



CITY OF EAST PALO ALTO

Office of the City Manager

June 7, 2022

San Francisquito Creek Joint Powers Authority
Attn.: Ms. Margaret Bruce, Executive Director
2100 Geng Road, Suite 210
Palo Alto, CA 94303

Subject: Comments to the Notice of Preparation for the SAFER Bay Project

Dear Ms. Bruce;

The City supports the SAFER Bay Project (Project).

This comment letter documents the City's concerns about the information contained in the Notice of Preparation (NOP) dated April 22, 2022.

General Plan and Ravenswood Business District (RBD) Specific Plan

The City is responsible for regulating land use within its boundaries.

The Project levees and improvements are proposed within the RBD Specific Plan (Specific Plan) area. As identified in the General Plan, the RBD is high priority for the City for future redevelopment. The General Plan and Specific Plan recognize the value of the Bay, specifically the Ravenswood Open Space Preserve and the Palo Alto Baylands Natural Preserve. The City's policies place great importance on the connected public open spaces within this area and making sure that new development is compatible and provides benefits to the community. The City has concerns about the impact of the proposed levee on future development and the ability to implement the Specific Plan goals. The parks and trails provide space for active and passive recreation and enhance the visual appearance of the City. The levee may limit the ability to realize these goals. The General Plan also values community involvement. Policy 1.7 encourages public involvement in every aspect of park and open space acquisition, design, construction and programming. The City requests that the SFCJPA work with East Palo Alto to design a levee system that will not limit the ability to implement the City's goals and policies regarding the RBD. The City would appreciate greater coordination to ensure that both the SFCJPA and City's goals are met, including presentations to the City Council regarding how the City's concerns are being addressed, not less than quarterly. The coordination should also include greater public involvement.

As part of the planning application process, the City will require, as a condition of approval, certain landowners to dedicate construction, maintenance, and public access easements for the levee and Bay Trail. The location of the easements will consider recreational uses and shoreline access improvements in the 100 foot shoreline band proposed by the landowners. The City is

concerned that the proposed levee alignment will be inconsistent with the landowner-provided easements.

The Specific Plan includes the Loop Road that connects to University Avenue to Bay Road. A proposed levee alignment shows the Loop Road, Bay Trail, and levee in a narrow corridor between the University Village subdivision and the railroad right-of-way. The City is concerned that the proposed improvements will not fit within the narrow corridor.

A levee alignment in the North of Bay Road reach shows the Bay Trail relocated onto the 2020 Bay Road property, EPA Waterfront property, and Infinity Auto Salvage property. The City is concerned that high-speed bicycles on the relocated Bay Trail may be inconsistent with the pedestrian areas proposed as part of the recreational uses and shoreline access improvements on the properties.

Parks Master Plan and Martin Luther King Jr. Park Master Plan

Proximity and access to high-quality parks, green spaces, and recreation areas have positive and long-lasting impacts on individual and community health. Research confirms that living close to a park significantly increases how frequently residents exercise, and reduces cardiovascular disease, and childhood obesity rates.

Unfortunately, East Palo Alto's park system is scarred with the historic impacts of inequitable investment and racialized land-use decisions that have concentrated environmental injustice and lack of public investment in the City compared to neighboring cities. East Palo Alto is "park poor."

For today's population of close to 30,000 people, the City currently only has approximately 24 acres of accessible public park land. To achieve the minimal goal of 3.0 park acres per 1000 people, the Parks Master Plan has the challenge of identifying an additional 66 park acres. The General Plan's population projection for 2035 adds more than 7,000 new residents, increasing the total park area deficit in the future to 112 acres. Overall, the Bay Trail and the shoreline park opportunities identified as part of future developments are critical to ensuring the City provides the park and open spaces needed to ensure residents have options for recreation and improved physical and mental health and wellness.

The existing Bay Trail and its adjacent open spaces along the City's perimeter are critical public park resources for the community today. It is important for the levee improvement project to identify the trailheads and access points planned for the Bay Trail and to maximize the number of access points between the community and the new Bay Trail.

In addition, the open spaces and shoreline band areas identified in the RBD Specific Plan and Martin Luther King, Jr. Park Master Plan are critical future opportunities to meet the community's park needs today and in the future. The planned improvements at Martin Luther King, Jr. Park include expansion to the west towards the Bay. The City is concerned that the Project will not consider the future park improvements.

Throughout many phases of community engagement efforts for the future of East Palo Alto's shoreline, a common theme has included the opportunity to expand public access as part of the redevelopment and infrastructure improvements. The design of the 3-to-1 levee slopes along the City-facing perimeter should include opportunities for adjacent properties to back-fill and

meet the new Bay Trail grade, creating an accessible, gradual slope that maximizes the area available for usable public access and recreation. Those areas could also be designed to provide more open space and recreational uses.

