (or a single district with different zones/assessments)."</i>  <i>In Policy UTIL-4.1, there is language "Explore the formation of a Special Funding and Financing District by the City." The language in Policy UTIL-4.2, states, "The City will require..".</i></p> <p>Recommend changing the language to be more exploratory in nature, rather than prescriptive, given it is unknown what the scope and cost implications are for the establishment of a LLMD or Property Owners Association. Additionally, these should be considered and factored into the Nexus Study because they are also a financial burden on development projects.</p>	9	284	Policy UTIL-4.2
283	<p>In 9.2 General Utility Standards (p.285), it states  - Any infrastructure improvement that benefits the City and not just the project should be a credit to Impact Fees  <i>"1) Construction of required capital improvements. All projects shall be required to pay utility impact fees, but to the maximum extent feasible, larger projects over 150,000 square feet in size will be required to construct the public infrastructure improvements that are needed to support their development, rather than pay impact fees to the City."</i>  - Note that this directly conflicts with the "Base" requirements that say that a development that meets the Base criteria is only responsible for the payment of Impact Fees. If a Project is Standard and Exemplary, then there may be additional public infrastructure improvements (in addition to the Impact Fees), as part of the Project's community benefits. Utilizing an arbitrary square footage threshold of 150,000 sq. ft., is inconsistent with the Tier framework of the Specific Plan Update.  <i>"7) Easement requirements. New developments shall provide easements in perpetuity to the City for mobility and utility improvements as required."</i>  - This is overly broad; there needs to be more specificity as to the extent and location and the easements.</p>	9	285	9.2
284	<p>Water Supply and System Standards  <i>"Minimum fire flows. Provide the following fire flows in new developments:  • Single-Family Residential and Townhouse: 1,000 PSI • Multi-Family Residential: 4,000 PSI • Non-Residential: 4,000 PSI." (p.289)</i></p> <p>- Our understanding is that these are 'planning level' fire flow targets, not at the development or building level. Please ensure that these fire flow levels are achievable, and do not prohibit development from occurring. Recommend making these fire flow levels as 'goals' to achieve, but not building level requirements.</p>	9	289	9.3
285	<p>Stormwater System Improvements  <i>"7. Responsibility. All development projects that are proposing storm drain systems that drain to a City pump station share responsibility in constructing and/or funding improvements to the Storm Drainage system." (p. 298)</i></p> <p>- This is an overly broad statement about developer responsibility. This construction and/or funding responsibility should be covered by the City's Nexus Fee study, in relation to the Impact Fees that a project is required to pay.</p>	9	298,300	9.5
286	<p>Storm Drainage System Phasing (p. 300)  <i>"When The Landing/Harvest project is constructed, complete the SD connection between Weeks Street and Pulgas Ave but leave the outfall in place until additional downstream CIPs are completed."</i></p> <p>- Please note that once the new Storm Drain line is built along Weeks Street, the outfall will be redundant as all the Storm water flow will be directed west along Weeks Street. Additionally, this outfall will be removed once the Levee is built, as a storm drain line cannot breach a levee per FEMA requirements.</p>	9	300	9.5

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
287	<b>Figure 9-3 &amp; 9-4</b> - Please note that the diagrams on p.299/303 show a Storm Drain line running under the Landing project's proposed Amenities building as well as clipping the corner of one of the project's buildings. This represents an existing Storm Drain line that runs from the PG&E substation, under the Amenities building, south to Weeks Street. Our proposed design (as depicted in the Civil Plans provided to the City) shows a new Storm Drain line running north, along the alley of the 1990 Bay Road building, to Bay Road and then flows east to the Bay. Additionally, locating the Storm Drain in this manner is not feasible as there is a differential in the elevation, that prohibits the gravity model to function, therefore requiring a lift station. The Specific Plan diagrams need to be updated to reflect the proposed modifications, as Storm Drain lines cannot live under buildings.	9	299,303	
288	Electricity, Phone, Cable, and Internet <i>"Existing overhead electric lines would be removed and undergrounded on streets in the Plan Area."</i> (p.307) - This is an overly broad statement about developer responsibility. This construction and/or funding responsibility should be covered by the City's Nexus Fee study, in relation to the Impact Fees that a project is required to pay. Given the challenges and cost working with PG&E, this is often cost prohibitive.	9	307	9.8
289	Affordable Housing Standards (p.329) <i>"Housing Agreement j. Details regarding the location and development program for the site/building at which the units will be constructed (note comparability requirements in MuniCode 18.38)"</i> - With respect to 'comparability requirements,' according to Harvest's non-profit affordable housing partner, it would be best to add language that if the project is financed with low-income housing tax credits (LIHTC), then so long as the project meets the TCAC standards for a project and unit sizes that these comparability requirements will be waived.	10	329	10.3.3
290	<i>"Housing Agreement l. Timing commitments for delivery of the units..."</i> - Please note that this is inconsistent with the 10-year allowance and/or the reality of what it takes to finance affordable housing. It is very competitive to obtain various sources, and therefore very challenging to make timing commitments. We recommend softening this language to "anticipated schedule" and create requirements for certain achievable milestones, such as project approvals.	10	329	10.3.3
291	<i>"Housing Agreement o. Draft marketing, outreach and tenant selection plan to maximize local live/work preference to the full extent allowable by State and fair housing law."</i> - Recommend adding underlined language to the end of this statement: " and fair housing law <u>and any other funding regulations for funds secured to build the project.</u> " The addition of this underlined language will allow a future non-profit affordable housing organization to secure County and State money that often will not allow local preferences.	10	329	10.3.3
