1005 O'Brien Drive and 1320 Willow Road Life Sciences/Research and Development Project

Final Enviromental Impact Report

SCH# 2023060072
October 2026



Prepared for:

CITY OF MENLO PARK

701 Laurel Street
Menlo Park, CA 94025

CONTACT:
Christopher Turner
Senior Planner

Prepared by:

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Final EIR

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853 Lincoln Way, Suite 105
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Contact: Katherine Waugh

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APPENDIX

Appendix N Response to Comments on Draft EIR for 1005 O'Brien and 1320 Willow Road Project, Harris & Lee, July 24, 2026

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1 Introduction

1.1 Purpose and Intended Use of this EIR

The City of Menlo Park (City) as the lead agency has prepared this Environmental Impact Report (EIR) to inform the general public, the local community, responsible agencies, trustee agencies, and other interested public agencies, including local Native American tribes, and the City Planning Commission of the potential significant environmental effects resulting from implementation of the 1005 O'Brien Drive and 1320 Willow Road Life Sciences/Research and Development (R&D) Project (Proposed Project), as well as feasible measures to mitigate those significant effects and alternatives to the Proposed Project. This EIR was prepared in compliance with the California Environmental Quality Act (CEQA) (California Public Resources Code [PRC], Section 21000 et seq.), and the CEQA Guidelines (14 CCR 15000 et seq.).

As described in CEQA Guidelines Section 15121(a), an EIR is an informational document that assesses potential environmental impacts of a Proposed Project, as well as identifies feasible mitigation measures and alternatives to a Proposed Project that could reduce or avoid adverse environmental impacts. As the CEQA lead agency for this Project, the City is required to consider the information in the EIR along with any other available information in deciding whether to approve the requested Project entitlements. The basic requirements for an EIR include providing information that establishes the environmental setting (or project baseline), and identifying environmental impacts, mitigation measures, project alternatives, growth inducing impacts, and cumulative impacts. In a practical sense, an EIR functions as a method of fact-finding, allowing an applicant, the public, other public agencies, and lead agency staff an opportunity to collectively review and evaluate baseline conditions and Project impacts through a process of full disclosure. Additionally, this EIR provides the primary source of environmental information for the lead agency to consider when exercising any permitting or approval authority directly related to implementation of this Project. It is not the intent of an EIR to recommend either approval or denial of a project.

1.2 Project Background and Overview

The Project site is located at 1005 O'Brien Drive and 1320 Willow Road, within the Bayfront Area of the City. The Project proposes to demolish three existing commercial and industrial buildings (a total of approximately 90,630 square feet), construct two R&D buildings (the building facing O'Brien Drive would have five stories and the building facing Willow Road would have four stories; combined there would be a total of approximately 228,081 square feet) and a seven-level above grade parking structure. The Project would also develop approximately 59,344 square feet of open space, to include landscaping, gathering areas, and a sports court, of which approximately 31,535 square feet would be available and accessible to the public. The Project would be developed in two phases, with the south and east portion of the site being redeveloped in Phase 1 and the western portion of the site being redeveloped in Phase 2. A vesting tentative map is proposed to merge and resubdivide the existing three parcels that comprise the Project site to create two parcels for the two Project buildings plus a parcel for the garage, and relocate the boundary between the Project site and the adjacent parcel to accommodate the proposed site layout and internal vehicular circulation.

1.3 EIR Process

Notice of Preparation

In accordance with CEQA Guidelines Section 15082, a Notice of Preparation (NOP) was circulated for public and agency review from June 2, 2023 through July 5, 2023. The purpose of the NOP was to provide notification that an EIR for the Proposed Project was being prepared and to solicit guidance on the scope and content of the document. The City also prepared an Initial Study for the Project that was appended to the NOP identifying those issue areas where impacts would be less than significant.

Nine comment letters were received during the scoping period. In addition, a scoping meeting was held on June 26, 2023, to receive verbal input on the scope and content of the EIR. The NOP, Initial Study, and comment letters received in response to the NOP are included as Appendix G1, Appendix G2, and Appendix G3, respectively, of this EIR.

Draft EIR and Public Review

The Draft EIR was circulated for public review and comment for a 45-day public review period that began on April 1, 2026, and ended on May 18, 2026. The City received nine comment letters on the Draft EIR and received verbal comments at a City Planning Commission meeting held on May 4, 2026. Nine comment letters were received in response to the Draft EIR and four individual comments were received verbally at the Planning Commission meeting.

Final EIR and EIR Certification

The Final EIR is prepared upon completion of the Draft EIR public review period. The Final EIR includes written and verbal comments on the Draft EIR received during the public review period and the City's responses to those comments. A Final EIR often also includes revisions to the Draft EIR that were identified to be necessary based on the responses to comments. For this EIR, no edits were made to the Draft EIR in response to the comments received.

This Final EIR is available for review at the following locations:

In Person: Menlo Park City Hall: 701 Laurel Street, Menlo Park, CA 94025

Belle Haven Community Campus library: 100 Terminal Avenue, Menlo Park, CA 94025

Menlo Park Library: 800 Alma Street, Menlo Park, CA 94025

Online: https://www.menlopark.gov/Government/Departments/Community-Development/Projects/Under-review/1005-OBrien-Dr-and-1320-Willow-Rd

Before the City can approve the Project, it must first certify that the EIR has been completed in compliance with CEQA, that the City has reviewed and considered the information in the EIR, and that the EIR reflects the independent judgment of the City. The City is also required to adopt Findings of Fact for each potentially significant impact, and, if necessary, a Statement of Overriding Considerations for any significant and

unavoidable impacts explaining the decision to balance the benefits of the Project against unavoidable environmental impacts if it approves the Proposed Project (see also Public Resources Code Section 21081).

1.4 Scope of the Draft EIR

Based on the scope of the Proposed Project as described in the NOP, Initial Study, and comments received from the public and public agencies (see Appendix G1, Appendix G2, and Appendix G3), the following issues were determined to be potentially significant and are therefore addressed in Chapter 4, Environmental Analysis, of the Draft EIR document.

- Air Quality
- Greenhouse Gas Emissions
- Hazards/Hazardous Materials
- Noise
- Population and Housing
- Transportation/Traffic
- Tribal Cultural Resources

The topics of aesthetics, agricultural resources and forest land, biological resources, cultural resources, energy, geology and soils, hydrology and water quality, mineral resources, utilities and service systems, public services and recreation, and wildfire were evaluated in the Initial Study (Appendix G2) and dismissed during the scoping process. Those impacts that were found to be less than significant are also summarized in Chapter 5 of the Draft EIR.

1.5 Organization of the Final EIR

This Final EIR contains all of the information required to be included in an EIR, as specified by CEQA and the CEQA Guidelines (PRC Section 21000 et seq.; 14 CCR 15000 et seq.). The following provides a quick reference for locating the CEQA-required sections within this document:

- **Introduction (Section 1)** – Includes a brief procedural history and summary of CEQA requirements, a summary of how the document is organized, and a list of the agency and public comments received on the Draft EIR (Table 1-1). As noted previously, no text changes were made to the Draft EIR thus this Introduction does not include a summary of such changes.
- **Responses to Comments (Section 2)** – Provides responses to all comments received on the Draft EIR. The responses clarify and/or amplify text in the Draft EIR, as appropriate.
- **Appendix N –**To assist the City in addressing Draft EIR comments regarding the safety concerns for life sciences R&D facilities, the Project applicant submitted a biosafety expert report, which is provided as Appendix N. The report was prepared by Patricia Beach, MS, CIH, the managing partner of Harris & Lee Environmental Sciences, LLC. Ms. Beach is a Certified Industrial Hygienist with substantial experience working in lab safety in the biotech industry. Appendix N presents the state of current regulatory oversight of biosafety in general, as well as a view of actual practice within the private sector of biopharmaceuticals.

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Responses to Comments

This chapter includes comments received during public circulation of the Draft Environmental Impact Report (Draft EIR) prepared for the 1005 O'Brien Drive and 1320 Willow Road Life Sciences Project (Proposed Project). Responses were prepared to address comments on significant environmental issues received from reviewers of the Draft EIR.

The Draft EIR was circulated for a 45-day public review period that began on April 1, 2026, and ended on May 18, 2026. The City of Menlo Park (City) received nine comment letters on the Draft EIR and received verbal comments at a City Planning Commission meeting. Responses to all written and verbal comments have been included in this chapter. The commenters and the page numbers on which each commenter's letter appear are listed below.

Table 1. Comments Received on the Draft EIR

Letter Number	Commenter	Date Received	Page No.
Agencies			
A1	San Francisco Public Utilities Commission (Elton Wu; 6/28/2023 correspondence from Joanne Wilson attached)	4/8/2026	3
A2	Caltrans (Yunsheng Luo with email transmittal from Mary McGee)	5/18/2026	11
Organizations			
O1	Sierra Club (Gita Dev with email transmittal from Dashiell Leeds)	5/6/2026	25
O2	San Mateo County Bird Alliance Conservation Committee (Chris Macintosh)	5/15/2026	45
Individuals			
I1	Matthew Rascoff	4/8/2026	55
I2	Meredith Bergin Bailey	4/15/2026	69
I3	Eduardo Lopez Hernandez	4/30/2026	73
I4	Miyko Harris-Parker	5/18/2026	81
I5	Naomi Goodman	5/18/2026	85
I6	City Planning Commission Meeting Transcript (John McKenna and Naomi Goodman)	5/4/2026	93

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Comment Letter A1

Christopher R. Turner

From: Wu, Elton H. <EWu@sfwater.org>
Sent: Wednesday, April 8, 2026 11:30 AM
To: Christopher R. Turner
Cc: Rando, Casey; Wilson, Joanne; Wayne, Lisa B; Read, Emily; RES; Leong, Tracy
Subject: Notice of Preparation Public Notice - Environmental Impact Report for the 1005 O'Brien Drive / 1320 Willow Road Life Sciences Project
Attachments: SFPUC_Comments-NOP_1005 OBrien Dr+1320 Willow_Menlo Park_Wilson_6-26-23.msg

Hi Chris,

Thank you for sending the SFPUC the Notice of Availability of the Draft EIR for the 1005 O'Brien Drive / 1320 Willow Road Project. My colleague, Joanne Wilson, contacted you previously in June 2023 regarding on SFPUC's comments, which were also referenced in the EIR.

As a reminder, no construction, staging, or vehicular parking on SFPUC ROW can occur without prior written authorization. The project would also need to go through Project Review if any work is proposed on SFPUC property.

If you have any additional questions, please feel free to contact me. Thank you.

A1-1

Elton Wu
Pronouns: He/ Him
Environmental Compliance and Land Planner
SFPUC Water Enterprise
Natural Resources and Lands Management Division
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
cell: (415) 971-7657
ewu@sfwater.org

Hetch Hetchy
Regional Water System

Christopher R. Turner

From:	Wilson, Joanne
Sent:	Wednesday, June 28, 2023 6:18 PM
To:	crturner@menlopark.gov
Cc:	Natesan, Ellen; Rando, Casey; Wayne, Lisa B; Read, Emily; Russell, Rosanna S; Sandoval, Teresa
Subject:	Notice of Preparation - Environmental Impact Report for the 1005 O'Brien Drive / 1320 Willow Road Life Sciences Project

Hello Chris: Thank you for this opportunity to comment on behalf of the San Francisco Public Utilities Commission (SFPUC) on the Notice of Preparation (NOP) of an Environmental Impact Report (EIR) for the above-referenced project. The drawings included with the NOP correctly show the SFPUC's fee-owned Hetch Hetchy right-of-way (ROW) adjacent to, and on the north side of the project site. Based on these drawings, it does not appear that any portion of the proposed project would encroach onto the SFPUC's ROW.

The SFPUC provides the following comments on the scope and content of the Project EIR.

1. If the proposed project scope changes such that construction/work is proposed on or within the SFPUC ROW (including utility connections, permanent access to the Project, construction access or use, or street/sidewalk modifications) as part of the Project or in the future, then the project sponsor is required to participate in the SFPUC's **Project Review Process** (further information below) prior to receiving written authorization from the SFPUC to implement any improvements within the SFPUC ROW.

2. In the absence of written SFPUC authorization for the use of its ROW, the project sponsor should implement appropriate measures during construction of the proposed project to prevent encroachment of construction vehicles, equipment, and materials onto the SFPUC ROW. In addition, access over or across the SFPUC ROW is not allowed without written authorization. Appropriate measures could include temporary construction fencing, tailgates for construction crews to communicate restrictions and prohibitions related to the SFPUC ROW during construction.

A1-2

3. The project sponsor must provide proper grading and permanent drainage within the project site so that the Project site does not drain onto the SFPUC ROW. The project sponsor (and future owners of the Project property) must maintain its drainage systems in good working order.

A1-3

4. If the proposed research and development (R&D) use of the project site includes the regular use or storage of significant amounts of hazardous materials, please include the SFPUC on any emergency contact list in the event of a chemical spill, hazard, or other emergency. The emergency contact for the SFPUC is: SFPUC Millbrae Dispatch, at (650) 872-5900. Please ask Millbrae Dispatch to inform the SFPUC ROW Manager and/or SFPUC Peninsula Watershed Manager of the emergency. Millbrae Dispatch operates 24-hours daily, 7 days a week.

A1-4

5. Because the proposed project would include two back-up diesel-fueled generators for emergency use for each building, we request that the generators have secondary containment in the event of a hazardous fuel spill.

A1-5

SFPUC Project Review Process

All proposed projects and activities on SFPUC lands must be reviewed by the SFPUC's Project Review Committee (committee) to determine whether a proposal is compatible with SFPUC adopted plans and policies *prior* to obtaining written authorization from the SFPUC. During Project Review, the committee may require modifications to the proposal and/or require implementation of avoidance and minimization measures to reduce negative impacts and to ensure that

A1-6

1

Page 2 of 3 in Comment Letter A1

the proposal conforms to applicable plans and policies. Therefore, it is important to schedule projects for review at the earliest opportunity to address any potential project issues.

To initiate the Project Review process, project sponsors must visit the SFPUC's Project Review Committee webpage at https://sfpuc.org/construction-contracts/lands-rights-of-way/project-review-and-land-use-bay-area to download a copy of the current Project Review application. Once the application is completed, the project sponsor must email their application and supporting attachments (project description, maps, drawings and/or plans) to projectreview@sfwater.org. Completed applications with required attachments are scheduled in the order they are received for the next available Project Review Committee meeting date.

A1-6 Cont.

Future Project Public Notices
Please send electronic updates and public notices for the Project to me, with a copy to Teresa Sandoval (SFPUC Real Estate Services) at tsandoval@sfwater.org. Please mail paper notices to the following address:

San Francisco Public Utilities Commission
Real Estate Services
525 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102

If you have any questions or need further information, please contact me. Again, thank you for this opportunity to provide comments on the proposed project.

Sincerely,

Joanne Wilson

Joanne Wilson
Senior Land and Resources Planner
Natural Resources and Lands Management Division
Water Enterprise
1657 Rollins Road
Burlingame, CA 94010

Please consider the environment before printing this email.

Hetch Hetchy Regional Water System
Operated by San Francisco Water, Power and Sewer | Services of the San Francisco Public Utilities Commission

Hetch Hetchy Regional Water System
Services of the San Francisco Public Utilities Commission

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Page 3 of 3 in Comment Letter A1

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Response to Comment Letter A1

San Francisco Public Utilities Commission
Elton Wu
4/8/2026

A1-1 The comment acknowledges receipt of the Notice of Availability for the EIR, references an attached 6/28/2023San Francisco Public Utilities Commission (SFPUC) Draft EIR Notice of Preparation (NOP) comments (see Responses to Comments A1-2 through A1-6, below), and notes that construction, staging, or vehicular parking within the SFPUC right-of-way would require prior written authorization and Project Review.

In Chapter 3, Project Description, page 3-14, the Draft EIR recognizes that an approval from SFPUC for encroachment into the Hetch Hetchy right-of-way would be required if such encroachment is necessary based on final Project design and construction plans, but no such encroachment is currently anticipated. The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects, thus no further response or revision to the Draft EIR is required.

A1-2 The 2023 comment states that the Proposed Project does not appear to encroach into the SFPUC Hetch Hetchy right-of-way based on the Project drawings. The comment states that if the Project scope changes to include work within the SFPUC right-of-way, the Project sponsor must obtain SFPUC authorization through the Project Review Process and implement measures during construction to prevent encroachment into the right-of-way. The comment also notes that without written SFPUC authorization for the use of SFPUC right-of-way, measures should be implemented during construction to prevent encroachment of construction vehicles, equipment, and materials onto the right-of-way, noting that access over or across the SFPUC right-of-way is not allowed within written authorization. Suggested measures include temporary construction fencing and communication with construction crew members about restrictions and prohibitions related to the SFPUC right-of-way.

The comment acknowledges that no encroachment into the SFPUC Hetch Hetchy right-of-way is currently anticipated. As stated in Response to Comment A1-1, the Draft EIR identifies that SFPUC approval would be required if final Project design or construction plans include encroachment into the SFPUC right-of-way. In that case, construction activities would be required to comply with applicable permit conditions, and if no encroachment permit is issued, access to the SFPUC right-of-way would be prohibited. Measures to prevent encroachment would be included as a Condition of Approval. The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no further response or revision to the Draft EIR is required.

A1-3 The 2023 comment states that the Project applicant must provide proper grading and permanent drainage to prevent runoff from draining onto the SFPUC right-of-way and maintain the drainage system in good working order.

The Project’s impacts related to Hydrology and Water Quality were not evaluated in the Draft EIR because this topic was fully addressed in the Initial Study (Appendix G2), which was made available for public review at the time the NOP for this EIR was circulated. A Hydrology Report was prepared for each of the two Project phases; these reports are provided in EIR Appendix E.

As described in Chapter 3, Project Description, the Proposed Project includes new stormwater management and drainage improvements, including onsite stormwater bioretention areas, and the Project would be required to comply with the City's Water-Efficient Landscaping Ordinance (Menlo Park Municipal Code Chapter 12.44) which provides criteria for water conservation, soil management, irrigation, and stormwater management (Draft EIR pages 3-6 and 3-9 and Figure 3-4). As stated on Draft EIR page 3-10, the Project would reduce the extent of impervious surfaces by approximately 32,966 square feet to 80% of the Project site (compared to the existing 179,825 square feet, which is approximately 98% of the Project site), which would reduce the rate and volume of stormwater drainage across the site.

The City's drainage standards require that a project retain and/or detain as much run-off as feasible on-site. As stated on Initial Study page 90 and Table 3.10-1 (Appendix G2) and demonstrated in the hydrology studies in Appendix E and the Project site plans in Appendix H, the Proposed Project's bioretention areas are sized to be slightly larger than the minimum treatment area size required under the San Mateo County C.3 Regulated Projects Guide, which would prevent Project site stormwater from draining onto SFPUC right-of-way during operations.

Further, as discussed on Initial Study page 69, the Project would be required to prepare and implement a Stormwater Pollution Prevention Program (SWPPP) which would identify the permanent stormwater runoff retention and treatment improvements as well as maintenance of those improvements; and as discussed on Initial Study pages 89 and 90, the Project would be required to comply with the San Mateo Countywide Water Pollution Prevention Program C.3 stormwater requirements and the City's Municipal Code Chapter 7.42. Compliance would be attained by the proposed on-site storm drain system, which would collect runoff from surface parking, drive aisles, building roofs, and hardscape areas, convey it to bioretention basins/planters for stormwater treatment, and discharge the treated runoff to the existing storm drain network surrounding the Project site. Thus, the Project would not allow for runoff to drain onto the SFPUC right-of-way during construction or throughout the life of the Project.

A1-4 The 2023 comment requests that if the Project's research and development (R&D) uses would include the regular use or storage of significant amounts of hazardous materials, SFPUC be included on the emergency contact list in the event of a chemical spill, hazard, or other emergency.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects. As identified in Draft EIR Chapter 3, the Project would include two 200-square-foot chemical storage enclosures, one for each of the proposed R&D buildings. As discussed in Draft EIR Section 4.3, Hazards and Hazardous Materials, other hazardous materials could be stored and used within each building. As described in Section 4.3, the Project would be required to comply with all applicable federal, State, and local regulations governing the handling, storage, and emergency response requirements for hazardous materials. As a Condition of Approval, the City would require that SFPUC be included in the Project's emergency notification contact list.

A1-5 The 2023 comment requests that the proposed emergency diesel fueled generators include secondary containment to prevent hazardous fuel spills.

As identified in Draft EIR Chapter 3, the Project would include two emergency generators and enclosures, one for each of the proposed R&D buildings. Each emergency generator would be subject to the permitting requirements of the San Mateo County Environmental Health Department, which is

the Certified Uniform Program Agency (CUPA) for the City of Menlo Park. The belly tank for each generator would contain more than 55 gallons of diesel fuel, thus a Hazardous Materials Business Plan would be required in accordance with California Health and Safety Code Division 20 Chapter 6.95. The emergency generators would use aboveground diesel fuel tanks designed in accordance with applicable fire and environmental regulations. Spill control and secondary containment requirements would be determined during fire code and CUPA review based on the fuel system design, applicable provisions of the California Fire Code, and site-specific hazardous materials requirements.

A1-6 The 2023 comment describes the SFPUC Project Review process for projects proposed on SFPUC property, provides information on how to initiate Project Review, and requests that the SFPUC continue to receive future Project notices and updates.

As stated in Response to Comment A1-1, Draft EIR page 3-14 recognizes that an approval from SFPUC for encroachment into the Hetch Hetchy right-of-way would be required if such encroachment is necessary based on final Project design and construction plans but that no such encroachment is currently anticipated. As construction plans are refined, if the Project would require work within the SFPUC right-of-way, the Project sponsor would be required to coordinate with the SFPUC and obtain any required approvals, including participation in the SFPUC Project Review process. The City acknowledges SFPUC's request to receive future Project notices and updates. The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects, thus no further response or revision to the Draft EIR is required.

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Comment Letter A2

Christopher R. Turner

From: McGee, Mary@DOT <Mary.McGee@dot.ca.gov>
Sent: Monday, May 18, 2026 1:59 PM
To: Christopher R. Turner
Cc: state.clearinghouse@lci.ca.gov
Subject: Caltrans Comments – 1005 O'Brien Drive and 1320 Willow Road Life Sciences Project
Attachments: 1005 O'Brien Drive and 1320 Willow Comment Letter DEIR.pdf

Hi Christopher,

Thank you for including Caltrans in the review of this project. Please see the attached letter for comments. A2-1

Best,
Mary

Mary McGee (she/her)
Transportation Planner
Caltrans District 4
510.907.0988

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CALIFORNIA STATE TRANSPORTATION AGENCY GAVIN NEWSOM, GOVERNOR

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov

May 18, 2026

SCH #: 2023060072
GTS #: 04-SM-2023-00776
GTS ID: 29975
Co/Rt/Pm: SM/114/5.5

Christopher Turner, Senior Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: 1005 O'Brien Drive and 1320 Willow Road– Draft Environmental Impact Report (DEIR)

Dear Christopher Turner:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process 1005 O'Brien Drive and 1320 Willow Road. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the April 2026 DEIR.

Please note this correspondence does not indicate an official position or approval by Caltrans on this project and is for informational purposes only.

Project Understanding
This project is located on State Route (SR) 114 (Willow Road) and involves demolishing the three existing buildings on the site and constructing two research and development buildings. The proposed project also includes construction of a seven-level above grade parking structure, landscaping, and a sports court.

Travel Demand Analysis
With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide (link).

The project VMT analysis and significance determination are undertaken in a manner consistent with the City's adopted VMT policy. Per the DEIR, this project is found to

A2-2

A2-3

have a less than significant VMT impact with the implementation of the proposed Transportation Demand Management Plan. A2-3 Cont.

Highway Operations
The DEIR identifies Level of Service (LOS) E/F conditions at study intersections along Willow Road during peak hours. Under these conditions, there is potential for queueing and spillbacks that could affect driveway access and traffic operations along the project site. Please clarify how project access will function without blocking adjacent intersections or driveways, and without adversely affecting traffic operations along Willow Road. A2-4

Bicycle and Pedestrian Access
Please ensure that the eastern edge of the project limit that touches the crosswalk of the Ivy Drive & Willow Road intersection aligns with the City of Menlo Park Project 1W170 (Caltrans project ID), as it proposes bulb-outs for the sidewalk leading to crossing at Ivy Drive. In addition, project 1W170 proposes a Class IV bikeway that will pass through on both sides of Willow Road. Please also ensure that this project does not cause any hindrance to the planned bikeways under the 1W170 project. A2-5

The area on Willow Road west of Ivy Drive is considered "as a pedestrian focus area, defined as regionally significant area within the county are likely to have the highest walking activity" based on the 1W170 project. Due to this consideration, the project needs to ensure that the infrastructure built does not hinder any planned and future pedestrian facilities. Moreover, the project needs to ensure that pedestrian movements on sidewalks and bicycle movements on the roadway are not hindered. If construction activity causes any hindrance, the project needs to ensure mitigation measures. A2-6

Air Quality
Page 4.1-21, Operational Emissions Methodology: Please check that the operational year of 2028 is accurate in accordance with CalEEMod and correct if needed.

Page 4.2-36, Operational Emissions Methodology: Please check that the operational year of 2028 is accurate in accordance with CalEEMod and correct if needed.

Page 4.2-36, Operational Emissions Methodology: Please check that the operational year of 2023 is accurate in accordance with CalEEMod and correct if needed. A2-7

Page 4.2-37, Mobile Sources: Please check that the existing scenario year of 2023 is accurate in accordance with CalEEMod and correct if needed.

Page 4.2-38, Mobile Sources: Please check that the proposed project year of 2028 is accurate in accordance with CalEEMod and correct if needed. A2-8

Page 4.4-19, Construction Noise: Please check that "0 to 6 dBA L_{eq} in the average noise level scenario" is accurate, as it does not appear to match the information provided in Table 4.4-9 and correct if needed. A2-9

Cultural Resources
Should construction activities within Caltrans' Right of Way (ROW) take place in relation to this project, these mitigation measures shall be implemented if there is an archaeological discovery. If there is an inadvertent archaeological or burial discovery within Caltrans' ROW, please immediately contact the Caltrans Office of Cultural Resource Studies at (510) 847-1977. A staff archaeologist will evaluate the finds within one business day after contact. Caltrans requires review of any potential data recovery plans within Caltrans' ROW. A2-10

Tribal Coordination
If pre-contact or historic-era archaeological resources or human remains are encountered during project construction or implementation, it is recommended that the project applicant retain and compensate Tribes with ancestral ties to San Mateo County to perform Tribal Monitoring services.

It is recommended that the Native American Heritage Commission (NAHC) be consulted to obtain the most current contact information for Tribes with ancestral ties to San Mateo County.

Please see below for the list of Tribes with ancestral territories in San Mateo County based on the NAHC: A2-11

- Amah Mutsun Tribal Band of Mission San Juan Bautista
- Costanoan Rumsen Carmel Tribe
- Indian Canyon Mutsun Band of Costanoan
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area
- Rumsen Am'a Tur'ataj Ohlone
- Tamien Nation
- The Ohlone Indian Tribe
- Wuksache Indian Tribe/Eshom Valley Band

Hydrology
Please ensure that any increase in storm water runoff to State Drainage Systems or Facilities be treated, contained on project site, and metered to preconstruction levels. Any floodplain impacts must be documented and mitigated. A2-12

Construction-Related Impacts
Project work that requires movement of oversized or excessive load vehicles on State A2-13

roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits (*link*).

A2-13 Cont.

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

A2-14

Equitable Access
If any Caltrans facilities are impacted by the project, those facilities must meet Americans with Disabilities Act (ADA) Standards after project completion. The project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

A2-15

Encroachment Permit
Please be advised that any temporary or permanent work including traffic control that encroaches in, under, or over any portion of the State highway ROW requires a Caltrans-issued encroachment permit.

The Office of Encroachment Permits requires 100% complete design plans and supporting documents to review and circulate the permit application package. Please ensure that proposed work within Caltrans ROW conforms with the latest versions of the Caltrans Highway Design Manual (*link*) and Caltrans Standard Plans and Specifications (*link*). Project plans within State ROW must clearly show the State ROW line for the whole plan limits along with all existing roadway features (lane lines, edge of pavement, curbs, existing signage, trees and utility poles, etc.).

In the Encroachment Permit application package, be sure to include a hydrology report with hydraulic calculations showing pre- and post- project conditions, ensuring no increase in flow to the existing drainage systems within Caltrans ROW.

A2-16

The review and approval of encroachment projects is managed through the Encroachment Permits Office Process (EPOP) or the Project Delivery Quality Management Assessment Process (QMAP), depending on project scope, complexity, and completeness of the application. Please use the following resources to determine the appropriate review process:

- TR-0416 Applicant's Checklist (*link*)
- Caltrans Encroachment Projects Processes – Information Video (*link*)
- Flowchart, Figure 1.2 in Section 108, Overview of the Encroachment Review Process, of Chapter 100 – The Permit Function, Caltrans Encroachment Permit Manual (*link*)

The permit approval typically takes less than 60 days, but may take longer depending on the project scope, size, complexity, completeness, compliance with applicable laws, standards, policies, and quality of the permit package submitted. Projects requiring exceptions to design standards, exceptions to encroachment policies, or external agency approvals may need more time to process.

To obtain more information and download the permit application, please visit Caltrans Encroachment Permits (*link*).

A2-16 Cont.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Mary McGee, Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website (*link*) or contact LDR-D4@dot.ca.gov.

A2-17

Sincerely,

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

"Provide a safe and reliable transportation network that serves all people and respects the environment"

Response to Comment Letter A2

California Department of Transportation
Yunsheng Luo
5/18/2026

A2-1 The comment thanks the City for including the California Department of Transportation (Caltrans) in the review of the Draft EIR and states that Caltrans' comments are provided in the attached letter.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no response or revision to the Draft EIR is required.

A2-2 The comment introduces Caltrans' Local Development Review Program and Caltrans' comments on the Draft EIR. The comment also states Caltrans' understanding of the Proposed Project, including demolition of the existing buildings and construction of two R&D buildings, a seven-level parking structure, landscaping, and a sports court. The comment also states that the correspondence is provided for informational purposes only and does not represent an official Caltrans position or approval of the Project.

The comment accurately summarizes the Proposed Project. The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no response or revision to the Draft EIR is required.

A2-3 The comment discusses Caltrans' approach to evaluating vehicle miles traveled (VMT) as required under Senate Bill 743 and states that the Draft EIR's VMT analysis and significance determination are consistent with the City's adopted VMT policy. The comment also notes that the Project would result in a less than significant VMT impact with implementation of the proposed Transportation Demand Management Plan.

The comment accurately summarizes the Draft EIR's less-than-significant conclusions regarding the Project's VMT impacts. The comment does not identify any inadequacies or inaccuracies in the information or analysis provided in the Draft EIR, thus no response or revision to the Draft EIR is required.

A2-4 The comment notes that Level of Service (LOS) E/F conditions would occur at study intersections along Willow Road during peak hours and expresses concern that Project generated traffic could block adjacent intersections and driveways and adversely affect traffic operations along Willow Road.

As discussed in Draft EIR Section 4.6, Transportation, the Transportation Impact Analysis (TIA) evaluated vehicle queuing at Project driveways on Willow Road and O'Brien Street under future 'with Project' conditions. The TIA concluded that the Project would result in only nominal changes to future queuing conditions and would not substantially affect traffic operations along Willow Road where intersections are projected to operate under oversaturated conditions under both Near Term (2027) and Cumulative (2040) conditions without the Project, and the Project would increase average delay at these intersections in one or both peak hours. CEQA Guidelines Section 15064.3 establishes that VMT (not delay and level of service or LOS) is the only legally acceptable threshold for transportation-related environmental impacts pursuant to CEQA. While the project would increase delays at some

intersections, this is not considered an environmental impact under CEQA and thus mitigation measures for deficiencies in delay/LOS are not required. However, the City continues to require LOS analysis for informational purposes to use in evaluating the Project's conformance with the General Plan. The project's LOS analysis shows that several study intersections along Willow Road would be inconsistent with the General Plan LOS standards in both Near-Term and Cumulative conditions.

Willow Road is forecast to operate with oversaturated LOS conditions without the Project and the addition of Project generated traffic would not create new blockages at adjacent intersections and driveways. Therefore, the Project would not have a significant adverse effect, on either a project or cumulative level, on traffic operations along Willow Road since it is already experiencing oversaturated conditions without the project.

The Project would pay its fees towards the Willow Road Corridor Improvement Project which has planned improvements along Willow Road including the installation of a Class IV separated bikeway and implementation of on-street parking restrictions during the peak hours which would improve overall traffic operations and queueing. Therefore, the Project would not cause a substantial effect related to vehicular queueing.

A2-5 The comment requests that the Project be designed to be consistent with Caltrans' Project 1W170 improvements, including the proposed sidewalk bulb-outs and Class IV bikeways along Willow Road, and that the Project not interfere with those planned facilities.

As discussed in Draft EIR Section 4.6, the TIA considered the City's planned Willow Road Corridor Improvement Project, which is identified as Project 37 in the City's Transportation Master Plan (TMP) and includes bicycle and pedestrian improvements along Willow Road. Also, TMP Project 40 includes pedestrian improvements at Willow Road/O'Brien Drive consisting of the installation of high-visibility crosswalks on all legs and bulb-outs on the northeastern and southeastern corners. The City's TMP Projects 37 and 40 are consistent with Caltrans' planned Project 1W170. The TIA concluded that the Project would not result in significant transportation impacts related to these planned improvements (Draft EIR Table 4.6-3) and that the Project would pay applicable Transportation Impact Fees toward implementation of the Willow Road Corridor Improvement Project. Therefore, the Project would not interfere with Caltrans' planned transportation improvements along Willow Road. No revisions to the Draft EIR are required.

A2-6 The comment notes that the area on Willow Road west of Ivy Drive is identified as a pedestrian focus area and states that the Project must not interfere with planned or future pedestrian and bicycle facilities. The comment also requests that construction activities avoid hindering pedestrian and bicycle access and include mitigation measures if temporary disruptions occur.

As discussed in Draft EIR Section 4.6, the Project improvements would not interfere with planned or future pedestrian and bicycle facilities. After construction, there would be a continuous sidewalk along the Project frontage on Willow Road connecting to the existing sidewalk at the Willow Road/Ivy Drive intersection. As stated in Table 4.6-3, there would also be sufficient right-of-way within the existing bike facilities on the Project site's Willow Road frontage to re-stripe it from the existing Class II bike lane to a Class IV bikeway with a 5-foot bike lane and 2-foot buffer lane with vertical separators (Draft EIR Table 4.6-3).

Construction activities cannot occur within Caltrans' right-of-way unless the Project applicant obtains an encroachment permit from Caltrans. The Project applicant would be required to comply with all provisions of any Caltrans encroachment permit. Provision 34 of the general provisions to the Caltrans encroachment permit requires work in the State highway right-of-way to comply with the Americans with Disabilities Act (Caltrans 2023). Provision 34 also requires that all construction and design comply with Caltrans' Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects" and Standard Plans & Specifications on "Temporary Pedestrian Access Routes."

A2-7 The comment questions the accuracy of the operational years stated on pages 4.1-21 and 4.2-36 of the Draft EIR and requests that this data be corrected if necessary.

