

**1125 O'Brien Drive Project**

Comments on the Draft Environmental Impact Report (DEIR)

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**From:** Luis J. Guzmán <\_\_\_>

**Sent:** Thursday, March 30, 2023 2:34 PM

**To:** Hogan, David W.; Planning Commission

**Cc:** Paz, Ori; Perata, Kyle T; Smith, Tom A; Turner, Christopher R; Khan, Fahteen N

**Subject:** Proposed 1125 O'Brien Drive - Project and draft EIR Feedback - Nearby project synergies

1125 O'Brien Drive, Menlo Park Project Feedback:

Dear commissioners, city officials and owner/developer,

Thanks a lot for the opportunity to provide some feedback on the new 1125 O'Brien Drive/1 Casey Court development proposal, draft EIR.

Below are a few comments on the project:

- We would like to have as much local greenery and as many new community park amenities as possible. Therefore, we would like the current owner/developer of this project to re-purpose the back of 1 Casey Court near the Hetch Hetchy right of way. The back end parking spaces should be transformed into community amenities. The owner should work with the Facebook Willow Campus developer (Hamilton Court) and other nearby owners (20 Kelly Court, 1075 O'Brien, 1005 O'Brien and 1320 Willow Road, etc...) and relevant parties such as the city and the SFPUC to increase park/playground options and amenities on that section of Hetch Hetchy and include tennis/basketball/football/soccer/bocce ball courts, secured children/toddlers areas, etc... to serve both employees and local residents.

- We would like to encourage the owner/developer to work with the FaceBook Willow Village developer on their current design and 1075/20 Kelly Court to allow the possibility of new connections with the new Willow campus street and paseos grid proposal (for example on the current drainage channel between 1075/1105 O'Brien Drive and between 20 Kelly Court and 960/1350 Hamilton).

- We very much like the idea to have as much community accessible mixed business-retails space as possible to increase and diversify the commercial options to residents and employees: a locally owned/operated coffee shop like Cafe Zoe with opportunities for local community events (music, arts, meetings, etc...) would be a great addition. Increasing the height of the building in a non residential business area in order to maximize the public/retail/park areas is a good compromise.

- ADA compliant sidewalk/crossing on O'Brien/Casey should be included in the design (as a continuation and similarly to what has been done at 1035 O'Brien Drive). These sidewalks/pedestrian crossings should be also implemented all along and on both sides of O'Brien Drive (and in the business park in general including Kavanaugh Way to connect to existing sidewalks in East Palo Alto) to make it ADA compliant and pedestrian/bicyclist friendly.

Overall, we are very excited about these new mixed used projects with public access and amenities east of US101 such as this one and the future planned FaceBook Willow open multi-use campus. Nearby residents are looking forward to some constructive feedback with the owner/developer and wishing them success. We are also looking forward for the city of Menlo Park and the planning commission to encouraging more of such live/work/play developments in the near future that will transform these business parks in more lively community districts integrated in the surrounding city neighborhoods.

Thank you for your time and consideration.

Respectfully,

Luis Guzman

7 Clarence Court

East Palo Alto resident for over 40 yr

# 1125 O'Brien Project - Correction on Liquefaction Hazard Statement in April 10 Study Session

Naomi Goodman <nlgoodman@hotmail.com>

Wed 4/12/2023 4:23 PM

To: Planning Commission <planning.commission@menlopark.gov>;

Cc: Gita Dev <gd@devarchitects.com>; Lynne Bramlett <lynne.e.bramlett@gmail.com>;

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Commissioners,

In the April 10, 2023 Study Session on the 1125 O'Brien project, an executive officer of Tarlton Properties stated that the project was not located within a high hazard liquefaction zone, as was noted by me and several other commenters. I believe it is important for your consideration of this project to correct this misapprehension. According to the current MTC/ABAG Hazard Viewer map (2006 update), the property lies atop a boundary between moderate and high hazard liquefaction susceptibility zones (see Figure 1 below). This map is not accurate on the scale of the proposed development; thus, it will be important for the builders to ascertain the soil types present before finalizing construction plans.

