



FINAL ENVIRONMENTAL IMPACT REPORT

CITY OF EAST PALO ALTO GENERAL PLAN UPDATE



AUGUST 2016

PREPARED FOR
City of East Palo Alto

PREPARED BY
Circlepoint

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1.0 INTRODUCTION

This Responses to Comments document, together with the Draft Environmental Impact Report (EIR), constitutes the Final EIR for the East Palo Alto General Plan Update for the City of East Palo Alto (City) to review and consider for certification as complete and adequate under the California Environmental Quality Act (CEQA). The City distributed the Draft EIR to applicable state agencies, local governments, elected officials, groups, and interested parties on the City's mailing list and made the document available for a 48-day public review period from April 29 to June 15, 2016.

The Draft EIR is a program-level document. The City prepared a Program EIR as the General Plan Update sets forth a program of new development standards as well as a series of conceptual public realm improvements. Certification of the EIR and approval of the General Plan Update would not convey development entitlements.

This Responses to Comments document responds to all substantive written and oral comments on the Draft EIR and proposes appropriate changes, additions, or corrections to the information presented in the Draft EIR (CEQA Guidelines, Section 15088). All written and oral comments received during the public review period are included in this document. This chapter provides a summary of certification and project selection procedures, public involvement, the requirements for consideration of recirculation, and an overview of the response-to-comment process.

1.1 EIR CERTIFICATION AND PROJECT SELECTION PROCESS

The Planning Commission will review the Final EIR for adequacy and will make a recommendation to the City Council whether to certify that the Final EIR is complete and in compliance with CEQA. A public hearing will then be scheduled before the City Council, at which time the City Council may take final action on certification of the Final EIR. Prior to approving a project, the City must certify that: (1) the Final EIR has been completed in compliance with CEQA; (2) the City has reviewed and

considered the information contained in the Final EIR; and (3) the Final EIR reflects the City's independent judgment and analysis (CEQA Guidelines, Section 15090).

Certification of the EIR is not approval of the project. The City will consider the merits of the General Plan Update separately from their decisions on the adequacy of the EIR. As part of the approval of either the project or an alternative, the City must make written findings for each significant effect identified in the EIR. These findings will state whether the identified significant effect can be avoided or substantially decreased through feasible mitigation measures or a feasible alternative, whether the effect can only be mitigated by the action of some agency other than the City, or whether the identified mitigation measures or alternatives are infeasible and cannot be implemented (CEQA Guidelines, Section 15091[a]). To ensure implementation of all adopted mitigation measures, the City must adopt a mitigation monitoring and reporting plan (MMRP; CEQA Guidelines, Section 15097). The MMRP is included in **Chapter 3.0** of this document. The City must also make special findings (known as a "statement of overriding considerations") for impacts found to be both significant and unavoidable.

If the City approves the project, a Notice of Determination (NOD) will be prepared and filed with the State Clearinghouse. The NOD will include a description of the project, the date of approval, an indication of whether Findings and a Statement of Overriding Considerations were prepared, and the address where the Final EIR and record of project approval are available for public review.

1.2 PUBLIC INVOLVEMENT

The City sent the Notice of Preparation (NOP) of the EIR to the State Clearinghouse and to state, local, and regional agencies on September 3, 2014 and held a public scoping meeting on September 22, 2014 to solicit input on the scope of the EIR. The City accepted written comments on the scope of the EIR until October 3, 2014, which are included as **Appendix A** of the Draft EIR.

In accordance with CEQA, the City submitted the Draft EIR to the State Clearinghouse on April 28, 2016. On April 29, 2016, the City released the Draft EIR for public review and to solicit comments from agencies and individuals on the adequacy and accuracy of the Draft EIR. The public review period encompassed 48 days from April 29, 2016 to June 15, 2016. The City distributed copies of the Draft EIR to state agencies, local governments, elected officials, groups, and interested parties on the City's mailing list. The City posted the entirety of the Draft EIR on its

website (<http://www.ci.east-palo-alto.ca.us/index.aspx?nid=177>) and the General Plan Update website (<http://www.vista2035epa.org>) beginning on April 29, 2016.

The City Planning Commission held a public hearing on the Draft EIR for the General Plan Update on May 23, 2016. The City Council held a second public hearing on June 14, 2016. The City encouraged the public to provide oral comments at the meetings and submit written comments. A court reporter was present at these meetings to record and legally transcribe all oral comments on the Draft EIR.

Copies of all written comments and summaries of oral comments received during the public comment period are included in **Section 2.2**.

1.3 REQUIREMENTS FOR AND CONSIDERATION OF RECIRCULATION

If significant new information is added to an EIR after public review, the lead agency is required to recirculate the EIR or a portion of it for additional public review and comment (CEQA Guidelines, Section 15088.5). New information added to an EIR is not “significant” unless the changes deprive the public of a meaningful opportunity to comment on a substantial adverse environmental effect or a feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project’s proponents have declined to implement. Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.

CEQA Guidelines, Section 15088.5(a) provides the following examples of significant new information requiring recirculation, which include information showing that:

- 1) A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented.
- 2) A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance.
- 3) A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant impacts of the project, but the project’s proponents decline to adopt it.
- 4) The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

An EIR is adequate as long as it addresses all questions about significant environmental issues and, as a whole, reflects a good-faith effort at full disclosure.

The City has reviewed the comments received on the Draft EIR and determined that recirculation of the Draft EIR is not necessary. No new significant or substantially more severe environmental impacts have been identified that would result from the project or from an alternative or a new mitigation measure proposed as part of the project. Moreover, no new feasible mitigation measures or alternatives have been identified that are considerably different from others previously analyzed and would clearly lessen the significant environmental impacts of the project that the City has declined to implement. All of the responses to comments contained in **Chapter 2.0** of this Final EIR merely provide information that clarifies and amplifies the evaluation of impacts contained in the Draft EIR. None of these proposed text revisions change any of the impact conclusions in the Draft EIR.

1.4 RESPONSES TO COMMENTS AND CHANGES TO DRAFT EIR

Pursuant to CEQA, the City must address all significant environmental issues raised in comments on the Draft EIR (CEQA Guidelines, Section 15088). Responses to all written and oral comments received within the close of the comment period are contained in this Responses to Comments document. **Chapter 2.0** reproduces all written comments received on the Draft EIR during the public review period and includes summaries of oral comments provided during public hearings. This chapter includes written responses to all comments relating to environmental issues evaluated in the Draft EIR.

Section 2.2 of this Final EIR includes proposed changes to the Draft EIR text and figures made after the close of the public review period in response to comments on the Draft EIR. ~~Strikethrough~~ indicates proposed text deletions; underline indicates insertions.

As discussed above, none of these proposed text revisions change any of the impact conclusions in the Draft EIR or otherwise trigger any of the aforementioned causes for recirculation of the Draft EIR.

2.0 RESPONSES TO COMMENTS

2.1 INTRODUCTION

This chapter provides responses to comments received during the public review period for the East Palo Alto General Plan Update Draft Environmental Impact Report (EIR). Copies of all comment letters received during the 48-day public review period (Friday, April 29, 2016 through Wednesday June 15, 2016), one comment letter received after the close of the comment period, and oral comments received at public hearings are included in **Section 2.2**. **Table 2-1** provides an index of agencies, organizations, and individuals who submitted written comments on the Draft EIR. **Table 2-2** lists oral commenters.

Table 2-1 Index of Written Commenters

Letter Number	Commenter Name and Affiliation
1	Binns, Simon
2	Canopy
3	Chow, Mark (County of San Mateo Department of Public Works)
4	Francois, Leland J. (Ravenswood Community History Survey)
5	Gifford, Vincent R.
6	Keene, James (City of Palo Alto)
7	Malekafzali, Shireen (County of San Mateo Health System)
8	Maurice, Patricia (California Department of Transportation)
9	Pearlman, Isaac (San Francisco Bay Conservation and Development Commission)
10	Poetsch, Jeffrey C. (Ravenswood Shores Business District, LLC)
11	Ritchie, Steven R. (San Francisco Public Utilities Commission)
12	Schapelhouman, Harold & John Johnston (Menlo Park Fire Protection District)
13	Shekhar, Kasturi

Letter Number	Commenter Name and Affiliation
14	Shekhar, Shashi
15	Skinner, Court
16	Sutton, Eve
17	Yankwich, Richard I.

Table 2-2 Index of Oral Commenters

Commenter Number	Commenter Name and Affiliation
Planning Commission Meeting	
O-1	Quezada, Alex (Chair, Planning Commission)
O-2	Allen Fisk, Robert (Planning Commissioner)
O-3	Skinner, Court (Planning Commissioner)
O-4	Sherrard, Robert (Vice Chair, Planning Commission)
O-5	Feraji, J.T.
O-6	Jackson, Elizabeth
O-7	Brown, Kyra (Planning Commissioner)
City Council Meeting	
	Biederman, Jack
	Frederick, Perry
	Frederick, Shantal
	Specht-Schultz, Dixie Lee
O-8 ¹	Calvillo, Victor
	Jones, Stanley
	Reed Bowin, Catherine
	Wang, Helen
	Kriveus, Patrick

Commenter Number	Commenter Name and Affiliation
	Yu, James
	Gifford, Vincent
	Woolfolk, Susanne
	Wong, Anders
	Wolfman, Gordana
	Kunkle, Jason
O-9	Hwang, Michael
O-10	Thompson, Jennifer (Sustainable Silicon Valley)
O-11	Schapelhouman, Harold (Menlo Park Fire Protection District)
O-12	Garcia, Patricia
O-13	Tsuchang, David
O-14	Poetsch, Jeff
O-15	Abrica, Ruben (Councilmember)
O-16	Romero, Carlos (Councilmember)

¹ These community members are grouped together because they expressed similar concerns.

2.2 COMMENT LETTERS AND RESPONSES

The following pages include a copy of each comment letter and summaries of oral comments received on the Draft EIR and the corresponding responses. Oral comment summaries were provided by the East Palo Alto City Clerk. Complete videos of the oral comments are available on the City’s website:

- Planning Commission hearing – May 23, 2016:
<https://vimeo.com/user40757088/review/168220423/39eda81c4f>
- City Council hearing – June 14, 2016:
<https://vimeo.com/user40757088/review/171008687/1d8f89246a>

This section also includes proposed changes to the Draft EIR text and figures made after the close of the public review period in response to comments on the Draft EIR. ~~Strikethrough~~ indicates proposed text deletions; underline indicates insertions. None of the proposed revisions change any impact conclusions in the Draft EIR.

From: [Simon Binns](#)
To: [Guido Persicone](#)
Subject: General Plan / Vista 2035 public input
Date: Wednesday, June 15, 2016 3:20:47 PM

Dear Mr Persicone

I live in Wilks St, East Palo Alto, having made a conscious and informed decision to purchase a house here in 2001. Last night I attended the council meeting at City Hall to hear more about the Vista 2035 strategic plan where it was extremely interesting to hear how over 80% of all traffic in EPA is not heading to EPA, but only passing through en-route to somewhere else, with University Ave and Willow Road carrying the brunt of the traffic.

The general plan is looking to improve public transport, bicycle lanes and pedestrian access within the City and I applaud these attempts however with only 16% of traffic originating in the City, any reduction will be insignificant in real terms by comparison with the current and projected increases to the current 84% in through traffic. It sounded as though there was little the City could do with respect to influencing this flow without an alternative commute method from the East Bay such as a rail / BART link.

1-1 Who pays for the upkeep of these roads ? If it is the City of EPA, then I hope the State provides most if not all the funding as it's an unfair burden on the City and its residents to carry this cost.

Is there an opportunity to generate revenue and spread the commuter congestion through the use of a Toll / usage fee or HOV provision during commute times ? In 2003, the City of London, England, introduced a congestion charge to reduce traffic congestion and raise revenue for transportation infrastructure development. Perhaps some of the lessons learnt here, can be implemented within EPA ?

https://en.wikipedia.org/wiki/London_congestion_charge

I expect the majority of EPA's commuter traffic is coming from the Dumbarton Bridge. Does a portion of the Toll collected come directly or indirectly to the City to help cover this burden ? If not, it should. Bridge Tolls are collected to maintain the bridge, the same way as the two access points at Univ Ave and Willow Road also need to be maintained.

1-2 Secondly, having lived for 15 years in the University Sq development, I am seriously concerned at the thought of removing the railings which border the University Square development with Pulgas Ave and Clark Street. Many objections were voiced last night at the Council meeting and I want to add my voice to this. My two boys now, 21 & 14 grew up playing and even learning to ride their bicycles in these cul-de sac streets. Opening these up

1-2
cont'd | removes a valuable safety provision employed during the development of University Square and which was an influencing factor in our house purchase decision.

1-3 | Lastly, where are the Dog parks within the City ? I am not aware of any and the parks I do use, ALL state dogs must be on a leash. Consequently I need to leave my community adding to the commute traffic by driving to Hoover Park in Palo Alto.

Can a provision for Dog parks be added to the General Plan ?

Please include my comments in the public feedback to the City's strategic plan.

Thank You

Simon Binns

928 Wilks St, East Palo Alto.

Responses to Comment Letter 1 - Simon Binns

- 1-1 The comment requests information on the funding source for roadway upkeep in East Palo Alto, stating that, with the majority of traffic in East Palo Alto resulting from cut-through traffic, it would be an unfair burden if the City and its residents pay for road upkeep. The comment also inquires about the possibility to implement a toll or HOV lane during commute times to alleviate congestion. Finally, the comment asks if a portion of the toll from the Dumbarton Bridge is given to the City in exchange for the commuter traffic burden and opines that, if not, it should.

The City notes the comment. No aspect of the comment raises any issues with the adequacy of the EIR or its characterization of project effects. No further response is required.

- 1-2 The comment voices opposition to the removal of railings around the University Square development.

The City notes the comment about the General Plan. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 1-3 The commenter asks about the location of dog parks in the City and whether the City can include a provision for dog parks in the General Plan.

The City notes the comment about the General Plan. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.



City of East Palo Alto Draft General Plan 2035
Canopy's Comments Related to Trees
6-15-16

Chapter 1: Vision and Guiding principles

Vision

2nd paragraph, Line 12:

“University Avenue will be transformed from a cut-through corridor into a beautiful mixed use **shade tree lined** boulevard with high-density housing, neighborhood-serving businesses and offices that capitalize on the City’s proximity to Silicon Valley.”

2nd paragraph, Line 20:

“The Westside of the City will become a beautiful **tree-shaded** residential area with high-quality affordable housing, parks, community facilities and enhanced connections to the rest of the City.”

Guiding Principles and Values

2. A safe and healthy community, line 7:

“ We will improve the health of our community by supporting active transportation, access to healthy food, access to **nature and** parks, access to healthcare, improved mental health, [...]”

14 Citywide greening:

“We recognize the physical and mental health benefits that come from a close connection to nature, **and the environmental and economic benefits associated with a healthy and dense urban forest. Consequently** we commit to protecting and enhancing East Palo Alto’s natural environment. This will include expanding the urban forest, greening public spaces, and protecting nature and habitat. We will improve our maintenance of the existing tree canopy and shift to drought-tolerant, **preferably native where appropriate** vegetation throughout City facilities **and in the public right of way.**”

Major strategies

2. Revitalize University Avenue, line 4:

“[...] with a diversity of low density uses into a beautiful, **shade tree lined,** mixed use corridor designed for all modes of travel.

Chapter 4: Land Use and Urban Design

Goals and Policies

Goal LU-5 - 5.8 Streetscape beautification:

“Proactively beautify existing streetscapes with pedestrian-scaled lighting, and drought-tolerant large canopied street trees, and landscaping.”

Goal LU-8 - 5.1 Gateways:

“Enhance the image of the community by creating high quality, artistic and natural structural elements, including feature trees, that provide city-wide consistency [...]”

Goal LU-9

9.3 Landscaping:

“Require development projects to design with trees in mind and allocate space and adequate soil volume for large stately trees and incorporate install drought tolerant, native species landscaping in order to extend and enhance the green space network of the City.

9.9 Tree planting:

“Encourage the planting and maintenance of appropriate tree species that shade the sidewalk, improve the pedestrian experience throughout the City, and enhance flood protection. Street trees should be selected that do not damage sidewalks. “ ~~or block views of commercial buildings.~~

Note: This is a red flag and could potentially constitute a major loophole allowing many to opt to not plant a tree. That would actually be detrimental to the businesses as research has consistently shown that trees enhance business districts to the point of increasing commercial revenues from 9 to 12%. The solution is to co-design signage and trees and allow for adjustment while trees grow and prune the canopy to open up views as trees grow larger.

9.10 Streetscape:

“Enhance the pedestrian experience through streetscape improvements that could include new street lighting, new large shade tree species planting [...]”

Neighborhoods, Districts, and Corridors

- For each neighborhood, district or corridor Gateway policy, include “feature trees” in addition to building design and architecture.
- For each neighborhood, district or corridor Streetscape policy, replace “street trees” with “large shade street trees”. In Gardens Neighborhood Connections (16.1), 3rd bullet: “Focus streetscape improvements, including shade trees, along walking routes to parks.”

- For each neighborhood, district or corridor Traffic calming policy, include trees as a traffic calming tool.
- Ravenswood Employment District: 13.9 Landscaping: “Require that new office, industrial and R&D uses in Ravenswood provide landscaped buffers, including large tree species, to adjacent residential areas.
- Weeks Neighborhood and Palo Alto Park neighborhood Curb and gutter policies: (14.9 and 18.9): “Upgrade all residential streets in the Weeks/Palo Alto Park Neighborhood to include curbs, gutters, and tree planting wells or planting strips suitable to accommodate large shade trees.”

Chapter 6: Transportation

Walkability, page 6-6, 2nd paragraph:

“Numerous streets in East Palo Alto lack sidewalks on either one or in many cases both sides, as shown in Figure 6-6. They also lack tree shade that would make walking more pleasant thus more appealing. Additional sidewalk gaps [...]”

Figure 6-9 Major Thoroughfare: Major thoroughfare should include sidewalk trees on both sides of the streets, in addition to median trees.

Goal T-2: Foster the creation of complete, multimodal streets:

2.2 University Avenue: “[...] Design options could include buffered and painted bicycle lanes, streetscape improvements such as large shade trees, benches and pedestrian scale lighting, and mid-block crossings, reversible lanes, and the reintroduction of on-street parking. [...]”

Goal T-3: Create a complete, safe, and comfortable pedestrian network for people of all ages and abilities:

3.3 Pedestrian network: “[...] d) includes amenities that attract people of all ages and abilities, such as shade trees and attractive landscaping.”

Chapter 7: Health and Equity

Goal HE-10

10.2 Air pollution mitigation:

“Require that new multifamily development located within 500 feet of freeways or along University Avenue implement appropriate mitigation measures such as air filtration/ventilation systems, tree planting, landscaping and other physical improvements as recommended by the California Air Resources Board (CARB) and/or the Bay Area Air Quality Management District to reduce indoor air pollution.

10.3 Landscape barriers: “Plant landscape buffers between Highway 101 and residential areas to reduce noise and air pollution for residential areas. In particular use large trees whose leaves and needles have surface area that allows for removal of ozone, nitrogen dioxide, and particulate matter.”

Chapter 8: Parks, Open Space and Conservation

Urban Forest

1st paragraph: “The City has an extensive diversity of trees planted in public spaces such as streets, medians, and parks and on private property. This urban forest has a number of multiple benefits public health, environmental and economic benefits such as enhancing air quality, sequestering carbon dioxide, decreasing stormwater runoff and including increasing property values. , absorbing carbon dioxide, and improving storm water runoff.[...]”

2nd paragraph: “This is partially a result of a successful tree planting effort started in 2006 by the nonprofit Canopy in partnership with the City and the community, which added approximately 1,200 new trees to East Palo Alto’s urban forest. These new trees account for approximately 22 percent of the City’s tree inventory. Nevertheless, there are many opportunities to plant more trees in the City - 1,480 vacant tree locations have been identified, as shown in Figure 8-5, The City will continue to collaborate with Canopy to bring more trees to neighborhood streets and parks, and to pursue resources to establish an ambitious Urban Forestry Master Plan and program and for the City, including tree canopy cover goals, planting mandates for new developments, tree protection, tree maintenance and education.

Goal POC-4 - 4.6 Native species: “Encourage or require the use of native and/or non-invasive trees and plants in publicly or privately built landscaping or new open spaces near natural open space areas, in order to provide [...]”

Note: Pretty much all of East Palo Alto is “near natural open space areas”.

Goal POC-6:

Insert new policy in first position:

6.1: “Urban Forest Master Plan: Develop a master plan for the the City’s urban forest, to create a vision for the East Palo Alto urban forest and that will include: 1. A quantitative goal for the expansion of East Palo Alto’s urban tree canopy cover; 2. A plan to achieve the tree canopy cover goal including quantitative and qualitative goals for the planting of new trees in the public right of way and in connection with new residential and commercial developments; 3. A management plan for city-owned trees; and 4. A path toward enhanced tree protection regulations throughout the community.”

Insert following new policy, in second position:

6.2: Require the planting of shade trees and vegetation as part of standards governing new development throughout the City, consistent with specific tree canopy cover rate and growth goals.

All new residential construction will be required to plant at least one category 1 or 2 canopy producing street tree if such tree(s) are not already present on the site and all new multi-family developments will be designed with trees in mind and in such a way that adequate space is provided for a mix of category 1 and 2 trees.

Goal POC-8 - 8.2 Heat island reductions: “Require heat island reduction strategies in new developments and redevelopments such as light-colored cool roofs, light-colored paving, permeable paving, right-sized parking requirements, vegetative cover and planting, substantial tree canopy coverage, and south and west side deciduous tree planting.”

Chapter 9: Infrastructure, Services and Facilities

Goal ISF-2

2.7 Municipal water conservation and efficiency, 3rd bullet: “Reduce potable water used for parks, by planting drought-tolerant plants and tree species where appropriate, and implementing other water saving practices.”

2.9 Conservation partnerships: “Partner with the local water agency to create and promote water conservation rebates (such as for installing lowflow toilets in existing residences, high efficiency front load washing machines and distributing lowflow shower heads). Encourage residents to take advantage of the Bay Area Water Supply & Conservation Agency (BAWSCA) Lawn Be Gone Program (or other similar rebates) while educating residents on how to protect and preserve young and mature trees by promoting the State of California’s Save our Water and Our Trees campaign.”

Chapter 11: Westside Area Plan

Goal W3

3.3 Prerequisites for increases in intensity, 6th bullet: “Improves streets and infrastructure or contributes to the provision of new streets and infrastructure if it is a single project. Maintain existing tree canopy and add large shade trees.”

3.5 Application information for increased intensity, 9th bullet: “Infrastructure improvement plan, including detailed information on all infrastructure and utilities (or contribution to Westside infrastructure improvements), including maintenance plan for existing trees, landscape plans,

and plans to provide additional trees both in the public right of way and on the redeveloped property.”

3.13 Land use vision for the Westside, 5th bullet: “New streets. If significant redevelopment of the Westside occurs through a master planning process, seek opportunities to create new streets in the Westside that provide for improved vehicular access and pedestrian and bicycle circulation. New streets also increase the opportunity for new open space, and provide adequate planting site to allow the planting of large shade tree species.”

Goal W5

5.1 “Greening and streetscape. Protect, enhance and maintain existing trees, provide additional large shade street trees, landscaping and green space throughout the Westside to improve the area’s visual appeal and increase residents’ connection with nature.”

Goal W8

8.1 “Parking for new development. Ensure an appropriate supply of parking for new development. Ensure appropriate shading of parking spaces through the use of shade trees.”

Chapter 12: Implementation

Table 12-6: Parks, Open Space and Conservation Programs

Include a new implementation program just above current program #9:

“Urban Forest Master Plan: Develop a master plan for the the City’s urban forest, to create a vision for the East Palo Alto urban forest and plans to achieve that vision.”

Priority:	High
Timeframe:	Short
Responsibility:	Public Works/Planning



City of East Palo Alto Draft EIR - General Plan Update
Canopy's Comments Related to Trees
6-15-16

- 2-1** | Section 4.2.1 under "Forest Land", the EIR discusses rural timber production statutes, but it ignores California Public Resources Code Section 4799.06 through 4799.12, which is the California Urban Forest Act. http://www.fire.ca.gov/resource_mgt/downloads/UrbanForestry_ACT_2010.pdf. See also EIR section 5.2.2, "Forest resources".
- 2-2** | Page 4.13–20 - bottom of the page. Since policy 1.1 states that the city will triple its number of acres park acreage per 1000 residents, this is an opportunity to plant many trees.
- 2-3** | Paragraph policy 3.2 under "Parks and open space" would also provide funding for this. Page 4.13–22, policy 2.5 is also relevant.
- 2-4** | Page 4.14–18, section 4.1, "Transportation and traffic": The EIR in table 4.14–5 uses the outdated "level of service" model to discuss transportation. An unfortunate result of this type thinking is that trees are often removed as roads are widened in the misguided attempt to mitigate the environmental impact of cars idling at stoplights. The old adage, "Building more traffic lanes to solve traffic congestion is like loosening your belt to solve obesity" is relevant here. The EIR does not address this issue of how the design of development fosters automobile use and hence increases automobile air pollution. The EIR seems to focus on minor issues such as diesel generators and watering down construction sites.
- The EIR should mention that removing trees to widen streets is an activity that has a negative environmental impact.
- 2-5** | Section 5.2.1, "Aesthetics". Trees are not mentioned; this would be an opportunity to mention the aesthetic benefits of trees.
- 2-6** | Page 6.5, section 6.2.2: Various alternatives are discussed. However, trees are not mentioned as a way to mitigate any impact.
- 2-7** | Section 4.3, "Air-quality": Under the "local" heading, the EIR discusses the Bay Area Air Quality Management District's activities and their 2010 Clean Air Plan. Although this mentions research, the issue of airborne emissions from freeways is not mentioned. However, the San Francisco Public Health Department is monitoring air along Highway 280 in the southeast part of the city, and this should be mentioned. In addition, the EIR should mention the trees that Canopy has

2-7 | planted along more than two miles of HIGHWAY 101's sound walls, and should discuss how
cont'd | these trees mitigate the freeway pollution.

2-8 | Air quality needs to be measured and reported, and this should be mentioned in the EIR. Also, unfortunately, current mitigation measures seem to focus on reducing the number of cars. This is a noble strategy, but in the meantime we have to do something about the current air quality damage done by freeways as they are now used.

2-9 | Pages 1-12 of the Executive Summary and 4.3 .30 discuss the planting of trees as filters and mandates four species including one species of Pine, one species of Cypress, Poplar and Redwood. It is unclear why these species are mentioned as they have not been vetted as appropriate for East Palo Alto, are not on East Palo Alto's recommended tree species list, and do not adequately address the water situation in East Palo Alto (or California for that matter.)
Substitute text as follows:

"Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. **Tree species** ~~Trees that are~~ best suited to trapping particulate matter shall be vetted for climate adaptation, drought tolerance, and local establishment success with the assistance of Canopy and expert arborists with knowledge and experience of such plantings in East Palo Alto. ~~shall be planted, including the following: Pine (Pinus nigra var. maritime), Cypress (x Cupressocyparis leylandii), Hybrid poplar (Populus deltoids x trichocarpa), and Redwoods (Sequoia sempervirens).~~"

2-10 | Page 4.4–9 does contain a small paragraph under the heading "Tree protection". It provides some mild text, but this section should be expanded and strengthened.

2-11 | Section 4.7, "greenhouse gas emissions and energy", the city of East Palo Alto climate action plan is mentioned. And it addresses for categories, but it doesn't seem to include a mention of trees. Does it?

2-12 | Page 4.7–17 , "Health", trees can be included as a means of enhancing public health, in particular reducing triggers for respiratory illnesses.

2-13 | Page 4.9–23, "Green infrastructure" - this is a place where trees can be mentioned - both for their ability to retain in their leaves the first downpour in a storm, as well as their role in water retention. The last paragraph on page 4.9–28 also discusses storm drain runoff.

2-14 | Page 4.10–13 , Tailoring of the environment to the pedestrian can include the use of trees.

Resources:

City of Palo Alto Tree Technical Manual

Seattle Private Property Tree Regulations Update Director's Report:

http://www.seattle.gov/dpd/cs/groups/pan/@pan/documents/web_informational/dpdd016730.pdf

Responses to Comment Letter 2 - Canopy

- 2-1 The comment notes that Section 4.2.1 of the Draft EIR does not include a discussion of the California Urban Forestry Act (Public Resources Code Section 4799.06 through 4799.12).

The cited regulation established the California Department of Forestry and Fire Protection's (CAL FIRE's) Urban and Community Forestry Program, which works to expand and improve the management of trees and related vegetation in communities throughout California. The Draft EIR does not include this regulation in the regulatory setting discussion because the law applies to CAL FIRE as opposed to local agencies like the City of East Palo Alto. However, expanding the urban forest is one of the General Plan Update's guiding principles and values. General Plan Update Goal POC-6 ("Preserve and expand the urban forest on both public and private property") contains four specific policies regarding the protection and expansion of the urban forest.

No further response is required.

- 2-2 The comment states that General Plan Goal POC-1, Policy 1.1 presents an opportunity to plant many trees.

The General Plan acknowledges the benefits of the urban forest and identifies many opportunities to plant more trees in the City, shown in Figure 8-5 of the General Plan. The City notes the comment about the General Plan. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 2-3 The commenter states that General Plan Goal POC-3, Policy 3.2 and Goal POC-2, Policy 2.5 would also provide funding for tree planting.

The City notes the comment about the General Plan. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 2-4 The comment claims that the EIR's analysis of transportation impacts using level of service (LOS) is outdated. The comment states that roadway widening to mitigate traffic impacts could result in tree removal, having a negative environmental impact, and requests that the EIR mention this.

Senate Bill 743, passed and signed into law in September 2013, requires the Office of Planning and Research (OPR) to amend the CEQA Guidelines to provide an alternative to LOS for evaluating a project's transportation

impacts. OPR recommends vehicle miles traveled (VMT) as the most appropriate performance metric by which to measure transportation impacts. In January 2016, OPR released a revised proposal for changes to the CEQA Guidelines for transportation impact analysis. Once the CEQA Guidelines are amended, automobile delay will no longer be considered a significant impact under CEQA. As the revised CEQA Guidelines are still under review, this EIR uses LOS as the metric for analyzing transportation impacts, consistent with the 2016 CEQA Guidelines in place currently and at the time of the Draft EIR's publication. However, future projects would be analyzed under the applicable CEQA Guidelines in effect at that time, which may require the vehicle miles traveled analysis.

As discussed in **Section 4.14.4** of the Draft EIR, the General Plan Update includes Goal T-8, Policy 8.2 to avoid street widening to increase automobile capacity and instead focus on strategies that would maximize the efficiency of existing vehicle infrastructure. The City considers roadway widening to mitigate traffic impacts infeasible at this time precisely because of concerns similar to those raised by the commenter (including but not limited to the prospect of removing sidewalks, acquiring property to widen roads, clearing existing street trees, etc.). As the General Plan Update does not contemplate roadway widening projects, the EIR does not discuss such hypothetical impacts of roadway widening projects.

- 2-5 The comment notes that the discussion of aesthetics in the cumulative impacts section (**Section 5.2.1** of the Draft EIR) does not mention the aesthetic benefits of trees.

Section 4.1, Aesthetics, discusses the aesthetic benefits of trees in more detail; **Section 5.2.1** cross-references this section. The cumulative impacts discussion focuses on whether aesthetic impacts of the General Plan Update would be cumulatively considerable in the context of other regional growth. In sum, the City asserts that the EIR's discussion of the visual benefits of trees is sufficient.

- 2-6 The comment notes that **Section 6.2.2** of the Draft EIR discusses the alternatives analyzed in the EIR but does not mention trees as mitigation.

Pursuant to CEQA Guidelines 15126.6, an EIR must describe a reasonable range of project alternatives that would meet most of the basic project objectives but avoid or lessen significant effects of the project. Analysis of alternatives must include sufficient detail to provide a meaningful comparison with the proposed project, which in this case is the adoption of the proposed General Plan Update; a multi-year program of Citywide goals

and policies, many of which (as noted above) promote tree planting and retention. The purpose of **Section 6.2.2** is not to discuss mitigation measures, but is to introduce the project alternatives selected for further analysis in detail in the EIR. The EIR identifies specific mitigation measures in the specific sections for each environmental topic.

- 2-7 The comment states that **Section 4.3, Air Quality**, of the Draft EIR does not mention the issue of airborne emissions from freeways and monitoring of air quality along Highway 280 by the San Francisco Public Health Department. The comment also requests that the EIR mention that Canopy has planted trees along more than two miles of Highway 101's sound walls and discuss how these trees mitigate freeway pollution.

The Draft EIR acknowledges that freeway emissions are a statewide issue (as mentioned under the *California Air Resources Board Handbook* heading discussion) and a local issue (as mentioned under the *BAAQMD Community Air Risk Evaluation Program* heading). Furthermore, the Draft EIR addresses local impacts from airborne emissions in **Section 4.3.4, Environmental Impacts**, in the vicinity of page 4.3-27, and **Table 4.3-6**).

The San Francisco Department of Public Health (SFDPH) conducted air quality monitoring on a segment of Highway 280 in southern San Francisco. This research detected high levels of fine particulate matter (PM_{2.5}) in the immediate vicinity of the study area.

The City of East Palo Alto is not within SFDPH jurisdiction, so discussion of this agency is not relevant to the EIR. In addition, Highway 280 does not run adjacent to the City. However, the results of the SFDPH study are relevant to cumulative air quality in the San Francisco Air Basin.

As discussed in the Draft EIR, The San Francisco Air Basin (which includes City of San Francisco and City of East Palo Alto) regularly exceeds National Ambient Air Quality Standards and California Ambient Air Quality Standards for PM_{2.5}. The Draft EIR acknowledges that development under the project may generate PM_{2.5} emissions, and proposes **Mitigation Measure AQ-3** to minimize the project's contribution to this regional air quality issue.

The authors agree that tree planting along Highway 101 would help reduce air pollution along this roadway. However, discussion of these efforts would not alter the discussion of significant air quality impacts, which is determined by the thresholds outlined in Appendix G of the 2016 CEQA Guidelines. Therefore, such discussion would be irrelevant in the Draft EIR.

- 2-8 The comment states that air quality should be reported and measured. The comment also laments that mitigation measures in the EIR focus on reducing the number of vehicles rather than mitigating current air quality impacts from existing freeways.

Air quality in the San Francisco Bay Area Air Basin is measured and reported by the Bay Area Air Quality Management District. This agency has, and will continue to, measure air quality emissions in the vicinity of East Palo Alto.

CEQA analysis focuses on comparing the impacts of a proposed project against the existing (baseline) conditions. While the City agrees that air quality impacts related to the current use of freeways is not sustainable, improvements beyond the baseline conditions are not required under CEQA.

- 2-9 The comment questions the selection of tree species listed in **Mitigation Measure AQ-3** and requests a specific text change to the EIR.

The City appreciates the comment. **Mitigation Measure AQ-3** lists four tree species proven to have demonstrable air quality benefits, but the measure does not mandate that the City plant those four particular species. Tree species planted to mitigate air quality impacts may include, but are not limited to, the listed species. That is, the four tree species listed in **Mitigation Measure AQ-3** do not preclude other species considerations.

- 2-10 The comment requests that the “Tree Protection” subsection in **Section 4.4, Biological Resources**, of the Draft EIR be expanded and strengthened.

The section of the Draft EIR to which the comment refers describes the City’s existing Tree Protection Ordinance at an appropriate level of detail. This discussion does not have any bearing on the conclusions of the Draft EIR.

- 2-11 The comment asks if the City’s Climate Action Plan mentions trees.

The Climate Action Plan includes a goal of expanding tree planting opportunities in its transportation and land use section. The EIR does not go into detail about specific goals in each of the four primary sections of the Climate Action Plan.

The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 2-12 The comment states that the General Plan Update could incorporate trees as a means for improving public health, particularly respiratory illnesses, in its Goal HE-10.

The City notes the comment about the General Plan. The section cited by the commenter simply restates one of the proposed goals of the General Plan Update. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 2-13 The comment suggests that General Plan Goal ISF-1, Policy 1.6 mention trees. The comment also notes that page 4.9-28 of the Draft EIR discusses stormwater runoff.

This policy describes using green infrastructure to manage stormwater, which may include trees. The City notes the comment about the General Plan. The section cited by the commenter simply restates one of the proposed goals of the General Plan Update. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

This discussion of stormwater impacts cites several General Plan policies about stormwater management, including bioretention (which could use trees).

- 2-14 The comment states that General Plan Goal LU-9, Policy 9.8 can include the use of trees.

The City notes the comment about the General Plan. The section cited by the commenter simply restates one of the proposed goals of the General Plan Update. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

May 24, 2016

Guido F. Persicone, Senior Planner
City of East Palo Alto
1960 Tate Street,
East Palo Alto, CA 94303

Re: Notice of Availability of the Draft Environmental Impact Report for the 2035 East Palo Alto General Plan, East Palo Alto

Dear Mr. Persicone:

The San Mateo County Department of Public Works, in its capacity as the Administrator of the San Mateo County Flood Control District (District) which includes the San Francisquito Creek Flood Control Zone (Zone), has reviewed the Draft Environmental Impact Report (EIR) for the subject project and offers the following comments:

3-1

- The District has a policy of requiring project proponent of developments that ultimately drain to District facilities demonstrate that the post development discharge rate from a site not exceed the existing rate prior to development. Therefore, the District requests that design plans and drainage calculations showing existing and future discharge rates for future projects be submitted to the District for review. If it is determined that the future discharge rate exceeds the existing rate, an on-site storm water detention system, which would release surface runoff at a rate comparable to the existing flow rate of the site must be designed and incorporated into the project.

