

**Response to Comments on the Municipal Service Review for the City of East Palo Alto,  
East Palo Alto Sanitary District, and West Bay Sanitary District**

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**From:** [Nick B](#)  
**To:** [Rob Bartoli](#)  
**Subject:** MSR Public Comment  
**Date:** Monday, May 2, 2022 8:05:43 AM

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Hello Mr. Bartoli,

I would like to submit the following statement as public comment on the Municipal Service Review for East Palo Alto Sanitary District, City of East Palo Alto, and West Bay Sanitary District:

This report does not sufficiently explore the possibility of consolidation between EPASD and WBSD. The findings of this report conclude that 1) WBSD is a well run public agency and 2) already in the business of providing sewer services to the cities of Menlo Park and East Palo Alto. Nearly 10% of EPASD customers reside within Menlo Park and would have no elected representation in a subsidiary district to the City of East Palo Alto.

As WBSD is already established as a well run regional sewer utility in these cities, and others, consolidation between EPASD and WBSD would provide more complete representation to all residents receiving sewer services. A consolidated district would also provide the possibility of more affordable sewer rates to its customers by utilizing the efficiencies of economies of scale as well as higher quality of services as WBSD is an already existing sewer agency experienced in providing sewer services to its customers throughout southern San Mateo County.

This MSR should more sufficiently explore the possibility of consolidation as well as include as one of its recommendations that the EPASD board consider opening discussions with WBSD for consolidation.

A-1

<b>Letter A</b>	<b>Nick B, Resident</b>
Response A-1	Comment noted. As part of Section 8 – Reorganization Options of the MSR, the governance option of annexation of the EPASD service area to WBSD was expanded. The governance option discusses the potential economies of scale of having WBSD annex the service area and the management of the sewer service (Page 206-208).



South County Community Health Center, Inc.  
dba Ravenswood Family Health Network

May 2, 2022

LAFCo Commission  
Rob Bartoli, Executive Director  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94073

Re: East Palo Alto Sanitary District MSR

Dear Mr. Bartoli and LAFCo Commissioners,

As the CEO of Ravenswood Family Health Center in East Palo Alto, CA, a 20 year old Community Clinic that served comprehensive medical and dental services to over 9,000 residents in 2021, and have in our employment over 80 residents of the City; I am appalled and disheartened by the impasse we have experienced over the past 4 years with the EPA Sanitary District (EPASD). Our Community Health Center located on the corner of Bay Road and Pulgas Avenue was partnering with John A. Sobrato of the Sobrato Family Foundation to share in the building of a 60,000 square foot Non-Profit Resource Center on Pulgas Avenue adjacent to our clinic building, that would house our administrative services for staff and patients alike. In addition, the building would be home and a conference center, lease free, to many other non-profit agencies serving the residents of the City.

We started planning the construction of this building in 2018 with the goal of being able to complete the construction in the summer of 2022. We had worked with the City of East Palo Alto Planning Department through all of the pre-requisites for entitlement save obtaining a "Will Serve Letter" from the EPASD. What we received was a letter demanding \$6.6 million dollars to connect our proposed building ½ a block away to Bay Road. This would have increased the cost to build the project by 11% with no rational explanation or willingness to discuss the basis of such an outrageous price which no prudent developer would consider paying.

As a result, the project was unable to go forward, a great loss for the non-profit organizations serving East Palo Alto who desperately need subsidized space with shared meeting rooms and up-to-date infrastructure, especially HVAC given what we have learned from the COVID pandemic. With no future resolution in sight, Mr. Sobrato has gone on to build a Non-Profit Resource Center in Palo Alto on West Bayshore and is concentrating his philanthropic efforts on homeless housing solutions.

The non-profit organizations who are now left out, like our own health center, fill many needs of our lowest income residents, healthcare, legal advice, education, business development, financial training, counseling, job training and many other essential services that are financially and linguistically accessible. By their unwillingness to charge a reasonable price and simultaneously refusing to fix the sewer system that is broken and at capacity, EPASD is not fulfilling their duty to serve which questions their legitimacy. We ask this Commission complete and accept the EPASD MSR.

Sincerely,

Luisa Buada, RN BSN MPH  
Chief Executive Officer

CC: East Palo Alto City Council Members  
East Palo Alto City Manager

<b>Letter B</b>	<b>Luisa Buada, Ravenswood Family Health Network</b>
Response	Comments noted.

**RAVENSWOOD SHORES BUSINESS DISTRICT, LLC (RSBD)**

PO Box 51862, Palo Alto CA 94303

Jeff Poetsch, President -

Phone - 650-207-4994 / email - jeffcp@earthlink.net

May 3, 2022

Mr. Rob Bartoli, Executive Director  
San Mateo LAFCo  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1663

Via e-mail - rbartoli@smcgov.org

RE: Consideration of Municipal Service Review Circulation Draft for the City of East Palo Alto, East Palo Alto Sanitary District and West Bay Sanitary District

Dear Mr. Bartoli:

On behalf of the members of the Ravenswood Shores Business District, I wanted to (1) confirm our concurrence with the findings, summaries and recommendations contained in the draft report, (2) address some inaccurate statements made by the East Palo Alto Sanitary District (“EPASD” or “District”) in responding to this report, and (3) clarify faulty conclusions drawn by certain LAFCo Commissioners at the LAFCo hearing held on April 20, 2022.

The Ravenswood Shores Business District is a California limited liability company comprised of the majority of the landowners and businesses located in the 100-acre Ravenswood Area of East Palo Alto. Membership includes about seventeen corporate and non-profit property owners and was established to speak with one voice for the benefit of our membership. Our members include small business such as Cal Spray, Tou-Bar Equipment, Catered Too, Knotty Hole Cabinets as well as not for profit and municipal organizations including Menlo Park Fire Department, the Primary School, EPACENTER Art and Ravenswood Family Health Center and some of the major landowners in the Ravenswood. The organization works in partnership with the City and other agencies / stakeholders such as the San Francisquito Creek JPA to coordinate and support necessary infrastructure improvements in the Ravenswood area of East Palo Alto.

1. Concurrence with the finding, summaries and recommendations contained in the draft report - As addressed in the report, a transition of EPASD to a subsidiary district of the City of East Palo Alto insures that the City, as the appropriate land use authority, makes the decisions regarding the developments within the City and insures the services provided within the City meet the need of the residents and business it represents. Advantages of this reorganization option includes alignment with the City’s land use planning, reduced inefficiencies and costs due to an additional layer of government, and enhanced management and supervisory structure of the City. It has been the conclusion of the Municipal Service Review from as long back as 1986, that the reorganization of the EPASD was in the best interests of both the City and the ratepayers of EPASD. It is time to implement this recommendation.

C-1

2. Correction of inaccurate statements made by the East Palo Alto Sanitary District - The District has consistently made inaccurate statements regarding both (a) the position of “will serve” applicants to pay their “fair share” of infrastructure improvement costs and (b) the condition of the current infrastructure.

2. (a) The District continually and inaccurately states and represents that the applicants for “will serve” letters want the District ratepayers to pay for ALL of the necessary improvements to the sanitary sewer system, even those improvements that are necessitated by the new development. Whether it is the small land subdivision being proposed by Victor Dong, or the large residential development Woodland Park, the proponents of these projects have stated they would be pleased to pay their “fair share” of the sanitary sewer improvement costs. Sandhill, University Circle and Sobrato Organization have even proposed a methodology for the “fair sharing” of sanitary sewer infrastructure improvement costs. While this proposal was presented to the EPASD Board in January 2022, there has been NO response to this by the District’s General Manager or Board. Rather, the District continues to argue the false narrative, that the “Developers” want to enrich their pockets by making the rate payers pay for all sanitary sewer improvements, failing to acknowledge the facts that the project proponents seeking will serve commitments are willing and able to pay their “fair share” of these improvements.

2. (b) The District’s General Manager consistently represents that there are NO current deficiencies in the existing system. As is pointed out by the MSR review of the 2015 Sewer System master plan and the 2021 Update, this representation is factually incorrect. The current system without any additional development has approximately \$24 Million of system wide deficiencies. The failure of the District’s General Manager and Board to address these deficiencies, that have been documented since 2015, is a very troubling sign of the lack of transparency of the current District administration.

C-2

3. Addressing faulty conclusions by some of the LAFCo Commissioners - During the April 20th LAFCo Board Meeting, certain Commissioners appeared to reach conclusions regarding the operation of the District that we believe are inaccurate or misinformed: specifically, their conclusions or assumption that the District is (a) well run and (b) has an appropriate connection fee structure.

3. (a) The District is NOT currently “well-run.” As shown by the substantial evidence in the MSR report, the District has failed to address current system wide deficiencies, to provide meaningful staff reports pursuant to their Board agenda items, and to provide any meaningful written response to inquires or proposals for cost sharing of potential system improvements. All are all examples of the dysfunctional nature of the District in its current organization. As noted by one Commissioner, it is clear that the District does not follow even the most “common” practices for Districts, much less the “best” practices.

3. (b) There is NO written connection fee structure or policy for the EPASD to assess fair share connection fees for projects. Rather, when a project seeks a “will serve” commitment from the District, a hydrological study paid for by the project, conducted by the District and District’s consultant, is completed. Then the District Manager stipulates a “connection fee” requirement. This “fee” is not based on any documentation or any adopted Capital Improvement Plan - and is not subject to explanation, discussion or negotiation. Rather, it is a “take it or leave it”

C-3

Mr. Rob Bartoli, Executive Director  
San Mateo LAFCo  
Page 3 of 3

demanding millions of dollars from all projects. These demands are not based on any standard of fair share, nexus, or documentary standards, and as such, cannot reasonably be considered appropriate.

The Ravenswood Shores Business District and our members support a well-integrated economic development program by the City that supports the needs of the residents, business and landowners. This is impossible given the well-documented dysfunctional aspects of the East Palo Alto Sanitary District. The economic harm to the City of East Palo Alto by the abandoned and stalled development projects is unfortunate. Ratification and implementation of this MSR, is the appropriate action to address this problem.

Sincerely,

*Jeff Poetsch*

Jeff Poetsch, President and Executive Director  
Ravenswood Shores Business District'

cc: Mayor Rubin Abrica, City of East Palo Alto  
Vice Mayor Lisa Gauthier, City of East Palo Alto  
Council Member Antonio Lopez, City of East Palo Alto  
Council Member Carlos Romero, City of East Palo Alto  
Council Member Regina Wallace-Jones, City of East Palo Alto  
Patrick Heisinger, Interim City Manager, City of East Palo Alto



<b>Letter C</b>	<b>Jeff Poetsch, Ravenswood Shores Business District</b>
Response C-1	Comments noted. The MSR identifies that the transition of EPASD to a subsidiary district of the City aligns the interest of the City, including ensuring those developments with the greatest community benefits move forward and those services provided within the city limits meet the needs of the residents and businesses it represents.
Response C-2	In the MSR, LAFCo recommends that an independent engineering analysis should be conducted to review the previous hydraulic analysis and assumptions to reconcile the apparent inconsistencies between predicted sewer overflows under existing conditions and EPASD’s position that the system currently is adequate. EPASD states that the hydraulic analysis of the 2021 Addendum only indicated that the system is adequate for existing customers, however it cannot serve future developers. This statement appears to contradict the 2021 Addendum that predicts sanitary sewer overflows (SSOs) could occur at 38 manholes due to surcharge conditions in many of its pipes during a peak storm event under existing land use conditions and existing customers.
Response C-3	Statement added that “EPASD has no published policies or procedures for calculation of charges for collection system upgrades other than its standard capacity charges; discussions in EPASD meetings indicate that key assumptions (e.g., flows per resident of new buildings), reimbursement calculations, EPASD’s share, and other terms are negotiated with each development for projects ranging in scale from hundreds of units to a proposed single ADU” (Pages 142-143).

May 4, 2022

To: Rob Bartoli, Executive Officer, SMC LAFCo

From: Duane Bay, Executive Director, EPACANDO 

Subject: Suggested changes to draft Municipal Service Review

Preparing a summary of the huge volume of information gather from three agencies and submitted by many stakeholders is a daunting task. In my view the draft MSR is quite readable. I write to encourage you to clarify and strengthen three important points.

First, the MSR includes a lengthy Regional Growth Detail Report (Appendix A), which highlights the importance of housing, and affordable housing, for the region and the EPA community. However, the MSR does not “connect the dots” between the importance of housing and the policies and actions that each of the three agencies employ to facilitate an increase of housing supply at all levels of affordability.

- On p. 216, just before the paragraph that now starts off with, “Also, in addition to building stand-alone affordable housing,..”, consider inserting the following short paragraph: “Of particular relevance to this MSR, California law (GC 65589.7) calls upon special districts to give priority status to affordable housing developments.” D-1
- Consider adding a finding for each agency about their facilitation (or not) of housing production, probably under Present and Planned Capacity. D-2
- With regard to EPASD’s finding in this category, consider the following: “While EPASD Directors have voiced support for serving affordable housing developments that have secured Planning entitlements from the City, EPASD has not adopted policies or practices within its legislative prerogative to operationalize this intent. Further, at two current affordable housing development sites, comprising 227 net new homes, EPASD has demanded payment of not only the standard connection charges but also payment of 100% of what the District considers to be “the developers’ share” of the collection system upgrades along each development’s sewage flow path rather than a pro rata share even though each site would generate less than 5% of total sewer flow in its respectively trunk line.” D-3

Second, the MSR fails to highlight one of the District’s most patently unfair, and arguably illegal, practices—that quoting duplicative charges is standard. In well-documented instances already reported to LAFCo, the District separately quoted developers of 965

Weeks, JobTrain and Sobrato Foundation each add-on fees for 100% of the \$5 million to \$6 million cost to upsize the trunk line. In another well-publicized instance, EPASD unapologetically quoted add-on connection fees at \$14 million for a 4-house subdivision. The MSR's description of EPASD's fee-charging process (p. 108 and p. 182) is accurate as far as it goes, but it hides the full picture. At Step 4 it says, "EPASD then prepares cost sharing analysis depending on the outcome of the hydraulic impact assessment. If the develop agrees to the costs and required funding then the two entities enter into an agreement."

D-4

- Consider adding. "EPASD has no published policy or procedure for calculation of charges for collection system upgrades. It is common practice for EPASD to propose that each connection pay 100% of the "developers share" of capacity upgrades along its collection flow path rather than a share that is proportionate to each developer's estimated flow."

Third, the MSR understates the extent and importance of EPASD's usurpation of the City's local land use authority. The draft MSR states (at the end of the next to last sentence on p. 199), "...it appears *de facto* that EPASD is overstepping its approved powers by not actively addressing the capacity issues that are impeding proposed and approved development within the City." This misses important points.

D-5

- Consider replacing with the following: "...it appears *de facto* that EPASD is overstepping its approved powers. By not actively addressing the capacity issues that are impeding proposed and approved development within the City, and by neither publishing standard fee schedules and calculation methods nor negotiating ad hoc fees in good faith, EPASD has in effect imposed a moratorium on all development."

Thank you for your consideration.

<b>Letter D</b>	<b>Duane Bay, EPACANDO</b>
Response D-1	Language has been added to the MSR regarding California law (GC 65589.7) which requires that special districts grant priority status to affordable housing developments and adopt written policies and procedures with specific objective standards for provision of services in conformance with this requirement (Pages 10 and 224).
Response D-2	Comments were added to the MSR that strengthen the linkage between the importance of cities' land use planning and need for special districts to coordinate with and support cities' planning efforts to provide affordable housing (Page 185).
Response D-3	Comments noted.
Response D-4	Statement added that "EPASD has no published policies or procedures for calculation of charges for collection system upgrades other than its standard capacity charges; discussions in EPASD meetings indicate that key assumptions (e.g., flows per resident of new buildings), reimbursement calculations, EPASD's share, and other terms are negotiated with each development for projects ranging in scale from hundreds of units to a proposed single ADU" (Pages 142-143).
Response D-5	Comment noted.



# CITY OF EAST PALO ALTO

## Office of the City Manager

May 5, 2022

Rob Bartoli  
Executive Officer  
San Mateo Local Agency Formation Commission  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063  
[rbatoli@smcgov.org](mailto:rbatoli@smcgov.org)

**RE: Municipal Service Review Updates for the City of East Palo Alto, East Palo Alto Sanitary District, and West Bay Sanitary District**

Mr. Bartoli,

This letter serves as the City of East Palo Alto's official response to the Draft Municipal Service Review (MSR) for the City of East Palo Alto (EPA), East Palo Alto Sanitary District (EPASD), and West Bay Sanitary District (West Bay) published by your agency on March 28, 2022.

On behalf of the City Council, staff, and the community of East Palo Alto, I want to thank you and the team at Berkson Associates for investing so much time in understanding and reviewing this critical issue.

The Draft MSR is a comprehensive document that provides robust analysis of the three subject entities and an accurate account of current issues impacting the ability of the East Palo Alto Sanitary District to meet the needs of East Palo Alto residents and taxpayers to advance new development ranging from individual accessory dwelling units (ADUs) to larger development projects consistent with the General Plan. Development that is stalled due to inadequate sewer infrastructure is essential to meet the City's affordable housing and employment opportunities and accommodate much needed services including a health care clinic and job training facility to the benefit of city residents and taxpayers.

Since its incorporation in 1983, the City has struggled to achieve economic growth and financial sustainability, especially in comparison to other nearby communities. To address this reality, the City's leadership has ensured a strong focus on actions that strengthen the City's economic profile, with the ultimate goal of improving the lives and enhancing the well-being of East Palo Alto residents. To that end, the City became successor to the East Palo Alto County Waterworks District in 2001 and the

Ravenswood Lighting and Drainage Maintenance Districts in 2005. Establishing the EPASD as a subsidiary district of the City, an alternative supported by the MSR, would make the City whole as a land use agency and utility provider.

From 2010 to present, the City, City Council, and residents advanced several policy and development actions to support the City's affordable housing and economic development goals, as shown in the table below:

<b>CITY OF EAST PALO ALTO ADVANCEMENTS IN POLICY AND DEVELOPMENT</b>	
<b>Year</b>	<b>Action</b>
2013	Approval of the Ravenswood / 4 Corners Transit Oriented Development (TOD) Specific Plan
2016	Approval of the Vista 2035 East Palo Alto General Plan
2017	Approval of Water Rights Transfer Agreement with the City of Mountain View to provide adequate water to support the City's future development objectives
2018	Passage of Measure HH (by 79.58%), a \$2.50 per square foot tax on certain development to support the City's affordable housing goals and provide residents with access to jobs in the S.T.E.M and building trades
2019	Approval of City-Wide Development Impact Fee Program to ensure new development in the City provides fair-share contributions to pay for much needed infrastructure
2020	Approval of new contractor (Veolia North America <sup>1</sup> ) to operate and maintain the City's water system
2022	(In process) Potential update to the General Plan to account for additional growth

The City Council and staff have demonstrated a strong commitment to positioning the City to achieve a level of economic self-sufficiency to improve the quality of life for residents, business owners, and visitors.

For the last three years, several members of the City Council, City staff, consultants, and other stakeholders have attempted to collaborate with EPASD in an effort to develop solutions that would: 1) facilitate the advancement of City-approved development projects, and 2) ensure that those interested in developing in East Palo Alto are able to obtain the necessary information to make informed decisions. To date, very little tangible progress has been made. There has been one (1) project for which EPASD committed in an agreement to provide a sewer connection once the development was completed, and the EPASD has failed to meet the timelines specified in that agreement. Subsequently, the EPASD has stated that they will agree to a revised timeline, dependent upon the receipt of payment from the developer or City that is not based on any agreed-upon calculation.

<sup>1</sup> Veolia North America also operates and maintains sanitation infrastructure in other communities.

Considering the amount of time and effort that the City has committed to coordinating with EPASD, the lack of progress to date essentially has created a development moratorium in the City. The City's land use authority is being significantly compromised, as funding demands from EPASD may prevent all development from moving forward. In addition to this major concern, the City submits other information in response to the Draft MSR, including:

- Failure to implement the capital improvement plan for the aging sanitary sewer infrastructure poses a public health and safety risk to current East Palo Alto residents and impedes even minor development such as accessory dwelling units by existing rate payers
- City Attempts to Interface with EPASD of Policy Initiatives and Development Projects
- City Grant Experience Since 2010
- Additional Meetings and Coordination

### **Failure of EPASD to Implement Capital Improvement Plan (CIP)**

The MSR documents that aside from improvements needed for new development, there is an estimated cost of \$23.9 million to replace and upsize pipe sections to eliminate potential surcharges and sanitary sewer overflows (SSOs). The District's failure to implement the CIP poses health and safety risk to the current rate payers. In addition, current residents are unable to obtain "will serve letters" for accessory dwelling units permitted by State law and the City General Plan.

E-2

### **City Attempts to Interface with EPASD on Policy Initiatives and Development Projects**

On several occasions, representatives from the EPASD stated publicly they have not been informed of the City's General Plan/Zoning Update, nor have they received notice of new development projects being considered for City approval. However, the current chair of the EPASD Board of Directors is acknowledged as a key contributor in the City's General Plan document. Regarding notification about potential City development projects, the table below illustrates the submission timeline for key policy documents (General Plan/Development Code) that are required to be submitted by the City to all agencies for each project. All the documents identified in the chart below also are available in the State Clearinghouse database located at: <https://ceqanet.opr.ca.gov>

<b>CITY POLICY DOCUMENTS SUBMISSION TIMELINE</b>			
<b>Policy/Project</b>	<b>(Notice of Preparation) NOP</b>	<b>Draft EIR</b>	<b>Final EIR</b>
General Plan Update	3rd September, 2014	January, 2016	August, 2016
Zoning Update	3rd September, 2014	N/A- Exempt	N/A- Exempt
Primary School	18th May, 2017	5 November, 2018	April, 2019
965 Weeks	N/A-MND	N/A-MND	N/A - MND
Light Tree	N/A-MND	N/A-MND	N/A - MND
Sobrato Phase II	18th May, 2017	December, 2018	September, 2019

2020 Bay Road	18th May, 2017	TBD	TBD
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The project notification process involves documented communication with EPASD, in addition to invitations to community meetings that have been extended to the District.

**City Grant Experience Since 2010**

As mentioned in the Draft MSR, the City has pursued many grants to support essential projects, in alignment with the infrastructure and construction needs of the City. In the last ten years, the City has received more than \$110 Million in Federal, State, County, and other grants to support City infrastructure projects and initiatives. An additional \$18 Million in grants is pending, as the City awaits notification of potential awards.

Not every grant application submitted by the City has been successful, but every grant process is beneficial because the City gains an understanding of possible improvements to future applications. Since 2010, the City has submitted grant proposals amounting to \$31 Million that were not selected.

Many grant and low-interest loan options could be sought to improve the sanitation infrastructure immediately. The City agrees that significant efficiencies in planning and seeking financing for the City’s water system and sanitation infrastructure may be achieved.

**Additional Meetings and Coordination**

From May through October 2020, the City of East Palo Alto – East Palo Alto Sanitary District (EPASD) Joint Intergovernmental Committee (Committee) hosted seven meetings to identify strategies for advancing City-approved development projects, with specific attention to projects requiring entitlements from EPASD. The Committee was comprised of two EPASD Board Directors and two City Council members.

While City staff is grateful the Committee was reestablished to discuss critical topics of mutual importance for EPASD and the City, the work of facilitating, hosting, supporting, and managing all meetings was the sole burden of the City. Due to a reported lack of capacity and interest by EPASD, the City was required to draft all meeting reports in accordance with the Brown Act and host every virtual meeting. As such, the City contributed hundreds of staff hours, including City Clerk and City Attorney time, while EPASD provided very little assistance to supporting these joint meetings and offered little in collaboration.

From past practice, these joint meetings will continue to present an unbalanced burden on the City unless different expectations are established. For example, the City would consider the joint meetings be conditioned upon two things: 1) the District matching staff time in conducting the joint meetings and 2) the joint meetings focus on the illustrative CIP Finance Plan contained on page 147 in the MSR.

E-3

E-4



In conclusion, the City is greatly appreciative of the thorough analysis in the Draft MSR and the recommendations aimed at resolving documented inadequacies of the sewer infrastructure, lack of a CIP, and impasse regarding a funding formula to eliminate an intractable barrier to the achievement of critical City goals. For the past decade and beyond, the City has consistently built its capacity to attain economic self-sufficiency, through policy decisions, funding options, and strategies that result in beneficial development. The current issue of ensuring the District's sanitation infrastructure can support City-approved development is a challenge that must be resolved so all residents may benefit from citywide improvements and mindful growth.

Sincerely,



Patrick Heisinger  
Interim City Manager

<b>Letter E</b>	<b>Patrick Heisinger, City of East Palo Alto</b>
Response E-1	Comments noted.
Response E-2	The MSR supports the prioritization of improvements and identification of financing mechanisms to fund existing deficiencies and future capacity needs over time as part of the development of a Capital Improvement Plan.
Response E-3	The recently awarded Federal grant of \$800,000 for the O’Connor Stormwater Pump has been added to the MSR.
Response E-4	In reflection of the effort put forward by the City regarding the Intergovernmental Relations meetings between the City and EPASD, additional language has been added to this recommendation. The meetings could be focused on specific topics such as development projects and infrastructure finance to help the agencies to allow for more directed discussions. These meetings should also be conducted with equal support and staff time from both the City and EPASD.

# Holland & Knight

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May 5, 2021

*Via Electronic Mail*

Robert Bartoli  
Executive Director  
San Mateo LAFCO  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA, 94063-1663  
[rbartoli@smcgo.org](mailto:rbartoli@smcgo.org)

**Re: Stakeholder Narratives as Comments In Support of the San Mateo LAFCO's Consideration of the Public Draft, Municipal Service Review for the City of East Palo Alto, East Palo Alto Sanitary District and West Bay Sanitary District**

Mr. Bartoli;

Our office represents the Sobrato Organization, developer of the University Plaza Phase II project in East Palo Alto. We are writing today to (i) submit previously transmitted “Stakeholder Input Forms” as comments on the San Mateo LAFCO’s Public Draft Municipal Service Review (“MSR”) for the City of East Palo Alto (“City”), the East Palo Alto Sanitary District (“EPASD”) and the West Bay Sanitary District; and (ii) to confirm such stakeholders’ support for the SM LAFCO’s adoption of the Public Draft MSR.

The project narratives referenced above were prepared by various developers, non-profit organizations and individuals seeking to develop projects in the City. Many of these projects are (and have been for some time) fully entitled by the City, but have been forced into a standstill due to their inability to obtain a “will serve” letter from the EPASD.

This collection of experiences demonstrates that the EPASD has instituted a de facto development moratorium in East Palo Alto, irrespective of project type, location and size. Whether it be in connection to a new mixed use office building, affordable housing project, non-profit job center, 4-unit residential project, or new accessory dwelling unit (“ADU”) — the EPASD continues to mistreat applicants equally as a matter of protocol. The EPASD does this through demanding excessive and unsubstantiated fees for infrastructure costs, followed by a general refusal to meaningfully consider alternatives and solutions to resolve the current gridlock. This is true notwithstanding repeated, well-reasoned requests from applicants to pay “fair share” contributions towards infrastructure improvements.<sup>1</sup> Even after multiple presentations to

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<sup>1</sup> As explained to the EPASD, the District’s demand that individual projects fund 100% of the cost of upgrades is legally impermissible because it fails to acknowledge that: (i) infrastructure improvements fix existing system deficiencies to the benefit of the entire system; (ii) for non-greenfield, infill development,

the EPASD Board and its General Manager on fair share proposals, EPASD Board meetings remain riddled with false claims that applicants are trying to pass 100% of the costs on to ratepayers.

Therefore, we respectfully submit the project narratives contained at **Exhibit A** as comments in support of the Draft MSR (and to be included in the administrative record) regarding the entities and projects below:<sup>2</sup>

- Sobrato, for the University Plaza Phase II project
- Sobrato, for the Sobrato Non-Profit Center project
- Sand Hill Property Company/Woodland Park Communities, for the Woodland Park Euclid Improvements project
- Emerson Collective, for the JobTrain, Center for Economic Mobility project
- Victor Dong, for a 4-single family home residential development at 961 Beech St.
- Ravenswood Family Health Network, for the Sobrato Center for Community Resources project
- Light Tree Two, L.P. (Eden Housing and EPA CANDO), for the Light Tree Apartments project
- Seven Bridges Properties, for the University Circle Phase 2 project.

Sincerely,



Kevin J. Ashe

HOLLAND & KNIGHT, LLP

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upsized pipelines serve existing and future customers as well as an individual project; and (iii) individual development projects might contribute only a minor amount of sanitary sewer flow in upsized pipes total capacity.

<sup>2</sup> Presently, Holland & Knight, LLP represents only the Sobrato Organization and MidPen Housing Corporation (co-developer of the 965 Weeks St. affordable housing project) on matters before the EPASD. Our facilitation and submittal of the information described herein does not establish an attorney-client relationship with the other stakeholders referenced herein.

cc:

Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Mike Kramer, Sand Hill Property Company  
Lorenzo Brooks, Emerson Collective  
Victor Dong  
Matt Schreiber, Eden Housing  
Luisa Buada, Ravenswood Family Health Network  
Duane Bay, EPA CANDO  
Mark English, Seven Bridges Properties

**EXHIBIT A**

**Stakeholder Input Forms**

**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	The Sobrato Organization
<b>Contact</b>	Name: Tim Steele Phone: 408.796.6498 Email: tsteele@sobrato.com
<b>Project Name</b>	University Plaza Phase 2
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	203,967 square feet office space and 8,690 square feet community flex space replacing 7,129 square feet of existing office space and 4,366 square feet of medical office space.
<b>Entitlements Status</b>	<input checked="" type="checkbox"/> Approved: 12/3/2019 <input type="checkbox"/> Pending: _____ (date) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input checked="" type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	EPASD was noticed on the availability of the Notice of Preparation and the Draft Environmental Impact Report. EPASD did not provide comment on either document.
<b>First Contact with EPASD</b>	Date: 10/12/2018 Submitted application and project sewer generation estimate.
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: Project has neither a will serve letter, formal denial of service, nor a clear path forward to obtain a will serve letter.
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	10,560 gpd average dry weather flow included with the 10/12/2018 application. This was later reduced to 9,946 gpd to reflect the reduced project size in response to City Council.
<b>EPASD Fee Estimate (if any)</b>	\$224,825 based on 9,946 gpd and \$6060/EDU (240 gpd/EDU) This is based on EPASD documented capacity fee and EDU sewer generation.

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.

**Please provide a summary of the Project's experience with the EPASD?**

The whole process with the EPASD has been unnecessarily time consuming and frustrating. The University Plaza Phase 2 project originally submitted an application and sewer generation estimate October 10, 2018. It is now almost three years later and we do not have a permit to connect, denial of service, or a formal written proposal from the District. Currently, there is no reasonable path forward. Please see the attached project time line including communications with the EPASD.

The process to obtain a connection permit should be simple. Developers typically submit an application and sewer demand estimate, the City or District calculates the capacity fee based on the published fee, the Developer pays the fee and receives a permit to connect. This was the process experienced by the University Plaza Phase 1 project.

When the Phase 2 project started planning, the team knew of the Phase 1 experience. The District also had a published Master Plan with a recommended capital improvement program (CIP) and a CIP implementation schedule. The District has an adopted updated fee schedule from 2018 with a documented capacity fee of \$6060/EDU. The project calculated anticipated capacity fee and submitted a check to the District for the amount of \$224,825. The capacity fee was rejected by the District. In public hearings the District has stated that the capacity fee does include infrastructure required to support development of new projects. The difference between the size of infrastructure identified in the Master Plan and that identified in individual project analysis is typically the same or only a little larger, potentially only requiring funding of the incremental cost.

The project formally submitted application to EPASD October 10, 2018. In November 2018 the District requested a deposit from the project to have their consulting engineer complete analysis of the additional flow on the District's system. The deposit was paid.

We received the first draft of the EPASD analysis memorandum in July 2019. The development team reviewed the memorandum and found several significant flaws in the methodology including the sewer generation rates and peaking factors. The methodology did not match that used in the master plan. The development team provided comments on the memorandum to the District July 31, 2019. The comment from the development team resulted in the August 1, 2019 email from the General Manager stating, "I would like to inform you that we would not be able to serve this project, we do not have the capacity as disc used in the memo."