The project is also located within a California "Zone of Required Investigation" for liquefaction (see Figure 2 below). According to the California Department of Conservation Seismic Hazards Program, "**Liquefaction Zones** identify where the stability of foundation soils must be investigated, and countermeasures undertaken in the design and construction of buildings for human occupancy. Statutes require that cities and counties use these zones as part of their construction permitting process."

Naomi Goodman, MSPH  
Menlo Park

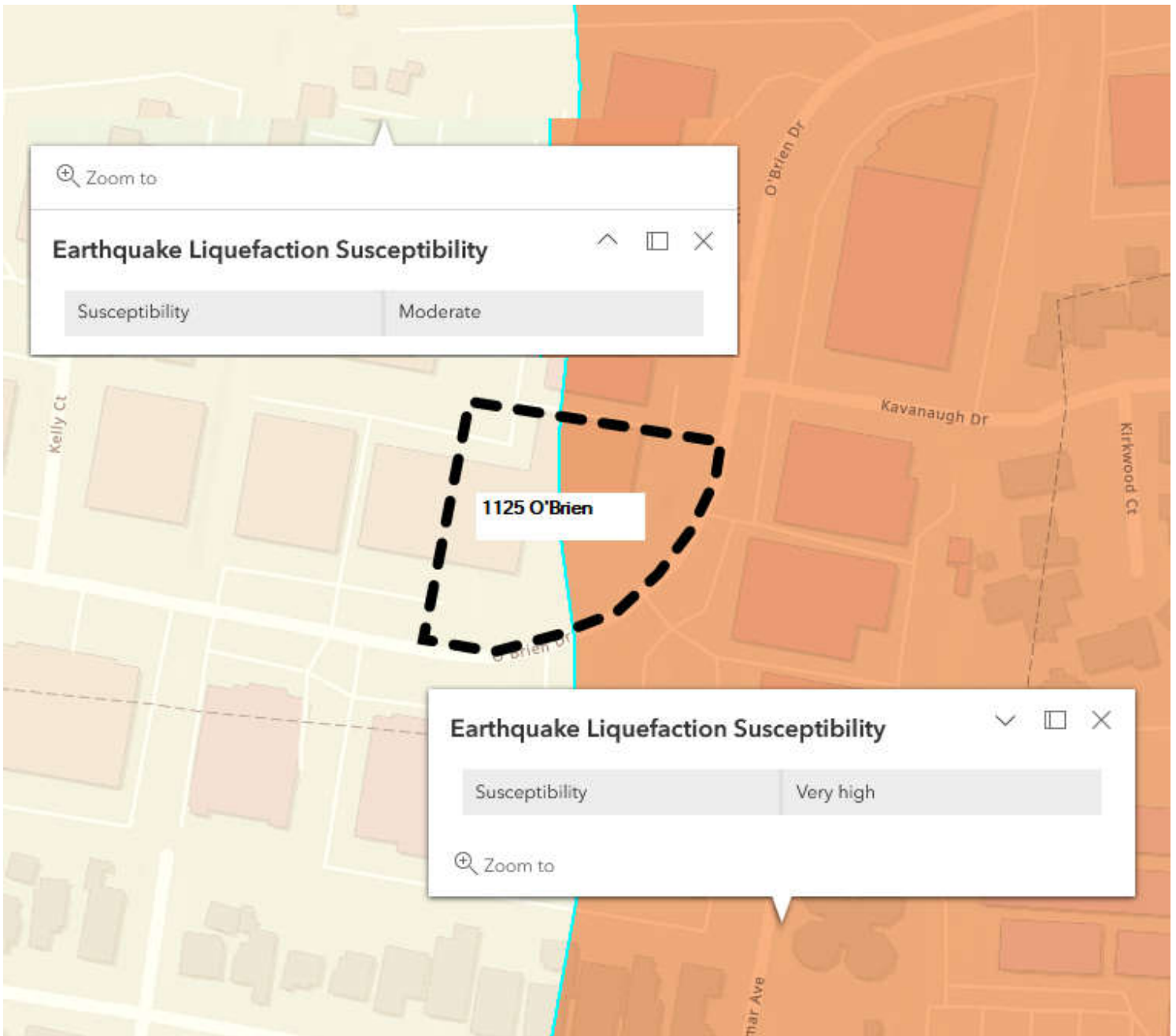


Figure 1: MTC/ABAG Hazard Map (<https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>)