Pages 4.1-21 and 4.2-36 state that the CalEEMod modeling prepared for this EIR uses 2028 as the first year of Project operation. Page 4.2-36 also states that the CalEEMod modeling accounts for operation of the existing land uses at the Project site using an operational year of 2023. The operational year of 2028 is shown on page 10 of Appendix I, under the heading "1.1 Basic Project Information." The year 2023 was used for the operational year of the existing land uses at the Project site because the NOP for this EIR was published in June 2023, thus 2023 was used as the baseline for existing conditions in accordance with CEQA Guidelines Section 15125(a)(1).

The Project's operational years stated in the Air Quality and Greenhouse Gas (GHG) analyses were based on the originally anticipated project schedule as presented on Draft EIR page 4.1-19, which also notes that the originally anticipated 2024 construction start date did not fully recognize the time needed for the environmental review and approval process. Additionally, as stated on Draft EIR pages 3-12 and 4.1-19, Phase 2 is anticipated to begin after completion of Phase 1, but it cannot commence until the existing tenant at 1320 Willow Road vacates the space. The lease for that tenant expires in 2034. Phase 2 could therefore begin as late as 2034. The CalEEMod modeling assumed construction of Phase 2 would occur at the earliest possible dates, which was between May 2026 and June 2027. Thus, the first full operational year was modeled as 2028. As stated on page 4.1-21, "assuming the earliest operational date represents the worst-case scenario for criteria air pollutant and GHG emissions because vehicle emission factors for later years would be slightly less due to more stringent standards for vehicles in later years."

The operational years stated on pages 4.1-21 and 4.2-36 are consistent with the CalEEMod modeling and reflect the existing conditions at the time the NOP for this EIR was published as well as a worst-case scenario for air pollutant and GHG emissions due to operation of the Project.

A2-8 The comment questions the accuracy of the existing scenario year and proposed Project year used in the mobile source analysis on pages 4.2-37 and 4.2-38 of the Draft EIR and requests that they be corrected if necessary.

Draft EIR pages 4.2-37 and 4.2-38 identify the existing scenario as the conditions that existed in 2023, at the time that the NOP for this EIR was published, and the Project operational year as 2028. The TIA also uses 2023 as the existing conditions scenario. As stated on page 5 of the TIA, traffic counts for the intersections evaluated in the TIA were collected in 2023. As discussed in Response to Comment A2-7, the Project operational year of 2028 is consistent with the CalEEMod modeling as presented in Appendix I.

A2-9 The comment questions the accuracy of the construction noise analysis on page 4.4-19, stating that the reported average noise level scenario equivalent sound level (L_{eq}) increase of 0 to 6 A-weighted decibels (dBA) does not appear to be consistent with Table 4.4-9, and requests that any necessary corrections be made.

The data presented in Table 4.4-9 includes the modeled construction noise levels, the amount by which those noise levels exceed existing ambient noise levels, and the amount by which the noise level increase exceeds the applicable threshold. The increase over ambient noise is presented in parenthesis. An image of a portion of the table is presented below. To illustrate which value in each cell represents the amount by which construction noise levels would exceed existing ambient noise levels, those numbers are shown in yellow highlight in the image below. Specifically, the image shows that in the first phase of the Project, noise levels at Mid-Peninsula High School during demolition would be 2 dBA L_{eq} higher than existing ambient noise levels, noise levels at Mid-Peninsula High School during grading would be 3 dBA L_{eq} higher than existing ambient noise levels, and Mid-Peninsula High School would not be exposed to any increase in noise levels during all other construction periods in Phase 1 of the project.

Table 4.4-9 shows that the receptor that would be exposed to the greatest degree of increased noise levels during construction is receiver 4, Alberni Street Residences. During demolition and grading, these residences would experience a noise increase of 6 dBA L_{eq}; during site preparation the noise increase would be 1 dBA L_{eq}, and during building construction the noise increase would be 2 dBA L_{eq}. The statement that construction activities in the average noise level scenario are calculated to result in increases over ambient noise levels ranging from 0 to 6 dBA L_{eq} is consistent with Table 4.4-9.

The Project would be required to implement mitigation measures (MMs) 4.4a (modified ConnectMenlo MM NOISE-1c) and 4.4b to ensure that Project construction would not violate relevant requirements related to construction noise in Menlo Park and therefore the impact would be reduced to a less-than-significant level.

Exhibit 1: Image of Table 4.4-9

Table 4.4-9. Construction Noise Levels at Representative Receptor Locations Using Distance to Acoustic Center (Average Noise Levels Across Each Phase)

Receiver [1]		Construction Noise Level, L_{eq} dBA (increase over ambient), increase over threshold [2]					
No.	Description[1]	Demolition	Site Prep	Grading	Building Const.	Arch Coating	Paving
Phase 1							
1	Mid-Peninsula High School (AC Distance 206 feet)[3]	69 (2), 0	65 (0), 0	70 (3), 0	66 (0), 0	58 (0), 0	62 (0), 0

A2-10 The comment states that if construction activities occur within Caltrans' right-of-way and an inadvertent archaeological or burial discovery is made, the Caltrans Office of Cultural Resource Studies must be immediately notified, a Caltrans staff archaeologist will evaluate the finds, and Caltrans will review any proposed data recovery plans within Caltrans' right-of-way.

Construction cannot occur within Caltrans' right-of-way unless the Project applicant obtains an encroachment permit from Caltrans, which would include a condition to comply with Caltrans' required

procedures in the event of an inadvertent archaeological or burial discovery. Thus, no revisions to the Draft EIR are needed to ensure that Caltrans' procedures are followed. In addition, implementation of MMs identified in Draft EIR Section 4.7, Tribal Cultural Resources, would also be required in the event previously unknown archaeological resources or human remains are encountered during construction. Specifically, Housing Element Update Subsequent EIR MM CR-2b identifies the required procedures in the event that archaeological resources are discovered and Modified Housing Element Update Subsequent EIR MM CR-3 identifies the required procedures in the event that human remains are discovered. These procedures include stopping construction work in the vicinity of a discovery, evaluating the discovery, and implementing appropriate treatment measures.

A2-11 The comment recommends that if precontact or historic era archaeological resources or human remains are encountered during Project construction, the Project applicant retain and compensate tribes with ancestral ties to San Mateo County to perform tribal monitoring services. The comment also recommends consulting the Native American Heritage Commission to obtain the most current contact information for tribes with ancestral ties to San Mateo County and provides a list of tribes identified by the Native American Heritage Commission.

As discussed in Draft EIR Section 4.7 and consistent with the comment's tribal list, the City notified tribes with ancestral ties to San Mateo County of the Proposed Project using the tribal contact list provided by the Native American Heritage Commission and engaged in consultation with the Tamien Nation. Section 4.7 includes Project specific MM CULT-B, which requires the Project sponsor to notify consulting tribes and provide them the opportunity to appoint a tribal monitor to be present during ground disturbing activities. MM CULT-B also requires consultation with consulting tribes regarding the identification and treatment of Native American archaeological, ethnographic, or spiritual resources that may be discovered during construction.

A2-12 The comment requests that any increase in stormwater runoff to State drainage systems or facilities be treated, contained on site, and maintained at preconstruction levels. The comment also requests that any floodplain impacts be documented and mitigated.

As discussed in Response to Comment A1-3, the Proposed Project includes new stormwater management and drainage improvements, including onsite stormwater bioretention areas (Draft EIR pages 3-6 and 3-9 and Figure 3-4), the Project would be required to comply with the City's Water-Efficient Landscaping Ordinance (Municipal Code Chapter 12.44) which provides criteria for water conservation, soil management, irrigation, and stormwater management (Draft EIR page 3-9), and the Project would reduce the extent of impervious surfaces by approximately 32,966 square feet to 80% of the Project site (compared to the existing 179,825 square feet, which is approximately 98% of the Project site), which would reduce the rate and volume of stormwater drainage across the site (Draft EIR page 3-10). The Initial Study and NOP are provided in Appendix G, and the findings of the Initial Study related to impacts that were determined to be less than significant are summarized in Draft EIR Chapter 5, Effects Found Not to be Significant.

Response to Comment A1-3 also explains that the Project's potential impacts related to hydrology and water quality were evaluated in the Initial Study that was circulated with the NOP for this EIR and found to be less than significant because compliance with the City's municipal code and standards would ensure that all stormwater runoff would be retained and treated onsite and that runoff rates and

volumes would be no greater than under the existing condition. Runoff would be routed to existing City stormwater infrastructure and would not discharge to State drainage systems or facilities.

Regarding floodplain impacts, the Initial Study found that Project implementation would not increase surface runoff such that on or offsite flooding would occur (Initial Study page 95). As noted on Draft EIR page 3-3, the site is within the Federal Emergency Management Agency (FEMA) Zone AE, indicating it is likely to be subject to inundation during a 100-year flood and as noted on Draft EIR page 3-4, The proposed site design accommodates sea-level rise, and all proposed ground-level building floors would be raised 2 feet above the 12.8 feet FEMA base flood elevation, per the requirements of Menlo Park Municipal Code Section 16.44.130(4). As discussed above, the Project would reduce the rate and volume of stormwater runoff from the Project site, and all drainage would be routed to the City's existing stormwater infrastructure which would ensure that the Project would not cause or contribute to potential flooding impacts on the State Transportation Network.

A2-13 The comment states that construction activities requiring movement of oversized or overweight vehicles on State roadways would require a Caltrans transportation permit.

The comment identifies a Caltrans permitting requirement that would apply if Project construction involves the movement of oversized or overweight vehicles on State roadways. If applicable, the Project sponsor would be required to obtain the appropriate permits from Caltrans prior to conducting such activities. The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects, thus no further response or revision to the Draft EIR is required.

A2-14 The comment states that, prior to construction, coordination with Caltrans may be required to develop a Transportation Management Plan to reduce construction traffic impacts on the State Transportation Network.

As a uniform objective standard, the City requires all Project applicants to provide a construction Traffic Control Plan prior to issuance of grading and building permits. In addition, as discussed in Response to Comment A2-6, construction activities cannot occur within Caltrans' right-of-way unless the Project applicant obtains an encroachment permit from Caltrans. The Project applicant would be required to comply with all provisions of any Caltrans encroachment permit, including preparation and implementation of a Transportation Management Plan, The City would ensure that the Project's Transportation Management Plan addresses construction related traffic impacts on the State Transportation Network and that City and/or the Project applicant coordinates with Caltrans to ensure the adequacy of the Transportation Management Plan prior to permit issuance.

A2-15 The comment states that any Caltrans facilities affected by the Project must comply with Americans with Disabilities Act standards following Project completion and that bicycle and pedestrian access must be maintained during construction.

As stated in Response to Comment A2-6, construction activities cannot occur within Caltrans' right-of-way unless the Project applicant obtains an encroachment permit from Caltrans. The Project applicant would be required to comply with all provisions of any Caltrans encroachment permit. Provision 34 of the general provisions to the Caltrans encroachment permit requires work in the State highway right-of-way to comply with the Americans with Disabilities Act (Caltrans 2023). Provision 34 also requires

that all construction and design comply with Caltrans' Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects" and Standard Plans & Specifications on "Temporary Pedestrian Access Routes.

In addition, for construction activities within the City's right-of-way, the City's standard Conditions of Approval for encroachment permits require the Project applicant to prepare and implement a Traffic Control Plan that demonstrates how bicycle and pedestrian access will be maintained (Condition 3) (Menlo Park 2026).

A2-16 The comment states that a Caltrans issued encroachment permit would be required for temporary or permanent work within State highway right of way. The comment identifies the information that must be included in an encroachment permit application and provides an overview of the permit review and approval process.

The comment identifies Caltrans' encroachment permit requirements for work within State highway right-of-way. As stated in Response to Comments A2-6, A2-10 and A2-15, any temporary or permanent work within Caltrans' right-of-way would require the Project applicant to obtain an encroachment permit and comply with applicable Caltrans requirements.

A2-17 The comment thanks the City for the opportunity to review the Draft EIR and provides Caltrans contact information for questions, future coordination, and project referrals.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects. No response or revision to the Draft EIR is required.

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Comment Letter O1

Christopher R. Turner

From:	Dashiell Leeds <dashiell.leeds@sierraclub.org>
Sent:	Wednesday, May 6, 2026 4:05 PM
To:	Christopher R. Turner; _Planning Commission
Cc:	James Eggers; Gita Dev; Sue Chow
Subject:	SCLP comments on DEIR for 1005 O'Brien Drive and 1320 Willow Road
Attachments:	SCLP comments on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road Project.pdf

To Senior Planner Chris Turner,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee provides comments on environmental issues related to development on the Peninsula.

We sent scoping comments on the project on June 29, 2023. We are writing to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed development at 1005 O'Brien Drive and 1320 Willow Road. While the DEIR provides a useful overview of the project, several significant concerns remain insufficiently addressed. O1-1

Please read the attached letter for our full comments.

Sincerely,
Gita Dev, FAIA
Chair, Sustainable Land Use Committee
Chair, Conservation Committee
Sierra Club Loma Prieta

Email sent from account of
Dashiell Leeds
Conservation Coordinator
Sierra Club Loma Prieta Chapter

1

SIERRA CLUB
LOMA PRIETA CHAPTER

SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

May 6, 2026

Chris Turner, Senior Planner,
Community Development
701 Laurel St., Menlo Park, CA 94025
Via email <CRTurner@menlopark.gov>
Via email<Planning.commission@menlopark.gov>

Re: Comments on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road Project

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee provides comments on environmental issues related to development on the Peninsula.

We sent scoping comments on the project on June 29, 2023. We are writing to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed development at 1005 O'Brien Drive and 1320 Willow Road. While the DEIR provides a useful overview of the project, several significant concerns remain insufficiently addressed.

O1-1 Cont.

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1. Life Sciences Health and Safety (Section 4.3)

The project is proposed as a life sciences research facility, with the DEIR stating that it "anticipates" BSL-1/2 uses. However, no tenants have been identified, and the City **does not prohibit higher-risk BSL-3 or BSL-4 uses**. This lack of enforceable limitations raises serious public health concerns the following.

- **Proximity to sensitive populations**
  - Midpeninsula High School is located within approximately 100 feet of the proposed lab building.
  - Preschools in East Palo Alto are located within 500 feet, and
  - Residential neighborhoods in Belle Haven (Menlo Park) and East Palo Alto, both recognized as vulnerable communities, are within 200-400 feet.
- **Uncertain future land use context:** The DEIR references nearby industrial parcels planned for redevelopment as part of Willow Village, including as many as 1,700 residents. However, that project is currently on hold and may not be constructed.

O1-2

O1-3

undermining assumptions about surrounding land use compatibility. In addition, the LifeSciences zone is contiguous to residential zoning in neighboring East Palo Alto.

- **Reliance on regulatory frameworks:** The DEIR cites NIH Guidelines, federal Select Agent programs, and State oversight as safeguards. However, in practice
  - Only a small fraction of facilities are audited annually, and
  - Local emergency responders are not equipped or trained to respond to releases of hazardous biological agents.
- **Operational impacts:** Life science facilities operating near residential areas can generate additional impacts, including noise from 24 hour deliveries and extra-robust mechanical systems mandatory for BSL-3 and BSL-4 level labs, 24-hour operations, and high water demand, none of which are fully analyzed in relation to nearby communities.

Given these issues, the DEIR should include enforceable restrictions on biosafety levels and a more robust analysis of risks to nearby sensitive receptors.

O1-3 Cont.

O1-4

O1-5

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2. **Climate Change and Energy: Natural Gas Use and Climate Action Plan Compliance (Section 4.3)**

The proposal to install natural gas infrastructure for building heating is **inconsistent with the City's Climate Action Plan** and must be reconsidered. While the DEIR suggests limited use for specialized laboratory processes, extending gas infrastructure to building heating systems is unjustified given the availability of electric alternatives and the inclusion of on-site emergency generators.

O1-6

The DEIR acknowledges that the project would result in a **significant and unavoidable impact** because it fails to meet the BAAQMD Option A threshold. Compliance with regional standards would require the total elimination of natural gas use, yet the project as proposed continues to rely on it for building heating. This raises several critical concerns.

- **Policy Conflict:** The continued reliance on natural gas for heating directly conflicts with adopted climate policies and undermines the City's long-term greenhouse gas reduction goals.
- **Precedent for Life Sciences Development Zone:** Approval of this project would set a concerning precedent, potentially allowing multiple developments within the Life Sciences zoning district to lock in long-term emissions.
- **Cumulative Impact:** The cumulative effect of multiple projects bypassing all-electric requirements would severely hinder regional sustainability efforts.

The City should require all-electric building systems for heating and non-laboratory uses to ensure consistency with climate mandates and prevent avoidable environmental impacts.

O1-7

3. Jobs/Housing Imbalance

The Housing Needs Assessment (Appendix L), prepared pursuant to a settlement agreement between Menlo Park and East Palo Alto, concludes that the project would add approximately 489 employees, with 67% earning above-average incomes.

Despite this, the DEIR concludes that impacts on jobs-housing balance and displacement would be negligible. This conclusion is problematic.

- The analysis does not account for **cumulative impacts** from other planned or pending developments in the area.
- The determination that no displacement mitigation is required because "no housing would be permanently removed" ignores **indirect displacement pressures**, including rising rents and housing demand driven by new high-income workers.

A more realistic assessment of regional housing pressures and cumulative impacts is needed, along with consideration of appropriate mitigation measures.

O1-8

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4. Transportation and Vehicle Miles Traveled (VMT)

The DEIR estimates that the project would generate 1,217 new daily trips. Notably

- The project's VMT exceeds the significance threshold by **28.4%** without mitigation, and
- The conclusion of less-than-significant impact relies entirely on implementation of a Transportation Demand Management (TDM) Plan that the client and the development agreement are not committed to providing.

O1-9

This raises concerns about enforceability and effectiveness.

- The DEIR does not clearly demonstrate that the proposed possible TDM measures will reliably achieve the necessary reductions.
- There is insufficient detail on monitoring, enforcement, and contingency measures if targets are not met.

Stronger, enforceable commitments are needed to ensure that VMT reductions are actually achieved.

O1-10

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5. Other Environmental Concerns

- **Noise:** The project should more fully address potential noise impacts on nearby residential communities. Delivery operations should be limited to daytime hours to minimize disruption, given the close proximity of family homes. Equipment noise should

O1-11

be monitored and subject to enforceable limits to ensure compatibility with surrounding residential neighborhoods.

- **Bird-Safe Design:** The DEIR's reference to "blue and tinted glass windows, with ceramic designs" does not meet established bird-safe design standards. More specific and proven measures should be required.
- **Artificial Light at Night (ALAN):** Although fixtures are proposed to be directed downward, the lighting standards cited may still result in excessive illumination, especially with 24/7 lab operations, potential impacts on wildlife and on nearby residents.
- **Heritage Trees:** While the removal of non-native heritage street trees is not a major concern, the DEIR does not specify the species or ecological value of replacement trees. Replacement trees should be identified and native trees and habitat providing trees should be listed. Greater clarity is needed to ensure meaningful replacement and canopy benefits.

O1-11 Cont.
O1-12
O1-13
O1-14

Conclusion

Overall, the DEIR does not adequately address key issues related to health and safety, environmental justice, cumulative housing impacts, and enforceability of mitigation measures. Prior to project approval, the City should implement the following:

- Establish enforceable limits on biosafety levels.
- Reconsider whether exempting this project means other Life-Sciences buildings would also be allowed to use natural gas for building heating and the impact on City's climate goals.
- Conduct a more comprehensive cumulative analysis of jobs-housing impacts.
- Strengthen and include enforceable transportation mitigation measures; and
- Improve standards for noise, bird safety, lighting, and urban forestry.

O1-15

Thank you for the opportunity to comment on this important project.

Sincerely,

Gita Dev, FAIA
Chair, Sustainable Land Use Committee
Chair, Conservation Committee
Sierra Club Loma Prieta

Cc James Eggers, Chapter Director, Sierra Club Loma Prieta
Sue Chow, Chair, Executive Committee, Sierra Club Loma Prieta

Christopher R. Turner

From: Gita Dev <gd@devarchitects.com>
Sent: Monday, May 4, 2026 2:49 PM
To: _Planning Commission; Christopher R. Turner
Cc: BAP toxics Naomi Goodman
Subject: Prelim. Comments for Study Session on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road Project

To Chris Turner:
Chris,
We are sending you a **draft** of our comments as the Planning Commission are meeting this afternoon for a study session and we believe these are issues we'd like you all to consider.
We will be sending the official public letter tomorrow as it is not quite ready!
Please accept these comments for your study session.
Thank you for your consideration
Gita Dev
Chair, Sustainable Land Use Committee
Sierra Club Loma Prieta

Re: Preliminary Comments on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road Project

The Sierra Club Loma Prieta's Sustainable Land Use Committee provides comments on environmental issues related to development on the Peninsula.

We sent scoping comments on the project on June 29, 2023. We are writing to provide comments on the Draft Environmental Impact Report (DEIR) for the proposed development at 1005 O'Brien Drive and 1320 Willow Road. While the DEIR provides a useful overview of the project, several significant concerns remain insufficiently addressed.

O1-16

1. Life Sciences Health and Safety (Section 4.3)

The project is proposed as a life sciences research facility, with the DEIR stating that it "anticipates" BSL-1/2 uses. However, no tenants have been identified, and the City **does not prohibit higher-risk BSL-3 or BSL-4 uses**. This lack of enforceable limitations raises serious public health concerns.

- **Proximity to sensitive populations:**
  - Midpeninsula High School is located within approximately 100 feet of the proposed lab building.
  - Preschools in East Palo Alto are located within 500 feet.
  - Residential neighborhoods in Belle Haven (Menlo Park) and East Palo Alto—both recognized as vulnerable communities—are within 200–400 feet.
- **Uncertain future land use context:** The DEIR references nearby industrial parcels planned for redevelopment as part of Willow Village, including up to 1,700 residents. However, that project is currently on hold and may not be constructed, undermining assumptions about surrounding land use compatibility. In addition, the Life Sciences zone is contiguous to residential zoning in neighboring East Palo Alto.
- **Reliance on regulatory frameworks:** The DEIR cites NIH Guidelines, federal Select Agent programs, and State oversight as safeguards. However, in practice:
  - Only a small fraction of facilities are audited annually.

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- Local emergency responders are not equipped or trained to respond to releases of hazardous biological agents.
- **Operational impacts:** Life science facilities operating near residential areas can generate additional impacts, including noise from 24 hour deliveries and from extra-robust mechanical systems mandatory for BSL-3 and BSL-4 level labs, 24-hour operations, and high water demand, none of which are fully analyzed in relation to nearby communities.

Given these issues, the DEIR should include enforceable restrictions on biosafety levels and a more robust analysis of risks to nearby sensitive receptors.

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2. **Climate Change and Energy: Natural Gas Use and Climate Action Plan Compliance (Section 4.3)**

The proposal to install natural gas infrastructure for building heating is **inconsistent with the City's Climate Action Plan** and should be reconsidered. While the DEIR suggests limited use for specialized laboratory processes, extending gas infrastructure to building heating systems is unjustified given the availability of electric alternatives, today, and the inclusion of on-site emergency generators for the events when electricity fails.

The DEIR acknowledges that the project would result in a **significant and unavoidable impact** because it fails to meet the BAAQMD Option A threshold. Compliance with regional standards would require the total elimination of natural gas use, yet the project as proposed continues to rely on it for building heating. This raises several critical concerns:

- **Policy Conflict:** The continued reliance on natural gas for heating directly conflicts with adopted climate policies and undermines the City's long-term greenhouse gas reduction goals.
- **Precedent for the whole Life Sciences Development Zone:** Approval of this project would set a concerning precedent, potentially allowing multiple developments within the Life Sciences zoning district to lock in long-term emissions.
- **Cumulative Impact:** The cumulative effect of multiple projects bypassing all-electric requirements would severely hinder regional sustainability efforts.

O1-16 Cont.

The City should require all-electric building systems for heating and non-laboratory uses to ensure consistency with climate mandates and prevent avoidable environmental impacts.

3. Jobs/Housing imbalance:

The Housing Needs Assessment (Appendix L), prepared pursuant to a settlement agreement between Menlo Park and East Palo Alto, concludes that the project would add approximately 489 employees, with 67% earning above-average incomes.

Despite this, the DEIR concludes that impacts on jobs-housing balance and displacement would be negligible. This conclusion is problematic:

- The analysis does not account for **cumulative impacts** from other planned or pending developments in the area.
- The determination that no displacement mitigation is required because "no housing would be permanently removed" ignores **indirect displacement pressures**, including rising rents and housing demand driven by new high-income workers.

A more realistic assessment of regional housing pressures and cumulative impacts is needed, along with consideration of appropriate mitigation measures.

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4. Transportation and Vehicle Miles Traveled (VMT)

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The DEIR estimates that the project would generate 1,217 new daily trips. Notably:

- The project's VMT exceeds the significance threshold by **28.4%** without mitigation.
- The conclusion of less-than-significant impact relies entirely on implementation of a Transportation Demand Management (TDM) Plan that the client and the development agreement are not committed to providing.

This raises concerns about enforceability and effectiveness:

- The DEIR does not clearly demonstrate that the proposed possible TDM measures will reliably achieve the necessary reductions.
- There is insufficient detail on monitoring, enforcement, and contingency measures if targets are not met.

Stronger, enforceable commitments are needed to ensure that VMT reductions are actually achieved.

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5. Other Environmental Concerns

- **Noise:** The project should more fully address potential noise impacts on nearby residential communities. Delivery operations should be limited to daytime hours to minimize disruption, given the close proximity of family homes. Equipment noise should be monitored and subject to enforceable limits to ensure compatibility with surrounding neighborhoods.
- **Bird-Safe Design:** The DEIR's reference to "blue and tinted glass windows, with ceramic designs" does not meet established bird-safe design standards. More specific and proven measures should be required.
- **Artificial Light at Night (ALAN):** Although fixtures are proposed to be directed downward, the lighting standards cited may still result in excessive illumination, with potential impacts on wildlife and on nearby residents.
- **Heritage Trees:** While the removal of non-native heritage street trees is not a major concern, the DEIR does not specify the species or ecological value of replacement trees. Replacement trees should be identified and native trees and habitat providing trees should be listed. Greater clarity is needed to ensure meaningful replacement and canopy benefits.

O1-16 Cont.

Conclusion

Overall, the DEIR does not adequately address key issues related to health and safety, environmental justice, cumulative housing impacts, and enforceability of mitigation measures. Prior to project approval, the City should:

- Establish enforceable limits on biosafety levels.
- Reconsider whether the whole Life-Sciences zone should be allowed to use natural gas for building heating.
- Conduct a more comprehensive cumulative analysis of jobs-housing impacts.
- Strengthen and enforce transportation mitigation measures.
- Improve standards for noise, bird safety, lighting, and urban forestry.

Thank you for the opportunity to comment on this important project.

Sincerely,

--
Gita Dev

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Conservation Committee, Chair
Sustainable Land Use Committee, Chair
Sierra Club Loma Prieta
415.722.3355

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Response to Comment Letter O1

Sierra Club
Gita Dev
5/4/2026

O1-1 The comment states that the Sierra Club Loma Prieta Chapter submitted scoping comments on the Project in June 2023 and is now providing comments on the Draft EIR. The comment states that, although the Draft EIR provides a useful overview of the Project, the commenter believes several significant concerns were insufficiently addressed.

The comment serves as an introduction to the attached comment letter and does not identify a specific concern regarding the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects. The specific comments are addressed in Responses to Comments O1-2 through O1-6.

O1-2 The comment states that, although the Draft EIR anticipates that the proposed life sciences facilities would be occupied by biosafety level (BSL) 1 and BSL-2 laboratories, future tenants have not been identified, and the City does not prohibit BSL-3 or BSL-4 laboratories. The comment expresses concern regarding the potential for higher BSL laboratories in proximity to nearby schools, preschools, and residential neighborhoods and requests enforceable restrictions on BSLs and additional analysis of potential health risks.

To assist the City in addressing this and similar comments, the Project applicant submitted a July 24, 2026, biosafety expert report, which is provided as Appendix N) written by Patricia Beach, MS, CIH, the managing partner of Harris & Lee Environmental Sciences, LLC. Ms. Beach is a Certified Industrial Hygienist with substantial experience working in lab safety in the biotech industry, both in-house and as an Environmental Health and Safety consultant. She is the past director of the California Industrial Hygiene Council and a past chair of the American Industrial Hygiene Association. The City previously recognized and relied on her expert opinion on laboratory safety while reviewing the 1125 O'Brien Drive project and the Parkline project. Ms. Beach's work history and experience is described in Appendix N. She is now a consultant providing environmental health and safety support services to private biopharmaceutical businesses, the majority of which are situated in San Mateo County. The 2026 Harris &. Lee report and its attachments provided in Appendix N present the state of current regulatory oversight of biosafety in general, as well as a view of actual practice within the private sector of biopharmaceuticals.

Draft EIR Section 4.3, Hazards and Hazardous Materials, acknowledges that future tenants have not been identified and that current City regulations do not prohibit BSL-3 or BSL-4 laboratory uses. The Draft EIR therefore evaluates potential impacts associated with laboratory operations regardless of biosafety level and concludes that compliance with applicable federal, State, and local regulations, including biosafety, hazardous materials, emergency response, and permitting requirements, would ensure that impacts associated with the routine use of hazardous materials and the accidental release of biohazardous materials would be less than significant.

As discussed in Section 4.3, life sciences facilities are regulated under Title 8 of the California Code of Regulations and by industry-standard practice are designed and operated in compliance with the

guidelines provided in the Centers for Disease Control and Prevention (CDC) guide titled Biosafety in Microbiological and Biomedical Laboratories (Draft EIR p.4.3-8). This includes the use of Primary Barriers (Biologic Safety Cabinets or BSCs) and Secondary Barriers (facility design requirements). BSL-3 and BSL-4 labs are subject to higher containment requirements than BSL-1 and BSL-2 labs. These containment requirements prevent worker exposure and escape of biohazards. In addition, primary and secondary barriers "function as a passive barrier for keeping biohazards inside the building, thereby minimizing the risk of escape of biohazards. Barriers are redundant such that if one barrier fails (i.e., a BSC failure), the next barrier (i.e., a lab facility) would contain that escape to prevent release into the wider building or community" (Appendix N). These design and operational requirements and guidelines would prevent the schools, preschools, and residential neighborhoods in the Project vicinity from being exposed to biohazards.

01-3 The comment states that the Draft EIR's discussion of surrounding land uses relies in part on the planned Willow Village development, which is currently on-hold and may not be constructed. The comment also notes that the Life Sciences zoning district is adjacent to residential zoning in the City of East Palo Alto.

The Draft EIR identifies both existing and planned land uses in the vicinity of the Project site. As described in Chapter 3, Project Description, the surrounding area includes existing schools, residential neighborhoods, and industrial and office uses, as well as approved and planned redevelopment projects, including Willow Village. CEQA Guidelines Section 15125(a)(1) establishes that the environmental conditions existing at the time an NOP is published will normally constitute the baseline physical conditions against which project impacts are evaluated, but that consideration can also be given to the "conditions expected when the project becomes operational" and that a lead agency may use a "baseline consisting of both existing conditions and projected future conditions that are supported by reliable projections based on substantial evidence in the record."

The NOP for this EIR was published in June 2023, when the Willow Village project had already been approved and entitled. While the comment is accurate that the Willow Village project was paused as of May 2026, all entitlements and the Development Agreement are still in effect. Thus, it is reasonable to assume that redevelopment of the Willow Village site may occur in the future.

The existing land uses at the Willow Village site consist of industrial, office, warehouse, and R&D. The Proposed Project consists only of R&D land uses. Because the Proposed Project consists of uses that are the similar to those that currently exist at the Willow Village site, there would be no increased impact related to land use compatibility if the Willow Village site is not redeveloped.

The adjacency of the Life Sciences zone to residential zoning in East Palo Alto was evaluated in the ConnectMenlo General Plan and M-2 Area Zoning Update (ConnectMenlo) EIR. The Project does not propose any changes in zoning and thus would not create any new or more severe project-specific impacts related to the adjacency of the Life Sciences zone to areas that currently support or are zoned for residential uses. The Draft EIR incorporates all applicable ConnectMenlo EIR mitigation measures.

01-4 The comment states that the Draft EIR relies on National Institutes of Health (NIH) Guidelines, the Federal Select Agent Program, and State regulatory oversight to address potential impacts of the proposed R&D land uses. The comment alleges that relatively few facilities are audited and that local emergency responders are not equipped to respond to releases of hazardous biological agents.

Draft EIR Section 4.3 evaluates the regulatory requirements applicable to life sciences laboratories, including the NIH Guidelines, the Biosafety in Microbiological and Biomedical Laboratories guidance, the Federal Select Agent Program, California Division of Occupational Safety and Health (Cal/OSHA) requirements, and San Mateo County Environmental Health Department regulations. The analysis also describes the required engineering controls, biosafety plans, emergency response plans, containment measures, and permitting requirements applicable to laboratory operations. Future laboratory uses would be subject to the City's administrative use permit process regarding hazardous materials (Menlo Park Municipal Code Chapter 16.82). As part of that process, the City would confirm that any proposed laboratories would be consistent with City requirements and within the scope of this EIR. In addition, future tenants may be subject to San Mateo County's hazardous material business plan and hazardous waste generator permit program, which require that a facility emergency response plan be prepared and made available for review; San Mateo County's Medical Waste Management Plan, which oversight focuses on proper disposal and leak prevention of medical waste (which includes biohazardous waste), as well as decommissioning oversight for labs that move or go out of business; and/or Cal/OSHA requirements to prepare an Emergency Action Plan to ensure employee safety from fire and "other emergencies," which would include earthquake, other natural disasters and hazard-specific emergencies including chemical and biological hazard spills, leaks and/or releases. Based on these requirements, the Draft EIR concludes that compliance with applicable federal, State, and local regulations and standard industry practices would ensure that impacts associated with the accidental release of biohazardous materials would be less than significant.

Emergency responders in San Mateo County include fire protection, emergency medical services (EMS), law enforcement, and specialized hazardous materials teams. These responders are trained using an all-hazards emergency response model, in which biological incidents are addressed as well as chemical, radiological, nuclear, and explosives (CBRNE) emergency incidents. "Local fire and law enforcement and EMS personnel are not expected to independently manage laboratory biosafety incidents involving specialized containment systems; rather, they are trained to rapidly identify hazards, establish incident command, secure the area, protect the public, and coordinate the response with appropriate specialized resources" (Appendix N).

San Mateo County's EMS Agency requires that all fire first responders receive at least 24 hours of Hazardous Materials training, which includes scene safety, incident isolation, personal protective equipment, and coordination with specialized hazardous materials resources. They also require that ambulance personnel receive at least 2 hours of hazardous materials incident training and 4 hours of combined Weapons of Mass Destruction (which includes CBRNE) training, which specifically includes recognition of biological agents, responder protection, contamination control, and Incident Command procedures for hazardous incidents. First responders are also trained to request support from additional emergency and technical resources for specialized expertise as needed (Appendix N).

In addition, the Belmont-San Carlos Fire Protection District HazMat Team is a countywide hazardous materials response team whose personnel are trained to provide hazardous materials assessment (including biological hazards), containment, decontamination, and coordination with all public health and environmental agencies in the county. Finally, mutual aid and state and federal response resources are available if an incident exceeds local capability through California's Standardized Emergency Management System, the California Office of Emergency Services, and federal emergency response agencies (Appendix N).

01-5 The comment states that life sciences facilities operating near residential areas could result in operational impacts, including noise from nighttime deliveries, mechanical systems needed for BSL-3 and BSL-4 level labs, 24-hour operations, and high water demand. The comment requests enforceable restrictions on biosafety levels and additional analysis of potential impacts on nearby sensitive receptors.