292	"Income Levels. Affordable housing is assumed to be provided at the same AMI percentages as is prescribed in the City's adopted Inclusionary Ordinance (for rental units, 25% at 35% AMI, 50% at 50% AMI, 25% at 60% AMI). However, applicants may choose to provide a different AMI breakdown (i.e., more units at 80% to 100% AMI) - the value of these units <b>would be discounted to reflect the true subsidy required</b> to close the gap between projected income and construction costs (the affordability "gap"). The blended average in-lieu value of one rental unit is currently set at \$273,400 for FY 2023-2024. - Please clarify how the underlined language above would be calculated.	10	329	10.3.3
293	Bonuses for Standard / Exemplary (p. 330) - Developers should be able to request a Conditional Development Allocation or "Hold" for Exemplary for 12-18 months given current market conditions. This should not only be limited to Base and Standard Tier projects.	10	330	10.4
294	Expansions to existing ROW. (p. 346), it states: <i>"The process for acquiring the ROWs identified as necessary dedications on Figure 11-3 is as follows: - Applicants are required to perform a current market assessment of the land value, put some portion of this value in escrow, and make a good faith effort as defined by the City to effectuate a sale with relevant landowners (to be defined in the Development Agreement). - If applicant cannot conclude a sale (or lease) after good faith effort as defined above, the City will then take necessary steps to acquire the land, using the escrow funds in part or in whole."</i> - Note that developers should not be responsible for acquiring land for public infrastructure. As we have previously stated, we are happy to play an active role with the City in this process but this cannot be the responsibility of a private developer to acquire public ROW for the City. The cost of this, regardless who is responsible, should be included in the Nexus Study.	11	346	10.4
295	Assumed Responsibility for Dedications (p. 348) - Please clarify the responsibilities of developers as it relates to this Table. Developers cannot be responsible for land that they do not own or control. Therefore, to place the responsibility on developers for these public right-of-way and other public land improvements is not appropriate.	11	348	10.4
296	Developer Contributions (p. 349) <i>"Direct Developer Funding and Capital Improvements Construction: Development applicants must fund/construct any infrastructure improvements that are directly required to enable construction of their project, such as required street improvements and new or upgraded water, storm drainage, and sanitary sewer connections."</i> - This should state that the developer is responsible for its fair share per the Nexus study - Again, the financial responsibility for street improvements and utility improvements needs to be directly tied to the Impact Fees per the City's Nexus Study.	11	349	
297	General TDM Requirements (p. 265) <i>"2. Combined Office and R&amp;D Trip Rates. The same average daily trip rate of 10.96 vehicle trips/1,000 square feet will be assumed for all uses in this employment category, since the Plan allows for flexibility in the mix of general office space, research and development space, and life science space, and because these uses have similar vehicle trip characteristics."</i> - Please note that this section is not the same as Chapter 10.32 in the City's TDM policy. Please clarify why there is this discrepancy.	8	265	8.5.1

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
298	<p><i>"4. Trip Cap Methodology (All Trips). The TDM Implementation Guidelines will contain a table with the trip cap breakdown, which will be updated annually as building permits are obtained. The trip cap will be based on the daily trip estimates developed in the Specific Plan SEIR. Since ITE trip rates include all vehicle trips, including delivery truck trips, visitor traffic, pass-by trips, and internal captured trips made by automobile, all vehicle trips will be included in the established trip cap."</i></p> <p>- Please note that this is problematic if a project is responsible for the reduction in public trips generated by retail and services located on their property, for which they have no control over.</p>	8	265	8.5.1
299	<p>TMA Requirements (p. 266)</p> <p>- In general, we would support and recommend that in the establishment of the TMA, all property owners are able to be on and remain on the Board of Directors for the TMA.</p> <p><i>"2. Establishment of TMA. Property owners pursuing development proposals within the Plan Area will establish a TMA for the Plan Area to achieve the trip reduction goals set by the TDM ordinance. The TMA may be funded through annual member fees, privately funded, or funded through another mechanism. The formation documents necessary to establish the TMA under applicable laws and regulations must be completed and approved by the City Council prior to the first Building Permit issuance for new major project construction in the Plan Area subject to the TDM Ordinance."</i></p> <p>- This would not allow property owners to establish their own TMA-like coalition organization and continue to maintain control.</p>	8	266	8.5.2
300	<p><i>"3. Compliance Plan. No more than two years after formation, the TMA will develop a TDM Compliance Plan for the Plan Area that includes mode-share goals and planned TDM programs, which, when implemented, will meet the trip cap. The mode-share goals and TDM program requirements may differ by site based on the size and use of each property..."</i></p> <p>- This measure is unusual and problematic. It seems to indicate that a TMA will be responsible for developing a District-wide TDM program that all development projects will be required to implement. This approach gives the TMA control over development projects' TDM planning, which typically should allow for customization of TDM features and strategies rather than a one-size-fits-all plan.</p>	8	266	8.5.2
301	<p><i>"b. Each new development in the Plan Area will be required to sign on to the TDM Compliance Plan. Existing development or developments approved prior to the TDM Ordinance would not be required to comply with the TDM plan if they have fewer than 100 employees."</i></p> <p>- This would mean that retail uses would not have to implement at TDM plan. Was this the intention of that language?</p>	8	266	8.5.2