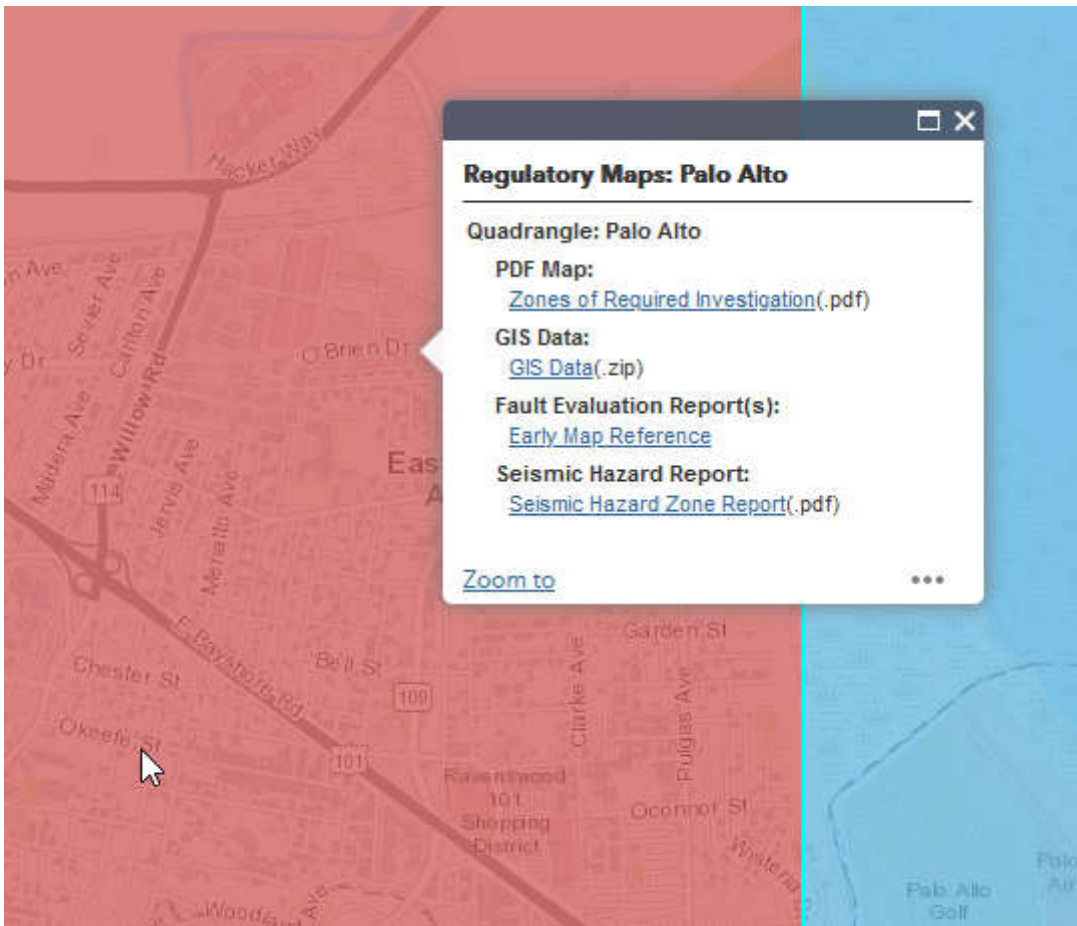


Figure 2: CA Dept of Conservation Regulatory Maps, CGS Warehouse  
(<https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/>)



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES

April 26, 2023

Menlo Park Planning Commission and  
David Hogan, Sr. Contract Planner  
Community Development  
701 Laurel St.  
Menlo Park, CA 94025  
Via email: [dwhogan@menlopark.gov](mailto:dwhogan@menlopark.gov)  
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**Subject: Sierra Club Comments on prohibiting BSL-3 and BSL-4 labs in Menlo Park**

Dear Mr. Hogan and Menlo Park Planning Commissioners,

The Sierra Club Loma Prieta Chapter's Sustainable Land Use Committee advocates for land use issues and the Chapter's Bay Alive campaign advocates for the ecological health of San Francisco Bay. We are concerned about the potential safety hazards of life sciences projects situated close to residential areas and to the Bay. The Menlo Park Life Sciences District is of particular concern because it is in an area of moderate to high liquefaction susceptibility<sup>1</sup> and one that could be impacted in the future by sea level rise. We also note its adjacency to residential neighborhoods in East Palo Alto.