In response to the project team's comments on generation rates and peaking factors, the District proposed to complete flow monitoring on the adjacent University Plaza Phase 1 (UP Ph1) office building to get actual office building sewer generation rates. The project team provided an exhibit showing where flow monitoring should be completed. The District provided a proposal for \$16,310 to complete the flow monitoring, which included installation of two new manholes in University Avenue at the building laterals. Sobrato promptly paid the requested deposit. The District then elected to install flow monitoring on a different, existing manhole on Capitol Avenue that only serves the building cafe instead of the two main building laterals at University Avenue that serve the bathroom cores as highlighted in the provided exhibit. When monitoring of the Capitol Avenue manhole did not produce any results, the District abandoned the monitoring program altogether. During the process the GM also stated that the UP Ph1 water demand was 65 gpd which we interpreted to be 65 gpd per 1,000 square feet. When questioned on the source of the water demand, the GM stated it was from water usage data provided by the City. Upon further investigation, including review of water bills and usage data, and a site visit, the project team found that the UP Ph1 water meter was broken and has not recorded water usage since it was installed. The District then requested, "the developer will need to deposit the sum of approximately \$3 million into a trust account with the District and sign development agreement with the District for us to move forward." At that time, the District did not have any study or cost estimate to back up the 3 million dollar request.



After a series of emails and memos the District requested additional deposit and had their consulting engineer revise the analysis and prepared an updated memorandum that was forwarded October 30, 2019. This memorandum identified \$6,130,600 in improvements without discussion of fair share costs or the fact that the existing system flows surcharged under peak wet weather flow even without the project. The development team provided comments on that memorandum January 14, 2020. The District provided written response in their March 10, 2020 letter.

In 2019 and 2020 the District had been preparing individual analyses for each of the development projects that submitted applications. These included University Plaza Phase 2, The Primary School project, Light Tree Apartments, 965 Weeks Street Apartments, Job Train, Sobrato Community Heath, Woodland Park Apartments. The District requested deposits for each of these analyses. Each identified significant required improvements without discussion of fair share contributions. Each was also done without including the other proposed developments. There was no holistic review until October 2020 when the District updated their master plan to include the 2016 General Plan land use changes.

Because of the one off nature of the separate analyses, development team coordinated a modeling effort that included several of these projects and developed fair share proposals presented to EPASD July 16, 2020, to EPASD August 20, 2020 and to the Intergovernmental Committee October 13, 2020. None of these presentations resulted in substantive comments.

The presentations and a few follow up emails were basically the end of formal project specific discussions until a meeting with the GM and Director Scherzer December 1, 2020. During the December meeting the GM said they would prepare a fee proposal that never materialized. Numerous follow up emails resulted in an email the January 4, 2021 email from the GM, "The developer needs to install the pipe recommended by the consultant and pay capacity fees at 6060 per equivalent EDU. I will forward this to you in a letter. This is very straight forward." No specific letter was forwarded. The GM then said that he had previously provided the letter in response to the Holland and Knight letter. We believe the GM was referring to the District's March 10, 2020 letter in response to the January 14, 2020 Holland and Knight letter. While District letter generically discusses a path forward, there is not proposal beyond simply replacing all of the "pipe recommended."

To date, the District has not provided a fair share proposal and the project does not have a viable path forward.

**Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at EXHIBIT A)**

Communication with the District has been frustrating, unproductive and unprofessional. Communication with the General Manager (GM) often comes in short snippets, usually via email. Communication from the GM is single sentence, non-sequitur style through emails that is often difficult to interpret and understand. It is difficult to get formal written responses. Direction changes often. The GM is rude and talks over people, not letting them finish. The GM is often condescending in his communications to the development team.

**Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.**

Our experience with the EPASD Board meeting has also been frustrating and unproductive. The project team has presented fair share proposal to the District Board twice and both time the Board has not provided any comment. The City revised their General Plan that revised Land Uses in many parts of the City so support and

encourage development. This General Plan included extensive public outreach and a lengthy CEQA process. The Board clearly does not support the City's view of development.

There is often in-fighting and arguing amongst the Directors during the public meetings.

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

*[Remainder of Page Intentionally Blank]*

**Chronology of Sobrato’s University Plaza Phase II Project  
and Negotiations with the East Palo Alto Sanitary District  
Prepared by Holland and Kight**

**2015:**

- **November 24, 2015:** The East Palo Alto Sanitary District (“EPASD” or the “District”) approves connection for University Plaza Phase I project after assessing a total payment of \$152,875 in capacity charges, inspection fee and permit fee for that project.

**2016:**

- **August 3, 2016:** Sobrato submitted a formal application to the City of East Palo Alto Planning Department for University Plaza Phase II Project (“UPP2”).

**2017:**

- **May 18, 2017:** A CEQA Notice of Preparation is published for the preparation of an EIR for UPP2.
- **June 12, 2017:** City’s Planning Commission hosted a scoping meeting for the UPP2 EIR. The District did not participate.

**2018:**

- **July 30, 2018:** Sobrato’s engineering consultants, BKF Engineers, Inc. (“BKF”) prepares memorandum to evaluate sanitary sewer capacity needs for the Project. The memorandum concludes that “The UPP2 proposed development would increase sanitary sewer demand by 10,560 gpd ADWF and 22.0 gpm PWWF. The existing 12-inch main on Donohoe Street has capacity to accommodate this increase and will flow 38.7% full with implementation of the project.”
- **December 2018:** UPP2 Draft EIR published and released for public comment. The District did not submit comments.

**2019:**

- **July 18, 2019:** The District’s consultants Freyer & Laureta, Inc. (“F&L”) prepare memo evaluating the hydraulic flow for the Project. The F&L memo notes that “The results of the hydraulic evaluation showed minimal impact to the system flows as a result of the additional average day from the University Plaza Phase I and Phase II projects but the model does indicate there is a potential for SSOs as a result of the peak instantaneous flows from the developments.” (p.3).
- **July 31, 2019:** BKF prepares memo responding to F&L’s July 18, 2019 Memo. BKF noted, among other things, that the District’s “calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by [F&L]. ... this overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto.”
- **August 15, 2019:** General Manager notifies T. Morse (BKF) that he has requested a proposal from F&L to perform flow monitoring at the Project, and to reiterate [the District’s] position that “Any pipe flowing more than 67% full would need to be up-sized.”
- **August 30, 2019:** District’s General Manager emails T. Morse requesting an additional deposit of \$11,310 to proceed with the flow monitoring for UPP2.
- **September 27, 2019:** City released the Final EIR for UPP2.
- **September 18, 2019:** Series of emails between General Manager and T. Morse (BKF) regarding attempts to measure flow rate at UPP2. Pertinent quote from email from General Manager is as

follows: “I dont think we need to make further efforts measuring flow rate as this will amount to destruction of values” and “*the developer will need to deposit the sum of approximately \$3 million into a trust account with the District and sign development agreement with the District for us to move forward.*” “We dont have the capacity to accommodate this project without upgrading the system, i dont want us to spend money and time on fruitless strategy.”

- **October 7 and October 28, 2019:** City’s Planning Commission approved UPP2 by a vote of 5-2.
- **October 29, 2019** - F&L prepares technical memorandum analyzing sewer discharge impacts for the Project. The F&L memorandum includes an “opinion of probable costs” for system improvements to serve the Project in an amount of **\$6,130,600**. The F&L draft technical memorandum was never transmitted in final form.
- **November 6, 2019** – Tom Morse (BKF) sends email to Kamal Fallaha (the City’s Public Works Director) which expressed concerns over the District’s approach to analyzing existing sewer system capacity and determining system upgrades.
- **November 25 - 26, 2019** – Jennifer Renk, legal counsel for The Primary School (TPS), emails the District’s Counsel (M. Subramanian) with concerns over the F&L technical memorandum for the 1200 Weeks St. project, stating, “Total Opinion of Probable Project Cost of \$4,086,600 *without any narrative or commentary whatsoever.* [TPS] and [its] engineers have since tried to engage in a conversation with EPASD as to the assumptions and conclusions in this Memo with little success.” The General Manager replied as follows: “Am open to discussion on this, please provide me an official letter stating what part of the technical memo you disagree with, Please state the engineering basis of the disagreement referencing applicable equations such as the St Venant or Manning equation. Please also provide details of the applicable codes such as EPASD Design Standard, EPA Standard, Ten State Standard or California Plumbing Code as applicable. In addition, if you disagree with the cost, please provide your opinion of probable cost and its basis such as GASB 48, depreciation basis and valuation basis as applicable.”
- **December 2019:** City Council held first and second hearing for UPP2; at the conclusion of the second hearing, the City Council voted (3-1) to approve UPP2, certify the Final EIR, and adopt the requisite CEQA findings.
- **December 10, 2019** – District’s Engineering Committee meets in-person at the District’s office, and invites City staff, Sobrato, MidPen and TPS to attend (including the various consultants and legal counsel for each developer). General Manager requests that Projects submit comments “in writing.”

## 2020:

- **January 14-16, 2020** – In response to General Manager’s request that Projects submit comments in writing on F&L technical memoranda, Sobrato and TPS submit a joint letter (the “Technical Response”) to District General Manager — which contested F&L’s opinion of probable project costs for each Project as unlawful under California statutory law and constitutional standards for fair share apportionment. The Technical Response also included analyses from BKF and Kennedy Jenks.

Submittal of the Technical Response triggered the following response from the General Manager: “Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Lauretta [sic] is not a connection fee but an assessment fee as stipulated in your letter. I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response. Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible. Please also

note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects. I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
  - Non Discriminatory and reasonable
  - Good faith intent
  - Rational basis
  - Proportional share”
- 
- **January 24, 2020** – Holland & Knight sends email correspondence to General Manager clarifying the following statutorily defined terms: “connection fee,” “capacity charge” and assessment. General Manager responds as follows: “As I mentioned in my previous email, we dont have capacity for these projects, I will be given a presentation to City Council regarding these projects. Unless some funding is in place, I dont see a way forward.” “The cost indicated in the memoranda are not capacity fees, they are the cost to upgrade the system to accommodate these projects with reasonable level of service. The district does not have provision for these costs at the moment. Out annual budget is only \$5 million, the cost to upgrade the system is about \$15 to 20 million, to be honest with you, the money is not there. This is not a question of capacity fees or connection fees, this is the fact ... I think we all need to start having honest discussion about the root problem and move away from these terms. If the developer come up with the money, we would work out a financial model for them to be reimbursed.”
  - **March 6, 2020** – T. Morse (BKF) sends email to General Manager and F&L, requesting assistance from EPASD to confirm, update and run the District’s sewer model using the Hydra 7 software.
  - **March 11, 2020:** General Manager transmits the District’s response to the Projects’ January 14, 2020 Technical Response.
  - **March 31, 2020:** Email from General Manager to K. Ashe (H&K), stating “Hi Kevin, Please note that am aware that there are existing deficiencies in the system in terms of its ability to convey wastewater during a 10 yr storm event. Please also note that the District decided to use a combination of the marginal cost approach and the equity method to determine connection fees owing to the fact that some portions of the system have capacity for developments while some dont. As stated in my letter the District will pay the portion to correct existing deficiency after adjusting for salvage value and lost opportunity cost of asset. This will ensure that developers are only paying a proportional share. In order to move forward, there is need for us to develop a financial model of how these costs will be apportioned, this is expected to be preceded by model scenarios as proposed by Tom.”
  - **April 26, 2020** – BKF receives F&L’s proposal for additional services in connection with BKF’s Work Plan. Sobrato agrees to fund F&L’s costs, totaling \$5,450.00 to review and run the District’s sewer model using the Hydra 7 software.
  - **May 2020** - Based on the District’s own flow data, cost estimates for system-wide upgrades and cost methodology, BKF finalizes its fair share cost analysis. The fair share analysis accepts the District’s cost estimate of \$10.46 million for system-wide improvements, and (on a per-pipe basis) allocates “fair share” cost contributions based on (i) the District’s existing flow, (ii) capacity for current development projects, and (iii) future growth beyond the projects.

- **June 11, 2020** – District finalizes negotiations for the issuance of a will-serve letter for the Light Tree Apartment project. To secure a will-serve letter, Eden agrees to fund \$2.4 million (approx.) in upgrade costs, which substantially exceeded its “fair share” contribution per BKF’s analysis.
- **June 24, 2020** – H&K submits a fair share cost analysis and proposal (“Fair Share Proposal”) prepared by BKF Engineers to the District Board of Directors’ review and consideration. General Manager responds via multiple emails as follows:
- **July 2, 2020** – H&K speaks on behalf of the Projects during a Regular Board Meeting, requesting that the Projects be granted an agenda item to present and discuss the Fair Share Proposal to the Board of Directors and District’s General Manager.
- **July 6, 2020** – H&K sends follow up email to General Manager, requesting confirmation that the Projects will be provided an agenda item at the District’s Board Meeting of July 16, 2020 to present on the Fair Share Proposal. The General Manager replies via multiple emails as follows: “Absolutely, please note that the application for these projects have been denied due to non availability of capacity. Please also note that the developers can put a parallel pipeline next to the District pipes to serve their projects. Also note that the District does not intend to replace the existing pipes as it can still last for another 40 to 50 yrs. The calculations presented will only be applicable if the District intend to replace the existing pipe. Please also note that the proposal presented can bankrupt the District if the District is to spend existing rate payers money to help developers as there are many developers on the pipeline.
- **July 16, 2020** – H&K and BKF Engineers present to the Board of Directors at a Special Board Meeting on the Project’s Fair Share Proposal. The District General Manager recommends that the Board not pursue this option for concerns that the Fair Share Proposal will bankrupt the District. At the conclusion of the Special Board Meeting, the Board directs the District’s General Manager to continue working with the Projects to arrive at a solution, and to “re-active” an intergovernmental committee between the District and the City (the “Intergovernmental Committee”).
- **July 22, 2020** – H&K sends follow up email to General Manager, asking to be invited/notified of future Intergovernmental Committee meetings. General Manager replies as follows: “You need to come up with an acceptable option for discussion. You can see from the Board Meeting that the option being proposed will not be accepted. We are having intergovernmental tomorrow at 2 pm. You can attend by zoom.”
- **July 23, 2020** – The first Intergovernmental Committee meeting takes place, but key members of the City staff were not able to attend due to scheduling miscommunications.
- **July 31, 2020** – The Projects submit a supplemental fair share analysis and cost proposal (“Supplemental Fair Share Proposal”), which included an updated fair share calculation removing two projects from the analysis: (i) 1200 Weeks St. (initially proposed by The Primary School (“TPS”)); and (ii) the Light Tree Apartments (to be developed by Eden Housing in a partnership with EPA CAN DO).
- **August 12, 2020** – The second Intergovernmental Committee meeting takes place, but path forward still not discussed. The meeting was focused on establishing ground rules for when and how the Intergovernmental Committee would conduct its business moving forward.
- **August 20, 2020** – H&K and BKF present the Supplemental Proposal to the District Board and General Manager.
- **August 21, 2020** – Sobrato hand-delivers to the District’s office a check in the amount of **\$224,410.00**, accompanied with a letter explaining that Sobrato is tendering the full connection charges and capacity fees owed for the Project pursuant to the District’s published and adopted connection charges and capacity fee schedules. The tender respectfully demanded that the District issue a will-serve letter for the Project.
- **August 24, 2020** – The third meeting of the Intergovernmental Committee occurs. Holland & Knight speaks during public comment requesting that the Intergovernmental Committee prioritize

a path forward, while reminding the decision-makers that the Intergovernmental Committee was “re-activated” in response to the Project’s June 16, 2020 presentation to the District Board.

- **September 3, 2020** – The District returns the check Sobrato submitted on August 12, 2020, with a letter contending that the tender of connection fees and capacity charges for the Project is “premature.”
- **September 14 and 28, 2020** – The fourth and fifth meetings of the Intergovernmental Committee take place. At the September 14, 2020 meeting, the District and its consultants (Freyer & Laureta) provided a presentation titled “Sanitary Sewer Master Plan Addendum – Progress Update,” which offered an overview of the total possible costs associated with fully upgrading the entire EPASD system and accounting for both existing maintenance as well as future development. Cost sharing proposals were not yet discussed.
- **October 13, 2020** – Holland & Knight and BKF Engineers presents Supplemental Fair Share Proposal to Intergovernmental Committee. Jim Gibbs of Sperry Capital presents alternative funding mechanisms (i.e., bonds, loans, grants) available to the District. Mr. Gibbs also provided verbal update regarding the work he and District General Manager were undertaking to update the financial model presented at the September 28, 2020 Intergovernmental Committee meeting.
- **October 21, 2020** – San Mateo Local Agency Formation Commission (“LAFCO”) approves resolution to issue a Request for Proposals (“RFP”) to prepare a Municipal Service Review (“MSR”) for the District, City, and West Bay Sanitary District conditioned upon the developers funding preparation of the RFP and the MSR, with the caveat that the MSR would be postponed if the developers, City of East Palo Alto and EPASD have reached an agreement on the capital improvement cost methodology and issuance of will-serve letters to City approved projects.
- **October 27, 2020** – The final Intergovernmental Committee meeting of 2020 occurs. Intergovernmental Committee meetings have not yet resumed as of 2021. By the culmination of the Intergovernmental Committee meetings for 2020, the parties had not yet reached a resolution for the issuance of will-serve letters for the Project.
- **October 27, 2020 (ctd.)** – Sobrato submits letter to the District Board and City Council stating an openness to working in good faith to negotiate and equitable solution (including use of third party mediation). The District did not provide a response.
- **December 1, 2020:** Tim Steele of Sobrato met with the District General Manager and Board of Director Dennis Scherzer to discuss how to move forward with good faith negotiations and whether the District would be providing a detail position or counter proposal to the Projects’ Supplemental Fair Share Proposal. The District General Manager agreed to provide a letter with the District’s official position related to the Supplemental Fair Share Proposal. (*The District General Manager did not provide an official response, but on January 15, 2021, re-transmitted his letter dated March 10, 2020 — which predates both the Fair Share Proposal and Supplemental Fair Share Proposal.*)

## 2021:

- **January 7, 2021** – EPASD Board holds its first meeting of 2021, which included a presentation from Bartle Wells and Associates (Alex Handlers) as to how the District can fund infrastructure upgrade projects. Page 3 of the presentation (“Who Should Pay”) discusses proposals of whether developers, District/ratepayers, or the City should fund capital improvement projects — with each category treated in insolation and binary, and lacking the concept of proportionality amongst these groups. Further, the presentation was not subject to public comment, only a summary statement that a proposal had been presented to the developers. The Projects had not received the proposal in advance, and had not received any other written demands except for the General Manager’s October 29, 2019 transmittal of the draft F&L technical memo, and March 11, 2020 response to the Project’s written correspondence requesting fair share methodologies.



- **January 20, 2021** – The San Mateo LAFCO adopts resolution to initiate a MSR for the District, City, and West Bay Sanitary District.

## **MEMORANDUM**

Prepared by: Julia Dinglasan  
Reviewed by: Jeff Tarantino, P.E.  
Date: July 18, 2019  
Re: East Palo Alto Sanitary District – Hydraulic Modelling  
University Plaza Phase II Development



Freyer & Laureta, Inc. (F&L) is pleased to provide this memorandum to the East Palo Alto Sanitary District (EPASD) to present the results of the requested assessment of the proposed development's sewer discharge impacts, if any, on EPASD's existing collection system. The proposed developments of particular interest in the hydraulic modelling scenarios are the University Plaza Phase I and University Plaza Phase II. The goal of the modeling effort is to determine if the proposed developments impact the existing EPASD collection system potentially resulting in sanitary sewer overflows (SSOs) that would require EPASD to implement pipeline replacement project to increase the capacity of the existing collection system to eliminate the development caused SSO.

It was relevant to include hydraulic modeling results of flows from other proposed developments in the EPASD jurisdiction that have initiated applications for service. The supplementary developments included as part of the ultimate capacity evaluation are Village One, The Primary School, and University Corner developments. The hydraulic modeling results for the three separate developments have been previously submitted to EPASD and are not included with this hydraulic evaluation.

### **Analysis**

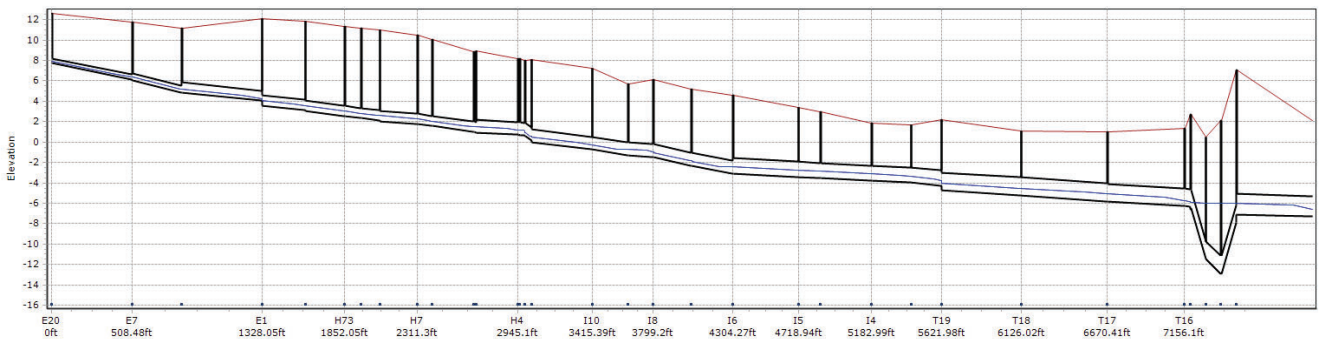
#### *University Plaza Phase I Impacts*

Based on discharge information provided by EPASD, University Plaza Phase I will discharge an average of 28,497 gallons per day (gpd). Assuming the facilities' hours of operation span 8.5 hours per day, the calculated daily average discharge is 0.1323 cubic feet per second (cfs). Using a peaking factor of three to determine the peak instantaneous flow, the peak flow is calculated to be 85,491 gpd or 0.3968 cfs.

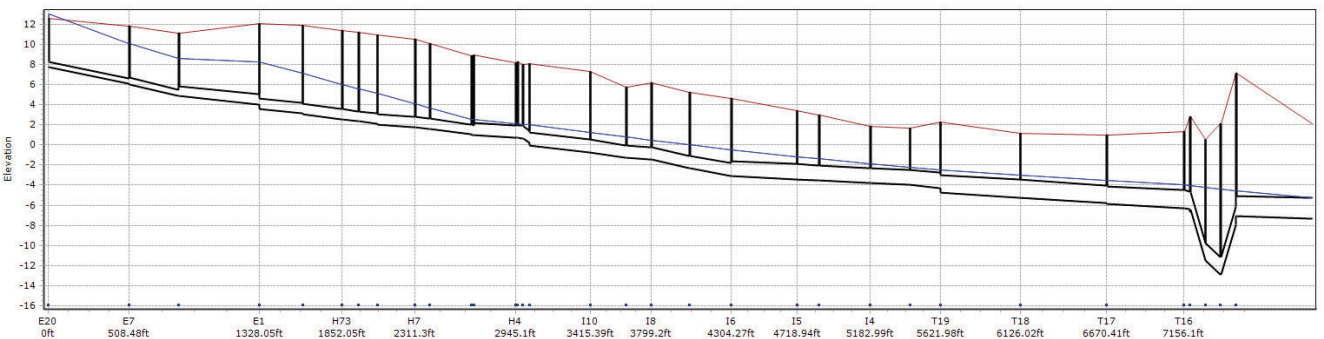
Flows were injected into the EPASD hydraulic model at the manhole located in the intersection of Capitol Avenue and Donohue Street. The results of the hydraulic evaluation showed minimal impact to the system flows as a result of the additional average day and peak flows from the University Plaza Phase I project. Please see Tables 1.1, 1.2, and 1.3 included in Appendix A that present modeled hydraulic impacts of University Plaza Phase I flows on the EPASD collection system.

The following figures show the hydraulic grade line during an average flow scenario (Figure 1) and a peak instantaneous flow scenario (Figure 2) for the University Plaza Phase 1 improvements. The blue lines in each figure indicates the modeled water surface elevation and the red line represents the ground elevation.

**Figure 1 – Average Flow Hydraulic Grade Line**



**Figure 2 – Peak Flow Hydraulic Grade Line**



**University Plaza Phase I and II Impacts**

According to discharge information provided by EPASD, University Plaza Phase I and II will discharge an average, combined total of 58,351 gpd into the EPASD sanitary collection

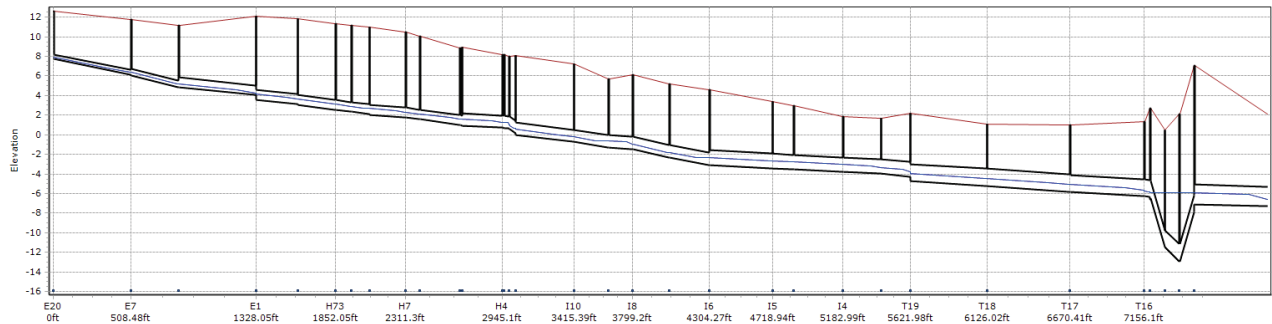
**Figure 4 – Peak Flow Hydraulic Grade Line**

system. Assuming the facilities' hours of operation span 8.5 hours per day, the calculated average daily discharge is 0.2549 cfs. The calculated peak instantaneous flow using a peaking factor of three is 175,053 gpd or 0.7647 cfs.

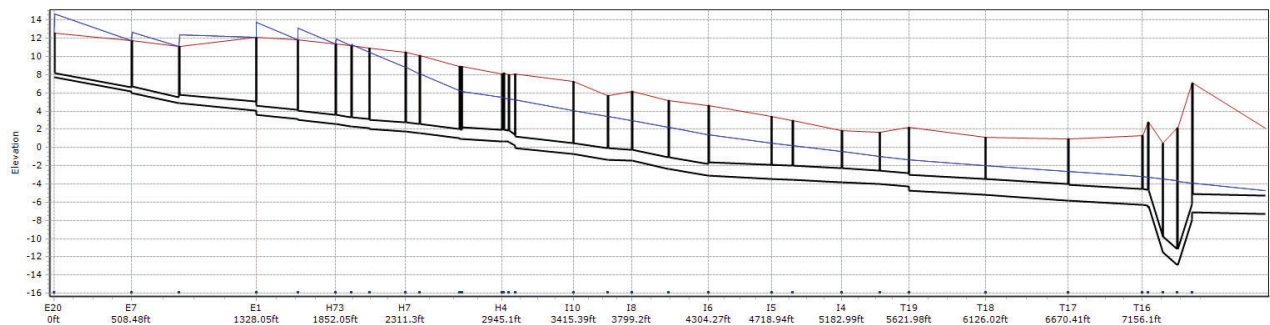
Flows were injected into the EPASD hydraulic model at the manhole in the intersection of Manhattan Avenue and Donohue Street. The results of the hydraulic evaluation showed minimal impact to the system flows as a result of the additional average day from the University Plaza Phase I and Phase II projects but the model does indicate there is a potential for SSOs as a result of the peak instantaneous flows from the developments. Please see Tables 2.1, 2.2, and 2.3 included in Appendix A that present modeled hydraulic impacts University Plaza Phase I and Phase II flows on the EPASD collection system.

The following figures present the hydraulic grade line during an average flow scenario (Figure 3) and a peak flow scenario (Figure 4) for the total flows from University Plaza Phase I and II. The blue lines in each figure indicates the modeled water surface elevation and the red line represents the ground elevation.

**Figure 3 – Average Flow Hydraulic Grade Line**

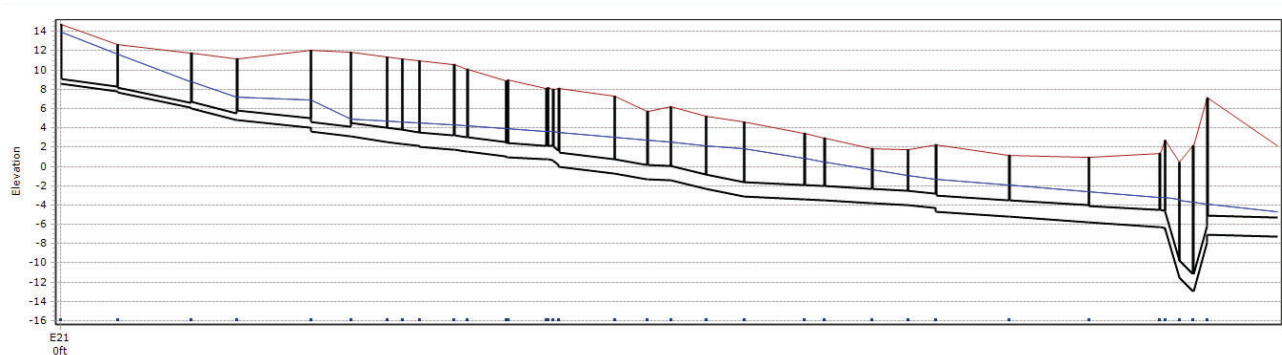


**Figure 4 – Peak Instantaneous Flow Hydraulic Grade Line**



At several locations on the profile in the figure above, the blue line representing the water level is above the red line representing the ground surface. When the modeled hydraulic grade line is predicted to be above the existing ground elevation, the model predicts that there could be SSOs as a result of the additional peak instantaneous flows. Figure 5 shows the profile of the same injection flow scenario with modified pipe sizes along the flow path in the collection to prevent the water level from breaching the manhole rim.

**Figure 5 – Peak Flow Hydraulic Grade Line with Modified Pipes**



In order to prevent the predicted SSOs, EPASD will need to replace approximately 3,900 linear feet of pipe starting from manhole H9 and continuing downstream to manhole T19. The old piping should be replaced by 20" DR17 HDPE pipe, which has an inner diameter of 17.506 inches.

### **Cumulative Impacts from all Developments**

As discussed previously, it was relevant to include hydraulic modelling results of flows from other proposed developments that have initiated discussions with EPASD regarding potential service. The additional proposed developments are as follows:

#### ***Village One: 1201 Runnymede Street***

Village One is projected to discharge approximately 3,615 gpd on average. This is equivalent to 0.0053 cfs. Applying a peaking factor of 3 yields a peak flow of 10,306 gpd or 0.0159 cfs, from the proposed site into the EPASD collection system. Please see tables 3.1, 3.2, and 3.3 included in Appendix A that present modeled hydraulic impacts of this development on the existing sanitary collection system.

*The Primary School: 1200 Weeks Street*

The Primary School is a new school and is projected to discharge an average of 49755.40 gpd. Assuming the school is occupied 8.5 hours per day, the average daily flow is calculated to be 0.2174 cfs. Applying a peaking factor of 3, the calculated peak instantaneous flow is 149,266 gpd or 0.6521 cfs. Please see tables 4.1, 4.2, and 4.3 included in Appendix A that present modeled hydraulic impacts of this development on the existing sanitary collection system.

*University Corner: 2331 University Avenue*

The proposed University Corner development is projected to discharge an average of 6,268 gpd, or 0.0097 cfs to the EPASD sanitary collection system. Using a peaking factor of 3, the calculated peak flow is 18,803 gpd, or 0.0291 cfs. Please see tables 5.1, 5.2, and 5.3 included in Appendix A that present modeled hydraulic impacts of this development on the existing sanitary collection system.

The numerical results of the impacts of all five developments on the EPASD sanitary collection system can be found in Tables 6.1, 6.2, and 6.3 included in Appendix A. Included in Appendix B is a copy of the EPASD system map color coded with the flow path from each of the five developments that were evaluated.