302	<p><i>"4 Regional partnerships. The TMA is encouraged to collaborate with transit agencies, other developments in the area like the Willow Village development and/or the Palo Alto TMA in either a local partnership or a "subregional TMA."</i></p> <p>Can you please clarify this statement regarding collaborating with other developments outside of the local EPA TMA. How will this work in practice? The resources EPA developments in the TMA will be funding should be made available to EPA's employees and residents. These other development are in other jurisdictions.</p>	8	266	8.5.2
303	<p>Shuttle Program Standards</p> <p><i>"1 Shuttle Program. 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..."</i></p> <p>- Please clarify who decides 'if' a TMA will be required to fund and operate a shuttle program. Also, are these 'last-mile' shuttles to train stations? Please clarify.</p>	8		8.5.4
304	<p><i>"c. To the maximum extent feasible, the TMA shall design and run the long-haul shuttle service to actively promote counter direction ridership (e.g. outbound trips in the morning and inbound trips in the afternoon/evening). The TMA shuttle program can be incrementally expanded with services provided in conjunction with other developments in the area like the Willow Village development or other TMAs."</i></p> <p>- Long-haul commuter shuttles are very expensive and typically funded by employers for their employees. The language states definitively that the TMA 'shall' design and run long-haul shuttle programs. Please clarify whether all property owners would have to fund long-haul services if their tenants don't use them or need them for their employees? There are BusShare programs that can operate this type of program for multiple employers.</p>	8		8.5.4
305	<p><i>"d. To the extent possible, the RBD TMA shall collaborate with Willow Village in the administration and delivery of TDM measures such as shuttle services."</i></p> <p>- Will the Willow Village be a paying member of the TMA?</p>	8		8.5.4
306	<p><i>"e. The shuttle program will qualify for trip credits based on its ability to reduce "external" trips, i.e. trips of East Palo Alto employees and residents living outside the Plan Area for both peak-direction and counter-direction ridership."</i></p> <p>- Please clarify this language. What project receives "trip credits" or does this credit apply to the future TMA's district-wide trip cap?</p>	8		8.5.4
307	<p>Micromobility Systems (p. 269)</p> <p><i>"Micromobility systems include bicycles, scooters, electric-assist bicycles, electric scooters (e-scooters), and other small, lightweight, wheeled conveyances. This transportation option encourages the use of alternative modes for short trips and promotes active transportation associated with community health benefits. Although specific parcels may provide micromobility devices for the exclusive use of their employees and/or residents, deployment of a shared fleet of devices could be provided by the TMA or a regional service provider."</i></p> <p>- Ebike and eScooter programs are proving to be helpful in reducing trips for local trips and those who live within 5 miles from work or for residents needing to get to/from transit station. However, please note that the Palo Alto Caltrain station still has problematic bicycle pathways that would make commuters comfortable riding on the roads.</p>	8	269	8.5.4
308	<p>Car Sharing (p. 269)</p> <p><i>"Car sharing programs allow people to have on demand access to a shared fleet of vehicles as an alternative to car ownership. Property owners can provide parking spaces for car-share operators and/or the TMA can provide memberships for residents and employees."</i></p> <p>- Please clarify whether all property owners have to fund carsharing programs within the District even if carshare is not beneficial for their projects and tenants? This measure doesn't indicate the TMA will make "memberships" for residents and employees free; it just indicates it will provide memberships. This may mean membership discounts will be offered or costs will be shared.</p>	8	269	8.5.4

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
309	Transit Pass Subsidies (p. 269) "The TMA can provide partially or fully subsidized transit passes to employees and residents in the Plan Area." - Please note that transit subsidies will be very expensive and this measure is not included in the City's TDM ordinance.	8	269	8.5.4
310	Bike Buddy Programs (p. 270) "Bike Buddy" program pairs a beginning or novice bicyclist with an experienced rider who already knows safe routes and riding techniques." - Please note that this measure does not indicate who is responsible for managing a bike buddy program. This type of individual assistance is labor intensive and requires information about who are other bike commuters and where do they commute from. Commute.org offers a ride matching feature that can be used for bicycle matching.	8	270	8.5.4
311	Rideshare Matching Programs (p. 270) "The TMA can offer carpool / vanpool matching services, subsidies, and priority accommodation to all employees and residents. Individual property owners or developers in the Plan Area may not implement a separate privately run rideshare matching program." - Please clarify whether all development projects would have to fund carpool subsidies regardless if their tenant's commuters are participating. Please note that it is also unusual to have a measure to restrict developments from implementing their own programs.	8	270	8.5.4
312	Guaranteed Ride Home (GRH) (p. 270) - Please clarify why the proposed TMA would duplicate GRH programs and other TMA-like features already offered by Commute.org. If the EPA TMA could leverage Commute.org resources, this would significantly reduce district-wide costs.	8	270	8.5.4
313	Additional TDM Implementation Guidance (p. 270) TDM Compliance and Monitoring "1. Annual Monitoring. The TDM Plan is subject to annual monitoring as set forth in City's TDM ordinance to ensure compliance with the TDM trip cap. The TMA may petition Council for a legislative act to ease this requirement if the Plan Area is compliant with the trip cap for multiple years in a row." - Please clarify if this means monitoring could become less often than annual.	8	270	8.5.5