3-2

- The District advocates that trash management measures be incorporated into the project's design elements of the storm drainage system and appurtenances to keep trash out of the creek. Please ensure that the trash collecting devices are installed at storm drain inlets and maintained by the property owner(s).

If you have any questions, please contact Sandeep Gill or me at (650) 363-4100.

Very truly yours,



Mark Chow, P.E.
Principal Civil Engineer
Utilities-Flood Control-Watershed Protection

MC:EVG:SG

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cc: Ann M. Stillman, P.E., Deputy Director, Engineering and Resource Protection



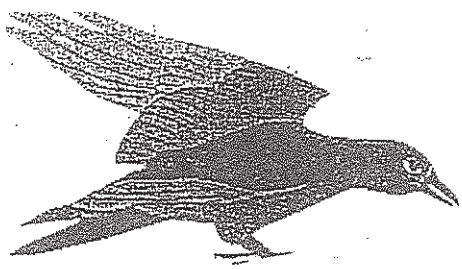
Responses to Comment Letter 3 - Mark Chow, County of San Mateo Department of Public Works

- 3-1 The comment states that the San Mateo County Flood Control District has a policy requiring that project proponents demonstrate that post-development discharge rates do not exceed pre-development discharge rates.

This comment is referencing the requirements set forth in the National Pollutant Discharge Elimination System (NPDES) C.3 requirements of the Municipal Regional Permit that covers San Mateo County, described in **Section 4.9.1** of the Draft EIR. These requirements are binding on development in the City under the existing General Plan and would remain so under the General Plan Update, if adopted.

- 3-2 The comment states that project design elements should incorporate trash management measures to keep trash out of the San Francisquito Creek.

The General Plan Update includes Goal POC-2, Policy 2.8 to implement and support trash clean-up events throughout the City, including the San Francisquito Creek, and Goal ISF-1, Policy 1.8 to encourage best practices in stormwater control to prevent negative ecological impacts.



RAVENSWOOD CALIFORNIA
COMMUNITY HISTORY SURVEY
P.O. BOX 51524 [1991 BAY ROAD temporary]
RAVENSWOOD INDUSTRIAL PARK
CALIFORNIA 94303-1524
(650) 518 4029 (650) 461 0276

June 15, 2016

City of East Palo Alto
Senior Planner
Mr. Guido F Perisone
1960 Tate Street
East Palo Alto, Ca. 94303

RE: SUBMITTED WRITTEN COMMENT
DRAFT EIR VISTA 2035

Dear Mr. Persicone;

By your receipt of this written hard copy communications, I am providing both confirmation and acknowledgement of the USPS delivered, draft NOTICE OF AVAILABILITY that was delivered to my address the first week of May 2016.

As a responsible business operator of several semi-professional local business pursuits and one of them associated with SMC File NO. 264802, I felt most compelled to draft the following concerns I am raising in reference to this Draft EIR of project Vista2035 and my current disposition as this communities custodian of official historic documents?

For reasons of current and existing legal claims against the EPA municipality [SMC CIV 536316], I did and have refrained from participation during either the initial public hearing dates of May 23 nor the subsequent date of the June 14th public comment hearing.

Even though I have concerns on the public views submitted thus far, I must further claim the general public has not had access to the actual and physical collected items and resultant from the original Sept. 24th, 2014 EPAPD impoundment of some historic property contained within the 44ft semi-cargo trailer.

4-1

I can almost certainly respond with some doubt since much of what is mentioned within the Draft EIR Chapter 8, pg 10, Historic Resources summary has been committed to a , now 20 month aged, impoundment of, not only the former EPAHAS actual property but additional business property associated with the development of the now, marketed line of my Ravenswood Gardenkits Products including the Erect-A-Garden Planting System.

After continued review of the draft EIR, vista2035 plans, the expected inclusion describing the 20 year old development of my agricultural based products should have been included within the list of current community historic resources. My products have become world accepted and resultant from the uniqueness of being unmatched in California's agricultural inventory of marketed resources.

"History is a clock that people use to tell their time of day. It is the compass they use to find themselves on the map of human geography. It tells them where they are and what they areand what they still must do....." JOHN HENRIK CLARK 1993

4-1
cont'd

The CEQA process must be completed within its entirety and if the municipality of East Palo Alto has envisioned the year 2035 and taken actions to already initiate development, Those actions would reflect in adequate CEQA compliance and examination of the current community historic resources.

There remains one other subject category surrounding the infrastructural component called Emergency Response and the public's safety.

The geographical region provided by the Ravenswood Industrial Park area incorporated intense industrial commerce over a period in excess of 75 years from mid 1850's thru the early 1920's and, further down the time line, the public's safety [communications] was in-corporated within early ship-to-shore radio communications and the Port of Ravenswood was very active in commerce transportation via maritime resources thereby radio communications became essential however the digital age has almost overwhelmed older conventional systems.

4-2

One must remember that early FCC legislation in the days of Ravenswood California has been overlooked within todays Silicon Valley digital age and online commerce and social media has not been standardized to optimize public safety communications i.e. FACEBOOK, SNAPCHAT etc etc.

This single area of the California Environmental Quality Act. is not addressed however remains a factor that must be taken into consideration by every emergency response agency operating under the umbrella of the SM County OES and 911 Communications, Menlo Park Fire Protection Dist. As well as the East Palo Alto Police Department.

During the year of my active presence within the Ravenswood Industrial Park area, I was able to gain the attention of the Federal Communications Commission through their issued File NO. 13C00472503. This compared with my experience in radio communications via my radio call KI6AWN suggest that I can continue to raise question on the EIR and possible CEQA compliance of the MPFPD 100ft multi-pole antenna system and reasons why the 100 ft structure was placed on Univesity Ave as opposed to the most effective and industrial Cooley Landing area.

4-3

I have submitted these comments in response to the needed publics input to the Vista2035 and to suggest the current CEQA process may prove inadequate and possibly a second scheduled public comment session may become necessary in the absence of so much confirmed historic possession of the City of East Palo Alto as opposed to having confirmed the need to have the property in question returned to its community owners in order for the [EPA] municipality to meet proper CEQA and EIR compliance protocol.

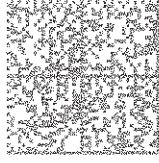
Thanks for the opportunity to submit this written comment

Leland J. Francois
Ravenswood History Surveyor
Gardenkits Products Inventor and Fndr.



CITY OF EAST PALO ALTO
 Community & Economic Development Dept.
 1960 Tate Street
 East Palo Alto, CA 94303

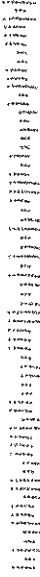
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Ravenswood Treasures
 c/o Leland J. Francois
 P.O. Box 51524
 Ravenswood, CA 94303

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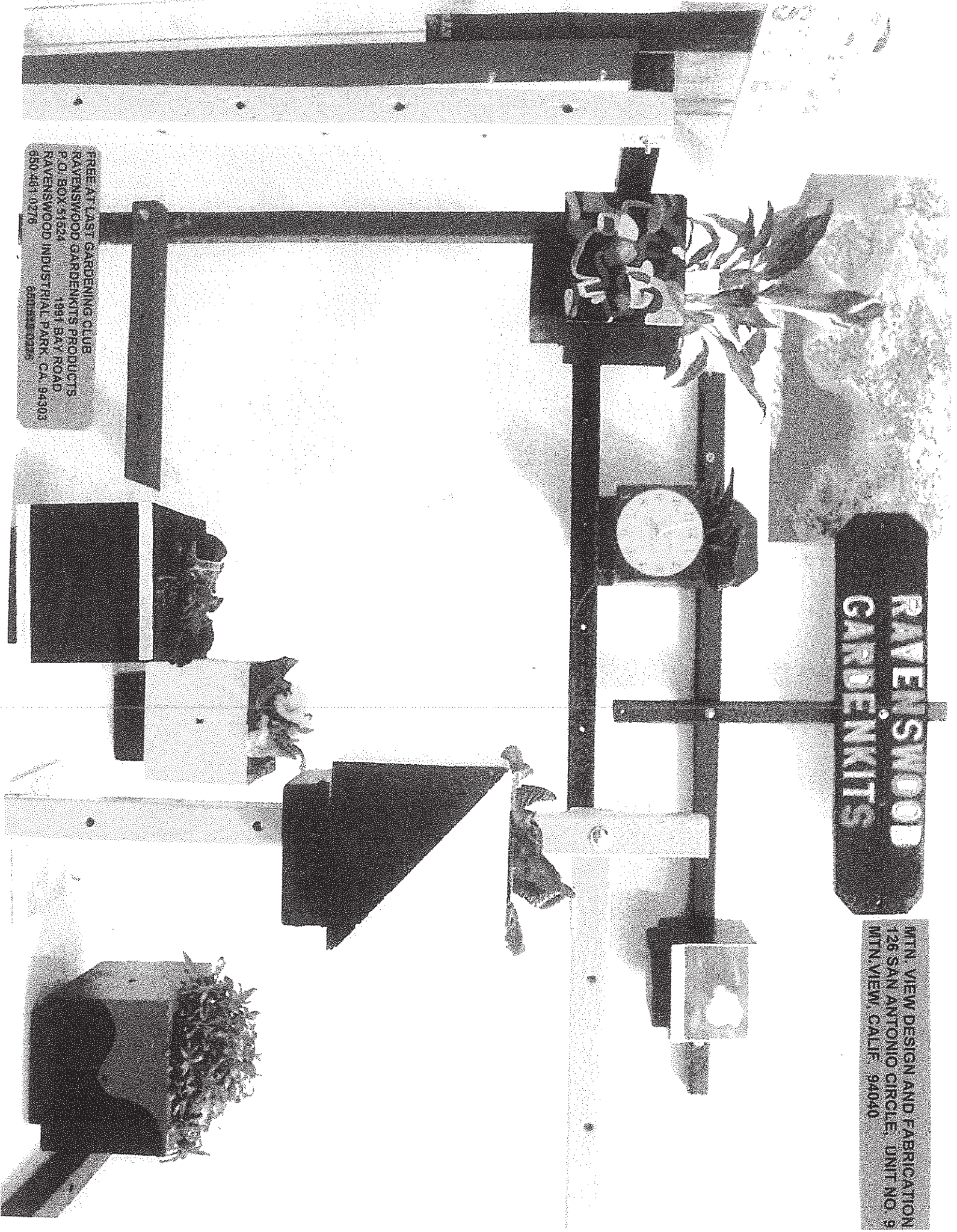


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RAVENSWOOD GARDENKITS

MTN. VIEW DESIGN AND FABRICATION
126 SAN ANTONIO CIRCLE, UNIT NO. 9
MTN. VIEW, CALIF. 94040

FREE AT LAST GARDENING CLUB
RAVENSWOOD GARDENKITS PRODUCTS
P.O. BOX 51524 1981 BAY ROAD
RAVENSWOOD INDUSTRIAL PARK, CA. 94903
950-461-0276 620-515-9325



B.E.S.T. B.U.I.L.D.E.R.

P.O. BOX 391132

MTN. VIEW, CALIF.

94039-1132

EMERGENCY MOBILE C/P# 650 210 6122

BUILDING &
EARTH
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TECHNOLOGY

for
BRIDGES
UTILITIES
IRRIGATION
LANDFILLS
DAMS &
EARTHS
RESOURCES

December 21, 2013

Federal Communications Commission
Public Safety Communications Bureau
445 12th Street S.W.
Washington, D.C. 20554

Received & Inspected

DEC 27 2013

FCC Mail Room

FCC FILE NO. 13C00472503

FCC Intake Administrator;

Upon your intake, review and processing of the following, please make reference to the above complaint file number describing an incident that took place this exact time in 2012 and the subsequent failure of our supporting public safety communications infrastructure.

On or about this exact date, the community known as E. Palo Alto and Ravenswood California became the victim of disasterous flood waters from the named, Christmas Day, flood as described within the original complaint.

Since this incident, the surrounding municipal managed emergency communications resources, which does not include any official PSAP for the estimated 35,000 residents, has been upgraded to the most recent 37 page EPA Preparedness Activation and Communications Plan as described on its enclosed cover page.

I am in question if the original complaint was routed to the San Francisco FCC field officer as requested as this matter may necessitate a field survey of our physical communications equipment and physical review of our response resources.

Through this correspondence, I would like to request a printed hard-copy of the information, status and possible agent names of the information you have on file such that I can include this within the upcoming public safety presentation and performance assessment to the municipal and county OES officials in 2014.

Should it prove easier, I would even welcome the opportunity to also have the following contact telephone numbers, (650) 461 0276 or (650) 630 8850, forwarded and invite any written response to my attention, P.O. Box 51524, Ravenswood Industrial Park, Calif. 94303-1524, I remain appreciative.

Sincerely

Leland Francois
K16AWN & 911 BTDS Prjt.

Internal/External Structural and Terrain
Mapping for 911 Communications

Responses to Comment Letter 4 - Leland J. Francois

- 4-1 The comment states that the historic resources summary (in General Plan Update page 8-10, not the Draft EIR as in the comment) omits the commenter's agricultural products. The comment states that, if the City has already begun to initiate development before the CEQA process is complete, this would reflect inadequate CEQA compliance and examination of historic resources.

Resources that are listed in, or determined to be eligible for listing in, the California Register of Historical Resources must be given consideration in the CEQA process. The Draft EIR identifies these resources in **Section 4.5-2** on pages 4.5-8 and 4.5-9.

The City notes the comment about the General Plan. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 4-2 The comment appears to raise questions regarding issues unrelated to either the proposed General Plan Update or the Draft EIR. No further response is warranted.
- 4-3 The comment appears to suggest the need for a second public comment period on the Draft EIR, citing unspecified inadequacies with the Draft EIR. As the commenter has not provided any specific inadequacy with the Draft EIR, the City has no evidence suggesting any need for additional public comment on the Draft EIR beyond the 48 days provided (see **Section 2.1** above).

June 14, 2016

Dear Mr. Persicone,

Thank you for soliciting community feedback on the EPA General Plan Update. It is apparent that much valuable assessment, hard work and planning has been done since the project was initiated over three years ago. However, being a new resident and homeowner in East Palo Alto, I have only come to learn of the initiatives recently. While I believe most of the plan is laudable and provides a sound roadmap for the future East Palo Alto, there are a few points which I hope that you can take into consideration and incorporate corrections into your plan to properly account for the voices in the communities that it will impact. Below is my feedback.

Goal LU-16 of the EPA General Plan Update, Chapter 4: Land Use and Design

• *Find opportunities to introduce new pedestrian cut-throughs to increase connectivity in the Gardens neighborhood.*

I assume this is referring to Gardens 2, which has naturally long streets – if so, this should be corrected to clarify. However, if this is also referring to Gardens 1, I believe Gardens 1 has plenty of access points on both the existing through roads, as well as through existing gates for pedestrians at the few cul-de-sacs in University Square.

• *Re-establish connections from Pulgas Avenue onto fenced or walled neighborhood streets east of Joel Davis Park.* • *Remove restrictive fencing surrounding the University Square development, Gateway Retail Hub, and MLK Park to improve permeability and access to key amenities for pedestrians and bicyclists.*

I agree with improving access to Gateway 101 and MLK Park, however, with regard to University Square and Joel Davis Park, these items have little justification and will present other problems. At best, the funds could be better spent elsewhere, at worst, they present dangerous risks to safety. From the plan, it is ambiguous as to whether the proposal is to only remove the protective fences, or also remove the sidewalk and greenery to provide through access to vehicles. This is an important clarification that needs to be made, however, I will present arguments against both.

1. Existing access points are sufficient for access in, out and through the Gardens 1 neighborhood from all directions by pedestrians, bicycles, and cars:
 - Gardens 2 only has three access points facing Gardens 1 -- via O'Connor, Gaillardia, and Camellia. O'Connor already has direct access to Gardens 1 via O'Connor and Tate. Gaillardia already has access directly onto Oakes. Camillia is further south on Pulgas and will by default access via Oakes. The remainder of Gardens 2 is better served by MLK Park and the Bay Trail due to distance.
2. Opening cul-de-sacs therefore does not present any additional opportunity, only increased risks:
 - With larger homes, the neighborhood is popular with young families. However, the small parcels means small backyards, and kids like to play in the park and in the streets in the front of their houses. Kids often play in the "cul-de-sacs" where traffic is rare, slow, and generally safe. Just on the other side of those fences is busy, fast

- moving, dangerous traffic of Pulgas and Clarke. The fences keep kids from running, biking, wandering, skating and chasing balls into dangerous traffic.
3. The existing design is consistent with the Land Use and Policy and Community Character and Design:
 - Nowhere are any issues with the protective fencing mentioned in the Existing Conditions Report for Land Use and Policy nor Community Character and Design.
 - On the contrary, the ECR for Community Character and Design recognizes the unique character of the neighborhood surrounding Joel Davis Park and goes further to propose to recognize it as a new neighborhood, Gardens 1, rather than a portion of Gateway III / Gardens as was outlined in the 1999 plan. The borders of the University Square area are consistent with that vision.
 4. The existing design is consistent with the Transportation Plan:
 - Streets of University Square / Gardens 1 are designated “Neighborhood Streets: and should prioritize local pedestrian and bicycle uses
 - As “Neighborhood Streets” that serve primarily for people to access their homes, cut-through traffic should be minimized.
 - Minimizing entry-points for vehicles into University Square / Gardens 1 reduces risk of pedestrian and bicycle injuries by reducing traffic volume and high-speed cut-through traffic.
 - Pulgas and Clarke are high-traffic “Neighborhood Connecting” streets. It makes sense to maintain a separation of the neighborhood from these streets for both aesthetic and safety reasons.

Other items mentioned in the General Plan Update

Bathrooms in Joel Davis Park

I live directly in front of Joel Davis Park, so I know well what activity is present there. 90% is great, wholesome family fun and draws in a highly diverse crowd from both the Gardens 1 neighborhood and further abroad – it is a great space for recreation and wonderful to see in it’s glory on a nice day. However, the other 10% is a nuisance – people leaving trash and graffiti, doing drugs, intimidating young kids from using the playground, playing loud music, etc. Without substantial City commitment to patrol and clean very often, I fear that the introduction of bathrooms in the park will increase the problems as they will provide a hiding place for crime (contrary to the “natural surveillance” planning principle) and allow the negative element to loiter for longer periods. They will become targets for vandalism and abuse and quickly degenerate into places that the general public would not want to utilize and avoid.

Re-purpose 1960 Tate and move Community Development Department

This is a nice building with a substantial outdoor area which is not being used at all and could serve better as a community center, senior center, public pool, sports facility, play area, day care or school and is currently under-utilized. Also, having a facility with maintenance trucks in the middle of Garden 1 is not in character with a nice residential neighborhood.

Traffic Easing within Garden 1

Within Gardens 1, I support the addition of speed bumps on Tinsley, McNair, and Wilks to reduce the speed of cut-through traffic. This is a neighborhood with many young children as both residents and park users, so traffic should move slowly for their safety. Recently, a car parked in front of my house was hit from the rear at high speed and moved 30 feet – I fear for my toddlers’ lives in front of my house should they errantly wander into the street.

Sidewalk Improvements around Garden 1

Consistent with the Plan to improve pedestrian traffic, I support the addition of sidewalks where there are none. Of particular importance, not addressed in the plan, is the area on the east side of Clarke between Tinsley and O’Connor. Often, I see young families travelling on this route on the way to day care or shopping and due to the lack of sidewalk, they must dangerously step into traffic. We must create a safe sidewalk here, even if it means giving up a few parking spaces in front of private property where the city may not have the right to build. The same could be said for the westside of Pulgas between Oakes and E. Bayshore.

Construction of Pad D Well

- Rather than constructing a well on the Pad D site, the City should encourage a small retail/commercial development on this site which would help with the problem of Gateway 101 being completely closed off to the East side and bring in additional spending synergistic with the other stores in the shopping center.
- I am supportive of efforts to renegotiate water exchange rights over the introduction of well water which may be of questionable quality and perhaps not as sustainable.
- To mitigate the demand for water, new developments should be required to recycle water for landscaping, sewer, and industrial purposes.

Pedestrian/Bicycle Entrance to IKEA

IKEA lacks any pedestrian/bike friendly entrance to it’s store front. In keeping with EPA’s vision for a pedestrian and bike friendly community, the City should petition IKEA to add a pedestrian and bike friendly entrance to the store.

Traffic Problems as Significant and Unavoidable in the Draft Environmental Impact Report

5-1

While I understand that solving all of EPA’s traffic problems is not feasible, neither the General Plan Update nor the DEIR offer any hope of traffic relief. I believe this is a massive oversight, as the nature of EPA as both a virtual island and choke point to the Dumbarton will only impede growth, restrict retail sales, suppress property values, worsen air quality, and drag down productivity for the people least able to afford it. There should be **some** plan of action to produce **some** amount of relief or offset from the buildout under the General Plan Update.

Conclusion

In closing, I hope that you find my feedback informative and constructive and that you will be able to incorporate this into the General Plan Update. My wife and I purchased our first home for our young family in East Palo Alto just over a year ago, seeing the great potential of both the neighborhood as well as East Palo Alto as a whole. I hope that both the City and community can work together to find the right path forward which will realize that bright future for EPA as a place where my kids will grow up happy and healthy.

Sincerely,

Vincent R. Gifford
EPA Resident
1954 McNair St.
(415) 735-1973
vinceg@gmail.com

Responses to Comment Letter 5 - Vincent R. Gifford

5-1 The comment states that the Draft EIR should provide “some plan of action” to alleviate traffic congestion.

It should be noted that nearly all of the traffic increases identified in **Section 4.14, Traffic and Transportation**, would be the result of background traffic growth and, to a lesser extent, the already-approved Ravenswood/4 Corners Specific Plan. These increases would result with or without the adoption of the General Plan Update.

Notwithstanding, the City considers traffic congestion to be an important issue of concern. To this end, Draft EIR pages 4.14-42 and 4.14-43 (“Feasibility of Mitigation”) discuss various traffic long-term means to address traffic congestion.

General Plan Update Goal T-7, Policy 7.3 would lead to East Palo Alto adopting a multimodal transportation impact fee. Proceeds from the fee, once enacted, would be used to fund various pedestrian, bicycle, transit, and transportation demand management (TDM) facilities and services outlined in the General Plan Update that would support future development within the City. The City would use impact fee proceeds to fund improvements as necessary based on the development pattern that occurs in the City.

Improvements to pedestrian, bicycle, and transit facilities would help lessen identified traffic congestion. Broadening opportunities for non-motorized travel would help balance transportation choices, enhance mobility and connectivity, reduce automobile traffic and associated problems, and help create a more healthy and livable community. Further, development of retail in underserved parts of the City could also reduce vehicle trips or VMT in some areas.

However, funding for pedestrian, bicycle, transit, and TDM projects is not currently guaranteed, and the effects of such projects on vehicle trips are uncertain. While the General Plan Update still plans for several pedestrian and bicycle improvements throughout the City, these efforts would not reduce the significant and unavoidable traffic congestion impacts identified in the Draft EIR to a less-than-significant level.

The only certain way the City could reduce traffic congestion on roadway segments and at intersections to “acceptable” levels of service would be to physically increase capacity (adding lanes at intersections or along roadway segments). The City considers this kind of traffic mitigation to be infeasible due to the limited available public right-of-way at many intersections and on many roadway segments and the potential for such expansions to infringe on bicycle and pedestrian facilities. Moreover, the vast majority of research on this subject shows that widening congested roadways actually *increases* demand, thereby generating more traffic until the prior level of congestion is restored.¹

The General Plan Update specifically seeks to avoid roadway widening in Goal T-8, Policy 8.2. Accordingly, the programmatic-level analysis in the Draft EIR omits the consideration of roadway widening. At the individual project level, the City would review opportunities to add capacity or other means to alleviate localized congestion that may result from given projects.

¹ P. Siegman, Nelson\Nygaard. Personal communication, April 13, 2016.



June 14, 2016

Sean Charpentier
Assistant City Manger
City of East Palo Alto
1960 Tate Street
East Palo Alto CA 94303

RE: City of Palo Alto Comment Letter for Draft Environmental Impact Report on the East Palo Alto General Plan Update 2035

Dear Mr. Charpentier,

Thank you for the opportunity to review and comment on the Draft Environmental Impact Report (DEIR) on the East Palo Alto General Plan Update 2035. The City of Palo Alto is aware of the planning efforts you have made in the past several years particularly planning for the Westside Area adjacent to Palo Alto. The City recognizes that the Westside Area Plan is incorporated into the General Plan Update 2035. Further we note that in many cases other areas of shared interest with the City of East Palo Alto have also been included in the General Plan Update 2035 including the Newell Bridge at our boundary with the Woodland Neighborhood in the Westside Area. Based on these mutual interests and other shared issues the City of Palo Alto has the following comments on the Draft EIR for the General Plan Update 2035 (Project).

1. Aesthetics and Light and Glare. Comment #1 a and b

- a. *Visual Character*. The DEIR describes the current situation in East Palo Alto as “the vast majority of development in East Palo Alto is relatively low in height (one to three stories) with the exception of a small number of office and hotel buildings on the Westside that reach five to six stories.” The Project proposes a significant change to the existing development on the Westside in particular with shifting commercial land uses to high density residential, substantial increase in density of existing residential land uses and substantial increase in height limits in the Westside (southern portion of Willow and all of Woodland neighborhoods). Height limits would change from typically 35 feet to a maximum 75+ feet on West Bayshore Road and to a maximum 75+ feet from Woodland Road to US101 between Euclid and University Avenues. The impact of this visual change in density in the Westside Area has not been adequately addressed and could be significant.

6-1

6-2

2. *Light and Glare.* The project proposes a shift in land use from commercial to high and urban density residential uses in the southern part of the Willow neighborhood (Euclid to University Avenues) and throughout the Woodland neighborhood. The new densities are achieved by increasing the height limits for multiple family residential uses significantly from generally three stories (35 feet) to 60 ft to 75 feet plus (See DERI pg 3-23). The mitigation to change the impact from glare to less than significant in the DEIR states that the impacts would not be significant because “given the already urbanized character of the City and the numerous existing sources of lighting, the incremental increase in light and glare levels posed by new development, particularly if realized gradually over the 20-year horizon of the General Plan Update, would not be substantial”. This analysis and conclusion is inadequate and does not address the significant change in structure height, potential for reflection and glare from the density of structures in the Westside Area on adjacent neighborhoods and on safety issues that may be created on adjacent major arterials (US101 and University Avenue).

3. Hydrology and Water Quality: Comment #2 a, b, and c.

6-3

a. *Storm water Runoff.* The DEIR indicates that the Project will have a less than significant impact on Storm water runoff with adherence to Federal State Regional and proposed General Plan Policies. However, Page 4.9-22: DEIR states that “Storm Water Pollution Prevention Plans (SWPPPs) are not currently required for development projects involving less than one acre of land, unless part of a common plan of development.” The Municipal Regional Storm Water Discharge Permit that is applicable to all Bay Area requires communities to “have the ability to require effective storm water pollutant controls to prevent discharge of pollutants into the storm drains, and implement progressively stricter enforcement to achieve expedient compliance and cleanup at all public and private construction sites”. With this one-acre exemption and without providing authority to control runoff from all sites, the storm water runoff impact has not been adequately addressed and would be significant.

6-4

b. *Storm water Control Implementation.* The DEIR (page 1.14) finds that there are no anticipated significant unavoidable impacts to Hydrology and Water Quality. However, many of the policies listed under Infrastructure, Services, and Facilities Goal ISF-1 (Manage storm water safely, efficiently, and sustainably) use the weak action verb “encourage”, as opposed to “require”. These storm water control policies will likely not be effective unless they are strengthened to give the City increased authority to enforce them and the impact will not be reduced to less than significant.



6-5

c. *Development in the flood hazard area.* Page 4.9-29: DEIR states that the impact of developing in the flood hazard area is less than significant because the “City of East Palo Alto, including but not limited to the California Building Code, prohibits construction of occupied buildings within a flood hazard area unless the structures are elevated above the relevant flood elevation and properties are then removed from the hazard area via the FEMA letter of map revision (LOMR) process”. Elevation of the floor of a new or substantially improved structure within a flood hazard area to a level at or above the established Base Flood Elevation is typically required by a municipal flood hazard ordinance. Elevation of a floor, however, does not qualify a structure for removal from the flood hazard area via the LOMR process. A structure only qualifies for a LOMR if the ground that the structure is built upon is at or above the Base Flood Elevation. Without this consideration the impact of development in the flood hazard zone is not less than significant.

6-6

4. Noise and Vibration - Comment #3

Noise impacts from future development are identified as less than significant on two roadway segments in the Westside Area. However, the existing ambient noise levels in these locations (Woodland Ave University Ave to Cooley Ave and Euclid Ave to University Ave.) are already high, which affects the degree of increase over the ambient noise level that is acceptable. The roadway segment on Woodland Avenue from Newell to University was not evaluated. This segment will carry substantially more traffic with the Project and the ambient noise level in the area of this segment is 5-10dB lower than on the roadway segment next to US101 studied. Without the evaluation of the Woodland Road segment it is unclear that the noise impact would be less-than-significant in the Woodland Neighborhood and on adjacent residential areas.

6-7

5. Population and Housing - Comment #4

The analysis indicates the projected addition of about 2,500 new housing units or an estimated 7,764 residents by 2040, 105% of ABAG’s projected population growth over the period. (Page 4.12-12) and notes that while 8% of the city’s land area is in the Westside Area, 22% of the population lives in the Westside Area (6,075 residents/56 residents per acre). The DEIR adds that currently 5% of the multiple family uses in the city are multiple family units with 5 or more units. (Page 4.10-9) These uses are concentrated in the Westside Area with 71% of the acreage developed in 5 or more units. (Page 4.10-7,11)

The Project would continue and intensify the trend of concentrating density and focusing multiple family units in the Westside Area. This increase is achieved by re-designating commercial and lower density residential areas to high density (43 DU/a) and Urban density (89 DU/a) residential designations and raising the allowed height limits in the same areas from the current typical 35 feet to 60 feet and 75+ feet.



6-7
cont'd

The analysis of Population and Housing does not address the disproportionate distribution of the added population and development density within the City into the Westside Area. Rather the DEIR evaluates the increased population and density distribution as if it was evenly spread and concludes that the impacts to population and housing would be less than significant because “the General Plan creates a policy framework intended to support such population growth that would be consistent with public service levels, infrastructure availability and community goals.” To the degree that the increase in density of new population and housing is concentrated in the Westside Area, the impact of the increased density proposed by the Project appears to be more than significant and should be given further study.

6-8

The EIR should more thoroughly address the potential impacts and benefits of additional development potential in the Westside Area. Redevelopment of the area as proposed will not only increase the number of dwelling units significantly, , potentially exacerbating parking and traffic impacts that spill over into the Crescent Park neighborhood of Palo Alto, but may also increase pedestrian and bicycle mode shares if residents use alternate modes to access jobs and services in Palo Alto. The EIR should consider this issue, and discuss the interrelation between redevelopment of the Woodland Neighborhood and the alternative alignments being considered for the Newell Bridge replacement.

Transportation and Traffic: Comment # 5 a, b, c, d, and e

6-9

a. *Traffic.* The existing level of service (LOS) condition for intersection Number 6, Woodland Avenue and University Avenue is shown in the DEIR as LOS D in both the AM and PM peak hour. Based on on-going field observations of this intersection during these periods, the City of Palo Alto believes there’s a significant difference between the existing condition identified in the DEIR and actual conditions, primarily in the PM peak hour. Vehicle queues on University Avenue in the eastbound direction approaching the intersection extend well into Palo Alto and occasionally to Downtown Palo Alto, with demand consistently exceeding capacity of the intersection. Capacity of this intersection is \further constrained by signal operations that do not optimize throughput for highest demand approaches. While these factors are not unique to this intersection, they should be included, along with any unique characteristics affecting capacity, in the evaluation of the existing condition, cumulative no project and cumulative with project scenarios. The City of Palo Alto finds that the estimated level of service is not representative of the actual conditions, and that the proposed project may result in a significant impact at this intersection if the baseline conditions were more accurately represented.

6-10

b. *Traffic.* A significant share of trips arriving and departing East Palo Alto use the intersection of Embarcadero Road and East Bayshore Road. This intersection is not evaluated in the DEIR, despite significant queuing and demands that exceed capacity. The cumulative growth projections may result in a significant impact to



6-10
cont'd

this intersection and should be evaluated.

6-11

c. *Traffic.* The intersection of University Avenue and US 101 Southbound Ramps constrain capacity nearby the University Avenue and Woodland Avenue intersection resulting in substantial delays to vehicles leaving Palo Alto during the PM peak period. This intersection should be evaluated as a part of the DEIR.

6-12

d. *Transportation and Traffic.* Given the large increase in residential density proposed in the Project for the Woodland neighborhood and the fact that there are limited ingress/egress points to/from the neighborhood (West Bayshore/Embarcadero, Woodland/University, Newell/Woodland), the City must evaluate the traffic impacts to the Newell Road/Woodland Avenue intersection and the increased traffic on Newell Road in Palo Alto attributable to the increased density, particularly as they would affect the access at the Newell Bridge.

6-13

e. *Transit.* Draft General Plan Chapter 6 page 14 shows two conceptual street sections for University Avenue, one of which shows a reduction in the number of vehicle lanes. Based on the results of the transit impacts analysis in the DEIR, and proposed concentration of dense and mixed uses along University, please consider adding a third conceptual street section with transit-only lanes, and add language in T-2 2.2 to include transit only lanes as an option.

6-14

f. *Mitigation.* Please consider the addition of pedestrian and bicycle facilities, as well as measures to increase transit mode shares as techniques to reduce significant and unavoidable traffic impacts.

6-15

6. Utilities and Service Systems


Future Water supply is identified as a Significant and Unavoidable effect without mitigation because water demand created by the Project is not met by the City's existing and future water supplies. Analysis suggests that the new water demands for the Project will be 1,699 acre feet by the year 2040 or a 73% increase over the 2015 water usage. There is no identified program for meeting this water demand. One action suggested is to build storage and infrastructure to transport water to East Palo Alto and to secure additional water supply from neighboring cities via permanent water exchanges. It should be noted that Palo Alto has no current plans for a water supply exchange program. I would note that we have recently had informal conversations at the City Manager level and perhaps between individual Council Members of our jurisdictions regarding the challenge facing East Palo Alto in this regard.

Thank you again for giving the City of Palo Alto an opportunity to review the Public Draft General Plan 2035 and comment on the Draft Environmental Impact Report on the City of East Palo Alto General Plan Update dated April 2016. We appreciate that the General Plan Update brings together your planning for future development and the Westside Area study;



and that the environmental document addresses both. We look forward to working with you in the future to address our significant concerns about the future of the Westside Area. Please continue to notify the City of Palo Alto as your planning program progresses.

Sincerely,

A handwritten signature in black ink, appearing to read "James Keene". The signature is fluid and cursive, with the first name "James" and last name "Keene" clearly distinguishable.

James Keene
City Manager

CC Palo Alto Mayor & City Council
Hillary Gitelman, Director Planning and Community Environment
Carlos Martinez, East Palo Alto City Manager



Responses to Comment Letter 6 - James Keene, City of Palo Alto

6-1 The comment states that the Draft EIR's discussion of aesthetic impacts does not adequately address the visual change in the Westside Area that could occur with increased density and building height.

The comment states that land uses in the Westside neighborhoods would shift from commercial to high-density residential uses. This statement is incorrect. Existing non-residential land uses in the Westside area include Church/Public, Vacant Land, Light Industrial/Warehouse, Office/Hotel, and Retail. All of the existing non-residential land uses would remain under the General Plan Update, with the exception of Vacant Land and the one parcel of Church/Public land (this parcel would be converted to High Density Residential). The General Plan Update would intensify existing residential land uses in the Westside area that would increase allowable development intensity. However, the General Plan Update would implement a number of land use, site planning, and landscaping design controls that would ensure that new development would be of high visual quality:

- Goal W-1, Policy 1.12: High-quality housing. Ensure that the new and existing housing stock is built and maintained to a high level of quality to protect health, safety, and aesthetics on the Westside.
- Goal W-2, Policy 2.1: Land use designations. Until a future master plan or other detailed planning process occurs, maintain land use designations and zoning districts that are consistent with the zoning code or the amount of development currently constructed, whichever is greater. This will ensure that there is no diminishment in property rights while not allowing excessive development by-right.
- Goal W-2, Policy 2.2: Development within established zoning parameters. Development applications that do not propose to increase intensity or height over the established zoning regulations may proceed within the regulations and parameters established by the zoning code.
- Goal W-3, Policy 3.3: Prerequisites for increases in intensity. Increases in development intensity over the currently allowed zoning intensity on the Westside must meet the criteria listed below. Specific information on each of the items shall be required as part of the development application process. The following are the prerequisites for increased development intensity:

- Provides for some income-restricted affordable housing.
- Prevents displacement of existing residents.
- Preserves “right of return” for existing residents.
- Maintains the City’s rent stabilization program.
- Includes new parks and open spaces or contributes to the provision of new parks and open spaces if it is a single project.
- Improves streets and infrastructure or contributes to the provision of new streets and infrastructure if it is a single project.
- Improves the fiscal health of the City.
- Beautifies the area.
- Goal W-3, Policy 3.4: Development process for increased intensities. Any proposed increases in allowed development intensity must comply with the following process, according to the project location:
 - For areas on the north side of University Avenue or south of Clark Avenue to San Francisquito Creek, proposed increases in intensity over the currently allowed zoning intensity may be approved on a project-by-project basis. These projects shall be required to meet the policies set forth in this document in addition to any other city policies and shall be required to enter into a development agreement, pay fees to support the development of new parks, open spaces, infrastructure and community facilities necessary to support a higher level of development on the Westside.
 - For the area between University Avenue and Clarke Avenue, proposed increases in intensity over the currently allowed zoning intensity shall be required to prepare a master plan, development agreement or specific plan or similar planning document.
- Goal W-3, Policy 3.5: Application information for increased intensity. Prior to any approval in increased development intensity, project applicants must provide detailed information on the overall development plan and, at minimum, include the following information:
 - Proposed general plan and zoning for each parcel, including uses, building heights, and maximum development intensities.
 - Development program that identifies parcel-by-parcel information on existing and proposed uses.