**Appendix A**

1. Table 1.1, 1.2, and 1.3
2. Table 2.1, 2.2, and 2.3
3. Table 3.1, 3.2, and 3.3
4. Table 4.1, 4.2, and 4.3
5. Table 5.1, 5.2, and 5.3
6. Table 6.1, 6.2 and 6.3

**Appendix B**

1. EPASD System Map

**Appendix A**  
**Tabular Summary of Hydraulic Modeling Results**

**Table 1.1**

<b>Proposed Development: University Phase 1</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
E21	0.132274	0.3968	28497.00	85491.00

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 1.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
E21	0.015	9694.755	0.2	0.0298	19260.25	0.24
D3	0.4121	266347.2	0.4	1.6487	1065583	1
E1	0.6185	399747.1	0.44	2.1283	1375556	1
T14	2.5167	1626586	0.53	8.4458	5458664	1

**Table 1.3**

<b>Proposed Results: University Phase 1</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
E21	0.1473	95202.49	0.56	0.4266	275718.8	1**
D3	0.4121	266347.2	0.4	1.6487	1065583	1
E1	0.7508	485254.8	0.5	2.5251	1632015	1
T14	2.6489	1712029	0.55	8.8426	5715123	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

*\*\*Note: the hydraulic model predicts that the hydraulic grade line at the indicated manhole will be above the rim elevation resulting in a predicted SSO*



**Table 2.1**

<b>Proposed Development: University Phase 1 &amp; 2</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
D3	0.254915	0.7647	164755.61	85491.00
E21	0.132274	0.3968	28497.00	89562.00

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 2.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
E21	0.015	9694.755	0.2	0.0298	19260.25	0.24
D3	0.4121	266347.2	0.4	1.6487	1065583	1
E1	0.6185	399747.1	0.44	2.1283	1375556	1
T14	2.5167	1626586	0.53	8.4458	5458664	1

**Table 2.3**

<b>Proposed Results: University Phase 1 &amp; 2</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
E21	0.1473	95202.49	0.56	0.4266	275718.8	1**
D3	0.667	431093.4	0.52	2.4134	1559821	1**
E1	1.0057	650001	0.58	3.2899	2126318	1**
T14	2.9039	1876840	0.58	9.6073	6209361	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

*\*\*Note: the hydraulic model predicts that the hydraulic grade line at the indicated manhole will be above the rim elevation resulting in a predicted SSO*

**Table 3.1**

<b>Proposed Development: 1201 Runnymede Street</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
G2	0.0053	0.0159	3435.40	10306.20

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 3.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
G2	0.0796	51446.83	0.32	0.1072	69285.18	0.36
T23	0.7858	507875.9	0.3333	1.8212	1177073	0.5333
T18	2.1091	1363147	0.3886	5.9582	3850886	0.7429
T16	2.1091	1363147	0.2857	5.9582	3850886	0.5029
T14	2.5167	1626586	0.53	8.4458	5458664	1

**Table 3.3**

<b>Proposed Results: 1201 Runnymede Street</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
G2	0.0849	54872.31	0.32	0.1231	79561.62	0.4
T23	0.7911	511301.4	0.3333	1.8372	1187414	0.5333
T18	2.1144	1366573	0.3886	5.9741	3861162	0.7429
T16	2.1144	1366573	0.2857	5.9741	3861162	0.5029
T14	2.522	1630011	0.53	8.4617	5468941	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

**Table 4.1**

<b>Proposed Development: 1200 Weeks Street</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
F7	0.2174	0.6521	49755.40	149266.19

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 4.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
F7	0.064	41364.29	0.21	0.0986	63726.86	0.24
T24	0.6948	449061.1	0.2933	1.7006	1099127	0.48
T18	2.1091	1363147	0.3886	5.9582	3850886	0.7429
T16	2.1091	1363147	0.2857	5.9582	3850886	0.5029
T14	2.5167	1626586	0.53	8.4458	5458664	1

**Table 4.3**

<b>Proposed Results: 1200 Weeks Street</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
F7	0.2814	181873.6	0.39	0.7507	485190.2	0.72
T24	0.9122	589570.4	0.3467	2.3527	1520590	0.5733
T18	2.3265	1503657	0.4114	6.6103	4272349	0.8229
T16	2.3265	1503657	0.2971	6.6103	4272349	0.5257
T14	2.734	1767031	0.56	9.0979	5880127	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

**Table 5.1**

<b>Proposed Development: 2331 University Avenue</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
H35	0.0097	0.0291	6267.59	18802.77

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 5.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
H35	0.1054	68121.812	0.36	0.1456	94103.76	0.4
H17	0.1394	90096.59	0.57	0.19	122800.2	0.72
I5	1.2611	815070.37	0.44	4.0468	2615516	1
T16	2.1091	1363147.2	0.2857	5.9582	3850886	0.5029
T14	2.5167	1626586	0.53	8.4458	5458664	1

**Table 5.3**

<b>Proposed Results: 2331 University Avenue</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
H35	0.1151	74391.087	0.36	0.1747	112911.6	0.44
H17	0.1491	96365.865	0.6	0.219	141543.4	0.81
I5	1.2708	821339.64	0.44	4.0759	2634323	1
T16	2.1188	1369416.5	0.2857	5.9873	3869694	0.5029
T14	2.5264	1632855.3	0.53	8.4749	5477472	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

**Table 6.1**

<b>All Proposed Developments</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
G2	0.0053	0.0159	3435.40	10306.20
F7	0.2309	0.6928	149266.21	447798.64
E21	0.132274	0.3968	85490.92	256472.76
D3	0.254915	0.7647	0.1804	494266.84
H35	0.0097	0.0291	6267.59	18802.77

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 3.*

**Table 6.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
H35	0.1054	68121.81	0.36	0.1456	94103.76	0.4
H17	0.1394	90096.59	0.57	0.19	122800.2	0.72
I5	1.2611	815070.4	0.44	4.0468	2615516	1
T14	2.5167	1626586	0.53	8.4458	5458664	1
F7	0.064	41364.29	0.21	0.0986	63726.86	0.24
T24	0.6948	449061.1	0.2933	1.7006	1099127	0.48
T18	2.1091	1363147	0.3886	5.9582	3850886	0.7429
G2	0.0796	51446.83	0.32	0.1072	69285.18	0.36
E21	0.015	9694.755	0.2	0.0298	19260.25	0.24
D3	0.4121	266347.2	0.4	1.6487	1065583	1
E1	0.6185	399747.1	0.44	2.1283	1375556	1
T23	0.7858	507875.9	0.3333	1.8212	1177073	0.5333

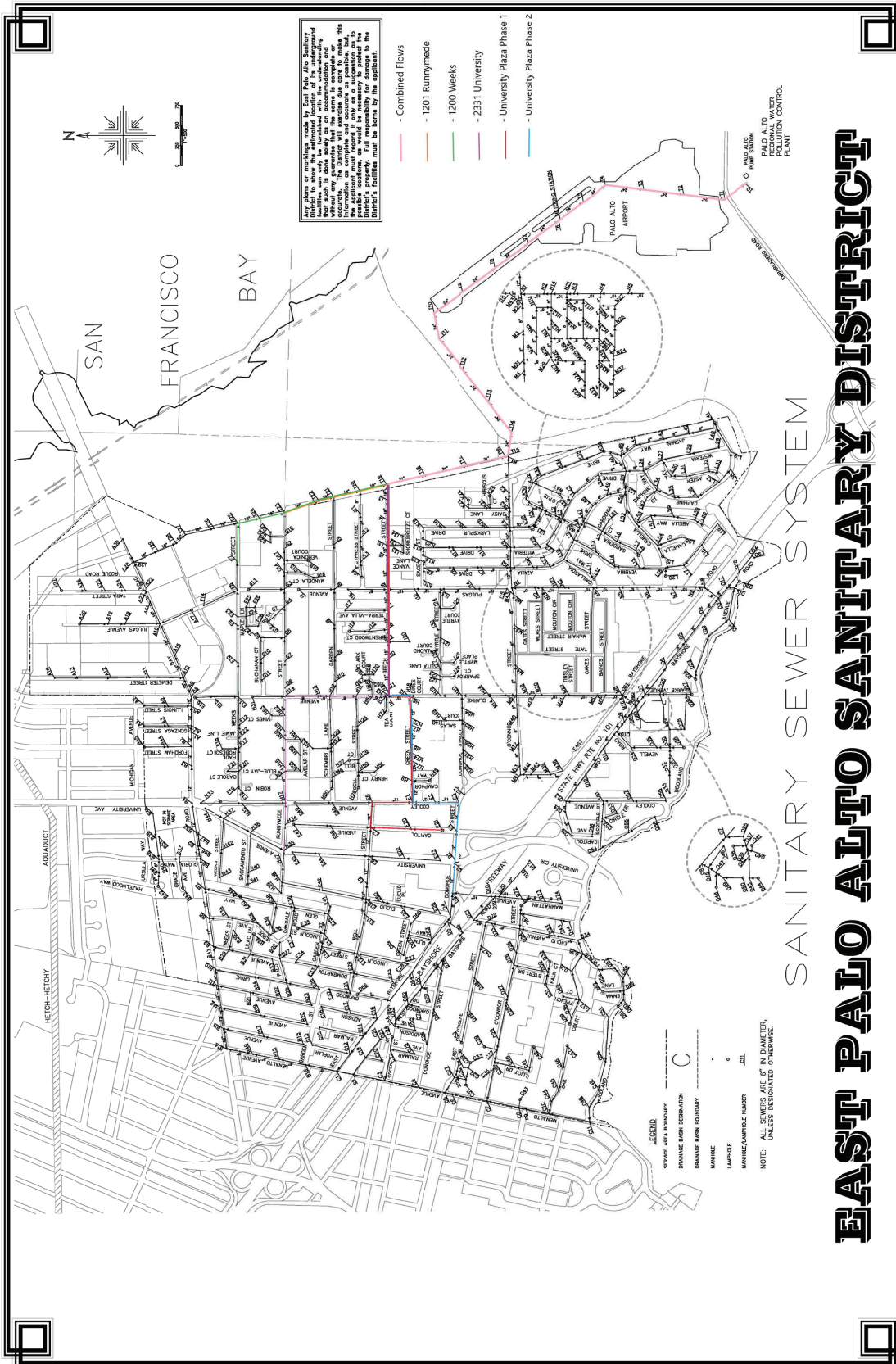
**Table 6.3**

<b>Proposed Results: Combined Flows</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
H35	0.1151	74391.09	0.36	0.1747	112911.6	0.44
H17	0.1491	96365.86	0.6	0.219	141543.4	0.81
I5	1.658	1071594	0.5067	5.2375	3385085	1
T14	3.1498	2035769	0.61	10.3452	6686279	1
F7	0.2949	190598.9	0.42	0.7915	511559.9	0.75
T24	0.9257	598295.6	0.3467	2.3935	1546960	0.5867
T18	2.7423	1772395	0.4571	7.8576	5078500	1
G2	0.0849	54872.31	0.32	0.1231	79561.62	0.4
E21	0.1473	95202.49	0.56	0.4266	275718.8	1**
D3	0.667	431093.4	0.52	2.4134	1559821	1**
E1	1.0057	650001	0.58	3.2899	2126318	1**
T23	1.0221	660600.6	0.3867	2.53	1635182	0.6667

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*

*\*\*Note: the hydraulic model predicts that the hydraulic grade line at the indicated manhole will be above the rim elevation resulting in a predicted SSO*

**Appendix B**  
**EPASD Collection System Map with Development Discharge Flow Paths**



**SANITARY SEWER SYSTEM**  
**EAST PALO ALTO SANITARY DISTRICT**



July 31, 2019  
BKF Job No.: C20160076

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)

**Subject: University Plaza, Phase 2, East Palo Alto, CA  
Sewer System Hydraulic Modeling**

Dear Mr. Okupe:

Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – Hydraulic Modelling, University Plaza Phase II Development," prepared by Freyer & Laureta, Inc and dated July 18, 2019. We have reviewed the memorandum and have several questions and comments outlined below:

1. It appears that all of the University Plaza Phase 1 sewer flows are applied to model Node E21 which is a 6-inch sanitary sewer main in the remaining portion of Capitol Avenue. While there is a connection to Capitol Avenue, this is a kitchen only connection with a grease interceptor. The majority of the sewer flows from the Phase 1 site discharge to the 12-inch sewer main in Donohoe Street near Node E4. Please revise then model.
2. The sewer generation rates used to calculate sewer demand for office building are approximately 0.14 gallons per day per square foot (gpd/sf). This generation rate is very conservative and does not reflect the current new building green development practices. We are currently using generation rates in the 0.05 to 0.07 gpd/sf range for new offices building in other jurisdictions.
3. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. A peaking factor of 3.0 for Peak Hour Wet Weather Flow (PHWWF) seems reasonable and should address the system wide wet weather and diurnal fluctuations in flow. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor of close to 9. This isn't done for any of the residential projects in the calculations. In addition, this overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto.

Based on this methodology, that includes a large generation rate combined with assumed hours of operation and an additional peaking factor, calculations yield a peak flow of 343 gpm (0.766 cfs) from the combination of University Plaza Phase I and Phase II projects. To put this in perspective, this would require an 8 inch pipe flowing approximately full at 1 percent or 6 gallons every second. The Facebook Classic Campus (former Sun campus) and the MPK 20 building include approximately 1.5 million square feet combined and discharge into the same 8-inch main in Willow Road. Please revise PHWWF used in the model

4. We are not sure what is meant by peak instantaneous flow Gravity sewer mains and pump station are typically designed to PHWWF. Please update the memorandum.
5. Page 4 of the memorandum states approximately 3900 feet of pipe from MH H9 to MH T19 (generally Green Street and Beech Street) needs to be replaced as a result of peak instantaneous flow from UPPI & II. The March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc identifies the replacement of these existing sewer mains as part of the recommended Capital Improvement Program (CIP). Appendices F & G of the Master Plan Update are attached. Based on the sizes identified in the recommended CIP there would be adequate capacity to serve future demands including the University Plaza project.
6. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified? Has a fee schedule been identified?

Please let us know if a meeting would be helpful to discuss these comments. We look forward to working to your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6419 if you have any questions regarding these comments.

Sincerely,  
**BKF Engineers**



Thomas R. Morse, PE, LEED® AP  
Vice President

Attach:  
Appendices F & G, East Palo alto Sanitary District Master Plan Update, March 2015

cc:  
Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization

**EPASD IMPROVEMENT PLAN  
EAST PALO ALTO SANITARY DISTRICT**

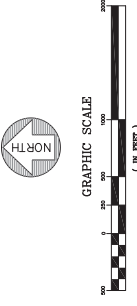
144 North Shore Drive • San Mateo, CA 94401  
TEL: (650) 494-9001 • FAX: (650) 494-9020 • www.epasd.com



DATE:	03/21/13
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DESIGNED:	RL
CHECKED:	JL
DRAWN:	JL
PROJECT ENGR:	RL

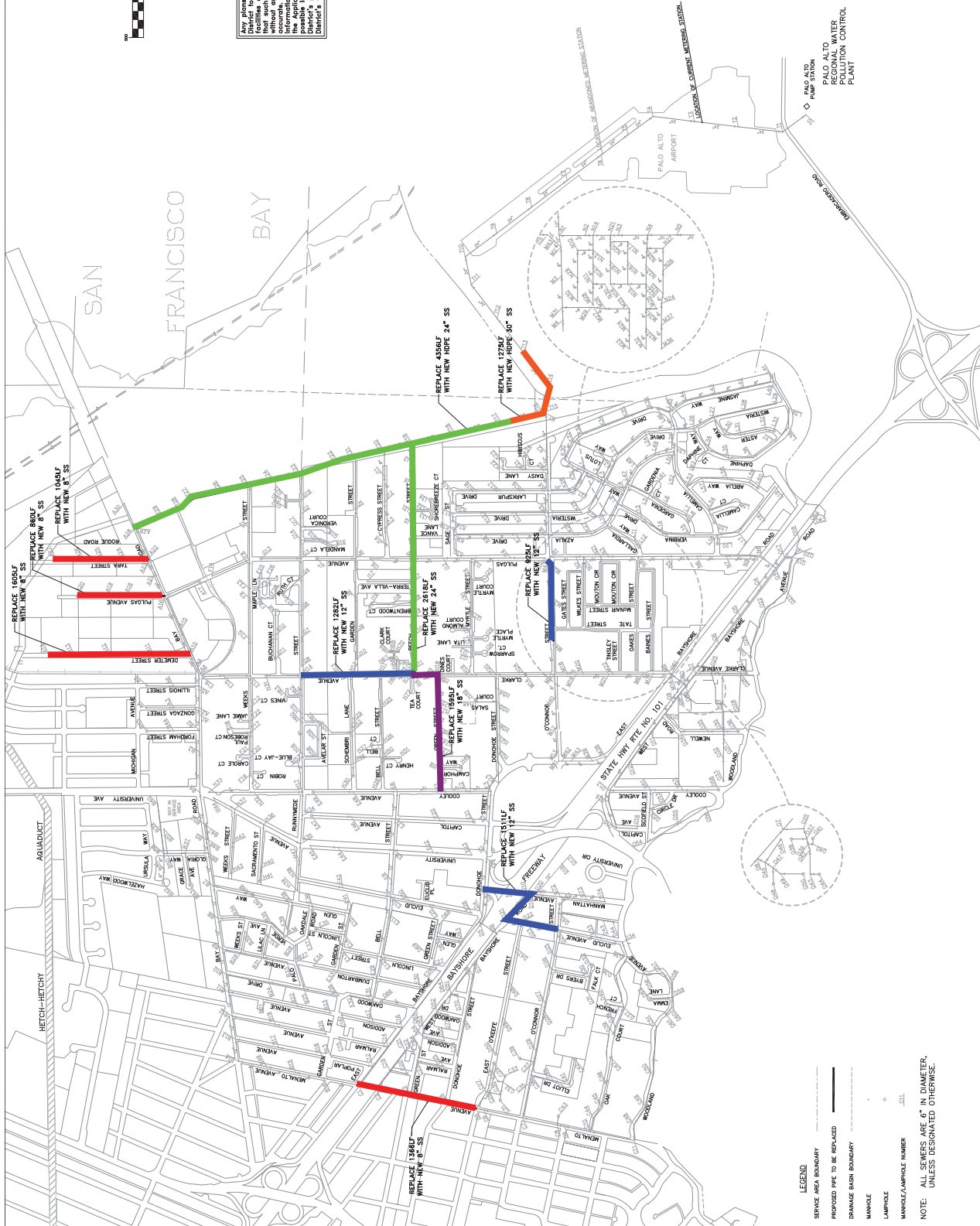
SHEET  
OF 4 SHEETS

JOB NO.  
**2002**



Any plans or markings made by East Palo Alto Sanitary District to show the estimated location of the underground sewer lines are for informational purposes only. They are not intended to be used as a basis for any construction or other work. The District will endeavor to make this information as complete and accurate as possible, but it does not warrant the accuracy of the information. It is the responsibility of the contractor to verify the location and depth of all underground utilities before construction. Full responsibility for damage to the District's facilities must be borne by the contractor.

- UPSIZE TO 8"
- UPSIZE TO 12"
- UPSIZE TO 18"
- UPSIZE TO 24"
- UPSIZE TO 30"



**LEGEND**

- SERVICE AREA BOUNDARY
- PROPOSED PIPE TO BE REPLACED
- SEWERAGE BASIN BOUNDARY
- MANHOLE
- MANHOLE/LAMPPIE NUMBER

NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

**EPASD IMPROVEMENT PLAN  
EAST PALO ALTO SANITARY DISTRICT**

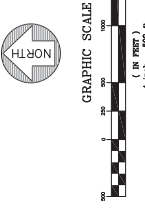
SUBCONSULTANT:

DATE	DESCRIPTION

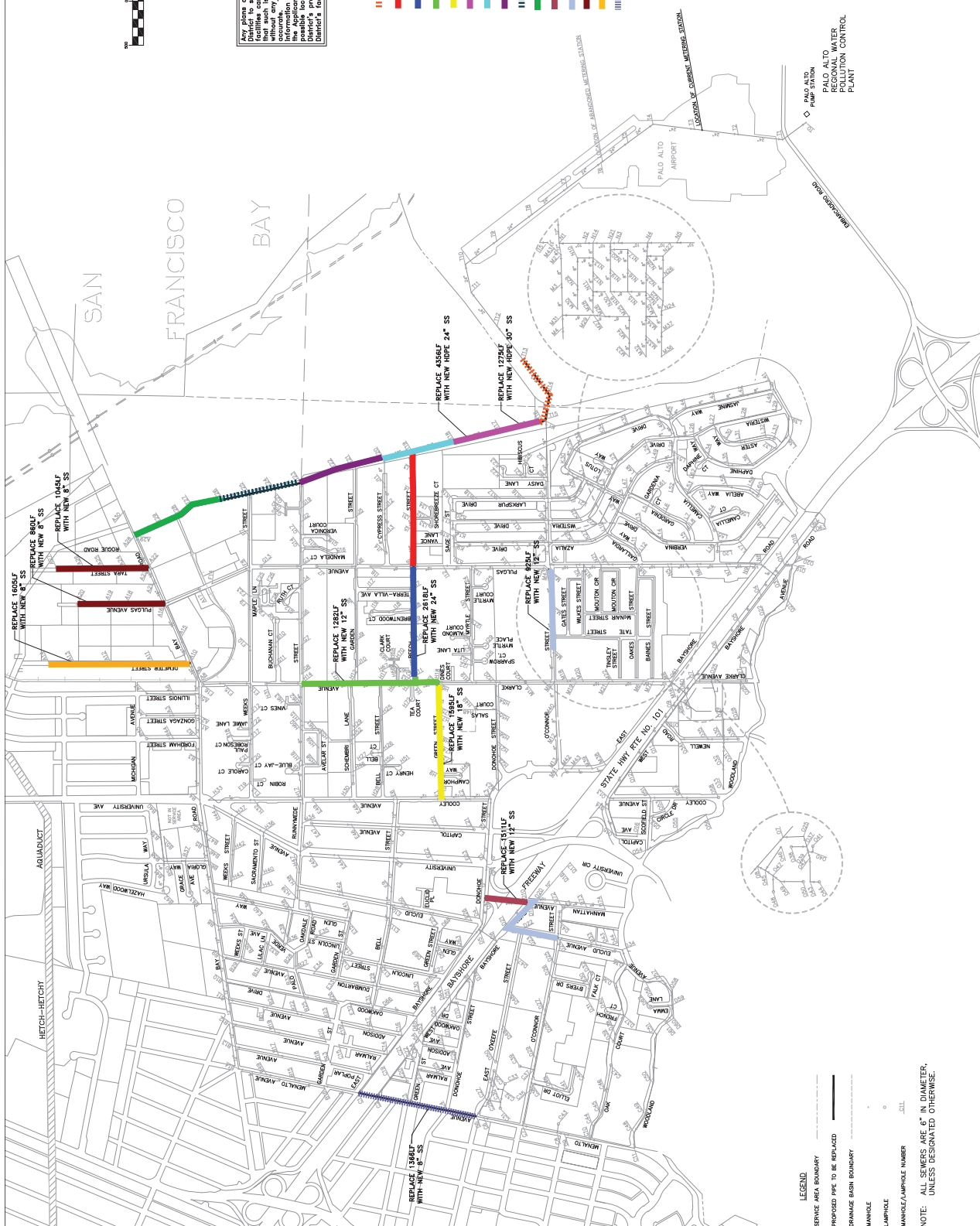
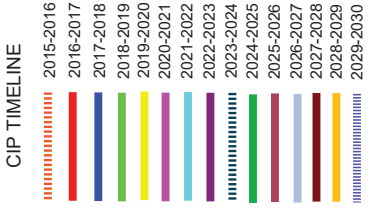
LAURELA INC.  
144 North San Mateo Drive • San Mateo, CA 94401  
(650)344-9901 • Fax (650)344-9920 • www.laurela.com

DATE: 03/21/13  
SCALE: NTS  
DESIGNED: RLL  
DRAWN: JL  
CHECKED: RLL  
PROJECT ENGINEER: RLL

SHEET 4 OF 4 SHEET  
JOB NO. 2002



Any plans or markings made by East Palo Alto Sanitary District to show the estimated location of the underground sewer system are shown for informational purposes only. They are not intended to be used as a basis for any construction or other work. The District will endeavor to make this information as complete and accurate as possible, but it does not warrant the accuracy of the information. The District's liability is limited to the information provided. Full responsibility for damage to the District's property or liability for damage to the District's facilities must be borne by the applicant.



**LEGEND**

- SERVICE AREA BOUNDARY
- PROPOSED PIPE TO BE REPLACED
- SEWERAGE BASIN BOUNDARY
- MANHOLE
- MANHOLE/LAMPPIE NUMBER

NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

**Appendix G**

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Thursday, August 01, 2019 11:07 AM  
**To:** Tom Morse  
**Cc:** Korinne Nickings; Keianna Talton; Tim Steele (tsteele@sobrato.com); Robert Tersini (rtersini@sobrato.com); Nainoa Pihana; Lokelani Yee  
**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

I would like to inform you that we would not be able to serve this project, we dot have the capacity as discussed in the memo.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, August 1, 2019 9:49 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** University Plaza Phase 2 Modeling Memorandum Comments

Mr. Okupe,

Thank you for providing the sanitary sewer analysis for the University Plaza Phase 2 project and the district Master Plan Update. Please find attached our comments on the sanitary sewer modeling completed for the project. Please let us know if you have any comments or if a meeting would be helpful to review the comments.

Tom



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**100+**  
**YEARS**

**THOMAS R. MORSE, PE** | Vice President

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## **EAST PALO ALTO SANITARY DISTRICT**

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[www.epasd.com](http://www.epasd.com)

**Akin Okupe, M.B.A, P.E., General Manager**

August 6<sup>th</sup>, 2019

Thomas R. Morse  
255 Shoreline Drive, Suite 200  
Redwood City, CA 94065

**Subject: University Plaza Phase 2, East Palo Alto, CA – Sewer System Hydraulic Modeling**

Dear Mr. Morse,

Pursuant to your letter dated July 31<sup>st</sup>, 2019, I would like to memorialize the following:

1. We will be applying the hydraulic load to manhole E4 as proposed, please note that the previous model performed by Freyer and Laureta Engineering Inc. underestimated the impact of the hydraulic loading from the University Plaza Phase 1 Project under service conditions.
2. Please note that the hydraulic loading for the University Plaza Phase 1 and 2 Projects applied in the static hydra model is between 0.05 and 0.07 gpd/sq.ft.
3. Please note that we have a peak factor monitoring data for different water shed City-wide. I have directed Freyer and Laureta Engineering Inc. to calculate the peaking factor based on this monitoring data for both of the University Plaza Phase 1 and 2 projects.
4. The difference between Peak Instantaneous flow and Peak Wet Weather flow is the storm water return period. This would be addressed accordingly.
5. Please note that the Capital Improvement Plan in the Master Plan does not identify the source of funds. Any project driven by development will be funded by the developer (matching concept). The existing liquid assets on the District's Balance Sheet would be used to finance the replacement of the existing infrastructure on an as-needed basis.
6. Please note that the District does not intend to finance the Capital Projects identified in the Master Plan with existing reserve funds. This would be in conflict with Prop 218 provisions.
7. We would like to install a flow meter to monitor the flow from University Plaza Phase 1. The data could be used to generate a diurnal flow curve. This could

serve as the basis for predicting the hydraulic loading of the University Plaza Phase 2 Project. Please let me know if you want us to pursue this approach.

I would like to arrange a meeting to discuss how we can work collaboratively on your project, please let me know your availability.

Thank you for your anticipated prompt action and cooperation.

Sincerely,

A handwritten signature in blue ink, appearing to read "A. Okupe", written over a horizontal line.

Akin Okupe  
General Manager



**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Friday, August 09, 2019 11:05 AM  
**To:** Tom Morse  
**Cc:** Korinne Nickings; Keianna Talton; Tim Steele (tsteele@sobrato.com); Robert Tersini (rtersini@sobrato.com); Nainoa Pihana; Lokelani Yee  
**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

The financial consequence of this is that existing rate payers will have to subsidize development project which is unconstitutional.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Akin Okupe  
**Sent:** Friday, August 9, 2019 11:01:19 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

The purpose of the flow monitoring is to obtain actual operational hours, i dont agree using estimated data when we can actually measure the flow and the operational hours. As you know, engineering is an exact science.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Friday, August 9, 2019 10:04 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: University Plaza Phase 2 Modeling Memorandum Comments

Akin,

If the purpose of doing Phase 1 building flow metering to confirm Average Day Dry Weather Flows then flow monitoring may be useful.

If flow monitoring is being completed to justify operational hours, then we still don't have agreement on methodology. The downstream system Peak Hour Wet Weather Flows should be calculated using Average Day Dry Weather Flows, a 24 hour day and then applying the system wide peaking factors established in the 2015 Master Plan Updated. These were based on basin wide flow monitoring completed by V&A and the provided hydrograph for wet weather Inflow and infiltration. Based on the 2015 Mater Plan Update Basin E2 has a peaking factor of approximately 3.4 and Basin I3 has a peaking factor of approximately 2.3.

Basing sewer flow calculation by an assumed number of operational hours is unduly conservative and isn't consistent with the District Master Plan. If we are still not in agreement on methodology, then perhaps a meeting next week would help.

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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d 650.485.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]

**Sent:** Thursday, August 08, 2019 2:34 PM

**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>

**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>

**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

Hi Tom,

We need to agree if we want to install a flow meter to establish a diurnal curve for the project before we can move forward. We can install the flow meter on the outlet of University Plaza Phase 1 Project to measure the flow rate on a time of use basis. We would now use this data to determine the average flow based on the active flow hours and the flow rate. This will then be incorporated into the static model for updates. Please confirm if you want us to pursue this approach since you did not agree to the 8.5 hrs effective time. This way we will be performing the model based on actual data.

Please advise.

Thank you so much

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, August 8, 2019 2:08 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: University Plaza Phase 2 Modeling Memorandum Comments

Thank you for the quick review of our comments and your responses.  
When is Freyer and Laureta scheduled to have the memorandum update?

Tom

Thomas Morse  
BKF Engineers  
(650) 482-6419  
[tmorse@bkf.com](mailto:tmorse@bkf.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, August 07, 2019 9:41 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

Hi Tom,

Please find attached regarding the Hydraulic Modelling of the University Plaza Phase 2 Project.

Thank you so much.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Friday, August 2, 2019 8:58 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: University Plaza Phase 2 Modeling Memorandum Comments

Hi Akin,

Trying to connect and respond to your voice message. Can you suggest a time this morning for a call and I can set up a Goto Meeting?

Thanks,  
Tom

Thomas Morse  
BKF Engineers  
(650) 482-6419  
[tmorse@bkf.com](mailto:tmorse@bkf.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Thursday, August 01, 2019 11:07 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: University Plaza Phase 2 Modeling Memorandum Comments

I would like to inform you that we would not be able to serve this project, we dot have the capacity as discussed in the memo.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, August 1, 2019 9:49 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Nainoa Pihana <[npihana@bkf.com](mailto:npihana@bkf.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** University Plaza Phase 2 Modeling Memorandum Comments

Mr. Okupe,

Thank you for providing the sanitary sewer analysis for the University Plaza Phase 2 project and the district Master Plan Update. Please find attached our comments on the sanitary sewer modeling completed for the project. Please let us know if you have any comments or if a meeting would be helpful to review the comments.

Tom



**THOMAS R. MORSE, PE** | Vice President

**BKF Engineers**

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Website: [www.bkf.com](http://www.bkf.com)

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**From:** Tom Morse  
**Sent:** Wednesday, August 14, 2019 2:02 PM  
**To:** 'Akin Okupe'  
**Cc:** Kamal Fallaha (kfallaha@cityofepa.org); Tim Steele (tsteele@sobrato.com); Robert Tersini (rtersini@sobrato.com); Lokelani Yee  
**Subject:** University Plaza Sewer Flow Monitoring  
**Attachments:** C5.0-UPCDUT.pdf

Akin,

Thank you for your time yesterday. As discussed in our meeting, can you get us an estimate and schedule for completing flow monitoring of the University Plaza Phase 1 (Amazon) building? To help, I have highlighted the sanitary sewer connections on the attached utility drawing from building construction documents. The majority of the building, including the bathroom cores, connect to the 12-inch main in University Avenue. The connection to the 6-inch main on Capitol is from unoccupied areas of the garage and the main building kitchen.

Let us know if you need any additional information from our team.

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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**From:** Tom Morse  
**Sent:** Tuesday, August 27, 2019 6:53 AM  
**To:** 'Akin Okupe'; 'Kamal Fallaha'  
**Cc:** 'Korinne Nickings'; 'Keianna Talton'; 'Micheline Wegem'  
**Subject:** RE: University Plaza Phase 2

Following up on schedule and proposal for sewer flow monitoring for University Plaza. Can you get us an update?

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Tom Morse  
**Sent:** Tuesday, August 20, 2019 9:25 AM  
**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Kamal Fallaha' <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>  
**Cc:** 'Korinne Nickings' <[knickings@epasd.com](mailto:knickings@epasd.com)>; 'Keianna Talton' <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; 'Micheline Wegem' <[mwegem@epasd.com](mailto:mwegem@epasd.com)>  
**Subject:** RE: University Plaza Phase 2

Following up on schedule and proposal for sewer flow monitoring for University Plaza. Can you get us an update?