314	"3. Required Driveway Counts. The City of East Palo Alto will conduct the driveway counts at individual properties (non-residential as well as residential), while the TMA will fund the counts... Driveway counts will be conducted for five weekdays (Monday through Friday) and averaged to obtain Average Daily Traffic (ADT)... Counts will include pick-up and drop-off trips by Transportation Network Companies (TNCs)." - We would request that property owners receive these driveway counts that the City conducts. Additionally, if all development projects are required to install permanent vehicle counters, why does the City also need to conduct driveway counts. This is duplicative. - "TNCs" means Uber/Lyft and Taxi trips will be included. Please note and consider that when a person uses Uber to commute to work, this creates a trip to get there and a trip for the Uber to leave the site. That equals 2 trips. Repeating 2 trips for evening Uber use means there would be 4 trips per day for this one person whereas if they drove alone, there would only be two trips (one in and one out).	8	270	8.5.5
315	"4. Parking Supply Review. The TMA will also monitor vehicle and bike parking needs and review the supply periodically (every few years) to determine when parking standards should be changed to adapt to evolving development conditions. The TMA may petition the City Council to modify the vehicle and bike parking standards as appropriate." - This seems to mean that the TMA has authority to determine if individual developments have enough bicycle facilities. Please confirm.	8	270	8.5.5
316	Noncompliance & Mitigation (p. 271) "1. Compliance Plan Penalties. Per the TDM ordinance, the TMA is subject to non-compliance penalties based on the level of deficiency or non-compliance for the Plan Area. The allocation of penalty and program cost responsibility between properties will be set in the TDM Compliance Plan. The financial allocations may be adjusted in the future provided the trip reduction objective is met." - Please clarify where the penalty figures for the TMA are located/written.	8	271	8.5.5
317	Policy Comment: MOB 3.2: How will the city "require" the TMA to develop a TDM Compliance Plan? If the TMA is a non-profit organization, how can this entity be held accountable for compliance and performance of private property projects? What mechanism will the city implement to create a mandate for the TMA?	8		MOB 3.2
318	Policy Comment: MOB 3.4: If the TMA proposes to fund in full or part "external" trip reduction or congestion reduction programs to earn trip cap credits, do external programs come from the private property owners who are members of the TMA?	8		MOB 3.4
319	Policy Comment: MOB 3.5: Should the TMA fund and operate a long-haul shuttle program for private property members, what mechanism allows the "public" to ride the commuter shuttle that private property owner-members fund for their employees?	8		MOB 3.5
320	Policy Comment: MOB 3.9: How can the TMA "unbundle" parking at private property sites? The TMA would not have any legal authority to require housing to unbundle their parking. Also, most affordable housing projects will not unbundle their parking due to funding requirements that require affordable housing to provide free parking.	8		MOB 3.9
321	Policy Comment: MOB 3.11: How is the TMA supposed to provide preferential spaces to incentivize the use of carpool/vanpool systems? Also, the State no longer requires striping carpool and vanpool parking.	8		MOB 3.11

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
322	General TDM Requirements Comment: <b>Item 4</b> Trip Cap Methodology – Why does the city include delivery, visitor, customer, and pass-by trips in the Trip Cap? Private property owners cannot affect trip reduction changes for these travel categories. Holding project developments accountable for public trips seems unfair as there is no way to change them.	8		8.5.1
323	TMA Requirements Comment: <b>Item 2</b> Establishment of TMA – This requirement does not allow property owners to establish their own TMA-like coalition organization and maintain control of their projects. What mechanism will the city use to authorize a city-structured TMA with jurisdiction over private property developments? <b>Item 3 b. b.</b> How are existing small retail developments required to comply with the TDM ordinance if they have fewer than 100 employees? Will retail developments be required to prepare a TDM Plan?	8		8.5.2
324	<b>Item 4:</b> Are there any repercussions if the TMA does not implement strategies "encouraged" by the draft Ravenswood/4 Corners Specific Plan? The draft language throughout the draft Specific Plan references the TMA is "encouraged" to do something.	8		8.5.2
325	Specific Required TDM Elements Comment: <b>Item 3</b> Site Design Elements of private property development are not within the control of the TMA. How will the TMA be held accountable for this strategy?	8		8.5.3
326	Shuttle Program Standards Comment: Item 1 Shuttle Program – <b>Item a:</b> Why are shuttle programs funded by private owner development made free to the public? <b>Item d:</b> Why is the language stated that the "TMA shall" collaborate with Willow Village when, earlier in the Specific Plan, the language states the TMA is "encouraged" to work with Willow Village? What are the consequences if the TMA does not collaborate with Willow Village?	8		8.5.4
327	Optional Measures: Rideshare Matching Programs: Why are individual property owners or developers in the Plan Area not allowed to implement a private ridesharing program? There are many security and confidentiality concerns of employers that seek to implement a closed or internal ride matching system. This measure restricts private property owners from implementing a carpool matching program and appears to restrict private business practices illegally.	8		
328	Additional TDM Implementation Guidance Item 1: Annual Monitoring – If the TMA petitions the Council for a legislative act to ease the annual monitoring requirement if the Plan Area is compliant with the trip cap for multiple years, will the monitoring requirement also be eased for all member-owner developments? <b>Item 3:</b> Required Driveway Counts – Why will the city conduct driveway counts, presumably funded by the property owner, if <b>Item 2</b> above requires projects to install built-in driveway county technology? This appears to duplicate technology and cost. <b>Item 4:</b> Parking Supply Review – This measure indicates that the TMA has the authority to determine if a private owner development has enough bicycle facilities, which is redundant because development projects will be required to install code-specific bicycle facilities.	8		8.5.5
329	Noncompliance & Mitigation: <b>Item 1:</b> Compliance Plan Penalties – Where are TDM penalty fees or calculations stated? Will a private owner development that over-perform on trip reduction efforts be required to contribute funding of possible penalties should the TMA be area-wide deficient?	8		