- Affordable housing plan, including the amount, levels of affordability and location of each housing unit.
 - Relocation plan for existing tenants.
 - Fiscal impact analysis for the City
 - Description and analysis of how the City's rent stabilization program may be continued in the future, including sources of funding.
 - Park and open space plan, including the number, acres and locations of new parks and open spaces (or contribution to parks and open spaces for single-parcel projects).
 - A water supply assessment with guarantees of long-term water availability and new sources of water.
 - Infrastructure improvement plan, including detailed information on all infrastructure and utilities (or contribution to Westside infrastructure improvements).
 - Street network plan, including proposed street cross sections.
 - Any additional information and level of detail requested by the project applicant to ensure that the proposed project meets the vision of the community.
- Goal W-3, Policy 3.14: Gradation of height. Design new development so that there is transition in building height. The greatest height and intensity should be focused towards Highway 101 and University Avenue, transitioning to lower heights no more than three stories near San Francisquito Creek and along the western portion of O'Keefe Street that is adjacent to residential neighborhoods.
 - Goal W-3, Policy 3.15: Neighborhood transitions and character. For new multi-family development in the Westside that is adjacent to existing single-family residential neighborhoods, provide transitions in height, increased build setbacks and landscaping to minimize the impact on adjacent low density residential uses.

Given the above, the City concludes that this impact would remain less than significant.

- 6-2 The comment notes that the Draft EIR's discussion of aesthetic impacts does not adequately address new sources of glare resulting from increased allowable structure height in the Westside Area, particularly in the Willow and Woodland neighborhoods.

The comment claims that land uses in the Westside neighborhoods would shift from commercial to high-density residential uses. This statement is incorrect. Existing non-residential land uses in the Westside area include Church/Public, Vacant Land, Light Industrial/Warehouse, Office/Hotel, and Retail. All of the existing non-residential land uses would remain under the General Plan Update, with the exception of Vacant Land and the one parcel of Church/Public land (this parcel would be converted to High Density Residential).

The General Plan Update proposes new land uses in the Westside area that would increase maximum building heights. However, the Westside Area Plan includes the following policies to reduce impacts related to building heights, light, and glare:

- Goal W-3, Policy 3.14: Gradation of height. Design new development so that there is transition in building height. The greatest height and intensity should be focused towards Highway 101 and University Avenue, transitioning to lower heights no more than three stories near San Francisquito Creek and along the western portion of O'Keefe Street that is adjacent to residential neighborhoods.
- Goal W-3, Policy 3.15: Neighborhood transitions and character. For new multi-family development in the Westside that is adjacent to existing single-family residential neighborhoods, provide transitions in height, increased build setbacks and landscaping to minimize the impact on adjacent low density residential uses.

Mitigation Measure AES-1 (below) would further reduce potential impacts related to glare.

Mitigation Measure AES-1: Amend the General Plan Update to include the following policy:

Light and Glare. Review major public and private development projects to ensure that the spillover effects of light and glare from new exterior lighting is minimized. Where feasible, require lighting fixtures to be directed downward and equipped with cut-off lenses. For development near sensitive sites, particularly undeveloped Bayfront areas, require submittal of photometric studies to demonstrate minimization of light spill-over. Ensure that all implemented lighting measures adhere to the regulations outlined in Title 24

Given the above, the City concludes that this impact would remain less than significant.

- 6-3 The comment states that exempting projects that disturb less than one acre from requirements to prepare a Stormwater Pollution Prevention Plan (SWPPP) and the lack of authority to control runoff from all sites would result in a significant impact that the EIR has not adequately disclosed.

As discussed in **Section 4.9, Hydrology and Water Quality**, of the Draft EIR, the federal Clean Water Act requires a National Pollutant Discharge Elimination System (NPDES) permit for stormwater discharges for projects that disturb one or more acres of soil. The State Water Resources Control Board (SWRCB) has implemented a NPDES Construction General Permit for California, which requires the preparation of a Notice of Intent (NOI) and SWPPP prior to commencement of construction. The one-acre exemption to which the comment refers is a federal and state regulation.

The San Francisco Bay Regional Water Quality Control Board (RWQCB) also has issued a Municipal Regional Stormwater NPDES Permit (Permit Number CAS612008). Under provision C.3 of the Municipal Regional Stormwater NPDES Permit, projects that disturb more than 10,000 square feet are required to design and construct stormwater treatment controls to treat post-construction stormwater runoff. Amendments to the Municipal Regional Stormwater NPDES Permit require all of the post-construction runoff to be treated by using Low Impact Development (LID) treatment controls, such as biotreatment facilities. Provision C.6 of the Municipal Regional Permit requires construction site controls for all construction sites detailed on an erosion/pollution control plan or SWPPP. In addition to requiring seasonally appropriate and effective construction BMPs, the permit has requirements for inspection for certain high risk and large (>1 acre) sites and reporting for all construction sites.

The County of San Mateo Department of Public Works requires proponents of any project size to demonstrate that the project would not increase stormwater discharge above existing conditions.

Future development proposals allowed by the General Plan Update would be required to undergo project-level CEQA review and would comply with federal, state, and county stormwater runoff regulations.

In addition, General Plan Update Goal ISF-1 is dedicated to safe, efficient, and sustainable stormwater management. Twelve specific policies under this goal include NPDES compliance, on-site stormwater management, and a requirement for development projects to pay for their share of new stormwater infrastructure or improvements, among other stormwater management practices.

With the exception of NPDES compliance, the policies would be applicable to all parcels in East Palo Alto. As such, the impact conclusion of less than significant was appropriate.

- 6-4 The comment states that many of the policies under General Plan Update Goal ISF-1 (“Manage stormwater safely, efficiently, and sustainably”) use the word “encourage” rather than “require,” limiting their efficacy and the City’s authority to enforce them; given this, the comment disagrees with the EIR’s impact conclusion of less than significant.

The comment is correct in its assessment that not all of the General Plan Update’s policies under Goal ISF-1 were written with binding language. However, several policies do include binding language:

- Policy 1.1 would ensure compliance with NPDES requirements.
- Policy 1.3 would require development projects to pay for their share of new or improved stormwater infrastructure.
- Policy 1.10 would implement the East Palo Alto Storm Drain Master Plan.

At the programmatic level, these policies, in combination with the regulations discussed in response to comment 6-3, are sufficient to make a less-than-significant impact determination. Regardless, specific development proposals would be subject to project-level CEQA review and would go through their own permitting processes. At the project level, CEQA review would assess, disclose, and mitigate to the extent feasible any potential stormwater impacts.

- 6-5 The comment disagrees with the impact conclusion in the Draft EIR that development in the flood hazard zone would be less than significant.

A Letter of Map Revision (LOMR) is the Federal Emergency Management Agency’s (FEMA’s) official modification to an effective Flood Insurance Rate Map (FIRM). A LOMR re-designates flood hazard areas based on a physical change to the existing regulatory floodway, the effective Base Flood Elevations or the Special Flood Hazard Area. That is, acquisition of a LOMR for a property or structure would mean that the property or structure is no longer located within a Special Flood Hazard Area. As discussed on page 4.9-29 of the Draft EIR, the City would not permit construction in flood hazard areas unless the developer acquires a LOMR. Moreover, General Plan Update Goal POC-4, Policy 4.8 would not allow new development

within a 100-foot buffer zone from the top of the San Francisquito Creek bank.

The City proposes the following changes to the text on page 4.9-29 to clarify this point:

g) and h) Place housing within a 100-year flood hazard area or place structures in a flood hazard area that would impede or redirect flood flows (less-than-significant impact).

Several areas in East Palo Alto are vulnerable to flooding. The General Plan Update would allow an increment of new housing to be built throughout the City, including in areas within the 100-year flood hazard zone, including the following neighborhoods: Weeks, Garden, Woodland, University Village, Kavanaugh, and a portion of Ravenswood and Palo Alto Park. Federal and State laws enforced by the City of East Palo Alto, including but not limited to the California Building Code, prohibit construction of occupied buildings within a flood hazard area unless the structures are elevated above the relevant flood elevation and properties are then removed from the hazard area via the FEMA letter of map revision (LOMR) process. As such, the City would not permit construction in flood hazard areas unless the developer acquires a LOMR that removes the parcel, portion of a parcel occupied by the structure, or structure from the flood hazard zone. Construction of non-occupied structures within a 100-year flood hazard area may also require a building permit from the City or other encroachment permit. All new development would be required to comply with FEMA floodplain requirements.

- 6-6 The comment notes that project-related noise from new traffic along Woodland Avenue from Newell Road to University Avenue was not evaluated, which results in an incomplete analysis of noise impacts to the Woodland neighborhood and adjacent residential areas.

The City selected 30 short- and long-term noise measurement locations across East Palo Alto to use as the basis for developing a Citywide noise model. See **Figure 4.11-4** of the Draft EIR. Four of these locations are on the Westside of East Palo Alto. CEQA does not dictate any specific number of noise modeling locations. Noise measurement locations were selected by a qualified acoustical consultant with the intention of identifying a wide range of representative existing noise environments that would provide a solid basis for the analysis for program-level effects.

The Noise Assessment developed for the General Plan Update (**Appendix D** of the Draft EIR) includes noise exposure maps calculating traffic noise levels along major roadways throughout East Palo Alto. Existing traffic conditions plus 2040 traffic conditions (provided by Nelson\Nygaard Consulting Associates, City/County Association of Governments of San Mateo County, and Kittelson & Associates) are analyzed in these models. The noise map prepared based on existing conditions is shown on **Figure 4.11-2** of the Draft EIR, and the noise map prepared based on General Plan Update year 2040 conditions is shown on **Figure 4.11-3**.

Table 4.11-11 of the Draft EIR presents existing and General Plan Update year 2040 community noise equivalent levels (CNEL) calculated at 75 feet from the center of the near travel lane for roadways in East Palo Alto. This reflects the assessment of the City's qualified acoustical consultant that roadways would continue to be the predominant source of noise in the area. According to this table, the segment of Woodland Avenue from University Avenue to Cooley Avenue would have a 1-decibel (dB) increase from 67 dB CNEL to 68 dB CNEL.² This analysis of Woodland Avenue from University Avenue to Cooley Avenue includes more than half of the Woodland Avenue roadway segment from University Avenue to Newell Road. The remaining Woodland Avenue segment along from Cooley Avenue to Newell Road could be expected to have similar noise conditions under project conditions, as depicted in **Figure 4.11-3**.

Moreover, the City's use of CNEL analysis takes into account community expectations of lower noise levels at night than during daytime hours, in effect assigning extra "weight" to noises that would occur after 7:00 p.m. and before 7:00 a.m. CNEL is thus considered a more conservative basis on which to assess noise than models that do not weight results.

- 6-7 The comment states that the population and housing analysis in the Draft EIR does not adequately address the level of development proposed for the Westside neighborhood.

The Draft EIR is clear about the distribution of development that would occur under the General Plan Update. **Table 3-3** of the Draft EIR outlines anticipated growth, itemizing anticipated growth for the Westside. This distribution of housing units was the basis of all technical studies prepared for the Draft EIR, including traffic, noise, and air quality analyses.

² Noise levels for major roadways are given at a distance of 75 feet from the center of the roadway.

Additionally, other analyses in the Draft EIR, including aesthetics and population and housing, accounted for anticipated growth patterns associated with the General Plan Update at a programmatic level. Moreover, future development under the General Plan Update would be subject to CEQA review in which any effects unique to a particular project would be identified. At the programmatic level, however, no such impacts have been identified.

- 6-8 The comment expresses concern that development in the Westside neighborhood could exacerbate parking and traffic impacts in the Crescent Park neighborhood of Palo Alto. The comment requests that the Draft EIR consider the potential impacts and benefits of development in the Westside neighborhood and the interrelation between redevelopment of the Woodland neighborhood and the alternatives under consideration for the Newell Bridge replacement project.

Given its close proximity to the north-south Highway 101 freeway, University Avenue, and West Bayshore Road, traffic originating from development in the Westside neighborhood would most likely use these primary routes to access major commercial and employment destinations. Conversely, Newell Road is a collector street that does not offer an attractive alternative route to most significant destinations; as such, it would not be expected to exacerbate traffic impacts in Palo Alto neighborhoods.

Regarding the commenter's concerns that development in the Westside could lead to East Palo Alto residents parking in the Crescent Park neighborhood, the City of Palo Alto controls parking on its streets and can restrict parking spaces to Palo Alto residents only with appropriate permits. The City initiated a No Overnight Parking program on certain streets within the Crescent Park neighborhood in response to resident concerns about non-resident parking; additional streets in the neighborhood can petition to implement permit parking as necessary.³

Growth in the Westside neighborhood envisioned by the General Plan Update would be developed in a manner that builds in alternative modes of transportation and effective neighborhood parking strategies. Goal T-8 of the General Plan Update directs East Palo Alto to adopt transportation

³ City of Palo Alto. 2015. *Crescent Park No Overnight Parking Program*. Accessed August 9, 2016 at http://www.cityofpaloalto.org/gov/depts/pln/transit/parking/crescent_park_no_overnight_parking_program.asp.

demand management (TDM) programs thereby reducing automobile traffic and Goal W-7 seeks to provide a more complete transportation system for the Westside neighborhood, including policies aimed at balancing automobile travel with bicycle, pedestrian, and transit networks. Goal LU-6 of the General Plan Update contains policies that address parking issues in residential areas and the East Palo Alto Zoning Code Chapter 3, Section 6119 lists required numbers of off-street parking spaces by land use type. Given East Palo Alto's aforementioned transit and parking policies and regulations, plus the City of Palo Alto's ability to control parking on its streets, there is no reason to assume that development in the Westside neighborhood would induce substantial spillover traffic and parking impacts in adjacent neighborhoods.

The comment also suggests that increased population in the Westside neighborhood might increase pedestrian and bicycle traffic. Increased pedestrian and bicycle activity does not trigger a significant impact under CEQA and would be consistent with policies of both the General Plan Update and the City of Palo Alto.

The Newell Road/San Francisquito Creek Bridge Replacement Project is currently undergoing CEQA/NEPA review by the City of Palo Alto, in partnership with the City of East Palo Alto and the San Francisquito Creek Joint Powers Authority. As of August 2016, five different Newell Bridge replacement alternatives were under consideration:

1. No project alternative (keep existing bridge as is)
2. Bi-directional one-lane vehicle bridge with traffic signal control
3. New two-lane vehicle bridge using existing bridge alignment
4. New two-lane vehicle bridge with a partial realignment with Newell Road in East Palo Alto
5. New two-lane vehicle bridge fully realigned with Newell Road in East Palo Alto

The bridge requires replacement to accommodate a 100-year flood event and mitigate flood risk. None of the alternatives propose to expand the traffic capacity of the bridge or facilitate greater than existing traffic volumes from East Palo Alto into Palo Alto.

- 6-9 The comment states that the EIR's traffic analysis understates existing conditions for the intersection of University Avenue and Woodland Avenue, specifically for the PM peak hour, citing "ongoing field observations" that demand consistently exceeds capacity for this intersection. The comment provides no quantitative data, such as intersection turning movement counts collected at the intersection in question, to document these observations. The comment states that the General Plan Update may result in a significant impact at this intersection if existing conditions were more accurately represented. The comment also states that signal timing at this intersection does not optimize throughput for the highest demand approaches.

Traffic consultants conducted traffic volume counts in February 2015 using standard methods to conduct intersection turning movement counts and roadway segment counts at intersections and on roadway segments in and near East Palo Alto. To collect traffic volume data at intersections, surveyors conducted manual traffic counts of motor vehicles, bicyclists, and pedestrians passing through the intersection during the AM and PM peak flow periods on February 18, 2015, which was a typical non-holiday weekday, and which could therefore be expected to reflect typical peak hour conditions. Automobile LOS was then evaluated by following the procedures and analysis methods prescribed by the San Mateo City/County Association of Governments (which is the Congestion Management Agency for San Mateo County) for transportation impact analyses, and by applying the automobile LOS standard adopted by the City of East Palo Alto (which is the agency with jurisdiction over the intersection). The LOS calculations used actual traffic volumes, signal timing, and lane geometry. The Draft EIR's evaluation of intersection LOS for existing conditions, as well as the cumulative scenarios with and without the General Plan Update, is based on the measured characteristics of the intersection.

The traffic analysis determined that the intersection of University Avenue and Woodland Avenue currently operates at LOS D. LOS D is defined as having a noticeable influence of congestion, with longer delays resulting from some combination of unfavorable signal progression, long cycle lengths, or high volume-to-capacity (V/C) ratios. Many vehicles stop and individual cycle failures are noticeable. Under both Cumulative No Project and Cumulative with Project conditions, the traffic analysis projected that this intersection would not meet its designated LOS of D for the AM peak hour (a significant and unavoidable impact identified on page 4.14-37 of the

Draft EIR), but that the PM peak hour would remain at an acceptable LOS of D.

The comment suggests that the General Plan Update's impacts to this intersection during the PM peak hour may be significant based on anecdotal observation but does not provide specific evidence. The analysis in the Draft EIR used standard methodology to collect traffic volume data and calculate LOS at representative intersections across the community.

- 6-10 The comment requests that the EIR include an evaluation of the intersection of Embarcadero Road and East Bayshore Road.

As it is not practical to study every intersection and roadway segment in the City, study intersections and study roadway segments in the transportation impact analysis were selected in consultation with City staff because they represented key locations used by vehicles traveling to and from the City and exemplified the traffic conditions of the immediate area. In selecting intersections, the transportation consultants and City staff took into account multiple considerations, including field observations of the roadway system; the results of transportation impact analyses conducted for previous projects in and near the City; the likely location and extent of future land use developments within and in the vicinity of East Palo Alto; and comments received on the Notice of Preparation. The closest intersection to Embarcadero Road/East Bayshore Road studied in the Draft EIR is the Pulgas Avenue/East Bayshore Road intersection. The Pulgas Avenue/East Bayshore Road intersection is likely to have greater impacts than the Embarcadero Road/East Bayshore Road intersection due to its relatively closer proximity to areas of development allowed by the General Plan Update.

The intersection of Embarcadero Road and East Bayshore Road was not previously identified for inclusion in the transportation impact analysis based on consultation with City staff. No comments received on the Notice of Preparation requested an evaluation of this intersection, and nothing in the likely future development pattern of the City suggested that evaluating this intersection would provide a better or more representative indication of potential future traffic impacts than the intersections which were chosen for study.

- 6-11 The comment requests evaluation of the intersection of University Avenue and US 101 southbound ramps.

As discussed in the response to comment 6-10, it is not practical to study every intersection and roadway segment in the City. Study intersections and study roadway segments in the transportation impact analysis were selected in consultation with City staff because they represented key locations used by vehicles traveling to and from the City and exemplified the traffic conditions of the immediate area. In selecting intersections, the transportation consultants and City staff took into account multiple considerations, including field observations of the roadway system; the results of transportation impact analyses conducted for previous projects in and near the City; the likely location and extent of future land use developments within and in the vicinity of the City of East Palo Alto; and comments received on the Notice of Preparation. The Draft EIR studied two intersections in close proximity to the intersection of University Avenue/US 101 southbound ramps: Woodland Avenue/University Avenue to the south and Donohoe Street/University Avenue to the north.

The intersection of University Avenue and US 101 southbound ramps was not previously identified for inclusion in the transportation impact analysis based on consultation with City of East Palo Alto. No comments received on the Notice of Preparation requested an evaluation of this intersection, and nothing in the likely future development pattern of the City suggested that evaluating this intersection would provide a better or more representative indication of potential future traffic impacts than the intersections which were chosen for study.

- 6-12 The comment states that the EIR should evaluate the traffic impacts to the Newell Road/Woodland Avenue intersection and increased traffic on Newell Road in Palo Alto, particularly as they would affect access at the Newell Bridge.

As discussed in the response to comment 6-10, it is not practical to study every intersection and roadway segment in the City. Study intersections and roadway segments in the transportation impact analysis were selected in consultation with City staff because they represented key locations used by vehicles traveling to and from the City and exemplified the traffic conditions of the immediate area. In selecting intersections, the transportation consultants and City staff took into account multiple considerations, including field observations of the roadway system; the results of transportation impact analyses conducted for previous projects in

and near the City; the likely location and extent of future land use developments within and in the vicinity of the City of East Palo Alto; and comments received on the Notice of Preparation. The closest intersection to Newell Road/Woodland Avenue studied in the Draft EIR is the University Avenue/Woodland Avenue intersection. Because University Avenue is a key arterial in East Palo Alto that carries a high proportion of the City's traffic and Newell Road is a collector street with relatively low traffic volumes, the University Avenue/Woodland Avenue intersection is likely to have greater impacts than the Newell Road/Woodland Avenue intersection.

The intersection of Newell Road and Woodland Avenue in Palo Alto was not previously identified for inclusion in the transportation impact analysis based on consultation with City staff. No comments received on the Notice of Preparation requested an evaluation of this intersection or this roadway, and nothing in the likely future development pattern of the City suggested that evaluating this intersection would provide a better or more representative indication of potential future traffic impacts than the intersections and roadway segments which were chosen for study.

- 6-13 The comment proposes a change to the General Plan Update. Specifically, the comment suggests that the City consider adding a conceptual street section with transit-only lanes on University Avenue and adding language about an option for transit-only lanes to General Plan Update Goal T-2, Policy 2.2.

The City notes this comment about the General Plan Update. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 6-14 The comment states that the EIR should consider the addition of pedestrian, bicycle, and transit facilities as mitigation measures for significant and unavoidable traffic impacts identified in the EIR.

The Draft EIR discusses these measures on pages 4.14-42 and 4.14-43 of the Draft EIR. Because implementation of some transit facilities and services would require additional funding and approval from outside agencies and the City cannot guarantee that they would be implemented, and because the effects of the pedestrian, bicycle, transit, and TDM measures on vehicle trips are uncertain, the impact would remain significant and unavoidable.

- 6-15 In what appears to be a response to General Plan Update Goal ISF-2, Policy 2.3, the comment states that the City of Palo Alto has no current plans for a water supply exchange program. The comment is noted. The comment further notes that “there is no identified program” to meet expected increases in water demand associated with the General Plan Update. Please refer to Goal ISF-2 and its associated policies and **Mitigation Measure UTL-1**. The mitigation measure was developed to address the acknowledged water shortage. If the City adopts the General Plan Update, the City would pursue the policies identified under Goal ISF-2. Given the uncertainty over timing and form of solutions from these efforts, the Draft EIR properly considers the General Plan Update’s effect on water supply to be significant and unavoidable.

Guido Persicone
Community and Economic Development Department
1960 Tate Street
East Palo Alto, CA 94303

June 10, 2016

Dear Mr. Persicone,

7-1 Thank you for the opportunity to comment on the draft Environmental Impact Report for East Palo Alto's draft General Plan Update. We found the EIR comprehensive and reflective of the attention to detail found in the draft General Plan Update. The EIR reflects concern for the health and wellbeing of East Palo Alto citizens, though we are apprehensive about findings in the Air Quality section.

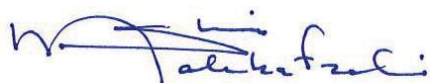
The Air Quality section of the Draft EIR states that VTM will increase at a greater rate than population growth and that there are "no feasible mitigation measures that would reduce this impact to a less-than-significant level". Poor air quality due to increased VMT poses significant health risks such as asthma and other respiratory diseases. It is imperative that East Palo Alto do everything within its power to address air quality impacts due to implementation of the General Plan in order to avoid severe negative health outcomes.

7-2 The Draft General Plan highlights goals and policies for accommodating diverse modes of travel that can reduce the use of single occupancy vehicles and overall VMT per person. These goals include creating extensive new bicycle infrastructure and enhanced pedestrian infrastructure, supporting regional transit for residents travelling long distances for work, and implementing transportation demand management programs to reduce travel demand. The plan also allows for a significant increase in commercial and office development which will shift the share of residents who work in the city, thus decreasing VMT.

Why, given these measures, does the City expect to see a significant and unavoidable negative impact on VMT and air quality? If these measures are insufficient to prevent poor outcomes for air quality and residents' health, the City must look to other mitigation measures to offset the effects of growth and development on air quality. Please contact Maeve Johnston, Community Health Planner, at (650) 573-2415 or mjohnston@smcgov.org with questions.

The City has shown a deep commitment to protecting the citizens of East Palo Alto and ensuring a healthy future through the General Plan process and I urge you to take every step in safeguarding air quality so the city can grow in a healthy, equitable way.

Sincerely,



Shireen Malekafzali, MPH
Senior Manager for Policy and Planning and Equity
San Mateo County Health System



Responses to Comment Letter 7 - Shireen Malekafzali, County of San Mateo Health System

- 7-1 The comment states that the County of San Mateo Health System found the EIR comprehensive and reflective of the General Plan Update.

The City notes the comment. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 7-2 The comment questions why, given the mitigation measures proposed in the Draft EIR, does the City expect significant and unavoidable impacts related to vehicles miles traveled (VMT) and air quality. The comment adds that other mitigation measures should be considered to offset the effects of growth and development on air quality.

As established in Draft EIR, **Section 4.3, Air Quality**, The General Plan Update would result in an estimated additional 7,361 residents between 2015 and 2040. Using 2015 as a baseline year, VMT in the City with the General Plan Update is anticipated to increase by 35 percent by 2040, while the increase in population would be 25 percent.

This relationship triggers a significant and unavoidable impact related to the following CEQA threshold question: *would the project conflict with or obstruct implementation of an applicable Air Quality Plan?* The Bay Area Air Quality Management District (BAAQMD) is responsible for developing a Clean Air Plan, which is the applicable air quality plan for East Palo Alto. The *Bay Area 2010 Clean Air Plan* establishes air quality standards and establishes regional control measures to reduce ozone precursor emissions, particulate matter, and GHG emissions.

According to the BAAQMD Air Quality Guidelines, proposed plans must show that the rate of increase in VMT within the plan area is equal to or lower than the rate of increase in population projected for the proposed plan. As discussed above, VMT attributable to the General Plan Update is anticipated to increase by 35 percent, while the increase in population is estimated to be 25 percent. This would lead to greater regional emissions of non-attainment air pollutants than assumed in the BAAQMD Clean Air Plan, resulting in a conflict with the applicable air quality plan.

To reduce this impact, the General Plan Update would need to significantly reduce projected 2040 VMT. Unfortunately, the City's the high relative VMT is due to a number of existing factors. The City's very unfavorable jobs-housing balance is a factor. For every employed resident in East Palo Alto,

there are 0.2 jobs. Consequently, the vast majority of East Palo Alto residents must travel outside East Palo Alto for work, thereby increasing the City's average VMT. The General Plan Update seeks to encourage employment-focused land uses in the City and over the long term improve the availability of local jobs and promoting alternative modes of transit. The General Plan Update is also taking steps to reduce transportation-based air pollution sources by formalizing programs to promote biking, walking, and other forms of transit.

To further reduce VMT under the General Plan Update enough to fully avoid the aforementioned conflict with the Clean Air Plan, the City would have to convert substantial areas of existing residential land uses into commercial uses to increase the availability of local jobs. Such actions would displace current residents, which would be unacceptable to the City, inconsistent with existing City policy, and inconsistent with several General Plan Update goals and policies. Therefore, there is no other feasible mitigation to adequately reduce VMT under the General Plan Update. This impact remains significant and unavoidable.

DEPARTMENT OF TRANSPORTATION

DISTRICT 4
P.O. BOX 23660
OAKLAND, CA 94623-0660
PHONE (510) 286-5528
FAX (510) 286-3559
TTY 711
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June 13, 2016

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SM-VAR-VAR
SCH # 2014092027

Mr. Guido Persicone
Community and Economic Development Department
City of East Palo Alto
2960 Tate Street
East Palo Alto, CA 94303

East Palo Alto General Plan Update -- Draft Environmental Impact Report

Dear Mr. Periscone:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the East Palo Alto General Plan Update. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system, in which we seek to reduce statewide vehicle miles traveled (VMT) and increase non-auto modes of active transportation. Caltrans plans to increase non-auto mode shares by 2020 through tripling bicycle, and doubling pedestrian and transit. Also, these targets support the Metropolitan Transportation Commission's (MTC) Sustainable Communities Strategy, which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent. Our comments are based on the Draft Environmental Impact Report (DEIR). Additional comments may be forthcoming pending final review.

Project Understanding

The City of East Palo Alto (City) has proposed a comprehensive update and revision to its 1999 General Plan, which will serve as the City's long-term guide for land use and development decisions through the year 2035. The City recognizes that the 1999 General Plan must be updated to account for significant changes in the job and housing markets, demographics, transportation, and infrastructure demands. Under the General Plan update, it is anticipated that the City will grow by approximately 7,500 residents, 2,519 residential units, 333,406 square-feet (sf) of retail, 1,939,853 sf of office, and 267,987 sf of industrial space. Particularly, the Ravenswood/Four Corners Area would experience the most intensification under the Ravenswood Transit-Oriented Development Specific Plan, which includes the development of 835 residential units, 112,400 sf of retail, 1,235,853 sf of office, and 267,987 sf of industrial space.

The City is located in the southeastern corner of San Mateo County, bordered by Menlo Park to the north and west and Palo Alto to the south. Regional access is gained via US 101, State Route

Mr. Guido Persicone, City of East Palo Alto
 June 13, 2016
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(SR) 84 (Bayfront Expressway), SR 109 (University Avenue), and SR 114 (Willow Road).

Lead Agency

8-1 As the lead agency, the City is responsible for all project mitigation, including any needed improvements to the regional transportation network. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures. This information should also be presented in the Mitigation Monitoring and Reporting Plan of the environmental document.

Transportation Impact Analysis

8-2 The project should consider restricting the size of future development in the City in order to reduce future VMT demand on existing facilities. The February 2016 Transportation Impact Analysis (TIA) acknowledges that the project will significantly impact SR 109 intersections at Bay Road, Donohoe Street, Michigan Avenue, and SR 84; yet some of the recommended mitigation measures are considered infeasible due to right-of-way (ROW) acquisition. The project recommends additional mitigation measures, creating a Traffic Demand Management (TDM) policy and proposing the Dumbarton Rail Corridor, which cannot be guaranteed and would require additional funding from other agencies.

Caltrans does not agree with the EIR's conclusion that mitigation to the regional transportation network located inside the City's jurisdiction is infeasible. There are several options that would allow the City to ensure that direct and indirect traffic impacts, as well as the contribution to cumulative traffic impacts, from the Plan are mitigated to the extent feasible. For example, the potential mitigation measures that include the requirements of other agencies, such as Caltrans, are fully enforceable through permit conditions, agreements, or other legally-binding instruments under the control of the City.

Please provide the following analysis so that Caltrans is able to consider all project-generated transportation impacts:

Analysis of the intersections listed below in addition to those considered in the TIA:

- 8-3
- Northbound (NB) US 101 off-ramp/Donohoe Street;
 - SR 84/Facebook (west) Driveway;
 - NB US 101 on- and off-ramps/SR 109;
 - Southbound (SB) US 101 on- and off-ramps/SR 109;
 - NB US 101 on- and off-ramps/SR 114; and
 - SB US 101 on- and off-ramps/SR 114.

95th percentile queuing analysis for the intersections listed below and provide mitigation measures if the storage length does not adequately accommodate the queue length.

- SR 109/SR 84;

Mr. Guido Persicone, City of East Palo Alto
 June 13, 2016
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8-3
 cont'd

- SR 114/SR 84;
- SR 114/Newbridge Street;
- SR 109/Donohoe Road;
- SR 109/Woodland Avenue;
- Northbound US 101 off-ramp/Donohoe Street; and
- SR 84/Facebook (west) Driveway.

The NB and SB freeway segment analysis for the AM and PM peak hour on US 101 between Embarcadero Road and March Road. If these freeway segments experience impacts, please provide potential mitigation measures.

Hydrology

8-4

Under project build-out, the increase in storm water runoff from new development may impact the design capacity of existing State drainage systems. A Drainage Plan and Drainage Report, consisting of hydrological calculations before and after project development, must be provided during encroachment permit review.

Multimodal Planning

Caltrans commends the City for including Policy 7.3, Multimodal Transportation Impact Fee, in the proposed General Plan Update. The policy would adopt a transportation impact fee to fund capital improvements that improve all modes of transportation. The City should ensure the connection of existing bike lanes, sidewalks, and multi-use trails to facilitate walking and biking to nearby jobs, neighborhood services, and transit. Providing these connections with streets configured for alternative transportation modes will reduce VMT by promoting usage of the potential Dumbarton Rail Corridor and nearby San Mateo County Transit District (SamTrans) Routes 280, 281, 296, 297, and 397.

8-5

Successful long-term implementation of a Complete Streets policy can help revitalize communities, and may provide residents with additional options to lower transportation costs by using public transit, walking, or bicycling rather than driving to reach their destinations. Moreover, Complete Street elements would reduce traffic congestion and greenhouse gas emission, create walkable communities (with healthier and more active residents), and eliminate barriers for the elderly, children, and people with disabilities.

We also encourage you to develop TDM policies to promote smart mobility and reduce regional VMT and traffic impacts to the State highway system. Please consider the TDM options below. For information about parking ratios, please see MTC's report, *Reforming Parking Policies to Support Smart Growth*, or visit the MTC parking webpage: http://www.mtc.ca.gov/planning/smart_growth/parking.

- Project design to encourage walking, bicycling, and convenient transit access;
- Transit fare incentives such as such as subsidized transit passes on a continuing basis;

Mr. Guido Persicone, City of East Palo Alto
 June 13, 2016
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8-5
 cont'd

- Lower parking ratios;
- Car-sharing programs;
- Designated bicycle parking;
- Formation of a Transportation Management Association (TMA) in partnership with developments in intensifying urban areas;
- Aggressive trip reduction targets with monitoring and enforcement; and
- Reducing headway times of nearby SamTrans Routes 280, 281, 296, 297, and 397.

8-6

Encroachment Permit

Please be advised that any work or traffic control that encroaches onto the State ROW requires an encroachment permit that is issued by Caltrans. To apply, a completed encroachment permit application, environmental documentation, and five (5) sets of plans clearly indicating State ROW must be submitted to the following address: David Salladay, District Office Chief, Office of Permits, California Department of Transportation, District 4, P.O. Box 23660, Oakland, CA 94623-0660. Traffic-related mitigation measures should be incorporated into the construction plans prior to the encroachment permit process. See the website linked below for more information: <http://www.dot.ca.gov/hq/traffops/developserv/permits>.

Should you have any questions regarding this letter or require additional information, please contact Cole Iwamasa at (510) 286-5534 or cole.iwamasa@dot.ca.gov.

Sincerely,



PATRICIA MAURICE
 District Branch Chief
 Local Development - Intergovernmental Review

Responses to Comment Letter 8 - Patricia Maurice, California Department of Transportation

- 8-1 The comment states that the City, as the Lead Agency, is responsible for all project mitigation, including improvements to the regional transportation network. The comment requests that the project's fair share contribution, financing, scheduling, implementation responsibilities, and lead agency monitoring be fully discussed for all mitigation measures and presented in the Mitigation Monitoring and Reporting Program (MMRP).

The MMRP (**Chapter 3.0** of this Final EIR) includes all mitigation measures identified in the EIR, the agency responsible for implementing each measure, and the appropriate timing of each measure in the project development process. The amount of the project's fair share contributions and financing relate to the economics of implementing mitigation measures rather than impacts and thus are not a CEQA topic. Though there is no feasible program-level mitigation, individual projects would be subject to CEQA review and thus responsible for identifying project-specific impacts and any feasible project-level mitigation. Future development under the General Plan Update would be subject to CEQA analysis, and would be and required to mitigate impacts (including impacts to regional traffic) and outline project-level mitigation in an MMRP. In addition, General Plan Update Goal T-7, Policy 7.3 would move East Palo Alto toward adoption of a multimodal transportation impact fee. Proceeds from the fee would be used to fund the pedestrian, bicycle, transit, and TDM facilities and services outlined in the General Plan Update.

- 8-2 The comment disagrees with the Draft EIR's conclusion that mitigation of traffic impacts at intersections and on roadway segments is infeasible, stating that options that include requirements of other agencies are fully enforceable.

As discussed on pages 4.14-42 and 4.14-43 of the Draft EIR, providing additional travel lanes or otherwise increasing vehicular capacity at these intersections is not feasible because of limited available public right-of-way. Moreover, the General Plan Update specifically seeks to avoid roadway widening in Goal T-8, Policy 8.2. Signal timing adjustments may improve intersection operations, but major timing changes would be infeasible due to traffic, transit, or pedestrian signal timing requirements. Therefore, the Draft EIR concludes that mitigation of traffic impacts through roadway and/or intersection widening is infeasible.