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Tom Morse  
**Sent:** Friday, August 16, 2019 7:27 AM  
**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>  
**Cc:** Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Micheline Wegem <[mwegem@epasd.com](mailto:mwegem@epasd.com)>  
**Subject:** RE: University Plaza Phase 2

Thank you for initiating the flow monitoring proposal. Do you have an idea of when we should see the proposal?

Also curious about how you estimate the building demand at 65 gpd/1000 sf?

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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d 650.485.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]

**Sent:** Thursday, August 15, 2019 9:30 PM

**To:** Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>

**Cc:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>; Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Micheline Wegem <[mwegem@epasd.com](mailto:mwegem@epasd.com)>

**Subject:** University Plaza Phase 2

Hi Tom,

I have requested for a proposal from the consultant to perform the flow monitoring but would like to reiterate our position:

- Any pipe flowing more than 67% full would need to be up-sized
- The District would only consider the worst case under service conditions to determine the mitigation strategy
- The peaking factor model is already for a 5 yr storm, this is enough concession to make sure we are not unduly over sizing the pipes
- The roughness coefficient will be between 0.011 and 0.013 depending on the type of pipe
- The water consumption for University Plaza Phase 1 is very close to the 65 gpd/1000 sq ft as estimated, this could be discharged within 8.5 hours and it could be discharged within longer hours. The District will only base its decision on the most conservative option.
- The District will confirm the results of the model by measuring d/D in existing pipes and compare these values to predicted ratios. This would be done along the flow path and the cost would be paid by the District.
- The City should have involved the District earlier on in the process to clarify sewer capacity

Thank you so much

Akin Okupe, M.B.A., P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel : (650) 325-9021



**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Wednesday, September 18, 2019 12:05 PM  
**To:** Tom Morse; 'Jeffrey Tarantino'  
**Cc:** Keianna Talton; Tim Steele; Lokelani Yee; 'Robert Tersini'  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

We have made attempt to measure the flow rate as discussed but the instrument failed to perform as expected.

In view of this development, am of the opinion that we should change strategy as measuring the flow rate will not provide any new information. As I have mentioned previously engineering members are normally design for the worst case and not the best case. Previous measurement of water use of the University Plaza Phase I Building indicates that the 65gpm per square ft is a good estimate of the water use from the building. Pursuant to this, the questions are now;

- a) is this flow discharged in an 8 hrs period
- b) is it discharged in a 24 hr period.

The decision of the District at the moment is to choose the 8 hrs which is the most likely option with 98% confidence level.

In this regard the developer will need to deposit the sum of approximately \$3 million into a trust account with the District and sign development agreement with the District for us to move forward.

I dont think we need to make further efforts measuring flow rate as this will amount to destruction of values.

Please note that you are welcome to discuss this issue with the Engineering Committee and the full Board if you deem it necessary.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 11:44 AM  
**To:** 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>

**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Jeff,

Can you get the team and update on schedule for potholing and manhole installation?

Thanks  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]

**Sent:** Thursday, September 12, 2019 7:47 AM

**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>

**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>

**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

We are waiting on the potholing contractor for the schedule (sorry should have made my first email more clear). We will provide the proposed date for potholing once we have it. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, September 12, 2019 7:45 AM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thanks Jeff

Can you get me dates and duration for pothole and manhole installation? Sobrato needs to notify their tenant.

Also based on the email from EPASD we assumed the \$6,000 was for the manhole installation. The district did not mention additional fee may be needed for the manhole.

The Total Cost breakdown as as listed below:

Consulting- \$4,310  
Manhole -\$6000  
Staff Time- \$3000  
Contingency-\$3000  
Total-\$16,310

Deposit- \$15,000  
Expenses-10,000  
Balance-5,000

Payment Required-  $16,310 - 5000 = \$11,310$

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

**BKF ENGINEERS** Delivering Inspired Infrastructure  
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d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]  
**Sent:** Thursday, September 12, 2019 7:37 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

As requested, I wanted to provide an update on the District's schedule for flow monitoring.

- One flow meter to be installed today in the manhole at the end of Capital (north side of building; see attached markup of the provided Record Drawing). Flow monitoring would occur from Thursday, September 12 through Tuesday, September 17. Once the data is downloaded, F&L will perform a preliminary review and provide BKF/Sobrato with an initial review by Friday, September 27.
- District will pothole the two laterals on Donohoe to confirm lateral depths.
- As the District indicated in its discussions with Sobrato, the District with contract to have two manholes installed on Donohoe to allow the District flow meters to be installed into the laterals. The District will submit the contractor's cost proposal to Sobrato once it is received. At the time that the construction costs for installing the two manholes is presented to Sobrato, the District will provide the schedule for installation and flow monitoring.

Please feel free to call or email with any questions. I am tied up in a number of meetings today but should be in the office most of the day tomorrow (Friday, September 13). Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, September 10, 2019 9:14 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi,

Yes, we received the check, i have called Jeff to coordinate the effort, he will be providing us a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 10, 2019 8:54 AM  
**To:** 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Akin,

Can you confirm you received the check from Sobrato and provide a schedule for the monitoring working including dates for installation of the manholes. Sobrato needs to let the tenant know when that work is going to occur.

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Robert Tersini [<mailto:rtersini@sobrato.com>]  
**Sent:** Wednesday, September 04, 2019 10:41 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Akin – I have the check ready. Shall we overnight to your attention? If so what is the best address?

Thanks

---

Robert Tersini

Assistant Development Manager  
The **Sobrato** Organization • 599 Castro Street, Suite 400 • Mountain View, CA 94041  
(408) 691-3291 cell

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Date:** Tuesday, September 3, 2019 at 3:05 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>, Robert Tersini <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>, Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>, Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

Once we receive the check, we will send you a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 3, 2019 8:58 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thank you Akin.

Sobrato is working on getting a check and we will have that to you in the next few days.

When do you think the District will be able to install the manholes? Sobrato want to notify the tenant of the disruption as early as possible.

We are very eager to see the results of the monitoring. Do you think that 3 days is adequate duration for the monitorin?

Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President

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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Friday, August 30, 2019 1:38 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>  
**Subject:** Fw: 2100 University Flow Monitoring Proposal

Tom,

Please find attached proposal from the consultant regarding the monitoring of the sewerage flow out of University Plaza Phase 1.

The Total Cost breakdown as as listed below:

Consulting- \$4,310

Manhole -\$6000

Staff Time- \$3000

Contingency-\$3000

Total-\$16,310

Deposit- \$15,000

Expenses-10,000

Balance-5,000

Payment Required-  $16,310 - 5000 = \$11,310$

Pursuant to the above, we would need an additional deposit of \$11,310 in order to proceed with the monitoring.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Sent:** Friday, August 30, 2019 12:35 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Joanne Yau <[yau@freyerlaureta.com](mailto:yau@freyerlaureta.com)>; Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>  
**Subject:** 2100 University Flow Monitoring Proposal

Hi Akin

Please see the attached proposal for F&L to assist with flow monitoring for the 2100 University office building. Please also refer to the attached email I sent to Merwyn and you regarding my question about laterals serving the building.

F&L's opinion of probable construction cost to install manholes on the laterals that discharge to Donohoe is between \$3,000 and \$6,000 each. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Wednesday, September 18, 2019 2:30 PM  
**To:** Tom Morse; 'Jeffrey Tarantino'  
**Cc:** Keianna Talton; Tim Steele; Lokelani Yee; 'Robert Tersini'  
**Subject:** Re: 2100 University Flow Monitoring Proposal

We dont have the capacity to accommodate this project without upgrading the system, i dont want us to spend money and time on fruitless strategy.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 2:13 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

But we still don't know how much water comes out of the building nor the timing to understand the impact to the system and where it falls on the district system diurnal curve. You mentioned "65gpm per square ft" in the email earlier today. Perhaps you meant 0.065 gpd/sf?

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 1:58 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

The thing is that it does not change the state of the worst hydraulic condition.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 1:53 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

That was to be expected. Why are we abandoning monitoring of the main building services?

Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
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**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 1:51 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

You are correct, the flow was too small to be recorded

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 1:45 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Was flow observed? Perhaps the flow is too small for the meter to measure? The manhole on Capitol only drains a small kitchen and the community development space in the garage. I would not expect to see more than a few gpm peak.

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 1:42 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

The instrument did not pick any flow

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

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**Sent:** Wednesday, September 18, 2019 12:58 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Apologies meant to reply all.

Please share the results of the monitoring that was completed

Tom  
**THOMAS R. MORSE, PE, LEED® AP**  
Vice President

**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 12:05 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

We have made attempt to measure the flow rate as discussed but the instrument failed to perform as expected.

In view of this development, am of the opinion that we should change strategy as measuring the flow rate will not provide any new information. As I have mentioned previously engineering members are normally design for the worst case and not the best case. Previous measurement of water use of the University Plaza Phase I Building indicates that the 65gpm per square ft is a good estimate of the water use from the building. Pursuant to this, the questions are now;

- a) is this flow discharged in an 8 hrs period
- b) is it discharged in a 24 hr period.

The decision of the District at the moment is to choose the 8 hrs which is the most likely option with 98% confidence level.

In this regard the developer will need to deposit the sum of approximately \$3 million into a trust account with the District and sign development agreement with the District for us to move forward.

I dont think we need to make further efforts measuring flow rate as this will amount to destruction of values.

Please note that you are welcome to discuss this issue with the Engineering Committee and the full Board if you deem it necessary.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 11:44 AM  
**To:** 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Jeff,  
Can you get the team and update on schedule for potholing and manhole installation?

Thanks  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]  
**Sent:** Thursday, September 12, 2019 7:47 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

We are waiting on the potholing contractor for the schedule (sorry should have made my first email more clear). We will provide the proposed date for potholing once we have it. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, September 12, 2019 7:45 AM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thanks Jeff

Can you get me dates and duration for pothole and manhole installation? Sobrato needs to notify their tenant.

Also based on the email from EPASD we assumed the \$6,000 was for the manhole installation. The district did not mention additional fee may be needed for the manhole.

The Total Cost breakdown as as listed below:

Consulting- \$4,310  
Manhole -\$6000  
Staff Time- \$3000  
Contingency-\$3000  
Total-\$16,310

Deposit- \$15,000  
Expenses-10,000  
Balance-5,000

Payment Required-  $16,310 - 5,000 = \$11,310$

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]

**Sent:** Thursday, September 12, 2019 7:37 AM

**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>

**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>

**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

As requested, I wanted to provide an update on the District's schedule for flow monitoring.

- One flow meter to be installed today in the manhole at the end of Capital (north side of building; see attached markup of the provided Record Drawing). Flow monitoring would occur from Thursday, September 12 through Tuesday, September 17. Once the data is downloaded, F&L will perform a preliminary review and provide BKF/Sobrato with an initial review by Friday, September 27.
- District will pothole the two laterals on Donohoe to confirm lateral depths.
- As the District indicated in its discussions with Sobrato, the District with contract to have two manholes installed on Donohoe to allow the District flow meters to be installed into the laterals.

The District will submit the contractor's cost proposal to Sobrato once it is received. At the time that the construction costs for installing the two manholes is presented to Sobrato, the District will provide the schedule for installation and flow monitoring.

Please feel free to call or email with any questions. I am tied up in a number of meetings today but should be in the office most of the day tomorrow (Friday, September 13). Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, September 10, 2019 9:14 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi,

Yes, we received the check, i have called Jeff to coordinate the effort, he will be providing us a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 10, 2019 8:54 AM  
**To:** 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Akin,  
Can you confirm you received the check from Sobrato and provide a schedule for the monitoring working including dates for installation of the manholes. Sobrato needs to let the tenant know when that work is going to occur.

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
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d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Robert Tersini [<mailto:rtersini@sobrato.com>]  
**Sent:** Wednesday, September 04, 2019 10:41 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Akin – I have the check ready. Shall we overnight to your attention? If so what is the best address?

Thanks

---

Robert Tersini  
Assistant Development Manager  
The **Sobrato** Organization • 599 Castro Street, Suite 400 • Mountain View, CA 94041  
(408) 691-3291 cell

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Date:** Tuesday, September 3, 2019 at 3:05 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>, Robert Tersini <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>, Tim Steele



<[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>, Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

Once we receive the check, we will send you a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 3, 2019 8:58 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Robert Tersini ([rtercini@sobrato.com](mailto:rtercini@sobrato.com)) <[rtercini@sobrato.com](mailto:rtercini@sobrato.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thank you Akin.

Sobrato is working on getting a check and we will have that to you in the next few days.

When do you think the District will be able to install the manholes? Sobrato want to notify the tenant of the disruption as early as possible.

We are very eager to see the results of the monitoring. Do you think that 3 days is adequate duration for the monitorin?

Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
d 650.485.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Friday, August 30, 2019 1:38 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>  
**Subject:** Fw: 2100 University Flow Monitoring Proposal

Tom,

Please find attached proposal from the consultant regarding the monitoring of the sewerage flow out of University Plaza Phase 1.

The Total Cost breakdown as as listed below:

Consulting- \$4,310

Manhole -\$6000

Staff Time- \$3000

Contingency-\$3000

Total-\$16,310

Deposit- \$15,000

Expenses-10,000

Balance-5,000

Payment Required-  $16,310 - 5000 = \$11,310$

Pursuant to the above, we would need an additional deposit of \$11,310 in order to proceed with the monitoring.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>

**Sent:** Friday, August 30, 2019 12:35 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** Joanne Yau <[yau@freyerlaureta.com](mailto:yau@freyerlaureta.com)>; Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>

**Subject:** 2100 University Flow Monitoring Proposal

Hi Akin

Please see the attached proposal for F&L to assist with flow monitoring for the 2100 University office building. Please also refer to the attached email I sent to Merwyn and you regarding my question about laterals serving the building.

F&L's opinion of probable construction cost to install manholes on the laterals that discharge to Donohoe is between \$3,000 and \$6,000 each. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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## **DRAFT MEMORANDUM**

Prepared by: Raymond Mallari  
Reviewed by: Jeff Tarantino, P.E.  
Date: October 29, 2019  
Re: East Palo Alto Sanitary District – University Phase II Development

---

Freyer & Laureta, Inc. (F&L) is pleased to provide this memorandum to the East Palo Alto Sanitary District (EPASD) to present the results of the requested assessment of the proposed development's sewer discharge impacts, if any, on EPASD's existing collection system. The proposed developments of interest in the hydraulic modeling scenarios is the University Plaza Phase II improvements. The goal of the modeling effort is to determine if the proposed development impact the existing EPASD collection system potentially resulting in sanitary sewer overflows (SSOs) that would require EPASD to implement a pipeline replacement project to increase the capacity of the existing collection system to eliminate the development caused SSO.

### **Analysis**

#### *University Plaza Phase II Impacts*

The University Plaza Phase II project is proposed to be a 231,883 gross square feet of office space to be located on a 2.60-acre parcel north of Donohoe Street between University Avenue, Chevron Gas Station, and the Ravenswood School District Bus Yard. A Sewer Demand Memorandum dated July 30, 2018 prepared by BKF (copy included as Appendix A) indicates that University Plaza Phase II projected average sanitary sewer discharge rate is 90 gallons per day per square foot for a total of 11,594 gallons per day (gpd) into the EPASD sanitary collection system. Assuming the facilities' hours of operation span 8.5 hours per day, the calculated average daily discharge is 0.051 cfs. The calculated peak flow using a peaking factor of 5.8 is 67,245 gpd or 0.29 cfs. The peaking factor being used is based on the measured peak flow for Site E2 as shown in Table 2.

Flows were injected into the EPASD hydraulic model at the Manhole D3 in Donohoe Street towards Euclid Avenue. The results of the hydraulic evaluation showed minimal impact to

the system flows as a result of the additional average day from the University Plaza Phase II projects, but the model does indicate there is a potential for SSOs as a result of the peak flows from the development. Please see Tables 1.1, 1.2, and 1.3 that present modeled hydraulic impacts University Plaza Phase II flows on the EPASD collection system.

The following figures below present the hydraulic grade line during an average flow scenario (Figure 1) and a peak flow scenario (Figure 2) for the total flows from University Plaza Phase II. Peak flows were again calculated by applying a sewer shed specific peaking factor of 5.8 (see Site E2 in Table 3).

Figure 1 – Average Flow Hydraulic Grade Line

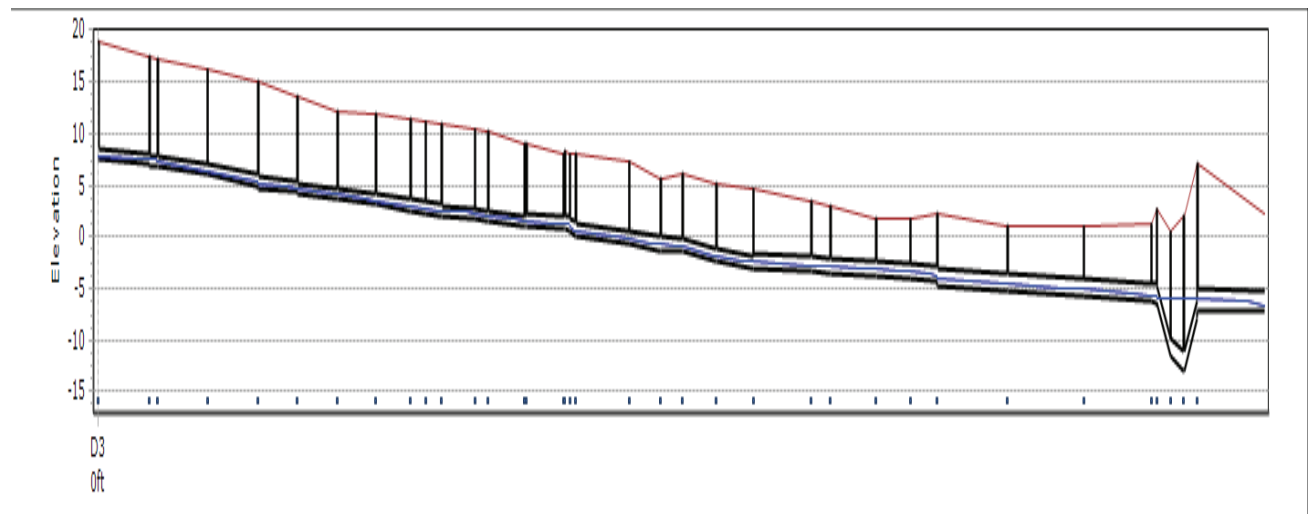
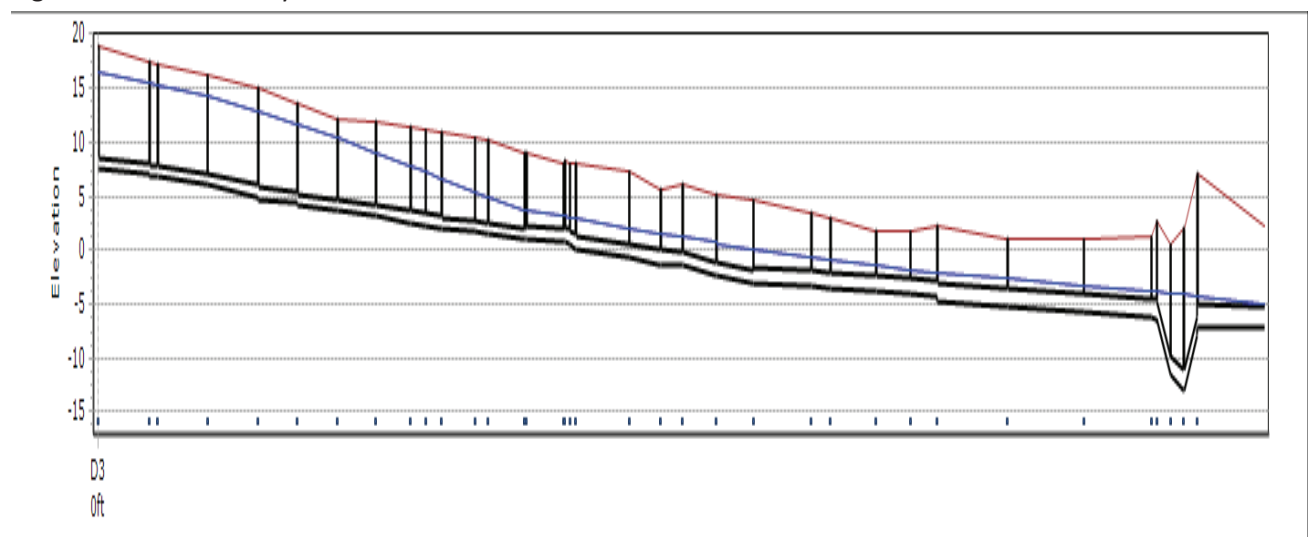
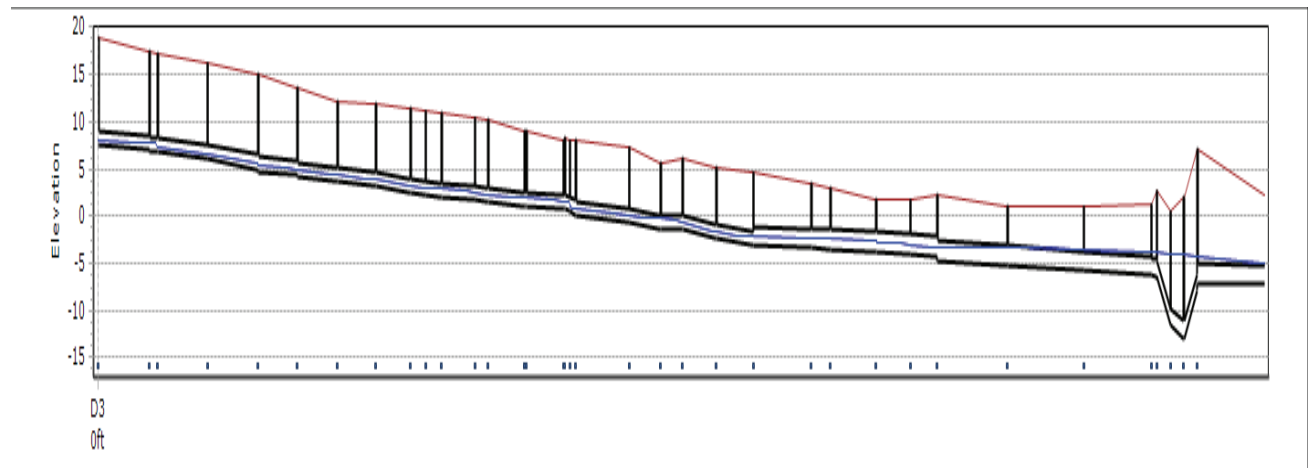


Figure 2 – Peak Flow Hydraulic Grade Line



In the first half on the profile in Figure 2, the blue line representing the water level is above the red line representing the ground surface. When the modeled hydraulic grade line is predicted to be above the existing ground elevation, the model predicts that there could be SSOs as a result of the additional peak flows. Figure 3 below shows the profile of the same injection peak flow scenario with modified pipe sizes along the flow path in the collection system to prevent the water level from breaching the manhole rim and maintaining a d/D ratio of 0.66 or less.

Figure 3 – Peak Flow Hydraulic Grade Line with Modified Pipes



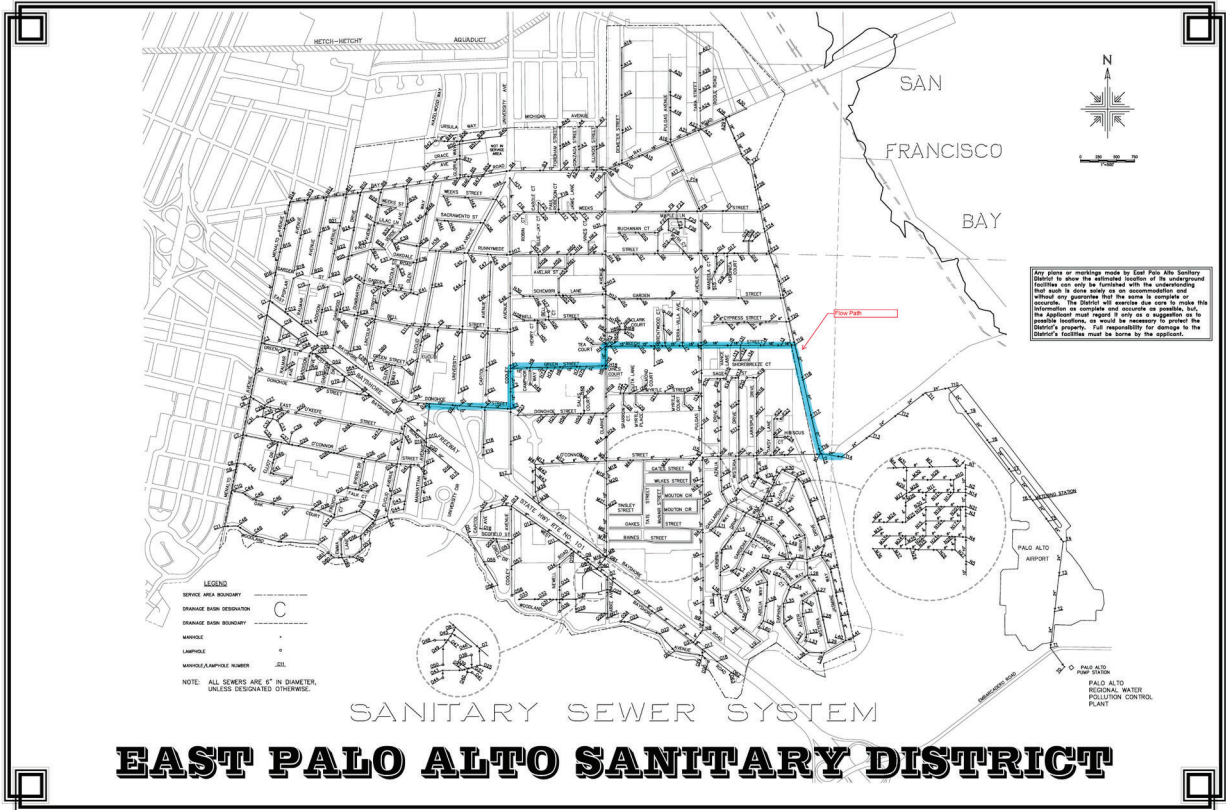
In order to prevent the predicted SSOs, EPASD will need to replace approximately 7,419 linear feet of pipe starting from manhole D3 and continuing downstream to manhole T16. All old piping should be replaced with various sizes of DR17 HDPE pipe. 4,599 linear feet of pipe starting from upstream manhole D3 to downstream manhole I6 will be replaced with 20-inch DR17 pipe, while 2,820 linear feet of pipe starting from upstream manhole I6 to downstream manhole T16 will be replaced with 28-inch DR17 pipe.

To determine the required pipe replacement to reduce the d/D to 0.66 while improving the hydraulic grade line of the collection system, F&L performed an iterative hydraulic evaluation. The goal of the iterative evaluation was to increase the pipeline diameter to reduce the d/D to 0.66 or until the hydraulic model predict the hydraulic grade line was not further reduced regardless of the pipe diameter. The results of the pipeline convergence analysis is included in Appendix B of this memorandum.

The limits of the proposed capital improvement program is presented on Figure 4 included on the follow page. The Opinion of Probable Project Costs for the design, administration,

construction of the required improvements to eliminate the predicted SSOs is presented in Table 3.

Figure 4 – EPASD Collection System Map with Development Discharge Flow Paths



**Table 1.1**

<b>Proposed Development: University Phase 2</b>				
Manhole used for Injection	Flow Injected into Manhole (cfs)		Flow Injected into Manhole (gpd)	
	Average	Peak	Average	Peak
D3	0.051	0.2958	11,595	67,251

*\*Note: The peak flow was calculated by multiplying the average flow by a peaking factor of 5.8 for Site E2 (see Table 2).*

**Table 1.2**

<b>Existing Results</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
D3	0.4631	105287	0.42	1.9445	442088	1
E4	0.5221	118701	0.36	2.2867	519888	1
E3	0.5221	118701	0.44	2.2867	519888	1
E1	0.7285	165627	0.48	2.7663	628926	1
T14	2.6267	597188	0.54	9.0838	2065229	1

**Table 1.3**

<b>Proposed Results: University Phase 2</b>						
Manhole	Average Flow			Peak Flow		
	Q (cfs)	Q (gpd)	Depth over Diameter*	Q (cfs)	Q (gpd)	Depth over Diameter*
D3	0.4631	105287	0.2193	1.9445	442088	0.466
E4	0.5221	118701	0.1919	2.2867	519888	0.3975
E3	0.5221	118701	0.2193	2.2867	519888	0.4797
E1	0.7285	165627	0.2604	2.7663	628926	0.5208
T14	2.6267	597188	0.54	9.0838	2065228	1

*\*Note: The Depth over Diameter value is evaluated directly downstream of specified manhole*



**Table 1.4**

<b>Proposed Pipe Improvements: University Phase 2</b>					
Manhole Prior	Length (ft)	Existing Diameter (inches)	New Inner Diameter (inches)	Existing d/D	New d/D
D3	363	12	17.51	1	0.4661
D2	53	12	17.51	1	0.5894
D1	354	12	17.51	1	0.3975
E4	357	12	17.51	1	0.3975
E3	280	12	17.51	1	0.4797
E2	283	12	17.51	1	0.4386
E1	270	12	17.51	1	0.5208
H9	246	12	17.51	1	0.4934
H73	101	12	17.51	1	0.4934
H74	113	12	17.51	1	0.4934
H8	233	12	17.51	1	0.5757
H7	90	12	17.51	1	0.4934
H75	260	12	17.51	1	0.4934
H6	9	12	17.51	1	0.3975
H5	259	15	17.51	1	0.6579
H4	7	15	17.51	1	0.5757
H3	31	15	17.51	1	0.562
H2	37	15	17.51	0.512	0.3427
I11	380	15	17.51	1	0.5757
I10	221	15	17.51	1	0.5208
I9	155	15	17.51	1	0.7264
I8	238	15	17.51	0.736	0.466
I7	259	15	17.51	0.816	0.5071
I6	411	18	24.51	1	0.519
I5	135	18	24.51	1	0.519
I31	321	18	24.51	1	0.519
I4	243	18	24.51	1	0.519
I3	188	18	24.51	1	0.4406
T19	500	21	24.51	1	0.5973
T18	540	21	24.51	1	0.5973
T17	482	21	24.51	1	0.6267

**Table 2 – Peaking Factor Calculations**

<b>Monitoring Site</b>	<b>Overall ADWF (MGD)</b>	<b>PDWF (MGD)</b>	<b>PWWF (MGD)</b>	<b>ADWF Peaking Factor</b>	<b>PDWF Peaking Factor</b>
(1)	(2)	(3)	(4)	(5)	(6)
A15	0.27	0.43	1.19	4.41	2.77
B13	0.06	0.11	0.52	8.67	4.73
E1	0.13	0.19	0.59	4.54	3.11
E2	0.25	0.43	1.45	5.80	3.37
H3	0.14	0.23	0.58	4.14	2.52
I3	0.83	1.22	2.76	3.33	2.26
I12	0.23	0.39	0.76	3.30	1.95
K4	0.22	0.35	0.99	4.50	2.83
K28	0.11	0.17	0.68	6.18	4.00
T20	0.40	0.60	1.55	3.88	2.58
T13	1.53	2.31	5.78	3.78	2.50

Notes

- (1) Monitoring sites are identified in Table 3 of the *East Palo Alto Sanitary District Sanitary Sewer Flow Monitoring and Inflow/Infiltration Study* dated June 2012 prepared by V&A Consulting Engineers, Inc., referred to herein as "Flow Monitoring Study."
- (2) Overall ADWF is presented in Table 5 of the Flow Monitoring Study
- (3) PDWF is presented in Table 7-3 of the *East Palo Alto Sanitary District Wastewater Collection System Master Plan Update* dated March 2015 prepared by Freyer & Laureta, Inc., herein referred to as "Master Plan Update."
- (4) PWWF is presented in Table 7-3 of the Master Plan Update.
- (5) ADWF Peaking Factor is calculated by dividing the PWWF by the Overall ADWF.
- (6) PDWF Peaking Factor is calculated by dividing the PWWF by the PDWF.

