

## **LAND USE GOALS AND POLICIES** 5

This chapter outlines land use goals and policies for the Specific Plan. These goals and policies reflect input from the community, City staff, and other key stakeholders. These are an extension of the General Plan goals and policies that focus on the Plan Area. The Specific Plan's policies provide clear parameters by which City staff and decision-makers can review proposed development projects. Specifically, the policies in this chapter are meant to support the concepts outlined in Chapter 4, Vision and Major Strategies.

## Land Use & Community Character Goals and Policies

<b>Goal LU-1</b>	<b>A balance of land uses that satisfies residents' needs for a complete mix of residential, retail, commercial, industrial, and public uses.</b>
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- Policy LU-1.1 Foster a series of districts with different characters and land uses that collectively create a place that is 'more than the sum of its parts:'
- 4 Corners Gateway; an active, urban, mixed-use area that is a destination for the whole City.
  - Bay Road Central Core; a community-serving nonprofit, medical, and local business core.
  - Innovation & Tech Employment; composed of:
    - Waterfront Office: high-tech and higher-intensity job district with ample public spaces and amenities.
    - Ravenswood Employment Center: middle-intensity job district with active ground floors or makerspaces.
  - Industrial Transition (Light Industrial); lower-tech and lower-intensity job district with a mix of production spaces.
  - Urban Residential; multifamily housing intended for local residents and workers that serves as a transition between employment and housing.
- Policy LU-1.2 Provide a variety of attached and stacked housing types, with an emphasis on mixed-use buildings with apartments or condominiums, standalone midrise housing, and townhomes. Serve a mix of income levels and diversity of household needs.
- Policy LU-1.3 Strive to maximize new residential uses at 4 Corners, along Bay Road Central, and at the edges of the Innovation and Tech Employment district. The latter will serve as a buffer between new office/industrial development and existing lower-scale residential neighborhoods.

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- Policy LU-1.4 Through the FAR and Community Benefits Framework, ensure that major office/R&D developments include complementary land uses such as retail, restaurants, community amenities/facilities; public parks and trails; and high-quality affordable housing (where permitted) to foster a diverse built environment in the Plan Area.
- Policy LU-1.5 Support the development of new employment uses that bring access to a wide range of high-quality jobs (that pay a livable wage) to people with a variety of skill levels, including life science/laboratory, R&D, community retail, light industrial, makerspace, and advanced manufacturing.
- Policy LU-1.6 Maintain and expand light industrial space and uses along Demeter Street to provide a diversity of jobs in the Plan Area, for instance jobs related to light manufacturing, technical skills, building trades, tech business support, start-up businesses, maker/flex.
- Policy LU-1.7 Locate active frontages, neighborhood-serving commercial uses, and public open spaces in close proximity to each other.
- Policy LU-1.8 Focus the highest level of ground-floor activity in two key areas along Bay Road: at 4 Corners and around CENTERARTS, with slightly lower levels of ground-floor activity located at major entrance points into the employment district. Generally, this ground-floor activity should consist of retail, eating establishments, personal services, and similar commercial uses, but makerspaces and community-serving uses are also desirable on ground floors.
- Policy LU-1.9 Ensure that major development projects construct spaces within the Plan Area that directly serve the community, including daycare and childcare, community centers, space for nonprofits and community organizations, subsidized local merchant

spaces, shared makerspaces, coworking space, resource or navigation centers, and/or job training and workforce development centers.

- Policy LU-1.10 Encourage and allow community-serving programming such as arts, live music, entertainment, and similar uses.
- Policy LU-1.11 Maintain adequate separation between potentially incompatible land uses.
- Policy LU-1.12 Support development of housing sites designated in the Plan Area to accommodate a portion of the City's Sixth Cycle Regional Housing Needs Allocation and meet Housing Element goals and objectives.
- Policy LU-1.13 Verify that all development projects meet the current Green Building standards in effect in the City at the time of approval. Encourage major projects to go beyond the City's minimum building energy efficiency code requirements and achieve LEED certification at Gold or Platinum level.