We strongly recommend that no Biosafety Level (BSL)-3 labs be permitted in Menlo Park, and that BSL-4 labs also be excluded. We recommend that, if this project is approved, the permit stipulate that the facility not be equipped or permitted for Biosafety Level (BSL)-3 or BSL-4 activities, which pose the greatest risk if there is a release of dangerous, contagious organisms. We understand from comments at the Planning Commission study session on this project that Menlo Park does not currently have any BSL-3 labs. There are currently no BSL-4 labs in California.

Four biosafety levels (BSL), BSL-1 through BSL-4, are defined for all life sciences laboratories, in order of increasing requirements, to prevent harm to humans and the environment through

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<sup>1</sup>CA Dept of Conservation Regulatory Maps, CGS Warehouse, Zones of Required Investigation  
<https://maps.conservation.ca.gov/cgs/informationwarehouse/regulatorymaps/>

MTC/ABAG Hazard Map:  
<https://mtc.maps.arcgis.com/apps/webappviewer/index.html?id=4a6f3f1259df42eab29b35dfcd086fc8>

release of a living organism (e.g., inoculated test animal, infectious agent, infected worker, accidents).<sup>2</sup> The BSL is determined based on the inherent danger of the organism and the type of research conducted. As the BSL level increases, federally funded laboratories must adhere to increasingly stringent National Institute of Health (NIH) standards for equipment, worker protection, decontamination, waste disposal, release incident reporting, and so forth. Unfortunately, privately funded research and privately owned biotech R&D facilities, such as that proposed for 1125 O'Brien, are not required to adhere to the NIH requirements for BSL levels 1 through 3. BSL-4 labs, which work with highly lethal agents such as Ebola, should never be allowed near residential areas.

Recently, the Sierra Club Loma Prieta Chapter organized a webinar titled Planning for Life Sciences Development for Bay Area Cities.<sup>3</sup> The event featured experts from the Boston/Cambridge area, a historic hub for life sciences in the US, and included biosafety experts. An important fact emerged: several cities in the greater Boston/Cambridge metropolitan area have reversed their biosafety policies to no longer allow BSL-3 or BSL-4 labs in their cities, and more are joining their ranks. Some do not even allow BSL-2 labs. Please see a list of cities and links to their ordinances included HERE.

Why have they made these changes? With decades of experience with the industry and the growing awareness of the increasingly lethal agents used in BSL-3 “high-containment” labs, cities are now “walking-back” from allowing the high-risk labs into their communities.<sup>4</sup>

BSL-3 “high-containment” labs involve the higher-risk pathogens that are relatively very difficult to control, as they are usually airborne and very contagious when released. They require complete dependence on mechanical systems that can fail through human error, mechanical failure or disasters<sup>5</sup>. They work better in institutions such as universities that have layers of safety oversight committees to ensure an understanding of risks, transparency, regular reporting and inspections, and biosafety procedures for worker, public and environmental safety.

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<sup>2</sup> Activities and projects conducted in biological laboratories are categorized by biosafety level. The four biosafety levels are BSL-1, BSL-2, BSL-3, and BSL-4, with BSL-4 being the highest (maximum) level of containment. There are additional specific rules and designations for animal research (ABSL), agricultural research (BSL-Ag), and other types of research. These other types of labs require their own specific set of rules and regulations, because they are dealing with larger organisms, such as plants, animals, and insects.

<https://www.phe.gov/s3/BioriskManagement/biosafety/Pages/Biosafety-Levels.aspx>

<sup>3</sup> “[Planning for Life Sciences Development for Bay Area Cities](#),” a Webinar for Municipal Leaders, March 2, 2023

<sup>4</sup> “The asymmetric threat posed by biological weapons will continue to increase as new tools and techniques are developed ...by the society-wide economic, emotional, and government-destabilizing impacts caused by the COVID-19 pandemic. Indeed, it can be argued that the total cost of this pandemic—including the loss of life and the stress to the economy—could be rivaled only by the deployment of an atomic bomb.”