Abbreviations

ADWF: Average Dry Weather Flow  
 MGD: Million Gallons per Day

PDWF: Peak Dry Weather Flow  
 PWWF: Peak Wet Weather Flow

**Table 3 – Opinion of Probable Project Cost University Phase 2**

<b>Item No.</b>	<b>Description</b>	<b>Units</b>	<b>Quantity</b>	<b>Unit Price</b>	<b>Budget</b>
<b>Construction Cost</b>					
1	Mobilization	ls	1	\$100,000	\$100,000
2	Traffic Control	ls	1	\$50,000	\$50,000
3	Sheeting, Shoring, and Bracing	ls	1	\$20,000	\$20,000
4	20-inch DR 17 HDPE Pipe	lf	4,599	\$350	\$1,609,650
5	28-inch DR 17 HDPE Pipe	lf	2,820	\$600	\$1,692,000
7	Manholes	ea	31	\$10,000	\$310,000
8	Lateral reconnects	ls	1	\$50,000	\$50,000
9	30% Contingency	%	30%	\$3,831,650	\$1,149,495
<b>Subtotal - Construction Cost</b>					<b>\$4,981,100</b>
<b>Engineering and Administration Cost</b>					
10	Design	%	10%	\$3,831,650	\$383,165
11	Construction Management/ Inspection	%	15%	\$3,831,650	\$574,748
12	District Administration	%	5%	\$3,831,650	\$191,583
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$1,149,500</b>
<b>Total Opinion of Probable Project Cost</b>					<b>\$6,130,600</b>

**Appendix A**  
**Sewer Demand Memorandum**

**Date:** July 30, 2018

**BKF Job Number:** 20160076

**Deliver To:** Guido Persicone, City of East Palo Alto

**From:** Lokelani Yee, BKF  
Julia Teixeira, BKF  
Blaise Bayens, BKF

**Subject:** University Plaza Phase 2 – Sewer Demand Memorandum

### **Purpose**

The purpose of this memorandum is to provide a summary of proposed project sanitary sewer demands associated with the University Plaza Phase 2 (UPP2), and to document the impact of UPP2 on the existing sanitary sewer system.

### **Background**

The UPP2 Development encompasses approximately 2.60 acres in East Palo Alto, situated north of Donohoe Street, between University Avenue, the Chevron Gas Station, and the Ravenswood School District Bus Yard. Donohoe Street has an existing 12-inch sanitary sewer main that flows east toward University Avenue.

The site is currently occupied by paved and unpaved parking areas and existing buildings including a pharmacy and a Stanford Law Clinic. The proposed development includes two buildings: a 6-story parking garage and an 8-story office building.

### **Existing Sanitary Sewer Demand**

Sanitary sewer demand calculations are included as Attachment A to this memorandum.

The Average Dry Weather Flow (ADWF) existing sewer demand is calculated by taking the area of the existing buildings and multiplying by a demand factor of 0.09 gpd/sf. Peak Wet Weather Flow (PWWF) sewer demand is calculated by multiplying the ADWF demand by a peaking factor of 3. Demand and peaking factors are calculated based on input from Richard Laureta as discussed in a meeting with BKF Engineers in October 2007, and are consistent with the demands and peaking factors used for the University Plaza Phase 1 (UPP1) project located across the street.

Existing sanitary sewer demand is estimated to be approximately 1,035 gpd ADWF. This equates to approximately 3,104 gpd PWWF or 2.16 gpm.

### **Proposed Sanitary Sewer Demand**

Sanitary sewer demand for the University Building includes 231,883 square feet of office space. The ADWF proposed sewer demand is calculated by taking the area of the proposed building and multiplying by a demand factor of 0.05 gpd/sf. Peak Wet Weather Flow (PWWF) sewer demand is calculated by multiplying the ADWF demand by a peaking factor of 3. Demand and peaking

factors are calculated based on input from Richard Laureta as discussed in a meeting with BKF Engineers in October 2007, and are consistent with the demands and peaking factors used for the University Plaza Phase 1 (UPP1) project located across the street.

The proposed project sanitary sewer demand is estimated to be 11,594 gpd ADWF. This equates to 34,782 gpd PWWF or 24.2 gpm. This represents an increase of 10,560 gpd ADWF and 22.0 gpm PWWF.

**Capacity of Existing Main**

The project will connect to the existing main on Donohoe Street. The East Palo Alto Sanitary District (EPASD) "Master Plan Update" report prepared by Kennedy/Jenks Consultants provides existing and projected future demands for this main. The report lists the Donohoe Street sewer main as a 10-inch. It is our understanding that this section of sewer main has been replaced with a 12-inch main and this understanding is confirmed by field survey.

Attachment B includes calculations for the capacity of the 12-inch main. The calculations use the inverts obtained from field survey to calculate pipe slope and estimate capacity using manning's equation. Attachment C includes the inverts of the 12-inch main adjacent to the site.

As documented in the EPASD "Master Plan Update" report, pipe design capacity of a 12-inch main is based on flowing 3/4 full, yielding a design capacity of 736.1 gpm. According to the EPASD "Master Plan Update", the existing PWWF on Donohoe Street to Cooley Avenue is 0.585 cfs, which equates to 262.6 gpm. The UPP2 project's demand increase is 22.0 gpm or approximately 3% of the pipe design capacity. Pipe demand and capacity are summarized in the table below.

**Demand and Capacity Summary**

<b>Flow Condition</b>	<b>Demand (GPM)</b>	<b>Design Capacity 3/4 Full (GPM)</b>	<b>Demand as Percentage of Design Capacity (%)</b>	<b>Available Capacity (GPM)</b>
Existing PWWF	262.6	736.1	35.7%	473.5
UPP2 PWWF	22.0	736.1	3.0	-
Existing PWWF + UPP2	284.6	736.1	38.7%	451.5

**Conclusion**

The UPP2 proposed development would increase sanitary sewer demand by 10,560 gpd ADWF and 22.0 gpm PWWF. The existing 12-inch main on Donohoe Street has capacity to accommodate this increase and will flow 38.7% full with implementation of the project.

**ATTACHMENTS:**

- Attachment A – University Plaza Phase 2 Project Sanitary Sewer Demand Calculations
- Attachment B – Design Capacity Calculation for Existing 12" Main at Donohoe Street
- Attachment C – Proposed Utility Plan

**EPA PHASE II PROJECT PROPOSED SEWER DISCHARGE**

Proposed Use	Square Footage (SF)	Demand Factor (gpd/SF)	Demand Factor Provided By?	Average Dry Weather Flow (GPD)	Peak Factor (EPASD/Rich Lareta)	Peak Wet Weather Flow (GPD)	Peak Wet Weather Flow (GPM)	Comment
--------------	---------------------	------------------------	----------------------------	--------------------------------	---------------------------------	-----------------------------	-----------------------------	---------

**EXISTING PROJECT FLOWS**

Office	7,129	0.09	EPASD	642	3	1,925	1.3	Older Buildings, no water-saving fixtures
Medical Office	4,366	0.09	EPASD	393	3	1,179	0.8	Older Buildings, no water-saving fixtures
<b>SUB-TOTAL</b>				<b>1,035</b>		<b>3,104</b>	<b>2.2</b>	<b>Total Existing Discharge</b>

**PROPOSED PROJECT FLOWS**

Office	231,883	0.05	EPASD	11,594	3	34,782	24.2	15 gpd/employee x 1 employee/300 sf
Retail	0	0.09	EPASD	0	3	0	0.0	
<b>SUB-TOTAL</b>				<b>11,594</b>		<b>34,782</b>	<b>24.2</b>	<b>Total Proposed Discharge</b>

<b>TOTAL</b>				<b>10,560</b>		<b>31,679</b>	<b>22</b>	<b>Net Increase in Discharge</b>
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## Design Capacity for Existing 12" Main at Donohoe Street

### Design Capacity of Existing 12-inch Sanitary Sewer Main (sloped at 0.3%)

*\* Design capacity is assumed to be 3/4 of the total flow capacity of the pipe.*

$$Q = \text{flow, cfs} = \frac{1.49A R^{\frac{2}{3}} S^{\frac{1}{2}}}{n}$$

$n = \text{Manning Roughness Coefficient (VCP)} = 0.013, \quad r = \text{Radius} = 0.500 \text{ ft}$

$A = \text{Cross Sectional Area, ft}^2 = .75(\pi r^2) = 0.589 \text{ ft}^2$

*\* Cross-sectional area at 3/4 flow capacity assumed to be 3/4 of cross-sectional area at 100% capacity:  $A(3/4 \text{ capacity}) = 0.75 * A(75\% \text{ capacity})$*

$P = \text{Wetted Perimeter, ft} = 1.988 \text{ ft}$  (See page 2 for calculation)

$$R = \text{Hydraulic Radius, ft} = \frac{A}{P} = \frac{0.589 \text{ ft}^2}{1.988 \text{ ft}} = 0.296 \text{ ft}$$

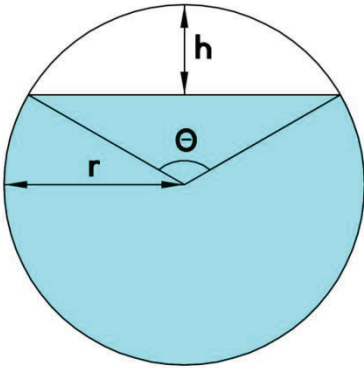
$S = \text{Slope} = 0.003$

$$Q = \frac{1.49(0.589 \text{ ft}^2)(0.296 \text{ ft})^{\frac{2}{3}}(0.003)^{\frac{1}{2}}}{0.013} = 1.64 \text{ cfs}$$
$$= 736.1 \text{ GPM}$$



## Design Capacity for Existing 12" Main at Donohoe Street

### Wetted Perimeter Calculation – 3/4 Capacity



$r = \text{radius, ft}$

$$A = \text{Cross Sectional Area, ft}^2 = \pi r^2 - \left( \frac{r^2(\theta - \sin\theta)}{2} \right)$$

$$P = \text{Wetted Perimeter, ft} = 2\pi r - r\theta$$

$$r = 0.500 \text{ ft}$$

$$A = 0.75(\pi r^2) = 0.75(0.785 \text{ ft}^2) = 0.589 \text{ ft}^2$$

\* Cross-sectional area at 3/4 flow capacity assumed to be 3/4 of cross-sectional area at 100% capacity:  $A(3/4 \text{ capacity}) = 0.75 * A(100\% \text{ capacity})$

$$A = 0.589 \text{ ft}^2 = \pi r^2 - \frac{r^2(\theta - \sin\theta)}{2}$$

$$0.589 \text{ ft}^2 = \pi(0.500 \text{ ft})^2 - \frac{(0.500 \text{ ft})^2(\theta - \sin\theta)}{2}$$

$$1.568 = \theta - \sin\theta$$

$$\theta = 2.308 \text{ rad}$$

$$P = 2\pi r - r\theta = 2\pi(0.500 \text{ ft}) - (0.500 \text{ ft} * 2.308 \text{ rad}) = 1.988 \text{ ft}$$



ISSUES AND REVISIONS	
NO.	DATE
07.29.16	PLANNING SUBMITTAL
03.02.18	PROGRESS SET
04.05.18	PLANNING RESUBMITTAL
07.16.18	PLANNING RESUBMITTAL

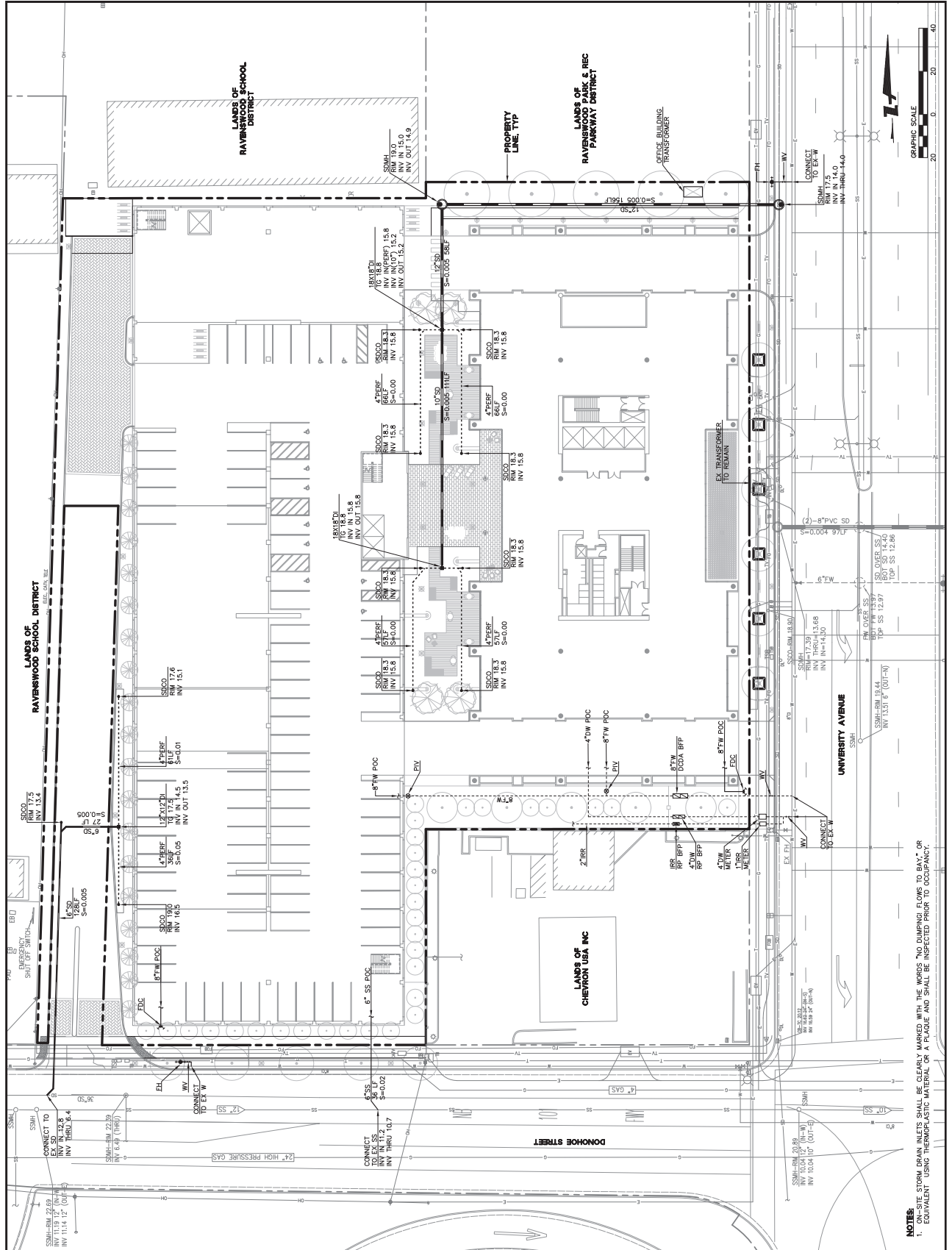
PROJECT NUMBER  
20180076

SHEET TITLE  
CONCEPTUAL  
UTILITY PLAN

SCALE  
1"=20'

SHEET NUMBER

**C3.0**



ALL DRAWINGS AND DETAILS UNLESS OTHERWISE SPECIFIED, INCLUDING FIELD CONDITIONS, AND UNLESS SHOWN OTHERWISE, SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.

**NOTES**  
1. ON-SITE STORM DRAIN INLETS SHALL BE CLEARLY MARKED WITH THE WORDS "NO DUMPING FLOWS TO BAY," OR EQUIVALENT, USING THERMOPLASTIC MATERIAL OR A PLAQUE AND SHALL BE INSPECTED PRIOR TO OCCUPANCY.

**Appendix B**  
**Pipeline Convergence Analysis**

**Table B1**

<b>Convergence: University Phase 2</b>				
Size (inch)	16			
HGL (ft)	8.088	8.055	6.75	5.938
d/D	0.6681	1	0.5653	0.5653
Upstream Manhole	D3	D2	D1	E4
Downstream Manhole	D2	D1	E4	E3
Size (inch)	20			
HGL (ft)	7.773	7.748	6.671	5.59
d/D	0.466	0.5894	0.3975	0.3975
Upstream Manhole	D3	D2	D1	E4
Downstream Manhole	D2	D1	E4	E3
Size (inch)	24			
HGL (ft)	7.693	7.668	6.63	5.56
d/D	0.3541	0.4455	0.3084	0.3084
Upstream Manhole	D3	D2	D1	E4
Downstream Manhole	D2	D1	E4	E3
Size (inch)	28			
HGL (ft)	7.633	7.608	6.609	5.535
d/D	0.284	0.3525	0.2546	0.2546
Upstream Manhole	D3	D2	D1	E4
Downstream Manhole	D2	D1	E4	E3

Notes

1. The goal of the analysis is to determine an optimum pipe diameter to achieve a maximum d/D of 0.66.
2. The optimum pipe diameter is determined when changes in the Hydraulic Grade Line (HGL) were minimal between pipe diameters.

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, December 03, 2019 9:51 AM  
**To:** Tom Morse; 'Jeffrey Tarantino'  
**Cc:** Keianna Talton; Tim Steele; Lokelani Yee; 'Robert Tersini'  
**Subject:** Re: 2100 University Flow Monitoring Proposal

We are waiting for your comments on the first DRAFT before we provide the final memo.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <TMorse@BKF.com>  
**Sent:** Tuesday, December 3, 2019 9:41 AM  
**To:** Akin Okupe <aokupe@epasd.com>; 'Jeffrey Tarantino' <tarantino@freyerlaureta.com>  
**Cc:** Keianna Talton <ktalton@epasd.com>; Tim Steele <tsteele@sobrato.com>; Lokelani Yee <lyee@bkf.com>; 'Robert Tersini' <rtersini@sobrato.com>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hello Akin,  
Following up on the updated sewer memorandum for University Plaza Phase 2. Please provide a schedule for delivery of the final memorandum and an account summary with balance to be refunded since the sewer flow monitoring was not completed.

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Tuesday, November 19, 2019 9:39 AM  
**To:** Tom Morse <TMorse@BKF.com>; 'Jeffrey Tarantino' <tarantino@freyerlaureta.com>  
**Cc:** Keianna Talton <ktalton@epasd.com>; Tim Steele <tsteele@sobrato.com>; Lokelani Yee <lyee@bkf.com>; 'Robert Tersini' <rtersini@sobrato.com>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

We will calculate the balance on the account and get back, we have changed strategy, we are currently looking at the option of installing a data logger on all the water meters at the Phase 1

building to measure the water flow and the time of use. I have requested Jeff to submit a proposal regarding this strategy and will forward it to you for concurrence. In the mean time, I will calculate the balance on your account. Please be advised that Jeff is fixing some errors on the memorandum of the hydraulic impact that will be charged to your account.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, November 19, 2019 9:00 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Akin,

The following cost estimate was provided to complete flow monitoring for the University Plaza Phase 1 (Amazon) building to confirm office building sewer flow demand estimates. Sobrato provided the requested payment. Since flow monitoring was abandoned after unsuccessfully attempting to monitor sewer flows at the existing manhole on Capitol Avenue and the remainder of the monitoring on the Donohoe Street connections was not completed, Sobrato requests East Palo Alto Sanitary District return the remainder of the monitoring fee.

The Total Cost breakdown as as listed below:

Consulting- \$4,310  
Manhole -\$6000  
Staff Time- \$3000  
Contingency-\$3000  
Total-\$16,310

Deposit- \$15,000  
Expenses-10,000  
Balance-5,000

Payment Required-  $16,310 - 5,000 = \$11,310$

Thank you,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 1:51 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

You are correct, the flow was too small to be recorded

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 1:45 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Was flow observed? Perhaps the flow is too small for the meter to measure? The manhole on Capitol only drains a small kitchen and the community development space in the garage. I would not expect to see more than a few gpm peak.

Tom

**THOMAS R. MORSE, PE, LEED® AP**  
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---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 1:42 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

The instrument did not pick any flow

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 12:58 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Apologies meant to reply all.

Please share the results of the monitoring that was completed

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Wednesday, September 18, 2019 12:05 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

We have made attempt to measure the flow rate as discussed but the instrument failed to perform as expected.

In view of this development, am of the opinion that we should change strategy as measuring the flow rate will not provide any new information. As I have mentioned previously engineering members are normally design for the worst case and not the best case. Previous measurement of water use of the University Plaza Phase I Building indicates that the 65gpm per square ft is a good estimate of the water use from the building. Pursuant to this, the questions are now;

- a) is this flow discharged in an 8 hrs period
- b) is it discharged in a 24 hr period.



The decision of the District at the moment is to choose the 8 hrs which is the most likely option with 98% confidence level.

In this regard the developer will need to deposit the sum of approximately \$3 million into a trust account with the District and sign development agreement with the District for us to move forward.

I dont think we need to make further efforts measuring flow rate as this will amount to destruction of values.

Please note that you are welcome to discuss this issue with the Engineering Committee and the full Board if you deem it necessary.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Wednesday, September 18, 2019 11:44 AM  
**To:** 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Jeff,  
Can you get the team and update on schedule for potholing and manhole installation?

Thanks  
Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President  
**BKF ENGINEERS** Delivering Inspired Infrastructure  
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d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]  
**Sent:** Thursday, September 12, 2019 7:47 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee

<[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

We are waiting on the potholing contractor for the schedule (sorry should have made my first email more clear). We will provide the proposed date for potholing once we have it. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



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---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Thursday, September 12, 2019 7:45 AM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thanks Jeff

Can you get me dates and duration for pothole and manhole installation? Sobrato needs to notify their tenant.

Also based on the email from EPASD we assumed the \$6,000 was for the manhole installation. The district did not mention additional fee may be needed for the manhole.

The Total Cost breakdown as as listed below:  
Consulting- \$4,310  
Manhole -\$6000  
Staff Time- \$3000

Contingency-\$3000  
Total-\$16,310

Deposit- \$15,000  
Expenses-10,000  
Balance-5,000

Payment Required- 16,310-5000= \$11,310

Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

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---

**From:** Jeffrey Tarantino [<mailto:tarantino@freyerlaureta.com>]  
**Sent:** Thursday, September 12, 2019 7:37 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Tom

As requested, I wanted to provide an update on the District's schedule for flow monitoring.

- One flow meter to be installed today in the manhole at the end of Capital (north side of building; see attached markup of the provided Record Drawing). Flow monitoring would occur from Thursday, September 12 through Tuesday, September 17. Once the data is downloaded, F&L will perform a preliminary review and provide BKF/Sobrato with an initial review by Friday, September 27.
- District will pothole the two laterals on Donohoe to confirm lateral depths.
- As the District indicated in its discussions with Sobrato, the District with contract to have two manholes installed on Donohoe to allow the District flow meters to be installed into the laterals. The District will submit the contractor's cost proposal to Sobrato once it is received. At the time that the construction costs for installing the two manholes is presented to Sobrato, the District will provide the schedule for installation and flow monitoring.

Please feel free to call or email with any questions. I am tied up in a number of meetings today but should be in the office most of the day tomorrow (Friday, September 13). Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226



Please consider the environment before printing this message

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---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, September 10, 2019 9:14 AM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi,

Yes, we received the check, i have called Jeff to coordinate the effort, he will be providing us a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 10, 2019 8:54 AM  
**To:** 'Robert Tersini' <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Hi Akin,

Can you confirm you received the check from Sobrato and provide a schedule for the monitoring working including dates for installation of the manholes. Sobrato needs to let the tenant know when that work is going to occur.

Thanks,  
Tom

**THOMAS R. MORSE, PE, LEED® AP**

Vice President

**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
d 650.482.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Robert Tersini [<mailto:rtersini@sobrato.com>]  
**Sent:** Wednesday, September 04, 2019 10:41 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Akin – I have the check ready. Shall we overnight to your attention? If so what is the best address?

Thanks

---

Robert Tersini  
Assistant Development Manager  
The **Sobrato** Organization • 599 Castro Street, Suite 400 • Mountain View, CA 94041  
(408) 691-3291 cell

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Date:** Tuesday, September 3, 2019 at 3:05 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>, Robert Tersini <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>, Tim Steele <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>, Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** Re: 2100 University Flow Monitoring Proposal

Hi Tom,

Once we receive the check, we will send you a schedule.

Thanks

Akin Okupe, M.B.A.,P.E.

General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Tuesday, September 3, 2019 8:58 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>; Robert Tersini ([rterisini@sobrato.com](mailto:rterisini@sobrato.com)) <[rterisini@sobrato.com](mailto:rterisini@sobrato.com)>; Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Lokelani Yee <[lyee@bkf.com](mailto:lyee@bkf.com)>  
**Subject:** RE: 2100 University Flow Monitoring Proposal

Thank you Akin.

Sobrato is working on getting a check and we will have that to you in the next few days.

When do you think the District will be able to install the manholes? Sobrato want to notify the tenant of the disruption as early as possible.

We are very eager to see the results of the monitoring. Do you think that 3 days is adequate duration for the monitorin?

Tom

**THOMAS R. MORSE, PE, LEED® AP**  
Vice President

**BKF ENGINEERS** Delivering Inspired Infrastructure  
255 Shoreline Drive, Suite 200, Redwood City, CA 94065  
d 650.485.6419 [tmorse@bkf.com](mailto:tmorse@bkf.com) [BKF.com](http://BKF.com)

---

**From:** Akin Okupe [<mailto:aokupe@epasd.com>]  
**Sent:** Friday, August 30, 2019 1:38 PM  
**To:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Cc:** Keianna Talton <[ktalton@epasd.com](mailto:ktalton@epasd.com)>  
**Subject:** Fw: 2100 University Flow Monitoring Proposal

Tom,

Please find attached proposal from the consultant regarding the monitoring of the sewerage flow out of University Plaza Phase 1.

The Total Cost breakdown as as listed below:

Consulting- \$4,310

Manhole -\$6000

Staff Time- \$3000

Contingency-\$3000

Total-\$16,310

Deposit- \$15,000

Expenses-10,000  
Balance-5,000

Payment Required-  $16,310 - 5000 = \$11,310$

Pursuant to the above, we would need an additional deposit of \$11,310 in order to proceed with the monitoring.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Sent:** Friday, August 30, 2019 12:35 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Joanne Yau <[yau@freyerlaureta.com](mailto:yau@freyerlaureta.com)>; Korinne Nickings <[knickings@epasd.com](mailto:knickings@epasd.com)>  
**Subject:** 2100 University Flow Monitoring Proposal

Hi Akin

Please see the attached proposal for F&L to assist with flow monitoring for the 2100 University office building. Please also refer to the attached email I sent to Merwyn and you regarding my question about laterals serving the building.

F&L's opinion of probable construction cost to install manholes on the laterals that discharge to Donohoe is between \$3,000 and \$6,000 each. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226



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**\*\*Happy Holidays! Please note that all of our BKF offices will be closed Nov 28,29 and Dec 25 thru Jan 1 2020.  
We are open Jan 2nd.**



January 7, 2019  
BKF Job No.: C20160076

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

*Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)*

**Subject: University Plaza, Phase 2, East Palo Alto, CA  
Sewer System Hydraulic Modeling  
October 29, 2019 Freyer & Laureta Memorandum**

Dear Mr. Okupe:

Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – University Phase II Development," prepared by Freyer & Laureta, Inc dated October 29, 2019 and the Wastewater Capacity Charge Update prepared by Bartle Wells Associates, dated December 2018 (Bartle Wells Report).

During our December 10, 2019 meeting with the District, you noted that the Bartle Wells Report establishes "capacity fees" for new projects served by the District. The Bartle Wells Report establishes a methodology to "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Implementing this methodology and fee structure to address system capacity is more appropriate than one off analyses for individual projects, as was done in the Freyer & Laureta memorandum. In light of this, we have included as Attachment A a sanitary sewer capacity fee calculation memorandum for the University Plaza Phase 2 project based on the Equivalent Dwelling Unit (EDU) methodology identified in the Bartle Wells Report.

While we believe that the capacity fee discussed above should be the only capacity fee applicable to new development served by the District, we have reviewed the Freyer & Laureta memorandum and have several questions and concerns outlined below.

1. The project as approved by the East Palo Alto City Council has been reduced to include 203,967 square feet of office space and 8,690 square feet of community flex space.
2. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor.

While one might consider this methodology for a single building or small campus it is not appropriate for a city wide sanitary sewer system where system peaks and time of use are already included as part of the flow monitoring complete to develop Master Plan Update. To apply this methodology universally would require a continuous simulation model instead of the static, peak flow model used.

An additional peaking factor of 5.8 was used in the model. This is the single highest peak factor identified in the Master Plan Update. Portions of the system that serve the proposed project site have smaller peaking factors. As identified in the Master Plan Update, this peaking factor is for Peak Wet Weather Flow that includes the system diurnal peak and significant system rain water dependent inflow and infiltration. Since this new project will not contribute additional rain water dependent inflow and infiltration, the peaking factor should be reduced.

This overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto. Based on analysis of nodes E2, I3 and T13 in the 2015 Master Plan update the maximum ADWF to PDWF peak is 1.7 at node E2. The remainder of the peaking factor is wet weather inflow and infiltration that is an existing condition and not increased by the proposed project.

3. The Memorandum states, "...the model does indicate there is a potential for SSOs as a result of the peak flows from the development." However, Figure 2 – Peak flow Hydraulic Grade Line shows available freeboard between the system hydraulic grade and existing ground even using the overly conservative peaking factors.
4. The peak flow hydraulic grade line for the existing condition is not presented and there is no discussion of the existing surcharge condition during peak wet weather events. Please note that it is common practice to allow some surcharge of a sanitary sewer system during peak wet weather events in existing pipes as new projects are added to the system and future capital improvement upgrades are scheduled.
5. While this memorandum identifies that significant system improvements are required, these improvements are substantially the same improvements identified in the Master Plan Update and used as the basis for the Bartle Wells Report (e.g.: increasing the size of the 15" sewer main on Beech street and Green Street). This "double counting" of improvements is further evidence that only the capacity charges recommended in the Bartle Wells Report should apply to the project.
6. Numerous system improvements identified in this memorandum are also identified in the Freyer & Laureta, Inc. memorandum prepared for the Primary School, 1200 Weeks Street development, dated October 28, 2019. The section of sewer main between T19 and T16 is included in both summaries of "probable projects costs" with no discussion of fair share costs.

7. The Master Plan Update recommends a Capital Improvement Program. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified?

Please let us know if a meeting would be helpful to discuss these comments. We look forward to working with your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6419 if you have any questions regarding these comments.

Sincerely,

**BKF Engineers**



Thomas R. Morse, PE, LEED® AP  
Vice President

Attachment:

- Attachment A: University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation

cc:

Kamal Fallaha, City of East Palo Alto  
Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tamsen Plume, Holland & Knight, LLP  
Kevin Ashe, Holland & Knight, LLP  
John Rayner, Kennedy Jenks  
Sachi Itagaki, Kennedy Jenks  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton, LLP  
Carlos Castellanos, MidPen Housing Corp.  
Ashley Stanley, BKF Engineers  
Cole Gaumnitz, BKF Engineers

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Thursday, January 16, 2020 3:27 PM  
**To:** Kevin.Ashe@hklaw.com  
**Cc:** tsteele@sobrato.com; rtersini@sobrato.com;  
tamsen.plume@hklaw.com; Tom Morse; jvda@theprimaryschool.org;  
Ashley Stanley; ccastellanos@midpen-housing.org; vwong@midpen-  
housing.org; kfallaha@cityofepa.org; JRenk@sheppardmullin.com;  
ralvarado@cityofepa.com; JohnRayner@kennedyjenks.com; Malathy  
Subramanian  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Loretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Sent:** Wednesday, January 15, 2020 6:08 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <tsteele@sobrato.com>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <rtersini@sobrato.com>; [tamsen.plume@hkklaw.com](mailto:tamsen.plume@hkklaw.com) <tamsen.plume@hkklaw.com>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <TMorse@BKF.com>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <jvda@theprimaryschool.org>; [astanley@bkf.com](mailto:astanley@bkf.com) <astanley@bkf.com>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <ccastellanos@midpen-housing.org>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org) <vwong@midpen-housing.org>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <kfallaha@cityofepa.org>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <JRenk@sheppardmullin.com>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com) <ralvarado@cityofepa.com>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <JohnRayner@kennedyjenks.com>  
**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

50 California Street, Suite 2800 | San Francisco, CA 94111

P: 415.743.6972 | M: 508.259.5617

[kevin.ashe@hkklaw.com](mailto:kevin.ashe@hkklaw.com) | [www.hkklaw.com](http://www.hkklaw.com)



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tamsen.plume@hklaw.com; Tom Morse; jvda@theprimaryschool.org;  
Ashley Stanley; ccastellanos@midpen-housing.org; vwong@midpen-  
housing.org; kfallaha@cityofepa.org; JRenk@sheppardmullin.com;  
ralvarado@cityofepa.com; JohnRayner@kennedyjenks.com; Malathy  
Subramanian; kfallaha@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 3:27 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>;  
[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>;  
[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>;  
[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)  
<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>;  
[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)  
<[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;  
Malathy Subramanian <[Malathy.Subramanian@bbkllaw.com](mailto:Malathy.Subramanian@bbkllaw.com)>

**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

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Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**Sent:** Wednesday, January 15, 2020 6:08 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [ywong@midpen-housing.org](mailto:ywong@midpen-housing.org) <[ywong@midpen-housing.org](mailto:ywong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com) <[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>

**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15



Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

50 California Street, Suite 2800 | San Francisco, CA 94111

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Friday, January 17, 2020 11:19 AM  
**To:** Kevin.Ashe@hklaw.com  
**Cc:** tsteele@sobrato.com; rtersini@sobrato.com;  
tamsen.plume@hklaw.com; Tom Morse; jvda@theprimaryschool.org;  
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ralvarado@cityofepa.com; JohnRayner@kennedyjenks.com; Malathy  
Subramanian; kfallaha@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

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General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**Sent:** Thursday, January 16, 2020 4:14 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)  
<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>;  
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<[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Loretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

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Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

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Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

50 California Street, Suite 2800 | San Francisco, CA 94111

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Saturday, January 18, 2020 9:24 AM  
**To:** Kevin.Ashe@hklaw.com  
**Cc:** tsteele@sobrato.com; rtersini@sobrato.com;  
tamsen.plume@hklaw.com; Tom Morse; jvda@theprimaryschool.org;  
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kfallaha@cityofepa.org; ralvarado@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for the swift response, I just want to clarify that the District does not have capacity for these projects and there is no funding in place to fund development projects at the moment. Our yearly revenue is only \$5 million as you can see on our website. The only way these projects can be accommodate is for developers to fund them and get reimbursed by future developments. The cost indicated in the technical memoranda are the costs of upgrade, they are not fees. The developer could choose to fund the projects and get reimbursed by future developers or wait for the existing pipes to expend there useful life.