The Draft EIR evaluates potential operational impacts associated with the Proposed Project in the applicable resource sections, including Section 4.3; Section 4.4, Noise; and Chapter 5, Effects Found Not to Be Significant. As discussed in the Draft EIR, operational noise, hazardous materials, water demand, and other environmental effects were evaluated based on the Proposed Project and applicable regulatory requirements. All future laboratory uses within the Project would be subject to the City's administrative use permit process regarding hazardous materials (Municipal Code Chapter 16.82). As part of that process, the City would confirm that each proposed laboratory would be consistent with City requirements and within the scope of this EIR.

Regarding noise, Section 4.4 includes consideration of the Project's compliance with the City's noise standards. The analysis of increases in traffic noise levels on streets within the project area was conducted based on the estimated net increase in daily traffic volumes as determined in the project's Transportation Impact Analysis (i.e., the analysis considers the daily trips from the proposed project minus the daily trips associated with the existing buildings onsite). Traffic noise level increases due to the Project were evaluated using the community noise equivalent level (CNEL) noise descriptor, which is based on the average noise level over a 24-hour day, with a +5 dB weighting applied to noise occurring during evening (7 p.m. to 10 p.m.) and a +10 dB weighting applied to noise occurring during nighttime (10 p.m. to 7 a.m.) hours. Project-related traffic would cause a noise increase no greater than 0.1 dBA CNEL, which is well below the level of change that can be detected by the human ear. Under the Menlo Park Municipal Code, rooftop mechanical equipment is required to generate no more than 50 dB at a distance of 50 feet. This would apply to any rooftop mounted mechanical equipment needed to support BSL-3 and BSL-4 laboratories. MM 4.4c requires preparation of an emergency generator noise reduction plan and limits generator testing to daytime hours. Noise from deliveries made between 6 p.m. and 7 a.m. during the week and between 5 p.m. and 9 a.m. on weekends is subject to the maximum noise level limits established in Municipal Code Section 8.06.030. Thus, the Project would result in less than significant noise impacts during daytime and nighttime hours.

Regarding water demand, the Project is anticipated to result in a total water demand of 20,245 gallons per day (gpd) of potable water. Data regarding the water consumption of the existing buildings on the Project site was not provided, thus the analysis of the Project's water demand is a conservative analysis assuming no baseline water consumption and thus overstates the net change in water demand relative to the existing use of the Project site. Under Municipal Code Section 16.44.130(3)(C), the Project would be required to submit a water budget and calculations prior to certificate of occupancy, and verification of compliance with the water budget after one year of occupancy. Compliance with these requirements would be ensured through a standard Condition of Approval (Draft EIR page 3-10). The Project's impacts related to water supply and demand were evaluated in the Initial Study (Appendix G), which found that the Project's water supply demand would not cause the total water supply demand on Menlo Park Municipal Water from buildout of the General Plan to exceed the anticipated water supply demand evaluated in the Urban Water Management Plan.

As is the case with all laboratory uses in Menlo Park, current City regulations do not prohibit BSL-3 and BSL-4 laboratories. The comment accurately states that Menlo Park currently does not have BSL-3 labs. Prohibiting BSL-3 or BSL-4 laboratory uses in Menlo Park is a policy decision that is outside the scope of the environmental review for the Proposed Project.

O1-6 The comment states that the proposed use of natural gas for building heating is inconsistent with the City's Climate Action Plan (CAP) and should be reconsidered given that electric alternatives are available and the Project includes emergency generators.

The Draft EIR evaluates the Project's consistency with the City's CAP in Impact 4.2-2. The CAP is a planning document that does not establish regulations or requirements that apply to development projects. Instead, it identifies a variety of actions that will help the City make progress towards achieving the CAP goals with respect to conservation of energy, reducing greenhouse gas (GHG) emissions associated with transportation, and adapting to sea level rise. The CAP includes six strategies that were determined to offer the most benefit for reductions in GHG emissions per cost. Strategy 1 identifies the goal of "explor[ing] policy/program options to convert 95% of existing buildings to all-electric by 2030." This does not mandate prohibition of all natural gas use in existing and new buildings.

Draft EIR Section 4.2, Greenhouse Gas Emissions, acknowledges that the proposed use of natural gas for space conditioning would result in significant and unavoidable GHG impacts because the Project would not meet the Bay Area Air District's GHG threshold requiring projects to exclude natural gas. The Draft EIR also evaluates an all-electric alternative and explains why it was determined to be infeasible for the proposed R&D laboratory uses based on Project specific feasibility analyses that were validated by the City and a third-party peer reviewer (Appendix I). The feasibility analysis provides an example of an all-electric office/lab building where equipment refrigerant leaks and warranty repairs on the heat pumps occurred within the first year of operation at approximately 50% occupancy. The analysis further states that all-electric equipment is problematic to repair and source parts for, leading to longer downtimes when the equipment fails. As stated in the feasibility analysis, equipment failure affecting sensitive laboratory climate risks temperature fluctuations that can jeopardize science and experiments, which are core to the existence of life science companies; such shutdowns and science interruptions can end years of progress, losing potential new medical advances and causing closure of the company. The analysis notes that such issues would not normally occur in a lab building that uses natural gas. Thus, while electric options are available, their reliability for use in a lab setting has not been proven; for example, one such all-electric facility was recently constructed and has been unable to lease out to life science tenants nearly two years after completion. The feasibility analysis states, "There is currently no data that supports reliable operation under either full load condition or during a power outage using back up power supply." The Draft EIR therefore identifies the Project's use of natural gas as a significant and unavoidable impact and discloses the basis for the Project's proposed design.

O1-7 The comment states that the Project's continued use of natural gas for building heating would conflict with adopted climate policies, establish a precedent for future life sciences development to use natural gas, and contribute to cumulative greenhouse gas emissions. The comment recommends that the City require all electric building systems for heating and non-laboratory uses.

As discussed in Response to Comment O1-6, the City's CAP does not establish policies or regulations. In the Regulatory Framework section of Draft EIR Section 4.2, the Draft EIR identifies General Plan

Policy LU-7.9: Green Building, which calls for projects to "support sustainability and green building best practices through the orientation, design, and placement of buildings and facilities to optimize their energy efficiency in preparation of State zero-net energy requirements for residential construction in 2020 and commercial construction in 2030." The Regulatory Framework section also identifies that the Project is subject to Municipal Code Section 16.44.130, which requires that 100% of the Project's energy demand be met through on-site generation and/or renewable energy sources or be offset through the purchase of certified renewable energy credits. The Project would comply with the City's policies and regulations regarding GHG emissions, but the Project's use of natural gas infrastructure would not meet the Bay Area Air District's GHG threshold. The Draft EIR concludes that "although energy-related emissions would be offset through compliance with the Municipal Code, there is no feasible mitigation to avoid the need for including natural gas appliances and plumbing in the Proposed Project. Furthermore, as noted in Section 5.4, Alternatives Considered but Rejected, a no-fossil fuels alternative was determined to be infeasible; therefore, there are no alternatives that would eliminate inclusion of natural gas appliances and plumbing" (Draft EIR page 4.2-43).

Each project in the Life Sciences zone district would be evaluated on an individual basis, thus the approvals granted for this Project would not inherently be granted for other projects. CEQA requires that each project implement all feasible mitigation measures when a significant impact is identified. If other projects in the City propose to use natural gas, such projects would be found to have the same significant impact as the Proposed Project because they would not meet the Bay Area Air District requirements for ensuring less than significant GHG impacts. A project-specific analysis would be needed to determine whether there are mitigation measures or alternatives that could avoid or reduce such impacts, which may include consideration of eliminating the use of natural gas. As technologies evolve and improve, all-electric facilities may become feasible for future life science development projects, however, it would be speculative to predict when such technologies will be available and sufficiently reliable. As such, the Draft EIR determined all-electric is infeasible for the Proposed Project.

Regarding cumulative impacts, the Draft EIR recognizes that the Project's GHG emissions would make a cumulatively considerable contribution to global climate change because it would not comply with the Bay Area Air District's thresholds since it would include natural gas appliances and plumbing and the impact would be significant and unavoidable.

Regarding the suggestion that the City require all-electric building systems for heating and non-laboratory uses, this requirement was part of the City's Reach Code at the time that the project application was submitted. However, the Reach Code has been revised to be compliant with CEQA case law, and this is no longer required. Furthermore, installing two separate climate control systems and integrating their operations in the same building would involve added space needs, energy consumption by both systems, and substantial cost. As such, the suggested requirement is infeasible.

01-8 The comment states that the Housing Needs Assessment (HNA) estimates the Project would add approximately 489 employees, of which 67% would have above average incomes. The comment states that the Draft EIR does not adequately evaluate cumulative jobs/housing impacts and indirect displacement pressures and requests additional cumulative analysis and mitigation.

Draft EIR Section 4.5, Population and Housing, recognizes that the ConnectMenlo General Plan and M-2 Area Zoning Update (ConnectMenlo) identifies a goal of maintaining housing affordability such that displacement of current residents is limited and evaluates the Project's direct, indirect, and induced

employment growth using the HNA (Appendix L). The analysis includes consideration of the increase in housing demand associated with the Project and the potential effects on the regional housing market, jobs housing balance, and displacement pressures. The Draft EIR notes that indirect displacement of residents in specific neighborhoods is not considered to be an environmental effect under CEQA, however the HNA includes a qualitative assessment of whether the Project could contribute to displacement of existing residents within East Palo Alto and the Belle Haven neighborhood of Menlo Park, which both have risk factors for displacement. This analysis found that the increased employment within the Project site would represent an increase of 1.2% in employment within the City. The HNA displacement analysis also considered indirect and induced jobs, which could occur anywhere in the Two-County Region. The HNA concluded that the Project is likely to have a negligible impact on the regional housing market and due to the regional nature of the housing market, the Project is unlikely to have any measurable impact on displacement pressures in Menlo Park (including the Belle Haven neighborhood) and East Palo Alto. This analysis was cumulative in nature because it considered employment and housing growth anticipated under ConnectMenlo, the Housing Element, and Plan Bay Area 2050.

01-9 The comment states that the Project would exceed the VMT significance threshold without mitigation and asserts that the Draft EIR's less than significant conclusion relies on implementation of a Transportation Demand Management (TDM) Plan that the applicant and Development Agreement are not committed to providing.

Implementation of a TDM Plan is required by Municipal Code Section 16.44.090 because the Project proposes new construction within the Life Sciences (LS) zoning district. Section 16.44.090 requires all new construction within the LS district, regardless of size, to prepare and implement a TDM Plan that reduces associated vehicle trips by at least 20% below standard trip generation rates. As described in Draft EIR Section 4.6, Transportation, the Project would also be required to comply with the City's TDM Program Guidelines. Further, the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy requires that large projects (defined as those that generate at least 500 daily vehicle trips) that are not transit proximate (approximately 0.5 to 3 miles from high-quality transit service), must implement a TDM Plan that achieves a trip reduction of 35%.

The Project's proposed TDM Plan, which is provided in Appendix M2, includes monitoring and annual reporting requirements to demonstrate that the required trip reduction is achieved and requires implementation of substitute measures if the required reduction is not achieved. Because implementation of a TDM Plan is a mandatory requirement of Municipal Code Section 16.44.090, it is incorporated into the Project and is not a mitigation measure adopted to reduce a significant impact. Therefore, the applicant has already provided a proposed TDM plan and is committed to implementing it.

01-10 The comment questions whether the proposed TDM measures would reliably achieve the necessary VMT reductions and expresses concern regarding the enforceability of the TDM Plan, including monitoring, reporting, and contingency measures if the required reductions are not achieved.

Draft EIR Section 4.6 describes the basis for the proposed TDM Plan and the expected trip reduction associated with each measure using methodologies developed by C/CAG and the California Air Pollution Control Officers Association, which are industry-standard methodologies for estimating reductions in vehicle trips and vehicle miles traveled associated with common TDM measures. As

described in Section 4.6 and noted in Response to Comment O1-9, implementation of the proposed TDM Plan would be subject to applicable C/CAG TDM Policy, Municipal Code Section 16.44.090, and the City's TDM Program Guidelines. The proposed TDM Plan includes requirements for annual commute surveys, driveway counts, and annual reporting to the City to demonstrate that the required trip reduction has been achieved. If the required reduction is not achieved, additional or substitute TDM measures would be required to achieve the applicable trip reduction requirements, as stated in the proposed TDM Plan and required under Municipal Code Section 16.44.090(2)(C). The specific additional measures would be determined through the annual monitoring and reporting process based on the measures necessary to achieve the required reduction.

O1-11 The comment states that the Draft EIR does not adequately address operational noise impacts on nearby residential communities. The comment recommends limiting delivery operations to daytime hours and monitoring equipment noise to ensure compatibility with surrounding residential neighborhoods.

The Draft EIR analysis of noise levels generated during Project operation includes consideration of noise exposure levels at nearby residential communities, particularly residences in Sequoia Belle Haven and residences on Alberni Street. As stated in Response to Comment O1-5, noise from deliveries made between 6 p.m. and 7 a.m. during the week and between 5 p.m. and 9 a.m. on weekends is subject to the maximum noise level limits established in Municipal Code Section 8.06.030. Specifically, Project-generated noise levels at nearby residential areas in nighttime hours (whether from deliveries or other sources) must be no greater than 50 dBA. The comment does not provide evidence that nighttime deliveries are likely to generate noise levels that exceed this limit. In the event that objectionable noise levels are experienced, the City would address noise complaints through the City's Code Violation process, which would include noise level measurements and/or monitoring.

Further, Response to Comment O1-5 also discussed that under Municipal Code Section 16.08.095, rooftop mechanical equipment is required to generate no more than 50 dB at a distance of 50 feet. Draft EIR Table 4.4-11 shows that while each individual piece of equipment is expected to meet that standard under the currently proposed design plans, the composite noise level considering all equipment operating at the same time would be marginally above this standard. Prior to issuance of building permits, the City would require documentation and analysis that demonstrates attainment of the Municipal Code requirements. Given that residences in Sequoia Belle Haven and residences on Alberni Street are more than 400 feet from the acoustic center of the Project site (per Draft EIR Table 4.4-9), equipment noise levels at those residences would be much less than 50 dBA and thus the Draft EIR correctly concludes that noise impacts at these sensitive receptors would be less than significant.

O1-12 The comment states that the Draft EIR's description of bird safe building design is not sufficiently specific and does not meet established bird safe design standards. The comment recommends that more specific and proven bird safe design measures be required.

Impacts to biological resources, including birds, were evaluated in the Initial Study (Appendix G2). Specifically, Initial Study Section 3.4, response e found that the Project is required to comply with the bird-safe building design requirements established in Municipal Code Section 16.44.130 and the Project's Biological Resources Assessment found that compliance with these bird-safe design requirements would reduce the number of bird collisions with the proposed buildings and would ensure that impacts related to bird collisions would be less than significant (Appendix A1). The City's bird safe

building design requirements include specific standards for glazing, façade design, lighting, and other building features intended to reduce bird collisions.

01-13 The comment states that the proposed lighting design could result in excessive artificial light at night, particularly because of potential 24-hour laboratory operations, and could adversely affect nearby wildlife and residential uses.

As discussed in Draft EIR Chapter 5, the Project includes lighting designed to minimize light spill and glare, including directing exterior lighting downward to avoid illumination of adjacent properties. The Project would also be subject to the City's architectural control process and applicable Municipal Code requirements governing lighting design. Based on compliance with these requirements and the distance between the Project buildings and nearby residences, the Draft EIR concludes that light and glare impacts, including impacts on nearby sensitive receptors, would be less than significant. As described in Draft EIR Chapter 3, the Project site is already developed with surface parking, buildings, and limited ornamental landscaping. Thus, the Project site does not support substantial wildlife activity or population, and the wildlife that is likely to occur onsite consists of species that are tolerant of or adapted to urban environments. Potential effects on such wildlife are not considered an environmental impact under CEQA. Further, the Project would not substantially change the ability of the site to support continued use by urban-adapted wildlife.

01-14 The comment states that the Draft EIR does not identify the species or ecological value of replacement trees. The comment recommends that replacement tree species be identified and that native and habitat-providing trees be used to ensure meaningful replacement and canopy benefits.

As stated in Response to Comment O1-12, impacts to biological resources were evaluated in the Initial Study. Regarding trees, Initial Study Section 3.4, response e found that the Project would result in the removal of 13 trees, 10 of which are considered heritage trees under Municipal Code Chapter 13.24. The Project would plant a total of 145 trees throughout the site (Initial Study page 44 and Draft EIR page 3-9). As described in Draft EIR Chapter 3, the Project site is already developed with surface parking, buildings, and limited ornamental landscaping. The Project's Biological Resources Assessment found that the landscaping within the Project site and surrounding areas consist primarily of nonnative landscape trees and shrubs (Appendix A1). The ornamental landscaping does not provide ecological or habitat value other than for limited amounts of urban-adapted wildlife. Thus, the Project would not cause a loss of ecological or habitat resources and there is no nexus under CEQA to require the proposed landscaping to provide such resources. The specific tree species proposed to be planted on site are shown on Sheets L2.3A and L2.3B of the Project site plans provided in Appendix H. The Project's compliance with the City's tree replacement and landscape requirements would be confirmed through the permitting and architectural control processes.

01-15 The comment concludes that the Draft EIR does not adequately address issues related to health and safety, environmental justice, cumulative housing impacts, and mitigation enforceability. The comment recommends that the City establish enforceable biosafety level restrictions, reconsider the proposed use of natural gas, conduct additional jobs housing analysis, strengthen transportation mitigation measures, and improve standards related to noise, bird safe design, lighting, and tree replacement.

The comment summarizes the concerns and recommendations presented in the preceding comments. Responses to Comments O1-2 through O1-14 address these issues in detail.

O1-16 The comment consists of an email by which the commenter provided a draft of their comment letter for consideration by the City's Planning Commission during a study session.

The comment is nearly identical to Comments O1-2 through O1-14 and does not raise any additional issues or provide any additional evidence or assertions regarding the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects. Responses to Comments O1-2 through O1-14 address the issues included in Comment O1-16 in detail.

Comment Letter O2

Christopher R. Turner

From: Chris MacIntosh <chrismac@alumni.upenn.edu>
Sent: Friday, May 15, 2026 9:17 PM
To: Christopher R. Turner_Planning Commission
Subject: Comments on Draft EIR for 1005 O'Brien Dr. and 1320 Willow Rd.
Attachments: Bird window safety - Menlo Park Willow and O'Brien.pdf

Hello Planning Commissioners, and Chris Turner,

Attached is a letter from the San Mateo County Bird Alliance, with our comments on the Draft EIR for 1005 O'Brien Drive and 1320 Willow Road, which details our support for bird-friendly building design.

O2-1

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Thank you for your time and consideration of our letter.

Chris MacIntosh
conservation@smcbirdalliance.org
chrismac@alumni.upenn.edu

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SAN MATEO COUNTY
BIRD ALLIANCE

May 15, 2026

Mr. Chris Turner, Senior Planner, Community Development
701 Laurel St., Menlo Park, CA 94025
Via email: CRTurner@menlopark.gov
Via email: Planning.commission@menlopark.gov

Re: Comments on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road

The San Mateo County Bird Alliance Conservation Committee (formerly Sequoia Audubon Society) tracks environmental issues related to development on the Peninsula that could potentially harm birds or their habitat. We are submitting comments on the Draft Environmental Impact Report (DEIR) for the proposed biotech development at 1005 O'Brien Drive and 1320 Willow Road.

We are concerned that impacts of the proposed project on the environment are not adequately addressed in the DEIR. In particular, more discussion and improved mitigations are needed in the following areas.

1. The DEIR needs to add additional discussion of the project's impact on bird populations, such as the likelihood of bird-strikes. Although "bird-friendly" design is mentioned in the DEIR, mitigation measures are not described in sufficient detail to determine if they will be effective at preventing bird collisions with windows.

2. The DEIR does not discuss how the project will mitigate the negative impact of artificial light at night (ALAN), which has been proven to be harmful to both wildlife and people. The architectural drawings show that every floor has extensive fluorescent lighting that will create glare into the surrounding environment. This is particularly problematic for a biological research laboratory, where experiments must be tended to around the clock. Light spillage from the parking garage and external lighting is also a concern.

3. The DEIR should discuss practices that will be used to protect wildlife and pets from exposure to rodenticides.

02-2

Add Detailed Justification for "Bird-Friendly" Design Choices

The only mention of bird-safe design in the DEIR is the use of "blue and tinted glass windows, with ceramic designs" (page 3-9). Although additional detail on the glazing materials, reflective marker spacing, and glazed surface coverage is presented in the November 2025 building plans (page 37), there is no discussion in the DEIR as to the effectiveness of the chosen solution. The architecture of the lab buildings, as presented in the May 4 presentation to the Menlo Park Planning Commission, shows numerous features that could be harmful to flying birds, including large areas of glazing, transparent building corners, and interior lighting that can attract and confuse birds during nighttime migrations.

The EIR needs to present a justification for the design and selection of materials in terms of the reduction in collision hazard. Bird safety treatments should result in a threat factor of 20 or less, as provided in the Product and Solutions Database of the American Bird Conservancy[1].

O2-3

Birds move throughout the built environment between habitat spaces and are vulnerable to collisions everywhere glass is present. Protection of birds in the area of the proposed project is critical, especially in this area close to the Don Edwards San Francisco Bay National Wildlife Preserve and Ravenswood Open Space Reserve, both of which are significant avian habitats and part of the important Pacific bird flyway. Numerous bird species, including those protected by the Migratory Bird Treaty Act (MBTA) are seen flying in the area between US highway 101 and state route 84 in the area of the proposed project. In addition, as noted in the Draft EIR *Appendix A, Biological Resources, Section A1, Biological Resources Assessment*, numerous bird species are present in the proposed project area.

Scientific research consistently shows that bird collisions with glass are a major source of human-caused mortality. In North America alone, hundreds of millions of birds are killed each year due to collisions with buildings. Collisions occur wherever birds are active, not only in dense urban cores but also in suburban areas with trees, landscaping, and nearby open space. In these environments, most collisions occur at tree-canopy height, generally from ground level to about 60 feet, where birds are actively foraging and moving through habitat. Transparent and reflective glass creates the illusion of open sky or vegetation, leading birds to attempt to fly through or into these surfaces. As a result, even relatively small buildings and common features such as glass railings, corners, and fly-through designs can pose significant risks. These risks are especially pronounced near waterways, the coastline, open water, open space, and hillside areas, where bird activity is concentrated and collisions are more likely.

O2-4

We recommend standards aligned with national green building guidance. In January 2026, the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) adopted

O2-5

[1] https://abcbirds.org/glass-collisions/products-database/

O2-3 Cont.

Addendum "o" to Standard 189.1[2], introducing bird-friendly glazing as part of high-performance building design. That standard applies broadly to new construction, additions, and alterations, and addresses key risk features such as glazed corners, fly-through conditions, and areas adjacent to vegetation or water. We respectfully urge the adoption of these bird window safety glazing standards for this project, that have been demonstrated to be effective in preventing and reducing bird collisions.

Research on bird-friendly glazing for collision prevention has guided the development of bird-friendly building design. Creating visual markers on the glass at a specific spacing and geometry to interrupt reflections and transparency has been shown to significantly reduce bird collisions. Guidance specifies requirements for the location and characteristics of this type of glass, termed "birdfriendly glazing." Primary risk areas are addressed, including glazing in vertical fenestration, spandrel, skylights, glazed corners, fly-through conditions, and glazed railings up to 100 ft (30 m) above grade, as well as glazing adjacent to roof areas with vegetation or water features. Different options are provided for compliant bird-friendly characteristics, including glazing with a prescriptively specified pattern of visual markers, glazing compliant with the CSA A460:19 standard, or exterior attachments such as metal screens mounted over glazing. As the risk of bird collisions can vary by location due to different bird populations, migratory patterns, and local environment, this addendum is written as a jurisdictional option. We would be pleased to meet with you, if you should desire, to discuss details.

O2-5 Cont.

Bird-friendly design standards are already widely adopted across the Bay Area. San Francisco, Mountain View, Berkeley, Alameda, San José, Palo Alto, and Cupertino have all adopted or incorporated bird-safe design requirements in their codes or policies. Together, these jurisdictions demonstrate a clear regional trend toward practical, implementable standards that reduce bird

O2-6

Minimize exposure of birds and nearby residents to night-time Light Pollution

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

1. Require shielded lights and prohibit up-lighting.

O2-7

[2] https://www.ashrae.org/file%2520library/technical%252Dresources/standards%252Dand%252Dguidelines/standards%252Daddenda/189_1_2023_o_20260130.pdf

O2-5 Cont.

2. All lighting shall have a correlated color temperature of 2700 Kelvin or less.

3. All lighting shall be angled downwards and facing away from glazed facades, the Bay and other habitat areas.

4. Timers, dimmers, shades, and occupancy sensors should be used in commercial buildings to ensure that lights are turned off when buildings are not in use. Non-essential lights should be turned off at 10pm. Do not light habitat or the Bay Trail.

5. Do not have minimum lighting requirements.

6. Construction lighting should not be exempted from outdoor lighting standards.

7. At structured parking garages, all lighting shall be on occupancy sensors and no light should spill outside the building towards the Bay or Bay Trail or the wetlands.

As a point of reference, the City of Cupertino's recently enacted dark skies ordinance may be informative[3].

O2-7 Cont.

Discuss avoidance approaches for outdoor use of pesticides and rodenticides

O2-8

Analyze and mitigate the use of pesticides and rodenticides with avoidance practices to prevent death of rodent predators and other wildlife, as well as general harm to the environment.

The additional mitigations requested in these comments are reasonable, feasible, and consistent with both regional practice and emerging national building standards. They provide clear, objective design criteria that can be readily implemented.

O2-9

Sincerely,

Chris MacIntosh
Chair, Conservation Committee, San Mateo County Bird Alliance

[3] City of Cupertino Bird Safe and Dark Sky ordinance, requirements, and standards https://www.cupertino.org/our-city/departments/community-development/planning/nonresidentialmixeduse-development/bird-safe-and-dark-sky

O2-7 Cont.

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Response to Comment Letter O2

San Mateo County Bird Alliance Conservation Committee
Chris Macintosh
5/15/2026

O2-1 The comment transmits the San Mateo County Bird Alliance's comments on the Draft EIR and states that the attached letter provides the organization's comments in support of bird friendly building design.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no response or revision to the Draft EIR is required.

O2-2 The comment identifies the San Mateo County Bird Alliance Conservation Committee's focus on development projects that could harm birds or their habitat and states that additional discussion and improved mitigation measures are needed in the Draft EIR regarding such potential impacts. The comment introduces the three primary topics addressed in the comment letter: bird friendly building design and bird collisions with windows, artificial light at night, and the use of rodenticides.

The comment serves as an introduction to the comment letter and identifies the primary topics addressed in the subsequent comments. Responses to Comments O2-3 through O2-12 address these issues in detail. The Project's potential impacts to biological resources, including birds, were evaluated in the Initial Study (Appendix G2). The findings of the Initial Study regarding impacts to biological resources are summarized in Draft EIR Chapter 5, Effects Found Not to be Significant.

O2-3 The comment states that the Draft EIR mentions that windows would be blue and tinted and would have ceramic designs but does not discuss the effectiveness of these measures and alleges that numerous features of the proposed buildings could be harmful to flying birds by leading to bird collisions and the potential for interior lights to interfere with nighttime behaviors. The comment states that the Draft EIR should include discussion demonstrating that the proposed bird safety treatments effectively reduce bird collision hazard and recommends that such treatments should attain a threat factor of 20 or less based on the American Bird Conservancy standards.

As stated in Response to comment O1-12, the Project is required to comply with the bird-safe building design requirements established in Menlo Park Municipal Code Section 16.44.130 and the Project's Biological Resources Assessment found that compliance with these bird-safe design requirements would reduce the number of bird collisions with the proposed buildings and would ensure that impacts resulting from bird collisions would be less than significant (Appendix A1). The comment does not explain why a threat factor of 20 or less is recommended. The American Bird Conservancy Products Database notes that a threat factor of 30 suggests that collisions will be reduced by at least 50% and is the American Bird Conservancy's upper threshold for recommending a bird safety treatment (ABC 2026).

The Initial Study and Draft EIR note that the Project proposes to use "ceramic dot frit spaced at 2x4-inch intervals on most glazing" in compliance with Municipal Code Section 16.44.130, which requires that bird-friendly glazing or surfaces must cover at least 90% of a building's façade surface area. However, the specific window product that would be used in construction has not been identified. The American Bird Conservancy Products Database includes many products with dot frits in 2x4-inch arrays

that have threat factors ranging from 21 to 25 and have been approved by the American Bird Conservancy (ABC 2026). Thus, the Project is expected to be consistent with the American Bird Conservancy's recommendations.

The Project's Biological Resources Assessment found that the proposed landscaping and bioretention facilities would support more vegetation than is currently present at the Project site which would increase the habitat for landbirds but because of the limited area of new vegetation and conditions at surrounding properties, bird use of the site is not expected to increase substantially. The Biological Resources Assessment also found that the potential for bird collisions would increase due to the extent of glazing proposed on the facades of the proposed buildings, but that the frequency of bird collisions would be relatively low "due to (1) the relatively low numbers of birds expected to occur in the immediate vicinity of the proposed project buildings due to low-quality habitat conditions; (2) the low numbers of birds expected to approach the project site from more natural habitats 0.5 miles or more to the north and east; (3) the absence of any features such as dense, native vegetation or water features on or immediately adjacent to the site that might otherwise attract birds to the vicinity; and (4) the incorporation of bird-safe glazing on the proposed office buildings" (Appendix A1).

The Initial Study (Appendix G2) also addresses potential effects associated with Project site lighting, stating that the Project would be required to comply with the City's bird safe lighting requirements through the development review and Architectural Control process. These requirements include occupancy sensors or other switch control devices for nonemergency lighting, programming nonemergency lights to shut off during nonwork hours and between 10:00 p.m. and sunrise, and lighting measures intended to reduce bird disorientation. In addition, as discussed above, relatively low numbers of birds are expected to be present onsite due to the low-quality habitat conditions of the site and surrounding areas, which are primarily developed urban or ruderal habitats that do not support sensitive species that might be significantly affected by illumination from the Proposed Project (Appendix A1).

02-4 The comment provides information regarding bird movement within the built environment, bird collisions with glass, nearby avian habitat, and the importance of bird safe building design. The comment identifies concern that the Project site's proximity to the Don Edwards San Francisco Bay National Wildlife Preserve and Ravenswood Open Space Reserve could increase the likelihood of bird collision with windows on the Project buildings and provides general information regarding bird collisions

The comment states that the Project's Biological Resources Assessment identifies that numerous bird species are present in the Project area. However, the comment does not recognize that the Biological Resources Assessment also states that the 0.5-mile distance between the Project site and the Don Edwards San Francisco Bay National Wildlife Preserve and Ravenswood Open Space Reserve limits the potential for birds to approach the Project site from those more natural habitat areas. The Biological Resources Assessment finds that the Project site supports urban-adapted bird species that have high regional populations and are widespread throughout the San Francisco Bay area and "the number of individuals that might be impacted by collisions with project buildings would represent a very small proportion of regional populations" (Appendix A1). Further, the Project would comply with the City's bird-safe design requirements identified in Municipal Code Section 16.44.130.

02-5 The comment recommends that the Project incorporate bird friendly glazing consistent with recently adopted standards of the American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) and provides information regarding the effectiveness of bird friendly glazing in reducing bird collisions.

The ASHRAE standards provide a model ordinance that individual jurisdictions may consider adopting. They are not mandatory and have not been adopted by the City of Menlo Park. As discussed in Response to Comment 02-3, the Project includes bird safe glazing and would be required to comply with the City's bird safe building design requirements through the development review and Architectural Control process. The comment states that visual glass with markers at a specific spacing and geometry interrupts the reflections and transparency of a window and has been shown to significantly reduce bird collisions. As noted in Response to Comment 02-3, the Project proposes to use windows with a ceramic dot frit spaced at 2x4-inch intervals and incorporates other design measures to ensure consistency with the City's bird-safe building design requirements per Municipal Code Section 16.44.130.

ASHRAE Standard 189.1 Addendum o requires bird-friendly glazing on no less than 90% of the area of vertical fenestration and defines bird-friendly glazing meeting at least one of the following four definitions:

a. The first or second surface of the glazing shall have opaque, translucent, or ultraviolet reflective visual markers not smaller than 1/8 in. (3 mm), not more than 2 in. (50 mm) between linear continuous visual markers, and a density pattern such that a circle with diameter no more than 2.7 in. (69 mm) will fit between discrete point visual markers.
b. Clauses 3.3.1 through 3.3.3 of Canadian Standards Association A460.
c. Glazing shall be covered by permanently attached exterior building-integrated structures that do not have gaps larger than 2 in. (50 mm) in any dimension, including metal screens and fixed solar shading.
d. Glazing shall have a bird-friendly configuration, including markers and surface orientation approved by the Authority Having Jurisdiction. (ASHRAE 2026).

The Municipal Code requirement that at least 90% of a building's façade surface area be bird-friendly is consistent with the ASHRAE standard of having bird-friendly glazing on no less than 90% of the area of vertical fenestration. Under definition d, compliance with the City's Municipal Code bird-friendly requirements would satisfy the ASHRAE definition of bird-friendly glazing. Further, it is possible that the proposed 2x4-inch frit pattern would meet definition a, depending on the dot diameter, center-to-center arrangement, whether the pattern is staggered, and the glass surface carrying the frit. However, this cannot be determined at this time because the specific window product that would be used in construction has not been identified.

02-6 The comment states that bird safe design standards have been widely adopted by jurisdictions throughout the Bay Area and recommends that the Project incorporate similar bird safe design requirements.

As noted in Responses to Comments 02-3 and 02-5, the City of Menlo Park has already adopted bird safe design standards for all projects in the Life Sciences zone district. The City would ensure the

Project's compliance with those standards through the development review and Architectural Control process. Municipal Code Section 16.44.130 includes requirements related to glazing, transparent building corners, lighting, and other building features. The comment does not object to the City's adopted standards or suggest they are not adequate.

O2-7 The comment expresses concern regarding artificial light at night and recommends additional lighting standards to reduce potential effects on birds, wildlife, and nearby residents, including shielding, downward directed lighting, occupancy sensors, reduced lighting during nonwork hours, and other dark sky design measures.

The Initial Study (Appendix G2) addresses potential effects associated with exterior lighting and bird safe design. As discussed in the Initial Study, the Project would be required to comply with the City's bird safe building design requirements and applicable lighting requirements through the development review and Architectural Control process. These requirements include occupancy sensors or other switch control devices for nonemergency lighting, programming nonemergency lights to shut off during nonwork hours and between 10:00 p.m. and sunrise, and lighting and building design measures intended to reduce bird disorientation and collisions. Draft EIR Chapter 3, Project Description, identifies that exterior lighting would be directed downward to reduce light spill and glare. In addition, as discussed in Response to Comment O2-3, the Project's Biological Resources Assessment (Appendix A1) identifies that relatively low numbers of birds are expected to be present onsite due to the low-quality habitat conditions of the site and surrounding areas, which are primarily developed urban or ruderal habitats that do not support sensitive species that might be significantly affected by illumination from the Proposed Project. The comment does not object to the City's adopted standards or suggest they are not adequate.

O2-8 The comment recommends that the Draft EIR evaluate the potential effects of pesticide and rodenticide use on wildlife and pets and include avoidance measures to reduce those potential impacts.