330	Off-street Parking Management Strategies: <b>Item 4</b> Carpool/Vanpool –California no longer requires carpool parking. How will the city's Specific Plan impose a 5% carpool parking requirement?	8		8.6.2
331	There doesn't seem to be a clear nexus between how the City will require a TMA to be responsible for the area-wide trip reduction and how the TMA will have the authority to impose requirements on private owner developments.	8		
332	Trip Cap for Specific Plan: <b>Item 1</b> – the Cap Calculation does not seem to take into account public trips (retail customers, delivery services like UPS, USPS, or the general public which cannot be affected by a private owner development or an employer/tenant within a private owner development.	11		11.2.5
333	These comments augment our April 2024 comments on the overall process and approach for the Specific Plan. We continue to be concerned that the draft Specific Plan prescribes development that is neither feasible nor desirable. It significantly downzones from the existing Specific Plan and imposes enormous additional costs to potential development. This kind of policy setting will push development interest to other areas of the peninsula and result in a missed opportunity for the City of East of Palo Alto to realize its vision for the RBD. Foremost, we continue to respectfully request that the Four Corners site, at the edge of the Specific Plan Area, be removed from the Specific Plan and treated separately. Given that the urban infill site anchored to a residential neighborhood is materially different from development being considered in the commercial/industrial eastern area of the City, and the city's General Plan expressly prioritizes development at the Four Corners site, removing the four corners site from the Specific Plan which is development hindering can be justified. We request that the city subject the Four Corners site to the city's General Plan policies and define a viable path for development at the Four Corners site which has been sitting empty for decades. Our project is a mixed-use development with life science, residential, retail and community spaces. We believe our project will not only provide needed housing and jobs for the City of East Palo and the region, but also specifically serve as a catalyst for enlivening the heart of the city and Bay Road with robust community serving needs.	GC		

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
334	<p>General Plan Consistency Findings</p> <p>The Specific Plan objectives are not consistent with the “overarching goals” of the General Plan (GP). The Specific Plan downzones the RBD and significantly limits development which is inconsistent with the GP LU-2 goal of intensifying and expanding non-residential uses and GP LU-12 goal of enlivening the street with new ground-floor shops and mixed-use development.</p> <p><b>Revise the Specific Plan to facilitate new development so that the Specific Plan is consistent with the overarching goals of the General Plan.</b></p>	1	14	
335	<p>Vacant Sites</p> <p>The Specific Plan states that vacant properties, including the Four Corners site, provide no benefit to the City or the community in their current state. The General Plan states that development of the Four Corners site be prioritized.</p> <p><b>Prioritize the development of the Four Corners site, either by removing it from the Specific Plan area or amending the zoning of the site to align with the land use designation for the site adopted in the General Plan. Eliminate the need for extra community benefits to be provided in order for this site to be developed at density.</b></p>	3	44	
336	<p>Floor Area Ratio (“FAR”)</p> <p>Figure 4-3 Base, Standard, and Exemplary FAR Tiers references a 2.0 Exemplary Maximum FAR at Four Corners. In March, we discussed a 2.05 FAR for this site to ensure that development can be scaled to provide exemplary benefits.</p> <p><b>Revise the Four Corners Exemplary FAR to 2.05.</b></p>	4	74	
337	<p>FAR</p> <p>Figure 4-3 Base, Standard, and Exemplary FAR Tiers is silent as to whether the FAR maximums apply to non-residential or also residential.</p> <p><b>Clarify that FAR maximum applies to non-residential development only.</b></p>	4	74	
338	<p>Objective standards</p> <p>Specific Plan relies upon total discretion—by City staff and City Council—to determine the allocations of development capacity. Not having a framework for decision making in this area is a risk for both the city and the development community.</p> <p><b>Create objective standards to provide clarity, certainty, and transparency for decision making.</b></p>	4	75	
339	<p>Bonus FAR Targets</p> <p>Table 4-3 Bonus Far Targets &amp; Expectations articulates unachievable percentages of public parks, plazas, and greenways for the base requirement, standard tier, exemplary tier, and exceeds exemplary.</p> <p><b>The base requirement to match the existing standard and the percentages for the tiers should be significantly reduced for the Four Corners site.</b></p>	4	77	
340	<p>Timing of Community Benefits</p> <p>The Specific Plan calls for up-front community benefits. This kind of early transaction would add significantly to the overall project cost because the cost of such benefits would need to be financed, rather than funded by operational revenue. This kind of burden increases project feasibility risk.</p> <p><b>Remove the requirement for up-front community benefits.</b></p>	4	79	
341	<p>TDM Penalties</p> <p>The city’s TDM standard of 40% trip reduction is not achievable in an environment with limited transit options and has been noted as being aspirational by the City. Tying aspirational goals to penalty payments is unfair.</p> <p><b>Remove the imposition of penalties to be paid for failure to meet an unreachable standard.</b></p>	4	79	
342	<p>Active Frontages</p> <p>The Specific Plan calls for active frontages along University Avenue across from City Hall and along Bay Road immediately adjacent to existing single-family homes. We believe channeling and concentrating retail activity along Bay will best create the synergy of activities needed to catalyze a robust main street vibe up and down Bay and minimize impacts to neighboring homes.</p> <p><b>Revise the active frontage priorities to remove the segment across from City Hall and adjacent to single family homes.</b></p>	4	86	