The yearly revenue has been \$5 million for a long time with provision only to perform point repairs. There is no provision to fund development projects in the budget. In my experience, it is normal practice for developments to fund the projects and get reimbursed from future developers. I have discussed this in a greater detail with Kamal and I think the best way forward is to get all potential developers together to discuss financial strategy.

Development projects are good for the City as they tend to increase local GDP and money velocity which help create jobs. The multiplier effects of these projects are inestimable for present and future generations. However, in the light of limited financial resources, options tend to be limited when striking for balance between safety and job creation through investments.

I also want to emphasize there there is no public agency that has a specification with d/D above 100%. Most of the proposals in the memoranda submitted have not been substantiated.

I will forward you a memorandum that will summarize my position.

Thank you for being very responsive, enjoy your weekend.

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

Upon receiving your note and conferring with Sobrato and the Primary School, we are not confident that another in-person group meeting would be productive at this time (and, as you know, would be costly). We would request that you provide your questions and responses in writing, as you requested of us at the last meeting, so we can similarly review and respond. If it would be helpful for you and your legal counsel to contact Holland & Knight or Sheppard Mullin with specific questions, we will make ourselves available. Similarly, if it would be helpful to obtain technical clarifications from Kennedy Jenks and/or BKF, they can also be available.

Lastly, we note from your prior email that there is potential misunderstanding of some important terminology (i.e., “capacity charges”, “connection fees” and “assessments.”) While these terms appear to be used interchangeably, they do have distinct definitions under state law. We will provide the legal definitions we are using for each shortly to assist you in responding.

Have a good weekend and we look forward to your response and questions.

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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*[External email]*

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
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- Proportional share

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**Sent:** Thursday, January 16, 2020 3:27 PM

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General Manager  
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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

50 California Street, Suite 2800 | San Francisco, CA 94111

P: 415.743.6972 | M: 508.259.5617

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Saturday, January 18, 2020 2:31 PM  
**To:** Kevin.Ashe@hklaw.com  
**Cc:** tsteele@sobrato.com; rtersini@sobrato.com;  
tamsen.plume@hklaw.com; Tom Morse; jvda@theprimaryschool.org;  
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housing.org; kfallaha@cityofepa.org; JRenk@sheppardmullin.com;  
ralvarado@cityofepa.com; JohnRayner@kennedyjenks.com; Malathy  
Subramanian; kfallaha@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please also note that we will be moving forward with the formation of a wastewater advisory committee consisting of citizens from the community, this will give the community an opportunity to decide if they want to fund growth by increasing the rates from \$600 to \$1200. If the political will is there, we will consider this option.  
You will hear from me soon in a laid out letter.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Friday, January 17, 2020 11:25 AM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>;  
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[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)  
<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>;  
[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)  
<[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;  
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<[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Not next week Thursday, I mean January 30 at 10 am

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
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<[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;  
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<[ywong@midpen-housing.org](mailto:ywong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>;  
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Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>

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**Sent:** Wednesday, January 15, 2020 6:08 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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kfallaha@cityofepa.org; ralvarado@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

As I mentioned in my previous email, we dont have capacity for these projects, I will be given a presentation to City Council regarding these projects. Unless some funding is in place, I dont see a way forward.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Akin,

As promised last week, and for purposes of your response letter, below please find a summary of the proper terminology for “connection fee,” “capacity charge,” and “assessments.” We feel it is essential that the parties have a common understanding of the terminology moving forward to avoid confusion.

Thank you, and please let us know if you have any questions

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Pursuant to Gov. Code § 66013, when a local agency (including a “special district”) “imposes fees for sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.”

**Connection Fee** - “Fee” means a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection. § 66013(b)(5). “Sewer connection” means the connection of a structure or project to a public sewer system. § 66013(b)(1). **We understand that, per the District’s 2019 Fee Schedule, connection fees are \$6,060 per connection.** <http://www.epasd.com/home/showdocument?id=3232>

**Capacity Charge** – “Capacity charge” means a charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities. § 66013(b)(3). **We understand that the District’s capacity charge schedule uses the EDU methodology for non-residential connections provided in the 2018 Bartle Wells report, which BKF’s technical memoranda calculated for both projects.**

**Assessment** – “Assessment” means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. (Cal. Const. Art. XIII D, § 2.) Assessments include charges imposed on property to pay for special benefits that parcels receive from local government improvements (e.g., water facilities, sewer facilities). After the passage of Proposition 218, local governments (including special districts) must follow specific procedures for levying assessments, including a public hearing, mailing advance notice of the public hearing to the record owner of each parcel proposed to be assessed, and a ballot protest proceeding. The below excerpt from [California Special District Association’s](#) (CSDA) guidance demonstrate that “assessments” to fund sewer facilities must follow these procedures.

Special Benefit Assessments		
Purpose	Procedural Requirements <sup>(1)</sup>	Ap
Fund facilities and services, e.g., water and sewer facilities, landscape and lighting facilities and services, park facilities and services	(1) Hold noticed public hearing. (2) Written notice of public hearing and ballots must be mailed to property owners at least 45 days prior to protest hearing. (3) Notice must provide: (a) the total amount chargeable to the entire district; (b) the amount chargeable to the owner's parcel; (c) the duration of the payments; (d) the reason for the assessment and the basis upon which it was calculated; (e) the date, time, location of the public hearing; (f) a ballot; (g) a summary of the procedures for returning and tabulating the ballots; (h) a statement that if a majority protest exists the assessment will not be imposed. (4) The resolution authorizing the special benefit assessment may (a) state a range of rates or amounts; or (b) provide that rate may be adjusted for inflation pursuant to defined formula.	If a pro pro the ass be are on obl pro

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
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**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

Thank you for the swift response, I just want to clarify that the District does not have capacity for these projects and there is no funding in place to fund development projects at the moment. Our yearly revenue is only \$5 million as you can see on our website. The only way these projects can be accommodate is for developers to fund them and get reimbursed by future developments. The cost indicated in the technical memoranda are the costs of upgrade, they are not fees. The developer could choose to fund the projects and get reimbursed by future developers or wait for the existing pipes to expend there useful life.

The yearly revenue has been \$5 million for a long time with provision only to perform point repairs. There is no provision to fund development projects in the budget. In my experience, it is normal practice for developments to fund the projects and get reimbursed from future developers. I have discussed this in a greater detail with Kamal and I think the best way forward is to get all potential developers together to discuss financial strategy.

Development projects are good for the City as they tend to increase local GDP and money velocity which help create jobs. The multiplier effects of these projects are inestimable for present and future generations. However, in the light of limited financial resources, options tend to be limited when striking for balance between safety and job creation through investments.

I also want to emphasize there there is no public agency that has a specification with d/D above 100%. Most of the proposals in the memoranda submitted have not been substantiated.

I will forward you a memorandum that will summarize my position.

Thank you for being very responsive, enjoy your weekend.

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

**Sent:** Friday, January 17, 2020 2:41 PM

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

Upon receiving your note and conferring with Sobrato and the Primary School, we are not confident that another in-person group meeting would be productive at this time (and, as you know, would be costly). We would request that you provide your questions and responses in writing, as you requested of us at the last meeting, so we can similarly review and respond. If it would be helpful for you and your legal counsel to contact Holland & Knight or Sheppard Mullin with specific questions, we will make ourselves available. Similarly, if it would be helpful to obtain technical clarifications from Kennedy Jenks and/or BKF, they can also be available.

Lastly, we note from your prior email that there is potential misunderstanding of some important terminology (i.e., “capacity charges”, “connection fees” and “assessments.”) While these terms appear to be used interchangeably, they do have distinct definitions under state law. We will provide the legal definitions we are using for each shortly to assist you in responding.

Have a good weekend and we look forward to your response and questions.

Kevin

**Kevin J. Ashe | Holland & Knight**

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
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**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 3:27 PM  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Lauretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Sent:** Wednesday, January 15, 2020 6:08 PM  
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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin



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Associate

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kfallaha@cityofepa.org; ralvarado@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

The cost indicated in the memoranda are not capacity fees, they are the cost to upgrade the system to accommodate these projects with reasonable level of service. The district does not have provision for these costs at the moment. Our annual budget is only \$5 million, the cost to upgrade the system is about \$15 to 20 million, to be honest with you, the money is not there. This is not a question of capacity fees or connection fees, this is the fact.

Thank you

Akin Okupe, M.B.A., P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel : (650) 325-9021

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Friday, January 24, 2020 5:23 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Hi Kevin,

As I mentioned in my previous email, we dont have capacity for these projects, I will be given a presentation to City Council regarding these projects. Unless some funding is in place, I dont see a way forward.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

As promised last week, and for purposes of your response letter, below please find a summary of the proper terminology for “connection fee,” “capacity charge,” and “assessments.” We feel it is essential that the parties have a common understanding of the terminology moving forward to avoid confusion. Thank you, and please let us know if you have any questions

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Pursuant to Gov. Code § 66013, when a local agency (including a “special district”) “imposes fees for sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.”

**Connection Fee** - “Fee” means a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water

connection or sewer connection. § 66013(b)(5). “Sewer connection” means the connection of a structure or project to a public sewer system. § 66013(b)(1). **We understand that, per the District’s 2019 Fee Schedule, connection fees are \$6,060 per connection.** <http://www.epasd.com/home/showdocument?id=3232>

**Capacity Charge** – “Capacity charge” means a charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities. § 66013(b)(3). **We understand that the District’s capacity charge schedule uses the EDU methodology for non-residential connections provided in the 2018 Bartle Wells report, which BKF’s technical memoranda calculated for both projects.**

**Assessment** – “Assessment” means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. (Cal. Const. Art. XIII D, § 2.) Assessments include charges imposed on property to pay for special benefits that parcels receive from local government improvements (e.g., water facilities, sewer facilities). After the passage of Proposition 218, local governments (including special districts) must follow specific procedures for levying assessments, including a public hearing, mailing advance notice of the public hearing to the record owner of each parcel proposed to be assessed, and a ballot protest proceeding. The below excerpt from [California Special District Association’s](#) (CSDA) guidance demonstrate that “assessments” to fund sewer facilities must follow these procedures.

Special Benefit Assessments		
Purpose	Procedural Requirements <sup>(1)</sup>	Ap
Fund facilities and services, e.g., water and sewer facilities, landscape and lighting facilities and services, park facilities and services	(1) Hold noticed public hearing. (2) Written notice of public hearing and ballots must be mailed to property owners at least 45 days prior to protest hearing. (3) Notice must provide: (a) the total amount chargeable to the entire district; (b) the amount chargeable to the owner’s parcel; (c) the duration of the payments; (d) the reason for the assessment and the basis upon which it was calculated; (e) the date, time, location of the public hearing; (f) a ballot; (g) a summary of the procedures for returning and tabulating the ballots; (h) a statement that if a majority protest exists the assessment will not be imposed. (4) The resolution authorizing the special benefit assessment may (a) state a range of rates or amounts; or (b) provide that rate may be adjusted for inflation pursuant to defined formula.	If a pro pro the ass be are on obl pro

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

Thank you for the swift response, I just want to clarify that the District does not have capacity for these projects and there is no funding in place to fund development projects at the moment. Our yearly revenue is only \$5 million as you can see on our website. The only way these projects can be accommodate is for developers to fund them and get reimbursed by future developments. The cost indicated in the technical memoranda are the costs of upgrade, they are not fees. The developer could choose to fund the projects and get reimbursed by future developers or wait for the existing pipes to expend there useful life.

The yearly revenue has been \$5 million for a long time with provision only to perform point repairs. There is no provision to fund development projects in the budget.

In my experience, it is normal practice for developments to fund the projects and get reimbursed from future developers. I have discussed this in a greater detail with Kamal and I think the best way forward is to get all potential developers together to discuss financial strategy.

Development projects are good for the City as they tend to increase local GDP and money velocity which help create jobs. The multiplier effects of these projects are inestimable for present and future generations. However, in the light of limited financial resources, options tend to be limited when striking for balance between safety and job creation through investments.

I also want to emphasize there there is no public agency that has a specification with d/D above 100%. Most of the proposals in the memoranda submitted have not been substantiated.

I will forward you a memorandum that will summarize my position.

Thank you for being very responsive, enjoy your weekend.

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

Upon receiving your note and conferring with Sobrato and the Primary School, we are not confident that another in-person group meeting would be productive at this time (and, as you know, would be costly). We would request that you provide your questions and responses in writing, as you requested of us at the last meeting, so we can similarly review and respond. If it would be helpful for you and your legal counsel to contact Holland & Knight or Sheppard Mullin with specific questions, we will make ourselves available. Similarly, if it would be helpful to obtain technical clarifications from Kennedy Jenks and/or BKF, they can also be available.

Lastly, we note from your prior email that there is potential misunderstanding of some important terminology (i.e., “capacity charges”, “connection fees” and “assessments.”) While these terms appear to be used interchangeably, they do have distinct definitions under state law. We will provide the legal definitions we are using for each shortly to assist you in responding.

Have a good weekend and we look forward to your response and questions.

Kevin

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Friday, January 17, 2020 11:19 AM

**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
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East Palo Alto Sanitary District  
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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 4:14 PM  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 3:27 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>;  
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Malathy Subramanian <[Malathy.Subramanian@bbkllaw.com](mailto:Malathy.Subramanian@bbkllaw.com)>

**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Laretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hkllaw.com](mailto:Kevin.Ashe@hkllaw.com) <[Kevin.Ashe@hkllaw.com](mailto:Kevin.Ashe@hkllaw.com)>

**Sent:** Wednesday, January 15, 2020 6:08 PM

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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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kfallaha@cityofepa.org; ralvarado@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

I think we all need to start having honest discussion about the root problem and move away from these terms. If the developer come up with the money, we would work out a financial model for them to be reimbursed.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Akin Okupe <aokupe@epasd.com>  
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[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>;  
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[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)  
<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>;  
[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;  
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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Hi Kevin,

The cost indicated in the memoranda are not capacity fees, they are the cost to upgrade the system to accommodate these projects with reasonable level of service. The district does not have provision for these costs at the moment. Our annual budget is only \$5 million, the cost to upgrade the system is about \$15 to 20 million, to be honest with you, the money is not there. This is not a question of capacity fees or connection fees, this is the fact.

Thank you

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Friday, January 24, 2020 5:23 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org) <[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>; [Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com) <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org) <[ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org)>  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

As I mentioned in my previous email, we dont have capacity for these projects, I will be given a presentation to City Council regarding these projects. Unless some funding is in place, I dont see a way forward.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org) <[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

As promised last week, and for purposes of your response letter, below please find a summary of the proper terminology for “connection fee,” “capacity charge,” and “assessments.” We feel it is essential that the parties have a common understanding of the terminology moving forward to avoid confusion. Thank you, and please let us know if you have any questions

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Pursuant to Gov. Code § 66013, when a local agency (including a “special district”) “imposes fees for sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.”

**Connection Fee** - “Fee” means a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection. § 66013(b)(5). “Sewer connection” means the connection of a structure or project to a public sewer system. § 66013(b)(1). **We understand that, per the District’s 2019 Fee Schedule, connection fees are \$6,060 per connection.** <http://www.epasd.com/home/showdocument?id=3232>

**Capacity Charge** – “Capacity charge” means a charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities. § 66013(b)(3). **We understand that the District’s capacity charge schedule uses the EDU methodology for non-residential connections provided in the 2018 Bartle Wells report, which BKF’s technical memoranda calculated for both projects.**

**Assessment** – “Assessment” means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. (Cal. Const. Art. XIII D, § 2.) Assessments include charges imposed on property to pay for special benefits that parcels receive from local government improvements (e.g., water facilities, sewer facilities). After the passage of Proposition 218, local governments (including special districts) must follow specific procedures for levying assessments, including a public hearing, mailing advance notice of the public hearing to the record owner of each parcel proposed to be assessed, and a ballot protest

proceeding The below excerpt from [California Special District Association's](#) (CSDA) guidance demonstrate that "assessments" to fund sewer facilities must follow these procedures.

Special Benefit Assessments		
Purpose	Procedural Requirements <sup>(1)</sup>	Ap
Fund facilities and services, e.g., water and sewer facilities, landscape and lighting facilities and services, park facilities and services	(1) Hold noticed public hearing. (2) Written notice of public hearing and ballots must be mailed to property owners at least 45 days prior to protest hearing. (3) Notice must provide: (a) the total amount chargeable to the entire district; (b) the amount chargeable to the owner's parcel; (c) the duration of the payments; (d) the reason for the assessment and the basis upon which it was calculated; (e) the date, time, location of the public hearing; (f) a ballot; (g) a summary of the procedures for returning and tabulating the ballots; (h) a statement that if a majority protest exists the assessment will not be imposed. (4) The resolution authorizing the special benefit assessment may (a) state a range of rates or amounts; or (b) provide that rate may be adjusted for inflation pursuant to defined formula.	If a pro pro the ass be are on obl pro

**Kevin J. Ashe | Holland & Knight**

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

Thank you for the swift response, I just want to clarify that the District does not have capacity for these projects and there is no funding in place to fund development projects at the moment. Our yearly revenue is only \$5 million as you can see on our website. The only way these projects can be accommodate is for developers to fund them and get reimbursed by future developments. The cost indicated in the technical memoranda are the costs of upgrade, they are not fees. The developer could choose to fund the projects and get reimbursed by future developers or wait for the existing pipes to expend there useful life.

The yearly revenue has been \$5 million for a long time with provision only to perform point repairs. There is no provision to fund development projects in the budget. In my experience, it is normal practice for developments to fund the projects and get reimbursed from future developers. I have discussed this in a greater detail with Kamal and I think the best way forward is to get all potential developers together to discuss financial strategy.

Development projects are good for the City as they tend to increase local GDP and money velocity which help create jobs. The multiplier effects of these projects are inestimable for present and future generations. However, in the light of limited financial resources, options tend to be limited when striking for balance between safety and job creation through investments.

I also want to emphasize there there is no public agency that has a specification with d/D above 100%. Most of the proposals in the memoranda submitted have not been substantiated.

I will forward you a memorandum that will summarize my position.

Thank you for being very responsive, enjoy your weekend.

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

**Sent:** Friday, January 17, 2020 2:41 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org) <[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>; [Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com) <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org) <[ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org)>

**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

Upon receiving your note and conferring with Sobrato and the Primary School, we are not confident that another in-person group meeting would be productive at this time (and, as you know, would be costly). We would request that you provide your questions and responses in writing, as you requested of us at the last meeting, so we can similarly review and respond. If it would be helpful for you and your legal counsel to contact Holland & Knight or Sheppard Mullin with specific questions, we will make ourselves available. Similarly, if it would be helpful to obtain technical clarifications from Kennedy Jenks and/or BKF, they can also be available.

Lastly, we note from your prior email that there is potential misunderstanding of some important terminology (i.e., “capacity charges”, “connection fees” and “assessments.”) While these terms appear to be used interchangeably, they do have distinct definitions under state law. We will provide the legal definitions we are using for each shortly to assist you in responding.

Have a good weekend and we look forward to your response and questions.

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Friday, January 17, 2020 11:19 AM  
**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com); [rtersini@sobrato.com](mailto:rtersini@sobrato.com); Plume, Tamsen (SFO - X56941) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com); [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org); [astanley@bkf.com](mailto:astanley@bkf.com); [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org); [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org); [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org); [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com); [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com); [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com); Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 4:14 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org) <[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)

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<[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>

**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Thursday, January 16, 2020 3:27 PM

**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>;  
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Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>

**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Lauretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

**Sent:** Wednesday, January 15, 2020 6:08 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Wednesday, January 29, 2020 1:18 PM  
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kfallaha@cityofepa.org; ralvarado@cityofepa.org  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University  
Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

We are still working on it, as you know the memorandum is not for one projects and has different parts written by different folks. It also has parts that needs re-evaluation of engineering methodology proposed. It will have to be reviewed by District Counsel before I can send it to you.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Sent:** Wednesday, January 29, 2020 12:24 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>;  
[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>;  
[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>;  
[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)  
<[vwong@midpen-housing.org](mailto:vwong@midpen-housing.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>;  
[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>;  
[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com) <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)  
<[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org) <[ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org)>  
**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200  
Weeks St. Projects - 2020.01.15

Hi Akin,

Can you please provide us with an estimate of when we might expect to see the District's written response to the technical memoranda we submitted for both projects on January 15?

Also, for your presentation to the City Council on February 4, 2020, will you be preparing written or visual materials (PowerPoint)? If so, we would request that you share copies of any materials with us with ample time to review.

Lastly, we are reviewing the District's response to our PRA Request. We appreciate you responding by the date promised. We may have additional comments/questions about the responses, which we will send to you shortly.

Thank you.  
Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Friday, January 24, 2020 5:24 PM

**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

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**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

As I mentioned in my previous email, we dont have capacity for these projects, I will be given a presentation to City Council regarding these projects. Unless some funding is in place, I dont see a way forward.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Sent:** Friday, January 24, 2020 4:44 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [ywong@midpen-housing.org](mailto:ywong@midpen-housing.org) <[ywong@midpen-housing.org](mailto:ywong@midpen-housing.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>; [Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com) <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org) <[ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org)>  
**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

As promised last week, and for purposes of your response letter, below please find a summary of the proper terminology for “connection fee,” “capacity charge,” and “assessments.” We feel it is essential that the parties have a common understanding of the terminology moving forward to avoid confusion. Thank you, and please let us know if you have any questions

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Pursuant to Gov. Code § 66013, when a local agency (including a “special district”) “imposes fees for sewer connections, or imposes capacity charges, those fees or charges shall not exceed the estimated reasonable cost of providing the service for which the fee or charge is imposed, unless a question regarding the amount of the fee or charge imposed in excess of the estimated reasonable cost of providing the services or materials is submitted to, and approved by, a popular vote of two-thirds of those electors voting on the issue.”

**Connection Fee** - “Fee” means a fee for the physical facilities necessary to make a water connection or sewer connection, including, but not limited to, meters, meter boxes, and pipelines from the structure or project to a water distribution line or sewer main, and the estimated reasonable cost of labor and materials for installation of those facilities bears a fair or reasonable relationship to the payor's burdens on, or benefits received from, the water connection or sewer connection. § 66013(b)(5). “Sewer connection” means the connection of a structure or project to a public sewer system. § 66013(b)(1). **We understand that, per the District’s 2019 Fee Schedule, connection fees are \$6,060 per connection.** <http://www.epasd.com/home/showdocument?id=3232>

**Capacity Charge** – “Capacity charge” means a charge for public facilities in existence at the time a charge is imposed or charges for new public facilities to be acquired or constructed in the future that are of proportional benefit to the person or property being charged, including supply or capacity contracts for rights or entitlements, real property interests, and entitlements and other rights of the local agency involving capital expense relating to its use of existing or new public facilities. § 66013(b)(3). **We understand that the District’s capacity charge schedule uses the EDU methodology for non-residential connections provided in the 2018 Bartle Wells report, which BKF’s technical memoranda calculated for both projects.**

**Assessment** – “Assessment” means any levy or charge upon real property by an agency for a special benefit conferred upon the real property. (Cal. Const. Art. XIII D, § 2.) Assessments include charges imposed on property to pay for special benefits that parcels receive from local government improvements (e.g., water facilities, sewer facilities). After the passage of Proposition 218, local governments (including special districts) must follow specific procedures for levying assessments, including a public hearing, mailing advance notice of the public hearing to the record owner of each parcel proposed to be assessed, and a ballot protest proceeding. The below excerpt from [California Special District Association’s](#) (CSDA) guidance demonstrate that “assessments” to fund sewer facilities must follow these procedures.

Special Benefit Assessments		
Purpose	Procedural Requirements <sup>(1)</sup>	Ap
Fund facilities and services, e.g., water and sewer facilities, landscape and lighting facilities and services, park facilities and services	(1) Hold noticed public hearing. (2) Written notice of public hearing and ballots must be mailed to property owners at least 45 days prior to protest hearing. (3) Notice must provide: (a) the total amount chargeable to the entire district; (b) the amount chargeable to the owner’s parcel; (c) the duration of the payments; (d) the reason for the assessment and the basis upon which it was calculated; (e) the date, time, location of the public hearing; (f) a ballot; (g) a summary of the procedures for returning and tabulating the ballots; (h) a statement that if a majority protest exists the assessment will not be imposed. (4) The resolution authorizing the special benefit assessment may (a) state a range of rates or amounts; or (b) provide that rate may be adjusted for inflation pursuant to defined formula.	If a pro pro the ass be are on obl pro

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Saturday, January 18, 2020 9:24 AM  
**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com); [rtersini@sobrato.com](mailto:rtersini@sobrato.com); Plume, Tamsen (SFO - X56941) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com); [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org); [astanley@bkf.com](mailto:astanley@bkf.com); [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org); [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org); [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org); [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com); [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com); [Malathy.Subramanian@bbkllaw.com](mailto:Malathy.Subramanian@bbkllaw.com); [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org); [ralvarado@cityofepa.org](mailto:ralvarado@cityofepa.org)  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

Thank you for the swift response, I just want to clarify that the District does not have capacity for these projects and there is no funding in place to fund development projects at the moment. Our yearly revenue is only \$5 million as you can see on our website. The only way these projects can be accommodate is for developers to fund them and get reimbursed by future developments. The cost indicated in the technical memoranda are the costs of upgrade, they are not fees. The developer could choose to fund the projects and get reimbursed by future developers or wait for the existing pipes to expend there useful life.

The yearly revenue has been \$5 million for a long time with provision only to perform point repairs. There is no provision to fund development projects in the budget. In my experience, it is normal practice for developments to fund the projects and get reimbursed from future developers. I have discussed this in a greater detail with Kamal and I think the best way forward is to get all potential developers together to discuss financial strategy.

Development projects are good for the City as they tend to increase local GDP and money velocity which help create jobs. The multiplier effects of these projects are inestimable for present and future generations. However, in the light of limited financial resources, options tend to be limited when striking for balance between safety and job creation through investments.

I also want to emphasize there there is no public agency that has a specification with d/D above 100%. Most of the proposals in the memoranda submitted have not been substantiated.

I will forward you a memorandum that will summarize my position.

Thank you for being very responsive, enjoy your weekend.

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

**Sent:** Friday, January 17, 2020 2:41 PM

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**Subject:** RE: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Akin,

Upon receiving your note and conferring with Sobrato and the Primary School, we are not confident that another in-person group meeting would be productive at this time (and, as you know, would be costly). We would request that you provide your questions and responses in writing, as you requested of us at the last meeting, so we can similarly review and respond. If it would be helpful for you and your legal counsel to contact Holland & Knight or Sheppard Mullin with specific questions, we will make ourselves available. Similarly, if it would be helpful to obtain technical clarifications from Kennedy Jenks and/or BKF, they can also be available.

Lastly, we note from your prior email that there is potential misunderstanding of some important terminology (i.e., "capacity charges", "connection fees" and "assessments.") While these terms appear to be used interchangeably, they do have distinct definitions under state law. We will provide the legal definitions we are using for each shortly to assist you in responding.

Have a good weekend and we look forward to your response and questions.

Kevin

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Friday, January 17, 2020 11:19 AM

**To:** Ashe, Kevin J (SFO - X56972) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>

**Cc:** [tstele@sobrato.com](mailto:tstele@sobrato.com); [rtersini@sobrato.com](mailto:rtersini@sobrato.com); Plume, Tamsen (SFO - X56941) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com); [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org); [astanley@bkf.com](mailto:astanley@bkf.com); [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org); [vwong@midpen-housing.org](mailto:vwong@midpen-housing.org); [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org); [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com); [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com); [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com); Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)

**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

*[External email]*

Hi Kevin,

After scrutinizing your letter, I discovered that there are some misconceptions regarding the content of the memoranda. In order to have an unequivocal understanding of the issue, I found it imperative to have a meeting with your team before I respond to your letter.

Are u guys available next week Thursday for a meeting at 10 am?

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Thursday, January 16, 2020 4:14 PM

**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [ywong@midpen-housing.org](mailto:ywong@midpen-housing.org) <[ywong@midpen-housing.org](mailto:ywong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com) <[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>; Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Please note that my response would demonstrate adherence to the following principles:

- Not arbitrary and capricious
- Non Discriminatory and reasonable
- Good faith intent
- Rational basis
- Proportional share

Thanks

Akin Okupe, M.B.A.,P.E.  
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**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, January 16, 2020 3:27 PM  
**To:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
**Cc:** [tsteele@sobrato.com](mailto:tsteele@sobrato.com) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; [rtersini@sobrato.com](mailto:rtersini@sobrato.com) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>; [tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com) <[tamsen.plume@hklaw.com](mailto:tamsen.plume@hklaw.com)>; [TMorse@BKF.com](mailto:TMorse@BKF.com) <[TMorse@BKF.com](mailto:TMorse@BKF.com)>; [jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org) <[jvda@theprimaryschool.org](mailto:jvda@theprimaryschool.org)>; [astanley@bkf.com](mailto:astanley@bkf.com) <[astanley@bkf.com](mailto:astanley@bkf.com)>; [ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org) <[ccastellanos@midpen-housing.org](mailto:ccastellanos@midpen-housing.org)>; [ywong@midpen-housing.org](mailto:ywong@midpen-housing.org) <[ywong@midpen-housing.org](mailto:ywong@midpen-housing.org)>; [kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org) <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; [JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com) <[JRenk@sheppardmullin.com](mailto:JRenk@sheppardmullin.com)>; [ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com) <[ralvarado@cityofepa.com](mailto:ralvarado@cityofepa.com)>; [JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com) <[JohnRayner@kennedyjenks.com](mailto:JohnRayner@kennedyjenks.com)>; Malathy Subramanian <[Malathy.Subramanian@bbklaw.com](mailto:Malathy.Subramanian@bbklaw.com)>  
**Subject:** Re: Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Hi Kevin,

Thank you for providing the letter and memoranda, please take this email as an acknowledgement. In pursuant to your letter, please note that the amount stated in the technical memoranda provided by Freyer and Laretta is not a connection fee but an assessment fee as stipulated in your letter.

I also wish to note that the memoranda contains some evidence of reasonableness and unreasonableness, these would be addressed in my response.

Please be assured that am aware of the provision of the common law that the rates charged by Special Districts must be fair, just non discriminatory and reasonable, this is incontrovertible.

Please also note that a Special District may use a myriad of factors to justify assessment fees when reasonable, the letter and memoranda provided have not taken into consideration these myriad of factors surrounding the projects.

I will be working with our legal team and engineers to provide an appropriate response that would demonstrate that the assessment and connections fees are not unreasonable when the infrastructure is at full capacity.