As discussed in Responses to Comments O2-3 and O2-7, the Project site is developed and surrounding areas generally consist of developed urban or ruderal habitats that do not support sensitive species. Effects on non-sensitive wildlife and pets are not considered an environmental impact under CEQA. However, it is noted that the City's bird-friendly design requirements in Municipal Code Section 16.44.130 prohibits the use of rodenticides.

O2-9 The comment concludes that the additional mitigation measures recommended in the letter are reasonable, feasible, and consistent with regional practice and emerging national building standards.

The comment summarizes the recommendations presented in the preceding comments. Responses to Comments O2-3 through O2-8 address these recommendations in detail.

Comment Letter I1

Christopher R. Turner

From: Matthew Rascoff <mzrascoff@gmail.com>
Sent: Wednesday, April 8, 2026 9:39 PM
To: Christopher R. Turner
Cc: planning.commission@menlopark.org; Catrine Machi
Subject: Public Comment on the Draft Environmental Impact Report for the 1005 O'Brien Drive and 1320 Willow Road Project (Tarlton Properties / O'Brien Drive Portfolio)

Dear Ms. Turner,

Thank you for the opportunity to comment on the Draft Environmental Impact Report (Draft EIR) for the 1005 O'Brien Drive and 1320 Willow Road project. I am submitting these comments as an individual resident of Menlo Park and not on behalf of my employer or the Complete Streets Commission, of which I am a member (where the project was discussed this evening). Please include this letter in the administrative record and respond to each comment in the Final EIR. I1-1

My comments focus on pedestrian and bicycle safety, connectivity, and the project's stated objective of enhancing public access to the Hetch Hetchy right-of-way. I want to begin by recognizing what the project does well. The project closes a longstanding sidewalk gap along O'Brien Drive, provides robust end-of-trip bicycle facilities including 38 long-term and 10 short-term bike parking spaces and eight showers, and proposes a Transportation Demand Management (TDM) plan with a 36% trip-reduction target that exceeds both the City's CEQA VMT threshold and the C/CAG countywide requirement. These are real and meaningful complete-streets benefits. My comments below are intended to make a good project better. I1-2

Comment 1 — The Hetch Hetchy right-of-way objective lacks an enforceable mechanism

The Draft EIR's Project Objectives include the following: "To enhance public accessibility from O'Brien Drive and Willow Road to potential future public open spaces along the Hetch Hetchy right-of-way, while also providing private (non-public) open space opportunities onsite." I strongly support this objective. However, after reviewing the full Draft EIR, I can find no enforceable mechanism by which the project would actually deliver on it. The EIR identifies:

- No easement dedication to the City or to SFPUC for public access;
- No trail alignment, access path, or design hook on the site plan that would connect future users from O'Brien Drive or Willow Road through the site to the right-of-way;
- No phasing commitment tying delivery of any public-access improvement to either Phase 1 or Phase 2 occupancy;
- No maintenance or operations agreement for any such access.

I1-3

Under CEQA, project objectives are not decorative. They shape the range of alternatives that must be analyzed in the EIR (CEQA Guidelines § 15124(b); § 15126.6(a)). If "enhanced public accessibility to the Hetch Hetchy right-of-way" is a real project objective, then the alternatives analysis should evaluate whether each alternative meets that objective, and the project as proposed should include a concrete mechanism to achieve it.

Request: I request that the Final EIR and the subsequent project entitlements either (a) incorporate a specific, enforceable public-access commitment — for example, an irrevocable offer of dedication of a pedestrian/bicycle access easement from the project frontage to the Hetch Hetchy right-of-way, with a

1

defined alignment and a phasing trigger tied to Phase 1 building occupancy — or (b) delete the public-access language from the Project Objectives so that the project is not credited in the alternatives analysis with a benefit it does not actually provide. I believe (a) is the better outcome for the community, and it is supported by existing precedent: Menlo-Atherton High School's campus, located approximately 85–100 feet from the project site at its closest point, already uses the Hetch Hetchy right-of-way for parking, open space, and athletic fields. There is a clear and immediate precedent for joint use of the right-of-way directly adjacent to this site.

I1-3 Cont.

Comment 2 — Improvement Measure #27 should be elevated to an enforceable mitigation or condition of approval

Improvement Measure #27 in the Draft EIR proposes widening the sidewalk on Ivy Drive and expressly notes that it "requires coordination with SFPUC." This is exactly the kind of pedestrian-connectivity improvement the project should be delivering, and it is the one measure in the transportation package that would actually create a bike/ped benefit that connects through the Hetch Hetchy right-of-way corridor.

However, the Draft EIR classifies it as an "improvement measure," not a CEQA mitigation measure. Improvement measures are discretionary and are not enforceable through CEQA findings or the Mitigation Monitoring and Reporting Program (MMRP). This creates a meaningful enforceability gap.

Request: I request that the Final EIR either (a) elevate Improvement Measure #27 to a mitigation measure included in the MMRP, or (b) require the applicant to initiate and document a formal coordination process with SFPUC Real Estate Services regarding the Ivy Drive sidewalk widening prior to Planning Commission action on the project, with the results of that coordination reported back in the Final EIR or as a condition of approval.

I1-4

Comment 3 — The Final EIR should include a pedestrian crossing safety analysis at Willow Road / O'Brien Drive

The Transportation Impact Analysis (TIA) finds that the Willow Road / O'Brien Drive intersection operates at LOS F in both the AM and PM peak periods under Near-term (2027) plus Project and Cumulative (2040) plus Project conditions. This intersection is the project's primary vehicular access point. It is also a key pedestrian and bicycle crossing for students traveling to Mid-Peninsula High School at 1340 Willow Road.

The Draft EIR's LOS analysis focuses on vehicle delay. It does not substitute for a pedestrian safety analysis, and these are not the same metric. At LOS-F intersections, pedestrians typically experience long signal cycles, increased crossing delay, elevated right-turn-on-red and right-turn-on-green conflicts, and more aggressive driver behavior during platoon discharge. A project that will increase trip generation at this intersection and sits directly adjacent to a high school should be required to analyze pedestrian crossing conditions specifically.

Request: I request that the Final EIR include a pedestrian crossing safety analysis at Willow Road / O'Brien Drive that addresses, at minimum: (1) pedestrian crossing delay and level of service for pedestrians (e.g., HCM pedestrian LOS), (2) right-turn-on-red and permitted-turn conflict exposure, (3) the adequacy of existing crosswalks, curb ramps, and signal timing for school-age pedestrians, and (4) a set of feasible pedestrian safety improvements the project can fund or implement. Where vehicle LOS mitigations have been found infeasible because they would harm pedestrians and cyclists, the

I1-5

2

alternative should not be "no mitigation" — it should be mitigations that directly improve the pedestrian experience at the affected intersections.

I1-5 Cont

Comment 4 — The frontage bike facility should be Class IV, not Class II

The Draft EIR describes the proposed frontage improvements on O'Brien Drive as including a 5-foot sidewalk, a 4-to-6-foot planting strip, a 5-foot Class II bike lane, and a 3-foot painted buffer. This configuration represents a material improvement over existing conditions, which lack continuous sidewalks and separated bicycle facilities. I appreciate that improvement.

However, a buffered Class II bike lane is a striped facility with no vertical separation from motor vehicle traffic. Given (1) the proximity of the project to Mid-Peninsula High School and the associated presence of school-age cyclists, (2) the volume of life-sciences delivery and service vehicle traffic that 228,398 square feet of new R&D use will generate, and (3) the fact that the project is rebuilding 435 feet of street section from scratch on Phase 1 and an additional 177 feet on Phase 2, the appropriate design standard is a Class IV separated bikeway with vertical separation — for example, parking protection, flexible delineator posts, or a raised concrete buffer.

Request: I request that the Final EIR analyze and require a Class IV separated bikeway along the project frontage on O'Brien Drive and Willow Road as part of the project's transportation improvements. If the applicant contends that a Class IV facility is infeasible, the Final EIR should provide a specific technical justification for that conclusion.

I1-6

Comment 5 — TDM enforcement mechanisms should be specified

The project's TDM plan targets a 36% trip reduction, which exceeds the City's CEQA VMT threshold of a 28.4% reduction and narrowly exceeds the C/CAG countywide requirement of 35%. The Draft EIR's VMT finding of less-than-significant with mitigation is entirely dependent on actual achievement of this TDM performance target. The Draft EIR notes that annual monitoring and reporting is required.

The Draft EIR does not, however, specify what happens if annual monitoring shows the project failing to achieve the 36% reduction, or even the 28.4% CEQA floor. Life-sciences buildings often have trip-generation profiles that are difficult to reduce because many employees need to be physically present for laboratory work. The risk of under-performance is real, and without an enforceable consequence, the annual report becomes a paper exercise that cannot actually protect the CEQA VMT finding.

Request: I request that the Final EIR specify, and that the conditions of approval enforce, a concrete set of consequences for TDM under-performance. These should include, at minimum: (1) a schedule of additional TDM measures the applicant must implement if the annual report shows the target has been missed, (2) a cure period and verification requirement, and (3) an escalation mechanism — for example, additional payments to the City's transportation fund, shuttle subsidies, or occupancy-based triggers — if under-performance persists. Without enforceable consequences, the TDM-dependent VMT finding is not supported by substantial evidence.

I1-7

Comment 6 — Frontage sidewalk improvements should be paired with a fair-share contribution to close adjacent gaps

The Draft EIR acknowledges that sidewalks are missing on portions of O'Brien Drive and on Adams Drive beyond the project boundary. The project closes 435 linear feet of the gap on Phase 1 and 177 feet on

I1-8

3

Phase 2, but the new sidewalk will effectively dead-end at the property line at each end. An isolated sidewalk segment produces a small fraction of the safety benefit that a continuous network produces.
Request: I request that the Final EIR identify a mechanism — beyond the $1.2 million Transportation Impact Fee — by which the project can contribute its fair share to closing the remaining sidewalk gaps on O'Brien Drive and Adams Drive in the immediate project vicinity. This could take the form of a dedicated contribution to a scoped corridor sidewalk project, construction of an additional segment as a condition of approval, or a cooperative agreement with adjacent property owners facilitated by the City.

I1-8 Cont.

Comment 7 — Construction management plan should guarantee maintained pedestrian and bicycle access throughout both phases

The project will be built in two phases and will involve multiple years of construction activity on a corridor that carries school-related pedestrian and bicycle traffic and is served by the M4 Willow Road Shuttle. There is a real risk that the new pedestrian and bicycle facilities built as part of Phase 1 could be closed, fenced off, or rendered unusable during Phase 2 construction — the very period when the high school student population continues to cross this corridor daily.
Request: I request that the Final EIR incorporate, as an enforceable mitigation measure, a Construction Traffic Management Plan (CTMP) requirement that specifies the following: (1) continuous pedestrian and bicycle access must be maintained along the project frontage at all times during both Phase 1 and Phase 2 construction, (2) any temporary closure of the Phase 1 sidewalk or bike lane during Phase 2 construction must be accompanied by a fully protected, ADA-accessible detour on the project side of the street, not a sidewalk-closed sign directing pedestrians across Willow Road, and (3) the CTMP must be reviewed and approved by the City's Transportation Division prior to issuance of a building permit for either phase.

I1-9

Comment 8 — Short-term bicycle parking counts should be reconciled and increased

The staff report for the April 8, 2026 Complete Streets Commission meeting references 20 short-term bicycle parking spaces. The project data sheet indicates 9 required and 10 provided. These numbers should be reconciled in the Final EIR. In addition, 10 short-term bicycle parking spaces is low for a project that includes approximately 31,535 square feet of publicly accessible open space, sport courts, and a plaza. Short-term bike parking serves visitors, not employees, and the supply should reflect the scale of the public amenities the project is providing.
Request: I request that the Final EIR reconcile the discrepancy in short-term bike parking counts and increase the provision of short-term bike parking commensurate with the publicly accessible open space and visitor-serving amenities on the site.

I1-10

Closing

I want to note my appreciation for the Draft EIR's finding that 10 of the 11 identified LOS improvement measures are infeasible because they would harm pedestrian and bicycle travel. That framing is the correct application of a complete-streets lens, and I hope to see it become the standard approach to LOS analysis in Menlo Park. The corollary to that finding, however, is that the project's $1.2 million

I1-11

Transportation Impact Fee contribution must be programmed to concrete corridor improvements on a defined timeline. I encourage the City to return to the Complete Streets Commission with a specific list of the corridor improvements that TIF will fund before those funds are obligated.
Thank you for considering these comments. I look forward to the responses in the Final EIR and to continued engagement on this project.

I1-11 Cont.

Sincerely,
Matthew Rascoff

mzrascoff@gmail.com
+1 (919) 884-6440

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Response to Comment Letter I1

Matthew Rascoff
4/8/2026

I1-1 The comment introduces the commenter and requests that their letter be included in the administrative record and responses to each comment be provided in the Final EIR.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no response or revision to the Draft EIR is required.

I1-2 The comment states that the letter focuses on pedestrian and bicycle safety, connectivity, and public access to the Hetch Hetchy right-of-way. The comment also compliments several aspects of the Project, including sidewalk improvements, bicycle facilities, and the proposed Transportation Demand Management Plan.

The comment serves as an introduction to the subsequent comments and identifies the primary topics addressed in the remainder of the letter. Responses to Comments I1-3 through I1-10 address these issues in detail.

I1-3 The comment identifies support for the Project objective related to enhancing public accessibility to potential future public open spaces along the Hetch Hetchy right-of-way but asserts that the Draft EIR does not identify an enforceable mechanism to implement the objective because there is no proposed public access easement dedication, trail alignment or design feature that connects from O'Brien Drive or Willow Road to the Hetch Hetchy right-of-way, a commitment that ties delivery of public-access improvements to Phase 1 or Phase 2 occupancy; or a maintenance or operations agreement for public access. The comment further asserts that the Project objective should be considered in the alternatives analysis and requests that the Final EIR and Project entitlements either include a specific, enforceable public-access commitment or remove the public accessibility language from the Project Objectives. The comment also identifies Mid-Peninsula High School's existing use of the Hetch Hetchy right-of-way as a precedent for joint use of the right-of-way near the Project site (the comment identifies the high school as Menlo-Atherton, but it is understood that the commenter intended to reference Mid-Peninsula High School).

The comment is correct that Chapter 3, Project Description, identifies enhancing public accessibility to potential future public open spaces along the Hetch Hetchy right-of-way as one of the Project Objectives. As described in the Draft EIR, the Proposed Project includes frontage improvements along O'Brien Drive intended to improve pedestrian connectivity adjacent to the Project site, would not interfere with future construction of the City's planned Class IV bicycle lane along Willow Road (Draft EIR Table 4.6-3), and would provide onsite publicly accessible open space that borders the Hetch Hetchy right-of-way. As shown in Figure 3-6, the onsite open space would include a pedestrian pathway that connects to the existing sidewalk on Willow Road. Thus, by design, the Project would facilitate access to the Hetch Hetchy right-of-way where it crosses Willow Road should any public open space areas be established within that right-of-way in the Project vicinity. A direct connection between the Project site and the Hetch Hetchy right-of-way is not necessary. Providing such access is not necessary to mitigate any of the Project's environmental impacts, thus no revisions to the Project, the Project entitlements, or the EIR are necessary. However, the Project also concentrates its publicly accessible

open space, which would be preserved with a recorded covenant per standard City Conditions of Approval, along the Project site boundary with the Hetch Hetchy right-of-way. If in the future the City and SFPUC establish public open space within the Hetch Hetchy right-of-way, this adjacency creates opportunities to provide future connections from the Project's publicly accessible open space. The Proposed Project therefore is consistent with the stated Project Objective, and an alternative identifying other ways to access the Hetch-Hetchy right-of-way is not necessary.

I1-4 The comment states that the City's Improvement Measure 27, which includes widening the sidewalk on Ivy Drive and requires coordination with SFPUC, should be elevated to an enforceable mitigation measure or Condition of Approval. The comment also recommends that the applicant initiate formal coordination with SFPUC regarding the sidewalk widening.

Improvement Measure 27 is a component of the City's TMP. Draft EIR Table 4.6-1, which identifies the TMP projects within the Project vicinity, is presented in the Regulatory Framework of Draft EIR Section 4.6, Transportation, to provide context regarding the planned transportation network enhancements in the area. This Improvement Measure was identified by the City as a transportation improvement needed to support buildout of the City under the ConnectMenlo General Plan and M-2 Area Zoning Update and was not identified as an improvement required as a result of the Project's impacts. Draft EIR Table 4.6-3 finds that the Proposed Project would be consistent with the TMP projects surrounding the Project site. The nearest Improvement Measure to the Project site is TMP Project 37, which calls for installation of a one-way Class IV separated bikeway on Willow Road in the eastbound direction between Hamilton Avenue and the US Highway 101/Willow Road Interchange. As discussed in Responses to Comments A2-5 and A2-6, the Project would not interfere with implementation of this measure. The Project site does not have frontage on Ivy Drive and would not interfere with the City's implementation of TMP Improvement Measure 27. Implementation of Improvement Measure 27 would remain the responsibility of the City and be funded in part by Transportation Impact Fees paid by development projects in the City, including the Proposed Project. There is no nexus for requiring the Project to construct the Ivy Drive improvement or coordinate with SFPUC regarding its implementation.

I1-5 The comment states that the Draft EIR does not adequately evaluate pedestrian safety at the Willow Road/O'Brien Drive intersection, noting that it is a key pedestrian and bicycle crossing for students at Mid-Peninsula High School. The comment requests that the Final EIR include additional analysis of pedestrian crossing conditions, including pedestrian crossing delay and pedestrian Level of Service (LOS); right-turn-on-red and permitted-turn conflict exposure; and the adequacy of existing crosswalks, curb ramps, and signal timing for school-age pedestrians. The comment also requests that the Final EIR identify feasible pedestrian safety improvements.

Draft EIR Section 4.6 evaluates pedestrian and bicycle facilities and concludes that the Project would provide safe and convenient access to existing pedestrian facilities and adequate pedestrian facilities along the Project frontage. The intersection of Willow Road/O'Brien Drive contains a high-visibility continental crosswalk with pedestrian call buttons and phases programmed in the traffic signal. While the City's Transportation Impact Analysis Guidelines do not establish LOS standards for pedestrians and bicyclists or specifically require the analysis of pedestrian crossing LOS and delays or right-turn-on-red and permitted-turn conflict exposure for school-aged children, the analysis of pedestrian and bicycle LOS is also contained in the vehicular LOS analysis of the study area as provided in Appendix M1. Based on review of the pedestrian and bicycle LOS outputs, LOS B or C conditions were forecast for pedestrians and bicyclists at the Willow Road/O'Brien Drive intersection in the Near-Term plus

Project and Cumulative plus Project conditions. Pedestrian LOS was determined using the Highway Capacity Manual, 6th Edition, pedestrian LOS calculation methodology and pedestrian LOS measures the degree of crowding within the pedestrian facility. In LOS B pedestrian conditions, there is an occasional need for a pedestrian to adjust their path to avoid conflicts with other pedestrians in the crosswalk; in LOS C pedestrian conditions, the need to adjust the path of travel occurs more frequently. In both LOS B and LOS C, the degree of crowding does not pose risks to pedestrian safety (Appendix M1).

The City's TMP identifies future improvements at the Willow Road/O'Brien Drive intersection, including curb ramps, high visibility crosswalks on all legs, pedestrian signals, and bulb outs. The Project would contribute to these planned improvements through payment of the City's Transportation Impact Fee (TIF). Additionally, the Project would pay its fee towards the Willow Road Corridor Improvement Project which has planned TIF improvements along Willow Road including the installation of a Class IV separated bikeway and implementation of on-street parking restrictions during the peak hours which would improve overall pedestrian and bicycle circulation.

The comment alleges that, if vehicle LOS improvements are infeasible because they would adversely affect pedestrians or cyclists, then pedestrian and cyclist improvements must instead be required. This reasoning conflates two distinct issues. The fact that a particular vehicle LOS improvement may be infeasible due to its potential effects on pedestrians or cyclists does not establish that the Project would itself cause a significant impact to pedestrian or bicycle conditions, nor does it demonstrate that additional pedestrian or bicycle improvements are necessary or appropriate mitigation. Infeasibility of one form of mitigation does not, by itself, create an obligation to impose unrelated mitigation addressing a different impact.

I1-6 The comment states that a Class IV bikeway is needed on O'Brien Drive, noting the proximity of the Project to Mid-Peninsula High School and the associated presence of school age cyclists, the volume of delivery and service vehicle traffic associated with the Project, and the City's requirement for the Project to construct frontage improvements The comment requests that the Final EIR analyze and require Class IV separated bikeways along the Project frontages on O'Brien Drive and on Willow Road or provide a technical justification if a Class IV facility is determined to be infeasible.

The City's planned bicycle network is identified in the City's Bicycle Development Plan, which is a component of the City's TMP. The TMP was updated after adoption of the ConnectMenlo General Plan and M-2 Area Zoning Update and therefore reflects the factors raised in this comment relating to the need for bicycle facilities, such as the anticipated level of redevelopment in the Bayfront Area, including the Life Sciences (LS) zone, and the location of Mid-Peninsula High School.

O'Brien Drive: TMP Project 32 calls for installing sidewalk and establishing Class II bicycle lanes on both sides of O'Brien Drive. Draft EIR Table 4.6-3 finds that the Project is consistent with this TMP Project. Because the TMP was updated to reflect the anticipated buildout of the LS zone and associated bicycle facility needs and determined a Class II bicycle lane to be appropriate for this location, it is not necessary for the Final EIR to evaluate requiring the Project to install or provide right-of-way for a Class IV bikeway along the Project site's frontage on O'Brien Drive.

Willow Road: As discussed in Responses to Comments A2-5, A2-6, and I1-4, TMP Project 37 calls for installation of a Class IV bikeway on Willow Road, including along the Project site's frontage on Willow

Road, and the Project would not interfere with implementation of this measure. The public right-of-way along the Willow Road frontage has sufficient width to accommodate a Class IV bikeway without requiring land from the Project site (Draft EIR Table 4.6-3).

I1-7 The comment states that the Draft EIR does not adequately specify how the proposed TDM Plan would be enforced if the required trip reduction is not achieved. The comment requests that the Final EIR and conditions of approval establish enforceable consequences for TDM underperformance, including (1) a schedule of additional TDM measures if the annual target is missed, (2) a cure period and verification requirement, and (3) an escalation mechanism, such as additional transportation fund payments, shuttle subsidies, or occupancy-based triggers, if underperformance continues.

As discussed in Responses to Comments O1-9 and O1-10, the Project is subject to Municipal Code Section 16.44.090, the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, and the City's TDM Program Guidelines. The proposed TDM Plan complies with Municipal Code Section 16.44.090 by requiring annual commute surveys, driveway counts, and reporting to the City to demonstrate that the required trip reduction has been achieved and requiring implementation of additional or substitute TDM measures if the required reduction is not achieved. Municipal Code Section 16.44.090(2)(c) establishes the requirement that appropriate substitute measures must be implemented if the TDM measures used to date have not achieved the intended trip reduction in any reporting year and that failure to achieve the trip reduction target will result in revocation of project permit(s).

The specific additional measures would be determined through the annual monitoring and reporting process and consideration of the types of measures that would be most effective at achieving the additional trip reduction necessary to meet the total trip reduction target identified in the TDM Plan. Additional measures may vary depending on conditions at the time, such as Project occupant operations, employee travel characteristics and the effectiveness of individual TDM measures to date. Identification of those measures at the time of the EIR would therefore be speculative, however the EIR identifies the standard that must be achieved (a minimum 35% reduction to comply with C/CAG policy) by the TDM Plan and the Municipal Code provides an enforceable mechanism for requiring corrective TDM measures if the required trip reduction is not achieved.

I1-8 The comment states that the proposed frontage sidewalk improvements would not eliminate all existing sidewalk gaps along O'Brien Drive and Adams Drive. The comment requests that the Final EIR identify a mechanism, beyond the Transportation Impact Fee, for the Project to contribute to closing the remaining sidewalk gaps in the vicinity of the Project site.

As stated in Response to Comment I1-4, the City's planned sidewalk network is identified in the City's Sidewalk Master Plan, which is a component of the City's TMP. As noted in Response to Comment I1-6, the City's TMP was updated after adoption of the ConnectMenlo General Plan and M-2 Area Zoning Update and therefore reflects the need for pedestrian facilities resulting from the anticipated level of redevelopment in the Bayfront Area, including the LS zone. Thus, the City has evaluated potential pedestrian safety impacts in the Project vicinity and identified measures to address these concerns. The City's Municipal Code requires development and redevelopment projects to construct street frontage improvements based on the City's TMP and standard Conditions of Approval. Thus, future projects along O'Brien Drive and Adams Drive will fill sidewalk gaps that remain after implementation of the Proposed Project.

As noted in Response to Comment I1-5, TMP Project 32 calls for installing sidewalk on both sides of O'Brien Drive. Further, the TMP identifies that sidewalk installation would be completed in phases, as the properties on O'Brien Drive are redeveloped. By including construction of a sidewalk along the Project site's frontage on O'Brien Drive, the Project is consistent with the TMP and the City's standard requirements for projects to improve transportation facilities only along a project site's frontage. The sidewalk constructed by the Project would connect to the existing sidewalk on the segment of O'Brien Drive between the Project site and Kelly Court. A sidewalk gap would remain between the Project site and Willow Road, however, the property between the Project site and Willow Road is occupied by a church that has one service on Sunday mornings and one on Wednesday evenings. The O'Brien Drive frontage of that property is paved and used for drop-off and pick-up. Thus, pedestrians traveling from the Project site to Willow Road would have a safe place to walk. The sidewalk constructed along the Project site frontage would serve pedestrians crossing the O'Brien Drive/Willow Road intersection as well as people accessing the Project site from the M4 Willow Road Shuttle, which stops along O'Brien Drive at Willow Road and Kelly Court. Based on pedestrian counts collected at the intersection of Willow Road/O'Brien Drive, there were 11 pedestrians in the AM peak hour and 8 in the PM peak hour on O'Brien Drive, crossing Willow Road (Appendix M1).

At the intersection of O'Brien Drive/Kavanaugh Drive, there were zero pedestrians counted in both peak hours on O'Brien Drive crossing Kavanaugh Drive. At the intersection of University Avenue/Adams Drive, there were zero pedestrians in the AM peak hour and 1 pedestrian in the PM peak hour on Adams Drive, crossing University Avenue (Appendix M1). Adams Drive is approximately 0.5 miles from the Project site. At this distance, and based on the pedestrian counts collected at the study intersections of O'Brien Drive/Kavanaugh Drive and University Avenue/Adams Drive, the Project would not generate substantial levels of pedestrian activity on Adams Drive and thus there is no nexus for requiring the Project to construct pedestrian improvements in the Adams Drive vicinity.

I1-9 The comment expresses concern that construction activities could disrupt pedestrian and bicycle access during the two phases of Project construction, noting that the Project area carries school-related pedestrian and bicycle traffic and is served by the M4 Willow Road Shuttle. The comment suggests that the pedestrian and bicycle facilities constructed in Phase 1 of the Project could be closed or otherwise unusable during construction of Phase 2 of the Project. The comment requests that the Final EIR include an enforceable mitigation measure stipulating that the Project's Construction Traffic Management Plan require that continuous pedestrian and bicycle access along the Project frontage be maintained during construction of both Project phases, protected ADA compliant pedestrian access be provided along the Project site frontage on Willow Road during temporary closures (as opposed to closing the sidewalk and directing pedestrians to cross to the other side of Willow Road), and City review and approval of the Construction Traffic Management Plan prior to construction.

As stated on Draft EIR page 4.6-32, an encroachment permit would be required for any work within the City's right-of-way during Project construction under Menlo Park Municipal Code Section 13.18.020. This would include construction along the Project site frontage and driveways on O'Brien Drive. Willow Road is a Caltrans facility. Similarly, any construction within Caltrans' right-of-way would require issuance of an encroachment permit from Caltrans. However, no improvements to the existing sidewalk on Willow Road are anticipated during construction of Phase 2 of this Project. The City's standard Conditions of Approval for encroachment permits include requiring the Project applicant to prepare and implement a Traffic Control Plan that demonstrates how bicycle and pedestrian access will be

maintained (Condition 3) and ensures compliance with Caltrans standards for traffic control (Condition 8) (Menlo Park 2026). Prior to issuance of grading or building permits that require work within the City's or Caltrans' right-of-way, the need for an encroachment permit would be identified and the City would ensure that all standard and project-specific Conditions of Approval for an encroachment permit are met.

With respect to construction of Phase 1, there are no existing pedestrian or bicycle facilities along the Project site frontage on O'Brien Drive. However, prior to issuance of an encroachment permit, the City would ensure that the Project's Traffic Control Plan includes provisions for bicycle and pedestrian access along the Project frontage in accordance with standard Condition 3. This could be accomplished by temporarily closing or narrowing the vehicle lane on the Project side of O'Brien Drive or by identifying a temporary access route within the Project site.

No construction activities would occur along the Project site's frontage on O'Brien Drive during construction of Phase 2. As stated on Draft EIR page 3-7, construction staging for Phase 2 would occur within the Project site, including on the fifth floor of the parking garage, which would be constructed during Phase 1. Construction traffic may use the Project site driveway on O'Brien Drive but would not require closure of the sidewalk constructed in Phase 1.

Modifications to the existing sidewalk along Willow Road are not expected during construction of Phase 2. However, should construction within the Project site require temporary closure of the sidewalk or any activity within Caltrans' right-of-way, the Project applicant would be required to prepare a Transportation Management Plan, obtain an encroachment permit from Caltrans, and comply with all provisions of the encroachment permit. Provision 34 Caltrans' general provisions for encroachment permits requires work in the State highway right-of-way to comply with the Americans with Disabilities Act (Caltrans 2023). Provision 34 also requires that all construction and design comply with Caltrans' Bulletin 82, "Pedestrian Accessibility Guidelines for Highway Projects" and Standard Plans & Specifications on "Temporary Pedestrian Access Routes. Caltrans is unlikely to allow temporary closure or narrowing of the vehicle lane on Willow Road, thus provision of an ADA-accessible path of travel could be accomplished by identifying a temporary access route within the Project site.

I1-10 The comment identifies a discrepancy between the April 8, 2026, Complete Streets Commission staff report, which indicates that the Project would provide 20 short-term bicycle parking spaces, and the Project data sheet, which indicates that the Municipal Code requires 9 short-term bicycle parking spaces and the Project proposes to provide 10 short-term bicycle parking spaces. The comment requests that the Final EIR reconcile the discrepancy. The comment also states that the Project should provide more than 10 short-term bicycle parking spaces to better serve the proposed publicly accessible open space, sport courts, plaza, and other visitor-serving amenities.

Menlo Park Municipal Code Section 16.44.080 requires one bicycle parking space per 5,000 square feet of gross floor area for office and research and development land uses, with 80% provided as long-term spaces and 20% provided as short-term spaces. Draft EIR Section 4.6 and Sheet A13.4 of the Project site plans (Appendix H) identify that the City's parking standards require that this Project provide 9 short-term and 46 long-term bicycle parking spaces while the Project proposes to provide 20 short-term and 48 long-term bicycle parking spaces, for a total of 68 proposed bicycle parking spaces compared to 55 required spaces. The Project therefore exceeds the City's minimum bicycle parking requirements, including the short-term bicycle parking requirement. The Project would also provide

showers, lockers, and changing rooms for cyclists as a TDM measure to support bicycle commuting. Thus, the Project proposes to provide more than 10 short-term bicycle parking spaces, as recommended by this comment.

I1-11 The comment expresses support for the Draft EIR's conclusion that most proposed LOS improvement measures are infeasible because they would adversely affect pedestrian and bicycle travel. The comment also recommends that the Project's TIF contribution be programmed toward specific corridor improvements on a defined timeline.

As indicated in Table 4.6-11, Summary of Recommended Improvement Measures in Draft EIR Section 4.6, several LOS improvement measures were deemed infeasible by the City due to physical right-of-way constraints and, impacts to bicyclists and bicycle travel, The Project's TIF fee contribution would be applied towards programmed improvements in the City's Transportation Master Plan, some of which are listed and described in Draft EIR Table 4.6-1. The City ultimately determines the prioritization and schedule of these improvements through its five-year Capital Improvement Plan process.

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Comment Letter I2

Christopher R. Turner

From: Meredith Bergin Bailey <meredithbergin@gmail.com>
Sent: Wednesday, April 15, 2026 8:53 PM
To: Christopher R. Turner
Subject: crturner@menlopark.gov

Hi Chris,
I'd like the following to be public comment for the O'Brien + Willow Project:

1) Please ensure that TIF is used near the site of the project and not in other parts of the city. I2-1
2) Please build class IV separated bikes lanes along the project. I recognize that these lanes will not go the full length of either street, but protection makes a HUGE different for cyclists, and even that portion might encourage some folks. I2-2

Overall, please use this opportunity to make the streets impacted as 'complete' as possible: comfortable and safe for cars, bikes, and walkers. I2-3

Thanks so much!
-Meredith Bergin Bailey
Private Citizen

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Response to Comment Letter I2

Meredith Bergin Bailey
4/15/2026

I2-1 The comment requests that the Project's Transportation Impact Fee be used for transportation improvements in the vicinity of the Project site rather than in other parts of the City.

As discussed in Response to Comment I1-11, funds collected through the City's Transportation Impact Fee are applied towards programmed improvements in the City's Transportation Master Plan (TMP), some of which are listed and described in Draft EIR Table 4.6-1. The City ultimately determines the prioritization and schedule of these improvements through its five-year Capital Improvement Plan process.

I2-2 The comment recommends that the Project include Class IV separated bicycle lanes along the Project frontage to improve bicyclist safety and encourage bicycle use.

As discussed in Responses to Comments A2-5, A2-6, and I1-4, TMP Project 37 calls for installation of a Class IV bikeway on Willow Road, including along the Project site's frontage on Willow Road, and the Project would not interfere with implementation of this measure.

As discussed in Response to Comment I1-6, the City's TMP was updated after adoption of the ConnectMenlo General Plan and M-2 Area Zoning Update and therefore reflects the need for bicycle facilities based on the anticipated level of redevelopment in the Bayfront Area, including the Life Sciences zone. TMP Project 32 calls for installing sidewalk and establishing Class II bicycle lanes on both sides of O'Brien Drive. Thus, unlike Willow Road, the TMP does not identify the need for a Class IV bikeway along the Project site's frontage on O'Brien Drive to support bicycle use.

I2-3 The comment recommends that the Project incorporate Complete Streets improvements that provide safe and comfortable accommodations for motorists, bicyclists, and pedestrians.

The Project would install pedestrian and bicycle improvements along the Project site's frontages on O'Brien Drive and Willow Road consistent with the City's TMP. The City's TMP identifies Complete Streets improvements.

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Comment Letter I3

Christopher R. Turner

From: Eduardo Lopez Hernandez <elhernandez3@hotmail.com>
Sent: Thursday, April 30, 2026 9:00 PM
To: _CCIN; Christopher R. Turner
Cc: Meredith Rohr; Areli Hernandez; Alberto Tinajero; Alberto Tinajero; glafiragarcia@outlook.com; arlene lopez
Subject: Comments on Draft EIR – 1005 O'Brien Drive / 1320 Willow Road Project

Dear Planning Commission and City Council,

I am submitting comments on the Draft Environmental Impact Report (DEIR) for the 1005 O'Brien / 1320 Willow project. My primary concern is that the DEIR does not adequately analyze or mitigate impacts on Belle Haven, a community already experiencing elevated pollution burdens and cumulative environmental stressors. I3-1

Traffic and Neighborhood Impacts
The DEIR does not clearly evaluate the risk of cut-through traffic and spillover parking into Belle Haven. Given existing congestion on Willow Road and Highway 101, diversion into residential streets is foreseeable. I3-2

- Where is cut-through traffic in Belle Haven analyzed, and what evidence supports the conclusions?
- What enforceable measures will prevent diversion and parking spillover?
- Will the City commit to a traffic and parking enforcement plan in Belle Haven, and how will it be funded and monitored?