The City agrees that other potential mitigation measures that require approval and funding from other agencies can be fully enforceable at the project level. However, the Draft EIR is a programmatic document and these measures are not guaranteed at this time, so the Draft EIR concludes that traffic impacts would remain significant and unavoidable. Future development proposals would undergo project-level CEQA review, at which time their transportation impacts would be fully evaluated, and feasible, project-level mitigation measures may be implemented at that time.

8-3 The comment requests additional traffic analyses.

As it is not practical to study every intersection and roadway segment in the City and its surroundings, study intersections and study roadway segments in the transportation impact analysis were selected in consultation with City staff because they represented key locations used by vehicles traveling to and from the City. These intersections were selected because they exemplified the traffic conditions of the immediate area and provided an appropriate basis for programmatic review. In selecting intersections, the transportation consultants and City staff took into account multiple considerations, including field observations of the roadway system; the results of transportation impact analyses conducted for previous projects in and near the City; the likely location and extent of future land use developments within and in the vicinity of the City of East Palo Alto; and comments received on the Notice of Preparation.

The intersections and roadway segments where additional traffic analyses are requested by the commenter were not previously identified for inclusion in the transportation impact analysis based on consultation with The City staff. No comments received on the Notice of Preparation requested an evaluation of these intersections and/or roadway segments, and nothing in the likely future development pattern of the City suggested that evaluating these intersections and segments would provide a better or more representative indication of potential future traffic impacts than the intersections and roadway segments which were chosen for study.

8-4 The comment states that individual project developed under the General Plan Update could increase stormwater runoff into State facility drainage systems (particularly along US 101, Bayfront Expressway [SR 84], SR 109, and SR 114). To this end, the comment states that such prospective effects must be assessed through a Drainage Plan and Drainage Report consisting of pre- and post-project hydrological calculations.

Future specific projects under the General Plan Update that require an encroachment permit will comply with C.3 stormwater requirements in the Municipal Regional Permit. The policies included in Goal ISF-1 would act to reduce the potential for stormwater generation from individual development projects. The City acknowledges the requirement for Caltrans encroachment permits for certain development projects and will comply with all pertinent regulations of permit conditions.

- 8-5 The comment commends the City for its multimodal transportation impact fee policy in the General Plan Update, lists benefits of a Complete Streets policy, and suggests various TDM options.

The City notes the inclusion of Goal T-8 of the General Plan Update; Policy 8.1 under this goal is for the City to adopt a TDM ordinance.

- 8-6 The comment notes that any project that encroaches onto the State right-of-way requires an encroachment permit and describes the application process and requirements. The City notes and accepts the permit requirement for work in any state ROW.

San Francisco Bay Conservation and Development Commission

455 Golden Gate Avenue, Suite 10600, San Francisco, California 94102 tel 415 352 3600 fax 415 352 3606

June 15, 2016

Guido F. Persicone
Senior Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

SUBJECT: Notice of Availability of the Draft Environmental Impact Report for the 2035 East Palo Alto General Plan

Dear Mr. Persicone:

9-1 Thank you for the opportunity to comment on the Notice of Availability of the Draft Environmental Impact Report for the 2035 East Palo Alto General Plan (Draft EIR), dated April 29th, 2016 and received in our office on May 2nd, 2016. We have noted that the Notice of Availability states the plan horizon to be 2035, however the Draft EIR explains the horizon was changed to 2040 due to the recent availability of new regional projections. While the Commission has not reviewed the Draft EIR, the following staff comments are based on staff review of the Draft EIR for consistency with the McAteer-Petris Act, and the policies of the San Francisco Bay Plan (Bay Plan).

Jurisdiction. The Commission has jurisdiction over all areas of the Bay subject to tidal action, which is defined as the shoreline that extends to mean high water except in marsh areas, where the Commission’s Bay jurisdiction extends to five feet above mean sea level. The Commission also has “shoreline band” jurisdiction over an area 100 feet wide inland and parallel to the shoreline. The Commission also has jurisdiction over designated priority use areas, such as the area north of San Francisquito Creek and east of the Bay Trail.

9-2 Comments on the EIR Notice of Preparation (NOP), submitted to the City of East Palo Alto by BCDC staff on October 1, 2014, described the Commission’s jurisdiction and recommended the Draft EIR include a discussion of how any potential land use changes within BCDC’s jurisdiction will be consistent with the Commission’s policies.

The Land Use and Planning section on page 4.10-3 of the Draft EIR states: “Projects approved by BCDC must be consistent with the McAteer-Petris Act and BCDC’s master planning document, the *San Francisco Bay Plan* (Bay Plan). The McAteer-Petris Act allows for fill in the San Francisco Bay for water-oriented uses, but only if proposed projects include maximum



feasible public access.”

9-2
cont'd

Please note that all projects with potential impacts to land and resources within BCDC jurisdiction, including increased density and public use along and near designated shoreline habitat, must be consistent with the McAteer-Petris Act and the Bay Plan. For example, proposed projects within BCDC’s jurisdiction must minimize the amount of Bay fill placed and demonstrate there is no alternative upland option, minimize harmful impacts to the Bay, be constructed in accordance with sound safety standards, and have public benefits clearly exceeding public detriments, and be consistent with BCDC’s climate change, natural resource, and development policies.

9-3

Page 4.9-11 of the Draft EIR states: “For planning purposes, BCDC assumes that projects have a lifespan of at least 50 to 90 years.”

Please note that BCDC determines the project lifespan on a case-by-case basis, depending on factors such as materials used, construction, design, and environmental exposure among other criteria.

Sea Level Rise. Comments on the EIR Notice of Preparation (NOP), submitted to the City of East Palo Alto by BCDC staff on October 1, 2014, state: “The draft EIR should include an analysis of how an increase in sea level under multiple sea level rise scenarios could impact low-lying shoreline areas. This should include information on (1) current shoreline elevations and vertical land motion (e.g., subsidence or uplift); (2) current rates of sedimentation, if known; (3) projected changes in wetland communities given sea level rise (this should also include information on surrounding areas); (4) projected hydraulic changes that would result in a change in tidal heights, duration of ponding, drainage, erosion, or sedimentation; and (5) the condition of existing shoreline protection.”

9-4

Section 4.9 of the Draft EIR, which addresses Hydrology and Water Quality, generally describes the City of East Palo Alto’s elevation and hydrologic characteristics, and notes that the existing system of levees is incomplete. It states, part: “Although numerous low points and openings exist in the overall levee system, allowing tides to overtop or bypass the levee system, these levees may still reduce the depth and extent of flooding during a 100-year tide. The City of East Palo Alto warns that future floods may also occur due to levee breaks.” The section also states: “As a consequence of sea level rise, tidal marsh areas would naturally migrate inland”.

The Draft EIR should qualitatively identify and generally discuss local vertical land motion and current rates of sedimentation in the context of sea level rise, and their contribution to vulnerability and risk to future development proposed in East Palo Alto. In addition, not all tidal marshes will be able to migrate inland as sea level rises as many are constrained by existing development. Marshes that are unable to migrate inland or keep pace with sea level rise are likely to undergo habitat conversion (e.g. shift from tidal marsh to mudflat). Marsh migration and persistence depend upon local elevation, upland transition space availability, sedimentation rates, and other factors. The Future San Francisco Bay Tidal Marshes tool can be used to explore how future sea level rise may change tidal marsh habitat extent under various

9-4
cont'd

sea level rise and sedimentation scenarios: <http://data.prbo.org/apps/sfbslr/>. The Draft EIR should discuss how future sea level rise could impact the City of East Palo Alto's General Plan Policies, and what opportunities there are to enhance marshlands to be resilient and adaptive to future sea level rise especially by protecting accommodation space to allow for inland migration.

9-5

Section 4.9 of the Draft EIR notes that there is one groundwater supply well at Gloria Way and Bay Road, and states: "A groundwater well at Cooley Landing could produce non-potable water but is not currently in use. It would be used for irrigation in the redevelopment of Cooley Landing as a community park." The Draft EIR notes that Cooley Landing has one of the greatest concentrations of known hazardous contaminants in East Palo Alto, due to historical industrial use (page 4.8-14). The Draft EIR also reports that the Cooley Landing area is designated as FEMA flood hazard zone VE (page 4.9-16) – meaning in addition to being in the 100-year flood zone it is subject to hazard from storm-induced velocity wave action.

The Draft EIR should discuss how rising sea level may impact groundwater. Specifically, the potential impact of rising sea level-induced salinity intrusion, groundwater hydrology alteration, mobilization of contaminants, and increased flooding hazard should be discussed in the Draft EIR and used to evaluate the proposed land use changes at Cooley Landing and the surrounding area.

9-6

Furthermore, the Draft EIR should discuss how the use of Cooley's Landing Park and Bay Trail is consistent with the Commission's designation of these locations as priority use areas for parks and recreation, as well as the authorizations and requirements set forth in BCDC Permit No. M2011.002.01.

9-7

Transportation. Comments on the NOP submitted to the City of East Palo Alto by BCDC staff on October 1, 2014, state in part the Commission's transportation policies, including: "Transportation projects ... should include pedestrian and bicycle path that will either by a part of the Bay Trail or connect the Bay Trail with other regional and community trails."

The Draft EIR should evaluate the potential to enhance recreation and open space use via connections to the Bay Trail, the San Francisco Bay Area Water Trail, and other regional park and recreation initiatives. Effort particularly should be made to connect the areas currently underserved by parks (identified on page 4.13-21 as Weeks, Kavanaugh, Willow, and Woodland).

9-8

Public Access. Section 66602 of the McAteer-Petris Act states, in part: "existing public access to the shoreline and waters of the San Francisco Bay is inadequate and that maximum feasible public access, consistent with a proposed project, should be provided." The Draft EIR should indicate how land uses changes proposed within the Commission's jurisdiction, as well as changes located outside the Commission's jurisdiction that impacting resources within the Commission's jurisdiction, are consistent with the Commission's laws and polices, and in particular the public access policies. The Draft EIR should also consider how rising sea level could impact public access and shoreline use.

Guido F. Persicone

June 15, 2016

Page 4

Thank you for the opportunity to comment on the East Palo Alto General Plan (Draft EIR). If you have any questions regarding this letter please do not hesitate to contact me by phone at (415) 352-3626 or email isaac.pearlman@bcd.ca.gov.

Sincerely,

A handwritten signature in black ink that reads "Isaac Pearlman". The signature is written in a cursive style with a large, stylized initial "I".

ISAAC PEARLMAN

Coastal Program Analyst

IP/as

Responses to Comment Letter 9 - Isaac Pearlman, San Francisco Bay Conservation and Development Commission

- 9-1 The comment notes that the General Plan horizon year is 2035 and the Draft EIR horizon year is 2040.

The comment is correct that the Draft EIR uses 2040 as the horizon year, while the General Plan Update uses 2035. As discussed in **Section 3.2** of the Draft EIR, the City initially established 2035 as the horizon year for the General Plan Update; in other words, the year by which the City would expect that policies and programs would be fully realized and a further comprehensive review of the plan may be warranted. However, regional projections to the year 2040 became available around the time the Draft General Plan was released. In particular, year 2040 information became available through the regional transportation model produced by the City/County Association of Governments (C/CAG) of San Mateo County. Therefore, this EIR considers 2040 as the horizon year of the project.

- 9-2 The comment notes that all projects with potential impacts to lands and resources under BCDC jurisdiction must be consistent with the McAteer-Petris Act and the Bay Plan.

Individual development proposals would be subject to project-level CEQA review, and those that propose Bayfront property development would include analysis of the proposed project's consistency with the McAteer-Petris Act and the Bay Plan.

- 9-3 The comment corrects a statement in the Draft EIR about BCDC's determination of a project's lifespan.

The City proposes the following changes to the text on page 4.9-11 in response to the comment:

For planning purposes, BCDC assumes that projects have a lifespan of at least 50 to 90 years. BCDC determines the project lifespan on a case-by-case basis, depending on factors such as materials used, construction, design, and environmental exposure, among others.

- 9-4 The comment requests a qualitative discussion of local vertical land motion and sedimentation rates in the context of sea level rise, and their contribution to vulnerability of development allowed by the General Plan Update. The comment also states that the EIR should discuss impacts of sea level rise on the General Plan Update's policies and opportunities to enhance marshlands.

The comment requests a highly technical analysis and discussion of sea level rise and its impacts on the General Plan Update. As a Bayfront community, East Palo Alto is very interested in the topic of sea level rise. The City has a long history of flooding problems and recognizes that sea level rise is likely to exacerbate its flooding issues. General Plan Update Goal SN-2, Policy 2.2 directs the City to consider expanding boundaries of development control in areas that are vulnerable to inundation by rising sea levels, and the Implementation Element contains plans for an analysis of the City's vulnerability to sea level rise.

The Draft EIR takes a long-term, programmatic view using BCDC's sea level rise projections, shown in **Figure 4.9-2**, and discusses sea level rise on page 4.9-18. The City undertook these efforts notwithstanding that the thresholds of significance in Appendix G of the CEQA Guidelines do not include specific criteria about sea level rise. An in-depth study of the potential impacts of sea level rise on development envisioned by the General Plan Update is beyond the scope of the environmental analyses required in this document.

Moreover, the General Plan Update is not an ecosystem restoration project; therefore, it is not required to study impacts of sea level rise on the extent of tidal marsh ecosystems, explore marshland resilience and adaptability to future sea level rise, nor provide space for inland marsh migration with sea level rise.

- 9-5 The comment summarizes information from the Draft EIR about Cooley Landing, particularly with respect to groundwater, hazardous materials, and flood hazard, and requests that the Draft EIR discuss how rising sea level may impact groundwater and use this information to evaluate proposed land use changes at Cooley Landing and surrounding areas.

Section 4.7, Greenhouse Gas Emissions and Energy, of the Draft EIR mentions impacts of sea level rise on saltwater intrusion and flooding hazard on page 4.7-10. The Water Supply Assessment (WSA) prepared for the General Plan Update (**Appendix F** of the Draft EIR) acknowledges groundwater supply as a potential speculative new water source, but the

water supply estimates in **Table 4.15-2** of the Draft EIR do not rely on groundwater yields for conclusions regarding the availability of water for development. In addition, before the City considers any specific source of groundwater for drinking or other purposes, standard testing will be done to ensure the water is safe for proposed uses.

- 9-6 The comment states that the Draft EIR should discuss how the use of Cooley Landing Park and the Bay Trail is consistent with BCDC designations of these locations as priority use areas for parks and recreation, as well as permit requirements of BCDC Permit No. M2011.002.01.

The General Plan Update does not intend to change the current uses of Cooley Landing Park and the Bay Trail except to enhance community access. Future improvements will be consistent with BCDC regulations.

- 9-7 The comment requests that the Draft EIR evaluate the potential to enhance recreation and open space use via connections to the Bay Trail, the San Francisco Bay Area Water Trail, and other regional park and recreation initiatives, with a particular focus on connecting areas currently underserved by parks.

Major Strategy 10 of the General Plan Update calls for “improved access to the Bay Trail at key junctures.” General Plan Update Goal LU-20, Policy 1.163, Goal T-4, Policy 1.20, and Goal OS-1, Policy 1.9 each call for improved/enhanced Bay Trail connections. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

- 9-8 The comment states that the Draft EIR should indicate consistency of the General Plan Update with BCDC’s laws and policies and consider how sea level rise could impact public access and shoreline use.

As noted in several responses above, the General Plan Update includes numerous policies consistent with the McAtter-Petris Act; the City shares the objective of the commenter to improve public access to shoreline and waters of San Francisco Bay. The General Plan Update retains existing open space/park/conservation uses along the City’s shoreline areas in a manner consistent with BCDC goals and policies. Moreover, **Section 4.9** of the Draft EIR acknowledges the potential for sea level rise to affect the community in many ways, not merely in terms of public access to shoreline areas.

RAVENSWOOD SHORES BUSINESS DISTRICT, LLC (RWSBD)

PO Box 51862, Palo Alto CA 94303
Jeff Poetsch, President - 650-369-2599

June 15, 2016

Mr. Guido Persicone, Planning Director
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

RE: Draft General Plan and Draft EIR

Dear Mr. Persicone,

As you know, the Ravenswood Shores Business District was actively involved and fully supportive of the Ravenswood / 4 Corners Specific Plan. Our comments below generally relate to possible “inconsistencies” between that Specific Plan and the draft General Plan and well as introduces a few items for additional consideration that we believe warrant consideration.

Draft General Plan

1. *General* - It may be appropriate to include in many of these sections a “Policy” that states, “Except as otherwise identified in the General Plan as an exception, (like the consideration that the loop road may be aligned with Pulgas rather than Demeter) the guidance provided in the Ravenswood / 4 Corners Specific Plan supersedes policies from this General Plan.” (See Infrastructure – Policy 1.12)
2. *General* - There are several sections where different language is used to address the need for funding by commercial and residential development of infrastructure and other community benefits. This language should be consistent throughout and I would suggest that the language in Parks, Open space and Conservation – Policy 3.1 is pretty good. Important to state “its fair share” Additionally, I would suggest that the proposed language include something to the effect that the “fee” as enacted by City Council Ordinance What I’m concerned about is that the way it appears to be currently written, the amount of the fee allowed by the Nexus Study, is the fee indicated in the respective Policy. As we know, this “allowed fee” may often be too high when considered in the context of the aggregation of various impact fees

Also, in this same regard, I would suggest that the General Plan include the reference that other financing mechanism for these costs and capital investments may be appropriate such as grant funding, funding from Regional, State and Federal Agencies as well as assessment districts.

3. *Vision and Guiding Principals* - In Major Strategies I'd suggest that the last line of Item #1 - be edited to simply say "is sensitive to the existing residents" and delete the specific item of "educational levels"
4. *Vision and Guiding Principals* - Table 1-1 mistakenly identifies the 391 Demeter Property as "outside" the Ravenswood Specific Planning area appears to characterize this site as "new park/open space" This site in the Specific Plan was designated as "flex overlay" (office or light industrial.)
5. *Land Use* - It seems that sometime in the development of the Ravenswood / 4 Corners Specific Plan, the objectives of the "Flex Overlay" was lost and this converted to zoning which is now identical to the Ravenswood Industrial Transition. The idea of the Flex Overlay was that this could be EITHER office or industrial - Clearly it makes no sense on Tara Road for this land to have an FAR of .75 when the Waterfront Office zoning to east has an FAR of 3.0 and the Ravenswood Employment to the West has an FAR of 1.0. I believe this reflects a mistake made in the development of the Ravenswood / 4 Corners Specific plan and hopefully we can correct now.
6. *Land Use - Policy - 2.14* - Bay Road would also benefit from the aggregation of Non-Residential Parcels and should be included with University Avenue.
7. *Land Use - Policy - 9.7* - The requirement that the 1st Floor have a minimum height of 15 feet is good and should succeed the Ravenswood / 4 Corners Specific Plan of 16.
8. *Land Use* - Map 4-9 isn't clear regarding the wetlands to the east that are colored. Would suggest consistency with Map 4-2
9. *Land Use - Policy 13.2* - should say "Discontinue toxic and hazardous industrial uses. Encourage cleanup, remediation and redevelopment of contaminated sites"
10. *Land Use - Policy 13.6* - This is very ambiguous and certainly increases the possibility of lengthy appeals of any project within the area. This is what the zoning specifications and design guidelines are for. Should be eliminated.
11. *Transportation - Policy 3.2* - We suggest that Pulgas (rather than Demeter) be considered as the locations for the origination of the loop road off of Bay. This would avoid the need to make "left and right" turns on Bay and would push higher traffic levels away from a part of University Gardens.
12. *Transportation* - We suggest that the area at the north end of Tara / Demeter would be a preferable location for the Tara / Demeter interconnect. Again, this would align with what may be an area of levee enhancement to address sea level rise and better align with pedestrian and bike accommodations.
13. *Health - Policy 12.7* - not sure "require" is the correct term here and may be better said "encourage" - not sure if you should include "approval by City Council" or just leave it at "approval"

14. Parks - Figure 8-7 - A new park location at the east end of Purdue, north end of Demeter is proposed. As land to the north at the east end of Fordham is already designated as "open space / recreation" consideration should be given to this location, in order to maximize the development potential of the 391 Demeter site for commercial uses as many factors will limit the developable area of this site. Additionally, the "scale" of the identified park appears as if this would consume the entire 391 Demeter site which is not appropriate.
15. Infrastructure - Policy 1.3 - this should be tied to a "NEXUS" study. Might want to replace this language with Parks, Openspace and Conservation – Policy 3.1
16. Infrastructure - Policy 2.6 - this should be tied to a "NEXUS" study. Might want to replace this language with in Parks, Openspace and Conservation – Policy 3.1
17. Infrastructure - Policy 3.2 - this should be tied to a "NEXUS" study Might want to replace this language with in Parks, Open space and Conservation – Policy 3.1
18. Infrastructure - Policy 5.1 - Might want to replace this language with in Parks, Open space and Conservation – Policy 3.1
19. Implementation - Water Supply should certainly include augmenting the allocation of water from the SFPUC and the transfer of assured water supply from other BASQUA member
20. Implementation - Table 12-10 Parks
 - a. 1. Develop new citywide parks identifies the specific site at the termination of Purdue Street and Demeter Street. This may be better accomplished at the termination of Fordham street
 - b. 4 – Right of way conversions may want to include the UP railroad right of way on the east side of University Village

Draft EIR

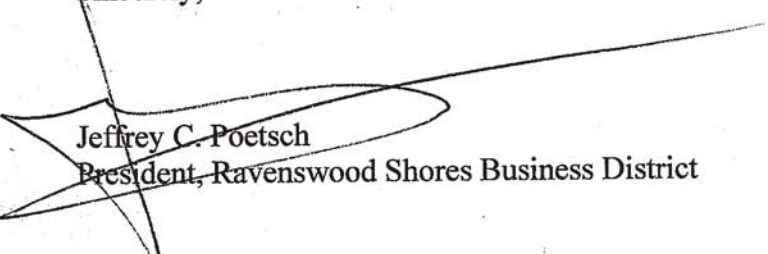
- 10-1 | 1. General - As I was running late in getting this done, I haven't been able to go through in the detail that I would like, comments for the draft EIR. But obviously, comments to the GP flow through to the EIR directly in many cases.
- 10-2 | 2. Anticipated Growth - Table 3.3 reflect anticipated office development in the Ravenswood at 1,235,000sf. With the knowledge that 2020 Bay is proposing 1.4MM sq feet and other office sites are available, should this be adjusted upward?
- 10-3 | 3. Figure 4.4-1. - There's no reference to the source of this mapping and I'd be really curious where it came from - Was it Harvey & Associates?

Mr. Guido Persicone
June 15, 2016
Page 4

- 10-4 | 4. Figure 4.9-1 - The map doesn't reflect the information suggested in the index - It's the area of flooding in the FEMA map but not the added / deleted and remains the same.
- 10-5 | 5. Figure 4.10-1 - The map is incorrect but maybe it doesn't make any difference. I'll come in and we can go over it in detail
- 10-6 | 6. Figure 4.14-4 - The map is missing the connections to the Bay Trail -

Thanks for any consideration of these issues

Sincerely,



Jeffrey C. Poetsch
President, Ravenswood Shores Business District

City Manager, City of EPA (cmartinez@cityofepa.org)

Responses to Comment Letter 10 - Jeffrey C. Poetsch, Ravenswood Shores Business District, LLC

- 10-1 The comment states that comments on the General Plan are related to the Draft EIR.

The City notes the comment. To the extent the City chooses to make any amendments to the General Plan Update, the City will need to take into account the prospective need for changes to the Draft EIR.

- 10-2 The comment asks if the General Plan Update should adjust its anticipated growth numbers to accommodate a 1.4-million-square-foot proposed office project at 2020 Bay Road.

The General Plan Update is intended to be a long-term, long-range blueprint for development. Prospective development projects would be evaluated against the adopted General Plan. As of July 2016, the City understands that the proposed application that the commenter references is on hold. If the application is reactivated, the City will evaluate the application against the adopted General Plan for consistency. To the extent a given project is not consistent with the General Plan, the applicant may wish to adjust the project or propose to the City a General Plan Amendment.

- 10-3 The comment requests the source of **Figure 4.4-1**.

Figure 4.4-1 is from the *East Palo Alto General Plan Update Biological Resources Existing Conditions Report* prepared by H.T. Harvey & Associates in August, 2013.

- 10-4 The comment notes that **Figure 4.9-1** contains a legend with information that is not shown on the figure.

The City proposes to edit **Figure 4.9-1** in response to the comment by removing the legend.



Flood Hazard Zones

- Parcels added in 9/2015 Preliminary FEMA Data
- Parcels removed in 9/2015 Preliminary FEMA Data
- Parcels unchanged

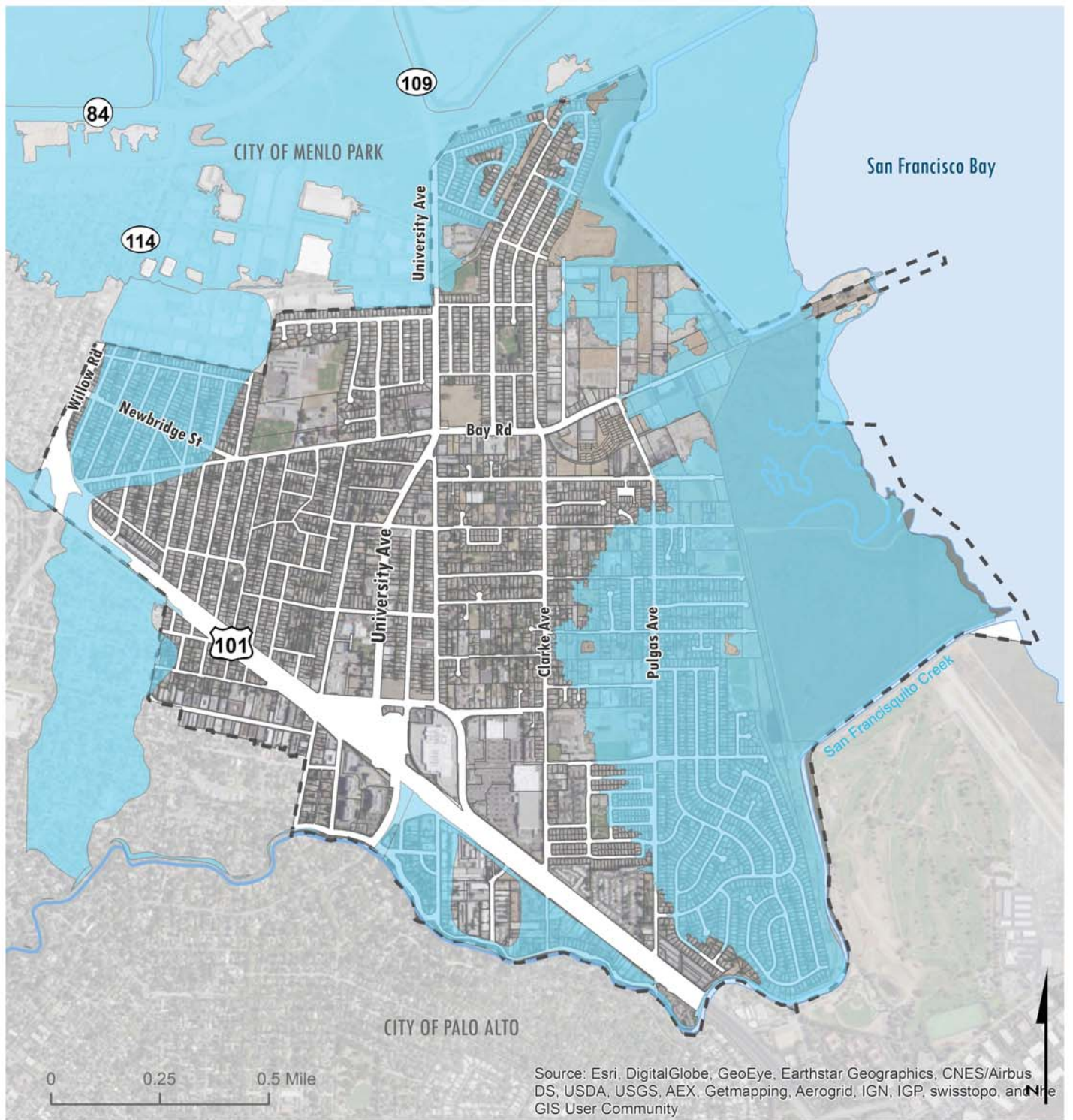
- East Palo Alto City Limits
- San Mateo County Boundary



East Palo Alto Flood Hazard Zones

Figure 4.9-

Source: California Emergency Management Agency, 2009; San Mateo County GIS Enterprise Database and Santa Clara County, 2012. Imagery: ESRI, 2015.



- East Palo Alto City Limits
- San Mateo County Boundary



East Palo Alto Flood Hazard Zones

Figure 4.9-1

Source: California Emergency Management Agency, 2009; San Mateo County GIS Enterprise Database and Santa Clara County, 2012. Imagery: ESRI, 2015.

- 10-5 The comment suggests that the map in **Figure 4.10-1** is incorrect, but is not specific on which elements of the map require revision.

No changes have been made to this figure.

- 10-6 The comment states that **Figure 4.14-4** does not show connections to the Bay Trail.

Figure 4.14-4 shows the existing and proposed pedestrian network. Both existing and proposed connections to the Bay Trail are shown. The comment does not identify any specific connection—either existing or planned—which is missing from the figure and should be included.



San Francisco
Water Power Sewer
Operator of the Hetch Hetchy Regional Water System

525 Golden Gate Avenue, 13th Floor
San Francisco, CA 94102
T 415.554.3155
F 415.554.3161
TTY 415.554.3488

June 14, 2016

Mr. Guido F. Persicone, Senior Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Re: East Palo Alto General Plan and Draft Environmental Impact Report (DEIR)

Dear Mr. Persicone:

Thank you for the notice of availability and for this opportunity to comment on the East Palo Alto General Plan (Plan) and on the related Draft Environmental Impact Report (DEIR). On behalf of the San Francisco Public Utilities Commission (SFPUC), we provide the following general comments below and specific comments in the attached table to be addressed in the final Plan and EIR.

Background

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way (ROW) in three Bay Area counties that are part of the Hetch Hetchy Regional Water System providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities (that may affect SFPUC lands and infrastructure) for consistency with SFPUC policies and plans.

The City and County of San Francisco (San Francisco), through the SFPUC, owns approximately 13 acres of real property **in fee** in East Palo Alto (San Francisco Property) that crosses the Plan area as an 80-foot wide ROW and a service road connecting University Avenue to the SFPUC’s Ravenswood Facility. The San Francisco Property’s primary purpose is to serve as a utility corridor which is improved by three large subsurface water transmission lines and other appurtenances, linking the Hetch Hetchy and local reservoirs to the Bay Area via the Hetch Hetchy Regional Water System.

- Edwin M. Lee**
Mayor
- Francesca Vietor**
President
- Anson Moran**
Vice President
- Ann Moller Caen**
Commissioner
- Vince Courtney**
Commissioner
- Ike Kwon**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager



General Plan Comments

In several sections of the proposed Plan, the San Francisco Property is referred to as “unused” or “vacant.” These lands are not unused; they serve an important purpose and are vital to the operation of a regional water system. We request that the Plan identify the San Francisco Property as a utility ROW that is primarily used for utility purposes. The SFPUC has policies that limit third-party uses and improvements on San Francisco Property. Please see the attached Interim Water Pipeline ROW Use Policy and Integrated Vegetation Management Policy for more information about restrictions on the ROW. The SFPUC would like to underscore that the San Francisco Property may not be used to “...fulfill a development’s open space, setback, emergency access or other requirements...”ⁱⁱ This prohibition also includes parking or third-party development requirements. In addition, any proposed use or improvement on the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC’s Project Review process (see below for more information); and 3.) be formally authorized by the SFPUC.

Several figures in the proposed General Plan (pages 6-3 to 6-13) show the following proposed uses on the SFPUC’s fee-owned property, including the conversion of an existing SFPUC service road to an East Palo Alto public street:

- Truck Route (Proposed)
- Planned Off-Street Bike Path (Class I)
- Planned Pathways
- Connector Street

As described above, the SFPUC’s fee-owned service road provides access to the SFPUC’s Ravenswood Facility. This facility is an important element of the SFPUC’s regional water system and critical to water utility operations. The proposed General Plan should include policies that address the importance of regional water utility infrastructure within, and adjacent to, the General Plan area. In particular, the proposed General Plan should include policies that promote collaborative efforts with the owners of properties identified in the General Plan for conversion to new public land uses (such as the proposed public street on the SFPUC’s existing, fee-owned service road and the proposed linear park/trail on SFPUC fee-owned ROW) to ensure a workable, fair and equitable outcome. In addition, the proposed General Plan should acknowledge that the SFPUC’s approval and authorization would be required to convert its fee-owned property to a public street.

Please see the attached table for specific SFPUC comments about the General Plan.

Draft Environmental Impact Report (DEIR) Comments

- 11-1 | The SFPUC previously sent a letter on October 17, 2014 providing comments as requested in the Notice of Preparation for the proposed project. That letter included a general description of SFPUC land ownership for utility operations in the Plan area. Within the DEIR, Section 4.10 (Land Use and Planning) should be amended to include a description of SFPUC policies regarding its ROW lands (see attachments). In addition, Section 4.10.2 (Environmental Setting –
- 11-2 | Existing Uses) should include a description of the San Francisco property as being actively in use for ongoing water utility operations.

Please see the attached table for specific SFPUC comments about the DEIR.

SFPUC Project Review Process

Proposed projects and other activities on any San Francisco Property must undergo the Project Review Process if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. This review is done by the SFPUC's Project Review Committee (Committee).

The Project Review Committee is a multidisciplinary team with expertise in natural resources management, environmental regulatory compliance, engineering, water quality and real estate. Projects and activities are reviewed by the Committee for:

1. Conformity with the Alameda and Peninsula Watershed Management Plans;
2. Consistency with our Environmental Stewardship Policy, Real Estate Guidelines, Interim ROW Use Policy and other policies and best management practices; and
3. Compliance with the California Environmental Quality Act (CEQA) and environmental regulations including mitigation, monitoring and reporting plans.

In reviewing a proposed project, the Project Review Committee may conclude that modifications or avoidance and minimization measures are necessary. Large and/or complex projects may require several project review sessions to review the project at significant planning and design stages.

Please notify all property owners and/or developers that, to the extent their proposals will involve the development or use of the San Francisco Property, such proposals are first subject to the SFPUC's Project Review Process. The proposal must first be vetted in Project Review, and then the project sponsor must receive authorization from the SFPUC pursuant to a final executed lease or revocable license before they can use or make any changes to the SFPUC ROW. To initiate the Project Review process, a project sponsor must download and fill out a Project Review application at <http://www.sfwater.org/ProjectReview> and return the completed application to Jonathan S. Mendoza at jsmendoza@sfwater.org.

If you have any questions or need further information, please contact Jonathan S. Mendoza, Land and Resources Planner, in the SFPUC's Natural Resources and Lands Management Division at jsmendoza@sflower.org.