Climate Action Plan

The levee is critical to support the City's planned resiliency and adaptation to sea level rise. The City is concerned about how the SFCJPA will implement the levee to ensure critical infrastructure is fully protected from sea level rise and mitigates anticipated impacts into the future. The levee design shall adhere to the 'City's Climate Action Plan, <<https://www.cityofepa.org/econdev/page/climate-action-plan>> concurrently under public review. Design standards shall ensure guidance provided by the California Ocean Protection Council (OPC) and San Mateo County's Sea-Level Rise Vulnerability Assessment are followed. <<http://seachangesmc.org/vulnerability-assessment/>>

According to San Mateo County's Assessment, the City of East Palo Alto has 335 acres of land at risk in the baseline scenario, 714 acres in the mid-level scenario, and 992 acres in the high-end scenario. Nearly 60 percent of East Palo Alto's population and almost all of the City's wetlands are vulnerable to sea level rise under the mid-level scenario. Critical infrastructure and community-serving facilities included energy and water infrastructure, local roadways, schools, emergency shelters, and parks would also be impacted by sea level rise. Design considerations of the planned levee shall result in infrastructure which equates to resiliency across all sea level rise risks including increased wave action, rising groundwater tables and saltwater intrusion, increased erosion (i.e., landward shoreline retreat) and changes in sediment supply in lands pertaining to the proposed project.

Vehicle Access to Levee and Bay Trail

Vehicle access points to the top of the levee should be provided for maintenance vehicles, police vehicles, fire vehicles/equipment, and ambulances. The City is concerned that the levee may not be sufficiently wide to allow vehicles to safely drive on the levee due to the steep embankment. The City is concerned that the levee/Bay Trail may not be sufficiently wide to allow for vehicles, pedestrians and cyclists to pass moving and/or parked vehicles. The City also is concerned that the levee may have an inadequate number of access points for vehicles, that the levee pavement section may not be designed for vehicle traffic, and that the geometric design of the Bay Trail may not accommodate vehicles, especially near the PG&E poles and towers and the existing Bay Trail alignment near Runnymede Street.

Pedestrian, Cyclists, and Persons with Disabilities Access to Bay Trail

Along the Bay shoreline, BCDC's land use authority relates primarily to public access. The Commission bases the approval of a project primarily on whether the development provides maximum feasible public access, consistent with the project. The City shares the BCDC's goals regarding providing maximum feasible access to the shoreline. The City's priorities regarding public access are identified in the 2007 East Palo Alto Bay Access Master Plan. The City is concerned that the maximum feasible public access to the Bay shoreline is provided.

Existing access points to the Bay Trail are located at Daphne Way, O'Connor Street, Cypress Street, Garden Street, Runnymede Street, Weeks Street, Bay Road, and Martin Luther King, Jr.

Park, etc. The Project should maintain existing access points to the Bay Trail and these should be reconstructed by the Project.

The landowners in the RBD development plan to significantly increase the shoreline access on their properties.

New and feasible access points to the Bay Trail should be considered at Beech Street, Stevens Avenue, Fordham Street, Rutgers Street, and Tulane Avenue which terminate near the existing or relocated Bay Trail. The City is concerned that new access points may not be considered near the existing or relocated Bay Trail.

The City is concerned that ADA compliant access to the Bay Trail will not be provided.

Contaminated Soil and Groundwater

Contaminated soil and groundwater are well-known and documented issues in areas from the Weeks Street terminus, north along East Palo Alto's shoreline to Fordham Street. Additionally, imported topsoil in northern properties of the City from Demeter Street to Fordham Street have been documented to include PCBs and other constituents of concern. The City recommends that the following Permitting agencies shall be included in design review for these areas to ensure appropriate remediation: California Department of Toxic Substances Control, the Environmental Protection Agency, and the Bay Area Air Quality Control Board.

A levee alignment crosses the Infinity Auto Salvage property, as well as other properties that may have contaminated soil and/or ground water. If the Project acquires any property in fee and the eventual property owner is the City, the City is concerned about the City's liability associated with the contaminated soil and/or groundwater on the properties.

Tidal Marsh Overlooks on Bay Trail

An overlook can provide a place for cyclists and pedestrians to stop and clear the Bay Trail, view the marshes, sit at a bench and rest, and read educational and information signage. The City is concerned that the Project will not provide overlooks for people to clear the trail, rest, and enjoy various amenities.

Lighting of Bay Trail for Public Safety

As part of the City's public outreach effort for the City's Park Master Plan, residents identified adding lighting to increase visibility at night as the most important and best means to address public safety concerns at parks.

Lighting on the Bay Trail will help address residents' safety concerns and increase utilization of the Bay Trail in the City. Lighting would also benefit the cyclist safety as many commute to work via the Bay Trail before and after dark.

City Storm Drain Facilities

Storm drain facilities, including drainage pipes, outfalls, ditches, swales, retention basins, pump stations, and overland sheet flows convey storm water from the City to Bay. The City is concerned that the Project may obstruct storm water or reduce the capacity of the facilities.

Minimizing Construction Impacts

Impacts to residents, business, and infrastructure during the construction of the Project is of concern.