Air Quality, Health Risk, and Environmental Justice The DEIR does not appear to adequately address cumulative pollution exposure or disproportionate health risks. I3-3

- What are the existing baseline pollution levels (PM2.5, diesel particulate matter), and how are they incorporated into the analysis?
- Was a Health Risk Assessment conducted that accounts for existing background exposure, and what are the resulting cancer risk estimates?
- If the area is already overburdened, what evidence supports a conclusion of less-than-significant cumulative impact?
- How does the project comply with the City's Environmental Justice Element, specifically regarding disproportionate impacts on nearby communities? I3-4

Transportation and Project Design

- What trip generation assumptions were used for life sciences uses, and how do they differ from standard office assumptions? I3-5
- How does the DEIR justify the proposed parking supply, and has induced demand been evaluated? I3-6
- What TDM measures are enforceable, and what corrective actions are triggered if performance targets are not met? I3-7

Tribal Cultural Resources
The DEIR does not clearly disclose the extent of tribal consultation or the identification and protection of tribal cultural resources. I3-8

- Which tribes were consulted under AB 52, and did any request formal consultation?
- What specific measures, including tribal monitoring, are required during ground-disturbing activities?
- What authority exists to halt construction if resources or human remains are encountered, and how will this be enforced?

Mitigation and Accountability I3-9

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- Which impacts remain significant and unavoidable, and where are they clearly disclosed?
- What monitoring, reporting, and enforcement mechanisms will ensure mitigation measures are effective over time?

I3-9 Cont.
I3-10

Given the existing environmental conditions in Belle Haven, the DEIR should include a more robust cumulative impact analysis, enforceable mitigation measures, and a clear plan to prevent additional burdens on nearby residents.

I3-11

Thank you for your consideration.

Sincerely,

Eduardo L. Hernandez
District 1 Resident

Response to Comment Letter I3

Eduardo Lopez Hernandez
4/30/2026

I3-1 The comment states that the Draft EIR does not adequately analyze or mitigate the Project's impacts on the Belle Haven neighborhood, noting that the community experiences elevated pollution burdens and cumulative environmental stressors.

The comment serves as an introduction to the subsequent comments. Responses to Comments I3-2 through I3-6 address these issues in detail.

I3-2 The comment states that the Draft EIR does not adequately evaluate the potential for cut-through traffic and spillover parking in the Belle Haven neighborhood, asserting that diversion into residential streets is foreseeable due to existing congestion on Willow Road and US Highway 101. The comment requests additional analysis of these potential impacts and asks that the City commit to traffic and parking enforcement measures.

The possibility for cut-through traffic is not considered an environmental effect under CEQA unless it would be so great that it could lead to significant safety impacts or other environmental effects. The Transportation Impact Analysis (Appendix M1) evaluated the Project's potential impacts on local roadways based on likely travel routes for Project-generated traffic. The comment does not provide evidence that a substantial amount of cut-through traffic within the Belle Haven neighborhood is likely to occur. Substantial cut-through traffic through the Belle Haven neighborhood that might cause significant safety or other effects is unlikely to occur since there are no other direct routes through the neighborhood between US-101 and Bayfront Expressway towards the Dumbarton Bridge. Furthermore, based on the level of service (LOS) summary Tables 4.6-9 (Near-Term) and 4.6-10 (Cumulative) in the Draft EIR, increases in average intersection delays along Willow Road, adjacent to the Belle Haven neighborhood (from Newbridge Street to Hamilton Avenue), attributed to Project traffic range from 0.2 seconds to 4.4 seconds in the AM peak hour; and, 3.2 seconds to 47.7 seconds in the PM peak hour. Traffic signal cycle lengths along Willow Road can vary between 145 seconds and 160 seconds. Since the increases in delay at each intersection that the Project would cause are less than the traffic signal cycle lengths along Willow Road, it is unlikely that vehicles on Willow Road would divert into the Belle Haven neighborhood to find a faster travel route.

The availability of parking and potential for spillover parking is not considered an environmental effect under CEQA unless unmet parking demand would be so great that it could lead to environmental effects such as significantly increased air pollution or safety hazards. The Project proposes on-site parking that meets the City's parking standards for development within the Life Sciences (LS) zone, which were developed based on the anticipated parking demand for land uses permitted within this zone. As discussed on Draft EIR page 4.6-46 and shown in Table 4.6-12, Municipal Code Section 16.44.080 allows a minimum of 1.5 parking spaces and a maximum of 2.5 parking spaces per 1,000 square feet of light industrial or R&D building space. The Proposed Project includes 228,198 square feet of building space, which would require 342 parking spaces at the minimum standard of 1.5 parking spaces per 1,000 square feet of building space. The Project proposes to provide a total of 520 parking spaces (approximately 2.3 spaces per 1,000 square feet). By providing parking near the upper limit of the allowable range established by the Municipal Code, the Project is not expected to result in unmet

parking demand or spillover parking in the Project vicinity, including within the Belle Haven neighborhood.

I3-3 The comment states that the Draft EIR does not adequately evaluate cumulative pollution exposure or disproportionate health risks in the Belle Haven neighborhood. The comment requests additional information regarding baseline air pollution levels, the Health Risk Assessment (HRA), cancer risk estimates, and the basis for the Draft EIR's cumulative impact conclusions, including consideration of existing sources of air pollution affecting the surrounding community.

Draft EIR Section 4.1, Air Quality, evaluates both construction and operational air quality impacts. The project-specific HRA evaluates construction related toxic air contaminant emissions for the nearest residences, which are located approximately 290 feet west and 305 feet south of the Project site, and the Mid-Peninsula High School campus (referred to as the maximally exposed receptors) (Draft EIR page 4.1-8). The residences located approximately 290 feet west of the Project site are within the Belle Haven neighborhood. Thus, the EIR directly considers the Project's influence on the cancer risk and chronic hazard index for people in the Belle Haven neighborhood. Table 4.1-3 provides the local ambient air quality data most representative of the Project site.

As shown in Draft EIR Tables 4.1-9 and 4.1-10, the unmitigated cancer risk during Project construction at the maximally exposed receptor would be 15.84 in one million, which would exceed the 10 in one million threshold. With implementation of MM 4.1b, which requires the use of Tier 4 Final engines, the cancer risk would be reduced to 2.72 in one million, below the applicable threshold. The HRA also found that the chronic hazard index and $PM_{2.5}$ concentrations would remain below their respective thresholds. The cumulative health risk analysis in Section 4.1 evaluates existing permitted stationary sources, major roadways, the railroad, and other construction activities within 1,000 feet of the Project site (Draft EIR Table 4.1-11). The cumulative analysis found a cancer risk of approximately 26.06 in one million, a chronic hazard index of 0.022, and a $PM_{2.5}$ concentration of 0.29 micrograms per cubic meter, all below the applicable cumulative thresholds of 100 in one million, 10, and 0.8 micrograms per cubic meter, respectively.

The cumulative analysis also considers the ConnectMenlo General Plan and M-2 Area Zoning Update (ConnectMenlo) EIR and explains that other projects subject to the applicable ConnectMenlo requirements would be required under ConnectMenlo EIR MM AQ-3a to address potential construction health risks through project specific HRAs and mitigation. With implementation of Mitigation Measure (MM) MM 4.1a and MM 4.1b, the Project would have a less than cumulatively considerable contribution to the significant cumulative construction air quality impact identified in the ConnectMenlo EIR. The HRA evaluates Project construction only because the Project does not meet the criteria established in ConnectMenlo EIR MM AQ-3a for requiring an operational HRA. Thus, the Project would only have the potential to make a cumulatively considerable contribution to local air quality related health effects for the approximately 3 years in which construction would occur, and as noted above, the construction HRA found that the Project's impacts would be less than significant at the Project-specific level and less than cumulatively considerable.

The HRA's cumulative analysis is based on the Bay Area Air District methodology for evaluating health risks from sources within 1,000 feet of a project site and is not a neighborhood specific analysis of Belle Haven but given the Project site's proximity to the Belle Haven neighborhood, the HRA directly considers impacts to Belle Haven residents nearest the Project site and, as noted above, considers

other pollution sources that affect the Belle Haven neighborhood. The Bay Area Air District is the leading authority on air quality-related health effects in the Project area. Accordingly, the Draft EIR evaluates exposure to sensitive receptors in the Project vicinity using the applicable health risk methodology rather than evaluating Belle Haven as a separate geographic area. The operational analysis separately concludes that Project operational criteria pollutant emissions would remain below applicable thresholds and that the Project would make a less than cumulatively considerable contribution to long term operational air quality impacts.

I3-4 The comment questions the Project's compliance with the City's Environmental Justice Element, particularly with respect to potential disproportionate impacts on nearby communities.

CEQA does not specifically require analysis of a project's compliance with a General Plan's Environmental Justice element or the general topic of environmental justice. Menlo Park's Environmental Justice element identifies three priorities related to the availability and quality of housing and food and improving air quality. It also identifies seven goals, which are related to health risks, air quality, access to public facilities and high-quality and affordable food, opportunities for physical activity and active transportation, and opportunities for civic engagement.

CEQA does require analysis of some of the Environmental Justice element topics, including health risks related to air quality, noise, and hazardous materials; public services; and non-vehicle transportation modes. The Project's effects related to public services are addressed in the Initial Study (Appendix G2) prepared to support this EIR, and the Project's effects related to air quality, noise, hazardous materials, and non-vehicle transportation modes are addressed in the Draft EIR. The analysis finds that impacts in all of these areas would be less than significant or less than significant with implementation of MMs. Thus, the Project would not conflict with or impede attainment of the City's Environmental Justice element.

I3-5 The comment questions the trip generation assumptions used to evaluate the proposed life sciences R&D uses and requests clarification regarding how those assumptions differ from standard office uses.

Draft EIR Section 4.6, Transportation, describes the trip generation methodology used to evaluate the Proposed Project. As described in Table 4.6-2, the transportation analysis used trip generation rates for an R&D Center from the *Institute of Transportation Engineers (ITE) Trip Generation Manual, 11th Edition*, to evaluate the proposed R&D uses. The Trip Generation Manual is an industry-standard source for trip generation rates. An R&D Center is expected to generate 11.08 daily vehicle trips for every 1,000 square feet of building space. In comparison, office land uses are expected to generate 10.84 daily vehicle trips for every 1,000 square feet of building space.

Per the ITE Trip Generation Manual: "*A research and development (R&D) center is a facility or group of facilities devoted almost exclusively to research and development activities. The range of specific types of businesses contained in this land use category varies significantly. Research and development centers may contain offices and light fabrication areas…A general office building is a location where affairs of businesses, commercial or industrial organizations, or professional persons or firms are conducted. An office building houses multiple tenants that can include, as examples, professional services, insurance companies, investment brokers, a banking institution, a restaurant, or other service retailers.*" The Proposed Project is an R&D use and is consistent with the LS zoning designation

for the Project site. Therefore, the ITE's trip generation rates for an R&D center were appropriately used for this Project.

Finally, the difference between the R&D Center and office trip standards is minor: approximately 2,528 R&D trips versus 2,474 office trips for the 228,198 square foot Project – a difference of only 54 daily trips. The analysis in Section 4.6 relies on the higher of the two ITE trip generation rates and therefore provides a conservative analysis of the Project's potential trip generation and vehicle miles traveled (VMT).

I3-6 The comment questions how the proposed parking supply was determined and whether the Draft EIR evaluated the potential for induced demand.

As discussed in Response to Comment I3-2, the Draft EIR identifies that the Project would provide approximately 2.3 parking spaces per 1,000 square feet of building area, which is near the upper limit of the range permitted by the City's Municipal Code (Draft EIR page 4.6-46 and Table 4.6-12). In addition, Draft EIR Chapter 7, Alternatives, considers a reduced parking alternative and concludes that reducing the parking supply would not further reduce VMT beyond the reductions achieved through the Project's required Transportation Demand Management (TDM) Plan. The analysis explains that the proposed TDM Plan is expected to reduce Project vehicle trips by 36% and that reducing parking could instead result in spillover parking on adjacent streets without further reducing vehicle trips. Therefore, the Draft EIR concludes that a reduced parking alternative would not provide additional environmental benefits. The Project proposes more parking than the minimum required by Code, so the additional parking supply can accommodate any parking demand the Project may induce (e.g., public use of the open space facilities).

I3-7 The comment asks which TDM measures are enforceable and what corrective actions would be required if the Project fails to achieve its required trip reduction targets.

As discussed in Responses to Comments O1-9, O1-10, and I1-7, the Project is subject to Municipal Code Section 16.44.090, the City/County Association of Governments of San Mateo County (C/CAG) TDM Policy, and the City's TDM Program Guidelines. The proposed TDM Plan meets the requirements of Municipal Code Section 16.44.090 by requiring annual commute surveys, driveway counts, and reporting to the City to demonstrate that the required trip reduction has been achieved and additional or substitute TDM measures if the required reduction is not achieved. The EIR identifies the standard that must be achieved under TDM Plan and that the Municipal Code provides an enforceable mechanism for requiring corrective TDM measures if the required trip reduction is not achieved.

I3-8 The comment states that the Draft EIR does not clearly describe the City's tribal consultation process for this Project or the identification and protection of tribal cultural resources. The comment requests additional information regarding AB 52 consultation, tribal monitoring during ground disturbing activities, and the procedures that would be followed if tribal cultural resources or human remains are encountered during construction.

Draft EIR Section 4.7, Tribal Cultural Resources, describes the City's AB 52 notification and consultation process. The City provided formal notification to the tribes on the applicable tribal contact list provided by the Native American Heritage Commission list, and the Tamien Nation was the only tribe to request consultation. The City and Tamien Nation conducted consultation from July 2023 through March 2025,

including meetings regarding the Tribal Cultural Resources EIR impact analysis and mitigation measures. The Tamien Nation did not identify any known tribal cultural resources within the Project site.

The Draft EIR requires implementation of MM CR-2b, MM CR-3, MM CULT-A, and MM CULT-B. MM CULT-B requires a qualified professional archaeologist to monitor Project related earth-disturbing activities, as determined necessary by the archaeologist, and requires the Project sponsor to notify tribes that requested consultation and offer them the opportunity to designate a tribal monitor for specified ground-disturbing activities. MM CULT-A also requires environmental training for construction workers regarding tribal cultural resource identification and protection. Implementation of these MMs would ensure that any tribal cultural resources within the Project site that are encountered during construction would be identified and evaluated, and appropriate treatment measures for such resources would be undertaken

Specifically, if pre-contact or historic-era archaeological resources are encountered, MM CR-2b requires the Project applicant to halt construction activities within 100 feet, notify the City, and have the findings evaluated by a qualified archaeologist and tribal monitor, if designated. Work within 100 feet would remain stopped until the resource is determined not to be an archaeological resource or appropriate treatment has been implemented. If human remains are encountered, MM CR-3 requires all work in the immediate vicinity to cease and requires immediate notification of the San Mateo County Coroner, with additional procedures for Native American remains involving the NAHC and Most Likely Descendant. These mitigation measures provide enforceable procedures for protecting previously unidentified tribal cultural resources and human remains during construction.

I3-9 The comment requests clarification regarding which Project impacts remain significant and unavoidable.

The Draft EIR identifies that the Project would have significant and unavoidable impacts related to greenhouse gas emissions. This is identified in the Executive Summary (Draft EIR pages 1-32 and 1-33), Section 4.2, Greenhouse Gas Emissions (Draft EIR pages 4.2-47, 4.2-52, and 4.2-53), and Chapter 6, Other CEQA Considerations (Draft EIR page 6-9). The Alternatives chapter also identifies that the Proposed Project and each of the alternatives would result in significant and unavoidable greenhouse gas impacts (Draft EIR pages 7-29 and 7-30).

I3-10 The comment asks how mitigation measures would be monitored, reported, and enforced over time to ensure they are effective.

If the EIR is certified and the Project is approved, the City must adopt a Mitigation Monitoring and Reporting Program (MMRP) pursuant to Public Resources Code Section 21081.6 to ensure all mitigation measures are implemented correctly and effectively and appropriate monitoring and reporting of mitigation implementation occurs. Chapter 5 of this Final EIR contains the proposed MMRP for the Project. The MMRP identifies each mitigation measure, the timing for implementation, the responsible party, and the party responsible for monitoring compliance (generally City staff). These procedures provide the framework for the City to monitor, verify and enforce implementation of the adopted mitigation measures throughout Project construction and operation, as applicable.

I3-11 The comment concludes that the Draft EIR should include a more robust cumulative impact analysis, additional enforceable mitigation measures, and a clear plan to avoid placing additional burdens on nearby Belle Haven residents.

The comment summarizes the concerns expressed throughout the letter and recommends additional cumulative impact analysis, mitigation measures, and planning to reduce potential impacts on nearby residents. Responses to Comments I3-2 through I3-10 address these issues in detail.

Comment Letter I4

Christopher R. Turner

From: M HP <meekerlibra35@gmail.com>
Sent: Monday, May 18, 2026 7:01 PM
To: Christopher R. Turner
Subject: 1005 O'Brien Drive and 1320 Willow Road Project Draft EIR Public Comment

Appreciate the current design closing the entry from Willow Road to this development. This will bring significantly more traffic to the O'Brien area, affecting residents on Kavanaugh in East Palo Alto and impacting traffic for those in Belle Haven, especially at the end of the day when residents try to get home via Ivy Dr or Hamilton. The treescape is also being significantly changed. I just want to ensure the mitigations for these issues are sincerely considered. I4-1 I4-2

Thanks!

Miyko Harris-Parker

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Response to Comment Letter I4

Miyko Harris-Parker
5/18/2026

I4-1 The comment expresses support for closing the existing driveway connection to Willow Road but states that doing so would increase traffic on O'Brien Drive and affect nearby neighborhoods in East Palo Alto and Belle Haven, specifically mentioning traffic volumes on Ivy Drive and Hamilton Avenue.

The comment appears to assume that the Proposed Project would eliminate vehicular access to the Project site from Willow Road. However, as shown on the Project construction plans (Draft EIR Figures 3-3 and 3-5), the Project proposes three vehicular access points: one driveway from Willow Road and two driveways from O'Brien Drive. Accordingly, Project traffic would continue to access the site from both roadways. The analysis in Draft EIR Section 4.6, Transportation, evaluates Project traffic using the proposed site access configuration shown on the Project site plans (Appendix H). As discussed in Response to Comment A2-4, a project's contribution to roadway and intersection congestion is not considered an environmental effect under the California Environmental Quality Act, However, the Project's Transportation Impact Analysis (TIA) includes consideration of roadway and intersection Levels of Service (LOS) to evaluate the Project's consistency with the City's related policies and standards and the intersection LOS analysis is presented in Draft EIR Section 4.6 for informational purposes, As shown in Draft EIR Figure 4.6-4, in the Near-Term conditions, the Project is expected to contribute a maximum of 54 peak hour vehicle trips to the Willow Road/Hamilton Avenue intersection and increase delay at that intersection by a maximum of 5.2 seconds, and is expected to contribute a maximum of 58 peak hour vehicle trips to the Willow Road/Ivy Drive intersection and increase delay at that intersection by a maximum of 6.3 seconds,. As discussed in Response to Comment I3-2, cut-through traffic through the Belle Haven neighborhood is unlikely to occur because the increases in delay at each intersection that the Project would cause are less than the traffic signal cycle lengths along Willow Road.

I4-2 The comment expresses concern regarding changes to the existing tree canopy and requests that the proposed mitigation measures for traffic and tree impacts be carefully implemented.

The TIA and Draft EIR demonstrate that the Project would not have any significant impacts related to transportation, thus no mitigation measures are required. As discussed in Response to Comment O9-1, the Project would be required by City and County/CAG policy to implement a Transportation Demand Management (TDM) Plan. The Project's proposed TDM Plan, which is provided in Appendix M2, includes monitoring and annual reporting requirements to demonstrate that the required trip reduction is achieved and requires implementation of substitute measures if the required reduction is not achieved. Because implementation of a TDM Plan is a mandatory requirement of Municipal Code Section 16.44.090, it is incorporated into the Project and is not a mitigation measure adopted to reduce a significant impact.

As discussed in Response to Comment O1-14, the Draft EIR evaluates the Project's effects on trees and identifies the applicable tree protection, replacement, and landscaping requirements. The Project would result in the removal of 13 trees, 10 of which are considered heritage trees under Municipal Code Chapter 13.24. The Project would plant a total of 145 trees throughout the site (Appendix G2 Initial Study page 44 and Draft EIR page 3-9).

The Project would be required to comply with the City's Heritage Tree Ordinance (Menlo Park Municipal Code Chapter 13.24), including obtaining permits for removal of heritage trees and complying with applicable tree replacement requirements. The Ordinance is intended to promote preservation and development of a healthy, diverse tree canopy in Menlo Park. In addition, the Life Sciences district development standards require surface parking lots to be screened with landscaping, including a 20-foot-deep landscaped area along sidewalks, with trees planted at a ratio of one tree per 400 square feet of required setback area. Surface parking lots are also required to include at least one 24-inch-box tree for every eight parking spaces. The Project's proposed landscaping and tree planting would be subject to review for compliance with these requirements through the City's permitting and architectural control processes. The Draft EIR adequately evaluates the Project's tree-related effects and identifies the applicable regulatory requirements. Because the Project is required to meet the Municipal Code requirements regarding tree planting, the Initial Study concluded that impacts related to removal of trees, including Heritage Trees, from the site would not result in a significant impact and no mitigation measures are required (Appendix G2). No revisions to the Draft EIR are required.

Comment Letter I5

Christopher R. Turner

From: Naomi Goodman <nl2goodman@gmail.com>
Sent: Monday, May 18, 2026 8:54 AM
To: Christopher R. Turner
Cc: _Planning Commission
Subject: Comment on Draft EIR for 1005 O'Brien and 1320 Willow Road project
Attachments: Goodman comment on 1005 O'Brien and 1320 Willow Rd DEIR.pdf

Mr Turner,

Please accept these comments for consideration by the Planning Commission at the May 18 meeting. I5-1

Naomi Goodman
Menlo Park

May 18, 2026

Chris Turner, Senior Planner,
Community Development
701 Laurel St., Menlo Park, CA 94025
Via email <CRTurner@menlopark.gov>
Via email<Planning.commission@menlopark.gov>

Re: Comments on Draft EIR for 1005 O'Brien Drive and 1320 Willow Road Project

I am writing as a concerned resident of Menlo Park and as an environmental scientist with a background in human health risk assessment. While the Draft Environmental Impact Report (DEIR) has addressed some of the concerns expressed by commenters on the Notice of Preparation, there are several areas where the project has the potential to result in negative environmental impacts that are not addressed in the DEIR. More information is needed on the analyses that resulted in the conclusion of no significant impact. In addition, there are concerns that lie outside of the scope of CEQA, but that are essential for the Planning Commission to take into consideration before recommending approval of this project. I5-2

1. **Life Sciences Health and Safety (Section 4.3)**

The two planned laboratory buildings could host life science research activities that involve work with lethal, airborne and contagious biological organisms (Biosafety Levels 3 or 4). In the event of a natural disaster, equipment failure, bioterrorism, or worker error, releases to the environment could result in disease or death in the community. While these types of releases are extremely rare, the consequences would be extreme. Local and regional emergency response personnel are not trained in responding to such releases. I5-3

The proposed laboratory buildings are located within 100 feet of a school, within 200 to 400 feet of neighborhoods in Belle Haven and East Palo Alto (see Figure 1), and within 1,000 feet of several daycare centers. Menlo Park's plans for the Willow Village development involve conversion of many of the adjacent Life Sciences District buildings into multistory housing. Although that project is now on indefinite hold, the land may still be needed for housing in the future. It is entirely inappropriate to place such housing close to BSL-3/4 research laboratories. I5-4

Impacts of future uses of a project building on public health are not within the scope of a CEQA EIR, but should be foremost in the minds of the Planning Commission. In the recent approval of the Parkline development at the SRI campus, the City Council prohibited future use of the laboratory buildings for BSL3/4 research and required the existing BSL-3 laboratories to be decommissioned before any housing was occupied. Menlo Park should provide equal protection to the vulnerable communities of Belle Haven and East Palo Alto by prohibiting future use of the buildings for BSL-3/4 activities. I5-5



Figure 1: Lab buildings distance to nearest residents and sensitive populations

I5-4 Cont.

2. Other Environmental Concerns

- **Noise**: The EIR should more fully address potential noise impacts on nearby residential communities. Delivery operations should be limited to daytime hours to minimize disruption, given the close proximity of family homes. Equipment noise should be monitored and subject to enforceable limits to ensure compatibility with surrounding residential neighborhoods.

I5-6

- **Bird-Safe Design**: The EIR should present a detailed justification for the use of "blue and tinted glass windows, with ceramic designs" as a deterrent to bird collisions. The only details on this approach are in the building plans (November 2025, page 37), and rely on the vendor's claims of efficacy. Given the large extent of reflective surfaces and other building features that are known hazards to birds, the EIR needs to present detailed calculations of the reduction in collision hazard and whether the proposed materials have been certified as effective by a standard-setting organization.

I5-7

- **Artificial Light at Night (ALAN)**: Although outdoor lighting fixtures are proposed to be directed downward, the lighting standards cited may still result in excessive illumination, especially with 24/7 lab operations, resulting in potential impacts on wildlife and on nearby residents. The EIR should select and evaluate lighting systems compatible with Dark Skies standards.

I5-8

3. Jobs/Housing Imbalance (Appendix L)

The Housing Needs Assessment, prepared pursuant to a settlement agreement between Menlo Park and East Palo Alto, concludes that the project would add approximately 489 employees, with 67% earning above-average incomes. Despite this, the DEIR concludes that impacts on jobs-housing balance and displacement would not be significant. This conclusion is problematic.

- The analysis does not account for **cumulative impacts** from other planned or pending developments in the area.
- The determination that no displacement mitigation is required because "no housing would be permanently removed" ignores **indirect displacement pressures**, including rising rents and housing demand driven by new high-income workers.

I5-9

A more realistic assessment of regional housing pressures and cumulative impacts is needed, along with consideration of appropriate mitigation measures.

Sincerely,



Naomi Goodman
Menlo Park

Response to Comment Letter I5

Naomi Goodman
5/18/2026

I5-1 The comment transmits the attached comment letter for consideration by the Planning Commission.

The comment does not address the adequacy of the information or analysis provided in the Draft EIR or the Project's environmental effects and no response or revision to the Draft EIR is required.

I5-2 The comment states that, although the Draft EIR addresses some concerns raised in response to the Notice of Preparation for this EIR, additional information is needed regarding the analyses supporting the Draft EIR's conclusions. The comment also states that the letter includes concerns both within and outside the scope of CEQA and introduces the topics discussed in the remainder of the letter.

The comment serves as an introduction to the subsequent comments and identifies the primary topics addressed in the remainder of the letter. Responses to Comments I5-3 through I5-9 address these issues in detail.

I5-3 The comment states that the proposed laboratory buildings could accommodate Biosafety Level (BSL) 3 or BSL-4 research involving hazardous biological agents. The comment expresses concern that accidental releases could pose risks to the surrounding community and questions whether local and regional emergency responders are adequately prepared to respond to such an event.

As discussed in Responses to Comments O1-2 and O1-4 and Draft EIR Section 4.3, Hazards and Hazardous Materials, life sciences facilities are regulated under Title 8 of the California Code of Regulations and by industry-standard practice are designed and operated in compliance with the guidelines provided in the Centers for Disease Control and Prevention's Biosafety in Microbiological and Biomedical Laboratories. The standard containment measures used in life sciences facilities, including primary and secondary barriers, prevent worker exposure and escape of biohazards (Appendix N). These design and operational requirements and guidelines would prevent the schools, preschools, and residential neighborhoods in the Project vicinity from being exposed to biohazards. Future laboratory uses would be subject to the City's administrative use permit process regarding hazardous materials (Menlo Park Municipal Code Chapter 16.82). As part of that process, the City would confirm that any proposed laboratories would be consistent with City requirements and within the scope of this EIR. Future laboratory uses may also be subject to San Mateo County's hazardous material business plan and hazardous waste generator permit program, San Mateo County's Medical Waste Management Plan, and/or Cal/OSHA requirements. Under these regulations and programs, future laboratory uses within the Project site may require preparation of facility emergency response plans.

As discussed in Response to Comment O1-4, emergency responders in San Mateo County are trained using an all-hazards emergency response model, in which biological incidents are addressed as well as chemical, radiological, nuclear, and explosives (CBRNE) emergency incidents. Local emergency responders are trained to rapidly identify hazards, establish incident command, secure the area, protect the public, and coordinate the response with appropriate specialized resources, rather than independently managing laboratory biosafety incidents (Appendix N).

The training requirements include at least 24 hours of Hazardous Materials training for fire first responders, at least 2 hours of hazardous materials incident training for ambulance personnel, and training regarding requesting support from additional emergency and technical resources for specialized expertise as needed. In addition, the Belmont-San Carlos Fire Protection District HazMat Team is a countywide hazardous materials response team whose personnel are trained to provide hazardous materials assessment (including biological hazards), containment, decontamination, and coordination with all public health and environmental agencies in the county (Appendix N).

I5-4 The comment states that the proposed laboratory buildings are located near schools, residences, and daycare centers and other housing could be developed nearby. The comment states that BSL-3 and BSL-4 laboratory uses are incompatible with existing and potential future sensitive land uses.

As discussed in Responses to Comments O1-2, O1-4, and I5-3 and Draft EIR Section 4.3, regulatory and permitting requirements and use of industry-standard containment measures for life sciences facilities are specifically designed to prevent the escape of biohazards; further, physical proximity to a facility is not considered a significant risk indicator as biohazards immediately dilute and/or degrade in open or uncontrolled environments. Further, local and regional emergency personnel are trained to identify and respond to releases of hazardous materials (Appendix N). Thus, the Project would not be expected to cause harm to existing or potential future sensitive land uses.

I5-5 The comment states that public health impacts associated with future laboratory uses should be considered by the Planning Commission. The comment notes that the City Council approved revisions to the Parkline project to prohibit new BSL-3 and BSL-4 laboratory space and decommission the existing BSL-3 laboratory. The comment recommends that BSL-3 and BSL-4 laboratory uses be prohibited in the proposed Project.

The City Council's actions on a separate development project do not require changes in the environmental analysis provided in the Draft EIR for the Proposed Project. Draft EIR Section 4.3 evaluates the potential hazards associated with the proposed laboratory uses, including the potential for BSL-3 and BSL-4 research, and identifies mitigation measures and regulatory requirements applicable to such activities. The Draft EIR concludes that, with implementation of the identified mitigation measures and compliance with applicable federal, State, and local regulations, impacts would be less than significant.

As is the case with all laboratory uses in Menlo Park, current City regulations do not prohibit BSL-3 and BSL-4 laboratories. The commenter is accurate that Menlo Park currently does not have BSL-3 labs. Prohibiting BSL-3 or BSL-4 laboratory uses in Menlo Park is a policy decision that is outside the scope of the environmental review for the Proposed Project.

I5-6 The comment states that the Draft EIR should more fully address potential noise impacts on nearby residential communities and recommends limiting deliveries to daytime hours and monitoring equipment noise to ensure compatibility with surrounding land uses.

As discussed in Responses to Comments O1-5 and O1-11, the Draft EIR evaluates potential operational noise impacts during both daytime and nighttime hours. Specifically, under Municipal Code Section 8.06.030, noise from deliveries made during nighttime hours must be no greater than 50 dBA and under Municipal Code Section 16.08.095, rooftop mechanical equipment is required to generate no

more than 50 dB at a distance of 50 feet. The comment does not provide evidence that the Project's equipment operation or nighttime deliveries are likely to generate noise levels that exceed these limits. In the event that objectionable noise levels are experienced, the City would address noise complaints through the City's Code Violation process, which would include noise level measurements and/or monitoring. Therefore, the Draft EIR adequately evaluates operational noise at nearby residential receptors and identifies applicable requirements governing deliveries and mechanical equipment.

I5-7 The comment states that the Draft EIR should provide additional justification for the proposed bird-safe glazing, including information regarding its effectiveness, reduction in bird collision hazards, and certification by an applicable standard-setting organization.

As discussed in Responses to Comments O2-3, O2-5, and O2-6, the Project is required to comply with the City's bird-safe design requirements, and the Project's Biological Resources Assessment (Appendix A1) concludes that compliance with the City's bird-safe design requirements would be sufficient to ensure that impacts related to bird collisions would be less than significant. In addition, as discussed in Response to Comment O2-3, the Project's Biological Resources Assessment found that found that while the potential for bird collisions would increase due to the extent of glazing proposed on the facades of the proposed buildings, the frequency of bird collisions would be relatively low due because the Project site and surrounding areas are primarily developed urban or ruderal habitats that do not support substantial bird activity, low numbers of birds would be expected to approach the project site from more natural habitats 0.5 miles or more to the north and east, and the Project would incorporate bird-safe glazing on the proposed office buildings (Appendix A1).

As discussed further in Response to Comment O2-3, the Initial Study and Draft EIR note that the Project proposes to use "ceramic dot frit spaced at 2x4-inch intervals on most glazing" in compliance with Municipal Code Section 16.44.130, which requires that bird-friendly glazing or surfaces must cover at least 90% of a building's façade surface area and the American Bird Conservancy Products Database includes many products with dot frits in 2x4-inch arrays that have been approved by the American Bird Conservancy for their effectiveness at deterring bird collisions (ABC 2026). The Project's final design details would be subject to City approval to ensure compliance

I5-8 The comment expresses concern that the proposed outdoor lighting may result in excessive illumination, particularly due to 24-hour laboratory operations, and recommends that the Project evaluate lighting systems compatible with Dark Skies standards to reduce potential impacts on wildlife and nearby residents.

As discussed in Responses to Comments O2-3 and O2-7 the Initial Study (Appendix G2) addresses potential effects associated with exterior lighting and bird safe design and finds that compliance with the City's bird safe building design requirements and applicable lighting requirements would ensure that impacts to wildlife and nearby residents due to lighting in the Project site would be less than significant. In part, the City's lighting requirements include use of occupancy sensors or other switch control devices for nonemergency lighting, programming nonemergency lights to shut off during nonwork hours and between 10:00 p.m. and sunrise and directing/shielding exterior lighting so that it is focused downward and reduces the potential for offsite light spill and glare. The Draft EIR evaluates the Project's lighting and glare impacts, identifies the applicable lighting standards and Project design features, and concludes that impacts would be less than significant. In addition, as discussed in Response to Comment O2-3, the Project's Biological Resources Assessment found that relatively low

numbers of birds are expected to be present onsite due to the low-quality habitat conditions of the site and surrounding areas, which are primarily developed urban or ruderal habitats that do not support sensitive species that might be significantly affected by illumination from the Proposed Project (Appendix A1).

Dark Sky International provides a model ordinance for local jurisdictions to consider adopting. While the City of Menlo Park has not adopted that model ordinance, the City's Municipal Code requirements regarding lighting in the Life Sciences zone address some of the concepts that Dark Sky International presents in their Five Principles for Responsible Outdoor Lighting, including requiring that lighting be directed downward so it does not spillover into areas where lighting is not needed and that it be used only when needed such as through the use of timers or motion detectors.

