



May 16, 2022

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City of East Palo Alto, Planning Division  
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Dear Ms. Chen,

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

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

### **Project Description**

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

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

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

### **Alternatives**

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

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

### **Cumulative Impacts**

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

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

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

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

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

## **AESTHETICS**

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

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

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

## **BIOLOGICAL RESOURCES**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Impacts of Concern**

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

### Human Disturbance

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

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

### Predation

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

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

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

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

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

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

### Disruption of tidal wetlands

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

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

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

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

### Bird Safety

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

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

### Light Pollution

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

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

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

### Shading

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

### Glare and lightcast

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

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

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

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

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

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

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



### Pesticides and rodenticides

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

## **GEOLOGY AND SOILS**

Please see Hazards and Hazardous Materials, below.

## **HAZARDS AND HAZARDOUS MATERIALS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

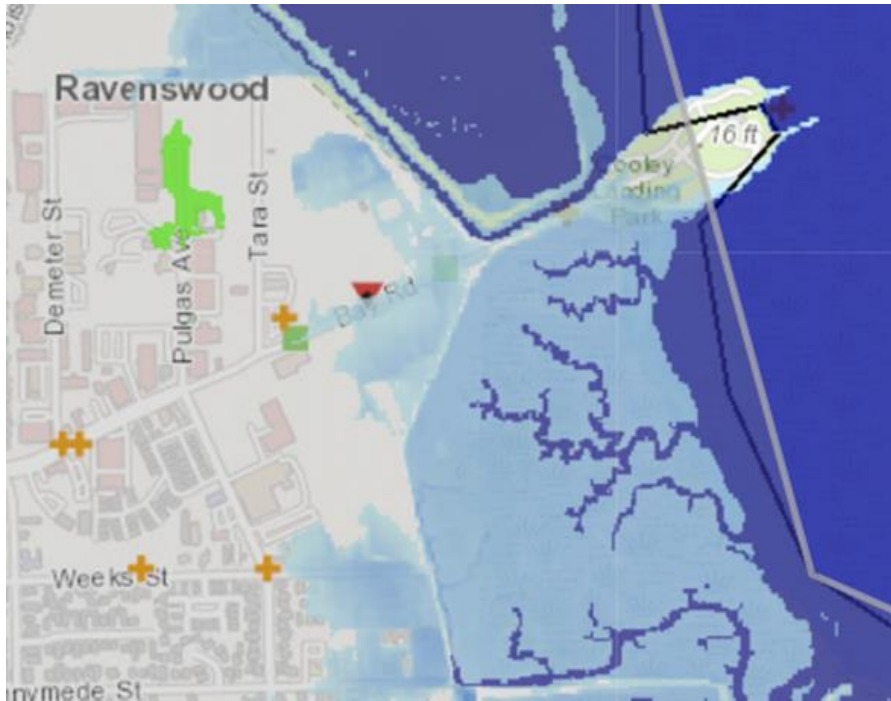


Figure 1. Projected flooding (blue shading) with 1-meter sea-level rise (<https://cimc.epa.gov/>)

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

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

**HYDROLOGY AND WATER QUALITY**

**Stormwater Services**

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

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

## Areas of Concern

### O'Connor Street Pump Station improvements

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

### Storm drain deficiencies

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

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

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

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

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

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

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

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

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

## LAND USE AND PLANNING

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **POPULATION AND HOUSING**

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

## **PUBLIC SERVICES**

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

## **RECREATION**

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

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



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

## **TRANSPORTATION**

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

## **UTILITIES AND SERVICE SYSTEMS**

### **Impact of rising groundwater**

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

### **Sewer System Analysis**

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

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

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

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

### Deficiencies of the EPASD sewage collection system

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

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

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

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

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

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

Sincerely,



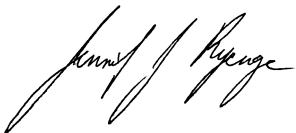
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