Parking within the City is limited. The Project should provide on-site parking for all construction personnel, construction offices/trailers, and staging areas for materials and equipment. The City may implement a Resident Parking Permit program that would limit parking on streets to residents.

Damage to city streets and impacts to traffic due to trucking and hauling, especially hauling of embankment material is a major concern. Project shall adhere to the requirements of Municipal Code Section 8.28 including allowable haul routes determined by the Public Works Director.

Staging or lining up trucks before loading or offloading materials should take place on-site or on private property as a contract requirement. No staging of trucks will be permitted on City streets.

Minimizing the construction noise disturbing residents is a priority. Hours of construction activity shall be limited to hours described in Municipal Code Section 15.04.125 unless further limited by the Public Works Director. For example, installing sheet piles may be limited to hours from 9 am to 4 pm. Any deviations from the allowable hours of construction activity shall be approved by the Public Works Director.

Settlement of nearby structures due to construction activities needs to be avoided. The Project should implement a settlement monitoring program to address settlement concerns, complaints, and claims.

Well planned Bay Trail detours will improve cyclists' experience during construction. The City is concerned that the design of detours may not be included in the construction contracts. The detour design should include creating Class II bikeways where Class II bikeways are not feasible.

Public Notices including door hangers, social meetings postings, or websites are essential to informing the public about changes to their daily life. The Project should develop a comprehensive public outreach plan for construction activities.

The Project should consider phasing construction within a reach as opposed to closing an entire reach for the duration of construction. As construction windows may be limited for environmental reasons, the construction contract should ensure the Bay Trail is useable when no construction is permitted due to environmental restrictions to the greatest extent feasible.

Stormwater pollution generated by the Project is a concern of the City. The construction contract should require daily sweeping of City streets, including haul routes, inlet protection, and site watering to minimize airborne dust.

The City is concerned about the Contractor importing contaminated soil for construction. An independent lab should be hired by the SFCJPA to test material, as opposed to the Contractor sampling and testing the material.

City Permits

The Project will require City Permits, which may include the following:

1. Encroachment Permit(s). (Municipal Code Sections 13.06.200 and 13.06.280)
2. Hauling /Oversize Load Transportation Permit(s) (Municipal Code Sections 8.28 and 10.36)
3. Grading Permit(s) (Municipal Code Section 15.48)
4. Tree Removal Permit(s) (Municipal Code Section 18.28)

City Streets

The proposed levee is near the cul-de-sacs on Weeks Street, Runnymede Street, Garden Street, Cypress Street, Beech Street, and O'Connor Street. The cul-de-sacs are essential for allowing vehicles, especially fire vehicles/equipment, to turn around. The City is concerned that the levee may adversely impact existing cul-de-sacs.

Any modifications to the City streets shall comply with the City's design and construction standards, as well as the City's adopted Green Infrastructure Plan. Green Infrastructure | City of East Palo Alto (cityofepa.org) <<https://www.cityofepa.org/publicworks/page/green-infrastructure>>

Storm Water Pump Station Improvements

The City will improve the Storm Water Pump Station (Pump Station) near O'Connor Street. The improvements will include (a) installing a new above ground diesel fuel storage tank on the north side of pump station at the elevation of the existing Bay Trail; and (b) removing the existing underground fuel storage tanks on the east side of the Pump Station. The City is concerned that the Project will not consider the future improvements at the Pump Station.

Bay Trail and Levee Maintenance

The portions of the existing Bay Trail within the City are maintained by the City, City of Palo Alto, and Mid-Peninsula Regional Open Space District. The City is concerned about any increase in human resources and/or financial resources that would be necessary for the post-construction maintenance of the Bay Trail and Tidal Marsh Transition Zones by the City.

The proposed 3:1 levee embankment side-slopes will be difficult for workers to safely maintain due to the steepness. Embankment side-slopes not steeper than 4:1 are industry standard (See Caltrans Highway Design Manual). If 3:1 side-slopes are required by the Project, the City is concerned that low to no maintenance plantings will not be installed on the side-slopes to minimize maintenance of the embankment slopes.

Future Levee Construction

Sea level rise may require an increase to top of levee elevation. Increasing the top of levee requires increasing the width of the levee embankment footprint. The City wishes to avoid filling the tidal marsh transition zone if the top of levee elevation must be increased. Permitting and construction of a project within the tidal marsh transition zones is more difficult than compared

to a project on the landward side of the levee. The City is concerned that adequate space on the landward side of the levee will not be provided for the additional embankment width required to increase the top of levee elevation, if required.

Levee Crossings at Bay Road and Railroad Crossings

The levee will pass over Bay Road and the Union Pacific Railroad tracks near University Avenue. The City is concerned about how the SFCJPA will implement the levee at Bay Road and the Railroad Crossing crossings including effectiveness and impact to the roads and railroads when deployed and not deployed.

The City looks forward to working with the SFCJPA to implement the Project.

Sincerely,

Patrick Heisinger

Patrick Heisinger
Interim City Manager