<b>Goal LU-2</b>	<b>An activated Bay Road that enhances the city's image and identity.</b>
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- Policy LU-2.1 Ensure that development along Bay Road helps reinforce the corridor's importance as the primary "activity spine" within the Plan Area.
- Policy LU-2.2 Ensure well-maintained public plazas and privately-owned publicly-accessible spaces are provided in all major development projects that front onto Bay Road, ideally directly adjacent to or within a short walk of Bay Road.
- Policy LU-2.3 Ensure that all development in the Plan Area adheres to the Specific Plan's 'active frontage' design standards and guidelines. These require active ground-floor uses on key street segments and

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facade design that promotes strolling, socializing, and community vibrancy.

- Policy LU-2.4 Facilitate the acquisition of sites to implement needed mobility improvements including widening of Bay Road, consistent sidewalks, and a high-quality public realm. Project applicants shall take the lead in acquiring sites.
- Policy LU-2.5 Seek to maximize redevelopment of underutilized commercial sites along Bay Road.
- Policy LU-2.6 Emphasize Pulgas Avenue as a secondary activity spine that complements Bay Road, with a focus on active residential, institutional, and other public-serving uses.

<b>Goal LU-3</b>	<b>Strengthened and enhanced residential neighborhoods.</b>
Policy LU-3.1	Restrict the use of eminent domain by the City on any residentially-zoned property in the Plan Area which is vital for maintaining neighborhood's structure, cohesion, and identity.
Policy LU-3.2	Ensure that new development throughout the Plan Area improves sidewalks, streetscapes, landscaping, roadways, lighting, storm drainage and utilities where appropriate in adjacent neighborhoods.
Policy LU-3.3	Require that all new developments immediately adjacent to existing homes be designed with screening, landscaping, setbacks, stepbacks, and/or transitions in building height, materials, scale, and character. The design intent is to ensure that new development is scaled appropriately and is relatively compatible from a massing and architectural standpoint.

- Policy LU-3.4 Focus the tallest buildings at the far eastern end of Bay Road and in the Innovation and Tech employment core, farthest from single-family residential areas. At 4 Corners, taller buildings are allowed if appropriate context-sensitive transitions to the adjacent neighborhood are provided, including stepbacks, setbacks, and screening. Moderately scaled buildings are encouraged along central stretches of Bay Road and as a buffer between new development and existing homes.
- Policy LU-3.5 Ensure that new developments respect the major and minor view corridors which run east to west within the Employment District or provide functionally similar viewsheds for the community. *(More information is provided in Chapter Six.)* As much as possible, the design intent is that these corridors widen as they approach the Bay.
- Policy LU-3.6 Ensure that construction impacts on the community are minimized to the greatest extent practicable.

<b>Goal LU-4</b>	<b>A community that is appropriately protected from potential hazards generated by new employment uses.</b>
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- Policy LU-4.1 Prohibit the development of heavy industries that have hazardous impacts on the health of the community. Promote the safe development of industries that are clean and advanced in the Plan Area by enforcing performance standards for these uses. Advanced industries include clean, low-impact manufacturing of major electronics and auto-related technologies/assembly.
- Policy LU-4.2 Monitor and control the type and quantity of chemical use by businesses that are located adjacent to mixed-use and residential sites to minimize exposure in the event of accidental chemical releases to the environment.

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- Policy LU-4.3      Ensure that a Health Risk Assessment is prepared in accordance with Bay Area Air Quality Management District (BAAQMD) permit requirements for facilities producing new potentially hazardous air emissions in the Plan Area. If the health risk assessment concludes that an unacceptable risk would be posed to nearby sensitive receptors, including schools, ensure adequate mitigation is provided to reduce the emissions to the fullest extent possible and to an acceptable level of risk.
- Policy LU-4.4      Follow the regulations pertaining to siting of new schools in California described in Public Resources Code Section 21151.8 and Education Code Section 17123 to identify facilities within a quarter-mile radius of a proposed school site that might emit hazardous air emissions and require a Health Risk Assessment to ensure these emissions do not pose an unacceptable risk to the school, or if there is no suitable alternative site, that these risks are mitigated to the extent possible and publicly acknowledged.
- Policy LU-4.5      Ensure that schools proposed to be constructed in Waterfront Office or REC zones follow all environmental precautions and regulatory requirements (schools are conditionally allowed in these zones).
- Policy LU-4.6      Applicants proposing development of projects within 1,000 feet of existing sensitive receptors as defined by the BAAQMD (e.g., residential uses, schools) shall prepare a site-specific construction health risk assessment (HRA). If the HRA demonstrates, to the satisfaction of the City, that the health risk exposures for adjacent receptors will be less than BAAQMD project-level thresholds, then additional mitigation would not be required. However, if the HRA demonstrates that health risks would exceed BAAQMD project-level thresholds, additional feasible on- and off-site mitigation shall