Sincerely,

Steven R. Ritchie
Assistant General Manager, Water

Attachments: 1.) Table 1. East Palo Alto General Plan - SFPUC Comments
2.) Table 2. East Palo Alto General Plan Draft Environmental Impact Report
(DEIR) - SFPUC Comments
3.) SFPUC Interim Water Pipeline ROW Use Policy
4.) ROW Integrated Vegetation Management Policy

ⁱ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
1	14	Chapter 1: Vision and Guiding Principles - Major Strategies	16. Secure stable water resources for new development. Adding new housing and jobs in the City is constrained by a lack of water to support development. A critical step to strengthen the economy and achieve fiscal stability is to address the water shortage in the City, which may include: securing additional water from SFPUC...	N/A	No comment.
2	52	Chapter 4: Land Use and Urban Design	N/A	Figure 4-2: General Plan Land Use Designations	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 in the "University Park" area of the Plan area; and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility.
3	79	Chapter 4: Land Use and Urban Design - University Village	N/A	Figure 4-14: University Village Neighborhood Land Use Designations	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 in the "University Park" area of the Plan area; and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
4	80	Chapter 4: Land Use and Urban Design - Goal LU-17. Preserve the single family...	17.8 Hetch Hetchy linear park. Pursue the creation of a public park atop the San Francisco Public Utilities Commission's (SFPUC's) Hetch Hetchy right-of-way...	N/A	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5. Any proposed use on the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
5	93	Chapter 6: Transportation	N/A	Figure 6-1: Truck Routes	The Plan shows "Truck Route (Proposed)" on an existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use on SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
6	94	Chapter 6: Transportation	Finally, as regional through traffic contributes to localized congestion within East Palo Alto, a plan for truck traffic is an important tool to protect neighborhood streets from noise and traffic impacts. Figure 6-1 maps existing and proposed truck routes within city limits.	N/A	The Plan shows "Truck Route (Proposed)" on an existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use on SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
7	98	Chapter 6: Transportation	N/A	Figure 6-5: Existing and Proposed Bicycle Network	The Plan shows "Planned Off-Street Bike Path (Class I)" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
8	99	Chapter 6: Transportation	N/A	Figure 6-6: Existing and Proposed Pedestrian Network	The Plan shows "Planned Pathways" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
9	99	Chapter 6: Transportation	N/A	Figure 6-7: Traffic Calming Priority Corridors	The Plan shows "Planned Bicycle Facilities" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
10	103	Chapter 6: Transportation	N/A	Figure 6-8: Street Network	The Plan shows a "Connector" street and a "Bicycle/Pedestrian Path" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
11	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network ...	3.2 Loop road. Pursue the new multimodal Loop Road, including the Bay Trail connection, as described in the Ravenswood/4 Corners TOD Specific Plan to alleviate congestion and neighborhood traffic	N/A	The SFPUC owns in fee the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
12	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network ...	3.3 Pedestrian network. Create a safe, comfortable, and convenient pedestrian network that focuses on a) safe travel; b) improving connections between neighborhoods and commercial areas, and across existing barriers; c) providing places to sit or gather, pedestrian-scaled street lighting, and buffers from moving vehicle traffic; and d) includes amenities that attract people of all ages and abilities.	N/A	Lights and structures are prohibited on the SFPUC ROW. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
13	110	Chapter 6: Transportation - Goal T-3. Create a complete, safe, and comfortable pedestrian network ...	4.8 San Francisco Bay Trail. Support the completion of the San Francisco Bay Trail, including relevant portions within East Palo Alto.	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
14	128	Chapter 8: Parks, Open Space and Conservation - Park Facilities and Character	The City also has several planned or potential expansions to its inventory of existing open space, the most significant of which is the approximately 30 acres of new parks included in the Ravenswood TOD Specific Plan. New parks would be located at the termini of Demeter Street and Purdue Avenue, and at the entry to Cooley Landing. Another major opportunity site is the vacant Right of Way owned by the SFPUC adjacent to Costaño Elementary School.	N/A	This statement is incorrect. The SFPUC owns this improved ROW parcel in fee and the parcel is not "vacant." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
15	137	Chapter 8: Parks, Open Space and Conservation - Goal POC-1. Create new parks and open spaces throughout the City.	1.12 Opportunistic conversions. Work to convert unused utility rights-of-way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur) and alleys into attractive open space corridors.	N/A	This statement is incorrect. The SFPUC owns this improved ROW parcel in fee and the parcel is not "unused." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
16	137	Chapter 8: Parks, Open Space and Conservation - Goal POC-1. Create new parks and open spaces throughout the City.	N/A	N/A	This goal should include a policy for interagency coordination with the SFPUC if the City of East Palo Alto proposes using SFPUC parcels for any recreational use.
17	138	General Comment	N/A	Figure 8-7: Existing and Proposed Open Space Network	The Plan shows future parks and trails on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
18	139	Chapter 8: Parks, Open Space and Conservation - Goal POC-2. Improve and enhance existing parks and trails.	2.7 Baylands use. Encourage public recreational use and access to the Baylands, South Bay Salt Pond, and other nearby open space...	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
19	139	Chapter 8: Parks, Open Space and Conservation - Goal POC-3. Expand funding for park improvements and maintenance.	3.4 Baylands PCA. Leverage the Priority Conservation Area (PCA) designation for the Ravenswood Open Space Preserve and Don Edwards San Francisco Bay National Wildlife Refuge areas to obtain new revenue streams and grant funding from regional authorities.	N/A	Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
20	146	Chapter 9: Infrastructure, Services, and Facilities - Potable Water Quality and Supply	The majority of the City's water supply is supplied by the San Francisco Public Utilities Commission (SFPUC) Bay Division Pipelines 1 and 2, as well as two small independent systems: the Palo Alto Park Mutual Water Company and the O'Connor Tract Co-Op Water Company.	N/A	Add Bay Division Pipeline (BDPL) No. 5.

Table 1. East Palo Alto General Plan - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
21	146	Chapter 9: Infrastructure, Services, and Facilities - Potable Water Quality and Supply	According to the existing infrastructure analysis performed by Schaaf & Wheeler for this General Plan Update, East Palo Alto has a significant water supply challenge.	N/A	Description relating to SFPUC supply is accurate. No comment.
22	152	Chapter 9: Infrastructure, Services, and Facilities - Goal ISF-2. Ensure a sustainable, clean, long-term water supply.	2.3 New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available resources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.
23	218	Chapter 12: Implementations - Table 12-10: Parks, Open Space, and Conservation Physical Improvements	Right-of-Way Conversion. Convert the following into public linear parks: Hetch Hetchy right-of-way between Rutgers St and Purdue Ave (Hetch Hetchy Aqueduct Linear Park)	Table 12-10: Parks, Open Space, and Conservation Physical Improvements	The SFPUC owns this ROW parcel in fee. It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of the SFPUC ROW must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
11-3	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Land Use Goal 17 - Policy 17.8 Hetch Hetchy linear park" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
11-4	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Transportation Goal 3 - Policy 3.2 Loop road" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
11-5	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Transportation Goal 3 - Policy 3.3 Pedestrian network" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
4	N/A	General Comment	N/A	N/A	Include a discussion and analysis of impacts from "Parks, Open Space and Conservation Goal 1 - Policy 1.12 Opportunistic conversions" on SFPUC property in this DEIR. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.
5	52	3.0 Project Description - Implementation Strategy	16. Secure stable water resources for new development. Adding new housing and jobs in the City is constrained by a lack of water to support development. A critical step to strengthen the economy and achieve fiscal stability is to address the water shortage in the City, which may include: securing additional water from SFPUC...	N/A	No comment.

11-6

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
11-7 6	53	3.0 Project Description - Implementation Strategy	N/A	Figure 3-3 General Plan Update Major Strategies Map	Image quality is poor. The Plan shows either a "New Trail or Pathway" and/or "Pedestrian/Bicycle Connection" on the SFPUC ROW and existing SFPUC Ravenswood facility service road. The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
11-8 7	61	3.0 Project Description	N/A	Figure 3-4 General Plan Update Land Use Map	The SFPUC owns in fee the improved ROW parcels containing BDPL Nos. 1, 2 and 5 and the parcel and service road that connects from University Avenue to the SFPUC's Ravenswood facility. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
8	80	4.1 Aesthetics - 4.1.4 Environmental Impacts - a) Have a substantial adverse effect on a scenic vista (less-than-significant impact).	Parks, Open Space, and Conservation Element Goal POC-1. Create new parks and open spaces throughout the City. Policy 1.12, Opportunistic conversions. Work to convert unused utility rights-of way (including the Hetch Hetchy ROW), railroad rights-of-way (including the UP Spur), and alleys into attractive open space corridors.	N/A	This statement is incorrect. The SFPUC owns this ROW parcel in fee and the parcel is not "unused." It is improved with three major pipelines: BDPLs No. 1, 2 and 5. Any proposed use of SFPUC property must: 1.) comply with current SFPUC policies; 2.) be vetted through the SFPUC's Project Review process; and 3.) be formally authorized by the SFPUC.
9	252	4.9 Hydrology and Water Quality - 4.9.4 Environmental Impacts - Infrastructure, Services, and Facilities Goal ISF-2.	Policy 2.3, New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available sources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.

11-9

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
10	255	4.9 Hydrology and Water Quality - 4.9.4 Environmental Impacts b) Substantially deplete groundwater recharge or substantially interfere	The City obtains potable water primarily through the San Francisco Public Utilities Commission (SFPUC) supplemented by two small local water suppliers. No pumping of local groundwater currently occurs, although the City has historically operated a groundwater pump that could be reactivated in the future. The SFPUC relies on meltwater from Sierra Nevada snowpack as a primary source of water.	N/A	No comment.
11-10	261-264	4.10 Land Use and Planning - Local Plans and Regulations	N/A	N/A	Add SFPUC "Interim Water Pipeline ROW Use Policy" and "Integrated Vegetation Management Policy" to this section.
11-11	268	4.10 Land Use and Planning - Public and Institutional Uses	There are a variety of public and institutional uses distributed throughout the City. These uses account for approximately 10 percent of the land area (133 acres) and most of this area is used for several schools including Cesar Chavez Elementary School, Costaño Elementary School, and Brentwood Elementary School.	N/A	This section should include a description of the SFPUC's right of way (ROW) as part of the existing land uses and development under the "Public and Institutional Uses" section.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
11-12 13	275-276	4.10.4 Environmental Impacts - b) Conflict with an applicable land use plan, policy or regulation of an agency with jurisdiction of the project adopted for the purpose of avoiding or mitigating an environmental effect (no impact).	N/A	N/A	Lack of discussion of potential impacts to the SFPUC ROW. This section should include an analysis of potential impacts to the SFPUC ROW. The Plan proposals potentially conflicts with SFPUC land use policies and should be analyzed in the EIR with relation to the SFPUC's existing ROW policies. A project proposal may not use the SFPUC ROW to fulfill a development's open space, setback, emergency access or other requirements, [including parking, third-party development requirements, or use of San Francisco Property as a mitigation site].
11-13 14	418	4.15 Utilities and Service Systems	East Palo Alto Municipal Code - Chapter 13.24, Article VI of the East Palo Alto Municipal Code outlines the City's water conservation plan. The code identifies three phases of conservation pending a 20, 40, or 60 percent reduction of the City's water supply from the Hetch Hetchy watershed.	N/A	Suggest editing as follows: "The code identifies three phases of conservation pending a 20, 40, or 60 percent reduction of the City's water supply from the Hetch Hetchy watershed Regional Water System."

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
15	426	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Water	Three water companies supply water to the City of East Palo Alto: City of East Palo Alto/American Water Enterprises, Palo Alto Park Mutual Water Company (PAPMWC), and O'Connor Tract Co-Operative Water Company. All water supplied to the City by American Water Enterprises (approximately 80 percent of the City's water) comes from the San Francisco Public Utilities Commission (SFPUC) supply...	N/A	Description of SFPUC supply and system is accurate except for capacity of Harry Tracy Water Treatment Plan. Due to the upgrade completed in 2015, peak capacity increased from 140 to 180 mgd, and sustainable capacity increased from 120 to 140 mgd.
16	427	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Water	Tuolumne River watershed in the Sierra Nevada, and is stored in three major reservoirs: Hetch Hetchy Reservoir, Lake Lloyd, and Lake Eleanor. Water is delivered to the Bay Area via a system of aqueducts. The remaining 15 percent of the water supply comes from Bay Area reservoirs in the Alameda and Peninsula watersheds. East Palo Alto has an individual supply guarantee from SFPUC for 1.963 MGD (approximately 2,199 acre-feet per year [AFY]).	N/A	No comment.

11-14

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
17	428	4.15 Utilities and Service Systems - 4.15.4 Environmental Setting - Existing Water Demand	American Water Enterprises serves 4,183 accounts in the City of East Palo Alto, of which 3,923 are residential accounts. In FY 2014/15, residential, commercial, and municipal accounts in East Palo Alto used 1,755 acre-feet per year (AFY) of water. Water use was 444 AF below the individual supply guarantee, a reduction in demand that is primarily attributed to conservation measures during the ongoing drought and demand elasticity due to higher water prices charged by the SFPUC. Table 4.15-1 shows historical water use in East Palo Alto.	N/A	FY 2014-15 water use is consistent with SFPUC FY 2014-15 sales data. No comment.
11-15	436	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	As part of the adoption of its Water System Improvement Program in October 2008, SFPUC is limiting its sales of water to each customer through 2018. It has established an interim supply allocation of 2,199 AFY (1.96 MGD) for East Palo Alto. In times of drought, SFPUC would provide less than the assurance.	N/A	Suggest editing as follows: "In times of drought, SFPUC would <u>may</u> provide less than the assurance <u>depending on the severity of the water shortage in accordance with the Water Shortage Allocation Plan adopted by SFPUC and its wholesale customers.</u> "

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
19	438-439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	The SFPUC Agreement allows for the transfer or exchange of water among parties, both inside and outside of the RWS. Within the SFPUC system, it is possible to transfer individual supply guarantee and/or unused portions of water allocations among contracting agencies. The Water Shortage Allocation Plan (WSAP) adopted by SFPUC and its wholesale customers provides for voluntary transfers of water among wholesale customers during periods when mandatory rationing is in effect within the RWS.	N/A	This section references the "RWS" multiple times, but this acronym is not defined in the document. Suggest writing out as "Hetch Hetchy Regional Water System."

11-16

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
20	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	Both the SFPUC Agreement and state law also allow purchase and transfer of water from outside the SFPUC service area. As permitted by the SFPUC Agreement and state law, water may be purchased from outside of the RWS and conveyed to SFPUC and/or East Palo Alto through third-party transmission systems. Additional water could be secured either by SFPUC or East Palo Alto to augment its water supply. Such an arrangement would require both a contract with the third-party water supplier and an agreement between East Palo Alto and the SFPUC on the water quality, price, and operational terms.	N/A	No comment.
21	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts	In addition to acquiring transferred water individually, BAWSCA has statutory authority to assist the wholesale customers of the Hetch Hetchy regional water system to plan for and acquire supplemental water supplies.	N/A	No comment.

Table 2. East Palo Alto General Plan Draft Environmental Impact Report (DEIR) - SFPUC Comments

Comment Number	PDF Document Page Number	Section Number and Title	Beginning Text of Paragraph	Table or Figure Number	Comment
22	439	4.15 Utilities and Service Systems - 4.15.4 Environmental Impacts - Infrastructure, Services, and Facilities Element Goal ISF-2.	Policy 2.3, New water sources. Actively seek to secure additional water supply from SFPUC, groundwater sources, neighboring cities, or other available sources. Securing additional water supply and adding water storage facilities should be a City priority.	N/A	No comment.
23	456	5.0 Cumulative Impacts - 5.2.15 Utilities and Service Systems - Water	The cumulative setting for water supply includes the City of East Palo Alto and all other cities that receive water from the San Francisco Public Utilities Commission's (SFPUC's) Hetch Hetchy reservoir. East Palo Alto receives the majority of its water supply from SFPUC through American Water. As discussed in Section 4.15, Utilities and Service Systems, East Palo Alto has an individual supply guarantee from SFPUC for approximately 2,199 acre-feet per year (AFY) in normal water years and 2,033 AFY in dry years.	N/A	No comment.



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

SFPUC Interim Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

as an amendment to the SFPUC Real Estate Guidelines

SFPUC Water Pipeline Right of Way Use Policy for San Mateo, Santa Clara, and Alameda Counties

As part of its utility system, the San Francisco Public Utilities Commission (SFPUC) operates and maintains hundreds of miles of water pipelines. The SFPUC provides for public use on its water pipeline property or right of way (ROW) throughout Alameda, Santa Clara, and San Mateo counties consistent with our existing plans and policies. The following controls will help inform how and in which instances the ROW can serve the needs of third parties—including public agencies, private parties, nonprofit organizations, and developers—seeking to provide recreational and other use opportunities to local communities.

Primarily, SFPUC land is used to deliver high quality, efficient and reliable water, power, and sewer services in a manner that is inclusive of environmental and community interests, and that sustains the resources entrusted to our care. The SFPUC's utmost priority is maintaining the safety and security of the pipelines that run underneath the ROW.

Through our formal Project Review and Land Use Application and Project Review process, we may permit a secondary use on the ROW if it benefits the SFPUC, is consistent with our mission and policies, and does not in any way interfere with, endanger, or damage the SFPUC's current or future operations, security or facilities.¹ No secondary use of SFPUC land is permitted without the SFPUC's consent.

These controls rely on and reference several existing SFPUC policies, which should be read when noted in the document. Being mindful of these policies while planning a proposed use and submitting an application will ease the process for both the applicant and the SFPUC. These controls are subject to change over time and additional requirements and restrictions may apply depending on the project.

The SFPUC typically issues five-year revocable licenses for use of our property, with a form of rent and insurance required upon signing.²

Note: The project proponent is referred to as the "Applicant" until the license agreement is signed, at which point the project proponent is referred to as the "Licensee."

¹ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

² SFPUC Guidelines for the Real Estate Services Division, Section 3.3.

I. ***Land Use, Structures, and Compliance with Law***

The following tenets govern the specifics of land use, structures, and accessibility for a project. Each proposal will still be subject to SFPUC approval on a case-by-case basis.

- A. SFPUC Policies. The Applicant's proposed use must conform to policies approved by the SFPUC's Commission, such as the SFPUC's Land Use Framework (<http://sfwater.org/index.aspx?page=586>).
- B. Americans with Disabilities Act Compliance. The Applicant must demonstrate that a Certified Access Specialist (CASP) has reviewed and approved its design and plans to confirm that they meet all applicable accessibility requirements.
- C. Environmental Regulations. The SFPUC's issuance of a revocable license for use of the ROW is subject to compliance with the California Environmental Quality Act (CEQA). The Applicant is responsible for assessing the potential environmental impacts under CEQA of its proposed use of the ROW. The SFPUC must be named as a Responsible Agency on any CEQA document prepared for the License Area. In addition, the Applicant shall provide to SFPUC a copy of the approved CEQA document prepared by the Applicant, the certification date, and documentation of the formal approval and adoption of CEQA findings by the CEQA lead agency. The SFPUC will not issue a license for the use of the ROW until CEQA review and approval is complete.
- D. Crossover and Other Reserved Rights. For a ROW parcel that bisects a third party's land, the Applicant's proposed use must not inhibit that party's ability to cross the ROW. The Applicant must demonstrate any adjoining owner with crossover or other reserved rights approves of the proposed recreational use and that the use does not impinge on any reserved rights.
- E. Width. The License Area must span the entire width of the ROW.
 - *For example, the SFPUC will not allow a 10-foot wide trail license on a ROW parcel that is 60 feet wide.*
- F. Structures. Structures on the ROW are generally prohibited. The Licensee shall not construct or place any structure or improvement in, on, under or about the entire License Area that requires excavation, bored footings or concrete pads that are greater than six inches deep.
 - i. Structures such as benches and picnic tables that require shallow (four to six inches deep) cement pads or footings are generally permitted on the ROW. No such structure may be placed directly on top of a pipeline or within 20 feet of the edge of a pipeline.
 - ii. The SFPUC will determine the permitted weight of structures on a case-by-case basis.

- *When the SFPUC performs maintenance on its pipelines, structures of significant weight and/or those that require footings deeper than six inches are very difficult and time-consuming to move and can pose a safety hazard to the pipelines. The longer it takes the SFPUC to reach the pipeline in an emergency, the more damage that can occur.*

- G. Paving Materials. Permitted trails or walkways should be paved with materials that both reduce erosion and stormwater runoff (e.g., permeable pavers).
- H. License Area Boundary Marking. The License Area's boundaries should be clearly marked by landscaping or fencing, with the aim to prevent encroachments.
- I. Fences and Gates. Any fence along the ROW boundary must be of chain-link or wooden construction with viewing access to the ROW. The fence must include a gate that allows SFPUC access to the ROW.³ Any gate must be of chain-link construction and at least 12 feet wide with a minimum 6-foot vertical clearance.

II. ***Types of Recreational Use***

Based on our past experience and research, the SFPUC will allow simple parks without play structures, community gardens and limited trails.

- A. Fulfilling an Open Space Requirement. An applicant may not use the ROW to fulfill a development's open space, setback, emergency access or other requirements.⁴ In cases where a public agency has received consideration for use of SFPUC land from a third party, such as a developer, the SFPUC may allow such recreational use if the public agency applicant pays full Fair Market Rent.
- B. Trail Segments. At this time, the SFPUC will consider trail proposals when a multi-jurisdictional entity presents a plan to incorporate specific ROW parcels into a fully connected trail. Licensed trail segments next to unlicensed parcels may create a trail corridor that poses liability to the SFPUC. The SFPUC will only consider trail proposals where the trail would not continue onto, or encourage entry onto, another ROW parcel without a trail and the trail otherwise meet all SFPUC license requirements.

III. ***Utilities***

- A. Costs. The Licensee is responsible for all costs associated with use of utilities on the License Area.

³ SFPUC Right of Way Requirements.

⁴ SFPUC Guidelines for the Real Estate Services Division, Section 2.0.

- B. Placement. No utilities may be installed on the ROW running parallel to the SFPUC's pipelines, above or below grade.⁵ With SFPUC approval, utilities may run perpendicular to the pipelines.
- C. Lights. The Licensee shall not install any light fixtures on the ROW that require electrical conduits running parallel to the pipelines. With SFPUC approval, conduits may run perpendicular to and/or across the pipelines.
- Any lighting shall have shielding to prevent spill over onto adjacent properties.
- D. Electricity. Licensees shall purchase all electricity from the SFPUC at the SFPUC's prevailing rates for comparable types of electrical load, so long as such electricity is reasonably available for the Licensee's needs.

IV. Vegetation

A. The Applicant shall refer to the SFPUC Integrated Vegetation Management Policy for the *minimum* requirements concerning types of vegetation and planting. (<http://www.sfwater.org/index.aspx?page=431>.) The Licensee is responsible for all vegetation maintenance and removal.

B. The Applicant shall submit a Planting Plan as part of its application.

(Community garden applicants should refer to Section VII.C for separate instructions.)

- i. The Planting Plan should include a layout of vegetation placement (grouped by hydrozone) and sources of irrigation, as well as a list of intended types of vegetation. The SFPUC will provide an area drawing including pipelines and facilities upon request.
- ii. The Applicant shall also identify the nursery(ies) supplying plant stock and provide evidence that each nursery supplier uses techniques to reduce the risk of plant pathogens, such as *Phytophthora ramorum*.

V. Measures to Promote Water Efficiency⁶

A. The Licensee shall maintain landscaping to ensure water use efficiency.

B. The Licensee shall choose and arrange plants in a manner best suited to the site's climate, soil, sun exposure, wildfire susceptibility and other factors. Plants with similar water needs must be grouped within an area controlled by a single irrigation valve

⁵ SFPUC Land Engineering Requirements.

⁶ SFPUC Rules and Regulations Governing Water Service to Customers, Section F.

- C. Turf is not allowed on slopes greater than 25 percent.
- D. The SFPUC encourages the use of local native plant species in order to reduce water use and promote wildlife habitat.
- E. Recycled Water. Irrigation systems shall use recycled water if recycled water meeting all public health codes and standards is available and will be available for the foreseeable future.
- F. Irrigation Water Runoff Prevention. For landscaped areas of any size, water runoff leaving the landscaped area due to low head drainage, overspray, broken irrigation hardware, or other similar conditions where water flows onto adjacent property, walks, roadways, parking lots, structures, or non-irrigated areas, is prohibited.

VI. ***Other Requirements***

- A. Financial Stability. The SFPUC requires municipalities or other established organizations with a stable fiscal history as Licensees.
 - i. Applicants must also demonstrate sufficient financial backing to pay rent, maintain the License Area, and fulfill other license obligations over the license term.
- B. Smaller, community-based organizations without 501(c)(3) classifications must partner with a 501(c)(3) classified organization or any other entity through which it can secure funding for the License Area over the license term. Maintenance. The Licensee must maintain the License Area in a clean and slightly condition at its sole cost.⁷ Maintenance includes, but is not limited to, regular weed abatement, mowing, and removing graffiti, dumping, and trash.
- C. Mitigation and Restoration. The Licensee will be responsible, at its sole cost, for removing and replacing any recreational improvements in order to accommodate planned or emergency maintenance, repairs, replacements, or projects done by or on behalf of the SFPUC. If the Licensee refuses to remove its improvements, SFPUC will remove the improvements at the Licensee's sole expense without any obligation to replace them.
- D. Encroachments. The Licensee will be solely responsible for removing any encroachments on the License Area. An encroachment is any improvement on SFPUC property not approved by the SFPUC. Please read the SFPUC ROW Encroachment Policy for specific requirements. If the Licensee fails to remove encroachments, the SFPUC will remove them at Licensee's sole expense. The Licensee must regularly patrol the License Area to spot encroachments and remove them at an early stage.

⁷ SFPUC Framework for Land Management and Use.

- E. Point of Contact. The Licensee will identify a point of contact (name, position title, phone number, and address) to serve as the liaison between the Licensee, the local community, and the SFPUC regarding the License Agreement and the License Area. In the event that the point of contact changes, the Licensee shall immediately provide the SFPUC with the new contact information. Once the License Term commences, the point of contact shall inform local community members to direct any maintenance requests to him or her. In the event that local community members contact the SFPUC with such requests, the SFPUC will redirect any requests or complaints to the point of contact.
- F. Community Outreach.
- i. Following an initial intake conversation with the SFPUC, the Applicant shall provide a Community Outreach Plan for SFPUC approval. This Plan shall include the following information:
 1. Identification of key stakeholders to whom the Applicant will contact and/or ask for input, along with their contact information;
 2. A description of the Applicant's outreach strategy, tactics, and materials
 3. A timeline of outreach (emails/letters mailing date, meetings, etc.); and
 4. A description of how the Applicant will incorporate feedback into its proposal.
 - ii. The Applicant shall conduct outreach for the project at its sole cost and shall keep the SFPUC apprised of any issues arising during outreach.
 - iii. During outreach, the Applicant shall indicate that it in no way represents the SFPUC.
- G. Signage. The SFPUC will provide, at Licensee's cost, a small sign featuring the SFPUC logo and text indicating SFPUC ownership of the License Area at each entrance. In addition, the Licensee will install, at its sole cost, an accompanying sign at each entrance to the License Area notifying visitors to contact the organization's point of contact and provide a current telephone number in case the visitors have any issues. The SFPUC must approve the design and placement of the Licensee's sign.

VII. Community Gardens

The following requirements also apply to community garden sites. As with all projects, the details of the operation of a particular community garden are approved on a case-by-case basis.

- A. The Applicant must demonstrate stable funding. The Applicant must provide information about grants received, pending grants, and any ongoing foundational support.
- B. The Applicant must have an established history and experience in managing urban agriculture or community gardening projects. Alternatively, the Applicant may demonstrate a formal partnership with an organization or agency with an established history and experience in managing urban agriculture or community gardening projects
- C. During the Project Review process, the Applicant shall submit a Community Garden Planting Plan that depicts the proposed License Area with individual plot and planter box placements, landscaping, and a general list of crops that may be grown in the garden.
- D. The Applicant shall designate a Garden Manager to oversee day-to-day needs and serve as a liaison between the SFPUC and garden plot holders. The Garden Manager may be distinct from the point of contact, see Section VI.E.
- E. The Licensee must ensure that the Garden Manager informs plot holders about the potential for and responsibilities related to SFPUC repairs or emergency maintenance on the License Area. In such circumstances, the SFPUC is not liable for the removal and replacement of any features on the License Area or the costs associated with such removal and replacement.
- F. The Licensee must conduct all gardening within planter boxes with attached bottoms that allow for easy removal without damaging the crops.



Hetch Hetchy Regional Water System

Services of the San Francisco Public Utilities Commission

AMENDMENT TO THE RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

Approved January 13, 2015

by

SFPUC Resolution No. 15-0014

12.000 RIGHT OF WAY INTEGRATED VEGETATION MANAGEMENT POLICY

12.001 General

The San Francisco Public Utilities Commission (“SFPUC”) is responsible for the delivery of potable water and the collection and treatment of wastewater for some 800,000 customers within the City of San Francisco; it is also responsible for the delivery of potable water to 26 other water retailers with a customer base of 1.8 million. **The following policy is established to manage vegetation on the transmission, distribution and collection systems within the SFPUC Right of Way (“ROW”) so that it does not pose a threat or hazard to the system’s integrity and infrastructure or impede utility maintenance and operations.**

The existence of large woody vegetation¹, hereinafter referred to as vegetation, and water transmission lines within the ROW are not compatible and, in fact, are mutually exclusive uses of the same space. Roots can impact transmission pipelines by causing corrosion. The existence of trees and other vegetation directly adjacent to pipelines makes emergency and annual maintenance very difficult, hazardous, and expensive, and increases concerns for public safety. The risk of fire within the ROW is always a concern and the reduction of fire ladder fuels within these corridors is another reason to modify the vegetation mosaic. In addition to managing vegetation in a timely manner to prevent any disruption in utility service, the SFPUC also manages vegetation on its ROW to comply with local fire ordinances enacted to protect public safety.

One of the other objectives of this policy is to reduce and eliminate as much as practicable the use of herbicides on vegetation within the ROW and to implement integrated pest management (IPM).

12.002 Woody Vegetation Management

1.0 Vegetation of any size or species will not be allowed to grow within certain critical portions of the ROW, pumping stations or other facilities as determined by a SFPUC qualified professional, and generally in accordance with the following guidelines.

1.1 Emergency Removal

SFPUC Management reserves the right to remove any vegetation without prior public notification that has been assessed by a SFPUC qualified professional as an immediate threat to transmission lines or other utility infrastructure, human life and property due to acts of God, insects, disease, or natural mortality.

1.2 Priority Removal

Vegetation that is within 15 feet of the edge of any pipe will be removed and the vegetative debris will be cut into short lengths and chipped whenever possible. Chips will be spread upon the site where the vegetation was removed. Material that cannot be chipped will be hauled away to a proper disposal site.

¹ Woody vegetation is defined as all brush, tree and ornamental shrub species planted in (or naturally occurring in) the native soil having a woody stem that at maturity exceeds 3 inches in diameter.

If vegetation along the ROW is grouped in contiguous stands², or populations, a systematic and staggered removal of that vegetation will be undertaken to replicate a natural appearance. Initial removal³ will be vegetation immediately above or within 15 feet of the pipeline edges; secondary vegetation⁴ within 15 to 25 feet from pipelines will then be removed.

1.3 Standard Removal

Vegetation that is more than 25 feet from the edge of a pipeline and up to the boundary of the ROW will be assessed by a SFPUC qualified professional for its age and condition, fire risk, and potential impact to the pipelines. Based on this assessment, the vegetation will be removed or retained.

1.4 Removal Standards

Each Operating Division will develop its own set of guidelines or follow established requirements in accordance with local needs.

2.0 All stems of vegetation will be cut flush with the ground and where deemed necessary or appropriate, roots will be removed. All trees identified for removal will be clearly marked with paint and/or a numbered aluminum tag.

3.0 Sprouting species of vegetation will be treated with herbicides where practicable, adhering to provisions of Chapter 3 of the San Francisco Environment Code.

4.0 Erosion control measures, where needed, will be completed before the work crew or contractors leave the work site or before October 15 of the calendar year.

5.0 Department personnel will remove in a timely manner any and all material that has been cut for maintenance purposes within any stream channel.

6.0 All vegetation removal work and consultation on vegetation retention will be reviewed and supervised by a SFPUC qualified professional. All vegetation removal work and/or treatment will be made on a case-by-case basis by a SFPUC qualified professional.

7.0 Notification process for areas of significant resource impact that are beyond regular and ongoing maintenance:

7.1 County/City Notification – The individual Operating Division will have sent to the affected county/city a map showing the sections of the ROW which will be worked, a written description of the work to be done, the appropriate removal time for the work crews, and a contact person for more information. This should be done approximately 10 days prior to start of work. Each Operating Division will develop its own set of guidelines in accordance with local need.

² A stand is defined as a community of trees possessing sufficient uniformity in composition, structure, age, arrangement, or condition to be distinguishable from adjacent forest communities to form a management unit.

³ Initial removal is defined as the vegetation removed during the base year or first year of cutting.

⁴ Secondary vegetation is defined as the vegetative growth during the second year following the base year for cutting.

7.2 Public Notification – The Operating Division will have notices posted at areas where the vegetation is to be removed with the same information as above also approximately 10 days prior to removal. Notices will also be sent to all property owners within 300 feet of the removal site. Posted notices will be 11- by 17-inches in size on colored paper and will be put up at each end of the project area and at crossover points through the ROW. Questions and complaints from the public will be handled through a designated contact person. Each Operating Division will develop its own set of guidelines in accordance with local needs.

12.003 Annual Grass and Weed Management

Annual grasses and weeds will be mowed, disked, sprayed or mulched along the ROW as appropriate to reduce vegetation and potential fire danger annually. This treatment should be completed before July 30 of each year. This date is targeted to allow the grasses, forbs and weeds to reach maturity and facilitate control for the season.

12.004 Segments of ROW that are covered by Agricultural deed rights

The only vegetation that may be planted within the ROW on those segments where an adjacent owner has Deeded Agricultural Rights will be: non-woody herbaceous plants such as grasses, flowers, bulbs, or vegetables.

12.005 Segments of ROW that are managed and maintained under a Lease or License

Special allowance may be made for these types of areas, as the vegetation will be maintained by the licensed user as per agreement with the City, and not allowed to grow unchecked. Only shallow rooted plants may be planted directly above the pipelines.

Within the above segments, the cost of vegetation maintenance and removal will be borne by the tenant or licensee exclusively. In a like fashion, when new vegetative encroachments are discovered they will be assessed by a SFPUC qualified professional on a case-by-case basis and either be permitted or proposed for removal.

The following is a guideline for the size at maturity of plants (small trees, shrubs, and groundcover) that may be permitted to be used as landscape materials. Note: All distance measurements are for mature trees and plants measured from the edge of the drip-line to the edge of the pipeline.

- Plants that may be permitted to be planted directly above existing and future pipelines: shallow rooted plants such as ground cover, grasses, flowers, and very low growing plants that grow to a maximum of one foot in height at maturity.
- Plants that may be permitted to be planted 15–25 feet from the edge of existing and future pipelines: shrubs and plants that grow to a maximum of five feet in height at maturity.
- Plants that may be permitted to be planted 25 feet or more from the edge of existing and future pipelines: small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width.

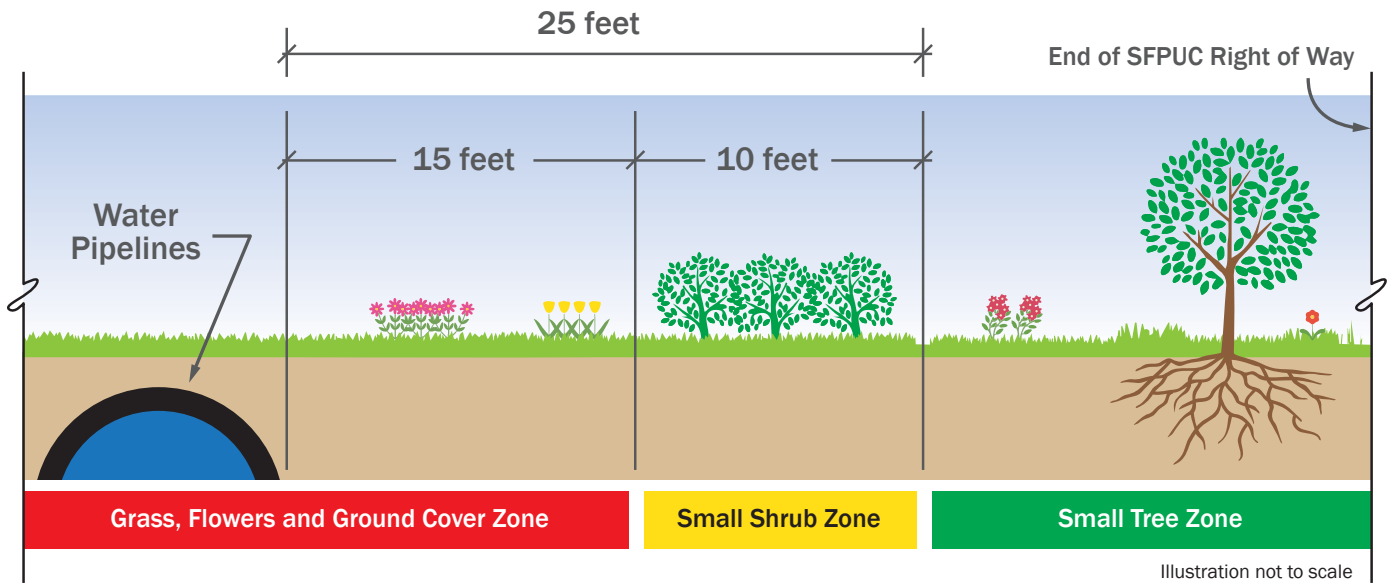
Trees and plants that exceed the maximum height and size limit (described above) may be permitted within a leased or licensed area provided they are in containers and are above ground. Container load and placement location(s) are subject to review and approval by the SFPUC.

Low water use plant species are encouraged and invasive plant species are not allowed.

All appurtenances, vaults, and facility infrastructure must remain visible and accessible at all times. All determinations of species acceptability will be made by a SFPUC qualified professional.

The above policy is for general application and for internal administration purposes only and may not be relied upon by any third party for any reason whatsoever. The SFPUC reserves the right at its sole discretion, to establish stricter policies in any particular situation and to revise and update the above policy at any time.

Right Of Way (ROW) Landscape Vegetation Guidelines



The following vegetation types are permitted on the ROW within the appropriate zones.

Plantings that may be permitted directly above existing and future pipelines:

Ground cover, grasses, flowers, and very low growing plants that reach no more than one foot in height at maturity.



Plantings that may be permitted 15–25 feet from the edge of existing and future pipelines:

Shrubs and plants that grow no more than five feet tall in height at maturity.



Plantings that may be permitted 25 feet or more from the edge of existing and future pipelines:

Small trees or shrubs that grow to a maximum of twenty feet in height and fifteen feet in canopy width or less.



Responses to Comment Letter 11 - Steven R. Ritchie, San Francisco Public Utilities Commission

- 11-1 The comment suggests amending the Draft EIR to include a description of San Francisco Public Utilities Commission (SFPUC) policies regarding its right-of-way (ROW) lands.

The City proposes the following text additions on page 4.10-3:

San Francisco Public Utilities Commission

The San Francisco Public Utilities Commission (SFPUC) manages 63,000 acres of watershed land and 210 miles of pipeline right-of-way (ROW) in three Bay Area counties that are part of the Hetch Hetchy Regional Water System providing water to approximately 2.6 million people. The SFPUC monitors and protects its lands by reviewing proposed projects and activities (that may affect SFPUC lands and infrastructure) for consistency with SFPUC policies and plans.