Thank you for your cooperation

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
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**From:** [Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com) <[Kevin.Ashe@hklaw.com](mailto:Kevin.Ashe@hklaw.com)>  
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**Subject:** Letter and Technical Memoranda - Capacity Charges for University Plaza Phase II and 1200 Weeks St. Projects - 2020.01.15

Good evening Akin,

As requested and discussed at the Engineering Committee meeting held on December 10, 2019, attached hereto is a letter submitted by the Sobrato Organization and the Primary School regarding capacity charges for the University Plaza Phase II and 1200 Weeks St. projects, which includes technical memoranda prepared by BKF Engineers and Kennedy Jenks for both projects.

Please let us know once the District has had an opportunity to review these materials, so we can continue our discussion on this matter.

Thank you for providing responses to our Public Record Act requests on Tuesday. We will review the information provided, and will be in contact if we need any additional information from the District.

Regards,

Kevin

**Kevin J. Ashe | Holland & Knight**

Associate

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**Akin Okupe, M.B.A, P.E., General Manager**

March 10, 2020

Kevin J. Ashe  
Holland & Knight  
50 California Street, Suite 2800  
San Francisco, CA 94111

**Re: Capacity Charges for University Plaza Phase II and 1200 Weeks Street Projects**

Dear Kevin,

Pursuant to your letter dated January 14, 2020, please find below responses paragraph by paragraph. The paragraph annotation of your letter is attached for reference.

**Paragraph 2**

The District does not currently levy fees for growth of capital facilities. The District's capacity charges for wastewater are comprised of two components: a buy-in to the wastewater distribution system, which represents the proportional share of the cost of wastewater infrastructure that has already been built, and a buy-in to the cost of capacity rights in the wastewater treatment plant necessary to serve each new or expanded connection. Neither of these components is designed to recover the cost of building new infrastructure or expanding the wastewater system. Rather, the fees are designed using an average buy-in approach designed to recover proportionate costs of assets that were oversized to accommodate growth.

The buy-in component for existing infrastructure was calculated by identifying the total linear feet of pipelines of varying diameters, estimating a price for construction and engineering, adding an estimate for other District assets such as administrative buildings, vehicles and equipment, and reducing the total price to account for any infrastructure that may be at the end of its useful life. (See Capacity Charge Study, pp. 5-6). The Capacity Charge Study then estimates a unit cost for capacity in the Palo Alto Regional Water Quality Control Plant. Finally, the Study estimates the District's share of plant costs, and allocates those costs based on strength and flow characteristics of

wastewater. (Capacity Charge Study, pp. 8-9), These numbers, when taken together, result in a capacity charge of \$6,060 per equivalent dwelling unit, or EDU. EDUs are assigned based on the type of use, with residential connections receiving 1 EDU per unit, and non-residential receiving EDUs based on a formula taking into account projected flow and strength/quality of such flow of wastewater discharge.

Since the District cannot predict the sequence of development and financial cash flow of capacity charges from such developments, no expansion component was added to the charge. Unless the costs of system upgrades are borne by new development, existing rate payers will have to prefund growth projects, thereby subsidizing the cost of capacity for new development. Pursuant to the findings of the hydraulic impact assessment,, the proposed development will require upgrade to the existing capacity in the collection system . Such capacity is neither accounted for in the projections used in the Study, or the total cost recovery estimated to be necessary (since, as mentioned above, the cost recovery identified is simply for buy-in and not expansion).

As such, the cost to upgrade the present sewer infrastructures as necessary to support the project and as indicated in the memoranda are not fees. These costs were identified because the District's capacity fee structure is not designed to accommodate growth and does not pay for growth, and the present budget does not make provision to fund growth. In addition, the District is not asking the developer to pay these costs, we are proposing that the developer upgrade the existing collection system in accordance with the findings and pay the capacity charges. The District will then reimburse the developer after taking the salvage value of the existing pipe and the opportunity cost of capital into consideration. The District will also reimburse developer from future developers required to pay their proportional share of these upgrades.

### **Paragraph 3**

Please see above. The Capacity Charge Study does not account for expansion of the system, and the costs recovered pursuant to the capacity charges adopted based on that Study are designed to buy-in to existing infrastructure. There is currently no capacity in the system to accommodate the proposed projects, nor will the capacity charges recover the costs to accommodate these projects.

### **Paragraph 5**

Again, the cost presented in the memoranda prepared by Freyer & Laretta Engineering Inc are not a capacity charges, they are the cost of upgrading the system to accommodate these projects.

### **Paragraph 7 (1)**

Capacity charges are designed based on quality and quantity of projected wastewater discharge, measured in flow (gallons per day), biological oxygen demand (BOD) (pounds/day) and suspended solids (SS) (pounds per day). The reduction in office



space does not affect the sewerage discharge unless there is corresponding reduction the variables described in the preceding sentence.

**Paragraph 7 (2)**

The peak demand used in the hydraulic modeling is based on actual time of use.

We cannot use an arbitrary peaking factor. We must use the peaking factor provided in the Sanitary Sewer Flow Monitoring Study dated June 2012 prepared by V and A Inc. We can calculate the actual flow rate due to the 10 year storm event and add the peak dry weather flow inclusive of your project, the sum will be used to run the model. This will avoid the peaking factor effect on your discharge.

**Paragraph 7 (3)**

Under existing serviceability state condition considering peak dry weather flow and a 10 years storm, there is no free board. The Hydraulic Grade Line rises above the manhole.

**Paragraph 7 (4)**

Our District Technical Specification does not allow the Hydraulic Grade Line to rise above the pipe under peak wet weather condition as this will lead to a sanitary sewer overflow which could be a threat to public health

**Paragraph 7 (5)**

The capital projects identified in the Master Plan for growth were not included in the calculation presented by Bartle Wells. As described above, the Capacity Charge Study identified the ultimate capacity charge using a look-back at existing infrastructure, such as existing pipeline (with cost reduced to account for age of facilities), as well as a buy-in to the capacity in the regional treatment plant. Capital projects necessary to serve the development were not included as a part of the Capacity Charge Study, and therefore there is no double-counting.

**Paragraph 7 (6)**

The developer will be reimbursed after considering the salvage value of the existing pipes and the lost opportunity cost of capital due to early replacement of the existing pipes.

**Paragraph 7 (7)**

There is no funding for growth.

**Paragraph 9 to 18**

All these sections in your memorandum discussed the methodology of calculating the capacity charge, I agree with this methodology based on accurate predicted discharge into our collection system. The consultant is working on the impact of the predicted flow into the collection system. The issue we are trying to address is that this methodology accounts for a share of existing infrastructure, but the existing system cannot accommodate this development. Thus, we are proposing that the developers upgrade the existing infrastructure and pay the capacity charges. The developers will be reimbursed after taking into consideration the salvage value of the existing pipe and the lost opportunity cost of capital.

### **Paragraph 22**

We have decided not to use a peaking factor by using an alternative method which includes the sum of the peak dry weather discharge and the 10 year discharge storm from the monitoring study.

### **Paragraph 23**

The District has decided to revisit the methodology in order to ensure that your projected discharge is not amplified by the peaking factor by using the following procedures.

- a.) Calculate the peak dry weather flow inclusive of these projects
- b.) Calculate the 10 year storm flow in the pipe
- c.) Run the static model with the sum of (a) and (b) above. This will ensure that the sewage discharge is not amplified by the peaking factor.

### **Paragraph 24**

The criteria used to perform the hydraulic model indicated in the master plan differ from that used in the evaluation of the hydraulic impact of these projects, the master plan does not take actual time of use of office building into consideration, Please note that the master plan analysis does not include the University Plaza Phase II and the Primary School Project.

### **Paragraph 25**

The estimated cost in the amount of \$6,130,000.00 is not covered by existing capacity fees. Existing capacity fees cover the cost of existing infrastructure; the development project requires an upgrade to the system to accommodate the University Plaza Phase II project. There is no provision in the budget to fund this upgrade at the moment. As previously mentioned, we anticipate the developer to upgrade the existing pipes and pay capacity charges. We will reimburse the developer after considering the salvage value of the existing pipe and the lost opportunity cost of capital if the District has to reimburse the developer now versus replacing the pipes at the end of their useful life.

The District will also reimburse the developer from future developers required to pay their proportional share of these upgrades.

**Paragraph 27**

2. This has been previously addressed in response to Paragraph 23 above
3. This had been previously addressed in response to Paragraph 23 above
4. We will present the peak flow hydraulic grade line in updated memorandum.
5. The improvements were not included in the Capacity Charge Study, and the Master Plan did not identify a source of funding.
6. There is no funding in place.

**Paragraph 28**

As previously described, the system does not have capacity to accommodate the proposed development without expansion. The Capacity Charge Study is designed to recover new connections' share of capacity in the existing system, and not for expansion that is needed to accommodate this project.

**Paragraph 29**

I am open to discussing how we move forward in a meeting.

**Paragraph 30 to 40**

Previously addressed.

**Paragraph 43**

The discharge used was provided to the consultant, currently, we have revised the methodology by assuming a discharge per head of 20 gallons per day. This value has been multiplied by the population to arrive at the total discharge per day.

**Paragraph 44**

Please see response to Paragraph 43 above

### **Paragraph 45**

The Master Plan is a conceptual document, not an implementing one. Additional steps are necessary to implement the Master Plan, including establishing a funding source for projects identified therein as well as preparation of a specific plan. No such funding source exists at this time.

### **Paragraph 46**

The existing Capacity Charge Study does not take expansion into consideration. The cost to expand the system to accommodate this project is not included in the Capacity Charge Study, and there is no funding in place for the infrastructure necessary to accommodate this project. If included, the recovered funds would not cover the cost of upgrading the system to accommodate this development, this would shift the capacity costs for the project onto existing rate payers, which would be inequitable.

### **Paragraph 47**

We will evaluate your recommendation and update the technical memorandum accordingly.

Attached with is a summary from the master plan update prepared by Kennedy Jenks Consultant dated September 2002, it confirms that there is no capacity in the system without an upgrade.

Also attached with is a summary from master plan update prepared by Freyer & Laretta Inc., dated October 2014, it also confirms that an upgrade to the existing system would be necessary for additional flow.

### **Way Forward**

There are two options available to resolve the issues and move the projects forward as follows:

#### **Option 1**

The developer can wait until the District is ready to replace the old pipes at the end of their useful life and just pay capacity charges to connect to the system

#### **Option 2**

The developer can replace the pipes now and pay capacity charges with a reimbursement from the District after considering the salvage value of the existing pipes, the opportunity cost of capital lost due to early replacement of the pipes. Some of

the reimbursement will also come from future development in accordance with their proportional share of the benefits of these upgrades. Credit will be given to the developer to ensure that the developer is only being charged a proportional share of the pipe replacement.

I am open to a meeting to discuss how we move your projects forward.

Thank you for your anticipated action.

Sincerely,

A handwritten signature in blue ink, appearing to read 'A Okupe', with a horizontal line underneath.

Akin Okupe, General Manager

# Holland & Knight

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Kevin J. Ashe  
+1 415-743-6972  
Kevin.Ashe@hklaw.com

January 14, 2020

*Via Electronic Mail*

Akin Okupe  
General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

**Re: Capacity Charges for University Plaza Phase II and 1200 Weeks Street Projects**

Mr. Okupe,

- P1** On behalf of our client, the Sobrato Organization (“Sobrato”), developer of the University Plaza Phase II project, and Sheppard Mullin’s client, The Primary School (“TPS”), developer of the 1200 Weeks Street (each a “Project”, collectively, the “Projects”), enclosed please find the technical analyses you requested on November 26, 2019.
- P2** As discussed at the Engineering Committee Meeting at the East Palo Alto Sanitary District’s (“District”) office on December 10, 2019, Sobrato and TPS continue to disagree with your position that the District’s sanitary sewer system lacks sufficient capacity to connect to and serve the Projects. Additionally, we strongly oppose the District’s attempts to levy \$6.13 million and \$4.08 million dollars in “probable project costs” against the Projects, respectively (as mentioned in the draft Freyer & Lauretta memoranda, dated October 28 and 29, 2019). While state law permits the District to levy reasonable connection fees and capacity charges of a “proportional benefit” to projects (Gov. Code § 66013), nothing in state law or the District’s own regulations permit it to levy disproportional “probable project costs” against individual projects for District-wide improvements.
- P3** The attached independent, technical memoranda prepared by Kennedy Jenks and BKF Engineers note that “capacity charges” levied against the Projects should be calculated pursuant to the methodology set forth in the December 2018 Bartle Wells Report (*i.e.*, the Equivalent Dwelling Unit calculation for non-residential connections), which the District’s Board adopted on January 10, 2019 in Resolution No. 1238. **Pursuant to this methodology, the appropriate capacity**

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charges levied against the Projects are as follows: \$224,410 for UPP2, and \$228,494 for 1200 Weeks Street.

**P4** We look forward to discussing this matter with you further to reach a mutually agreeable solution. If we cannot come to an agreeable solution, Sobrato and TPS are fully prepared to seek relief from the District's Board pursuant to Section 205 of the District's Code, and beyond, if necessary. Please be advised that we have not discussed this matter with the District's legal counsel, but recommend that you engage counsel prior to further discussions on this subject.

Regards,



Tamsen Plume  
Holland & Knight, LLP



Kevin J. Ashe  
Holland & Knight, LLP



Jennifer Renk  
Sheppard Mullin Richter &  
Hampton, LLP

cc:  
Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tom Morse, BKF Engineers  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton, LLP  
Ashley Stanley, BKF Engineers  
Patrick Bosch, BKF Engineers  
John Rayner, Kennedy Jenks  
Kamal Fallaha, City of East Palo Alto  
Rafael Alvarado, City Attorney, City of East Palo Alto  
Carlos Castellanos, MidPen Housing Corp.

Enclosures:

- BKF Engineers, Technical Memorandum re University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation, dated January 13, 2020
- Kennedy Jenks, Technical Memorandum re Review of Freyer & Laureta October 29, 2019 Draft Memorandum re University Plaza Phase II Development
- BKF Engineers, Technical Memorandum re The Primary School – Sanitary Sewer Capacity Fee Calculation, dated January 13, 2020
- Kennedy Jenks, Technical Memorandum re Review of Freyer & Laureta October 28, 2019 Draft Memorandum re 1200 Weeks Street Development

**BKF Engineers**  
**Technical Memorandum re University Plaza Phase 2 – Sanitary**  
**Sewer Capacity Fee Calculation, dated January 13, 2020**



January 13, 2020  
BKF Job No.: C20160076

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

*Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)*

**Subject: University Plaza, Phase 2, East Palo Alto, CA  
Sewer System Hydraulic Modeling  
October 29, 2019 Freyer & Laureta Memorandum**

Dear Mr. Okupe:

- P5** Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – University Phase II Development," prepared by Freyer & Laureta, Inc dated October 29, 2019 and the Wastewater Capacity Charge Update prepared by Bartle Wells Associates, dated December 2018 (Bartle Wells Report).
- P6** During our December 10, 2019 meeting with the District, you noted that the Bartle Wells Report establishes "capacity fees" for new projects served by the District. The Bartle Wells Report establishes a methodology to "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Implementing this methodology and fee structure to address system capacity is more appropriate than one off analyses for individual projects, as was done in the Freyer & Laureta memorandum. In light of this, we have included as Attachment A a sanitary sewer capacity fee calculation memorandum for the University Plaza Phase 2 project based on the Equivalent Dwelling Unit (EDU) methodology identified in the Bartle Wells Report.
- P7** While we believe that the capacity fee discussed above should be the only capacity fee applicable to new development served by the District, we have reviewed the Freyer & Laureta memorandum and have several questions and concerns outlined below.
- P7 (1)** 1. The project as approved by the East Palo Alto City Council has been reduced to include 203,967 square feet of office space and 8,690 square feet of community flex space.
- P7 (2)** 2. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor.

While one might consider this methodology for a single building or small campus it is not appropriate for a city wide sanitary sewer system where system peaks and time of use are already included as part of the flow monitoring complete to develop Master Plan Update. To apply this methodology universally would require a continuous simulation model instead of the static, peak flow model used.

An additional peaking factor of 5.8 was used in the model. This is the single highest peak factor identified in the Master Plan Update. Portions of the system that serve the proposed project site have smaller peaking factors. As identified in the Master Plan Update, this peaking factor is for Peak Wet Weather Flow that includes the system diurnal peak and significant system rain water dependent inflow and infiltration. Since this new project will not contribute additional rain water dependent inflow and infiltration, the peaking factor should be reduced.

This overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto. Based on analysis of nodes E2, I3 and T13 in the 2015 Master Plan update the maximum ADWF to PDWF peak is 1.7 at node E2. The remainder of the peaking factor is wet weather inflow and infiltration that is an existing condition and not increased by the proposed project.

- P7 (3)** 3. The Memorandum states, "...the model does indicate there is a potential for SSOs as a result of the peak flows from the development." However, Figure 2 – Peak flow Hydraulic Grade Line shows available freeboard between the system hydraulic grade and existing ground even using the overly conservative peaking factors.
- P7 (4)** 4. The peak flow hydraulic grade line for the existing condition is not presented and there is no discussion of the existing surcharge condition during peak wet weather events. Please note that it is common practice to allow some surcharge of a sanitary sewer system during peak wet weather events in existing pipes as new projects are added to the system and future capital improvement upgrades are scheduled.
- P7 (5)** 5. While this memorandum identifies that significant system improvements are required, these improvements are substantially the same improvements identified in the Master Plan Update and used as the basis for the Bartle Wells Report (e.g.: increasing the size of the 15" sewer main on Beech street and Green Street). This "double counting" of improvements is further evidence that only the capacity charges recommended in the Bartle Wells Report should apply to the project.
- P7 (6)** 6. Numerous system improvements identified in this memorandum are also identified in the Freyer & Laureta, Inc. memorandum prepared for the Primary School, 1200 Weeks Street development, dated October 28, 2019. The section of sewer main between T19 and T16 is included in both summaries of "probable projects costs" with no discussion of fair share costs.

**P7 (7)** 7. The Master Plan Update recommends a Capital Improvement Program. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified?

**P8** Please let us know if a meeting would be helpful to discuss these comments. We look forward to working with your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6419 if you have any questions regarding these comments.

Sincerely,  
**BKF Engineers**



Thomas R. Morse, PE, LEED® AP  
Vice President

Attachment:

- Attachment A: University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation

cc:

Kamal Fallaha, City of East Palo Alto  
Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tamsen Plume, Holland & Knight, LLP  
Kevin Ashe, Holland & Knight, LLP  
John Rayner, Kennedy Jenks  
Sachi Itagaki, Kennedy Jenks  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton, LLP  
Carlos Castellanos, MidPen Housing Corp.  
Ashley Stanley, BKF Engineers  
Cole Gaumnitz, BKF Engineers

**Date:** January 13, 2020

**BKF Job Number:** 20160076

**Deliver To:** **Akin Okupe, General Manager, East Palo Alto Sanitary District**  
**Joan Sykes-Miessi, Vice President, Board of Directors**  
**Dennis Scherzer, Director, Board of Directors**

**From:** **Thomas Morse**

**Subject:** **University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation**

**Purpose**

**P9** The purpose of this memorandum is to provide a summary of East Palo Alto Sanitary District (District) sanitary sewer capacity fee calculations associated with the University Plaza Phase 2 (UPP2) development.

**Background**

**P10** The UPP2 development encompasses approximately 2.60 acres in East Palo Alto, situated north of Donohoe Street, between University Avenue, the existing Chevron Gas Station, and the Ravenswood School District Bus Yard. Donohoe Street has an existing 12-inch sanitary sewer main that flows east toward University Avenue.

The site is currently occupied by paved and unpaved parking areas and existing buildings including a pharmacy and a Stanford Law Clinic totaling 11,495 square feet. The proposed development includes two buildings: a 6-story parking garage with 8,690 square feet of Community Flex Space and a 7-story office building with 203,967 square feet of office space as approved by the East Palo Alto City Council December 17, 2019.

**Methodology**

**P11** The sanitary sewer capacity fee is based on the Equivalent Dwelling Unit (EDU) methodology and adopted per EDU capacity fee identified in the December 2018 Wastewater Capacity Charge Update Study prepared by Bartle Wells Associates.<sup>1</sup> The EDU methodology for non-residential connections is:

**EDU Formulas for Non-Residential Connections<sup>2</sup>**

$$\text{Number of EDUs} = 0.871 * \text{Flow}/240 \text{ gpd} + 0.060 * \text{BOD}/200 \text{ mg/l} + 0.067 * \text{SS}/200 \text{ mg/l}$$

<sup>1</sup> East Palo Alto Sanitary District *Wastewater Capacity Charge Update* (Dec. 2018) at 10.

<sup>2</sup> As of the date of this memorandum, it remains unclear whether the District Board has adopted the capacity fee structure recommended by Bartle Wells Associates. On December 18, 2019, the Sobrato Organization (through counsel) submitted a public records act request for confirmation that the District has adopted this capacity fee methodology. This memorandum assumes that the District has adopted the capacity fee methodology proposed in the Bartle Wells Associated December 2018 report.

Under this methodology, the first step is to calculate the average day dry weather flow based on the unit demands provided to the District in the original BKF Sewer Demand Memorandum dated July 30 2018 and used in the Freyer and Laureta October 29, 2019 East Palo Alto sanitary District – University Phase II Development Memorandum. EDUs are then calculated based on typical residential household average day dry weather demand of 240 gallons per day (gpd) per EDU. The capacity fee per EDU is then applied to develop the project specific capacity fee. A credit is applied for existing retail and medical office uses on the site and for the total of deposits already provided to the District.

**Existing Sanitary Sewer Demand Calculations**

- P12** The Average Dry Weather Flow (ADWF) for the existing sewer demand is calculated by taking the area of the existing building area and multiplying by a demand factor of 0.09 gpd per square foot (gpd/sf).
- P13** Existing sanitary sewer demand is estimated to be approximately 1,035 gpd ADWF. This equates to 4.31 EDUs.

**Proposed Sanitary Sewer Demand Calculation**

- P14** The ADWF sanitary sewer demand for the UPP2 buildings is calculated by taking the proposed building areas and multiplying by the appropriate demand factors. This includes 203,967 square feet of office space at a demand factor of 0.05 gpd/sf and 8,690 square feet of Community Flex Space at a demand factor of 0.09 gpd/sf.
- P15** The proposed project sanitary sewer demand is estimated to be 10,980 gpd ADWF. This equates to 45.75 EDUs.

**Project Sanitary Sewer Fee Calculation**

- P16** The proposed UPP2 project sanitary sewer capacity fee calculation is included as Table A included as an attachment to this memorandum.
- P17** As outlined in the 2018 Bartle Wells Associated Wastewater Capacity Charge Update the identified capacity fee is \$6,060 per EDU to, "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project."
- P18** **Based on this per EDU fee and the EDUs identified and allocated credits, the project sanitary sewer capacity fee is \$224,410.**

ATTACHMENTS:

- Table A – University Plaza Phase 2 Project Sanitary Sewer Capacity Fee Calculations

**TABLE A: UNIVERSITY PLAZA PHASE 2 PROJECT  
SANITARY SEWER CAPACITY FEE**

Proposed Use	Square Footage (SF) <sup>1</sup>	Demand Factor (gpd/SF) <sup>2</sup>	Average Dry Weather Flow (GPD)	EDU <sup>3</sup>	\$/EDU <sup>4</sup>	Capacity Fee	Comment
<b>PROPOSED PROJECT</b>							
Office	203,967	0.05	10,198	42.49	\$ 6,050	\$ 257,084	
Community Flex Space	8,690	0.09	782	3.26	\$ 6,050	\$ 19,716	
<b>Subtotal</b>			<b>10,980</b>	<b>45.75</b>		<b>\$ 276,800</b>	
<b>EXISTING USES AND DEPOSIT CREDITS</b>							
Office	-7,129	0.09	-642	-2.67	\$ 6,050	\$ (16,174)	Older Buildings, no water-saving fixtures
Medical Office	-4,366	0.09	-393	-1.64	\$ 6,050	\$ (9,906)	Older Buildings, no water-saving fixtures
Deposits						\$ (26,310)	\$15,000 + \$11,310
<b>Subtotal</b>			<b>-1,035</b>	<b>-4.31</b>		<b>\$ (52,390)</b>	
<b>TOTAL</b>			<b>12,015</b>	<b>41.44</b>		<b>\$ 224,410</b>	

**Table Notes:**

- Proposed building floor area based on project entitlements. Existing floor area based on actual building size and uses
- Unit demands for proposed office use based on the East Palo Alto Sanitary District - University Phase II Development Memorandum dated October 29, 2019 Prepared by Freyer and Laureta for the East Palo Alto Sanitary District and Item 2 of the August 6, 2019 letter from the East Palo Alto Sanitary District regarding University Plaza Phase 2, East Palo Alto - Sewer System Hydraulic Modeling.
- Capacity fee calculation is based on the Equivalent Dwelling Unit (EDU) methodology. Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates 1 EDU = 240 gallons per day.
- Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates the capacity fee for 1 EDU = \$6060.

**Kennedy Jenks**  
**Technical Memorandum re Review of Freyer & Laureta**  
**October 29, 2019 Draft Memorandum re University Plaza**  
**Phase II Development, dated January 13, 2020**

13 January 2020

## Technical Memorandum

To: Tim Steele  
From: John H. Rayner PE  
Subject: Review of F&L Oct 29 Draft Memorandum re University Phase II Development  
KJ 1964020.00

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### Background

- P19** The subject memo was written by Freyer & Laureta, engineers for East Palo Alto Sanitary District, to estimate the sewage generated by the proposed University Plaza Phase II Development, to be constructed on a 2.60 acre parcel in East Palo Alto, and estimate its impact on the District's collection system. The Development is proposed to have 231,883 square feet of office space. Using a sewage generation rate of 0.05 gallons per day (GPD) per square foot, the Development's average daily sewage flow is estimated to be 11,594 GPD. Based on the measured peak flow during wet weather at site E2, a sewer manhole downstream of the Development, a peaking factor of 5.8 is estimated for the Development.
- P20** At its meeting on December 17, 2019, the EPA City Council approved the Development with its office space reduced to 212,657 square feet.
- P21** The F&L memo then inserts the flow estimates for the Development into its hydraulic model of the EPASD collection system. The model results are shown graphically as hydraulic profiles on Figures 1,2 and 3 in the memo. Figure 1 shows average flow conditions. The hydraulic grade line shows the depth of sewage in sewers along the flow path, from the Development to the siphon under San Fransquito Creek. There are no problems shown under average flow conditions. Figure 2 shows the same sewers under peak flow conditions. The hydraulic grade line is now shown above the top of sewers, indicating that the sewers are flowing full and under low pressure because the level of sewage inside manholes has risen above the top of the sewers (the sewers are flowing surcharged). However, the hydraulic grade line is below the ground surface indicating there are no sanitary sewage overflows. Figure 3 shows what the hydraulic grade line would be if the first 4599' of 12" and 15" sewers would be replaced with 20" sewers and the next 2,820' of 18" and 21" sewers would be replaced with 28" sewers. The cost of replacing these sewers is estimated to be \$6,130,600 in the F&L memo.



## Technical Memorandum

Tim Steele  
 13 January 2020  
 KJ 1968020.00  
 Page 2

### Review

- P22** The sewage generation from the University Plaza Phase II Development needs to be analyzed at 212,657 square feet of office space, approved by the City Council, instead of the initially proposed 231,883 square feet of office space.
- P23** The use of a 5.8 peaking factor used in the F&L memo for the Development was calculated by dividing meter readings during peak wet weather flow (PWWF) by the average dry weather flow (ADWF) from a metering station downstream of the Development. The flows were measured as part of a 2011/2012 flow monitoring program cited in the F&L memo. The District's sewage flows increase significantly during wet weather as rainwater enters the sewers directly through inflow and indirectly from increased groundwater infiltration. Neither of these sources of additional sewage flow during wet weather are significant factors in new office building projects so the 5.8 peaking factor used for estimating the Development's impact on the collection system should be significantly lower (probably closer to 3.0). A higher peaking factor may be appropriate to use in analyzing the capacity of onsite sewers and those serving just the Development and a small local area but not for analyzing the overall collection system. In analyzing the hydraulics of collection systems, its standard practice to reduce peaking factors as the collection system receives additional flow from more sources.
- P24** With only one exception, the sewer size increases proposed in the F&L memo are greater than those shown in the EPASD 2015 Master Plan by F&L. The proposed sewer size increases in the Master Plan are those required to increase sewer capacity to "... handle future flows". Unlike the F&L memo, the Master Plan does not show that sewers on Donohoe Street and Cooley Avenue need to be increased in size. The Master Plan (MP) does show that the other sewers listed in the F&L memo, from Green Street to the Trunkline manhole T16, will eventually need to be increased in size, however, the sizes differ from those in the F&L memo (Green and Clarke Streets: 18" in MP and 20" in F&L memo; Beech Street to Pulgas Avenue: 24" in MP and 20" in F&L memo; Beech Street to Trunkline manhole T16: 24" in MP and 28" in F&L memo). The 2016 Sewer Trunkline Realignment project replaced the 18" sewer on Beech Street between manhole I3 and T20 with a new 24" sewer. It's also noted that 1,522' of 21" sewers listed in the F&L memo as needing to be replaced with 28" sewers by the University Plaza Phase II Development, are the same sewers listed as needing to be replaced in the October 28<sup>th</sup> F&L Draft Memorandum for the Primary School project.

## Technical Memorandum

Tim Steele  
13 January 2020  
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- P25** The estimated sewer replacement cost of \$6,130,600 in the F&L memo, is represented as a capacity fee for the Development which would far exceed the reasonable cost of providing service for just the Development. According to the California Government Code, a capacity fee must be proportional to the benefit of the property being served and the California Health and Safety Code states that special districts can only charge a property for its proportional share of the line. The sewer size increases proposed in both the F&L memo and the Master Plan are intended to convey flow from future buildout and are not solely necessary to convey sewage from just the Development. The capacity fee charged by EPASD needs to be consistent with these requirements.
- P26** Once we have all the files required for the hydraulic model, we will run the model to evaluate the impact of the University Plaza Phase II Development on the District's collection system and to estimate its proportionate share of any upgrade costs.

**BKF Engineers**  
**Technical Memorandum re The Primary School – Sanitary**  
**Sewer Capacity Fee Calculation, dated January 13, 2020**

January 13, 2020  
BKF Job No.: C20150053

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

*Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)*

**Subject: The Primary School, East Palo Alto, CA  
Sewer System Hydraulic Modeling  
October 29, 2019 Freyer & Laureta Memorandum**

Dear Mr. Okupe:

**P27** Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – 1200 Weeks Street Development," prepared by Freyer & Laureta, Inc and dated October 28, 2019. We have reviewed the memorandum and have several questions and comments outlined below.

**P27 (1)** 1. The project as approved by the East Palo Alto City Council includes maximum occupancies of 511 students and 70 staff.

**P27 (2)** 2. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor. While one might consider this methodology for a single building or small campus it is not appropriate for a city wide sanitary sewer system where system peaks and time of use are already included as part of the flow monitoring complete to develop Master Plan Update. To apply this methodology universally would require a continuous simulation model instead of the static, peak flow model used.

An additional peaking factor of 3.88 was used in the model. As identified in the Master Plan Update, this peaking factor is for Peak Wet Weather Flow that includes the system diurnal peak and significant system rain water dependent inflow and infiltration. Since this new project will not contribute additional rain water dependent inflow and infiltration, the peaking factor should be reduced.

This overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto.

**P27 (3)** 3. The Memorandum makes reference to predicted SSO's, however, Figure 2 – Peak flow Hydraulic Grade Line shows available freeboard between the system hydraulic grade and existing ground even using the overly conservative peaking factors.

- P27 (4)** 4. The peak flow hydraulic grade line for the existing condition is not presented and there is not discussion of the existing surcharge condition during peak wet weather events.
- P27 (5)** 5. While this memorandum identifies that significant system improvements are required, these improvements are substantially the same improvements identified in the Master Plan Update.
- P27 (6)** 6. The Master Plan Update recommends a Capital Improvement Program. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified?
- P28** During our December 10, 2019 District meeting, you referenced the December 2018 Wastewater Capacity Charge Update prepared by Bartle Wells Associates. We understand that this document identifies a methodology to, "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Implementing this methodology and fee structure to address system capacity is more appropriate than one off analysis of individual project. A sanitary sewer fee capacity calculation based on the Equivalent Dwelling Unit fees identified in the Wastewater Capacity Charge Update will be submitted separately.
- P29** Please let us know if a meeting would be helpful to discuss these comments. We look forward to working your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6458 if you have any questions regarding these comments.