be identified to further reduce risks to the greatest extent practicable.

- Policy LU-4.7 New development with sensitive receptors, such as housing or schools, within a quarter mile of existing industrial uses that may produce potentially hazardous air emissions, shall include a targeted assessment of health risks through the project-specific CEQA process.
- Policy LU-4.8 All diesel stand by emergency generators shall meet U.S. EPA Tier 4 engine standards. Permanent stationary emergency generators installed on-site shall have engines that meet or exceed U.S. EPA Tier 4 standards for particulate matter emissions, and shall obtain appropriate permits to operate from BAAQMD, as applicable.
- Policy LU-4.9 When project-level development information, such as site plans, building elevations, floor plans, and the position of buildings and outdoor use areas within the Specific Plan area are known, site-specific project-level acoustical studies shall be completed by future project applicants, subject to City approval. An acoustical study shall be completed, by future project applicants' qualified acoustical consultants, when an application is received for a development project that could be exposed to noise greater than that deemed acceptable by the maximum noise levels specified in Table 10-1 of the City of East Palo Alto's General Plan for any given land use proposed on a site. The study shall determine compliance with the noise and land use compatibility standards, identify potential noise impacts, and propose site-specific measures to reduce exposure to exterior and interior noise levels that exceed maximum permissible levels.
- Policy LU-4.10 A project-specific acoustical analysis shall be prepared by future project applicants' qualified



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acoustical consultants, in compliance with State Building Codes and City noise standards, to ensure that the design incorporates controls to reduce interior noise levels to 45 dBA CNEL or lower within the residential units and to 45 to 65 dBA Leq(12) or lower, depending on the specific land use, within nonresidential interiors. The future project applicants shall conform with any special building construction techniques requested by the City's Building Department, which may include sound-rated windows and doors, sound-rated wall constructions, and acoustical caulking.

<b>Goal LU-5</b>	<b>Development that remediates existing soil and groundwater contamination.</b>
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Policy LU-5.1      Prior to the development or redevelopment of site parcels, a property-specific Phase I ESA shall be completed in accordance with ASTM Standard Designation E 1527-21 (or most recent version) to identify Recognized Environmental Conditions, evaluate the property history, and establish if the property is likely to have been impacted by chemical releases. Soil, soil vapor and/or groundwater quality studies shall subsequently be conducted, if warranted based on the findings of the property-specific Phase I ESAs, to evaluate if remedial measures are needed to protect the health and safety of site occupants and construction workers. The remediation may include soil and groundwater cleanup, engineering controls such as vapor barriers or venting systems, and institutional controls such as deed restrictions or activity use restrictions. If a project has an approved Risk Management Plan (RMP) and information comparable to that which is obtained from a Phase I ESA is made available to the City, then the requirement to conduct a Phase I ESA is waived.