Proposed projects and other activities on SFPUC property must undergo the Project Review Process if the project will include: construction; digging or earth moving; clearing; installation; the use of hazardous materials; other disturbance to watershed and ROW resources; or the issuance of new or revised leases, licenses and permits. The SFPUC's Project Review Committee performs this review. In addition, projects within SFPUC's jurisdiction must comply with current SFPUC policies.

- 11-2 The comment suggests amending the Draft EIR **Section 4.10, Land Use and Planning**, to describe that SFPUC's property in East Palo Alto is actively used for water utility operations.

The City proposes the following changes to the text on page 4.10-10 under the "Public and Institutional Uses" heading:

The SFPUC owns approximately 13 acres of property in fee in East Palo Alto that crosses the City as an 80-foot wide ROW and a service road connecting University Avenue to the SFPUC's Ravenswood Facility. This property serves as a utility corridor with three large subsurface water transmission lines and related infrastructure, linking the Hetch Hetchy and local reservoirs to the Bay Area via the Hetch Hetchy regional water system.

The inclusion of this additional background information in the EIR does not result in new or worsened environmental impacts under the General Plan Update.

- 11-3 The comment suggests including a discussion and analysis of impacts from "Land Use Goal 17 - Policy 17.8 Hetch Hetchy linear park" on SFPUC property. This proposal potentially conflicts with SFPUC land use policies and should be analyzed in the DEIR with relation to the SFPUC's existing policies.

Goal LU-17, Policy 17.8 would make it a policy of the City to pursue the creation of a public park atop the SFPUC Hetch Hetchy right of way. The extent, character, or nature of such a park is not defined in the General Plan Update. Therefore, analysis of prospective impacts to the Hetch Hetchy right-of-way would be speculative. The City believes that a linear park could be consistent with SFPUC right-of-way policies and looks forward to working with SFPUC in the future for guidance and input as it seeks to develop much-needed public recreation facilities.

- 11-4 The comment suggests including a discussion and analysis of impacts from General Plan Update Goal T-3, Policy 3.2 ("Loop road") on SFPUC property. The comment states that this proposal potentially conflicts with SFPUC land use policies and should be analyzed in the Draft EIR with relation to the SFPUC's existing policies.

Goal T-3, Policy 3.2 would make it a policy of the City to pursue the creation multimodal Loop Road in the Ravenswood area. The extent, character, or nature of this roadway is not defined in the General Plan Update. Therefore, analysis of prospective impacts to SFPUC property would be speculative. The City believes that this future project could be consistent with SFPUC right-of-way policies and looks forward to working with SFPUC in the future for guidance and input if the City ultimately elects to create this multimodal roadway.

- 11-5 The comment suggests including a discussion and analysis of impacts from General Plan Update Goal T-3, Policy 3.3 ("Pedestrian network") on SFPUC property. The comment states that this proposal potentially conflicts with SFPUC land use policies and should be analyzed in the Draft EIR with relation to the SFPUC's existing policies.

Goal T-3, Policy 3.3 would make it a policy of the City to pursue the creation of pedestrian improvements throughout the City. The extent, character, and nature of these improvements are not defined in the General Plan

Update. Therefore, analysis of prospective impacts to SFPUC property would be speculative. The City believes that these future projects could be consistent with SFPUC right-of-way policies and looks forward to working with SFPUC in the future for guidance and input as it seeks to develop this multimodal roadway.

- 11-6 The comment suggests including a discussion and analysis of impacts from General Plan Update Goal POC-1, Policy 1.12 (“Opportunistic conversions”) on SFPUC property. The comment states that this proposal potentially conflicts with SFPUC land use policies and should be analyzed in the Draft EIR with relation to the SFPUC’s existing policies.

Goal POC-1, Policy 1.12 would make it a policy of the City to pursue the creation of open space corridors along utility rights-of-way, including the Hetch Hetchy right of way. The extent, character, and nature of these improvements are not defined in the General Plan Update. Therefore, analysis of prospective impacts to SFPUC property would be speculative. The City believes that these future projects could be consistent with SFPUC right-of-way policies and looks forward to working with SFPUC in the future for guidance and input as it seeks to develop open space corridors throughout the City.

- 11-7 The comment states that proposed uses of SFPUC property must comply with current SFPUC policies, vetted through the SFPUC’s Project Review process, and be formally authorized by the SFPUC.

The General Plan Update includes policies to pursue improvements in the Ravenswood Area and along utility ROW. The extent, character, and nature of these improvements are not defined in the General Plan Update. Therefore analysis of prospective impacts to SFPUC property would be speculative. The City looks forward to working with SFPUC in the future to ensure that future projects go through the SFPUC review process and are consistent with applicable SFPUC policies.

- 11-8 The comment states that SFPUC owns in fee the improved ROW parcels in the Ravenswood area, and that proposed uses of SFPUC property must comply with current SFPUC policies, vetted through the SFPUC’s Project Review process, and be formally authorized by the SFPUC.

As discussed in the response to comment 11-1, the City proposes to revise the Draft EIR to discuss the SFPUC land use policies and authorization process.

- 11-9 The comment states that General Plan Update Goal POC-1, Policy 1.12 is incorrect, and that utility ROW are not “unused.”

The City notes the comment regarding the General Plan Update. The comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response. Also see the responses to comments 11-3 through 11-6 above.

- 11-10 The comment requests that SFPUC’s “Interim Water Pipeline ROW Use Policy” and “Integrated Vegetation Management Policy” be added to Draft EIR **Section 4.10, Land Use and Planning**.

Please refer to the responses to comments 11-1 and 11-2 regarding proposed text changes to the Draft EIR.

- 11-11 The comment suggests a text edit to the EIR to mention SFPUC’s ROW as part of the existing land uses.

As discussed in the comment response 11-2, the City proposes to revise the Draft EIR to discuss existing SFPUC land uses in East Palo Alto.

- 11-12 The comment suggests that Draft EIR **Section 4.10, Land Use and Planning** should include an analysis of potential impacts to the SFPUC ROW.

The City proposes the following changes to the text on page 4.10-17:

As discussed previously, the Ravenswood Specific Plan includes new zoning districts to implement the land use vision. The General Plan Update would incorporate the land use designations, goals, and policies of the Ravenswood/4 Corners TOD Specific Plan.

Future development on SFPUC property must undergo the SFPUC Project Review Process to ensure consistency with SFPUC land uses and policies.

- 11-13 The comment suggests a text edit to the EIR to change “Hetch Hetchy watershed” to “Hetch Hetchy Regional Water System.”

The City notes the comment. However, the language “Hetch Hetchy watershed” is consistent with that used in the text of the East Palo Alto Municipal Code, Chapter 13.24, Article VI which is being cited. Therefore, the original text remains.

- 11-14 The comment provides updated information about the capacity of the Harry Tracy Water Treatment Plant.

The City proposes to edit the text on page 4.15-15 in response to the comment as follows:

The Hetch Hetchy Reservoir water is a relatively pure supply and requires only pH adjustment to control pipeline corrosion and disinfection to kill bacteria. Water from all other sources is treated at treatment plants. The Harry Tracy Water Treatment Plant (HTWTP), near San Bruno and Millbrae, treats water from the Peninsula System reservoirs. It has a peak capacity of ~~140~~ 180 MGD and a sustainable capacity of ~~120~~ 140 MGD. ~~In March 2011, construction was launched on an approximately \$280 million improvement project involving seismic retrofits and electrical upgrades to enhance the HTWTP's treatment capacity. The upgrade was completed in April 2015.~~⁵⁴

⁵⁴ Kinney, Aaron. 2015. "SFPUC: San Bruno project will keep water flowing after earthquake." San Jose Mercury News. Accessed February 5, 2016. Retrieved from http://www.mercurynews.com/san-mateo-county-times/ci_27890298/sfpuc-san-bruno-project-will-keep-water-flowing. S. R. Ritchie, SFPUC. Comment Letter to Guido Persicone. Re: East Palo Alto General Plan and Draft Environmental Impact Report (DEIR). June 14, 2016.

- 11-15 The comment suggests a text edit to the EIR.

The City proposes to edit the text on page 4.15-24 in response to the comment as follows:

As part of the adoption of its Water System Improvement Program in October 2008, SFPUC is limiting its sales of water to each customer through 2018. It has established an interim supply allocation of 2,199 AFY (1.96 MGD) for East Palo Alto. In times of drought, SFPUC ~~would~~ may provide less than the assurance depending on the severity of the water shortage in accordance with the Water Shortage Allocation Plan adopted by SFPUC and its wholesale customers.

This proposed change to the EIR text does not worsen any identified impact.

- 11-16 The comment notes that the document does not define the acronym “RWS” despite using it and instead suggests spelling out “Hetch Hetchy Regional Water System.”

The City proposes to edit the text on pages 4.15-26 and 4.15-27 in response to the comment as follows:

The SFPUC Agreement allows for the transfer or exchange of water among parties, both inside and outside of the ~~RWS~~ Hetch Hetchy Regional Water System. Within the SFPUC system, it is possible to transfer individual supply guarantee and/or unused portions of water allocations among contracting agencies. The Water Shortage Allocation Plan (WSAP) adopted by SFPUC and its wholesale customers provides for voluntary transfers of water among wholesale customers during periods when mandatory rationing is in effect within the ~~RWS~~ Hetch Hetchy Regional Water System. Some wholesale customers have the capacity to draw more heavily on other water supplies, such as the State Water Project or groundwater and may be willing to transfer a portion of their individual supply guarantee to other customers.

Both the SFPUC Agreement and state law also allow purchase and transfer of water from outside the SFPUC service area. As permitted by the SFPUC Agreement and state law, water may be purchased from outside of the ~~RWS~~ Hetch Hetchy Regional Water System and conveyed to SFPUC and/or East Palo Alto through third-party transmission systems. Additional water could be secured either by SFPUC or East Palo Alto to augment its water supply. Such an arrangement would require both a contract with the third-party water supplier and an agreement between East Palo Alto and the SFPUC on the water quality, price, and operational terms.

This proposed minor text changes to the EIR do not alter any of the impact conclusions identified in the Draft EIR.



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Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650.688.8400 • Fax: 650.323.9129

Fire Chief

Harold Schapelhouman

Board of Directors

Robert J. Silano

Peter Carpenter

Chuck Bernstein

Rex Ianson

Virginia Chang Kiraly

June 14, 2016

Guido F. Persicone
Senior Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303
email - gpersicone@cityofepa.org

Re: Comments on Vista 2035 General Plan Update EIR

Dear Mr. Persicone:

We appreciate the opportunity to provide comments on the Environmental Impact Report (EIR) for the Vista 2035 General Plan (General Plan). As the fire and emergency services provider in the City, it is critical that the impacts of the General Plan on the Menlo Park Fire Protection District (Fire District) be properly analyzed and mitigated. The General Plan includes a significant increase in the amount and density of development in the City. The proposed Plan will lead to an increase in the number and height of structures and service population that the Fire District serves.

The new development under the General Plan **will have a significant impact on the Fire District that must be addressed.** In addition, the combination of the General Plan and the proposed increased development in the other jurisdictions served by the Fire District, will have a significant cumulative impact that must be analyzed and mitigated in the EIR.

12-1 This cumulative impact is caused by the projects and plans being proposed in the other jurisdictions including the ConnectMenlo Plan, Facebook Campus Expansion and Downtown Specific Plan in Menlo Park, and the North Fair Oaks Plan in the County of San Mateo.

The main comments of the Fire District are: (1) the EIR concludes that the impacts on the Fire District will be less than significant due to the adoption of a fire and emergency services impact fee. The adoption of the impact fee must be required as an adopted program or a mitigation measure in order to support the conclusion that the impact is less than significant.

If not, the impact to the Fire District will have to be identified as significant in the EIR; (2) the significant and unavoidable traffic impacts identified in the EIR will have a significant adverse impact on emergency access routes which will need to be analyzed and mitigated; and (3) the General Plan will have significant impacts on water supply which will result in inadequate water supply for meeting fire flow requirements of existing and planned development. These impacts need to be adequately addressed and mitigated in the EIR.

1. Impact on Emergency and Fire Services Requires Adoption of Impact Fee

12-2

The EIR concludes that the project and cumulative impact to emergency and fire services due to the General Plan will be less than significant based on the imposition of an emergency and fire services impact fee. The EIR relies on certain General Plan policies on the impact fee to support its conclusion. These policies are: Economic Development Element Policy 3.1, Infrastructure, Services, Facilities Element Policy 5.1, and Economic Development Element Policy 3.3. **However, none of these policies require the City to adopt an emergency and fire services impact fee. Therefore, the policies as currently written should be revised to require the City to adopt the emergency and fire services fee as approved by the Fire District Board. Alternatively, the adoption of the fee should be required as a mitigation measure in the EIR.** This is critically important due to recent developments regarding the Fire District's fee. The fee has been adopted by the Fire District Board and submitted to all cities and the County for adoption.

Communications from East Palo Alto to the Fire District have indicated that the impact fee may not be adopted. Therefore, the conclusion in the EIR that the impact is less than significant cannot be assured. So, either the adoption of the impact fee must be mandated or the EIR should be revised and recirculated to identify the impact on fire services as significant.

2. Significant Traffic Impacts on Emergency Access Routes

12-3

The EIR does not properly analyze and mitigate the significant impacts on emergency access routes from the severe traffic impacts that will result under the General Plan. The EIR identifies numerous significant and unavoidable impacts on roadways that are critical emergency service routes for the Fire District. The EIR concludes that these impacts cannot be mitigated. However, the EIR does not properly analyze the effect of severe roadway congestion on the provision of emergency and fire services. **In particular, the EIR does not specifically analyze the adverse impacts of traffic on emergency access routes. The EIR should properly disclose and analyze these impacts. Increased congestion on emergency access routes will adversely affect response times for emergency vehicles placing life and property in danger.** In addition, the City should consider and consult with the Fire District on feasible mitigation measures to address the traffic impacts on emergency access routes. For example, changes in street design and potential new alternative emergency response routes are mitigation measures that the City should consider.

3. Significant Impacts of Inadequate Water Supply on Fire Services

12-4

The EIR concludes that there is inadequate water supply to serve the demand of development under the General Plan. Therefore, the EIR includes mitigation measures to address these significant water supply impacts. However, the EIR does not properly disclose or analyze the impacts of inadequate water supply on fire flow requirements for existing and planned development. **The EIR must properly and fully disclose these impacts.** The EIR also must include mitigation measures to specifically ensure that there is adequate fire flow to meet new development.

4. Hazardous Materials.

12-5

Page 4.8-4 - Under CA Environmental Protection Agency.
California Uniform Fire Code: Hazardous Materials Management Plans (HMMPs)

- 12-6 | Page 4-8.6 - Hazardous Materials Management Plan
Businesses that store hazardous materials in excess of specified quantities of the CA Fire Code must report their chemical inventories to the Menlo Park Fire Protection District and obtain an annual operating permit for storage and use of hazardous materials.
- 12-7 | *Underground Storage Tanks - Businesses that store hazardous materials in excess of specified quantities must report their chemical inventories to SMCEHD and MPFPD, which oversees removal activities to identify evidence of leakage, safety and proper disposal.*
- 12-8 | *Above Ground Storage Tanks - Inspections and permits are required for facilities storing hazardous materials in ASTs by SMCEHD and MPFPD.*
- 12-9 | Page 4.8-8 - CA Building and Fire Code
California Fire Code (CFC) is Part 9 of CCR Title 24. The City Building Official ensures that new and existing structures adhere to pertinent portions of the Building and Fire Codes. The Menlo Park Fire Protection District ensures that new and existing structures adhere to pertinent portions of the CA Building and Fire Codes in construction, issuance of annual occupancy permits, hazardous materials management, and maintaining Title 19 State mandated inspections.
- 12-10 | Page 4.8-14 - Menlo Park Fire Protection District
The Menlo Park Fire Protection District ensures that new and existing structures adhere to pertinent portions of the CA Building and Fire Codes in construction, issuance of annual occupancy permits, hazardous materials management of storage and use, and maintaining Title 19 State mandated inspections.
- 12-11 | Page 4-8.26
Policy 3.6 Require adopting Fire impact Fee.

5. Comments on General Plan Goals, Policies and Programs

The Fire District staff has closely worked together with the City staff to develop goals, policies and programs in the General Plan to address impacts on emergency and fires services. **However, some of these policies and programs still need to be revised to address Fire District concerns.**

- 12-12 | Attached is a copy of the letter to the City Council from the Fire District dated March 10, 2016 with comments on the General Plan. **The Fire District asks that the Council direct City staff to work with the Fire District to address these issues.** Revisions to General Plan policies may address some of the EIR issues raised in the letter. Policies with enforceable mandates may be the basis for finding an impact less than significant in lieu of adopting a mitigation measure.

6. Conclusion

- 12-13 | The continued provision of a high level of fire and emergency services for the new development proposed under the General Plan is a goal of the Fire District that the City should share. Therefore, the impacts of new development on the Fire District must be completely addressed.
- The Fire District appreciates the City's consideration of these EIR comments on this important project. The Fire District, as a fellow public service agency and a responsible agency under CEQA. **The District looks forward to working with the City to ensure that the impacts on the Fire District are fully addressed and mitigated in the EIR.**

7. Attachments:

- March Comments Letter
- Overview location of Emergency Incident for 2015
- Primary Emergency Response Routes
- Fact Sheet

Sincerely,

Harold Schapelhouman, Fire Chief

Jon Johnston, Fire Marshal

cc: Mayor and Honorable Member of City Council and City Manager



Fire Chief
Harold Schapelhouman

Board of Directors
Virginia Cheng-Kirby

Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650.688.8400 • Fax: 650.323.9129
Website: www.menlofire.org • Email: mpfd@menlofire.org

March 10, 2016

City Manager Carlos Martinez and Honorable Mayor and Members of the City Council

The Fire District has been working with City staff to incorporate goals, programs and policies into the General Plan Update to address life safety and emergency services issues in this important document. The Fire District appreciates City staff's efforts to reach out to the District for its input. Several of the Fire District's comments and requests have been included in the draft document presented to the Council tonight. The Fire District continues to work with City staff on some remaining issues. This letter briefly addresses these remaining issues to make you and the Council aware of the Fire District's important comments or recommended adjustments related to this document.

Chapter 6 – Transportation.

Please add an exhibit identifying the Fire District's primary emergency response routes and a policy that modifications of any designated emergency access routes will be reviewed and approved by District to confirm emergency access does not adversely affect response times which are critical.

In addition, we ask that you add a policy that the Fire District will be consulted regarding street design related to emergency access and traffic calming measures. These roadway features may slow response times and should be reviewed by the Fire District to ensure that they do not adversely affect or impede emergency access, crew performance and create unacceptable delays that harm the public.

We recommend the addition of a category titled "Emergency Vehicles" to the Table on Mode Priority for Street Types. Currently the Table only includes bicycle, pedestrian, transit and vehicles as Mode Priorities.

We also recommend adding information under the health care discussion. Each Fire Engine is staffed by at least one paramedic firefighter that provides emergency advanced life support care to the community. In 2015, of the 8547 emergency incidents District wide, East Palo Alto accounted for 2350 or 27% of the Districts total call volume. Essentially, 30% of the fires and medical incidents occur in the City of East Palo Alto.

Of the 2350 calls for service in East Palo Alto in 2015, the majority, or 72%, were emergency medical incidents, the highest percentage of volume compared to any of the Districts six other fire stations. In summary, total emergency call volume has gone up in the City by 15%, since 2010.

Chapter 9 – Infrastructure, Services and Facilities

Augment the recommendations of the Fire District by adding the following language: “The Fire District’s goal is to provide emergency services immediately after notification of Public Safety Communications through 9-11. The District’s Fire Board has adopted time and response standards under Board Resolution 1818 to be on-scene of any incident within 7 minutes 90% of the time. 7 minutes includes 1 minute for dispatch, up to 2 minutes for turnout time and 4 minutes for response or drive time and 11 minutes for all units to arrive on-scene of any major emergency at a first alarm assignment”.

Augment Policy 1.21 to add that “water infrastructure shall be designed with fire flows and fire hydrant spacing to meet the emergency needs for future demands and planned growth”.

Chapter 10 – Safety and Noise

Revise Fire/Wildfire section to augment discussion of fire services, add other emergency services, and augment wildfire discussion. We would like to specifically add information on Structure Fires in this section. East Palo Alto continues to have more fires than any of the other jurisdictions we serve and tragically more fatality fires as a result. Review and revise Hazardous Materials discussion as necessary.

Augment Goal SA-3 to reflect other policies to promote adequate fire services, such as:

Emergency Services and Fire Impact Fee – Adopt the Districts new development impact fee schedule to off-set additional equipment, apparatus and facility costs needed to secure an effective fire force, or enough resources, for the community.

Cooperation with the Menlo Park Fire Protection District (MPFPD). Cooperate with MPFPD in developing standards, guidelines and local ordinances to assure provision of adequate fire protection and emergency medical service for all persons and property in the community.

Development Review for Emergency Response Needs. Evaluate new development proposals to ascertain and mitigate problems associated with emergency response needs.

Fire Vehicle Access. Provide access for fire-fighting vehicles to all new developments in accordance with fire access standards of MPFPD.

Preemptive Devices at Traffic Signals. Equip all new traffic signals with preemptive devices for emergency response services. Existing traffic signals significantly impacted by new developments shall be retrofitted with preemptive devices at developer’s cost.

Fire Protection Systems. Cooperate with MPFPD to enforce requirements for built-in fire protection systems as required by ordinance, including specialized built-in fire protection systems that may be required based upon building size, use or location.

Development Review by MPFPD. Require proposed construction projects to be reviewed by MPFPD at the beginning of the City review process before permits are issued. MPFPD shall submit conditions of approval for such projects to ensure that they meet adopted fire safety standards. .

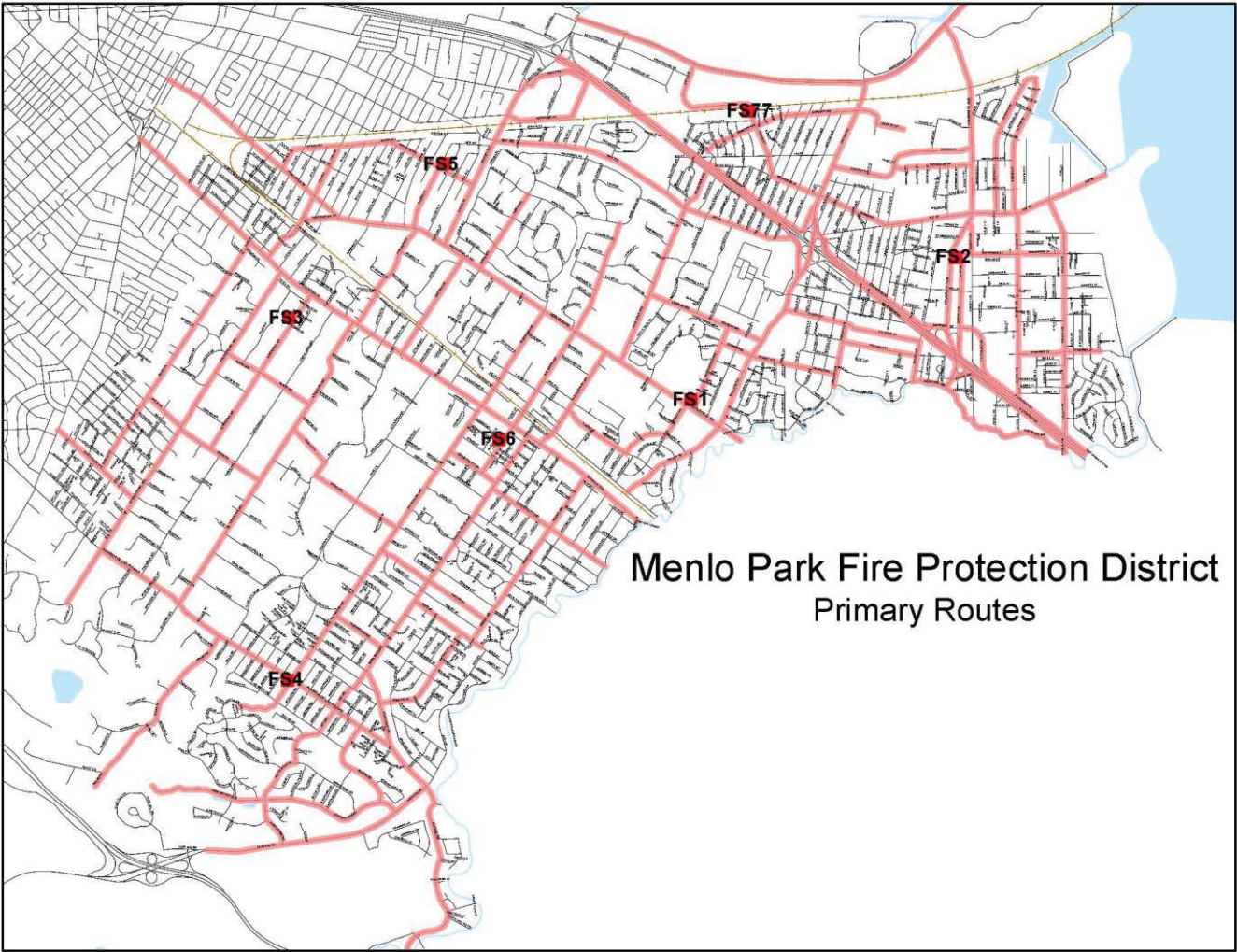
Review and augment Goals SA-4 and SA-5 to adequately address these issues from the Fire District's perspective and make sure all District programs and needs are addressed.

We ask the City Council to direct staff to continue to work with the Fire District to ensure that the District's concerns about life safety and emergency services are adequately addressed in the General Plan Update.

Thank you!

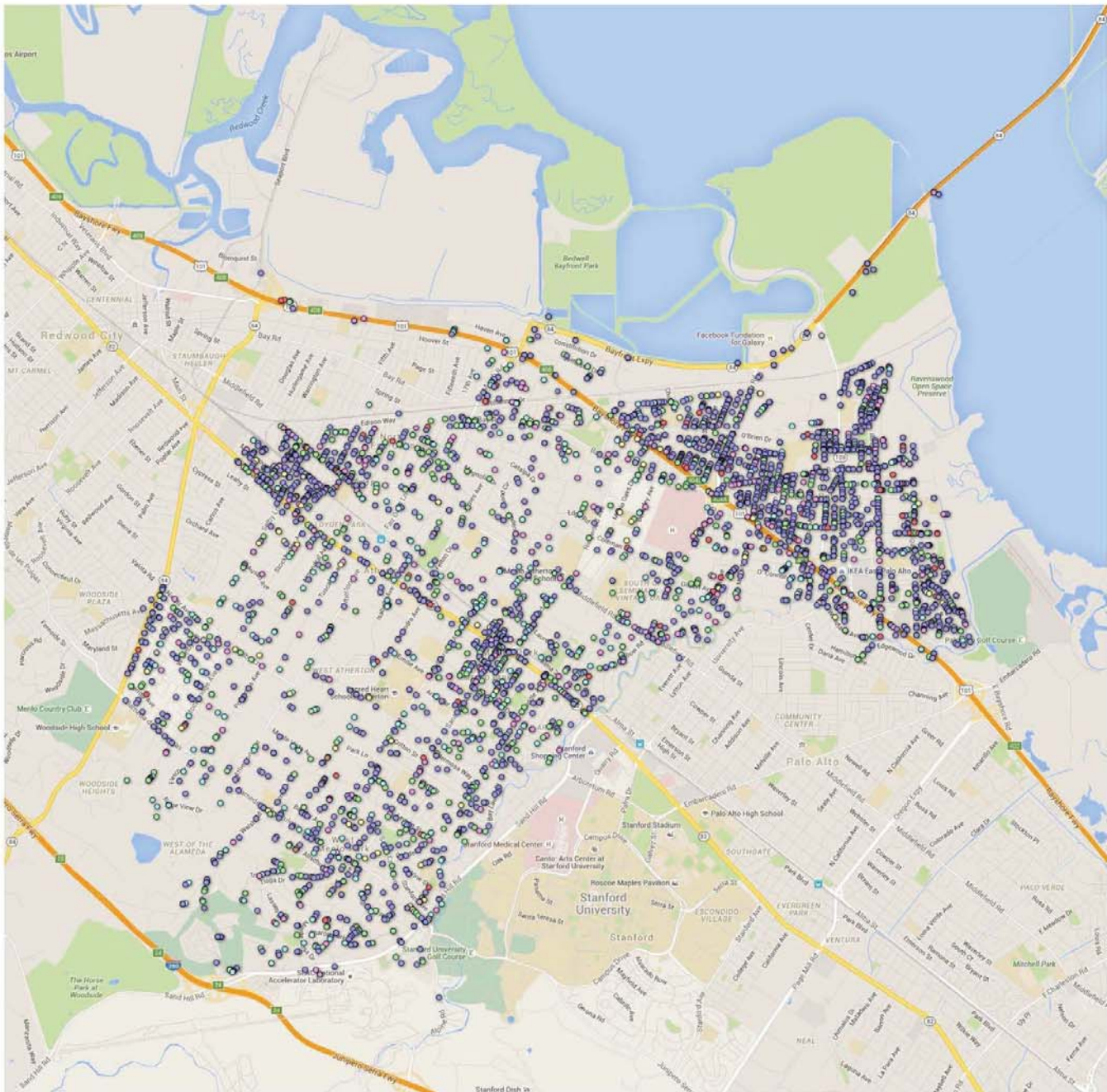
Harold Schapelhouman, Fire Chief










Jon Johnston, Fire Marshal



Menlo Park Fire Protection District
Primary Routes

8,547 Calls in 2015 Menlo Park Fire Protection District



- | | | |
|---|--|---|
|  187 Fires |  143 Hazardous Conditions |  39 Special Incident Types |
|  1,036 Service Calls |  805 False Alarms |  1 Severe Weather / 10 Overpressure Ruptures |
|  5,532 EMS Calls |  769 Good Intent Calls |  25 Undefined |



100 Years of Service

Menlo Park Fire Protection District

170 Middlefield Road • Menlo Park, CA 94025 • Tel: 650.688.8400 • Fax: 650.323.9129
Website: www.menlofire.org • Email: mpfd@menlofire.org

Fire Chief
Harold Schapelhouman

Board of Directors
Robert J. Silano
Peter Carpenter
Chuck Bernstein
Rex Ianson
Virginia Chang Kiraly

East Palo Alto Fact Sheet

Impact Fee Facts – 6/2016

- Applies to ALL jurisdictions served by the Fire District
- Was adopted by the Fire Board in April
- Must be approved by each city, county or town council or governing board
- Can only be used for equipment, apparatus and Fire Stations – Not personnel costs
- Does not apply to single family residential structures that install life safety sprinkler systems
- On commercial or multi-residential structures – Factors in existing square footage of buildings to be demolished, or torn down, as an overall credit so development is only charged for square footage above what used to exist

Budget and Reserve Facts

- The Fire District is primarily funded by property taxes (93%)
- The Fire District does NOT receive sales tax, transit occupancy tax or vehicle license fees
- The Fire Districts reserves are used for equipment, fleet, facilities, workers comp, pension liability, catastrophic loss and other operational items
- The Fire District recently received an S&P Bond rating of a AA+ agency
- The Board has policies to live with-in its annual budget and funding

Station 2 – East Palo Alto

- The Station took 10 years the buildout through several phases due to the economy
- We have 3 more Fire Stations out of 7, that need to be rebuild because they are 60+ years old
- The Station costs include, purchase of two properties \$1,288,093, schematic design \$319,593, phase two communications infrastructure \$1,266,130, Phase two site work \$1,100,468, temporary structures (trailer/apparatus cover) \$370,000, Solar Power System \$156,622, New Fire Station (Est) \$7,863,000 – **Total Cost \$12,363,906**

Station 2 – Emergency calls for service

- 2015 – District wide – 7 Stations, 4 jurisdictions plus SLAC = 8547
- 2015 – Station 2 emergency incidents = 2350 calls or 27% of ALL emergencies
- Fire Station 2 is the busiest in the entire Fire District
- 2015 – All fires = 187
- 2015 – Station 2 – Fires = 55+
- 2015 – All EMS incidents = 5532
- 2015 – Station 2 – All EMS Incidents = 1711 (30%)

The Future

- We currently staff the Fire Station with 3 people and 1 Fire Engine
- Add a fourth person to Station 2 daily when the Fire Station opens
- Add a two person Rescue Squad and staff the Station at 5 with an Engine/Squad combo
- Move the Aerial Ladder Truck from Station 1 to Station 2 with 4 people

Responses to Comment Letter 12 - Harold Schapelhouman and John Johnston, Menlo Park Fire Protection District

- 12-1 The comment states that development allowed by the General Plan Update would place new demands for fire and emergency services on the Menlo Park Fire Protection District (MPFPD). The comment states that the City should adopt an impact fee on new development to help offset the costs of meeting new demands. The comment states that the significant and unavoidable traffic and water supply impacts disclosed in the EIR would have a significant impact on the MPFPD's emergency access routes and fire flow requirements, respectively.

The City appreciates the comments and appreciates MPFPD's ongoing partnership with the City in the preparation of the General Plan Update. The City worked closely with MPFPD in developing key goals and policies.

The City acknowledges that the General Plan Update is intended to foster desired growth in East Palo Alto over the long term. However, the City disagrees with the assertion that the increased demands on fire and emergency services constitute significant effects under CEQA.

CEQA assess impacts to fire protection services based on whether a project would require the provision of new or physically altered fire protection facilities, the construction of which may have a significant environmental impact. As discussed in **Section 4.13.4** of the Draft EIR, the MPFPD has not indicated a need to construct new fire stations or significantly expand existing stations or other facilities, nor does the comment letter identify the need for any specific new facilities. In October 2015, as shown on page 4.13-15 of the Draft EIR, the City reached out to the MPFPD to confirm that additional facilities would not be needed.

The Draft EIR acknowledges that the General Plan Update will increase development, demand for fire protection and emergency medical services, and traffic congestion on page 4.13-15. The Draft EIR does not dispute that growth anticipated by the General Plan Update will likely require additional staffing and/or labor hours to support future development. However, these reasons listed in the comment are not considered significant impacts under CEQA. The impact significance threshold pursuant to Appendix G of the CEQA Guidelines is whether a project would require new construction of fire facilities which would have physical environmental impacts. As such, the EIR contains the appropriate impact conclusion pursuant to CEQA.

The General Plan Update includes Goal SN-3, Policy 3.6, which states, “Coordinate with MPFPD in examining an impact fee on new development in order to help ensure provision of services in the event of demand increases.” Specific projects proposed under the General Plan Update would also undergo project-level CEQA review, which would include an assessment of impacts on fire services.

The General Plan Update contains numerous policies to ensure that development in the City does not compromise emergency vehicle access routes. These include but are not limited to the following:

- General Plan Update Goal T-1, Policy 1.5 directs the City to coordinate with the MPFPD to ensure adequate emergency access and routes during construction projects.
- General Plan Update Goal LU-16, Policy 16.1 includes consultation with the MPFPD on traffic calming strategies so that they do not impede emergency access routes.
- Goal HE-5, Policy 5.6 aims to maintain safe and direct emergency access routes in the transportation network.
- Goal HE-5, Policy 5.7 prioritizes emergency vehicle accommodations in the public right-of-way.
- Goal ISF-10, Policy 10.3 calls for continued coordination with the MPFPD to ensure excellent fire and emergency services.
- Goal SN-3, Policy 3.6 directs the City to coordinate with MPFPD in examining an impact fee on new development.
- Implementation Element, Public Safety, Item #7 directs the City to install traffic signal pre-emption technology for police and emergency vehicles.

While the EIR conservatively identifies traffic impacts by comparing future cumulative conditions with the General Plan Update to existing conditions, in reality, the difference in cumulative traffic conditions with and without the General Plan Update would be less substantial. Nearly all of the traffic impacts identified in **Section 4.14.4** of the Draft EIR would be the result of background traffic growth and the already-approved Ravenswood Specific Plan. As discussed in **Section 4.14.4** of the Draft EIR, when comparing cumulative conditions with and without the General Plan Update, development allowed by the General Plan Update would degrade LOS at two intersections (University Avenue and Bay Road in the PM and University

Avenue and Donohoe Street in the AM) and on two roadway segments (University between Michigan Avenue and Bay Road and Donohoe Street between University Avenue and Capitol Avenue).

The Draft EIR identifies water supply impacts as significant and unavoidable, as the City currently has not identified sufficient water supplies to support buildout of the development that the General Plan Update envisions. However, **Mitigation Measure UTL-1**, discussed in **Section 4.15.4** of the Draft EIR, prohibits approval of future development projects until the project proponent demonstrates enforceable, verifiable proof of an adequate water supply to support the development. Future project proposals will require project-level CEQA review to assess and disclose impacts, including those on water supply, and the City will not approve projects without an adequate water supply. As such, development allowed by the General Plan Update will not result in inadequate water supply for meeting fire flow requirements.

- 12-2 The comment states that the EIR must be revised and recirculated to identify impacts to the MPFPD as significant unless the City adopts an impact fee.

Pursuant to CEQA Guidelines Section 15088.5, a lead agency is required to recirculate an EIR when significant new information is added to the EIR after the public is given notice of the availability of the Draft EIR but before certification. "Significant new information" may include, among other things, a new significant impact from the project or a mitigation measure, or a substantial increase in the severity of an environmental impact.