343	<p>Street Improvements</p> <p>The Specific Plan calls for an internal street at Four Corners between University and Bay Road to be publicly accessible. This is private land to function as internal circulation. This internal street should not become a “cut through” street.</p> <p><b>Remove the requirement for a public access easement across private property.</b></p>	4	87	
344	<p>Roadway network</p> <p>Figure 4-8: Future Public Roadway Network calls for a stop control on University between Bay and Michigan. Based on consultant analysis, public works department concurs that this intersection should be signalized. Change the “stop control improvement” on University to a signal.</p> <p><b>Remove the requirement for a public access easement across private property. Same comment for Figure 8-1.</b></p>	4,8	89,220	
345	<p>Land Use Zones</p> <p>The discussion of the 4 Corners Gateway discusses a zone that accommodates retail, community facilities, housing, and offices.</p> <p><b>Add R&amp;D as permitted land use.</b></p>	6	114	



#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
346	Allowed land uses Table 6-1: Allowed Land Uses. The Specific Plan does not allow duplexes, requires a CUP for multi-family dwellings, and prohibits residential care facilities. Given the regional housing crisis and the City's reliance on the Four Corners site as a potential location for housing to fulfill its RHNA obligations, the Specific Plan should be more permissive of housing uses. <b>Allow duplexes with an AUP at Four Corners and allow multi-family dwellings as permitted use. Allow residential care facilities of 7 or more with a CUP. Allow residential care facilities with six or fewer with an AUP.</b>	6	118,119	
347	Allowed land uses The justification for requiring CUP for parking facilities is not clear. Parking facilities should be allowed by right as a permitted use so that projects can include necessary parking in the project. <b>Allow parking facilities in at Four Corners as a permitted use.</b>	6	122	
348	FAR Table 6-3 Non-Residential Intensity Standards (Tiers) references a 2.0 Exemplary Maximum FAR at Four Corners. In March, we discussed a 2.05 FAR for this site to ensure that development can be scaled to provide exemplary benefits. <b>Revise the Four Corners Exemplary FAR to 2.05.</b>	6	124	
349	Setbacks Table 6-4. Setback and Build-To Development Standards requires larger setbacks than discussed and larger than appropriate to create the vibrant neighborhood envisioned for this site. <b>Revise minimum Bay Road setback for Four Corners from 12' to 10' for residential or storefront. Revise minimum rear setback for Four Corners to 20'. Same comment for Figure 6-11.</b>	6	126, 142	
350	Landscaping coverage Table 6.1.5 Lot Coverage requires at least 10% of lot area to be landscaped and no more than 15% of the lot area to be paved. These numbers are not realistic or practical. For example, to fit the required parking and circulation within the site requires significant paving. <b>Reduce the required minimum to 5% in the Four Corners. Increase the maximum paving limit to 25%.</b>	6	127	
351	Active frontages Figure 6-15: Active Frontages require that there be active frontages on at least 3 sides of any future internal plaza at Four Corners. Active frontages typically require significant ongoing subsidy, especially when facing an internal plaza rather than the public street. This requirement is financially onerous. <b>Revise internal active frontages from 3 to 2.</b>	6	147	
352	Open Space Table 6-10: Private & Common Usable Open Space Area (Base Projects). The requirements for non-residential open space are too onerous, making development inflexible and expensive. Requirements for open space should focus on residential uses, and their future residents. <b>Revise to n/a in Four Corners, in alignment with REC, Industrial Transition, and Urban Residential.</b>	6	154	
353	Open space diagram Figure 7-1: Parks, Open Space, and Trails Concept shows two rectangles as the open space requirement at Four Corners. Elsewhere it is properly shown as a single rectangle, which preserves site flexibility in this uncertain economic climate. <b>Revise shape of open space at Four Corners to show one rectangle and align with other diagrams.</b>	7	182	
354	Open Space acreage Table 7-1: Parks, Trails, and Open Space shows 4 Corners Urban Plaza at 0.25 acres for public facilities and 0.5 acres of POPOS. These figures are too high. The requirements for non-residential open space are too onerous, making development inflexible and expensive. Requirements for open space should focus on residential uses, and their future residents. <b>Revise the acreage to 75 sf per residential unit.</b>	7	183	
355	Public Plazas The Specific Plan says there should be a public plaza "at or near the northeast corner of University and Bay Road...." The City owns the land at (not "near") the corner, so the public plaza should be on the land that is public. <b>Delete the words "or near" in the first bullet point.</b>	7	187	
356	Non-Residential Publicly Accessible Open Space The requirements for non-residential open space are too onerous, making development inflexible and expensive. Requirements for open space should focus on residential uses, and their future residents. <b>Delete (ii) Common Usable Open Space; (iv.) Minimum Dimensions; and (vi.) Public Open Space Location. Revise the concept in (vii.) to permit a license rather than a public access easement.</b>	7	193	
357	TDM The TDM requirements include a 40% trip reduction and a district-wide trip cap. The city's TDM standard is not achievable in an environment with limited transit options and has been noted as being aspirational by the City. <b>Eliminate the district-wide trip cap.</b>	8	265	

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
358	Transportation Management Association (TMA) The Specific Plan requires membership in the TMA, which is required to provide commuter resources and measures, monitor trips, and collect fees/penalties. We believe expenses to the members related to operating the TMA should be reimbursed or credited. <b>Add a policy that states "individual property owner(s) that fund the TMA shall receive a credit/reimbursement for all costs associated therewith via the City's Transportation Impact Fee."</b>	8	266	
359	Trip Cap The City's TDM plan exempts residential uses from the 40% trip reduction requirement. The Specific Plan includes residential uses in the 40% trip reduction requirement, and penalty for non-compliance. <b>Eliminate trip cap, trip reduction requirement, and penalties from residential uses.</b>	8	272	