- Policy LU-5.2 Prior to the start of earthwork activities (e.g., excavation, trenching, grading, etc.) on properties with known contaminants of concern (COC) exceeding the lower of the current California Department of Toxic Substances Control (DTSC), San Francisco Bay Regional Water Quality Control Board (RWQCB) or U.S. Environmental Protection Agency (U.S. EPA) residential screening levels, an appropriate corrective action/risk management plan [e.g., RAP, removal action workplan (RAW )or Site Management Plan (SMP)] shall be prepared that reflects the results of the on-site investigations. The corrective action/risk management plan shall describe measures necessary to protect the health and safety of future site occupants, and establish appropriate management practices for handling and monitoring of impacted soil, soil vapor and groundwater that potentially may be encountered during construction activities. The corrective action/risk management plan shall be prepared by an Environmental Professional and be submitted to an appropriate overseeing regulatory agency (e.g., DEH, DTSC or RWQCB) for review. Regulatory agency approval shall be obtained prior to commencing earthwork activities.
- Policy LU-5.3 A Health and Safety Plan (HSP) shall also be prepared to establish health and safety protocols for personnel working at the future project site. All remedial measures shall be completed under regulatory agency oversight and meet all applicable federal, state and local laws, regulations and requirements. Following completion, a report documenting compliance with the provisions of the corrective action/risk management plan and describing the work completed shall be submitted to and approved by the overseeing regulatory agency.
- Policy LU-5.4 Groundwater monitoring wells associated with the identified open leaking underground storage tank (LUST) and cleanup program site (CPS) cases are

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located on some Site parcels. These wells must be protected during construction. Upon written approval from the overseeing regulatory agency and the well owner, the wells would be destroyed under permit from the DEH prior to development activities. Relocation of the wells may be required. Monitoring wells that are no longer in use, or any unidentified wells (such as former agricultural wells) encountered during construction activities, shall be properly destroyed in accordance with DEH requirements.

- Policy LU-5.5 If a future development requires importing soil for property grading, the source and quality of imported soil shall be documented and reported to the appropriate overseeing regulatory agency prior to the start of earthwork activities.
- Policy LU-5.6 As part of the facility closure process for project site occupants with permits for storage of hazardous materials and/or generation of hazardous waste, facility closure activities (such as removal of remaining hazardous materials, cleaning of hazardous material handling equipment, decontamination of building surfaces, and waste disposal practices) shall be coordinated with the San Mateo County Department of Environmental Health (DEH) to ensure that required closure activities are completed prior to redevelopment of site parcels or change in use.
- Policy LU-5.7 Prior to issuance of demolition permits, an asbestos survey shall be completed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1978 in accordance with National Emission Standards for Hazardous Air Pollutants (NESHAP) guidelines. NESHAP guidelines require the removal of potentially friable asbestos-containing materials (ACMs) prior to building demolition or renovation that may disturb the ACM.

- Policy LU-5.8 Prior to demolition, future project applicants shall submit a letter of approval that includes a Job Number (J#) shall be issued by BAAQMD, as proof of notification. The applicant shall notify BAAQMD of any demolition or renovation requiring the removal of 100 square feet or more, 100 linear feet or more, or 35 cubic feet or more of asbestos, at least 10 days prior to demolition or renovation. For residential buildings of four or fewer dwelling units, future applicants can notify BAAQMD 72 hours in advance with the payment of an additional fee.
- Policy LU-5.9 Prior to issuance of a demolition permit, a lead-based paint (LBP) survey shall be completed on all structures proposed for demolition that are known or suspected to have been constructed prior to 1978. If LBP is identified, then federal and state construction worker health and safety regulations shall be followed during renovation or demolition activities. If loose or peeling LBP is identified at the building, it shall be removed by a qualified lead abatement contractor and disposed of in accordance with existing hazardous waste regulations. Requirements set forth in the CCR Title 8, Section 1532.1 shall be followed during demolition activities, including employee training, employee air monitoring, and dust control. Any debris or soil containing LBP or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- Policy LU-5.10 Prior to future projects disposing of any demolition waste (e.g., as fluorescent lamps, PCB ballasts, lead acid batteries, mercury thermostats, and lead flashings), the demolition contractor shall coordinate with DEH to determine if the waste is hazardous and ensure proper disposal of waste materials.
- Policy LU-5.11 All projects proposing residential, medical, community, civic, or institutional uses shall conduct a

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site assessment or screening for vapor intrusion risk, per State Water Board guidance. Groundwater solvents in particular shall be investigated at all sites. If vapor intrusion risk exceeds the established thresholds, then a risk management plan shall be determined. Remediation should be the preferred response action. For sites where site-specific conditions prevent remediation, mitigation may be necessary as a long-term measure.