See the response to comment 12-1. While the General Plan Update includes a policy calling for adoption of such an impact fee, the fee is unrelated to the conclusion of a less-than-significant impact related to fire and emergency services. As such, the Draft EIR's original impact conclusions remain appropriate.

- 12-3 The comment states that the EIR does not properly disclose and analyze impacts of traffic congestion on fire and emergency services and suggests that the City consult with MPFPD to consider feasible mitigation measures.

Appendix G of the CEQA Guidelines includes the question of whether a project would "result in inadequate emergency access."

As noted in the response to comment 12-1 above and in **Section 4.14** of the Draft EIR, traffic congestion has been an ongoing concern in East Palo Alto. More than 80 percent of the automobile trips in East Palo Alto do not start

or end in East Palo Alto—in other words, the overwhelming majority of traffic in East Palo Alto is through traffic. The City cannot close its roads or otherwise preclude through traffic. At the same time, the General Plan Update reflects the City’s mutually reinforcing goals of expanding housing opportunities while also increasing employment opportunities within the City limits. The General Plan Update does not specifically contemplate or implement any specific changes to the City’s roadway network, although it does include policies to continue to study various options to improve such thoroughfares as University Avenue.

As reflected in the response to comment 12-1, the General Plan Update includes numerous policies specifically intended to address emergency-service-related aspects of planned growth. These include:

- General Plan Update Goal T-1, Policy 1.5 directs the City to coordinate with the MPFPD to ensure adequate emergency access and routes during construction projects.
- General Plan Update Goal LU-16, Policy 16.1 includes consultation with the MPFPD on traffic calming strategies so that they do not impede emergency access routes.
- Goal HE-5, Policy 5.6 aims to maintain safe and direct emergency access routes in the transportation network.
- Goal HE-5, Policy 5.7 prioritizes emergency vehicle accommodations in the public right-of-way.
- Goal ISF-10, Policy 10.3 calls for continued coordination with the MPFPD to ensure excellent fire and emergency services.
- Goal SN-3, Policy 3.6 directs the City to coordinate with MPFPD in examining an impact fee on new development.
- Implementation Element, Public Safety, Item #7 directs the City to install traffic signal pre-emption technology for police and emergency vehicles.

At the programmatic level, the City’s adherence to the above-cited goals, policies, and implementation measures would ensure that attention to emergency services is properly provided as growth and development under the General Plan Update is gradually realized. To this end, the City properly concluded that programmatic-level effects of the General Plan Update would be less than significant with adherence to these policies. The City looks forward to continuing its excellent working relationship with the

MPFPD over the next several years to help realize and implement the above policies.

- 12-4 The comment states that the EIR does not properly disclose and analyze the impacts of inadequate water supply on fire services and that the EIR must include mitigation measures to ensure that there is adequate fire flow for new development.

The City agrees that ensuring an adequate water supply for firefighting needs is an important goal.

As discussed in the response to comment 12-1, the Draft EIR identifies water supply impacts as significant and unavoidable, as the City currently has not identified sufficient water supplies to support buildout of the development that the General Plan Update envisions. However, **Mitigation Measure UTL-1**, discussed in **Section 4.15.4** of the Draft EIR, prohibits approval of future development projects until the project proponent demonstrates enforceable, verifiable proof of an adequate water supply to support the development. Future project proposals will require project-level CEQA review to assess and disclose impacts, including those on water supply, and the City will not approve projects without an adequate water supply. As such, development allowed by the General Plan Update will not result in inadequate water supply for meeting fire flow requirements.

- 12-5 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-4 in response to the comment as follows:

- California ~~Uniform~~ Fire Code: Hazardous Material Management Plans (HMMPs) and Inventory Statements

- 12-6 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-6 in response to the comment as follows:

Hazardous Materials Management Plan

Businesses that store hazardous materials in excess of specified quantities in the California Fire Code must report their chemical inventories to SMCEHD and MPFPD by preparing a HMMP, also known as a Business Plan, and obtain an annual operating permit for storage and use of hazardous materials.

- 12-7 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-6 in response to the comment as follows:

Underground Storage Tank Programs

Due to fire hazards, flammable liquids, such as gasoline, have historically been stored in USTs, which can leak over time, posing risks to the general public and the environment. Current regulations require that USTs be installed, monitored, operated, and maintained in a manner that protects public health and the environment. Tanks must be constructed with primary and secondary levels of containment and be designed to protect public health and the environment for the lifetime of the installation. The USTs must be monitored for leaks and built such that a leak from the primary container into the secondary container will be detected. When a UST is proposed to be removed, a detailed permit application must be submitted to SMCEHD and MPFPD, which oversees removal activities to identify evidence of leakage and measures for safety and proper disposal.

- 12-8 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-6 in response to the comment as follows:

Aboveground Storage Tank Programs

Inspections and permits are required for facilities storing hazardous materials in ASTs by SMCEHD and MPFPD.

- 12-9 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-8 in response to the comment as follows:

California Building and Fire Code

The California Building Code (CBC) is Part 2 of California Code of Regulations (CCR) Title 24. East Palo Alto has adopted the 2013 CBC for use in reviewing building permit applications. California Fire Code (CFC) is Part 9 of CCR Title 24. The City Building Official ensures that new and existing structures adhere to pertinent portions of the Building and Fire Codes. The MPFPD ensures that new and existing structures adhere to pertinent portions of the Building and Fire Codes in construction,

issuance of annual occupancy permits, hazardous materials management, and maintaining Title 19 State-mandated inspections.

12-10 The comment suggests a text edit to the Draft EIR.

The City proposes to edit the text on page 4.8-14 in response to the comment as follows:

Menlo Park Fire Protection District

The MPFPD ensures that new and existing structures adhere to pertinent portions of the Building and Fire Codes in construction, issuance of annual occupancy permits, hazardous materials management of storage and use, and maintaining Title 19 State-mandated inspections. ~~The MPFPD Menlo Park Fire Protection District~~ responds to hazardous or toxic spill incidents in the East Palo Alto area. The District has a Hazardous Materials Area Plan that guides emergency response procedures for hazardous materials incidents. The District also administers a weed abatement program intended to minimize the risk of grass/brush fires.

12-11 The comment suggests a text edit to General Plan Policy 3.6 to require adopting a fire impact fee.

Please see the response to comment 12-1. The City appreciates the comment.

12-12 The comment states that revisions to the General Plan may address some of the EIR issues raised in the letter.

The City notes the comment.

12-13 The comment states that the MPFPD looks forward to working collaboratively with the City to ensure that the EIR fully addresses and mitigates impacts to the MPFPD.

The City notes the comment.

From: [kasturi shekhar](#)
To: [Guido Persicone](#)
Subject: Concerns on Draft EIR
Date: Wednesday, June 15, 2016 10:49:38 AM

Hi Guido,

13-1 I live in McNair Street, East Palo Alto. I have been through the DEIR. The DEIR is very well prepared. I have two concerns:

- Having a restroom at the Joel Davis park. An attempt to have the restroom was also conceived before but was dropped due a number of reasons. We face the park. Our bedroom overlooks the park. I think having a restroom for such a small park will invite a lot of crime. People will have drug, sex and what not. Homeless people will hang around to use the restroom. Children playing in the park will be witnessing these. We from our bedroom will also see these and may get the bad smell from it too. So, I strongly feel a restroom should not be there for such a small park.
- I do not support bring down the fence along Pulgas and Clarke for University Square for safety reasons.

With regards,
Kasturi

Responses to Comment Letter 13 - Kasturi Shekhar

13-1 The comment states that the Draft EIR is well prepared.

The City notes the comment. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

Shashi Shekhar
1960 McNair Street
East Palo Alto, CA 94303

June 15, 2016

Guido F Persicone
Senior Planner, City of East Palo Alto
1960 Tate Street, CA 94303

Dear Mr. Guido Persicone,

14-1 | I had a glance over Draft Environmental Impact Report (DEIR)- City of East Palo Alto General Plan Update, April 2016. It is a well prepared document, and appreciate the efforts put in preparing this document. I have following specific and general comments:

i) LU-8, Policy 8.4, Page 4.1-8 : The design guidelines for fencing should emphasis on safety and security aspects also, not merely the ornamental, aesthetic and enhancing community character. However, I do not deny the importance of aesthetic, ornamental and enhancing character of the city.

ii) LU-16, Policy 16.1, Page 4.10-13 : I do not understand how the removal of restrictive fencing surrounding the University Square and re-establishing connections from Pulgas Avenue will enable "improve safety" as mentioned in LU-16 goal. Contrarily it reduces the existing safety aspects for University Square homes. *Please note the fact that the University Square homes have no front yard fencing unlike other single-family homes in the city. The only safety for the homes in University Square is the surrounding fencing and the gates. The removal of these will put the children in this neighborhood at great risk!*

iii) POC-2, Policy 2.5, Page 4.13-22: I do not undermine the importance of restrooms in large parks or recreational facilities in the city away from resident homes. However, it (restrooms) is a matter of concerns for small parks, close to children playground, and very close to resident apartments and homes. This can become a hiding location for illegal activities and crimes in the close proximity of family resident homes and apartments. I, therefore, request you not to have the restrooms in Joel Davis Park.

My general comments are to improve upon road safety through speed bumps, creating special interest groups for neighborhood interactions and having frequent program events at different locations within the city for enhanced community feelings.

With regards,

Shashi Shekhar

Responses to Comment Letter 14 - Shashi Shekhar

14-1 The comment states that the Draft EIR is well prepared.

The City notes the comment. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

From: Court Skinner <court@courtskinner.com>
Date: June 28, 2016 at 10:51:44 AM PDT
To: Guido Persicone <gpersicone@cityofepa.org>
Subject: Comment on the DEIR

Guido,

15-1 | As I was reading through the first table in the EIR my first thought is that this is not really a document suited to ordinary people. We don't have a glossary and terms like TAC and PM subscript 2.5 are not acronyms that are universally familiar. On the other hand I suppose we are legally stuck with consultant speak. When I got to an item on new sensitive receptors, however, my concerns increased. I think what we are really talking about here is the people who live in the homes, but the use of the term sensitive receptor seems meant to mislead. Then in Mitigation Measure AQ-3 (Pages 1-11 and 1-12) re measures to mitigate the effects of exposure we suggest that if mitigation is not possible, **the sensitive receptors shall be relocated**. Over the years, of course, we have continued to increase the threat to the sensitive receptors and, as individuals, accepted the consequences of the various illnesses that result or relocated, if that were possible (affordable.) Apparently we have now reached a point where we no longer try to disguise the options.

15-2 | By using such language, rather than being really transparent, we leave ourselves open to protests from those who'd read the EIR and decide that the consequences are not acceptable and that despite all the fancy purpose words those who build really don't have the best interests of the citizens as their purpose. I'm curious as to how we might mitigate such potential consequences. Also I'd like to know if there have been any avid readers who had the same reaction as I do?

Court

Responses to Comment Letter 15 - Court Skinner

- 15-1 The comment states that the EIR is not suited to the layperson; it does not contain a glossary and contains terminology, including the names of air pollutants and “sensitive receptors,” with which most people are not familiar.

Toxic air contaminant (TAC) is defined on page 4.3-4 of the Draft EIR, and PM_{2.5}, among other air-quality-related terms, is defined on page 4.3-1 of the Draft EIR. The Draft EIR uses standard language for CEQA documents.

The Draft EIR provides examples of sensitive receptors on pages 1-11, 4.1-7, and 4.3-29. In short, in air quality evaluations, “sensitive receptors” means people who may be at increased health risk from greater exposure to air pollutants. Although the Draft EIR defined this term on page 4.3-29, the City appreciates the comment that the language of the Draft EIR might have benefited from greater simplicity. This terminology is included in the CEQA Guidelines and its use in CEQA documentation is standard.

The purpose of **Mitigation Measure AQ-3** is to reduce the risk to any prospective *new* sensitive receptors which future new development might wish to place near major sources of air pollutants (i.e., immediately along freeways). This measure neither contemplates nor proposes the relocation of any existing uses or existing sensitive receptors within.

- 15-2 The comment suggests that the EIR is vulnerable by using language not suited to the layperson, and may be subject to attacks from those who believe the authors are emphasizing new development over current citizens. The commenter asks how the City intends to ensure that future development account for the desires of current citizens.

The City notes the comment. The comment does not raise any issues with the adequacy of the EIR or characterization of potential effects requiring further response.

From: [Eve Sutton](#)
To: [Vista2035 General Plan Update](#); [Guido Persicone](#)
Subject: General Plan -- Eve Sutton's comments
Date: Thursday, June 09, 2016 10:41:56 PM

BIG QUESTION: How will all these lovely ideals be protected? We lost much needed space for nonprofits when University Ave area was "developed" -- promised EHP and other agencies that the bad temporary locations would be replaced by good new facilities, but now this promise is not being honored. ABAG had good ideas over the years but got overruled.

My other comments include my usual concerns.

16-1

1. EPA simply cannot muster a quick evacuation. We cannot even commute quickly in and out of EPA on a normal weekday. We have NO effective plan for emergencies on a dark and stormy day or night, with flooding or smoke, etc.

EVERY plan should include plans to improve traffic flow.

RE: Would the project impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

2. RE: Water, and water pipes: I conserved so well this year that I went for months not even using one whole unit of water. I was essentially paying \$1 just to have a water METER. There must be a cost-effective way to update the meters AND replace our terribly old pipes. Ask Bernardo Huerta, a resident with experience in such things.

3. Re: Agriculture: Many residents (not only Weeks neighborhood) could and should use their land or community land for food production and maybe flowers or bees or livestock. We are still in a food desert, and many people cannot afford fresh organic produce, and many residents are overweight, and we have EXCELLENT soil and climate for agriculture. Collective Roots is underfunded but making good progress the past several years. A few years ago, I sold my oranges to Collective Roots every few weeks for their organic produce deliveries (Community Supported Agriculture) and would like that program to return.

RE: History of EPA— What happened to the materials that Leland Francois had in his truck/van for a history museum? Last I heard, the truck/van/trailer had been towed and impounded by EPA; I hope he can retrieve his property and set up an exhibit of local history.

16-2

LIGHTING: After DECADES of complaining, my neighbor at 211 Daphne finally got a street light installed on a phone pole. It shines into our other neighbor's windows at night (215 Daphne) and makes stargazing more difficult. Where are the mitigations to minimize spillover light?

HOUSING: We need to consider the effects of illegal foreclosure and eviction on housing stock. Judges and banks work in tandem to REMOVE residents with Sheriff's help. We could ease a lot of housing problems by convincing Superior Court judges to

ensure the laws protecting homeowners and tenants are followed carefully especially for cases of wrongful foreclosure and eviction. DO NOT just assume judges will be ethical. Our housing crisis, or foreclosure crisis, is based on bad court rulings.

We need dedicated, highly trained community law clinics, medical clinics, veterinary/animal services, etc. Ravenswood Health Center is a good start!

Thank you!

--Eve Sutton eve@well.com www.mortmelt.com
(650) 325-3234
216 Daphne Way, East Palo Alto, CA 94303

on 6/9/16 11:38 AM, Vista2035 General Plan Update at jackie@raimiassociates.com wrote:

Having trouble reading this email? Click "Display Images" above

View this email in your browser <<http://us7.campaign-archive2.com/?u=7d3549d21f9c481ff0bb59ce7&id=5e73100612&e=12a6d34a88>>

ONE WEEK LEFT to submit public comments on the Draft Program Environmental Impact Report (EIR) for the 2035 East Palo Alto General Plan.

The public review period will close on **Wednesday, June 15, 2016 at 4PM**. Public comments for the General Plan will be accepted until this date. Please share this notice widely with interested parties.

Written comments should be addressed to: *Guido F. Persicone, Senior Planner, City of East Palo Alto, 1960 Tate Street, East Palo Alto, CA 94303.*

Alternatively, written comments can also be emailed to gpersicone@cityofepa.org. Emailed comments must include "General Plan" in the subject box.

The Draft EIR and General Plan can be viewed at the following locations:

- East Palo Alto Branch Library, 2415 University Ave., East Palo Alto, CA 94303
- East Palo Alto City Hall, City Clerk, 2415 University Ave., E.P.A, CA 94303
- East Palo Alto Permit Center, 1960 Tate Street, East Palo Alto, CA 94303

Online at: http://vista2035epa.org/wp-content/uploads/2016/04/EPA_GP_EIR_Voll_DEIR.pdf
<<http://vista2035epa.us7.list-manage.com/track/click?>

[u=7d3549d21f9c481ff0bb59ce7&id=f598767ad6&e=12a6d34a88](http://vista2035epa.org)>

See <http://vista2035epa.org> <<http://vista2035epa.us7.list-manage1.com/track/click?u=7d3549d21f9c481ff0bb59ce7&id=d83bbb373e&e=12a6d34a88>> for more information about the General Plan and the planning process.

-The Vista2035 General Plan Team

Responses to Comment Letter 16 - Eve Sutton

16-1 The comment states that traffic congestion in East Palo Alto impedes efficient emergency evacuation.

As noted in **Section 4.14** of the Draft EIR, traffic congestion has been an ongoing concern in East Palo Alto. More than 80 percent of the automobile trips in East Palo Alto do not start or end in East Palo Alto – in other words, the overwhelming majority of traffic in East Palo Alto is through traffic. The City cannot close its roads or otherwise preclude through traffic. At the same time, the General Plan Update reflects the City’s mutually reinforcing goals of expanding housing opportunities while also increasing employment opportunities within the City limits. The General Plan Update does not specifically contemplate or implement any specific changes to the City’s roadway network, although it does include policies to continue to study various options to improve such thoroughfares as University Avenue.

The General Plan Update includes numerous policies specifically intended to address emergency-service-related aspects of planned growth. These include:

- General Plan Update Goal T-1, Policy 1.5 directs the City to coordinate with the MPFPD to ensure adequate emergency access and routes during construction projects.
- General Plan Update Goal LU-16, Policy 16.1 includes consultation with the MPFPD on traffic calming strategies so that they do not impede emergency access routes.
- Goal HE-5, Policy 5.6 aims to maintain safe and direct emergency access routes in the transportation network.
- Goal HE-5, Policy 5.7 prioritizes emergency vehicle accommodations in the public right-of-way.
- Goal ISF-10, Policy 10.3 calls for continued coordination with the MPFPD to ensure excellent fire and emergency services.
- Goal SN-3, Policy 3.6 directs the City to coordinate with MPFPD in examining an impact fee on new development.
- Implementation Element, Public Safety, Item #7 directs the City to install traffic signal pre-emption technology for police and emergency vehicles.

Finally, all future development would be required to identify, disclose, and mitigate any project-level traffic impacts through subsequent CEQA analyses.

- 16-2 The commenter states that there should be mitigation measures to minimize spillover light, citing a recent installation of a streetlight in her neighborhood.

Page 4.1-12 of the Draft EIR summarizes several policies of the General Plan Update that address the issue of light pollution. These policies seek to strike an appropriate balance between ensuring pedestrian safety and comfort during nighttime hours with the minimization of unnecessary or “spillover” lighting. To address the potential for new development to cause such spillover lighting, the Draft EIR includes a mitigation measure (AES-1) to add a further policy to the General Plan Update that would eliminate or minimize spillover lighting in future public and private projects.

Guido F. Persicone
Senior Planner, City of East Palo Alto
1960 Tate St.
East Palo Alto, CA 94303
Email: gpersicone@cityofepa.org

Re: Comments to East Palo Alto Draft 2035 General Plan/Vista 2035 and Draft Environmental Impact Report

Mr. Persicone –

My name is Richard Yankwich. I am a resident of the Crescent Park neighborhood of Palo Alto, living at 1490 Edgewood Dr., which is near the Newell Road Bridge and the Westside Neighborhood of East Palo Alto.

For at least the past five years, I have attended numerous meetings in both East Palo Alto and Palo Alto regarding issues shared by the adjoining Westside and Crescent Park neighborhoods: **spillover** parking, the replacement of the Newell Road Bridge and the East Palo Alto 2035 General Plan. My objective in these meetings was to engage these issues early on so **as to** promote a cooperative, mutually respectful planning process and to avoid last-minute **conflicts** in response to policy and program implementations.

I will note that I **offered** comments to East Palo Alto staff and consultants at all of these meetings. Most pertinent to the Draft Environmental Impact Report and the Draft 2035 General Plan, I offered comments for the record at the March 12, 2015 meeting of the East Palo Alto City Council regarding the 2035 General Plan. At that time, I urged the Council to take into consideration the interests of East Palo Alto’s neighbors in Crescent Park and Palo Alto – which appear to be at odds with the development proposals for the Westside Neighborhood.

To provide context, for some time a number of residents of the Crescent Park Neighborhood in Palo Alto had been advocating plans to minimize traffic and parking, to adopt a design for the Newell Road Bridge that would not increase traffic and parking burdens, and to encourage East Palo Alto not to increase population density and commercial activities in the Westside Neighborhood.

17-1 | Unfortunately, these attempts to engage various agencies in East Palo to seek collaborative results appear to have been ignored. There is no mention in the Draft Environmental Impact Report or the Draft 2035 General Plan that East Palo Alto has taken into consideration any comments or concerns of Palo Alto or of residents of neighborhoods bordering the Westside. Thus, East Palo Alto is setting the stage for future conflicts **between** the Westside and Crescent Park neighborhoods and between the cities of East Palo **Alto** and Palo Alto. This is a major failing of the Draft 2035 General Plan and the Draft **Environmental** Impact Report.

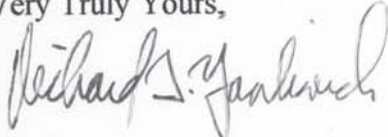
More specifically, I would make the following comments regarding the Draft 2035 General Plan and Draft Environmental Impact Report, particularly the chapter regarding redevelopment in the Westside:

- 17-2 1. The Westside is already the most densely populated area of East Palo Alto, with 22% of all city residents (11-1), yet the draft plan would add more new units (900) in the Westside than in any other part of the city, as well as 45,000 square feet of new retail. This plan would increase commercial activity and the population density, traffic and parking problems in the Westside Neighborhood. And, ironically, because the Westside is separated from the rest of East Palo Alto by Highway 101, it would shift many of the burdens of these developments to its neighbors in Crescent Park and Palo Alto.
- 17-3 2. The draft plan also references, several times, “an improved Newell Bridge” that will “align ... with existing streets.” (1-4, 11-23) Although not very specific, these statements appear to be in opposition to the stated objectives of Palo Alto and its residents to build a bridge that does not increase the present level of traffic.
- 17-4 3. The draft plan proposes to build connections across Highway 101, including a bridge south of University Avenue, to add “new gateway treatments” at key entry points to the city, including University Avenue and Woodland Avenue, and along East Bayshore (1-4), to integrate University Circle into surrounding neighborhoods with new street and pedestrian connections, to add a pedestrian walkway along Woodland and to add a new connection over Highway 101 – a “bike corridor” -- along Clarke and Newell) (11-23). These plans, too, would work against the wishes of Crescent Park residents to reduce traffic.
- 17-5 4. The new street connections occurring during redevelopment would involve “prioritizing ... Multiple connections through the large block between Cooley Avenue and Newell Road, Through the large block between Newell Road and East Clarke Avenue, From Cooley West to San Francisquito Creek.” (11-22) Thus, the plan intends to intensify traffic in the East Palo Alto neighborhood adjoining Palo Alto and Crescent Park.
- 17-6 5. The consequences of the redevelopment of the Westside are acknowledged in the report. As reflected in Table 4.3-4, population in the Westside is expected to increase by 25%, and VMT (Vehicle Miles Traveled) is expected to increase by 35%. These figures represent a significant impact in emissions of non-attainment air pollutants.
- 17-7 6. Notwithstanding the designation of Newell Road at the Palo Alto border as within a potential bike corridor, as the location of a possible “improved Newell Bridge” and as part of the extension of a new connection over Highway 101, the Draft Environmental Impact Report does not even consider it as an “intersection” or a “roadway segment” for purposes of the analysis of the impacts of the proposed redevelopment. It is evident that if Newell Road at the Palo Alto border were considered, the impacts would be found to be substantial and severe.
- 17-8 In short, the Draft 2035 General Plan and Draft Environmental Impact Report are deficient because they fail to consider the substantial negative impacts of increased population density, increased commercial activity, increased traffic, unresolved parking issues, and “an improved Newell Bridge” on both the Westside Neighborhood in East Palo Alto and the adjoining Crescent Park Neighborhood and, more generally, Palo Alto.

17-9 | Furthermore, because it is obvious that the impacts of the proposed redevelopment will be negative, substantial and severe, the consequences of adopting the proposed 2035 General Plan would unnecessarily risk creating conflicts with Palo Alto and its residents.

17-10 | Finally, under circumstances in which collaboration and cooperation is offered and is still possible, the proposed 2035 General Plan is simple un-neighborly. It should not be adopted in its present form.

Very Truly Yours,

A handwritten signature in cursive script that reads "Richard I. Yankwich". The signature is written in dark ink and is positioned above the printed name and address.

Richard I. Yankwich
1490 Edgewood Drive
Palo Alto, CA 94301

Responses to Comment Letter 17 - Richard I. Yankwich

- 17-1 The comment states that there is no evidence that the Draft EIR considered comments or concerns of Palo Alto residents bordering the Westside neighborhood.

In developing the General Plan Update, the City took into consideration a wide spectrum of views from both inside and outside East Palo Alto during a multi-year, multi-faceted public engagement process. The City carefully weighed all of the comments heard, and expressed in the prefatory sections of the General Plan Update its key objectives and guiding principles for the next 20+ years. To the extent that the commenter's particular concerns expressed in 2015 are not directly reflected in the General Plan Update's key objectives or policies is noted but cannot be reasonably construed as a fundamental flaw or inadequacy of the Draft EIR. The commenter's specific concerns are addressed in the responses below.

- 17-2 The comment states that intensifying development in the Westside area of East Palo Alto would create new burdens on the Crescent Park neighborhood of Palo Alto.

See the response to comment 6-8. The commenter is correct in his restatement of the long-term development program for the Westside area. However, the assertion that intensified development in the Westside area would lead to impacts in the Crescent Park neighborhood is unsupported. The only connection between these neighborhoods is the Newell Road Bridge. Newell Road is not closely connected to arterial roadways on the Palo Alto side and would be unattractive to cut-through traffic. The Draft EIR properly addressed impacts of this prospective growth and development in terms of traffic, noise, air quality, and other CEQA-required impacts.

- 17-3 The comment states that statements in the General Plan Update about "an improved Newell Bridge" appear to contradict objectives of Palo Alto and its residents to not increase traffic levels.

The Newell Road/San Francisquito Creek Bridge Replacement Project is currently undergoing CEQA/NEPA review by the City of Palo Alto, in partnership with the City of East Palo Alto and the San Francisquito Creek Joint Powers Authority. As of August 2016, five different Newell Bridge replacement alternatives were under consideration:

1. No project alternative (keep existing bridge as is)
2. Bi-directional one-lane vehicle bridge with traffic signal control
3. New two-lane vehicle bridge using existing bridge alignment
4. New two-lane vehicle bridge with a partial realignment with Newell Road in East Palo Alto
5. New two-lane vehicle bridge fully realigned with Newell Road in East Palo Alto

The bridge requires replacement to accommodate a 100-year flood event and mitigate flood risk. None of the alternatives propose to expand the traffic capacity of the bridge or facilitate greater traffic volumes from East Palo Alto into Palo Alto. The language in the General Plan Update regarding an “improved” bridge does not contemplate capacity expansion as part of any set of improvements.

- 17-4 The comment states that plans contained in the General Plan Update would contradict the wishes of Crescent Park residents to reduce traffic.

Please see the response to comment 17-1.

- 17-5 The comment states that the General Plan Update intends to intensify traffic in the East Palo Alto neighborhood adjoining Palo Alto and Crescent Park.

Traffic impacts related to the General Plan Update throughout the City and on surrounding roadways are discussed in Draft EIR **Section 4.14, Traffic and Transportation**. Pages 4.14-42 and 4.14-43 (“Feasibility of Mitigation”) of the Draft EIR discuss various traffic mitigation measures. General Plan Update Goal T-7, Policy 7.3 would lead to East Palo Alto adopting a multimodal transportation impact fee. Proceeds from the fee, once enacted, would be used to fund various pedestrian, bicycle, transit, and TDM facilities and services outlined in the General Plan Update that would support future development within the City. The City would use impact fee proceeds to fund improvements as necessary based on the development pattern that occurs in the City.

Improvements to pedestrian, bicycle, and transit facilities would help offset traffic congestion impacts from the General Plan Update. Broadening opportunities for non-motorized travel would help balance transportation choices, enhance mobility and connectivity, reduce automobile traffic and associated problems, and help create a more healthy and livable

community. Further, development of retail in underserved parts of the City could also reduce vehicle trips in some areas.

- 17-6 The comment restates air quality impacts disclosed in the EIR relating to rates of population increases as compared to increases in vehicle miles traveled (VMT).

As discussed in Draft EIR **Section 4.3, Air Quality**, the BAAQMD Air Quality Guidelines do not have thresholds related to direct and indirect regional criteria pollutant emissions resulting from implementation of program-level planning documents. However, VMT is expected increase at a higher rate than population with implementation of the General Plan Update, which would lead to greater regional emissions of non-attainment air pollutants. The impact related to operational criteria pollutant emissions would therefore be considered significant and unavoidable.

One of the primary goals of the General Plan Update is to encourage a more balanced land use pattern to decrease VMT by adding employment opportunities to the City and increasing the City's current ratio of 0.2 jobs per employed resident. In addition, Draft EIR **Section 4.14, Traffic and Transportation**, discusses various traffic mitigation measures, including a multimodal transportation impact fee to fund the pedestrian, bicycle, transit, and TDM facilities and services outlined in the General Plan Update. Improvements to pedestrian, bicycle, and transit facilities would help offset traffic congestion and associated air quality impacts from the General Plan Update.

- 17-7 The comment states that the EIR does not analyze the traffic impacts at Newell Road near the Palo Alto border and that, if it did include this analysis, the impacts would be significant.

As it is not practical to study every intersection and roadway segment in the City and its surroundings, study intersections and study roadway segments in the transportation impact analysis were selected in consultation with City staff because they represented key locations used by vehicles traveling to and from the City and exemplified the traffic conditions of the immediate area. In selecting intersections, the transportation consultants and City staff took into account multiple considerations, including field observations of the roadway system; the results of transportation impact analyses conducted for previous projects in and near the City; the likely location and extent of future land use developments within and in the vicinity of the City of East Palo Alto; and comments received on the Notice of Preparation.

The closest intersection to Newell Road/Woodland Avenue studied in the Draft EIR is the University Avenue/Woodland Avenue intersection. Because University Avenue is a key arterial in East Palo Alto that carries a high proportion of the City's traffic. Newell Road is a collector street with relatively low traffic volumes. The University Avenue/Woodland Avenue intersection is likely to have greater impacts than the Newell Road/Woodland Avenue intersection.

Newell Road in Palo Alto was not previously identified for inclusion in the transportation impact analysis based on consultation with City staff. No comments received on the Notice of Preparation requested an evaluation of this intersection or this roadway, and nothing in the likely future development pattern of the City suggested that evaluating this intersection would provide a better or more representative indication of potential future traffic impacts than the intersections and roadway segments which were chosen for study.

The comment does not provide evidence to support the claim that the impact would be significant.

- 17-8 The comment claims that the General Plan Update and Draft EIR fail to consider the negative impacts related to increased population density, commercial activity, traffic, Newell Bridge improvements, and parking within the Westside neighborhood and adjacent Palo Alto neighborhoods.

Please see the responses to comments 6-6 through 6-12, as well as 17-1 above.

- 17-9 The comment notes that adopting the General Plan Update may create conflicts with Palo Alto and its residents.

Please see responses to comments 17-1 through 17-8 above.

- 17-10 The comment states that East Palo Alto should not adopt the General Plan Update.

The City notes the comment. Please see the response to comment 17-1.

Oral Comment Summaries



CITY OF EAST PALO ALTO
Community Development and Economic Department
Planning and Housing Division
 1960 Tate Street, East Palo Alto, CA 94303
 Tel. No. 650.853.3189, Fax. No. 650.853.3179

DATE: July 8, 2016
TO: File
FROM: Guido F. Persicone, Planning Manager
SUBJECT: Draft General Plan EIR Public Comments

Planning Commission (May 23, 2016)

Name	General Plan EIR Issues	
Commissioner Quezada	Were the traffic counts from 2014 or 2015? Have the traffic counts at University and Donohoe degraded because of the Sobrato office project or is there another reason? <i>Sobrato started after February of 2015 which is the date of the traffic counts for this site.</i>	O-1.1
Commissioner Allen	Can you identify the intersections that will be impacted by the General Plan EIR? Your analysis underestimates the increased intensity of development at University and Woodland Avenue.	O-2.1 O-2.2
Commissioner Skinner	Traffic patterns have not changed that much in light of the jobs/housing ratio in Palo Alto and other neighboring cities. Page-4-9-17 (Flood Hazard Zones Map)-please change this map to clearly delineate the various flood areas for this map.	O-3.1 O-3.2
Commissioner Sherrard	How much of the 1999 was on target in terms of the programs and predictions within the EIR? EIR is programtic in nature not a discrete project.	O-4.1
Community member-JT Feraji	How is the traffic measured for this project? Please explain the results from the regional traffic model.	O-5.1
Community member-Elizabeth Jackson	Please do something about the traffic and look at the history of this issue.	O-6.1
Kyra Brown	Will the EIR make the link between contaminated sites like the Romic property and new development?	O-7.1

City Council Community Members(June 14, 2016)

Name	General Plan EIR Issues	
Jack Biederman Perry Frederick Ehantal Frederi Dixie Lee Specht Victor Calvillo Stanley Jones Patricia Garcia Catherine Reed Bowin Helen (Huilan) Wang Patrick Kriveus James Yu Vincent Gifford Anders Wong Suzanne Woolfok Gordon Wolfman	Do not take down fences around the University Square subdivision. Do not install a bathroom within Joel Davis Park. The City offices at 1960 Tate Street should be a daycare. A lot of donuts being done by community members. Traffic in and around the University Square subdivision was discussed	O-8.1
Michael Hwang	Please describe the water issue as it relates to the General Plan and the EIR.	O-9.1
Jennifer Thompson, Sustainable Silicon Valley	I would like to discuss traffic issues regarding the General Plan with City staff.	O-10.1
Menlo Park Fire Protection	See comment letter submitted into the record.	O-11.1
Patricia Garcia	Is the City Manager’s survey supposed to inform the General Plan process? No	O-12.1
David Tsuchang	Jesus Christ will judge the City for lack of jobs.	O-13.1
Jeff Poetsch	Please identify the inconsistencies between the Specific Plan and the General Plan. Would like clarification on the final direction of the loop road within the Specific Plan.	O-14.1 O-14.2
Councilmember Abrica	Please explain how the General Plan gets amended. Please address the traffic issues discussed by the University Plaza subdivision residents. Councilmember Abrica had a concern about public safety and felt it was lost within the General Plan EIR.	O-15.1 O-15.2 O-15.3
Councilmember Romero	Please articulate the significant but unavoidable impact threshold for some of the intersections that have been identified. Why are we saying the water impacts are significant but unavoidable? <i>-Because the water issue is based on existing infrastructure, not the water capacity the City desires to achieve.</i> -Does the City have to address involuntary displacement within CEQA? -How do we deal with inconsistencies between the Specific Plan and the General Plan? -Please articulate the density bonus language discussed within the General Plan EIR.	O-16.1 O-16.2 O-16.3 O-16.4 O-16.5

Responses to Oral Comments

- O-1.1 Planning Commissioner Quezada inquired about whether traffic counts for the EIR were conducted in 2014 or 2015. He also asked how effects from recent construction factor into the EIR's transportation/traffic data.

Traffic counts were conducted in 2015; surveyors conducted manual traffic counts of motor vehicles, bicyclists, and pedestrians passing through the intersection during the AM and PM peak flow periods on February 18, 2015, which was a typical non-holiday weekday, and which could therefore be reasonably expected to reflect typical peak hour conditions.

It is possible that ongoing and future construction projects in the City could have short-term, localized traffic impacts. However, the General Plan Update is a programmatic document designed to analyze long-term impacts based on the best available data. The existing conditions data outlined in the Draft EIR remains a reasonable baseline upon which to estimate future traffic levels.

- O-2.1 Planning Commissioner Fisk asked which intersections would be impacted by the General Plan Update under Cumulative with Project conditions.

In **Section 4.14.4** of the Draft EIR, **Table 4.14-6** on page 4.14-36 lists all study intersections and identifies where significant and unavoidable traffic impacts would occur.

- O-2.2 Commissioner Fisk stated that the Draft EIR understates traffic impacts in the Westside Neighborhood at University Avenue and Woodland Avenue. Commissioner Fisk also asked if comment letters would be included in the appendices of the EIR.

The traffic analysis determined that the intersection of University Avenue and Woodland Avenue currently operates at LOS D. LOS D is defined as having a noticeable influence of congestion, with longer delays resulting from some combination of unfavorable signal progression, long cycle lengths, or high V/C ratios. Many vehicles stop and individual cycle failures are noticeable. Under both Cumulative No Project and Cumulative with Project conditions, the traffic analysis projected that this intersection would not meet its designated LOS of D for the AM peak hour (a significant and unavoidable impact identified on page 4.14-37 of the Draft EIR), but that the PM peak hour would remain at an acceptable LOS of D.

The comment does not provide specific evidence to support the claim that the EIR's analysis of traffic impacts at this intersection is inadequate. The analysis in the Draft EIR used standard methodology to collect traffic volume data, calculate LOS, and predict future conditions. Therefore, the conclusions in the Draft EIR regarding the significance of the impact are not changed by the comment.