360	Trip Credits The Specific Plan sets a maximum credit of 50% of the required trip reductions for external programs. The maximum credit concept should be eliminated because the City will need every tool at its disposal to reduce trips, given the infeasibly high trip cap goal. <b>Delete maximum credit paragraph.</b>	8	273	
361	Parking Parking maximums are too low to reasonably support the proposed uses. For example, a 3.0 parking maximum for office (to reduce to 2.7), a 2.5 maximum for R&D, and a 4.0 maximum for small retail are inadequate to attract tenants. <b>Remove or increase the parking maximums to reflect market standards. Additionally, please explain how the city would administer reduction in parking maximums after a project is built.</b>	8	274	
362	Community Benefits Review Process The Specific Plan does not have sufficient definition associated with the community benefits review process. <b>Define a timeline for the community benefits review process. The timeline should articulate deadlines for developers and the city to respond to each other's submittals and clear consequences for failure to meet the deadlines.</b>	10	323	
363	Jobs-Housing Linkage Benefits The jobs-housing linkage targets are not realistic. For example, Table 10-2, in Hypothetical Project 1, anticipates a new job-housing requirement of 1 per 30,000 square feet, including 17 affordable housing units to be built on site. This requirement further burdens an already financially infeasible commercial development called out in the city's financial feasibility study. <b>The concept of an additional jobs-housing linkage benefit should be eliminated or include the possibility of alternative compliance.</b>	10	328	
364	Exemplary Targets/Expectations Table 10-3: Exemplary Framework Targets/Expectations thresholds are too high, especially in light of the City's recent feasibility study. <b>Reduce the targets/expectations at every tier, especially for community space and public parks, plazas &amp; greenways.</b>	10	331	
365	Plan Administration and Submittal Requirements The Specific Plan does not have sufficient definition associated with this process. <b>Define a timeline that articulates deadlines for developers and the city to respond to each other's submittals and clear consequences for failure to meet the deadlines.</b>	11	337	
366	Duration of Entitlements The City proposes a 5-year life for entitlements under the Specific Plan. This is too short given the lengthy entitlement process and the nature of rapidly changing markets. <b>Revise the duration of entitlements to 7 years with an automatic 7-year extension if design progress has occurred.</b>	11	340	
367	Specific Plan Fee The City proposes to charge back to developers the costs of developing the Specific Plan. Developers did not initiate or seek the Specific Plan update and the City has not articulated any basis in law to charge back these expenses incurred exclusively for the city's benefit. No nexus study has been done to justify the imposition of such fees. <b>Eliminate the Specific Plan fee.</b>	11	341	
368	Public Access Easements The Specific Plan requires certain privately owned streets to include a public access easement. The City apparently does not plan to pay for such public access. <b>Delete requirement 4(a).</b>	11	345	
369	Dedications and Easements As above, there is a requirement for public access on privately owned internal streets in Four Corners. Converting privately owned land to public use without just compensation would create a taking. <b>Remove the requirement to dedicate a public access easement across the Four Corners site.</b>	11	347	
370	Figure 4-8 Future Public Roadway Network: While we initially proposed a transit-only street between Demeter Street and Pulgas Avenue in our initial Master Plan Pre-Application, we are taking a multi-phased project approach, and we would propose that Demeter to Pulgas now allow vehicular access.	4		

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371	Figure 4-11 SAFER Bay Flood Control Project, Alignment Options and Figure 9-5 SAFER Bay Preferred Alignment and Options: Figure 4-11 and Figure 9-5 label alternative levee alignments as “Emerson Collective’s Preferred Alignment, Option 1” and “Emerson Collective Preferred Alignment, Option 2”. We mailed a survey about the levee alignments to all residences in East Palo Alto to learn more about community members’ preferences for the levee location along our project site north of Bay Road, and of the 34 responses we received, 27 preferred the Existing Bay Trail Alignment and 7 preferred the Inner Levee Alignment. Given this community preference, we would like to request that “Emerson Collective Preferred Alignment, Option 2” be labeled as “Existing Bay Trail Alignment” and that “Emerson Collective’s Preferred Alignment, Option 1” be labeled as “Hybrid Alignment”. The Existing Bay Trail Alignment will provide EPA community members with access to 5 more acres of open space than the Inner Levee Alignment. In addition, when considering the levee location and the cost of each alignment, the cost of land must be taken into account.	4 9		
372	Table 6-1 Allowable Land Uses: Per previous conversations with Staff , we would propose changing Live/Work Units from a Conditional Use Permit to Permitted within the Ravenswood Employment Center.	6		
373	6.1.5 Lot Coverages: This section refers to Table 6-5, which only includes landscaping and paving coverages, but the section title of “lot coverages” implies a discussion of lot coverages that dictate buildable area. Since Table 6-5 only refers to landscaping and paving coverages, we would propose replacing the current section title with “Landscaping and Paving Coverages”. In Table 6-5, we propose adding details on what the Paving Coverage (Maximum) is inclusive of (e.g., landscape paving) and exclusive of (e.g., building footprints). We would also propose that the paving coverage for Ravenswood Employment Center be 40%.	6		6.1.5
374	Figure 6-15 Active Frontages: The Flex Zone which aligns with Purdue Avenue is 50% within a utility easement where no structures are allowed. We would propose amending this requirement.	6		
375	Policy POS-1.7: We would propose that the end of Stevens Avenue allow vehicular access to provide residents and community members with the most direct access to open space along the Bay.	7		POS-1.7