I5-9 The comment states that the Draft EIR does not adequately evaluate the Project's effects on the jobs/housing balance and displacement of existing residents. The comment expresses concern that the analysis does not account for cumulative development in the area or indirect displacement associated with new higher income employees and requests additional cumulative analysis and mitigation measures.

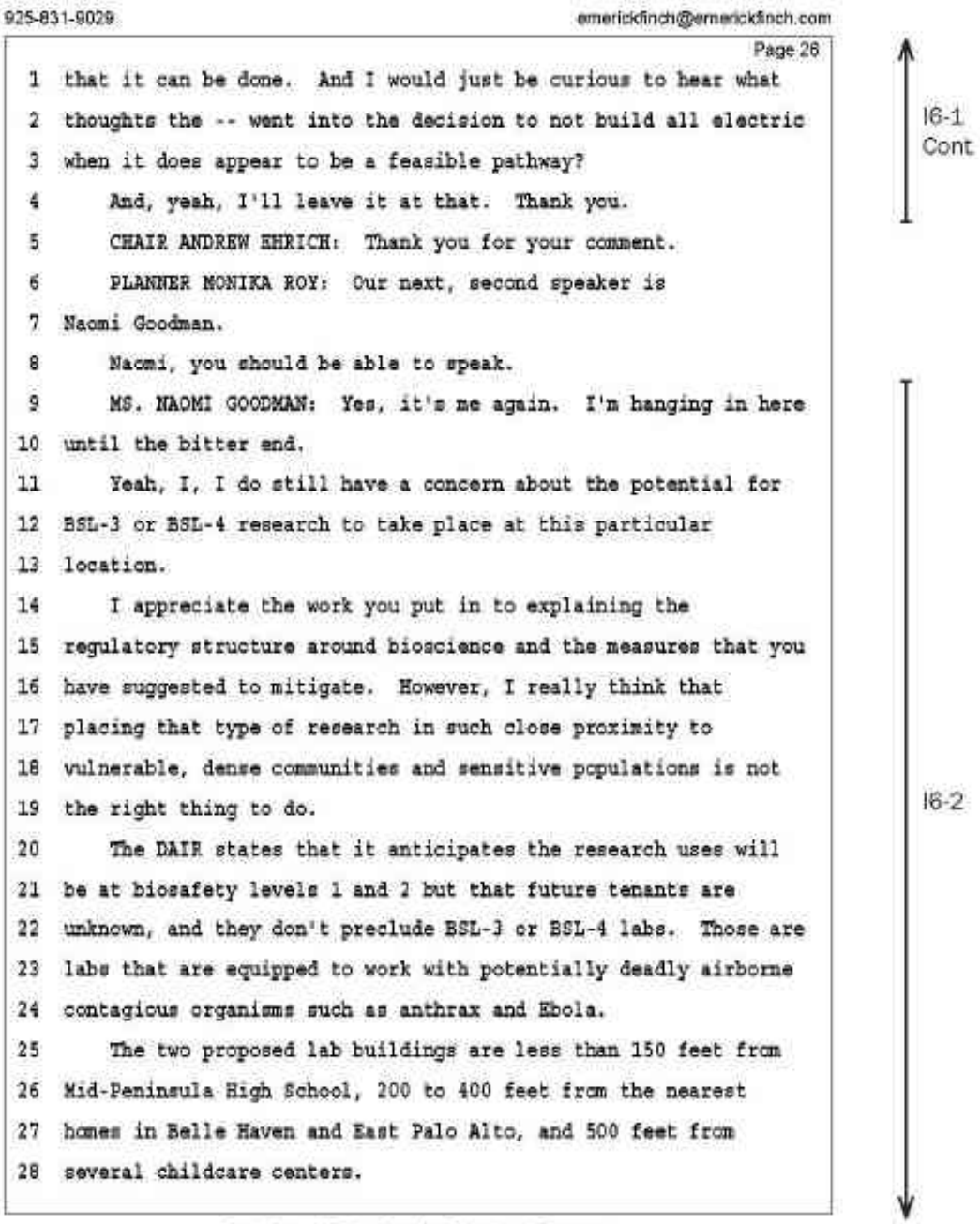
As discussed in Response to Comment O1-8, Draft EIR Section 4.5, Population and Housing, evaluates the Project's potential housing and displacement impacts, including cumulative impacts, and concludes that the Project would not result in significant impacts related to jobs housing balance or displacement. Specifically, the analysis considers the increase in housing demand associated with the Project and the potential effects on the regional housing market, jobs housing balance, and displacement pressures and the Housing Needs Assessment finds that the Project would result in a relatively small increase in employment opportunities in the City and region, is likely to have a negligible impact on the regional housing market, and due to the regional nature of the housing market, is unlikely to have any measurable impact on displacement pressures in Menlo Park (including the Belle Haven neighborhood) and East Palo Alto. This analysis was cumulative in nature because it considered employment and housing growth anticipated under ConnectMenlo, the Housing Element, and Plan Bay Area 2050 (Appendix L).

Comment Letter I6

925-831-9029 emerickfinch@emerickfinch.com

presenters and the applicant team.
At this point I'd like to take public comment on this item.
So, Ms. Roy, if you could please give instructions to the public and open the comment period for Item F3.
PLANNER MONIKA ROY: Thank you, Chair.
Once again, we are opening public comment period for this item now. As a reminder, if you're in the council chamber and you'd like to speak, please fill out a comment card and hand it over to me.
For those who are attending virtually via Zoom, please click on the "raised hand" button. And if you're calling by phone, press "*9" on your key pad, and you would be able to speak.
At this moment I have one -- two hands raised.
CHAIR ANDREW EHRICH: Please, go ahead.
PLANNER MONIKA ROY: So, our first speaker is John McKenna.
I believe you should be able to speak, John.
MR. JOHN MCKENNA: Yes. Can you hear me?
PLANNER MONIKA ROY: Yeah.
MR. JOHN MCKENNA: Okay. Great. Yeah. Thank you for those presentations. I appreciate all the thought that went into the development.
I do have concerns about the use of natural gas in the buildings just from a GHG emissions perspective as well as the impact it would have on local air quality, especially in a community that's already overburdened by poor air quality.
So my question is -- I'm aware of all electric new developments for Lab, Life Science Buildings in other Bay Area cities like South San Francisco and Millbrae. So, it appears

I6-1



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Page 26

that it can be done. And I would just be curious to hear what thoughts the -- went into the decision to not build all electric when it does appear to be a feasible pathway?

And, yeah, I'll leave it at that. Thank you.

CHAIR ANDREW EHRICH: Thank you for your comment.

PLANNER MONIKA ROY: Our next, second speaker is Naomi Goodman.

Naomi, you should be able to speak.

MS. NAOMI GOODMAN: Yes, it's me again. I'm hanging in here until the bitter end.

Yeah, I, I do still have a concern about the potential for BSL-3 or BSL-4 research to take place at this particular location.

I appreciate the work you put in to explaining the regulatory structure around bioscience and the measures that you have suggested to mitigate. However, I really think that placing that type of research in such close proximity to vulnerable, dense communities and sensitive populations is not the right thing to do.

The DAIR states that it anticipates the research uses will be at biosafety levels 1 and 2 but that future tenants are unknown, and they don't preclude BSL-3 or BSL-4 labs. Those are labs that are equipped to work with potentially deadly airborne contagious organisms such as anthrax and Ebola.

The two proposed lab buildings are less than 150 feet from Mid-Peninsula High School, 200 to 400 feet from the nearest homes in Belle Haven and East Palo Alto, and 500 feet from several childcare centers.

Emerick and Finch, Certified Shorthand Reporters
REPORTER'S TRANSCRIPT OF PROCEEDINGS

I6-1 Cont

I6-2

Page 2 of 3 in Comment Letter I6

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The mitigation measures include such things as compliance with federal and state regulations, biosafety plans, notification to the City of Menlo Park prior to commencing any BSL-3 or 4 research, but those measures do not take into consideration there is no expertise at any level of city or county government to react appropriately to the release of a disease organism.

Despite the recent news on the Willow Village project, Menlo Park may still need to build housing in the Life Science District to meet our housing allocation. We should not create new barriers to that land use.

Menlo Park recently prohibited BSL-3 and 4 labs as a condition of approval of the SRI Parkline project. We should do the same for this project.

Thank you.

CHAIR ANDREW EHRICH: Thank you for your comment.

PLANNER MONIKA ROY: Thank you, Chair. I don't have anymore comment cards or hands raised for now.

CHAIR ANDREW EHRICH: Okay. Let's close the public comment period for this item, which brings us back to the commission for discussion.

I will just remind everyone that we are currently discussing comments on the Draft EIR. At this point if you have broader consultation topics on the project, we will discuss that in a minute. And there is no motion here. So, this is just a time for the EIR team and the applicant to hear comments on the Draft EIR.

Commissioner Behroozi.

I6-2 Cont.

I6-3

I6-4

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Response to Comments I6

City Planning Commission Meeting Transcript
(John McKenna and Naomi Goodman)
5/4/2026

I6-1 The comment expresses concern regarding the proposed use of natural gas for the Project from a GHG emissions and local air quality perspective. The comment questions why the Project is not proposed as an all-electric development and notes that all electric life sciences developments have been constructed in other Bay Area cities.

As discussed in Response to Comment O1-6, Draft EIR Chapter 7, Alternatives, explains why an all-electric alternative was determined to be infeasible for the Proposed Project based on the Project-specific feasibility analyses provided in Appendix I, which provides an example of an all-electric office/lab building where equipment refrigerant leaks and warranty repairs on the heat pumps occurred within the first year of operation at approximately 50% occupancy and identifies other challenges with all-electric equipment that makes it an infeasible option for laboratory/research and development uses because equipment failure can cause temperature fluctuations that can jeopardize science and experiments, which are core to the existence of life science companies. The analysis in Appendix I notes that such issues would not normally occur in a lab building that uses natural gas. Thus, while electric options are available, their reliability for use in a lab setting has not been proven; and while some all-electric facilities have been constructed, one such facility has been unable to lease out to life science tenants nearly two years after completion. The feasibility analysis states, “There is currently no data that supports reliable operation under either full load condition or during a power outage using back up power supply.” The Draft EIR therefore identifies the Project's use of natural gas as a significant and unavoidable impact and discloses the basis for the Project's proposed design.

I6-2 The comment expresses concern that future tenants could conduct Biosafety Level (BSL) 3 or BSL-4 research at the Project site. The comment states that the proposed laboratory buildings are located near residences, schools, and childcare facilities and questions whether the proposed mitigation measures adequately address the potential risks associated with higher biosafety level research. The comment questions the adequacy of the mitigation measures identified in the EIR stating that they do not consider that staff at the City and San Mateo County do not have the expertise to appropriately react to the release of hazardous and/or contagious airborne organisms.

As discussed in Response to Comment O1-2, Draft EIR Section 4.3, Hazards and Hazardous Materials, evaluates potential impacts associated with laboratory operations regardless of biosafety level and concludes that compliance with applicable federal, State, and local regulations, including biosafety, hazardous materials, emergency response, and permitting requirements, would ensure that impacts associated with laboratory operations would be less than significant because all labs would include primary and secondary barriers to ensure containment. These containment requirements prevent worker exposure and escape of biohazards. In addition, primary and secondary barriers “function as a passive barrier for keeping biohazards inside the building, thereby minimizing the risk of escape of biohazards. Barriers are redundant such that if one barrier fails (i.e., a BSC failure), the next barrier (i.e., a lab facility) would contain that escape to prevent release into the wider building or community” (Appendix N). These design and operational requirements and guidelines would prevent the schools, preschools, and residential neighborhoods in the Project vicinity from being exposed to biohazards.

As discussed in Response to Comment O1-4, emergency responders in San Mateo County are trained using an all-hazards emergency response model, in which biological incidents are addressed as well as chemical, radiological, nuclear, and explosives (CBRNE) emergency incidents. Local emergency responders are trained to rapidly identify hazards, establish incident command, secure the area, protect the public, and coordinate the response with appropriate specialized resources, rather than independently managing laboratory biosafety incidents (Appendix N). The training requirements include at least 24 hours of Hazardous Materials training for fire first responders, at least 2 hours of hazardous materials incident training for ambulance personnel, and training regarding requesting support from additional emergency and technical resources for specialized expertise as needed. In addition, the Belmont-San Carlos Fire Protection District HazMat Team is a countywide hazardous materials response team whose personnel are trained to provide hazardous materials assessment (including biological hazards), containment, decontamination, and coordination with all public health and environmental agencies in the county (Appendix N).

I6-3 The comment states that the City may need to accommodate housing within the Life Sciences District to meet its housing allocation and the City should not create barriers to future residential development in the area.

The Proposed Project is consistent with the Project site's land use and zoning designations, which do not permit residential uses. Properties adjacent to the Project site are already developed or are dedicated public right-of-way and thus redevelopment of these adjacent properties with residential uses is not reasonably foreseeable. Figure 7-1 of the City's Housing Element identifies housing opportunity sites in the City, none of which are near this Project site (Menlo Park 2023). The Project would not create a barrier to housing development in the Life Sciences District.

I6-4 The comment notes that the City prohibited BSL-3 and BSL-4 laboratories as a Condition of Approval for the SRI Parkline project and recommends that the same restriction be applied to the Proposed Project.

As discussed in Response to Comment I5-5, the City Council's actions on a separate development project do not require changes in the environmental analysis provided in the Draft EIR for the Proposed Project. Draft EIR Section 4.3 evaluates potential hazards associated with laboratory uses, including BSL-3 and BSL-4 research, and identifies applicable mitigation measures and regulatory requirements. The Draft EIR concludes that impacts related to operation of the research and development and/or life sciences uses that the Project could accommodate would be less than significant with implementation of the identified mitigation measures and compliance with applicable federal, State, and local regulations. Therefore, prohibiting BSL-3 and BSL-4 laboratory uses is not required under CEQA, but remains an option for consideration by the Planning Commission and City Council.

References Cited

ABC (American Bird Conservancy). 2026. Products Database. Accessed August 3, 2026. https://abcbirds.org/products/.

Caltrans (California Department of Transportation). 2023. Encroachment Permits Manual, Appendix K Special Provisions. https://dot.ca.gov/-/media/dot-media/programs/traffic-operations/documents/encroachment-permits/appendix-k-ada-a11y.pdf.

Menlo Park (City of Menlo Park). 2023. 6th Cycle 2023-2031 Housing Element Update. January 31, 2023. https://www.menlopark.gov/files/sharedassets/public/v/3/community-development/documents/projects/housing-element-update/2023-2031-city-of-menlo-park-housing-element-clean_010324.pdf?_gl=1*15ouy92*_gcl_au*MTY4NTAxMTIwMC4xNzg1Mzc4OTMy.

Menlo Park. 2026. Standard Conditions of Approval for Encroachment Permits. Undated.

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Appendix N

Harris & Lee

Response to Comments on the Draft EIR for
1005 O'Brien Drive and 1320 Willow Road Project

July 24, 2026

Ron Krietemeyer
Chief Operating Officer
Tarlton Properties, Inc.
1530 O'Brien Drive, Suite C
Menlo Park, CA 94025

RE: Response to Comments on Draft EIR for 1005 O'Brien and 1320 Willow Road Project

Dear Ron,

At your request, I have reviewed the letter prepared by Naomi Goodman and addressed to Chris Turner, Senior Planner for Menlo Park and dated May 18, 2026, regarding the 1005 O'Brien Drive and 1320 Willow Road project and have prepared the following response to her comments.

Specific issues for this response pertain to the commenter's concerns of Life Science Health and Safety, particularly.

1. Training of local and regional response personnel to a release of "lethal, airborne, and contagious organisms (Biosafety Level 3 and 4)"; and

2. The proposed project's proximity to schools, neighborhoods and day care centers.

Attached as Exhibits are previously prepared letters addressing the issues above and providing additional context for similar projects that have been under review by the Menlo Park Planning Commission, as follows:

- Exhibit A: Biosafety *for R&D Development in Menlo Park's Life Science District, to Ron Kreitmeyer,* May 31, 2023.
    - This letter summarizes the regulatory framework (local, State and Federal) for biological safety in United States and the facility design and work-practice requirements for conducting research at the four biosafety levels (BSL-1, 2, 3 and 4). It was included with the EIR prepared for the project at 1125 O'Brien Drive.

- Exhibit B: Response *to EIR Comment for the 1125 O'Brien Drive Project, to Ron Kreitmeyer*, May 21, 2024.
    - This letter responded to specific comments on the 1125 O'Brien Drive EIR regarding concerns of the project's proximity to residential neighborhoods and sensitive subpopulations (school, day-care, etc.), potential gaps in oversight of tenants, concern of biohazardous releases, and local government oversight capability.

- Exhibit C: Biosafety *Management for the Parkline Project in Menlo Park, to Mark Murray of Lane Partners*, August 26, 2024
    - This letter, prepared for the development project at the SRI site on Ravenswood Dr. in Menlo Park, provided the regulatory framework discussion (similar to Exhibit A), and also included a detailed discussion of hazard control through design, with examples provided in the Bay Area where successful development for biological research (including BSL-3 labs) occurs in mixed use zoning areas.

Issue 1: Training of local and regional response personnel

The comment letter alleges that local and regional emergency response personnel are not trained to respond to releases involving biological hazards in the event of natural disasters, equipment failures, worker error, or other emergencies. Available information from San Mateo County demonstrates that this assertion is incorrect.

San Mateo County prepares first responders (fire, emergency medical services – EMS, law enforcement and specialized hazardous materials teams) using an all-hazards emergency response model, in which biological incidents are addressed alongside chemical, radiological, nuclear, and explosives (or CBRNE) emergency incidents. The level of training varies by role, described below. CBRNE and other emergency events are managed through the Incident Command System (ICS)[1]. This approach is consistent with California emergency response planning and the National Incident Management System. Local fire and law enforcement and EMS personnel are not expected to independently manage laboratory biosafety incidents involving specialized containment systems; rather, they are trained to rapidly identify hazards, establish incident command, secure the area, protect the public, and coordinate the response using specialized resources.

Core training for fire and EMS responders, according to San Mateo County's Emergency Medical Services (EMS) Agency:

- All fire first responders receive at least 24 hours of Hazardous Materials (HazMat) for First Responder Operations. This includes hazardous materials recognition (including biological hazards), scene safety, incident isolation, personal protective equipment, and coordination with specialized hazardous materials resources.
- Ambulance (EMS) personnel receive at least 2 hours of hazardous materials incident training and 4 hours of combined Weapons of Mass Destruction (WMD, which are inclusive of CBRNE) training.
- County WMD training specifically includes recognition of biological agents, responder protection, contamination control, and Incident Command procedures for hazardous incidents.

First responders are trained to reach out for additional emergency and technical resources when specialized expertise is required. San Mateo County maintains additional technical response capability through its countywide Hazardous Materials Response Team (Belmont-San Carlos Fire Protection District HazMat Team), whose personnel are trained beyond the operations level to provide technical hazardous materials assessment (including biological hazards), containment, decontamination, and coordination with public health and environmental agencies for all of San Mateo County.

In addition, San Mateo County's emergency response framework incorporates the County Office of Emergency Management, Sheriff's Homeland Security Division, County Environmental Health Services, and the County Health Officer. Public health officials are specifically responsible for infectious disease investigations, epidemiologic assessment, exposure evaluation, public communication, and coordination with the California Department of Public Health and the Centers for Disease Control and Prevention when appropriate. Should an incident exceed local capability, mutual aid and state and federal response resources are available through California's Standardized Emergency Management System (SEMS), the California Office of Emergency Services, and federal emergency response agencies.

[1] The ICS is a standardized approach to the command, control and coordination of emergency response that provides a common hierarchy within which responders from multiple agencies can be effective. The ICS is used in all-hazards situations from natural disaster response, active shootings, to hazmat scenes and beyond.

Accordingly, the commenter's implication that emergency responders lack training or capability to respond to biological hazards is not supported by San Mateo County's emergency preparedness programs. The County maintains a layered emergency response system in which trained first responders, specialized hazardous materials personnel, environmental health professionals, public health officials, and state and federal agencies each have defined responsibilities based on the nature and scale of an incident.

Importantly, biosafety regulations do not rely solely on public emergency responders to prevent or manage biological releases. Biosafety regulations require multiple layers of prevention and emergency preparedness within the laboratory itself. Biosafety plans are required by Cal/OSHA Bloodborne Pathogens (BSL-1 and 2) and Airborne Transmissible Disease (ATD) regulations (BSL-3 and above), respectively, to be developed to address engineering controls (e.g., BSCs), work practices, personnel protective equipment requirements, disinfection and decontamination requirements, biohazardous waste management and risk management procedures. For BSL-3 and above, the ATD Standard requires the establishment of emergency procedures for "uncontrolled releases within the laboratory and untreated releases outside the laboratory facility, these procedures shall include effective means of reporting such incidents to the local health officer." For the proposed building, the local health officer would be designated by the San Mateo County Department of Environmental Health Services.

Use of Select Agents has additional legal requirements for an emergency and security plan to be submitted to the Federal Government for oversight. Actual handling of select agents is covered under the Biosafety Plans addressed above.

San Mateo County, through its hazardous material business plan and hazardous waste generator permit program, requires that a facility emergency response plan be prepared and made available for review. San Mateo County's Medical Waste Management Plan oversight focuses on proper disposal and leak prevention of medical waste (which includes biohazardous waste), as well as decommissioning oversight for labs that move or go out of business. Finally, all companies with 10 or more employees are required by Cal/OSHA to have a written Emergency Action Plan (T8 § 3220) that ensures employee safety from fire and "other emergencies". Other emergencies would include earthquake, other natural disasters and hazard-specific emergencies including chemical and biological hazard spills, leaks and/or releases. Preparation of an emergency action plan that specifically addresses biohazardous release would be included in the commissioning review for BSL-3 and above labs as part of the administrative use or building permit.

Issue 1 References:

California Department of Public Health (CDPH), Center for Preparedness and Response
https://www.cdph.ca.gov/Programs/EPO/Pages/Program-Landing1.aspx

County of San Mateo Department of Emergency Management. 2021 Multijurisdictional Local Hazard Mitigation Plan. Prepared by Tetra Tech. October.

San Mateo County Health, Emergency Medical Services Agency. 2024 EMS System Plan Update. October 2025.
https://www.smchealth.org/sites/main/files/fileattachments/2024_ems_plan.pdf?1775254695

San Mateo County Sheriff's Office, Emergency Services Bureau.
https://hsd.smcsheriff.com/divisions/homeland-security-division/emergency-services-bureau

Issue 2: Proximity to residents and schools, daycares.

The premise of the comment assumes that an accidental laboratory incident would result in an uncontrolled airborne release that migrates off-site and affects surrounding neighborhoods, schools, or daycare facilities. Modern biosafety design is specifically intended to prevent this outcome. Specific details for containment and control are discussed at length in Exhibit A.

The first line of defense to protect workers, building occupants, and the environment and community from potential exposures related to biological research labs are the Primary Barriers (Biologic Safety Cabinets or BSCs) and Secondary Barriers (facility design requirements) utilized for biohazardous work. For higher risk operations (BSL-3 and BSL-4) containment requirements increase with the degree of hazard (see Exhibit A Whitepaper and infographic attachment). In operational mode, BSCs and facility design requirements, which must be consistent with California Code of Regulations (Title 8) and/or the Biosafety in Microbiological and Biomedical Laboratories (BMBL, NIH, 6th Ed., 2020) as appropriate, prevent worker exposure and escape of biohazards contained in labs. In the event of an HVAC and/or complete power failure event, back-up power from the building's emergency power generator would be triggered. In the event of an HVAC and/or complete electrical failure, and if the emergency power generator capacity is exhausted or fails, the Primary and Secondary Barriers of a lab also function as a passive barrier for keeping biohazards inside the building, thereby minimizing the risk of escape of biohazards. Barriers are redundant such that if one barrier fails (i.e., a BSC failure), the next barrier (i.e., a lab facility) would contain that escape to prevent release into the wider building or community.

The concern with worker error (somehow bringing biohazards outside the labs) or the threat of bioterrorism is especially remote. Having worked for over two decades with researchers in the biomedical fields, these professionals are very concerned about safety and health, their own and others. Their goal is to help solve human disease challenges. They have a vested interest in continuing and being successful in their research and take their roles of human health advancement (including following safe work practices), very seriously.

Lastly, as discussed in detail in Exhibit C, there are several examples of mixed-use zoning inclusive of BSL-3 laboratories in the Bay Area. Exhibit C highlights the Mission Bay area of San Francisco, and the experience of the former Chiron Corp. in Emeryville. I have direct experience with both locations. Local stakeholder input during operations on review committees was allowed and encouraged to ensure transparency of the research taking place. The overarching success of the two examples was based on clear requirements defined at inception that helped support safe science and economic growth for the areas involved.

Thank you for the opportunity to prepare this response.

Sincerely,

Patricia Beach



Patricia Beach, MS, CIH
Managing Partner/EHS Sr. Director
Harris & Lee Environmental Sciences, LLC

HARRIS&LEE
ENVIRONMENTAL SCIENCES

Exhibit A

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Ron Krietemeyer
Chief Operating Officer
Tarlton Properties, Inc.
1530 O'Brien Drive, Suite C
Menlo Park, CA 94025

May 31, 2023

RE: Biosafety for R&D Development in Menlo Park's Life Sciences District

Dear Ron,

Thank you for the opportunity to provide this White Paper to explain the current status of the biosafety practices and regulatory framework in the San Francisco Bay Area, including San Mateo County ("SMC"). The White Paper is intended to present the state of current regulatory oversight of biosafety in general, as well as provide a view of actual practice within the private sector of biopharmaceutical operations.

I have worked in the private biopharmaceutical business sector for 24 years. From 1999 to mid-2006, I was the Associate Director of Occupational Safety and Industrial Hygiene in the Environmental Health & Safety ("EHS") department for the former Chiron Corp, a multinational R&D and manufacturing company making several biologically-derived drugs (Chiron was fully absorbed by Novartis in 2006). Chiron's headquarters site, in Emeryville, CA, operated a BSL-3 laboratory. For the last 17 years, I and my team of consultants have been providing EHS support services to the private biopharmaceutical business sector. We work in all size companies from start-ups to large R&D and commercial manufacturing operations. The vast majority of our work in this sector is based in SMC where we have dozens of biopharmaceutical clients. In addition, we have clients in Alameda County, the City and County of San Francisco, Santa Clara County, and more. The attached White Paper is a summary of my knowledge and experience in this industry.

Sincerely,

Patricia Beach

Patricia Beach, MS, CIH
Managing Partner/Principal Consultant
Harris & Lee Environmental Sciences, LLC

Introduction

The use of hazardous chemicals and the generation of chemically hazardous waste is regulated through multiple layers at federal, state and local levels and more well-known to the lay public. The framework and work practices for the safe use and disposal of biologically-derived materials is less understood. This white paper addresses the regulatory framework, industry standard guidelines, and real-world practices pertaining to the use of biological organisms and their products (including synthetic and recombinant biologic materials) in California, with a focus on the San Francisco Bay Area.

History of Biosafety in the United States

Naturally-occurring bacteria, viruses, molds, yeasts, toxins (which are produced by plants, molds, bacteria) are all around us. Collectively these are referred to commonly as micro-organisms, biologic materials and/or biohazards. Considerable research and development (R&D) occurred and continues to occur with microorganisms and materials derived from microorganisms. As a result, drugs, vaccines, and life-saving treatments are available for many diseases either caused by microorganisms directly (e.g., antibiotics, and flu, covid and hepatitis vaccines) or use of biologic products to develop new drugs (e.g., Herceptin for breast cancer treatment, Rituxan for non-Hodgkin's lymphoma, and many more).

With regard to naturally occurring micro-organisms, and their use in research in laboratory settings, the Center for Disease Control and Prevention (CDC) provides a wealth of information and guidance in its Biosafety in Microbiological and Biomedical Laboratories (BMBL), 6th edition (CDC, 2020). The BMBL was first published in 1984 and quickly became the cornerstone for biosafety practice and policy in the U.S. Also in 1984, the Association for Biosafety and Biosecurity (ABSA International) was founded. ABSA International promotes biosafety as a scientific discipline and serves the growing needs of biosafety professionals throughout the world.

The concerns for community exposure through the release of altered bio-organisms from research labs emerged as a unique public health concern in the 1970's when the ability to alter and engineer micro-organism DNA, by either recombinant or synthetic means[1] (referred to as rDNA), became more common and use in research spread widely. Biological risk emerged as a serious topic of public concern. The primary concern was then, and still is, the potential for these engineered molecules to combine with naturally-occurring DNA in either humans, animals or the natural environment to cause unknown harm. As a result of this emerging risk, the National Institutes of Health (NIH) published the first Guidelines for Recombinant DNA Research in June 1976. The Guidelines are

[1] According to NIH (NIH, 2019), recombinant and synthetic nucleic acids (DNA and RNA) are defined as follows: a) Recombinant -- molecules that are constructed by joining nucleic acid molecules (from different organisms, most often) and that can replicate in a living cell; and Synthetic – molecules that are chemically or by other means synthesized or amplified, and can base-pair with naturally occurring nucleic acid molecules. Lastly, molecules that result from the replication of either recombinant or synthesized DNA are also included in this class of molecules.

updated regularly and oversight is provided by the NIH's Recombinant DNA Advisory Committee or RAC. The R&D activities surrounding altered and engineered DNA in microorganisms has been the driver of many of the modern life-saving treatments and production of drugs within the biotechnology and biopharmaceutical industry.

In the U.S., the BMBL and the NIH Guidelines go hand-in-hand as the standards of practice for exposure control for both workers and the public when it comes to managing biosafety and biosecurity in research operations. Both documents address the biohazards and controls for Biosafety Levels 1 through 4, described below. The BMBL and the NIH Guidelines were developed, and are updated regularly, in collaboration with a broad range of scientists, laboratory directors, occupational physicians, epidemiologists, public health officials and health and safety professionals (CDC 2020) in order to continually address the changing nature of biosafety due to emerging threats and changing research. These documents define the work practices, containment, facility design requirements and the program management, oversight and training that define the standard of accepted practice for biosafety.

Regulatory Framework for Biosafety in the United States

Biosafety is regulated at the Federal, State and local levels of government. Because the use of biologicals in R&D and commercial products is newer than the use of chemicals, the regulatory framework, while robust, is less apparent than for chemicals. The table below summarizes the regulatory framework with a more detailed discussion of each government level to follow.

Government Level	Legal Requirement	Biosafety Level	Industry Standard Practice
Federal Government	OSHA BBP Standard (29 CFR 1910.1030)	BSL 1, 2	CDC BMBL
	NIH Guidelines for rDNA Research[a]	BSL 1,2,3,4	NIH Guidelines for rDNA Research[a]
	Federal Select Agent Program (FSAP) (42 CFR 73; 7 CFR 331 and 9 CFR 21)	BSL 1,2,3,4	
	US Department of Transportation (DOT), 49 CFR.	BSL 1,2,3,4	
California State	Cal/OSHA BBP Standard (8 CCR § 5193)	BSL 1, 2	CDC BMBL
	Cal/OSHA ATD Standard (8 CCR § 5199)	BSL 3, 4	NIH Guidelines for rDNA Research[a]

Government Level	Legal Requirement	Biosafety Level	Industry Standard Practice
	Medical Waste Management Act (California Health and Safety Code. Sections 117600 – 118360) NIH Guidelines for recombinant DNA Research[a]	BSL 1,2,3,4 BSL 1,2,3,4	
Local Government (San Mateo County)	Permit to generate Medical Waste; enforces the Medical Waste Management Act requirements Lab Decommissioning requirements	BSL 1,2,3,4 BSL 1,2,3,4	CDC BMBL NIH Guidelines for rDNA Research[a]

[a] The NIH Guidelines for rDNA Research are legally required if an entity (public or private) receives funding from NIH for any aspect of its research, directly or indirectly. In the absence of funding, the NIH Guidelines, in whole or as applicable, are routinely followed as a matter of standard business practice.

Federal Requirements

Federal OSHA regulates workplace exposures to Bloodborne Pathogens (BBP) under the Bloodborne Pathogens Standard (29 CFR 1910.1030). BBP are infectious agents present in blood and body fluids and/or tissues of humans and non-human primates. It is applicable to all workplaces where the potential for exposure to BBP exists, including, but not limited to, medical and dental facilities, as well as laboratories who conduct research with BBPs. The BBP Standard was revised in 2000 to incorporate the hazard control and reporting of needlesticks from syringes and other BBP-contaminated sharps (i.e., razor blades, broken glass, etc).

Note: States may have their own OSHA regulatory framework as long as it is approved by Federal OSHA and is at least as strict as the Federal Standards. Workplace safety and health in California is promulgated in the Cal/OSHA regulations (Title 8 of the California Code of Regulations, 8CCR). Additional details are provided below pertaining to biohazard control at the State level.

The Federal Select Agent Program (FSAP) is part of the CDC and the U.S. Department of Agriculture (USDA). The Federal Select Agent Program oversees the possession, use and transfer of biological select agents and toxins, which have the potential to pose a severe threat to public, animal or plant health or to animal or plant products. Select agents are listed by name in the FSAP regulations. The FSAP does the following in regards to select agents:

- Develop, implement and enforce select agent regulations;

- Maintain a national database;
- Inspect entities that possess, use or transfer select agents;
- Ensure individuals who work with select agents receive a security threat assessment, as required;
- Provide guidance to regulated entities on achieving compliance. The FSAP regulations reference the CDC BMBL and the NIH Guidelines as the primary resources for compliance with the FSAP.

The NIH Guidelines are required to be followed when an institution, including any collaborating institutions either private or public, receives Federal money from NIH to conduct research as defined in the Guidelines. In this case, many private R&D operations (including biopharmaceutical companies in the SF Bay Area) are required to follow the NIH Guidelines as a condition of receiving such funding (either directly or indirectly). Where not required through receipt of federal funds, NIH Guidelines are generally followed, as applicable, as standard industry practice.

Lastly, the transport by air, rail and roadways, of infectious and non-infectious biologic materials (as well as hazardous chemicals) is governed by the U.S. Department of Transportation.

<u>California Requirements</u>

California regulates workplace exposure to BBP, similar to Federal, above, under its BBP Regulations (8 CCR § 5193 et seq.). The BBP Standard addresses workplace hazards in affected work populations by requiring (in summary):

- A written BBP Program;
- Training of affected employees initially at hire and annually thereafter;
- Offering affected employees a Hepatitis B vaccination;
- Maintenance of a Sharps Injury Log; and
- Review and update of the Program to ensure it remains relevant to site operations;
- Lab facilities and handling practices consistent with BSL-2 controls described in the BMBL.

The BBP Standard emphasizes potential exposures via aerosol droplet transmission by inadvertent contact with mucous membranes, and accidental exposure via needlesticks.

In addition to the BBP Standard, California is unique in that is also regulates the potential exposure to Airborne Transmissible Disease (ATD) and Airborne Transmissible Pathogens (ATPs) in workplaces under is ATD Standard (8 CCR § 5199). ATDs and ATPs are specifically listed by name in Appendix A of the Standard. In addition to clinical settings and other impacted worksites (mortuaries, jails, etc.) there are specific requirements for laboratories conducting research on airborne pathogens and microorganisms. The ATD Standard defines an ATP-L (Airborne Transmissible Pathogen – Laboratory), as follows:

A pathogen that meets one of the following criteria: (1) the pathogen appears on the list in Appendix D, (2) the Biosafety in Microbiological and Biomedical Laboratories (BMBL) recommends biosafety level 3 or above for the pathogen, (3) the biological safety officer recommends biosafety level 3 or above for the pathogen, or (4) the pathogen is a novel or unknown pathogen.