Regarding public comment disposition, comments received during the scoping period were included as Appendix A of the Draft EIR. Public comments received during the 48-day public circulation period of the Draft EIR are included in this document.

- O-3.1 Planning Commissioner Skinner stated that, since 84 percent of the traffic does not begin or end in East Palo Alto, traffic patterns are largely driven by land use changes in neighboring cities.

The comment is correct that the majority of traffic in East Palo Alto is cut-through traffic that neither originates nor ends in the City. The comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-3.2 Planning Commissioner Skinner pointed out an error in **Figure 4.9-1** on page 4.9-17 of the Draft EIR.

See the response to comment 10-4.

- O-4.1 Planning Commissioner Sherrard asked if the 1999 General Plan was an accurate prediction of current conditions.

The current 1999 General Plan, like the General Plan Update, is a long-term, programmatic planning document that serves as a roadmap for development in the City. CEQA requires a Draft EIR to compare the General Plan Update to existing conditions, not to growth projections in the current General Plan. Neither the General Plan Update nor the Draft EIR included any specific assessment of the growth projections included in the 1999 General Plan, as neither General Plan law nor CEQA regulations require such assessment. **Section 3.2** of the Draft EIR contains background information on the 1999 General Plan and purpose of the General Plan Update. The comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-5.1 J.T. Feraji asked how the Draft EIR measured traffic, and whether the C/CAG regional traffic model is correct, with emphasis on the University Avenue/Donohoe Street intersection.

To collect traffic volume data at intersections, surveyors conducted manual traffic counts of motor vehicles, bicyclists, and pedestrians passing through the intersection during the AM and PM peak flow periods on February 18, 2015, which was a typical non-holiday weekday, and which could therefore be expected to reflect typical peak hour conditions. For roadway segments, pneumatic rubber road tubes were laid across the roadway to automatically detect and record the number of passing vehicles. Automobile LOS was then evaluated by following the procedures and analysis methods prescribed by the C/CAG (which is the Congestion Management Agency for San Mateo County) for transportation impact analyses, and by applying the automobile LOS standard adopted by the City of East Palo Alto (which is the agency with jurisdiction over the intersection). The LOS calculations used actual traffic volumes, signal timing, and lane geometry. The Draft EIR's evaluation of intersection LOS for existing conditions, as well as the cumulative scenarios with and without the General Plan Update, is based on the measured characteristics of the intersection.

C/CAG's travel demand model captures a number of changes occurring in the region by 2040, including roadway expansions, public transit improvements, demographic shifts, and other factors. These data may have resulted in a 2040 traffic estimate that is surprising, but not necessarily incorrect. See **Appendix E** of the Draft EIR for further details on the transportation impact analysis and the C/CAG travel demand model.

- O-6.1 Elizabeth Jackson stated that surrounding cities need to be held responsible for cut-through traffic in East Palo Alto.

The City notes the comment. The comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-7.1 Planning Commissioner Brown asked if the EIR will make the link between contaminated sites, such as the Romic property, and new developments.

The Draft EIR analyzes known hazardous soil and groundwater conditions Citywide, and contains standard practices to protect public health in the event that sites with known hazardous materials are modified as a result of the General Plan Update. In addition, future development under the

General Plan Update would require further site-specific investigation related to hazardous materials.

- O-8.1 Several East Palo Alto residents from the University Square neighborhood attended the City Council meeting and expressed various concerns regarding policies contained in the General Plan Update, including objections to policies that call for the removal of fences around the University Square subdivision and the installation of a bathroom within Joel Davis Park, among other community issues such as traffic and speeding.

The City notes the community concerns about these issues. These comments do not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-9.1 Michael Hwang asked if the City has a plan to reduce the number of houses in floodplains and adequate water supply to support new development.

A Letter of Map Revision (LOMR) is the Federal Emergency Management Agency's (FEMA's) official modification to an effective Flood Insurance Rate Map (FIRM). A LOMR re-designates flood hazard areas based on a physical change to the existing regulatory floodway, the effective Base Flood Elevations or the Special Flood Hazard Area. That is, acquisition of a LOMR for a property or structure would mean that the property or structure is no longer located within a Special Flood Hazard Area. As discussed on page 4.9-29 of the Draft EIR, the City would not permit construction in flood hazard areas unless the developer acquires a LOMR. Moreover, General Plan Update Goal POC-4, Policy 4.8 would not allow new development within a 100-foot buffer zone from the top of the San Francisquito Creek bank.

As previously noted with regard to comment 6-5, the City proposes the following changes to the text on page 4.9-29 to clarify this point:

g) and h) Place housing within a 100-year flood hazard area or place structures in a flood hazard area that would impede or redirect flood flows (less-than-significant impact).

Several areas in East Palo Alto are vulnerable to flooding. The General Plan Update would allow an increment of new housing to be built throughout the City, including in areas within the 100-year flood hazard zone, including the following neighborhoods: Weeks, Garden, Woodland, University Village, Kavanaugh, and a portion of Ravenswood and Palo Alto Park. Federal and State laws enforced by the City of East Palo Alto, including but not limited to the California Building Code,

prohibit construction of occupied buildings within a flood hazard area unless the structures are elevated above the relevant flood elevation and properties are then removed from the hazard area via the FEMA letter of map revision (LOMR) process. As such, the City would not permit construction in flood hazard areas unless the developer acquires a LOMR that removes the parcel, portion of a parcel occupied by the structure, or structure from the flood hazard zone. Construction of non-occupied structures within a 100-year flood hazard area may also require a building permit from the City or other encroachment permit. All new development would be required to comply with FEMA floodplain requirements.

The Draft EIR identifies water supply impacts as significant and unavoidable, as the City currently has not identified sufficient water supplies to support buildout of the development that the General Plan Update envisions. It should be noted, moreover, that the water supply shortage is an existing problem that could affect the availability of water to new development under the current General Plan (i.e., should the General Plan Update not be adopted).

However, **Mitigation Measure UTL-1**, discussed in **Section 4.15.4** of the Draft EIR, prohibits approval of future development projects until the project proponent demonstrates enforceable, verifiable proof of an adequate water supply to support the development. Future project proposals will require project-level CEQA review to assess and disclose impacts, including those on water supply, and the City will not approve projects without an adequate water supply.

- O-10.1 Jennifer Thompson, Executive Director at Sustainable Silicon Valley, expressed a desire to further discuss traffic issues relating to the General Plan with City staff.

The City notes the comment. This comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-11.1 Harold Schapelhouman, Fire Chief of the MPFPD, provided oral comments summarizing a comment letter submitted to the City (**Comment Letter 12** of this document).

See the responses to comments 12-1 through 12-13.

- O-12.1 Community member Patricia Garcia asked if a survey sent to the community from the City Manager was intended to inform the General Plan Update process.

The City Manager's survey is unrelated to the General Plan Update. This comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-13.1 David Tsuchang expressed dissatisfaction with the lack of employment opportunities in East Palo Alto.

The City notes the comment and agrees that providing jobs for East Palo Alto residents is a priority. One of the key objectives of the General Plan Update is to improve the City's jobs-housing balance and enhance employment opportunities in the City. This comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-14.1 Jeff Poetsch stated that the Ravenswood/4 Corners TOD Specific Plan and the General Plan Update should be consistent with one another, and asked which of the two documents would take precedence in the case of an inconsistency.

The General Plan Update incorporates the previously approved Ravenswood/4 Corners TOD Specific Plan, including its land use designations, and densities/intensities. The City is unaware of any discrepancies between the Specific Plan and the General Plan Update, nor did the commenter provide any specific issue or discrepancy for consideration. Given that the Specific Plan has been incorporated into the General Plan Update, adoption of the General Plan Update would give the designations, densities, and intensities of the Specific Plan the imprimatur of the City's General Plan.

- O-14.2 Jeff Poetsch asked for clarification on the final direction of the Loop Road in the Specific Plan.

The Specific Plan should be interpreted in a manner that is consistent with the General Plan Update whenever possible. Where a Specific Plan outlines more detailed or stringent requirements for development, those will take precedence over broadly applicable General Plan policies. Where there is a clear conflict, the Specific Plan should be amended to be consistent with the General Plan. This comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-15.1 Councilmember Abrica asked for an explanation of and timeline for the process of how a General Plan could be amended.

Typically, General Plan amendments are initiated by development proponents. Such amendments are proposed to allow a change in land use for future development that would not be permitted by a property's existing land use designation. General Plan amendments may also be initiated by the City to update land use designations, policies, or other aspects. Proposed General Plan amendments are presented for public discussion at a Planning Commission hearing. The Planning Commission's recommendations are then forwarded to the City Council. The City Council would consider the Planning Commission recommendation and hold a public hearing before rendering a final decision on any proposed amendment. This comment does not raise any issues with the adequacy of the Draft EIR or characterization of potential effects requiring further response.

- O-15.2 Councilmember Abrica requested clarification of the methods used to determine that there would be no significant traffic impacts. He questioned whether the magnitude of the impact was being adequately evaluated given the fact that traffic conditions are already poor.

Contrary to what the commenter states, the Draft EIR does identify some significant traffic impacts in **Section 4.14, Transportation and Traffic**. The Draft EIR assesses the significance of traffic impacts based on service standards set by the cities of East Palo Alto and Menlo Park. See **Section 4.14.3** for detailed information about significance criteria used in the traffic analysis. In **Section 4.14.4** of the Draft EIR, **Table 4.14-6** on page 4.14-36 and **Table 4.14-7** on page 4.14-40 identify significant and unavoidable traffic impacts for study intersections and roadway segments, respectively.

- O-15.3 Councilmember Abrica asked how the Draft EIR accounts for equity, public health, and public safety.

Enhancing equity, public health, and public safety are key objectives of the General Plan Update. The General Plan Update contains several policies to address equity, public health, and public safety in Chapter 7, Health and Equity, and Chapter 10, Safety and Noise. Pursuant to the CEQA Guidelines, the Draft EIR's analysis of hazards focuses on physical environmental effects, such as hazardous materials, road conditions, flooding, air traffic patterns, and construction of new facilities for public service providers.

- O-16.1 Councilmember Romero asked for clarification on significant and unavoidable traffic impacts in the Draft EIR. Furthermore, he asked why the City does not require project proponents to address impacts themselves, for instance, through a TDM policy.

The Draft EIR assesses the significance of traffic impacts based on service standards set by the cities of East Palo Alto and Menlo Park. In **Section 4.14.4** of the Draft EIR, **Table 4.14-6** on page 4.14-36 and **Table 4.14-7** on page 4.14-40 identify significant and unavoidable traffic impacts for study intersections and roadway segments, respectively. The Draft EIR is designed to identify impacts under “worst-case” scenarios. If potential growth and land use changes under the General Plan Update may potentially result in significant impacts under worst-case conditions, these impacts were highlighted.

As discussed in Draft EIR **Section 4.14, Traffic and Transportation**, the General Plan Update contains several policies that aim to minimize potential impacts related to transportation and traffic, including policies to expand the bicycle and pedestrian network, and implement TDM requirements for new development. The General Plan Update also proposes to adopt a multimodal transportation impact fee to fund improvements as necessary based on the development pattern that occurs in the City.

However, the City cannot guarantee that infrastructure improvements would be implemented in a timely manner because they would require additional funding and approval from outside agencies. In addition, the effects of the pedestrian, bicycle, transit, and TDM measures on vehicle trips are uncertain, and the Draft EIR cannot definitively state that these policies will reduce potential impacts under worst-case scenarios. Though the General Plan Update contains a variety of policies that are likely to reduce potential traffic impacts, these impacts are conservatively identified as significant and unavoidable in the Draft EIR.

- O-16.2 Councilmember Romero asked if the City’s plans to explore groundwater resources would partially address the City’s lack of adequate water supply to support new development envisioned by the General Plan Update and asked why this impact is deemed significant and unavoidable in the EIR.

The Water Supply Assessment (WSA) prepared for the General Plan Update (**Appendix F** of the Draft EIR) acknowledges groundwater supply as a potential speculative new water source, but the water supply estimates in **Table 4.15-2** of the Draft EIR do not include groundwater yields. Though

groundwater wells in the City are under consideration, the Draft EIR cannot make legally sufficient impact conclusions that rely on infrastructure that is not currently available or otherwise not in place. While groundwater resources, if extracted, may bolster the City's water supplies to support new growth, it would be speculative to assume that infrastructure that has not yet been developed would reduce a significant impact.

- O-16.3 Councilmember Romero asked if the Draft EIR has to address indirect impacts from development allowed by the General Plan Update related to involuntary displacement of residents due to increased rent prices. He stated that he disagrees with the Draft EIR's "less than significant" impact determination, and increased economic activity will lead to rising rents, which may create unaffordable living situations for current residents.

As discussed in Draft EIR **Section 4.12, Population and Housing**, the General Plan Update contains numerous policies to limit direct and indirect displacement of current residents. These policies sufficiently address the project's potential direct and indirect impacts within the purview of CEQA. The potential for the General Plan Update to induce involuntary displacement of existing residents, as well as the City's aforementioned policies designed to prevent displacement from occurring, are discussed on pages 4.12-13 through 4.12-17 of the Draft EIR. The Draft EIR identifies this impact as a less-than-significant physical effect on the environment with the incorporation of mitigation measures. In the absence of certainty regarding prospective changes in land use markets as well as in consideration of CEQA's focus on physical environmental impacts, the Draft EIR provides appropriate analysis to the issue of displacement.

- O-16.4 Councilmember Romero asked about the process for resolving inconsistencies, should they arise, between the Ravenswood/4 Corners TOD Specific Plan and the General Plan Update.

See the responses to comments O-14.1 and O-14.2.

- O-16.5 Councilmember Romero asked for clarification of the following portion of **Mitigation Measure POP-1: "Replacement Affordable Housing for Density Bonus Projects.** Require that density bonus projects for properties with existing rental dwelling units subject to affordability requirements, or which had such dwelling units that were demolished within the five-year period prior to application, provide for replacement units to the extent required and permissible under applicable law." Councilmember Romero asked if the five-year period was dictated by state statutes, or could be extended.

The five-year period is established in the California Density Bonus Statutes Section 65918 (3)(A), which states:

“An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application.”

3.0 MITIGATION MONITORING AND REPORTING PROGRAM

The Mitigation Monitoring and Reporting Program (MMRP) is a CEQA-required component of the Environmental Impact Report (EIR) process for the East Palo Alto General Plan Update. The Final EIR documents the results of the environmental analyses, including proposed mitigation measures. CEQA requires that agencies adopting EIRs take affirmative steps to ensure implementation of approved mitigation measures subsequent to project approval.

As part of the CEQA environmental review procedures, Section 21081.6 requires a public agency to adopt a MMRP to ensure efficacy and enforceability of any mitigation measures applied to a proposed project. The lead agency must adopt a MMRP for mitigation measures incorporated into the project or proposed as conditions of approval. The MMRP must be designed to ensure compliance during project implementation. As stated in Section 21081.6(a)(1):

The public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment. The reporting or monitoring program shall be designed to ensure compliance during project implementation. For those changes which have been required or incorporated into the project at the request of a responsible agency or a public agency having jurisdiction by law over natural resources affected by the project, that agency shall, if so requested by the lead agency or a responsible agency, prepare and submit a proposed reporting or monitoring program.

Table 3-1 is the final MMRP matrix. The table lists each of the mitigation measures proposed in the Final EIR and specifies the agency responsible for implementation of the mitigation measure and the time period for the mitigation measure.

Table 3-1 Mitigation Monitoring and Reporting Program

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Aesthetics			
<p>New development under the General Plan Update would create additional sources of light and glare.</p>	<p>Mitigation Measure AES-1: Amend the General Plan Update to include the following policy: <i>Light and Glare.</i> Review major public and private development projects to ensure that the spillover effects of light and glare from new exterior lighting is minimized. Where feasible, require lighting fixtures to be directed downward and equipped with cut-off lenses. For development near sensitive sites, particularly undeveloped Bayfront areas, require submittal of photometric studies to demonstrate minimization of light spill-over. Ensure that all implemented lighting measures adhere to the regulations outlined in Title 24.</p>	<p>City Council</p>	<p>Concurrent with adoption of the General Plan Update</p>
Air Quality			
<p>VMT would increase at a higher rate than population with implementation of the General Plan Update, which would lead to greater regional emissions of non-attainment air pollutants (or their precursors) than assumed in the latest Air Quality Plan</p>	<p>Although the project would adhere to the Bay Area Air Quality Management District’s (BAAQMD’s) air quality control measures, there are no feasible mitigation measures that would reduce this impact to a less-than-significant level.</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Construction-related emissions would result in a cumulatively considerable net increase of PM_{2.5} and PM₁₀ criteria pollutants for which the project region is nonattainment. Additionally, implementation of the General Plan Update would result in long-term area and mobile source emissions from operation and use of subsequent development.</p>	<p>Mitigation Measure AQ-1:</p> <p>Implement BAAQMD-Recommended Measures to Control Particulate Matter Emissions during Construction. Measures to reduce DPM and PM₁₀ from construction are recommended to ensure that short-term health impacts to nearby sensitive receptors are avoided. These measures are listed below:</p> <p>Dust (PM₁₀) Control Measures:</p> <ul style="list-style-type: none"> ■ Water all active construction areas at least twice daily and more often during windy periods. Active areas adjacent to residences should be kept damp at all times. ■ Cover all hauling trucks or maintain at least two feet of freeboard. ■ Pave, apply water at least twice daily, or apply (non-toxic) soil stabilizers on all unpaved access roads, parking areas, and staging areas. ■ Sweep daily (with water sweepers) all paved access roads, parking areas, and staging areas and sweep streets daily (with water sweepers) if visible soil material is deposited onto the adjacent roads. ■ Hydroseed or apply (nontoxic) soil stabilizers to inactive construction areas (i.e., previously-graded areas that are inactive for 10 days or more). ■ Enclose, cover, water twice daily, or apply (non-toxic) soil binders to exposed stockpiles. ■ Limit traffic speeds on any unpaved roads to 15 mph. ■ Replant vegetation in disturbed areas as quickly as possible. ■ Suspend construction activities that cause visible dust plumes to extend beyond the construction site. 	<p>Project sponsor</p>	<p>During construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<ul style="list-style-type: none"> ■ Post a publically visible sign(s) with the telephone number and person to contact at the Lead Agency regarding dust complaints. This person shall respond and take corrective action within 48 hours. The Air District’s phone number shall also be visible to ensure compliance with applicable regulations. ■ Measures to reduce exhaust emissions from large construction projects: ■ The developer or contractor shall provide a plan for approval by the City or BAAQMD demonstrating that the heavy-duty (>50 horsepower) off-road vehicles to be used in the construction project, including owned, leased, and subcontractor vehicles, will achieve a project wide fleet-average 20 percent NO_x reduction and 45 percent particulate reduction compared to the most recent CARB fleet average for the year 2011. ■ Clear signage at all construction sites will be posted indicating that diesel equipment standing idle for more than five minutes shall be turned off. This would include trucks waiting to deliver or receive soil, aggregate or other bulk materials. Rotating drum concrete trucks could keep their engines running continuously as long as they were onsite or adjacent to the construction site. ■ The contractor shall install temporary electrical service whenever possible to avoid the need for independently powered equipment (e.g., compressors). ■ Properly tune and maintain equipment for low emissions. 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Subsequent land use activities associated with implementation of the General Plan Update could potentially include short-term construction sources of TACs and long-term operational sources of TACs, including stationary and mobile sources - the emission of which could expose sensitive receptors to substantial pollutant concentrations.</p>	<p>Mitigation Measure AQ-2:</p> <p>Require Project-Level Construction Health Risk Assessment. Construction health risk assessment will be required on a project-by-project basis, either through screening or refined modeling, to identify impacts and, if necessary, include measures to reduce exposure. Reduction in health risk can be accomplished through, though is not limited to, the following measures:</p> <ul style="list-style-type: none"> ▪ Construction equipment selection; ▪ Use of alternative fuels, engine retrofits, and added exhaust devices; ▪ Modify construction schedule; and ▪ Implementation of BAAQMD Basic and/or Additional Construction Mitigation Measures for control of fugitive dust. 	<p>Planning Division and/or project sponsor</p>	<p>Prior to the issuance of building, grading, and/or demolition permit approvals and during construction</p>
<p>The General Plan Update would permit and facilitate the development of new sensitive receptors, such as new homes, in locations near arterial and collector roadways, highways, and stationary sources of TAC emissions. Screening levels indicate that sensitive receptors within the Planning Area would be exposed to levels of TACs and/or PM_{2.5} that could cause an unacceptable cancer risk or hazard near highways and stationary sources.</p> <p>TAC sources were identified within a 1,000 foot radius from the Planning Area. These sources include: stationary sources permitted by BAAQMD, roadways with more than 10,000 annual average daily traffic (AADT), and highways or freeways.</p>	<p>Mitigation Measure AQ-3:</p> <p>The following measures shall be utilized in site planning and building designs to reduce TAC and PM_{2.5} exposure where new receptors are located within the setback distances identified in Section 4.3, Air Quality; Table 4.3-5 and Table 4.3-6. This setback distance ranges from <50 feet to 1,000 feet, depending on the TAC source.</p> <p>Future development under the General Plan Update that includes sensitive receptors (such as schools, hospitals, daycare centers, or retirement homes) located within the setback distances from highways, railroads, local roadways, and stationary sources shall require site-specific analysis to determine the level of TAC and PM_{2.5} exposure. This analysis shall be conducted following procedures outlined by BAAQMD. If the site-specific analysis reveals significant exposures, such as cancer risk greater than 10 in one million or cumulative cancer risk greater than 100 in one million, additional measures shall be employed to reduce the risk to below the threshold. If this is not possible, the sensitive receptors shall be relocated.</p>	<p>Planning Division and/or project sponsor</p>	<p>Prior to the issuance of building, grading, and/or demolition permit approvals and during construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<p>Future non-residential developments would be evaluated through the CEQA process or BAAQMD permit process to ensure that they do not cause a significant health risk in terms of excess cancer risk greater than 10 in one million, acute or chronic hazards with a Hazard Index greater than 1.0, or annual PM_{2.5} exposures greater than 0.3 µg/m³, or a significant cumulative health risk in terms of excess cancer risk greater than 100 in one million, acute or chronic hazards with a Hazard Index greater than 10.0, or annual PM_{2.5} exposures greater than 0.8 µg/m³.</p> <p>For significant cancer risk exposure, as defined by BAAQMD, indoor air filtration systems shall be installed to effectively reduce particulate levels to a less-than-significant level. Project sponsors shall submit performance specifications and design details to demonstrate that lifetime residential exposures would result in less-than-significant cancer risks (less than 10 in one million chances or 100 in one million for cumulative sources).</p> <p>Air filtration systems installed shall be rated MERV-13 or higher and a maintenance plan for the air filtration system shall be implemented.</p> <p>Trees and/or vegetation shall be planted between sensitive receptors and pollution sources, if feasible. Trees that are best suited to trapping particulate matter shall be planted, including the following: Pine (<i>Pinus nigra</i> var. <i>maritime</i>), Cypress (<i>X Cupressocyparis leylandii</i>), Hybrid poplar (<i>Populus deltoids X trichocarpa</i>), and Redwoods (<i>Sequoia sempervirens</i>).</p> <p>Sites shall be designed to locate sensitive receptors as far as possible from any freeways, roadways, refineries, diesel generators, distribution centers, and rail lines.</p> <p>Operable windows, balconies, and building air intakes shall be located as far away from these sources as feasible. If near a distribution center, residents shall not be located immediately adjacent to a loading dock or where trucks concentrate to deliver goods.</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>Subsequent land use activities associated with implementation of the General Plan Update could allow for the development of uses that have the potential to produce odorous emissions either during the construction or operation of future development.</p>	<p>Mitigation Measure AQ-4:</p> <p>The General Plan Update shall be amended to include the following goal and policies:</p> <p>New Goal: Avoid Odor Conflicts. Coordinate land use planning to prevent new odor complaints.</p> <ul style="list-style-type: none"> ▪ New Policy: Identify Potential for Odor Complaints. Use BAAQMD Odor Screening Distances or City-specific screening distances to identify odor potential. Evaluate odors from sources within these screening distances based on odor potential, wind conditions, setback distance and receptor type. ▪ New Policy: Odor Sources. Prohibit new sources of odors that have the potential to result in frequent odor complaints unless it can be shown that potential odor complaints can be mitigated. ▪ New Policy: Limit Sensitive Receptors Near Odor Sources. Prohibit sensitive receptors from locating near odor sources where frequent odor complaints would occur, unless it can be shown that potential odor complaints can be mitigated. 	<p>City Council</p>	<p>Concurrent with adoption of the General Plan Update</p>
Hazards and Hazardous Materials			
<p>A major Pacific Gas & Electric Company (PG&E) pipeline is located in south-central East Palo Alto, extending in a general east-west direction. There is a distinct possibility that the pipeline could be breached or disturbed so that an explosion or similar incident could occur.</p>	<p>Mitigation Measure HAZ-1:</p> <p>Amend the General Plan Update to include the following policy in the Safety and Noise Element Goal SN-4: The City shall coordinate with the Menlo Park Fire Protection District, and other local, regional, and state agencies to ensure that emergency evacuation plans are in place and any major pipelines in the community are appropriately inspected and marked to prevent accidental rupture.</p>	<p>City Council</p>	<p>Concurrent with adoption of the General Plan Update</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Noise and Vibration			
<p>Demolition and construction activities required for projects implemented by the General Plan Update project may generate perceptible vibration.</p>	<p>Mitigation Measure NOI-1:</p> <p>The General Plan Update shall be amended to include the following policy:</p> <p>The City shall require new development to minimize vibration impacts to adjacent uses during demolition and construction. For sensitive historic structures, a vibration limit of 0.08 in/sec PPV will be used to minimize the potential for cosmetic damage to the building. A vibration limit of 0.30 in/sec PPV will be used to minimize the potential for cosmetic damage at buildings of normal conventional construction.</p>	<p>City Council</p>	<p>Concurrent with adoption of the General Plan Update</p>
<p>Development facilitated by the General Plan could expose persons to excessive groundborne vibration levels attributable to proposed DRC trains. The proposed locations of buildings and their specific sensitivity to vibration are not known at this time; however, such uses located in close proximity to the DRC tracks could be exposed to ground vibration levels exceeding FTA guidelines.</p>	<p>Mitigation Measure NOI-2:</p> <p>The City shall require the preparation of a site-specific vibration study for any residential or vibration-sensitive development proposed within 100 feet of the centerline of the railroad tracks. The study shall include recommended measures to reduce vibration to a less-than-significant level. These measures may include, but are not limited to modifications in site planning or building construction. The City shall include the recommendation(s) of site-specific vibration studies as conditions of any subsequent project approvals involving potentially significant vibration impacts.</p>	<p>Planning Division</p>	<p>Prior to the issuance of building permits</p>
<p>The proposed General Plan Update project would facilitate the construction of new projects throughout the City. Residences and businesses located adjacent to development sites would be affected at times by construction noise. Temporary construction-related noise would be considered significant if noise levels would exceed 60 dBA Leq at noise-sensitive land uses (e.g., residential land uses) or 70 dBA Leq at sensitive industrial, office, or</p>	<p>Mitigation Measure NOI-3:</p> <p>The General Plan Update shall be amended to include the following policy:</p> <p>The City shall require that contractors use available noise suppression devices and techniques and limit construction hours near residential uses. Reasonable noise reduction measures shall be incorporated into the construction plan and implemented during all phases of construction activity to minimize the exposure of neighboring properties.</p> <p>The City considers significant construction noise impacts to occur if a project located within 500 feet of residential uses or 200 feet of commercial</p>	<p>City Council and/or project sponsor</p>	<p>Concurrent with adoption of the General Plan Update and during construction</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p>commercial land uses when the noise would exceed the ambient noise environment by 5 dBA Leq or more for a period of more than one construction season.</p>	<p>or office uses would:</p> <ul style="list-style-type: none"> ▪ Involve substantial noise generating activities (such as building demolition, grading, excavation, pile driving, use of impact equipment, or building framing) continuing for more than 12 months. <p>For such large or complex projects, a construction noise logistics plan that specifies hours of construction, noise and vibration minimization measures, posting or notification of construction schedules, and designation of a noise disturbance coordinator who would respond to neighborhood complaints will be required to be in place prior to the start of construction and implemented during construction to reduce noise impacts on neighboring residents and other uses.</p> <p>A typical construction noise logistics plan would include, but not be limited to, the following measures to reduce construction noise levels as low as practical:</p> <ul style="list-style-type: none"> ▪ Limit construction activity to weekdays between 7:00 am and 7:00 pm and Saturdays and holidays between 9:00 am and 7:00 pm, with no construction on Sundays; ▪ Utilize ‘quiet’ models of air compressors and other stationary noise sources where technology exists; ▪ Equip all internal combustion engine-driven equipment with mufflers, which are in good condition and appropriate for the equipment; ▪ Locate all stationary noise-generating equipment, such as air compressors and portable power generators, as far away as possible from adjacent land uses; ▪ Locate staging areas and construction material areas as far away as possible from adjacent land uses; ▪ Prohibit all unnecessary idling of internal combustion engines; ▪ If impact pile driving is proposed, multiple-pile drivers shall be considered to expedite construction. Although noise levels generated 		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<p>by multiple pile drivers would be higher than the noise generated by a single pile driver, the total duration of pile driving activities would be reduced;</p> <ul style="list-style-type: none"> ▪ If impact pile driving is proposed, temporary noise control blanket barriers shall shroud pile drivers or be erected in a manner to shield the adjacent land uses. Such noise control blanket barriers can be rented and quickly erected; ▪ If impact pile driving is proposed, foundation pile holes shall be pre-drilled to minimize the number of impacts required to seat the pile. Pre-drilling foundation pile holes is a standard construction noise control technique. Pre-drilling reduces the number of blows required to seat the pile. Notify all adjacent land uses of the construction schedule in writing; ▪ Designate a "disturbance coordinator" who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator will determine the cause of the noise complaint (e.g., starting too early, bad muffler, etc.) and will require that reasonable measures warranted to correct the problem be implemented. ▪ Conspicuously post a telephone number for the disturbance coordinator at the construction site and include it in the notice sent to neighbors regarding the construction. 		
Population and Housing			
<p>Potential development and redevelopment under the project may decrease the availability of affordable housing.</p>	<p>Mitigation Measure POP-1: The General Plan Update shall be amended to include the following policies under Land Use and Urban Design Element Goal LU-3.</p> <ul style="list-style-type: none"> ▪ Consider Provision of Affordable Housing a Community Benefit. Consider the provision of additional or replacement affordable housing units to be a component of community benefits when 	<p>City Council</p>	<p>Concurrent with adoption of the General Plan Update</p>

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
	<p>considering legislative land use changes, development agreements, or statements of overriding consideration, in particular for residential projects.</p> <ul style="list-style-type: none"> Replacement Affordable Housing for Density Bonus Projects. Require that density bonus projects for properties with existing rental dwelling units subject to affordability requirements, or which had such dwelling units that were demolished within the five-year period prior to application, provide for replacement units to the extent required and permissible under applicable law. 		
Transportation and Traffic			
<p>Under Cumulative with Project conditions, relative to existing conditions, significant automobile delay impacts are projected to occur at the following five study intersections and three roadway segments:</p> <p><u>University Avenue and Bayfront Expressway:</u> Under existing conditions, this intersection operates at an acceptable LOS B during the AM peak hour and at an unacceptable LOS F during the PM peak hour. The addition of cumulative and project-generated traffic would be expected to cause the AM peak hour level of service to change from LOS B to LOS C, which does not constitute a significant impact according to the City of East Palo Alto’s thresholds. However, during the PM peak hour, level of service would remain at LOS F and delay would increase by 76 seconds. This constitutes a significant impact according to the thresholds established by the Cities of East Palo Alto and Menlo Park.</p>	<p>Fully mitigating traffic impacts under cumulative conditions associated with implementation of the General Plan Update at the affected intersections and roadway segments, discussed above, would require adding through lanes or additional lanes. Because such improvements would entail extensive right-of-way acquisition and roadway widening (which Policy 8.2 in the General Plan Update’s Transportation Element seeks to avoid), this is considered to be infeasible.</p> <p>Building and operating the pedestrian, bicycle, and transit facilities and services outlined in the General Plan Update and in the Ravenswood/4 Corners Specific Plan, and implementing the TDM policies in those plans, may cause a reduction in the vehicle trips generated by buildout under the General Plan Update. Implementation of some transit facilities and services, such as building and operating a new high-capacity transit service on the Dumbarton Rail Corridor, would require additional funding from outside agencies, and coordination with and approval by other jurisdictions, such as the San Mateo County Transportation Authority and the San Mateo County Transit District.</p> <p>Because implementation of some transit facilities and services would require additional funding from outside agencies and the approval of outside agencies and the City cannot guarantee they would be implemented, and because the effects of the pedestrian, bicycle, transit,</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><u>Willow Road and Bayfront Expressway:</u> Under existing conditions, this intersection operates at an acceptable LOS C during the AM peak hour and at an unacceptable LOS F during the PM peak hour. The addition of cumulative and project-generated traffic would be expected to cause the AM peak hour level of service to change from LOS C to LOS E and the PM peak hour level of service to remain at LOS F and delay to increase by 46 seconds. This constitutes a significant impact according to the thresholds established by the Cities of East Palo Alto and Menlo Park.</p> <p><u>University Avenue and Bay Road:</u> Under existing conditions, this intersection operates at an acceptable LOS D during the AM and PM peak hours. During the AM peak hour, the level of service would be expected to remain at LOS D with the addition of cumulative and project-generated traffic, which does not constitute a significant impact according to the City of East Palo Alto's thresholds. However, during the PM peak hour, level of service would change from LOS D to LOS E. This constitutes a significant impact according to the thresholds established by the City of East Palo Alto.</p>	<p>and TDM measures on vehicle trips are uncertain, the impact would be considered to be significant and unavoidable.</p>		

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><u>University Avenue and Woodland Avenue:</u> Under existing conditions, this intersection operates at an acceptable LOS D during the AM and PM peak hours. During the PM peak hour, the level of service would be expected to remain at LOS D with the addition of cumulative and project-generated traffic, which does not constitute a significant impact according to the City of East Palo Alto's thresholds. However, during the AM peak hour, level of service would change from LOS D to LOS E. This constitutes a significant impact according to the thresholds established by the City of East Palo Alto.</p>			
<p><u>Bay Road and Newbridge Street:</u> Under existing conditions, this intersection operates at an acceptable LOS C during the AM peak hour and an acceptable LOS B during the PM peak hour. The addition of cumulative and project-generated traffic would change level of service for both the AM or PM peak hours at this intersection to an unacceptable LOS E. This constitutes a significant impact according to the thresholds established by the City of East Palo Alto.</p>			

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
<p><u>University Avenue between Michigan Avenue and Bay Road:</u> This roadway segment operates at LOS B under existing conditions. The addition of cumulative and project-generated traffic would be expected to cause the level of service to change from LOS B to LOS F. This constitutes a significant impact according to the thresholds established by the City of East Palo Alto.</p> <p><u>Donohoe Street between University Avenue and Capitol Avenue:</u> Under existing conditions, this roadway segment operates at LOS E. The addition of cumulative and project-generated traffic would be expected to cause the V/C ratio to change from 0.91 to 1.00, with the roadway segment continuing to operate at LOS E. This increase in the V/C ratio could be considered a “substantial increase in traffic on a roadway already projected to operate at LOS E or F.” This could be considered to constitute a significant impact according to the thresholds established by the City of East Palo Alto.</p> <p><u>East Bayshore Road between Clarke Avenue and Pulgas Avenue:</u> This roadway segment operates at LOS C under existing conditions. The addition of cumulative and project-generated traffic would be expected to cause the level of service to change from LOS C to LOS F. This constitutes a significant impact according to the thresholds established by the City of East Palo Alto.</p>			

Environmental Impacts	Mitigation Measures	Responsible Agency	Timing
Utilities and Service Systems			
Development facilitated by the General Plan Update may require or result in the need for new water or wastewater treatment facilities or the expansion of existing facilities.	The exact sizing, location, and extent of future improvements are not known at this time. As such, the impact would be considered significant and unavoidable.		
Development facilitated by the General Plan Update may require or result in the construction of new stormwater drainage facilities or the expansion of new facilities.	There are no feasible mitigation measures that would reduce this impact to a less-than-significant level.		
Development allowed by the General Plan Update would generate an increase in future water demand that would not be fully met by the City's existing and future water supplies.	<p>Mitigation Measure UTL-1:</p> <p>The General Plan Update shall be amended to include the following policy under Infrastructure, Services, and Facilities Goal ISF-2:</p> <p>Require new or intensified development to demonstrate that adequate water is available before project approval. Before new or intensified development projects are approved, the development proponent must provide the City with enforceable, verifiable proof that adequate water supply exists to supply the new or intensified development. The enforceable proof can take three forms:</p> <ol style="list-style-type: none"> 1) Depending on the location of the development, a will-serve letter or similar instrument from the City of East Palo Alto, the Palo Alto Park Mutual Water Company, or the O'Connor Tract Co-Operative Water Company. 2) A verifiable recordable water demand offset project or program that ensures that there is no net increase in new water demand. 3) Verifiable and enforceable proof that the developer has secured new water supplies necessary to serve the project. 	City Council	Concurrent with adoption of the General Plan Update

Source: Circlepoint, 2016

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