376	7.3.4.1 Marshland Restoration: Tidal marsh restoration should only be required to the extent a project has impacts to a tidal marsh and the extent of restoration should be determined through the CEQA process and/or any permitting required in conjunction with marsh impacts. If a project will impact tidal marsh, to do so will trigger the requirement for permits from several resource agencies (e.g., BCDC, Army Corps of Engineers, California Department of Fish and Wildlife, SF Regional Water Quality Control Board) and any restoration obligations should be coordinated with these resource agencies. We would propose that whoever is responsible for the project be responsible for the marshland restoration. It is possible to build a project north of 391 Demeter while also protecting tidal marshland, and if there is no impact, we would propose that there be no restoration obligation.  Further, to the extent the Specific Plan suggests tidal marsh restoration, it should be fashioned as a guideline, not a standard. Standards must be objective, but the current language about tidal marsh restoration is ambiguous and subject to interpretation. This topic is also more appropriate as a Guideline, since guidelines are intended to allow flexibility to respond to project-specific design and location.	7		7.3.4.1
377	9.4.1.3 Required Capital Improvements: We appreciate the need for capital improvements in the RBD, including to the sanitary sewer system. However, this Standard, which is supposed to be objective, is vague in what is required (how is “maximum extent feasible” determined?) and appears to also include addressing existing deficiencies, which goes beyond what new development should be required to address. In particular, Table 9-4 (the reference to Table 9-3 appears to be a typo) appears to include improvements required to address existing deficiencies. See also Table 9-5 which identifies nearly \$10 million in “existing pre-project deficiency” costs. We agree with Standard 9.2.8, which says that existing deficiencies should be addressed using City resources like CIP funds, but that concept does not appear to be carried forward to this Standard. We would propose that Standard 9.4.1.3 be clarified to specify that new development does not need to address existing deficiencies. Further, to the extent new development does address existing deficiencies, we would propose that that be considered a community benefit.	9		9.4.1.3
378	9.5.7 Responsibility: We appreciate that significant improvements will be required to the storm drain system; however, the responsibility of new development is vague and much of the improvements appear to relate to existing deficiencies, so are issues not caused by new development. It appears that many of the improvements come from the City’s Storm Drain Master Plan (SDMP). However, the SDMP is clear that the improvements it identifies are all existing deficiencies. On page 6-1, the SDMP states: “The CIP does not include the cost of new facilities related to new development.”	9		9.5.7
379	9.7.4. SAFER Bay Shoreline Protection: The obligations under this Standard are unclear. For example: Is this triggered if the construction is within 100 feet of the Bay, or if the parcel on which development occurs is within 100 feet of the Bay? We would propose that the trigger be the construction activity, not where parcel boundaries happen to be drawn. What sort of shoreline protection is required and to what extent? The Standard allows either building infrastructure or leaving adequate room for a public entity to build in the future. How is that determined? <b>We would propose that this Standard be clarified to address the above questions.</b>	9		9.7.4

#	Comment	Plan Chapter	Page Number	Standard # (if applicable)
380	<p>Duration of Entitlements: One area of concern for us centers around the "Duration of Entitlements" section on page 340. As we understand the section, entitlements for a Major Office / R&amp;D project under the Specific Plan would be valid for five years, with an automatic five-year extension granted if "significant development progress" has occurred. We've been closely following the draft Nexus and Financial Feasibility Studies, meetings and presentations and strongly concur with conclusions from Citystaff and consultants that most types of large scale development, including office and R&amp;D, are not feasible now and may not be feasible for some time in the future. We are concerned that a five-year time- clock on entitlements with an extension that depends on "significant development progress" is likely to lead to lapsed entitlements, rather than built projects that produce taxes, fees and other community benefits, given the economic climate. We believe that the economic reality is that it could take up to 20 years for full buildout of the EPA Waterfront Project. Emerson is committed to proposing a multi-phased project that includes significant community benefits within each phase, but it is difficult for us to make this commitment without the assurance that any entitlements we may receive will remain valid for long enough to complete all phases.</p> <p>For these reasons, we would like to respectfully suggest that the language in this section be amended to reflect these economic realities and create a framework for entitlements issued under the Specific Plan to be valid for 20 years. We do understand the need to establish some milestones along the way to ensure that the developer is diligently making progress toward building the project. The current draft mentions "significant development progress" leading to one automatic five-year extension. This is not defined, but seems to imply that a groundbreaking for some aspects of the project would have occurred. Our concern here is that under current economic conditions, five years may not be enough to make any physical development progress. We would propose instead that there be a series of three five-year extensions of entitlements that would be granted as long as the developer is making "progress" more generally defined to include things such as keeping the community informed about and engaged with the project, holding workshops to prepare existing and legacy community members for attaining housing and jobs that will come with the development, and hosting placemaking events to prepare for the development. We would also propose that an application submission be required after the first five-year period in order to get an initial extension.</p>	11	340	11.2.3.3
381	<p>District-Based "Value Capture" Tools:  We would encourage the formation of an Enhanced Infrastructure Financing District, and we would participate in this process. In particular, we would be open to sharing the costs of hiring consultants to investigate this district-based "value capture" tool.</p>	11		11.3.2