- Policy LU-5.12 If project activities at any site will interfere with impermeable caps or active soil or groundwater remediation systems (bio barriers, nutrient injection, or extraction wells, etc.), the agencies with oversight must be contacted to obtain approval before any excavation occurs.

<b>Goal LU-6</b>	<b>Development that complies with regulations and standards from regional agencies.</b>
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- Policy LU-6.1 Follow the land use planning and approval processes outlined in the Palo Alto Airport Land Use Compatibility Plan (ALUCP). Avoid land uses that negatively affect air navigation as described in the ALUCP or are in excess of maximum heights identified in the ALUCP from the Traffic Pattern Zone.
- Policy LU-6.2 Ensure that the Menlo Park Fire Protection District (MPFPD) reviews construction plans for roadway modifications, internal circulation, and establish, if needed, temporary alternative emergency routes to be used for the duration of the construction project. During design review, ensure that roads and driveways are established that meet all applicable code requirements for emergency access, potentially including signal preemption mechanisms. Ensure that MPFPD reviews building

plans for compliance with the Fire Code and establishes a future inspection schedule.

Policy LU-6.3      Ensure that projects subject to Bay Conservation & Development Commission (BCDC) jurisdiction receive permit approval from BCDC after being granted planning entitlements from the City. Encourage applicants to engage in the pre-application process with BCDC; the pre-application process will typically include a project review by the Commission's Design Review Board and/or Engineering Criteria Review Board. All final development plans will be approved by BCDC.

Policy LU-6.4      Require preparation of a geotechnical report calculating the building load and placement of fill for each development. Verify that environmental review of this report includes an assessment of flood risks to the building itself, the risks related to shallow groundwater if applicable, and the impacts on neighboring structures from displacement of flood waters. Require the report to consider the cumulative flood risks to other structures from the building in addition to other known, planned, and reasonably foreseeable development.

Policy LU-6.5      As per Chapter 15.52 of the Municipal Code, ensure that at the time a project is proposed in the Plan Area that each proposed new structure in the 100-year flood plain as identified in the current Flood Insurance Rate Map (FIRM) is elevated so that the bottom of the lowest floor is at least one foot above the base flood elevation (1 BFE) for residential structures, flood-proofed to 1 BFE for nonresidential structures, or granted a Variance pursuant to the procedures outlines in Section 15.52080 (a) to (k). See Figure 6-4 for minimum design flood elevations.

<b>Goal LU-7</b>	<b>Maintenance and conservation of historic, archeological, and tribal cultural resources.</b>
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- Policy LU-7.1      Ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including State laws related to archaeological resources, to ensure the adequate protection of historic and prehistoric resources.
- Policy LU-7.2      Require preparation of a project-specific Historic Architectural Resources Assessment (HARA) by a professional Architectural Historian for any buildings or structures that are over 45 years in age that could be affected by a project. The HARA will provide background context, identify any architectural resources including standing buildings and structures, and provide an evaluation using the criteria of the California Register of Historic Resources. Follow the HARA recommendations to avoid and minimize damage to these resources. These may include additional research, measured drawings and photographic recordation with deposition of any research materials with a historical society or repository.
- Policy LU-7.3      Future project applicants shall engage a qualified archaeologist to complete a site-specific review and evaluation of a development site within the Specific Plan area as part of the discretionary permitting process in regard to archaeological resources. The identification, review, and evaluation shall be completed by qualified professional archaeologists. The results shall be presented in a Cultural Resources Assessment Report (CRAR) or similar document format that provides the results of the identification and evaluation effort with site specific mitigation recommendations. The CRAR shall be reviewed and approved by the City as part of the discretionary permitting process.
- Policy LU-7.4      Future project applicants shall implement site-specific mitigation measures or recommendations presented in the CRAR as determined necessary by

the City. Mitigation or recommendations could include:

- Completion of an archaeological testing program to determine the potential for the presence/absence of subsurface cultural deposits and develop further recommendations for cultural resource avoidance/preservation;
- Implementation of cultural resources monitoring during subsurface construction for project sites within or adjacent to a recorded cultural resource; and
- Recordation of any significant built environment resources including but not limited to systematic photographic recordation and architectural measured drawings as well as additional detailed archival research.