Simply put, the inclusion of the BMBL by reference in 8 CCR § 5199, and the reference to a biological safety officer (BSO), which is defined in the regulation, makes the presence of any BSL-3 laboratory in California subject to the additional regulatory requirements of Cal/OSHA under the ATD Standard. In addition, if the laboratory receives funding directly or indirectly from NIH, the laboratory is also subject the NIH Guidelines.

Finally, biologically infectious and/or medical waste ("red bag waste") is regulated by the Medical Waste Management Act (California Health and Safety Code. Sections 117600 – 118360) overseen by the California Department of Public Health (CDPH). Any laboratory that handles BBP or other biohazards generates red bag waste and is therefore subject to Medical Waste Management Act. The CDPH extends authority to local agencies (most commonly County level government agencies, such as SMC) for the oversight and enforcement of the Medical Waste Management Act.

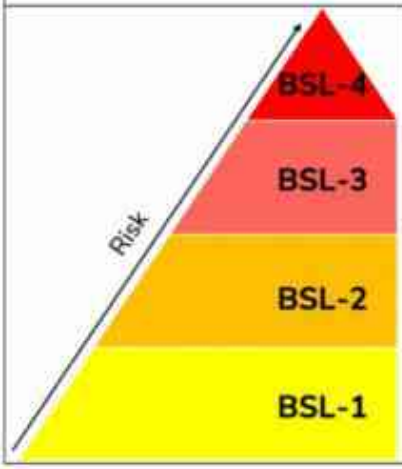
Local Requirements

In Menlo Park, the SMC Department of Environmental Health oversees the waste generation from biological research by requiring the filing of a Medical Waste Permit pursuant the amount of biological waste that a site produces (<200 kg/month = Small Quantity Generator, or SQG; >200 kg/month = Large Quantity Generator, or LQG). SMC staff inspects each facility that files a permit at initiation of operations and generally annually or semi-annually thereafter.

SMC also manages the safe closure of laboratories that conduct biological research with their medical waste closure plan requirement. In order to safely close an active permit, a closure plan must be submitted that documents the microorganisms in use, the facility decontamination protocols to be followed and record of completion of such protocols. The SMC Facility Closure Requirements are presented in Attachment 1.

A Review of the Biosafety Levels

According to the BMBL (2020), the CDC published *Classification of Etiologic Agents on the Basis of Hazard* in 1974. This report introduced the concept for establishing ascending levels of containment that correspond to risks associated with the handling of infectious microorganisms that present similar hazard characteristics. Human pathogens were grouped into four classes according to mode of transmission and the severity of disease they caused. These became known as the Biosafety Levels (BSLs). The primary risk criteria used to define the four ascending levels of containment (the BSLs 1 through 4), are infectivity, severity of disease, transmissibility, and the nature of the work being conducted (CDC 2020). See the Figure below.

Biosafety Level (BSL)	Characteristics	Pathogens/Disease
	Infectious aerosol transmission that may cause serious or lethal infections with no treatment available	Ebola virus, Variola virus (smallpox), Marburg virus
	Infectious aerosol transmission that may cause serious or lethal infections	Coronavirus, Mycobacterium tuberculosis, Yersinia pestis (plague), malaria
	Infectious agents of moderate risk with ingestion or mucous membrane transmission	Influenza, Lyme disease, salmonella, measles, mumps
	Low-risk agents that are not known to cause human disease	E. coli

Each level of containment describes the microbiological practices, safety equipment, and facility safeguards for the corresponding level of risk associated with handling the agent. The facility safeguards associated with the BSLs help protect non-laboratory occupants of the facility, the public health and the environment (CDC 2020). Summaries of the biosafety levels (BSLs) 1 through 4 are provided below. The California BBP Standard essentially addresses laboratory practices and facilities described in BSL-1 and BSL-2. The California ATD Standard directly addresses the laboratory practices and facilities described in BSL-3 and BSL-4.

A summary table from the BMBL and a more detailed infographic showing facility safeguards of the four BSLs are provided in Attachment 2.

Biosafety Level 1

- Used for bioagents not known to consistently cause disease in healthy adults.
- Standard microbiological laboratory practices, such as:
    - All workers receive appropriate training;
    - Work surfaces decontaminated once a day and after spill;
    - Eating, drinking, smoking and applying cosmetics are prohibited in the laboratory;
    - Procedures are performed carefully to minimize creation of aerosols;
    - A sink for handwashing is available.
- Laboratory Facilities include sturdy furniture that is easily cleanable, and if the lab has windows, they are fitted with fly screens.
- Examples: high school or college labs and research institutions

Biosafety Level 2

- Used for a broad spectrum of bioagents in the community and associated with human disease of moderate severity.

- Standard microbiological laboratory practices as BSL-1, plus:
    - All contaminated liquid or solid waste is decontaminated before disposal;
    - Access to the laboratory is limited to qualified and trained personnel;
    - BSL-2 labs are labeled as such and the biologics in use are indicated;
    - PPE is worn in the lab (lab coat, disposable gloves, safety glasses) and PPE is removed upon lab exit;
    - Special care is used with sharps to avoid accidental punctures;
    - Durable, leakproof containers are used to collect waste that is decontaminated offsite;
    - Workers are offered medical surveillance (prophylaxis and vaccines, if available) and encouraged to self-report any health conditions that could make them more susceptible to infection.
- Laboratory Facilities same as BSL-1, plus:
    - Limited access and lab is separated from public areas
    - A biological safety cabinet (BSC) is used to enclose tasks that have the risk of generating aerosols;
    - An eyewash is available at a lab sink;
    - A method for decontaminating laboratory waste is available.
- Examples: research institutions, essentially all hospitals and medical and veterinary schools, dental offices and medical laboratories.

Biosafety Level 3

- Used for bioagents with potential for aerosol transmission that may cause serious or potentially lethal disease by inhalation if left untreated.
- Workers are immunized for agents handled or potentially present.
- Standard microbiological laboratory practices as BSL-2, plus:
    - Any incidents resulting in exposures are immediately reported to lab supervisor and institutional management and investigated. Appropriate records are maintained.
    - Use of respiratory protection is considered based on risk assessment;
- Laboratory Facilities same as BSL-2, plus:
    - Access to the lab is through two consecutive self-closing doors, typically separated by a change room and/or anteroom.
    - The handwashing sink is hands-free or automatically operated and should be located near the exit door;
    - A mechanical air ventilation system is required that provides sustained directional airflow by drawing air into the lab from “clean” areas toward potentially contaminated (e.g., negative air cascade). The design is such that under failure conditions the airflow will not be reversed at the containment barrier;
    - A visual monitoring device that confirms directional airflow is provided;
    - Lab exhaust air is not recirculated;
    - Lab exhaust air is dispersed away from occupied areas from the building air intake locations, or the exhaust air is HEPA filtered.
    - When present, HEPA filter housings have gas-tight isolation dampers, decontamination ports, and/or bag-in/bag-out capability;

    - BSL-3 facility design, operational parameters, and procedures are verified and documented prior to operation. Facilities are tested annually or after significant modification to ensure operational parameters are met;
    - Appropriate communication systems are provided between th lab and the outside;
    - Provision for emergency communication and emergency access or egress are developed and implemented.
- Examples: biological research institutions, hospitals and medical and veterinary schools.

Biosafety Level 4

- Used for dangerous and exotic bio-agents that pose a high risk of life-threatening disease for which there is no available vaccine or therapy.
- This is the highest level of containment for biological organisms and have controls and facility requirements far beyond BSL-3. There are two types of BSL-4:
    - Cabinet laboratory: manipulation of agents is performed in a Class III BSC (which is an entirely enclosed glovebox); and
    - Suit Laboratory: personnel wear a positive-pressure supplied-air protective suit.
- Standard microbiological laboratory practices as BSL-3, plus:
    - Any materials leaving the BSL-4 lab (such as for ultimate disposal), are passed through a disinfectant dunk tank, fumigation chamber or decontamination shower.
    - Entry and exit of personnel is maintained in a logbook or other means of documenting;
    - An inventory system for agents stored in the lab is in place;
    - Only approved laboratory clothing is worn (all jewelry is removed – eyeglasses are allowed) into the lab. All personnel leaving the lab take a personal body shower (the degown room must be equipped with a shower);
- Laboratory Facilities same as BSL-3, plus (not all-inclusive):
    - Detailed requirements for BSC-IIIs for cabinet BSL-4 labs.
    - Cabinet or suit BSL-4 can be located in it's own separate building, or a clearly demarcated and isolated zone within a building (a dedicated, non-recircuilating ventilation system that serves the BSL-4 lab)
    - Central vacuum systems are discouraged; if present it does not serve areas outside the lab.
    - Walls, floors, and ceilings of the lab are constructed to form a sealed internal shell to facilitate fumigation and prohibit animal and insect intrusion.
    - Backflow prevention devices (two in series) are in place to ensure that no plumbing or other services backflow form the BSL-4 lab. Breathing air systems are exempt from this provision.
    - Windows are break-resistant and sealed.
- Examples: There are only four operational BSL-4 labs in the U.S., according to the NIAID (National Institute for Allergy and Infectious Disease) website.

Summary

The frameworks for biological safety are robust in the United States and particularly in California and the Bay Area. Research scientists in the private sector, who invariably come from research institutions where NIH-funding grants are common-place, are very familiar with the NIH Guidelines and the BMBL which are standard industry practice. Further, Environmental Health and Safety (EHS) Professionals and Biological Safety Officers (BSOs) that support the exposure controls and overall risk management within the institutions and companies (both publicly funded and privately owned) use the BMBL and the NIH Guidelines as the "go-to" resources for managing biological exposure risk, in conjunction with other workplace regulations such as Cal/OSHA and local government enforcement. Finally, here in California, we are unique in that the BMBL is referred to as the citing reference for BSL-3 work in laboratories. This regulation gives the recommendations in the BMBL the force of law in California where BSL-3 work is done.

References

California Occupational Safety & Health Administration (Cal/OSHA).

Centers for Disease Control (CDC). National Institutes of Health. Biosafety in Microbiological and Biomedical Laboratories (BMBL), 6th Edition. June 2020.

National Institutes of Health (NIH), Dept. of Health and Human Services. *NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)*. April 2019.

San Mateo County (SMC) Medical Waste Program.
https://www.smchealth.org/medwaste

ATTACHMENT 1
San Mateo County Biological Lab Decommissioning Requirements

SAN MATEO COUNTY HEALTH
ENVIRONMENTAL HEALTH SERVICES

Environmental Health Services
Medical Waste Program
2000 Alameda de las Pulgas, Suite #100
San Mateo, CA 94403
Phone:(650) 372-6200 | Fax: (650) 627-8244
smchealth.org/medwaste

MEDICAL WASTE PROGRAM
Facility Closure Requirements

DEFINITIONS:

Active Work Areas: Locations, rooms, or labs within the business where infectious agents are stored, used, or generated during operations. This includes BSL 1 areas.

Infectious Agents: (HSC§ 117675) A type of microorganism, bacteria, mold, parasite, or virus, including, but not limited to, organisms managed as Biosafety Level II, III, or IV by the federal Centers for Disease Control and Prevention, that normally causes, or significantly contributes to the cause of, increased morbidity or mortality of human beings.

Sanitizing Agent: A chemical agent as specified in HSC§ 118295.

REQUIREMENTS:

San Mateo County requires businesses with County medical waste permits to carry out their due diligence and perform an appropriate facility closure. Businesses must demonstrate to the County that they have properly disposed of all of the medical waste that they have generated, removed all infectious agents and equipment, and decontaminated all surfaces contaminated with infectious agents. A formal closure must be done when the business is either vacating the location, a partial portion of the facility is being vacated or given back to the property owner, or if a process involving biohazardous waste has been discontinued.

Businesses with medical waste permits are categorized into one of three Tiers based upon their original registration application and/or periodic inspections. Each business Tier has different criteria to successfully perform a closure, meet the County closure requirements, and thus formally terminate their County permit. Each level will be required to demonstrate that they appropriately decontaminated all areas at the business where medical waste and infectious agents were generated, handled or stored. Decontamination of these areas must be commensurate with the infectious agents they utilized.

A pre-closure walkthrough may be requested by facility representatives. The County Inspector shall make every effort to accommodate these requests. During the pre-closure meeting/walkthrough the County Inspector will outline the County closure requirements for the business, walk the facility, and identify any unique closure aspects to be addressed.

REQUIRED CLOSURE PROCEDURES FOR TIER I BUSINESSES:

1. Business notifies County in writing 30 days prior to closure. Labeled photographs of all active work areas must be submitted to the County at time of notification.

2. Business decontaminates all active work area surfaces, with the appropriate sanitizing agent.

3. Business submits labeled photos of active work areas after closure activities have been successfully completed along with copies of last medical waste shipment tracking documents.

Rev. 07/03/2019

SAN MATEO COUNTY HEALTH
ENVIRONMENTAL HEALTH SERVICES

Environmental Health Services
Medical Waste Program
2000 Alameda de las Pulgas, Suite #100
San Mateo, CA 94403
Phone:(650) 372-6200 | Fax: (650) 627-8244
smchealth.org/medwaste

REQUIRED CLOSURE PROCEDURES FOR TIER II BUSINESSES:

1. Business notifies County in writing 30 days prior to closure.

2. Business submits a written "Closure Work Plan" as described below in Tier III requirements, or they may use the County Closure Work Plan Form.

3. Business must submit of copies of last medical waste shipment tracking documents.

4. Business schedules a mandatory final closure walkthrough with the County Medical Waste Inspector (County Inspector).

REQUIRED CLOSURE PROCEDURES FOR TIER III BUSINESSES:

Business must provide to the County a full written closure work plan within 30 days prior to the closure.

Closure Work Plan required components:

- Scope of Work: Outline the proposed areas to be decontaminated, process of decontamination and sanitizing agent(s) used, and disposition of all infectious equipment, products, and wastes. Also include disposition of anything to be left behind (e.g. fume hoods, bio safety cabinets,

- Proposed Schedule: Provide a schedule for activities to be performed during the closure. A 72- hour notice to the County Inspector is required for any oversight at various phases of closure (e.g. witnessing of sampling, special site decontamination, etc.).

- Project Management Team: Identify staff and qualifications (e.g. all licenses, training certifications, certificates of insurance). List project managers and emergency coordinators who will be available during closure and cleanup of the site. Include a 24-hour phone number for emergency coordinators.

- Map(s): (e.g. with notations of hot spots or special cases). Provide maps identifying all historic storage locations of infectious agents and all waste storage areas (e.g. current and historic).

- Proposed Subcontractors: (if not known, state this, but you must send in their qualifications, training plan, safety plan, certificates of insurance, management teams, and operational procedures prior to their mobilization onsite).

- Health and Safety Plan: Provide a Health and Safety Plan that outlines specific hazards and protective measures to be used during the closure activities at the facility, including security and access. Site closure activities must be conducted by employees with adequate training per CAL/OSHA regulations outlined in Title 8, CCR and 29 CFR, part 1910.1030.

- Decontamination Procedures: Describe the procedures for surface and equipment decontamination, rinseate collection, and disposal. Decontamination shall include all potentially contaminated surfaces, equipment, drain systems, and areas of the facility where medical wastes and infectious agents contact was likely to have occurred. A narrative of your decontamination methodology, including sanitizing agents used must be provided.

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smchealth.org/medwaste

- Additionally if the facility treated medical waste onsite, they must follow and address the regulations found in HSC Code 118155(e). These additional requirements must be included in their Closure Work Plan.

The Closure Work Plan must be reviewed and approved by a County Inspector before work is started. If you are also closing a CUPA permit and submitting a Closure Plan to your CUPA inspector, you may include or insert these closure documentation requirements in one plan submitted to both CUPA and the Medical Waste Program. Please copy both your County Inspectors on all correspondences.

POST CLOSURE:

After the closure is complete you are required to submit a final closure report. This report should include:

- All final medical waste tracking documents
- A narrative of the final decontamination methodology. (i.e. what did you do?)
- Copies of all decontamination certificates
- Map of areas cleaned
- Disposition of fixed biohazardous assets and equipment left behind at the facility
- Disposition of biohazardous equipment moved, transferred or sold
- Any testing results reports
- Forwarding address and contact information

Once you have completed your closure activities and all of the medical waste generated has been removed, you must contact your County Inspector to arrange a final closure walkthrough. A minimum notification of 48 hours is required for a closure walkthrough.

During the final closure walkthrough the County Inspector shall perform a thorough walk around of the facility in order to gather information to validate that the closure plan was followed and completed. This walkthrough and its observations will be documented on an observation inspection report documenting that the County medical waste closure requirements have been met. Any health violations or deviations from the proposed/approved Closure Plan will result in a re-inspection and fees billed accordingly.

Once the final report (or other required documentation per Tier) is received, the permit will be closed out.

Note: Non-registered businesses that are closing a facility must follow the same requirements found in this policy. An account will be opened and the facility will be billed for any County Inspector time at the current hourly rate.

Note: If hazardous waste is generated at the site, the CUPA inspector must be notified.

ATTACHMENT 2
Summary of BSLs as provided by the CDC

Table 1. Summary of Laboratory Biosafety Levels (BSLs)

BSL	Agents	Special Practices[a]	Primary Barrier and Personal Protective Equipment[a]	Facilities (Secondary Barriers)[a]
1	Well-characterized agents not known to consistently cause disease in immunocompetent adult humans and present minimal potential hazard to laboratory personnel and the environment.	Standard microbiological practices	No primary barriers required; protective laboratory clothing; protective face, eyewear, as needed	Laboratory doors; sink for handwashing; laboratory bench; windows fitted with screens; lighting adequate for all activities
2	Agents associated with human disease and pose moderate hazards to personnel and the environment	Limited access; occupational medical services including medical evaluation, surveillance, and treatment, as appropriate; all procedures that may generate an aerosol or splash conducted in a BSC; decontamination process needed for laboratory equipment	BSCs or other primary containment device used for manipulations of agents that may cause splashes or aerosols; protective laboratory clothing; other PPE, including respiratory protection, as needed	Self-closing doors; sink located near exit; windows sealed or fitted with screens; autoclave available
3	Indigenous or exotic agents; may cause serious or potentially lethal disease through the inhalation route of exposure	Access limited to those with need to enter; viable material removed from laboratory in primary and secondary containers; opened only in BSL-3 or ABSL-3 laboratories; all procedures with infectious materials performed in a BSC	BSCs for all procedures with viable agents; solid front gowns, scrubs, or coveralls; two pairs of gloves, when appropriate; protective eyewear, respiratory protection, as needed	Physical separation from access corridors; access through two consecutive self-closing doors; hands-free sink near exit; windows are sealed; ducted air ventilation system with negative airflow into laboratory; autoclave available, preferably in laboratory

Continued on next page ►

BSL	Agents	Special Practices[a]	Primary Barrier and Personal Protective Equipment[a]	Facilities (Secondary Barriers)[a]
4	Dangerous and exotic agents that pose high individual risk of aerosol-transmitted laboratory infections and life-threatening disease that are frequently fatal, for which there are no vaccines or treatments; and related agents with unknown risk of transmission	Clothing change before entry; daily inspections of essential containment and life support systems; all wastes decontaminated prior to removal from laboratory; shower on exit	BSCs for all procedures with viable agents; solid front gowns, scrubs, or coveralls;[b] gloves;[b] full-body, air-supplied, positive-pressure suit[c]	Entry sequence; entry through airlock with airtight doors;[c] walls, floors, ceilings form sealed internal shell; dedicated, non-recirculating ventilation system required; double-door, pass-through autoclave required

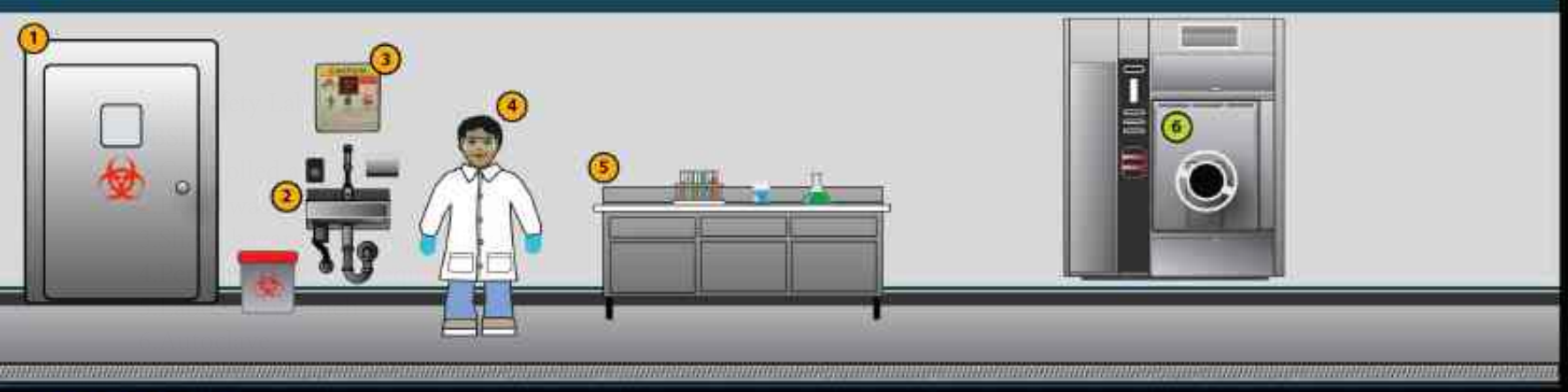
a. Each successive BSL contains the recommendations of the preceding level(s) and the criteria in the cell.
b. Applies to Cabinet Laboratory
c. Applies to Suit Laboratory

CDC 24/7

4 BIOSAFETY LAB LEVELS

CDC

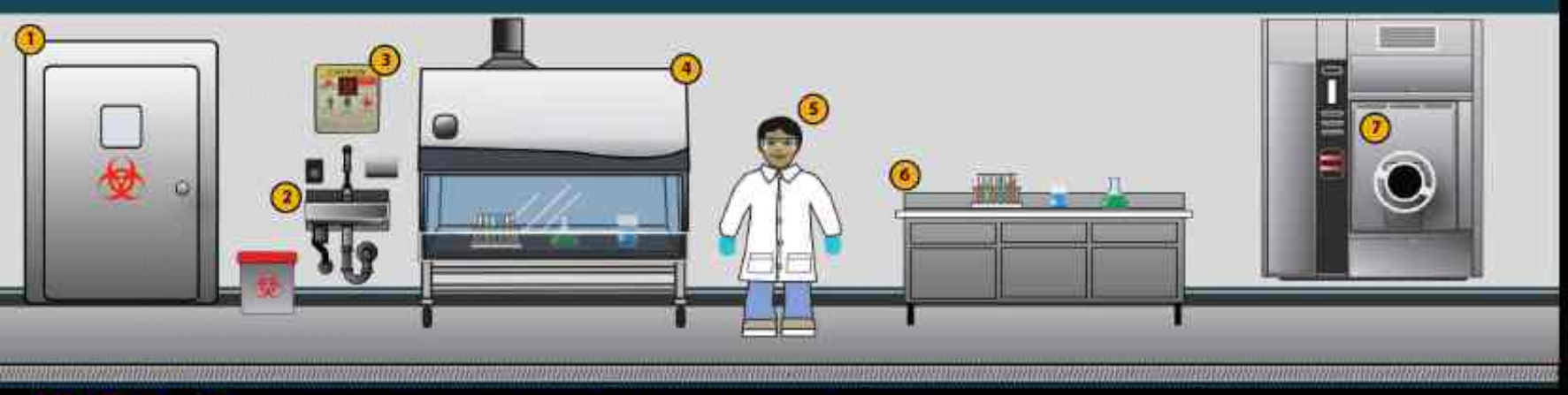
BSL1



BSL1

1. controlled access
2. hand washing sink
3. sharp hazards warning policy
4. personal protective equipment
5. laboratory bench
6. autoclave

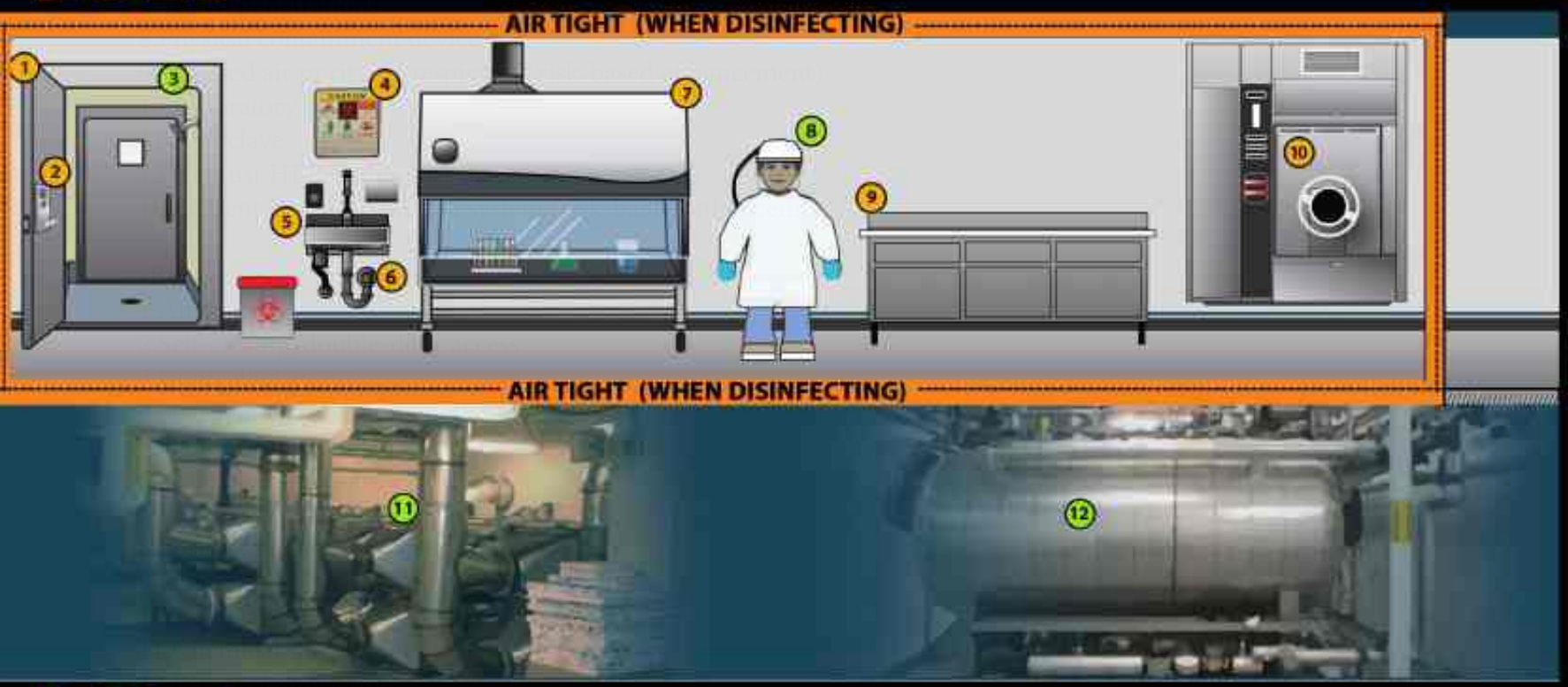
BSL2



BSL2

1. controlled access
2. hand washing sink
3. sharp hazards warning policy
4. physical containment device
5. personal protective equipment
6. laboratory bench
7. autoclave

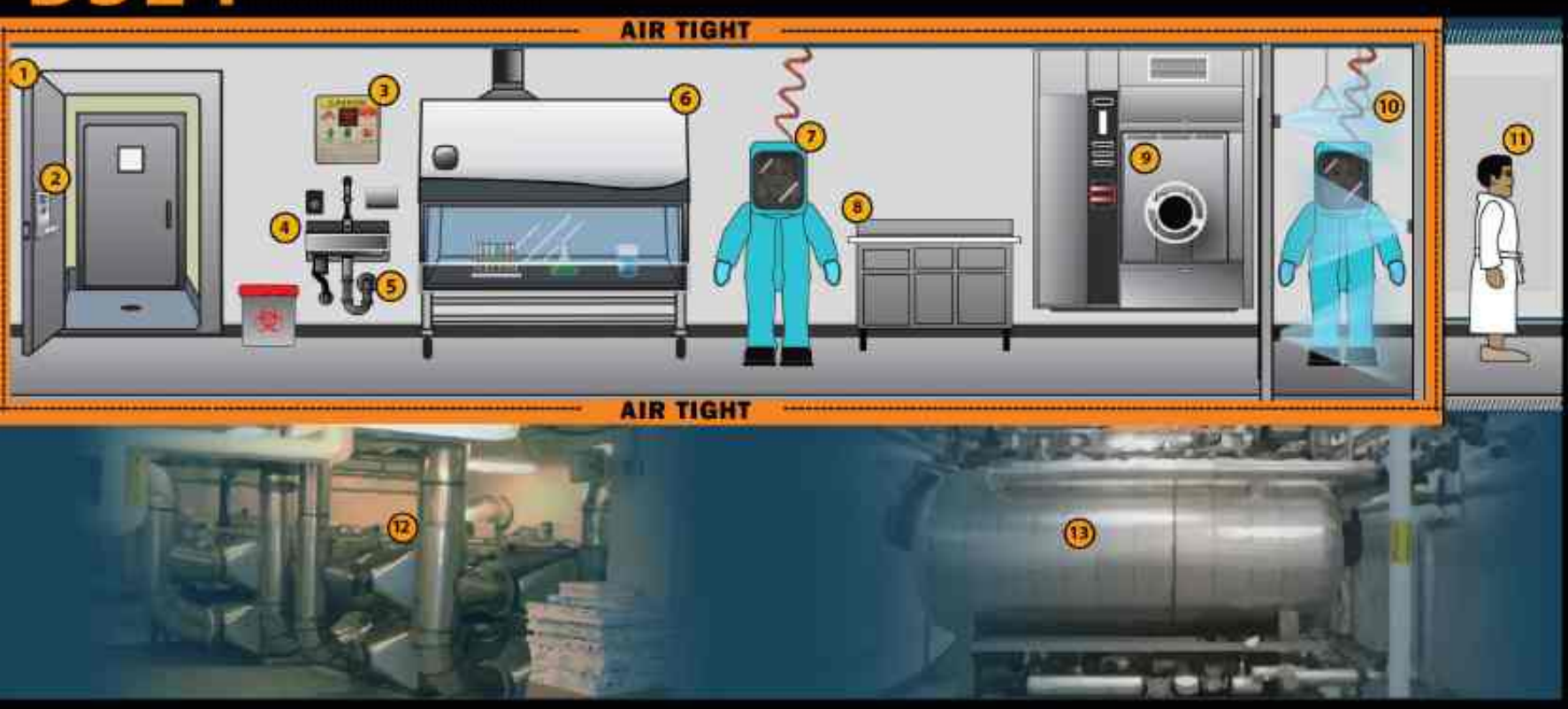
BSL3 (WITH RISK-BASED ENHANCEMENTS)



BSL3

1. self-closing, double-door access
2. controlled access
3. personal shower out
4. sharp hazards warning policy
5. hand washing sink
6. sealed penetrations
7. physical containment device
8. powered air purifying respirator
9. laboratory bench
10. autoclave
11. exhaust HEPA filter
12. effluent decontamination system

BSL4



BSL4

1. self-closing, double-door access
2. controlled access
3. sharp hazards warning policy
4. hand washing sink
5. sealed penetrations
6. physical containment device
7. positive pressure protective suit
8. laboratory bench
9. autoclave
10. chemical shower out
11. personal shower out
12. supply and exhaust HEPA filters
13. effluent decontamination system

Required safety equipment Risk-based enhancements

www.cdc.gov/24-7

Exhibit B

Santa Rosa
(707) 571-8961

San Francisco
(415) 287-0056

Harris & Lee Environmental Sciences, LLC

Ron Krietemeyer
Chief Operating Officer
Tarlton Properties, Inc.
1530 O'Brien Drive, Suite C
Menlo Park, CA 94025

May 21, 2024

RE: Response to EIR Comment for the 1125 O'Brien Drive Project

Dear Ron,

At your request, I have reviewed the letter prepared by Naomi Goodman and addressed to Payal Baghat, Contract Principal Planner for Menlo Park and dated September 29, 2023, regarding the 1125 O'Brien Drive project and have prepared the following response to her comments. It should be noted that Ms. Goodman signs her letter MSPH, however I have not identified Ms. Goodman as having any credentials necessary to an expertise in management of biosafety.

The comment letter proposes that the Menlo Park City Council move to ban any development of Biosafety Level 3 and 4 research and development facilities within the city limits of Menlo Park. The letter presents these three concerns:

1. Follow the examples of prohibitions on BSL-3 and -4 facilities in Redwood City and San Carlos ;

2. The proximity of the development to residential neighborhoods and sensitive sub-populations (school, day-care facilities) and the potential severity of a release of a pathogen or infectious agent;

3. That the proposed additional oversight language provided in the EIR is problematic because:
    a. Tenant turnover and lack of enforcement after permit;
    b. That the Menlo Park Planning Commission be the responsible reviewer and approver of any BSL-3 or -4 certification thus requiring resources to pay for knowledgeable staff or contractors to provide review;
    c. Lack of periodic inspection in the proposed EIR language;
    d. That the existing Federal, State, and local regulatory structure to manage biosafety hazard is inadequate to manage potential risks; and
    e. Local governments are not prepared or knowledgeable to respond to accidents in the life sciences industries.

Regarding Item 1, above, this is a political and economic decision for the City Council to address; this project is consistent with the zoning for the Life Science

District in which it is located. Ms. Goodman's statement that San Carlos has banned BSL-3 and -4 throughout the City is incorrect. The San Carlos City Council approved Ordinance #1597 in August of 2023, which prohibits Research and Development activities requiring BSL -3 and -4 in Commercial and Industrial Land Use Districts. However, many laboratory spaces in San Carlos are permitted through the City's Planned Development District regulations. Uses in Planned Districts are determined by the City Council at the time of their approval. San Carlos is therefore similar to Redwood City (and Menlo Park) in that it prohibits Research and Development uses in some, but not all, districts.

Prior to addressing Items 2 and 3, I provide the full text of the condition of approval recommended in the final EIR pertaining to the hazard and risk management of potential future BSL-3 and -4 uses in the new development:

> *Any permits during occupancy of the project (including but not limited to building permit or hazardous materials use permit) for BSL-3 or BSL -4 laboratories shall include documentation of third-party certification and commissioning completed by or under the supervision of a qualified Certified Industrial Hygienist (CIH) with demonstrated practice in biosafety, Registered Biosafety Professional (RBP), or Certified Biosafety Professional (CBSP). Further, the Applicant shall include in the lease agreement for every future tenant of the building a standard clause requiring that prior to commencement of operations of a BSL-3 or BSL-4 laboratory, the tenant inform the City of Menlo Park Planning Division of its intent to operate a BSL-3 or BSL-4 laboratory, and notifying the tenant of the City's requirement to provide the City with documentation of certification and commissioning of such laboratory. Documentation of certification and commissioning shall include:*
>
> 1. *Confirmation of compliance with relevant regulatory requirements as well as BMBL and NIH guidelines (whether or not the lab receives federal funding), and;*
> 2. *Adequate mechanical/HVAC equipment capacity to satisfy regulatory requirements and serve the proposed use.; and*
> 3. *Implementation of relevant required protocols in the event of complete building failure (including electrical and/or HVAC failure) or an accidental biohazard release.*

Regarding Item 2, the comment letter raises concern regarding uncontrolled releases of biohazards to the nearby public. This situation presents a potential health and environmental risk and, as such, is analyzed in the ConnectMenlo EIR, and further addressed in the Final EIR through the proposed condition of approval (*3.*, above). Further, as addressed in the White Paper (Attachment 2.1 in the Project EIR) and in detail in Project EIR Chapter 2, Project Description, Chapter 3, Response to Comments, and Chapter 4 Revisions to Draft EIR, the facility and infrastructure requirements of BSL-3 and -4 laboratories provide considerable redundancy to contain biohazards at the source within a lab. In fact, the greatest exposure risk is borne by the researcher conducting the work, as opposed to uses surrounding any individual facility. Biosafety is considered a regional, as opposed to local, risk and regulation and mitigation is handled at the state and regional level.