<https://www.hstoday.us/subject-matter-areas/counterterrorism/engineered-pathogens-and-unnatural-biological-weapons-the-future-threat-of-synthetic-biology/>

<sup>5</sup> [Boston University](#), June 1, 2016: “A malfunctioning network switch at BU’s National Emerging Infectious Diseases Laboratories (NEIDL) resulted in a shutdown of parts of the lab’s ventilation monitoring system ...The University has suspended BSL-3 research until the outside engineers’ review recommended remedial work to prevent future ventilation system malfunctions.”

Menlo Park does not have processes in place to protect residents and the environment from risks at these facilities, nor are there any other local or state regulatory agencies with responsibility for ensuring that private biotech labs do not impact the community.

- There is no mention of biohazards, biosafety, or biosecurity in the Menlo Park Safety Element<sup>6</sup>, in Connect Menlo<sup>7</sup>, or in the zoning ordinance that established the Life Sciences District. The City is completely unprepared for a biohazard release incident.
- San Mateo County Environmental Health staff have reported<sup>8</sup> that they have no authority or responsibility for biohazard incidents, with the exception of the Coronavirus pandemic. The State hazardous materials databases, which the fire department and emergency responders depend upon, include chemical and radiological hazards but do not include biological hazards. The federal government does not regulate or oversee privately funded biotech labs and the research they do other than licensing companies to work with hazardous organisms.
- The City's Life Sciences zone heavily impacts the East Palo Alto and Menlo Park's Belle Haven neighborhoods, already impacted and vulnerable residential areas and school sites, potentially endangering children and other residents with unknown infectious agents.
- This facility would be located within a few hundred yards of sensitive natural ecosystems that affect the Bay itself. Flooding and seismic events are known hazards in this part of the Bay Area, therefore ecological impact concerns of BSL-3 labs are a critical issue.

The federal government and the scientific community are expressing increasing concern about the growth of new risky research in privately funded BSL-3 labs and the lack of oversight<sup>9</sup>. Several recent news articles have elaborated on these concerns.<sup>10 11</sup> Without

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<sup>6</sup> <https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/Housing-Element/2023-2031-Housing-Element-Update/Safety-Element>

<sup>7</sup> <https://menlopark.gov/Government/Departments/Community-Development/Planning-Division/Comprehensive-planning/ConnectMenlo>

<sup>8</sup> In a meeting with the San Mateo County Office of Environmental Health and the Sierra Club Biosafety working group on January 9, 2023 and including San Mateo County Supervisor Pine and staff on February 2, 2023.

<sup>9</sup> The National Institutes of Health (NIH) have formed an advisory committee, the National Science Advisory Board for Biosecurity (NSABB). The NSABB has held meetings in 2022 and 2023 about Biosafety, with specific focus on Potential Pandemic Pathogen Care and Oversight (PC3O) and Dual Use Research of Concern (DURC). In a transcript of a NSABB Sept 2022 meeting a board member notes: *"We have to deal with the problem of domestic research that's not funded by the US government. That's a big chunk right now, especially out here in the west with Silicon Valley."*

<sup>10</sup> [You should be afraid of the next "lab leak"](#), NY Times Nov 23, 2021. *"In fact, the most concerning aspect about high containment biolabs is that, considered as a collective, they may only be as safe as the worst lab among them. A breach or a breakdown at one could imperil us all."*

<sup>11</sup> [Research with exotic viruses risks a deadly outbreak, scientists warn](#)" Washington Post, April 11, 2023.



proper regulation or oversight required by the NIH or other public health agencies, allowing the proliferation of these facilities without appropriate controls presents a significant risk to public safety.

### **In Summary**

- 1. We strongly urge you to reject the establishment of any BSL-3 and BSL-4 labs in Menlo Park.**
- 2. With respect to the 1125 O'Brien EIR**, which does not address the concerns expressed in this letter, we request that the EIR evaluate the potential impacts on human health and the environment of an accidental release of a spectrum of biological agents that would potentially be allowed based on the BSL levels that Menlo Park decides to allow for the building and that the building infrastructure will be designed to accommodate in the future. For example, if HVAC systems could be designed to include BSL-2 or BSL-3 with its positive air pressure requirements, the EIR should evaluate the consequences of a failure of that system and its impact on nearby residents and ecological receptors.