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| Policy LU-7.5 | Future project applicants, in consultation with the City, shall contact the Native American Heritage Commission (NAHC) for environmental reviews during the development permitting process to determine if resources listed on the Sacred Lands File are within or adjacent to a project specific site. Outreach to members of the Native American community identified by the NAHC shall be undertaken to determine if they can provide information on tribal cultural resources within or adjacent to the project site. |
| Policy LU-7.6 | Future project applicants shall note on any plans that require ground disturbing excavation that there is a potential for exposing buried cultural resources and tribal cultural resources including prehistoric Native American burials.   |
| Policy LU-7.7 | Future project applicants shall retain a Professional Archaeologist (PA) on an “on-call” basis during ground disturbing construction to review, identify, and evaluate cultural resources that may be inadvertently exposed during construction. The  |



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archaeologist shall review and evaluate any discoveries to determine if they are historical resource(s) and/or unique archaeological resources or tribal cultural resources under CEQA.

Policy LU-7.8 Prior to ground disturbing activities, a PA shall complete in-person Worker Awareness Training (WAT) for cultural resources. Training shall be required for all construction personnel participating in ground disturbing construction to alert them to the cultural sensitivity of the project site and provide protocols to follow in the event of a discovery of archaeological materials. The Principal Archaeologist or Project Archaeologist shall develop and distribute an "ALERT SHEET" summarizing potential finds that could be exposed and the protocols to be followed as well as points of contact to alert in the event of a discovery.

Policy LU-7.9 If the PA determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource or tribal cultural resource under CEQA, the PA shall notify the project proponent and Community Development Director, or their designee, of the evaluation. The PA shall recommend mitigation measures to mitigate to a less than significant impact in accordance with California Public Resources Code Section 15064.5. Tribal cultural resources shall be evaluated with the assistance of Native American tribes and/or individual tribal members who have previously been contacted and responded to outreach efforts made by the project proponent. Mitigation measures may include, but would not be limited to, avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery. The completion of a formal Archaeological Monitoring Plan (AMP) and/or Archaeological Treatment Plan (ATP) that may include data recovery may be recommended by the

PA if significant archaeological deposits are exposed during ground disturbing construction. Development and implementation of the AMP and ATP and treatment of significant cultural resources and/or tribal cultural resources shall be completed by the project applicant in consultation with any regulatory agencies and Native American tribes and tribal individuals.

Policy LU-7.10 The project applicant shall submit a Monitoring Closure Report to the City at the conclusion of ground disturbing construction if archaeological and Native American monitoring was undertaken.

Policy LU-7.11 In the event that human remains are discovered during excavation and/or grading of the site, all activity within a 50-foot radius of the find will be stopped. The San Mateo County Coroner will be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission (NAHC) immediately. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the CEQA Guidelines.

Policy LU-7.12 The City of East Palo Alto, Community and Economic Development Department, Planning Division will complete outreach to members of the Native American community identified by the Native American Heritage Commission (NAHC) in association with City for Initial Studies/Mitigated Negative Declarations and other higher level environmental review during the development permitting process. Project specific AB 52 consultation shall be required if tribes that are

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traditionally and culturally affiliated with the City's geographic area request a formal consultation.

- Policy LU-7.13 If the City determines a project has potential to cause a substantial adverse change to a tribal cultural resources identified through project-specific AB 52 consultation, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, the project applicant shall implement the following measures to address site specific impacts to avoid or minimize potentially significant impacts:
- The PA (Professional Archaeologist) shall recommend mitigation measures to mitigate to a less than significant impact in accordance with California Public Resources Code Section 15064.5. Tribal cultural resources shall be evaluated with the assistance of Native American tribes and/or individual tribal members who have previously been contacted and responded to outreach efforts made by the City of East Palo Alto. Mitigation measures may include, but would not be limited to, avoidance, preservation in-place, recordation, additional archaeological testing, and data recovery.
  - Treatment of the resource(s) with culturally appropriate respect with an emphasis on the tribal cultural values and meanings of the resource, including but not limited to: a) Protecting the cultural character and integrity of the resource; b) Protecting the traditional use of the resource; c) Protecting the confidentiality of the resource; and d) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

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