Regarding Item 3, above, I will address each of the commenter's points.

Concern 3a: Tenant turnover in leased spaces and enforcement after permit

The proposed condition of approval goes beyond State and Federal regulation by requiring certification by a qualified, third-party professional and compliance with CDC and NIH guidelines in addition to local, State, and federal regulations. Additionally, the proposed condition of approval does require documentation to prove compliance with NIH Guidelines, and the NIH Guidelines require the formation of an Institutional Biosafety Committee or IBC.

From the NIH website[1], NIH FAQs, this is the definition of an IBC:

Institutional Biosafety Committees (IBCs) were established under the NIH Guidelines *to provide local review and oversight of nearly all forms of research utilizing recombinant or synthetic nucleic acid molecules. Over time, many institutions have chosen to assign their IBCs the responsibility of reviewing a variety of experimentation that involves biological materials (e.g., infectious agents) and other potentially hazardous agents (e.g., carcinogens). This additional responsibility is assigned entirely at the discretion of the institution.*

The proposed condition will require adherence to NIH Guidelines for any BSL-3 and -4 material, not just recombinant or synthetic nucleic acid molecules, as originally required by the NIH Guidelines.

An IBC is minimally comprised of five members, two of which are non-affiliated with the institution or entity under oversight. These non-affiliated members *"represent the interest of the surrounding community with respect to health and protection of the environment. These may be officials of state or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community."* Additionally, individual(s) representing community attitudes is/are recommended member(s) of an IBC. Additional details and recommendations on membership, operations, and oversight responsibilities are provided in the provided link below.

The IBC would provide oversight of the biological research conducted in any future BSL-3 or -4 lab. This oversight typically includes routine inspections for compliance with biosafety operational requirements. This is usually part of, or in addition to, annual or biannual medical waste and hazardous materials inspections or facility decommissioning inspections, all of which are conducted by the San Mateo County Department of Environmental Health.

The proposed condition of approval requires NIH Guidelines adherence for operation of BSL-3 and -4 laboratories, and as explained above, this will require formation of an IBC by the tenant applicant. The proposed condition of approval requires the tenant to submit documentation of compliance with the NIH Guidelines, which means that any tenant operating a BSL-3 or -4 laboratory must form and maintain an IBC.

[1] Available at https://osp.od.nih.gov/policies/biosafety-and-biosecurity-policy/faqs-on-institutional-biosafety-committee-ibc-administration-april-2024/, and incorporated by reference.

While not necessary to keep the project at a less than significant impact, for the purpose of transparency and to address the commenter's concern, the proposed condition of approval could be modified to specify that commissioning and certification by the specified professional is tenant-specific, thus requiring the process to be completed for each new tenant operating a BSL-3 or -4 lab. Further, the IBC would typically require periodic audits to ensure ongoing compliance with biosafety regulations and guidelines; that audit process could also be included in the proposed condition. We therefore recommend the following edit to the proposed condition of approval:

> *Any permits during occupancy of the project (including but not limited to building permit or hazardous materials use permit) for BSL-3 or BSL -4 laboratories shall include documentation of third-party certification and commissioning* and annual audit for the life of the permit *completed by or under the supervision of a qualified Certified Industrial Hygienist (CIH) with demonstrated practice in biosafety, Registered Biosafety Professional (RBP), or Certified Biosafety Professional (CBSP).* Permits for BSL-3 or BSL-4 laboratories shall be issued to a specific user, and later tenants or users will require a new permit. *Further, the Applicant shall include in the lease agreement for every future tenant of the building a standard clause requiring that prior to commencement of operations of a BSL-3 or BSL-4 laboratory,* or change of ownership of an existing BSL-3 or BSL-4 laboratory, *the tenant inform the City of Menlo Park Planning Division of its intent to operate a BSL-3 or BSL-4 laboratory, and notifying the tenant of the City's requirement to provide the City with documentation of certification and commissioning of such laboratory. Documentation of certification and commissioning* and annual audit *shall include:*
>
> 1. *Confirmation of compliance with relevant regulatory requirements as well as BMBL and NIH guidelines (whether or not the lab receives federal funding), and;*
> 2. *Adequate mechanical/HVAC equipment capacity to satisfy regulatory requirements and serve the proposed use.; and*
> 3. *Implementation of relevant required protocols in the event of complete building failure (including electrical and/or HVAC failure) or an accidental biohazard release.*

Concern 3b: Assumption that Menlo Park Planning Commission is the responsible reviewer and approver of any BSL-3 or -4 certification; Alleged lack of knowledge and oversight burden

State and federal requirements set the terms under which a laboratory user may operate a BSL-3 or -4 laboratory. The requirement in the condition of approval requires confirmation to the City, using third-party expertise, that existing state and federal regulation is being followed, and further requires confirmation that NIH guidelines are followed regardless of a laboratory's source of funding.

Ms. Goodman's comment that the certification process would be the Planning Commission's responsibility, or that the City would need to add additional staff is incorrect. The proposed condition is designed to require third-party expert certification and commissioning, at the expense of the applicant, the result of which would be provided to City staff for verification. This process mirrors standard practice for reliance on expert consultants that is used throughout project review. Oversight actions would likewise be

at the staff level through review of the expert third-party certification, or additionally as a member of the IBC described above.

In my experience at a large private corporation that operated a BSL-3 lab in a densely populated area, transparency of the research, and community participation proved to be adequate enforcement.

Concern 3c: Periodic Inspections in the Proposed Condition

Refer to the response to Item 3a, above. Each tenant IBC would be required to perform routine inspections, at minimum annually, to ensure compliance with NIH Guidelines. In my experience at a large private corporation that operated a BSL-3 lab, formal laboratory inspections were performed annually to ensure compliance with all relevant regulations and guidelines with reports provided to the IBC. Further, because of their vested interest in their own personal safety during their work, the scientists working in the BSL-3 lab reached out to the environmental health and safety (EHS) staff to collaborate on safe handling practices and issues pertaining to biosafety.

Concern 3d: Adequacy of Biosafety Regulatory Structure

As described in the Final EIR and White Paper, the biosafety regulatory structure is robust and exists at Federal, State, and regional levels. The proposed condition of approval goes beyond existing regulation and is intended to provide the City with transparent confirmation of the Project's compliance of existing regulation through third party certification of as a condition of operating in the owner's building. How to comply is clearly identified in the State regulatory requirements, and NIH and CDC guidance documents. The proposed condition of approval makes these a requirement of a BSL-3 or -4 laboratory whether Federal funding is received or not and adds a strong local-level compliance element. The burden of compliance lies squarely on the tenant, with an added requirement to report confirmation.

Concern 3e: Local government Capability to Respond to Biohazard Releases

Emergency response to any biosafety emergency, be it biohazard, chemical spills, terrorism etc., is addressed at the County, State and Federal level. There is no expectation that Menlo Park, or any city government, be the sole responder to significant community emergencies. Any response would be led by County/State/Federal authorities (as appropriate).

In my professional opinion, the condition proposed here represents an opportunity to institute an oversight process that is robust and transparent and takes advantage of the expertise of existing professionals, yet still allows life science businesses the possibility to select Menlo Park for their work, should they choose to. Instituting local bans is one way to manage risk, however they limit opportunity in that locality while creating only illusory mitigation; requiring robust provisions to operate safely is a better alternative.

Sincerely,

Patricia Beach



Patricia Beach, MS, CIH
Managing Partner/Principal Consultant
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Exhibit C

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August 26, 2024

RE: Biosafety Management for the Parkline Project in Menlo Park

Dear Mark,

Thank you for the opportunity to provide this White Paper to explain the current status of the biosafety practices and regulatory framework in the San Francisco Bay Area, including San Mateo County ("SMC"). The White Paper is intended to present the state of current regulatory oversight of biosafety in general, as well as provide a view of actual practice within the private sector of biopharmaceutical operations, particularly those in mixed-use (residential and commercial/industrial) areas.

I have worked in the private biopharmaceutical business sector for 25 years. From 1999 to mid-2006, I was the Associate Director of Occupational Safety and Industrial Hygiene in the Environmental Health & Safety ("EHS") department for the former Chiron Corp, a multinational R&D and manufacturing company making several biologically-derived drugs (Chiron was fully absorbed by Novartis in 2006). Chiron's headquarters site, in Emeryville, CA, operated numerous chemical and biological laboratories, including a BSL-3 laboratory in a densely populated, mixed-use area with success. For the last 18 years, I and my team of consultants have been providing EHS support services to the private biopharmaceutical business sector. A large portion of our work in this sector is based in SMC where we have dozens of biopharmaceutical clients. In addition, we have clients in Alameda County, the City and County of San Francisco, Santa Clara County, and more. Additionally, and important to the Parkline Project, I have helped support construction safety, hazard exposure assessment and control and life sciences compliance in the mixed-use area of Mission Bay South. The attached White Paper is a summary of my knowledge and experience in this industry and its application to the Parkline Project.

Sincerely,

Patricia Beach

Patricia Beach, MS, CIH
Managing Partner/Principal Consultant
Harris & Lee Environmental Sciences, LLC

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EXPIRES 12-1-28
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PATRICIA A. BEACH, CIH

The Parkline project presents aspects of development in Menlo Park and the Peninsula that are new. Namely, the mixed use and zoning for both residential and research laboratories (commercial/industrial) in the same area understandably raises public health questions and concerns. In particular, members of the public have expressed concerns about the presence of biological research labs within ¼ mile of residential uses. However, mixed-use zoning of residential and biological research is not new to the Bay Area. Below, the following topics are discussed in order to shed light on how mixed-use zoning can be successfully managed:

1) Regulatory Frameworks for Biosafety Hazard Management
2) Management of Animal Research Concerns
3) Hazard Control through Design – Bay Area Examples

1) Regulatory Background for Biosafety Hazard Management

With regard to naturally occurring micro-organisms, and their use in research in laboratory settings, the Center for Disease Control and Prevention (CDC) provides a wealth of information and guidance in its Biosafety in Microbiological and Biomedical Laboratories (BMBL), 6th edition (CDC, 2020). The BMBL was first published in 1984 and quickly became the cornerstone for biosafety practice and policy in the U.S. Also in 1984, the Association for Biosafety and Biosecurity (ABSA International) was founded. ABSA International promotes biosafety as a scientific discipline and serves the growing needs of biosafety professionals throughout the world.

The concerns for community exposure through the release of altered bio-organisms from research labs emerged as a unique public health concern in the 1970's when the ability to alter and engineer micro-organism DNA, by either recombinant or synthetic means[1] (referred to as rDNA), became more common and use in research spread widely. Biological risk emerged as a serious topic of public concern. The primary concern was then, and still is, the potential for these engineered molecules to combine with naturally-occurring DNA in either humans, animals or the natural environment to cause unknown harm. As a result of this emerging risk, the National Institutes of Health (NIH) published the first Guidelines for Recombinant DNA Research in June 1976. The Guidelines are updated regularly and oversight is provided by the NIH's Recombinant DNA Advisory Committee or RAC. The R&D activities surrounding altered and engineered DNA in microorganisms has been the driver of many of the modern life-saving treatments and production of drugs within the biotechnology and biopharmaceutical industry.

In the U.S., the BMBL and the NIH Guidelines go hand-in-hand as the standards of practice for exposure control for both workers and the public when it comes to managing

[1] According to NIH (NIH, 2019), recombinant and synthetic nucleic acids (DNA and RNA) are defined as follows: a) Recombinant -- molecules that are constructed by joining nucleic acid molecules (from different organisms, most often) and that can replicate in a living cell; and Synthetic – molecules that are chemically or by other means synthesized or amplified, and can base-pair with naturally occurring nucleic acid molecules. Lastly, molecules that result from the replication of either recombinant or synthesized DNA are also included in this class of molecules.

biosafety and biosecurity in research operations. Both documents address the biohazards and controls for Biosafety Levels 1 through 4, described below. The BMBL and the NIH Guidelines were developed, and are updated regularly, in collaboration with a broad range of scientists, laboratory directors, occupational physicians, epidemiologists, public health officials and health and safety professionals (CDC 2020) in order to continually address the changing nature of biosafety due to emerging threats and changing research. These documents set forth the work practices, containment, facility design requirements and the program management, oversight and training that define the standard of accepted practice for biosafety.

Regulatory Framework for Biosafety in the United States

Biosafety is regulated at the Federal, State and local levels of government. Because the use of biologicals in R&D and commercial products is newer than the use of chemicals, the regulatory framework, while robust, is less well-known to the public than for chemicals. The table below summarizes the regulatory framework with a more detailed discussion of each government level to follow.

Government Level	Legal Requirement	Biosafety Level	Industry Standard Practice
Federal Government	OSHA BBP Standard (29 CFR 1910.1030)	BSL 1, 2	CDC BMBL
	NIH Guidelines for rDNA Research[a]	BSL 1,2,3,4	NIH Guidelines for rDNA Research[a]
	Federal Select Agent Program (FSAP) (42 CFR 73; 7 CFR 331 and 9 CFR 21)	BSL 1,2,3,4	
	US Department of Transportation (DOT), 49 CFR.	BSL 1,2,3,4	
California State	Cal/OSHA BBP Standard (8 CCR § 5193)	BSL 1, 2	CDC BMBL
	Cal/OSHA ATD Standard (8 CCR § 5199)	BSL 3, 4	NIH Guidelines for rDNA Research[a]
	Medical Waste Management Act (California Health and Safety Code. Sections 117600 – 118360)	BSL 1,2,3,4	
	NIH Guidelines for recombinant DNA Research[a]	BSL 1,2,3,4	

Government Level	Legal Requirement	Biosafety Level	Industry Standard Practice
Local Government (San Mateo County)	Permit to generate Medical Waste; enforces the Medical Waste Management Act requirements Lab Decommissioning requirements	BSL 1,2,3,4 BSL 1,2,3,4	CDC BMBL NIH Guidelines for rDNA Research[a]

[a] The NIH Guidelines for rDNA Research are legally required if an entity (public or private) receives funding from NIH for any aspect of its research, directly or indirectly. In the absence of funding, the NIH Guidelines, in whole or as applicable, are routinely followed as a matter of standard business practice.

Federal Requirements

Federal OSHA regulates workplace exposures to Bloodborne Pathogens (BBP) under the Bloodborne Pathogens Standard (29 CFR 1910.1030). BBP are infectious agents present in blood and body fluids and/or tissues of humans and non-human primates. It is applicable to all workplaces where the potential for exposure to BBP exists, including, but not limited to, medical and dental facilities, as well as laboratories who conduct research with BBPs. The BBP Standard was revised in 2000 to incorporate the hazard control and reporting of needlesticks from syringes and other BBP-contaminated sharps (i.e., razor blades, broken glass, etc).

Note: States may have their own OSHA regulatory framework as long as it is approved by Federal OSHA and is at least as strict as the Federal Standards. Workplace safety and health in California is promulgated in the Cal/OSHA regulations (Title 8 of the California Code of Regulations, 8CCR). Additional details are provided below pertaining to biohazard control at the State level.

The Federal Select Agent Program (FSAP) is part of the CDC and the U.S. Department of Agriculture (USDA). The Federal Select Agent Program oversees the possession, use and transfer of biological select agents and toxins, which have the potential to pose a severe threat to public, animal or plant health or to animal or plant products. Select agents are listed by name in the FSAP regulations. The FSAP does the following in regards to select agents:

- Develop, implement and enforce select agent regulations;
- Maintain a national database;
- Inspect entities that possess, use or transfer select agents;
- Ensure individuals who work with select agents receive a security threat assessment, as required;
- Provide guidance to regulated entities on achieving compliance. The FSAP regulations reference the CDC BMBL and the NIH Guidelines as the primary resources for compliance with the FSAP.

The NIH Guidelines are required to be followed when an institution, including any collaborating institutions either private or public, receives Federal money from NIH to conduct research as defined in the Guidelines. In this case, many private R&D operations (including biopharmaceutical companies in the SF Bay Area) are required to follow the NIH Guidelines as a condition of receiving such funding (either directly or indirectly). Where not required through receipt of federal funds, NIH Guidelines are generally followed, as applicable, as standard industry practice.

Lastly, the transport by air, rail and roadways, of infectious and non-infectious biologic materials (as well as hazardous chemicals) is governed by the U.S. Department of Transportation.

California Requirements

California regulates workplace exposure to BBP, similar to Federal, above, under its BBP Regulations (8 CCR § 5193 et seq.). The BBP Standard addresses workplace hazards in affected work populations by requiring (in summary):

- A written BBP Program;
- Training of affected employees initially at hire and annually thereafter;
- Offering affected employees a Hepatitis B vaccination;
- Maintenance of a Sharps Injury Log; and
- Review and update of the Program to ensure it remains relevant to site operations;
- Lab facilities and handling practices consistent with BSL-2 controls described in the BMBL.

The BBP Standard emphasizes potential exposures via aerosol droplet transmission by inadvertent contact with mucous membranes, and accidental exposure via needlesticks.

In addition to the BBP Standard, California is unique in that is also regulates the potential exposure to Airborne Transmissible Disease (ATD) and Airborne Transmissible Pathogens (ATPs) in workplaces under its ATD Standard (8 CCR § 5199). ATDs and ATPs are specifically listed by name in Appendix A of the Standard. In addition to clinical settings and other impacted worksites (mortuaries, jails, etc.) there are specific requirements for laboratories conducting research on airborne pathogens and microorganisms. The ATD Standard defines an ATP-L (Airborne Transmissible Pathogen – Laboratory), as follows:

A pathogen that meets one of the following criteria: (1) the pathogen appears on the list in Appendix D, (2) the Biosafety in Microbiological and Biomedical Laboratories (BMBL) recommends biosafety level 3 or above for the pathogen, (3) the biological safety officer recommends biosafety level 3 or above for the pathogen, or (4) the pathogen is a novel or unknown pathogen.

Simply put, the inclusion of the BMBL by reference in 8 CCR § 5199, and the reference to a biological safety officer (BSO), which is defined in the regulation, makes the presence of any BSL-3 laboratory in California subject to the additional regulatory requirements of

Cal/OSHA under the ATD Standard. In addition, if the laboratory receives funding directly or indirectly from NIH, the laboratory is also subject the NIH Guidelines.

Finally, biologically infectious and/or medical waste ("red bag waste") is regulated by the Medical Waste Management Act (California Health and Safety Code. Sections 117600 – 118360) overseen by the California Department of Public Health (CDPH). Any laboratory that handles BBP or other biohazards generates red bag waste and is therefore subject to the Medical Waste Management Act. The CDPH extends authority to local agencies (most commonly County level government agencies, such as SMC) for the oversight and enforcement of the Medical Waste Management Act.

Local Requirements

In Menlo Park, the SMC Department of Environmental Health oversees the waste generation from biological research by requiring the filing of a Medical Waste Permit based on the amount of biological waste that a site produces (<200 kg/month = Small Quantity Generator, or SQG; >200 kg/month = Large Quantity Generator, or LQG). SMC staff inspects each facility that files a permit at initiation of operations and generally annually or semi-annually thereafter.

SMC also manages the safe closure of laboratories that conduct biological research with their medical waste closure plan requirement. In order to safely close an active permit, a closure plan must be submitted that documents the microorganisms in use, the facility decontamination protocols to be followed, and the record of completion of such protocols.

2) Management of Animal Research Concerns

The use of laboratory animals is governed by an interrelated system of regulations (such as animal welfare regulations, 42 USC § 289d), policies, guidelines and procedures. In animal research facilities in the U.S., *the Guide for the Care and Use of Laboratory Animals* ("the Guide") is the primary tool used to govern all aspects of animal research, including, but not limited to:

- Consideration of alternatives to reduce or replace use of animals
- Use of appropriate species, quality and number of animals
- Avoidance or minimization of discomfort, distress, and pain
- Use of appropriate sedation, analgesia, and anesthesia
- Establishment of humane endpoints
- Provision for adequate veterinary care
- Provision for husbandry by appropriately trained and qualified persons
- Occupational Health and Safety of all staff in the vivarium
- Establishment of Emergency Procedures for both staff and animals

Oversight of animal research at Bay Area institutions (such as large hospitals and universities) and private companies is done by internal Institutional Animal Care and Use Committees (IACUC). The IACUC is comprised of, at minimum, a Doctor of Veterinary Medicine with experience in lab animal science and medicine, at least one practicing

scientist experienced in research involving animals, at least one member from a non-scientific background from either inside or outside the institution, and at least one public member to represent the general community interests in the proper care and use of animals.

The IACUC typically meets either monthly, quarterly or semi-annually depending on the size of the institution and complexity of the research. The IACUC conducts animal facility inspections at least twice per year. Lastly, the IACUC ensures the institution is adhering to requirements outlined in the Guide for the safety and health of the workers, and the care and humane treatment of the animals, including provisions for emergencies. The involvement of the community member on the IACUC ensures that the larger community concerns are addressed.

3) Hazard Control through Design – Bay Area Examples

It is a very common community concern to fear uncontrolled releases of biohazards to the nearby public from biological research labs. This is understandably a potential public health and environmental risk. One important misconception of biolabs is that biohazardous agents in use can be exhausted directly through the laboratory exhaust system. This is not true. The facility and infrastructure requirements for biological research laboratories provide considerable redundancy to contain biohazards at the source within a lab.

In practice (and as reviewed in the biosafety levels review in Attachment 1), beginning at BSL-2, handling of biohazards is done in a very controlled manner and inside a Class II biosafety cabinet (or BSC). BSCs are designed to both protect the worker, the agents being handled, and the larger environment. BSCs capture biohazards at the source, and only clean, high efficiency particulate air (HEPA) filtered air is exhausted through the exhaust system, or with lower-level hazard, back to the room.

The ventilation requirements increase for BSL-3 labs. A mechanical air ventilation system is required that provides sustained directional airflow by drawing air into the lab from "clean" areas toward potentially contaminated (e.g., negative air cascade). To accommodate this effectively and more efficiently, BSL-3 labs have gown-in rooms that are negatively pressured from the laboratory hallway. The main lab area is further negatively pressurized compared to the gown-in room, thereby forming the cascade. The design is such that under failure conditions the airflow will not be reversed at the containment barrier. A visual monitoring device that confirms directional airflow is provided at the entrance to the gown-in room, and in the gown-in room.

Animal research facilities are typically distinct and separate from other lab spaces, but adhere to control of hazards, including animal dander, chemical exposures, and biohazards at the source with the use of HEPA-filtered cage racks, BSCs for animal handling and cage changing, and bedding changing stations. For the control of chemicals and anesthetics, the use of charcoal filtered devices or fume hoods are utilized.

A key example of a successful implementation of mixed-use zoning and biosafety research labs is the Mission Bay South development in San Francisco. The very issue that the Parkline Project is managing was successfully dealt with in the Mission Bay South development – managing public and environmental health with adjacent biomedical research (UCSF, Kaiser, and private sector labs) and residential housing and retail.

The Mission Bay South EIR addressed the biosafety hazard directly in its CEQA mitigation measures I.1, I.2 and I.3 (here). In summary, the mitigation measures required:

> I.1: Businesses handling biohazardous materials, but that do not receive federal funding, to certify that they adhere to the NIH and CDC guidelines, as well as the Guide for the Care and Use of Laboratory Animals.
>
> I.2: The use of HEPA Filters. Businesses handling biohazardous materials to certify that they use high efficiency particulate air (HEPA) filters (or substantially equivalent devices) on all exhaust from BSL-3 laboratories. Require such businesses to certify that they inspect or monitor filters regularly.
>
> I.3: Require businesses to certify that they do not handle or use biohazards requiring BSL-4 containment.

The controls described in I.1 and I.2 are standard and required practices in biosafety research lab practice and design in California, respectively. Regarding I.3, the Parkline Project would not accommodate any BSL-4 labs and such a mitigation measure is not applicable to the Parkline project. As of September 2023, there were no BSL 4 laboratories in California. There are currently only 13 nationwide BSL-4 laboratories, primarily run by US government agencies, or at select universities that are funded and overseen by the US government.

The EIR developed for the Mission Bay South project site relied heavily on the EIR prepared by the former Chiron facility in Emeryville, CA. Chiron was conducting unique (at the time) research with recombinant proteins and there was considerable concern by the nearby public to manage the risks and hazards of genetically modified cells. What proved to be successful for Chiron was the direct involvement of select lay people from the community to sit on the IACUC, as well as Chiron's Institutional Biosafety Committee (or IBC). An IBC is a requirement of institutions and companies that receive NIH-funding and serves as the oversight body for the safe research of biological materials.

From the NIH website[2], NIH FAQs, this is the definition of an IBC:

Institutional Biosafety Committees (IBCs) were established under the NIH Guidelines *to provide local review and oversight of nearly all forms of research utilizing recombinant or synthetic nucleic*

[2] Available at https://osp.od.nih.gov/policies/biosafety-and-biosecurity-policy/faqs-on-institutional-biosafety-committee-ibc-administration-april-2024/ and incorporated by reference.

acid molecules. Over time, many institutions have chosen to assign their IBCs the responsibility of reviewing a variety of experimentation that involves biological materials (e.g., infectious agents) and other potentially hazardous agents (e.g., carcinogens). This additional responsibility is assigned entirely at the discretion of the institution.

An IBC is minimally comprised of five members, two of which are non-affiliated with the institution or entity under oversight. These non-affiliated members *"represent the interest of the surrounding community with respect to health and protection of the environment. These may be officials of state or local public health or environmental protection agencies, members of other local governmental bodies, or persons active in medical, occupational health, or environmental concerns in the community."* Additionally, individual(s) representing community attitudes is/are recommended member(s) of an IBC. Additional details and recommendations on membership, operations, and oversight responsibilities are provided here: NIH FAQs.

Mixed-use zoning such as that identified for the Parkline Project does benefit from coordination with the key site personnel from the various site uses (residential and commercial), and City and County agencies to ensure emergency management plans are clear and coordinated. The Mission Bay South project, which covers a significantly larger area that then Parkline Project, included such provisions in its CEQA Mitigation Measures (see H.2, H.3, H.3a and H.3b). My direct experience at Chiron in Emeryville as a leader on the Emergency Response Team proved the value of preparation and coordination with the City fire and police departments during emergencies, both large and small.

Lastly, and not least, while oversight is provided by IBCs, IACUCs and coordinated efforts with local agencies, day-to-day compliance of research operations is managed by a team of professionals within the research institutions, including at SRI. Experienced Occupational & Environmental Safety and Health (OEHS) professionals and their staff provide the safety and health foundation (from Programs, Policies, Training and more) from which the research conducted in the labs is safely done.

Summary

The frameworks for biological safety are robust in the United States and particularly in California and the Bay Area. Research scientists in the private sector, who invariably come from research institutions where NIH-funding grants are common-place, are very familiar with the NIH Guidelines and the BMBL which are standard industry practice. Further, OEHS professionals and Biological Safety Officers (BSOs) that support the exposure controls and overall risk management within the institutions and companies (both publicly funded and privately owned) use the BMBL and the NIH Guidelines as the "go-to" resources for managing biological exposure risk, in conjunction with other workplace regulations such as Cal/OSHA and local government enforcement. Finally, here in California, we are unique in that the BMBL is referred to as the citing reference for BSL-3 work in laboratories. This regulation gives the recommendations in the BMBL the force of law in California where BSL-3 work is done.

Examples of successful mixed-use areas are already in place, namely the Mission Bay South, and the Emeryville area. These areas show that properly planned, coordinated and transparent requirements mitigate risks while allowing development for the 21st century.

References

California Occupational Safety & Health Administration (Cal/OSHA).

Centers for Disease Control (CDC). National Institutes of Health. Biosafety in Microbiological and Biomedical Laboratories (BMBL), 6th Edition. June 2020.

National Institutes of Health (NIH), Dept. of Health and Human Services. *NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules (NIH Guidelines)*. April 2019.

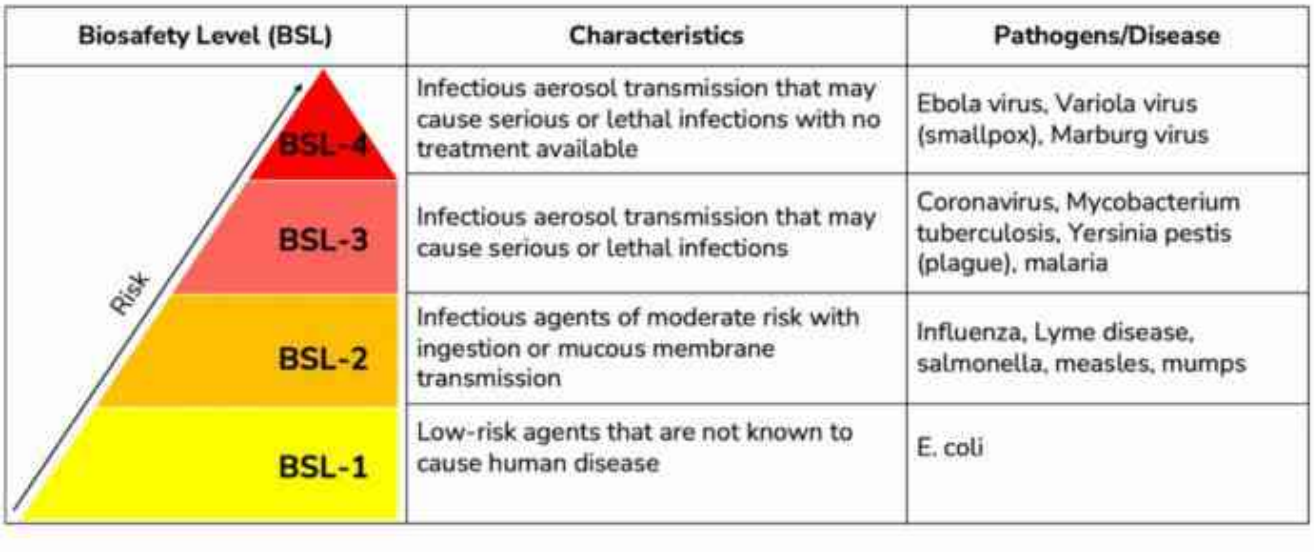
National Research Council. *Guide for the Care and Use of Laboratory Animals.* National Academy Press. Washington D.C., 2011.

San Mateo County (SMC) Medical Waste Program.
https://www.smchealth.org/medwaste

ATTACHMENT 1
Summary of BSL Controls

A Review of the Biosafety Levels

According to the BMBL (2020), the CDC published *Classification of Etiologic Agents on the Basis of Hazard* in 1974. This report introduced the concept for establishing ascending levels of containment that correspond to risks associated with the handling of infectious microorganisms that present similar hazard characteristics. Human pathogens were grouped into four classes according to mode of transmission and the severity of disease they caused. These became known as the Biosafety Levels (BSLs). The primary risk criteria used to define the four ascending levels of containment (the BSLs 1 through 4), are infectivity, severity of disease, transmissibility, and the nature of the work being conducted (CDC 2020). See the Figure below.



Each level of containment describes the microbiological practices, safety equipment, and facility safeguards for the corresponding level of risk associated with handling the agent. The facility safeguards associated with the BSLs help protect non-laboratory occupants of the facility, the public health and the environment (CDC 2020). Summaries of the biosafety levels (BSLs) 1 through 4 are provided below. The California BBP Standard essentially addresses laboratory practices and facilities described in BSL-1 and BSL-2. The California ATD Standard directly addresses the laboratory practices and facilities described in BSL-3 and BSL-4.

Note: BSL-4 labs are not included in the Parkline Project. No further discussion of BSL-4 is provided.

A summary table from the BMBL and a more detailed infographic showing facility safeguards of the four BSLs are provided in Attachment 2.

Biosafety Level 1

- Used for bioagents not known to consistently cause disease in healthy adults.

- Standard microbiological laboratory practices, such as:
    - All workers receive appropriate training;
    - Work surfaces decontaminated once a day and after spill;
    - Eating, drinking, smoking and applying cosmetics are prohibited in the laboratory;
    - Procedures are performed carefully to minimize creation of aerosols;
    - A sink for handwashing is available.
- Laboratory Facilities include sturdy furniture that is easily cleanable, and if the lab has windows, they are fitted with fly screens.
- Examples: high school or college labs and research institutions

Biosafety Level 2

- Used for a broad spectrum of bioagents in the community and associated with human disease of moderate severity.
- Standard microbiological laboratory practices as BSL-1, plus:
    - All contaminated liquid or solid waste is decontaminated before disposal;
    - Access to the laboratory is limited to qualified and trained personnel;
    - BSL-2 labs are labeled as such and the biologics in use are indicated;
    - PPE is worn in the lab (lab coat, disposable gloves, safety glasses) and PPE is removed upon lab exit;
    - Special care is used with sharps to avoid accidental punctures;
    - Durable, leakproof containers are used to collect waste that is decontaminated offsite;
    - Workers are offered medical surveillance (prophylaxis and vaccines, if available) and encouraged to self-report any health conditions that could make them more susceptible to infection.
- Laboratory Facilities same as BSL-1, plus:
    - Limited access and lab is separated from public areas
    - A biological safety cabinet (BSC) is used to enclose tasks that have the risk of generating aerosols;
    - An eyewash is available at a lab sink;
    - A method for decontaminating laboratory waste is available.
- Examples: research institutions, essentially all hospitals and medical and veterinary schools, dental offices and medical laboratories.

Biosafety Level 3

- Used for bioagents with potential for aerosol transmission that may cause serious or potentially lethal disease by inhalation if left untreated.
- Workers are immunized for agents handled or potentially present.
- Standard microbiological laboratory practices as BSL-2, plus:
    - Any incidents resulting in exposures are immediately reported to lab supervisor and institutional management and investigated. Appropriate records are maintained.
    - Use of respiratory protection is considered based on risk assessment;
- Laboratory Facilities same as BSL-2, plus:

    - Access to the lab is through two consecutive self-closing doors, typically separated by a change room and/or anteroom.
    - The handwashing sink is hands-free or automatically operated and should be located near the exit door;
    - A mechanical air ventilation system is required that provides sustained directional airflow by drawing air into the lab from “clean” areas toward potentially contaminated (e.g., negative air cascade). The design is such that under failure conditions the airflow will not be reversed at the containment barrier;
    - A visual monitoring device that confirms directional airflow is provided;
    - Lab exhaust air is not recirculated;
    - Lab exhaust air is dispersed away from occupied areas from the building air intake locations, or the exhaust air is HEPA filtered.
    - When present, HEPA filter housings have gas-tight isolation dampers, decontamination ports, and/or bag-in/bag-out capability;
    - BSL-3 facility design, operational parameters, and procedures are verified and documented prior to operation. Facilities are tested annually or after significant modification to ensure operational parameters are met;
    - Appropriate communication systems are provided between the lab and the outside;
    - Provisions for emergency communication and emergency access or egress are developed and implemented.
- Examples: biological research institutions, hospitals and medical and veterinary schools.