Please note that, besides biosafety, this letter does not address any of the other issues which should be reviewed regarding this project, such as impacts on the nearby communities of EPA and Belle Haven, including noise (the city's noise standards for labs' HVAC equipment will need setbacks greater than in Menlo Park's current Life Sciences ordinance or sound barrier enclosures for rooftop equipment), lab lighting (requiring shades after hours for neighbors' protection), air quality of lab exhausts, shading by tall HVAC equipment, climate action plan impacts due to requests to allow gas-fired HVAC equipment and exemption from reach codes needed for climate action plan goals, excessive water and energy consumption, and other sustainability and environmental concerns.

Respectfully submitted,



Gita Dev, Co-Chair, Sustainable Land Use Committee, Sierra Club Loma Prieta Chapter  
Gladwyn d'Souza, Chair, Conservation Committee, Sierra Club Loma Prieta Chapter

Cc: Menlo Park City Council members  
James Eggers, Executive Director, Sierra Club Loma Prieta Chapter  
Jennifer Chang Hetterly, Campaign Lead, Bay Alive, Sierra Club Loma Prieta  
Dave Pine, Chair, Board Of Supervisors, San Mateo County <[dpine@smcgov.org](mailto:dpine@smcgov.org)>  
Ray Mueller, Board of Supervisors District 3, San Mateo County <[rmueller@smcgov.org](mailto:rmueller@smcgov.org)>  
Len Materman, OneShoreline, San Mateo County <[Len@oneshoreline.org](mailto:Len@oneshoreline.org)>

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*A growing number of scientists are reconsidering the dangers of prospecting for unknown viruses and conducting other high stakes work with pathogens*

# Menlo Park Bio-Safety Level Labs

Gita Dev <gd@devarchitects.com>

Sun 4/16/2023 10:16 PM

To: Andrew Barnes <andrew@barnes210.com>; Linh Dan <linhdan@gmail.com>; Cynthia Harris <cynthiaharrismp@gmail.com>; Riggs, Henry <hrriggs@comcast.net>; Jennifer Schindler <jennifers@gmail.com>; Michele Tate <tatemelopark@gmail.com>; \_Planning Commission <planning.commission@menlopark.gov>;

Cc: Sierra Club Chair Conservation Comm Gladwyn d'Souza' <godsouza@mac.com>; Jennifer Hetterly <jennifer.hetterly@sierraclub.org>;

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To Menlo Park Planning Commissioners

Thank you for the opportunity to speak last Monday at the Study session for 1125 O'Brian Life Sciences project.

Life Sciences is an important industry for the benefits it brings to the world and, once again, Silicon Valley is privileged to be at the center of innovation. We are supportive of this new industry based on science. However, Life Sciences by its nature can bring with it an element of risk when the research involves infectious diseases. And this risk needs to be managed. For that the government has classified Life Sciences labs into 4 basic safety levels, as was discussed.

1. For your information, we forward a [very short video](#) explaining Life Sciences and Bio-safety level labs.
2. The "[Planning for Life Sciences](#)" webinar also includes several short presentations including -"Understanding Bio-Safety Levels". This has an interesting visual presentation of what these BioSafety Levels look like inside the labs.
3. Re. [limiting Life Sciences labs to BSL1 &2 in Menlo Park and not permitting BSL-3 &4](#): Recently there has been a lot of concern at NIH and in the scientific community about growing risks from PRIVATELY-FUNDED speculative BioSafety Level-3 labs that deal with risky new viruses. This is because privately-funded labs are not required to be regulated and overseen by NIH. As we know, Menlo Park does not have any BSL-3 labs now and probably does not want the responsibility for public safety that comes with them. Especially with the close proximity to East Palo Alto housing, schools and daycare. The few BSL-3 labs there are in the bay area are mostly in the universities, with layers of protocols for academic safety and supervision. Here is just one of many recent news articles about the dangers of BSL-3 labs. <https://www.washingtonpost.com/investigations/interactive/2023/virus-research-risk-outbreak/> dated April 10th 2023.

We can provide more information if needed. Please do let us know how we can be helpful.

Regards,

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Gita Dev  
BioSafety Working Group  
Sierra Club Loma Prieta  
415.722.3355