Sincerely,  
**BKF Engineers**

Ashley A. Stanley, PE, PLS, LEED® AP  
Associate

cc:  
Kamal Fallaha, City of East Palo Alto  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton LLP  
Courtney Garcia, The Primary School  
Time Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tamsen Plume, Holland & Knight, LLP  
Kevin Ashe, Holland & Knight, LLP  
John Rayner, Kennedy Jenks  
Sachi Itagaki, Kennedy Jenks  
Carlos Castellanos, MidPen Housing Corp.  
Ashley Stanley, BKF Engineers  
Cole Gaumnitz, BKF Engineers

**Date:** January 13, 2020

**BKF Job Number:** 20150053

**Deliver To:** Akin Okupe, General Manager, East Palo Alto Sanitary District  
Joan Sykes-Miessi, Vice President, Board of Directors  
Dennis Scherzer, Director, Board of Directors

**From:** Ashley Stanley

**Subject:** The Primary School – Sanitary Sewer Capacity Fee Calculation

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**Purpose**

**P30** The purpose of this memorandum is to provide a summary of East Palo Alto Sanitary District (District) sanitary sewer capacity fee calculations associated with the Weeks Primary School (WPS) development.

**Background**

**P31** The Primary School development encompasses approximately 2.60 acres in East Palo Alto, situated with Weeks Street to the north and Runnymede Street to the South. Weeks Street has an existing 6-inch sanitary sewer main that flows east toward a trunk line flowing south parallel to the Bay Trail.

**P32** The site is currently undeveloped. The proposed development includes two buildings: a 2-story main school building with 61,000 SF of classroom, associated office, and community meeting space, and a one-story gymnasium with 11,000 SF of athletic, associated space, and a laundry room.

**Methodology**

**P33** The sanitary sewer capacity fee is based on the Equivalent Dwelling Unit (EDU) methodology and adopted per EDU capacity fee identified in the December 2018 Wastewater Capacity Charge Update Study prepared by Bartle Wells Associates. The first step is to calculate the average daily and peak flows based on the unit demands presented in the Kennedy Jenks Technical Memorandum, dated January 2020. These unit demands are based on anticipated occupancy and characteristic wastewater generation rates found in the 2010 California Plumbing Code.

**P34** Equivalent dwelling units are then calculated based on typical residential household average day dry weather demand of 240 gallons per day (gpd) per EDU. The capacity fee per EDU is then applied to develop the project specific capacity fee. A credit is applied for any existing uses on the site and for the total of deposits already provided to the District.

**Existing Sanitary Sewer Demand Calculations**

- P35** The Average Dry Weather Flow (ADWF) for the existing sewer demand is calculated by taking the area of the existing building area and multiplying by a demand factor of 0.09 gpd per square foot (gpd/sf).
- P36** As the site is currently undeveloped, there is no existing demand.

**Proposed Sanitary Sewer Demand Calculation**

- P37** The average daily sanitary sewer demand for the Primary School buildings is calculated by taking the proposed occupancy of the school and gymnasium and multiplying by the appropriate demand factors. This includes 511 students at 15gpd/person and 70 staff at 20gpd/person.
- P38** The proposed project sanitary sewer demand is estimated to be 9,065 gpd. This equates to 37.77 EDUs.

**Project Sanitary Sewer Fee Calculation**

- P39** The proposed Primary School project sanitary sewer capacity fee calculation is included as Attachment A to this memorandum.
- P40** As outlined in the 2018 Bartle Wells Associated Wastewater Capacity Charge Update the identified capacity fee is \$6,060 per EDU to, "Equitable [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Based on this per EDU fee and the EDUs identified, the project sanitary sewer capacity fee is \$228,494.

**ATTACHMENTS:**

- Attachment A – The Primary School Project Sanitary Sewer Capacity Fee Calculations

**PRIMARY SCHOOL PROJECT  
SANITARY SEWER CAPACITY FEE**

Proposed Use	Occupancy (Persons) <sup>1</sup>	Wastewater flow (GPD) <sup>2</sup>	Average Flow (GPD)	EDU <sup>3</sup>	\$/EDU <sup>4</sup>	Capacity Fee	Comment
<b>PROPOSED PROJECT</b>							
Students	511	15	7,665	31.94	\$6,060	\$193,222	
Staff	70	20	1,400	5.83	\$6,060	\$35,272	
<b>Subtotal</b>			<b>9,065</b>	<b>37.77</b>		<b>\$ 228,494</b>	
<b>EXISTING USES AND DEPOSITS CREDITS</b>							
No Existing Uses	-	-	-	-	-	-	
Deposits	-	-	-	-	-	-	
<b>Subtotal</b>			-	-	-	-	
<b>TOTAL</b>			<b>9,065</b>	<b>37.77</b>		<b>\$ 228,494</b>	

**Table Notes:**

- Proposed building occupancy based on project entitlements.
- Wastewater demands for proposed use based on the 2010 California Plumbing Code, cited in Technical Memorandum created by Kennedy Jenks
- Capacity fee calculation is based on the Equivalent Dwelling Unit (EDU) methodology. Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates 1 EDU = 240 gallons per day.
- Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates the capacity fee for 1 EDU = \$6060.



**Kennedy Jenks**  
**Technical Memorandum re Review of Freyer & Laureta**  
**October 28, 2019 Draft Memorandum re 1200 Weeks**  
**Street Development, dated January 13, 2020**

13 January 2020

## Technical Memorandum

To: Jennifer Von der Ahe  
From: John H. Rayner PE  
Subject: Review of F&L Oct 28 Draft Memorandum re 1200 Weeks Street Development  
KJ 1964020.00

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### Background

**P41** The subject memo was written by Freyer & Laureta, engineers for East Palo Alto Sanitary District, to estimate the sewage generated by the proposed Primary School, to be constructed at 1200 Weeks Street in East Palo Alto. The memo estimates the school's average daily and peak sewage flows and its impact on the District's collection system. The memo estimates the total occupancy of the school as 224 people and uses a waste fixture unit count of 350 to estimate an average daily sewage flow of 49,755 gallons per day (GPD) and a peak instantaneous flow of 193,080 GPD.

**P42** The memo then inserts the flow estimates for the Primary School into a hydraulic model of the EPASD collection system. The model results are shown graphically as hydraulic profiles on Figures 1,2 and 3 in the memo. Figure 1 shows average flow conditions. The hydraulic grade line shows the depth of sewage in sewers along the flow path, from the Primary School to the siphon under San Fransquito Creek. There are no problems shown under average flow conditions. Figure 2 shows the same sewers under peak flow conditions. The hydraulic grade line is now shown slightly above the top of sewers, indicating that the sewers are flowing full and under low pressure because the level of sewage inside manholes has risen above the top of the sewers (the sewers are flowing surcharged) but the hydraulic grade line is still well below the ground surface indicating there are no sanitary sewage overflows. Figure 3 shows what the hydraulic grade line would be if the first 477' of 6" sewer, near the school, would be replaced with a 10" sewer and the next 3,434' of 18" and 24" sewers would be replaced with 28" sewers. The cost of replacing these sewers is estimated to be \$4,086,600 in the F&L memo.

### Review

**P43** The method used in the F&L memo for estimating average daily flow was to use 95% of the water supply requirements found in the plumbing code for the 350 waste fixture units at the school. Waste fixture units are used to ensure that water supply pipelines are sized properly. The plumbing code does not use waste fixture units to estimate sewage generation. Instead the

## Technical Memorandum

Jennifer Von der Ahe  
 13 January 2020  
 KJ 1968020.00  
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2010 California Plumbing Code uses the enclosed Table K-3 to estimate sewage generation for a variety of building uses. Sewage generation estimates for elementary students are listed in the Code as 15 GPD/student and 20 GPD/person for staff.

- P44** We reviewed with the occupancy of the school with the architect who confirmed that the planning documents and conditions of approval from the City of East Palo Alto list occupancy as 511 students plus 70 staff. This is significantly greater than the total occupancy of 224 estimated in F&L's memo. Applying the higher occupancy to the sewage generation rates in the 2010 California Plumbing Code yields an average sewage generation rate of 9,065 GPD. Allowing for part-time staff, parents' meetings, occasional use of the gym by others and other miscellaneous uses, the estimated sewage generation for the Primary School should not exceed 10,000 GPD. This is about 20% of F&L's estimate, using waste fixture units, of 49,755 GPD.
- P45** Except for the Weeks Street sewer between manholes F7 and T25, the sewer size increases proposed in the F&L memo are greater than those shown in the EPASD 2015 Master Plan by F&L. The proposed sewer size increases in the Master Plan are those required to increase sewer capacity to "... handle future flows". The Master Plan shows that the 3,434' of Trunkline between manholes T25 and T16 needs to be replaced with 24" sewers, instead of 28" sewers as in the F&L memo. The 2016 Sewer Trunkline Realignment project recently replaced about 600' of this same section of Trunkline with new 24" sewer, not 28" sewer. It's also noted that 1522' of 21" sewers listed in the F&L memo as needing to be replaced with 28" sewers by the Primary School project, are the same sewers listed as needing to be replaced in the October 29<sup>th</sup> F&L Draft Memorandum for the University Plaza Phase II Development.
- P46** The estimated sewer replacement cost of \$4,086,600 in the F&L memo, is represented as a capacity fee for the Primary School which would far exceed the reasonable cost of providing service for just the School. According to the California Government Code, a capacity fee must be proportional to the benefit of the property being served and the California Health and Safety Code states that special districts can only charge a property for its proportional share of the line. The sewer size increases proposed in both the F&L memo and the Master Plan are intended to convey flow from future buildout and are not solely necessary to convey sewage from just the Primary School. The capacity fee charged by EPASD needs to be consistent with these requirements.
- P47** Based on our analysis, the hydraulic model of the EPASD collection system should be reanalyzed using the lower average daily flow of 10,000 GPD for the Primary School. Once we have all the files required for the hydraulic model, we will use the lower sewage generation rate

## **Technical Memorandum**

Jennifer Von der Ahe

13 January 2020

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for the Primary School to reevaluate its impact on the District's collection system and to estimate its proportionate share of any upgrade costs.

Enclosure: 2010 California Plumbing Code, pages 464 & 465

## APPENDIX K PRIVATE SEWAGE DISPOSAL SYSTEMS

### K 1.0 Private Sewage Disposal – General.

- A. Where permitted by Section 713.0, the building sewer shall be permitted to be connected to a private sewage disposal system complying with the provisions of this appendix. The type of system shall be determined on the basis of location, soil porosity, and groundwater level, and shall be designed to receive all sewage from the property. The system, except as otherwise approved, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one (1) or more seepage pits, or into a combination of subsurface disposal field and seepage pits. The Authority Having Jurisdiction shall be permitted to grant exceptions to the provisions of this appendix for permitted structures that have been destroyed due to fire or natural disaster and that cannot be reconstructed in compliance with these provisions provided that such exceptions are the minimum necessary.
- B. Where the quantity or quality of the sewage is such that the above system cannot be expected to function satisfactorily for commercial, agricultural, and industrial plumbing systems; for installations where appreciable amounts of industrial or indigestible wastes are produced; for occupancies producing abnormal quantities of sewage or liquid waste; or when grease interceptors are required by other parts of this code, the method of sewage treatment and disposal shall be first approved by the Authority Having Jurisdiction, Special sewage disposal systems for minor, limited, or temporary uses shall be first approved by the Authority Having Jurisdiction.
- C. Disposal systems shall be designed to utilize the most porous or absorptive portions of the soil formation. Where the groundwater level extends to within twelve (12) feet (3,658 mm) or less of the ground surface or where the upper soil is porous and the underlying stratum is rock or impervious soil, a septic tank and disposal field system shall be installed.
- D. Disposal systems shall be located outside of flood hazard areas.  
**Exception:** Where suitable sites outside of flood hazard areas are not available, disposal systems shall be permitted to be located in flood hazard areas on sites where the effects of inundation under conditions of the design flood are minimized.
- E. All private sewage disposal systems shall be so designed that additional seepage pits or subsurface drain fields, equivalent to not less than one-hundred (100) percent of the required original system, shall be permitted to be installed where the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the one-hundred (100) percent expansion area.
- F. No property shall be improved in excess of its capacity to properly absorb sewage effluent by the means provided in this code.  
**Exception:** The Authority Having Jurisdiction shall be permitted to, at its discretion, approve an alternate system.
- G. No private sewage disposal system, or part thereof, shall be located in any lot other than the lot that is the site of the building or structure served by such private sewage disposal system, nor shall any private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table K-1.  
Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting lot to provide additional space for a private sewage disposal system or part thereof when proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first established to the satisfaction of the Authority Having Jurisdiction. The instrument recording such action shall constitute an agreement with the Authority Having Jurisdiction, which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership of said properties and shall be binding on all heirs, successors, and assigns to such properties. A copy of the instrument recording such proceedings shall be filed with the Authority Having Jurisdiction.
- H. When there is insufficient lot area or improper soil conditions for adequate sewage disposal for the building or land use proposed, and the Authority Having Jurisdiction so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Authority Having Jurisdiction have been submitted and approved.
- I. Nothing contained in this appendix shall be construed to prevent the Authority Having Jurisdiction from requiring compliance with additional requirements than those contained herein, where such additional requirements are essential to maintain a safe and sanitary condition.
- J. Alternate systems shall be permitted to be used only by special permission of the Authority Having Jurisdiction after being satisfied of their adequacy. This authorization is based on extensive field and test data from conditions similar to those at the proposed site, or require such additional data as necessary to provide assurance that the alternate system will produce continuous and long-range results at the proposed site, not less than equivalent to systems which are specifically authorized.

If demonstration systems are to be considered for installation, conditions for installation, maintenance, and monitoring at each such site shall first be established by the Authority Having Jurisdiction.

Approved aerobic systems shall be permitted to be substituted for conventional septic tanks provided the Authority Having Jurisdiction is satisfied that such systems will produce results not less than equivalent to septic tanks, whether their aeration systems are operating or not.

### K 2.0 Capacity of Septic Tanks.

The liquid capacity of all septic tanks shall conform to Tables K-2 and K-3 as determined by the number of bedrooms or apartment units in dwelling occupancies and the estimated waste/sewage design flow rate or the number of plumbing fixture units as determined from Table 7-3 of this Code, whichever is greater in other building occupancies. The capacity of any one (1) septic tank and its drainage system shall be limited by the soil structure classification, as specified in Table K-4.

### K 3.0 Area of Disposal Fields and Seepage Pits.

The minimum effective absorption area in disposal fields in square feet ( $m^2$ ), and in seepage pits in square feet ( $m^2$ ) of sidewall, shall be predicated on the required septic tank capacity in gallons (liters) and/or estimated waste/sewage flow rate, whichever is greater, and shall conform to Table K-4 as determined for the type of soil found in the excavation, and shall be as follows:

1. When disposal fields are installed, a minimum of one-hundred and fifty (150) square feet ( $14 m^2$ ) of trench bottom shall be provided for each system exclusive of any hard pan, rock, clay, or other impervious formations. Sidewall area in excess of the required twelve (12) inches (305 mm) and a maximum of thirty-six (36) inches (914 mm) below the leach line shall be permitted to be added to the trench bottom area when computing absorption areas.
2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be not less than fifty (50) percent greater than the tabular requirements for trenches. Perimeter sidewall area in excess of the required twelve (12) inches (305 mm) and a maximum of thirty-six (36) inches (914 mm) below the leach line shall be permitted to be added to the trench bottom area when computing absorption areas.
3. No excavation for a leach line or leach bed shall be located within five (5) feet (1,524 mm) of the water table nor to a depth where sewage may contaminate the underground water stratum that is usable for domestic purposes.

**Exception:** In areas where the records or data indicate that the groundwaters are grossly degraded, the five (5) foot (1,524 mm) separation requirement shall be permitted to be reduced by the Authority Having Jurisdiction. The applicant shall supply evidence of groundwater depth to the satisfaction of the Authority Having Jurisdiction.

4. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formations. The minimum required area of porous formation shall be provided in one (1) or more seepage pits. No excavation shall extend within ten (10) feet (3,048 mm) of the water table not to a depth where sewage contaminate underground water stratum that is usable for domestic purposes.

**Exception:** In areas where the records or data indicate that the groundwaters are grossly degraded, the ten (10) foot (3,048 mm) separation requirement shall be permitted to be reduced by the Authority Having Jurisdiction.

The applicant shall supply evidence of groundwater depth to the satisfaction of the Authority Having Jurisdiction.

5. Leaching chambers shall be sized on the bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-4 with a 0.70 multiplier.

### K 4.0 Percolation Test.

- A. Wherever practicable, disposal field and seepage pit sizes shall be computed from Table K-4. Seepage pit sizes shall be computed by percolation tests, unless use of Table K-4 is approved by the Authority Having Jurisdiction.
- B. In order to determine the absorption qualities of seepage pits and of questionable soils other than those listed in Table K-4, the proposed site shall be subjected to percolation tests acceptable to the Authority Having Jurisdiction.
- C. When a percolation test is required, no private disposal system shall be permitted to serve a building if that test shows the absorption capacity of the soil is less than 0.83 gallons per square foot ( $33.8 L/m^2$ ) or more than 5.12 gallons per square foot ( $208 L/m^2$ ) of leaching area per 24 hours. If the percolation tests shows an absorption rate greater than 5.12 gallons per square foot ( $208 L/m^2$ ) per 24 hours, a private disposal system shall be permitted if the site does not overlie groundwaters protected for drinking water supplies, a minimum thickness of two (2) feet (610 mm) of the native soil below the entire proposed system is replaced by loamy sand, and the system design is based on percolation tests made in the loamy sand.

### K 5.0 Septic Tank Construction.

- A. Plans for all septic tanks shall be submitted to the Authority Having Jurisdiction for approval. Such plans shall show all dimensions, reinforcing, structural calculations, and such other pertinent data as required.
- B. Septic tank design shall be such as to produce a clarified effluent consistent with accepted standards and shall provide adequate space for sludge and scum accumulations.
- C. Septic tanks shall be constructed of solid durable materials not subject to excessive corrosion or decay and shall be watertight.

## **EXECUTIVE SUMMARY**

This Master Plan Update project was undertaken by the East Palo Alto Sanitary District (District) to assess the impact that future development within the City of East Palo Alto (City) will have on the District's collection system.

### **System Characteristics**

The District is responsible for the operation and maintenance of the sanitary sewer collection system that serves most of East Palo Alto and a portion of Menlo Park, as shown in Figure 1. The District's collection system is a gravity system. Approximately 70% of the pipelines are 6" in diameter. The larger collector lines range between 8" and 21". The trunk line running from the District to the Palo Alto Regional Water Quality Control Plant (RWQCP) is 24" in diameter and contains a siphon beneath San Fransquito Creek. The District has an agreement with the RWQCP, which entitles the District to 7.17% of the dry weather capacity of the RWQCP, approximately 2.7 MGD.

### **Anticipated Development**

The City is anticipating significant redevelopment within the city. Zoning changes are listed in the East Palo Alto 1999 General Plan, and major areas of redevelopment are described in August 2000 Preliminary Draft of the East Palo Alto Revitalization Plan. Other specific development plans have been submitted to the District for review, and some are currently under construction. The major areas within the District identified for redevelopment include:

1. University Circle
2. Ravenswood 101 (Gateway 101)
3. Ravenswood Villages (University Square)
4. Ravenswood Business Park
5. University Avenue Corridor
6. Four Corners/Bay Road
7. Weeks Neighborhood

### **Mathematical Model**

A mathematical model of the District's collection system was developed using the computer software program called HYDRA to assess the impact of this development. HYDRA uses Manning's equation to calculate the flow, capacity, and the hydraulic profile for modeled pipelines. District pipelines that are within or downstream of redevelopment areas were included in the model. A manhole survey of the District using GPS was performed to provide the structural input for the model. Both wet and dry weather flow monitoring were conducted in 2000-2001 to generate data used to calibrate the model.

### **District Flows**

Present flows and flows from two future buildout scenarios were modeled. One future scenario uses flows based on the zoning and density requirements that are described in the August 1999 General Plan. The second future scenario incorporates the planned revitalization of four areas within the City as described in the August 2000 Preliminary Draft of the East Palo Alto Revitalization Plan. The Revitalization Plan proposes development that exceeds the limits set forth in the General Plan, therefore could result in even more wastewater flow than what would

result in development per the General Plan. Total District flows for each development scenario are summarized in Table ES-1.

**Table ES-1. Estimated District Flows**

<b>Model Scenario</b>	<b>Estimated District Flow</b>
<b><i>Present</i></b>	
2001 ADWF	1.7 MGD
2001 PDWF	3.5 MGD
2001 PWWF	5.0 MGD
<b><i>Future General Plan</i></b>	
Future ADWF	3.3 MGD
Future PDWF	6.4 MGD
Future PWWF	7.8 MGD
<b><i>Future Revitalization</i></b>	
Revitalization ADWF	4.3 MGD
Revitalization PDWF	8.5 MGD
Revitalization PWWF	9.9 MGD
ADWF – Average Dry Weather Flow	PDWF – Peak Dry Weather Flow
MGD – Million Gallons per Day	PWWF – Peak Wet Weather Flow

### **Model Results**

For each development scenario, three flow scenarios were run: average dry weather flow, peak dry weather flow, and peak wet weather flow. The system capacity was evaluated on its ability to accommodate peak wet weather flows. The following is a summary of the results of the modeling:

1. Under the present (2001) flow scenarios, the capacity of the existing pipelines is adequate to handle the peak wet weather flows.
2. A large portion of the collection system is at capacity now, and future buildout flows will overwhelm many of the larger mains in existing system. Over half of the pipelines included in the model were listed as overcapacity during peak wet weather flow scenarios, as shown in Figure 11 – Overcapacity Pipelines at General Plan Buildout and Figure 12 – Overcapacity Pipelines at Revitalization Plan Buildout.
3. The predicted average dry weather flow for both future buildout scenarios exceeds the 2.7 MGD capacity allotment from the RWQCP.
4. Existing pipelines and manholes have settled over time, and some of the pipelines have flat or reverse slopes.
5. The slopes of the District’s pipelines are relatively flat, and often less than 0.001. As a result, calculated velocities at average dry weather flow for both the present and future scenarios were often less than 2.0 feet per second (fps). The calculated velocities indicate that the District may have a problem with blockages in the collection system due to the settling out of solids in the flow. In fact, EPASD maintenance crews are required to frequently flush sewer pipelines throughout the District to prevent blockages.



6. The siphon under San Fransquito Creek causes surcharging in the pipeline in O'Connor Street directly upstream of the siphon (manholes T15 to T14) during both present and future peak flows. EPASD maintenance crews have verified the occurrence of surcharging in this pipeline. Additionally, grease gets trapped in the pipelines just upstream of the siphon requiring frequent routine maintenance.

### **Recommended Improvement Projects**

Improvement projects were developed to accommodate future flows for the two future development scenarios. Base projects consisting of pipeline replacement in the same alignment were developed for overcapacity pipelines. Where applicable, alternatives to the base project were developed taking into account potential pipeline realignment, flow diversion out of the District, and the addition of a pump station. The base projects and alternative projects were compared to identify the most effective plan for upgrading the current collection system to meet future flow demands. The alternative comparison is presented in Table ES-2.

Estimated improvement project costs are anticipated to be \$10 million to \$12 million. Table ES-3 includes a list of the specific recommended improvement projects needed to accommodate peak wet weather flows at full buildout of the General Plan. Table ES-4 includes a list of the specific projects needed to accommodate the peak wet weather flows at full buildout of the Revitalization Plan. These recommended improvement projects are shown in Figures 17 and 18 for each development scenario, respectively.

### **Project Priorities**

The recommended improvements were developed to accommodate future peak wet weather flows for the full buildout development scenarios. It is likely that development will be phased over the next 10 years or more. Therefore, not all of the recommended improvement projects will need to be constructed immediately. The improvement projects were prioritized based on expected development phasing. Projects included in Priority 1 will be required to accommodate the planned development at University Circle and along University Avenue. Priority 1 projects include pipelines located in the following streets:

- Donohoe St. between Euclid Ave. and Cooley Ave.
- Cooley Ave. between Donohoe St. and Green St.
- Green St. between Cooley Ave. and Clarke Ave.
- Clarke Ave. between Green St. and Beech St.
- Beech St. from Clarke Ave. to the eastern end Beech St.

In addition, further study of the alternatives for trunkline improvements from the siphon to the RWQCP is a Priority 1 project.

Priority 2 projects will be required to accommodate future flows from some of the Revitalization Areas, to address the portion of the main located in contaminated soil, and well as to accommodate the development from Ravenswood Villages and the redevelopment south of Highway 101. Priority 2 projects include pipelines located in the following streets:

- Trunkline construction from the siphon to the RWQCP

- Reroute trunkline (MH A29 to T21) outside area of contamination
- O'Connor Street east of Pulgas Ave.
- Pulgas Ave. between East Bayshore Rd. and O'Connor St.
- Trunkline between MH T23 and Siphon

Improvement projects not included in either priority 1 or 2 should be constructed as necessary to accommodate flows from future development.

### **Summary of Recommendations**

1. Develop a preliminary plan for accommodating increased flows and revise the District's connection fees accordingly.
2. Closely monitor future development and implement recommended improvements as they become necessary.
3. Initiate discussions with the RWQCP for additional capacity.
4. Study alternatives for increasing the capacity of the trunkline from the siphon to the RWQCP. A recommended alternative was not selected because the following issues require further investigation before an improvement project can be selected:
  - Condition of existing siphon and trunkline.
  - Environmental compliance: construction in environmentally sensitive areas will trigger an Initial Study and maybe an EIR.
  - Easement conditions.

Because of its length and location, any improvements to the trunkline will be very costly.

5. The total flow from the District is currently reported by the RWQCP. The method used to calculate the District flow is unclear. It may be calculated as the difference between the total flow to the RWQCP and sum of the metered flow from the RWQCP's other customers or measured by the Parshall flume currently installed between manholes M5 and M6. It is recommended that the District install and maintain a trunkline flow meter that can be used to track future District flows.
6. Reduce inflow and infiltration into the system. I/I reduction will be achieved to some extent by replacing existing pipelines. However, the majority of the I/I is from service laterals. It is recommended that the District require that service laterals be replaced when the pipeline to which they connect is replaced.

# Chapter 7 Result Summary

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## Chapter 7.1 - Observations

The following is a summary of general observations about the results of the model:

1. Under the present flow scenarios, the capacity of the existing pipelines is adequate to handle current peak wet weather flows.
2. A large portion of the collection system, including the trunkline to the RWQCP, is at capacity now, and future buildout flows will overwhelm many of the mains in the existing system. Many of the pipelines included in the model were listed as overcapacity during peak wet weather flow scenarios. The dry weather flow capacity of the RWQCP is 38 MGD. The District has an agreement with the RWQCP, which entitles the District to 7.63% of the dry weather capacity of the RWQCP, approximately 2.9 MGD. The predicted average dry weather flow for both future buildout scenarios exceeds the capacity allotment from the RWQCP.
3. Some pipes may be relatively flat due to settlement
4. The slopes of the District's pipelines are relatively flat. As a result, calculated velocities at average dry weather flow for both the present and future scenarios were often low. The ideal minimum velocity of sewage flows in a gravity pipeline is 2.0 fps to prevent settling of the solids out of the flow. The calculated velocities indicate that the District may have a problem with blockages in the collection system due to the settling out of solids in the flow. In fact, EPASD maintenance crews are required to frequently clean sewer pipelines throughout the District to prevent blockages.
5. The siphon under San Francisquito Creek causes surcharging during both present and future peak flows. EPASD maintenance crews have verified the occurrence of surcharging in this pipeline. Additionally, grease gets trapped in the pipelines just upstream of the siphon requiring frequent routine maintenance.

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Monday, January 04, 2021 1:56 PM  
**To:** Tom Morse  
**Cc:** Tim Steele (tsteele@sobrato.com); Robert Tersini (rtersini@sobrato.com)  
**Subject:** {\*Ex} Re: University Phase 2 Capacity Fee Proposal

The developer needs to install the pipe recommended by the consultant and pay capacity fees at 6060 per equivalent EDU. I will forward this to you in a letter. This is very straight forward.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Tom Morse <[TMorse@BKF.com](mailto:TMorse@BKF.com)>  
**Sent:** Monday, January 4, 2021 9:23 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Tim Steele ([tsteele@sobrato.com](mailto:tsteele@sobrato.com)) <[tsteele@sobrato.com](mailto:tsteele@sobrato.com)>; Robert Tersini ([rtersini@sobrato.com](mailto:rtersini@sobrato.com)) <[rtersini@sobrato.com](mailto:rtersini@sobrato.com)>  
**Subject:** University Phase 2 Capacity Fee Proposal

Good morning Akin,

I hope the new year is treating you well. Based on our zoom meeting on December 1, I understood the East Palo Alto Sanitary District would put together a proposal for the University Plaza Phase 2 capacity fees by the end of the December. Can you let us know when we can expect to receive the fee proposal? Is there anything you need from our team to help?

Thanks,  
Tom

Thomas R. Morse, P.E.  
Vice President  
BKF ENGINEERS  
650.482-6419  
[tmorse@bkf.com](mailto:tmorse@bkf.com)

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We all need to do our part to reduce the spread of COVID-19 in our communities. Our top priority at BKF is the health and safety of our staff and we have successfully transitioned all of our employees to a remote work environment. Additionally, our robust

infrastructure allows us to keep our projects moving forward and to continue being responsive to our work, our deadlines, and our clients. We remain available to you via email, phone, and virtual meetings during our normal business hours.

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# Holland & Knight

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January 14, 2020

*Via Electronic Mail*

Akin Okupe  
General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

**Re: Capacity Charges for University Plaza Phase II and 1200 Weeks Street Projects**

Mr. Okupe,

On behalf of our client, the Sobrato Organization (“Sobrato”), developer of the University Plaza Phase II project, and Sheppard Mullin’s client, The Primary School (“TPS”), developer of the 1200 Weeks Street (each a “Project”, collectively, the “Projects”), enclosed please find the technical analyses you requested on November 26, 2019.

As discussed at the Engineering Committee Meeting at the East Palo Alto Sanitary District’s (“District”) office on December 10, 2019, Sobrato and TPS continue to disagree with your position that the District’s sanitary sewer system lacks sufficient capacity to connect to and serve the Projects. Additionally, we strongly oppose the District’s attempts to levy \$6.13 million and \$4.08 million dollars in “probable project costs” against the Projects, respectively (as mentioned in the draft Freyer & Lauretta memoranda, dated October 28 and 29, 2019). While state law permits the District to levy reasonable connection fees and capacity charges of a “proportional benefit” to projects (Gov. Code § 66013), nothing in state law or the District’s own regulations permit it to levy disproportional “probable project costs” against individual projects for District-wide improvements.

The attached independent, technical memoranda prepared by Kennedy Jenks and BKF Engineers note that “capacity charges” levied against the Projects should be calculated pursuant to the methodology set forth in the December 2018 Bartle Wells Report (*i.e.*, the Equivalent Dwelling Unit calculation for non-residential connections), which the District’s Board adopted on January 10, 2019 in Resolution No. 1238. **Pursuant to this methodology, the appropriate capacity**

**charges levied against the Projects are as follows: \$224,410 for UPP2, and \$228,494 for 1200 Weeks Street.**

We look forward to discussing this matter with you further to reach a mutually agreeable solution. If we cannot come to an agreeable solution, Sobrato and TPS are fully prepared to seek relief from the District's Board pursuant to Section 205 of the District's Code, and beyond, if necessary. Please be advised that we have not discussed this matter with the District's legal counsel, but recommend that you engage counsel prior to further discussions on this subject.

Regards,



Tamsen Plume

Holland & Knight, LLP



Kevin J. Ashe

Holland & Knight, LLP



Jennifer Renk

Sheppard Mullin Richter &  
Hampton, LLP

cc:

Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tom Morse, BKF Engineers  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton, LLP  
Ashley Stanley, BKF Engineers  
Patrick Bosch, BKF Engineers  
John Rayner, Kennedy Jenks  
Kamal Fallaha, City of East Palo Alto  
Rafael Alvarado, City Attorney, City of East Palo Alto  
Carlos Castellanos, MidPen Housing Corp.

Enclosures:

- BKF Engineers, Technical Memorandum re University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation, dated January 13, 2020
- Kennedy Jenks, Technical Memorandum re Review of Freyer & Laureta October 29, 2019 Draft Memorandum re University Plaza Phase II Development
- BKF Engineers, Technical Memorandum re The Primary School – Sanitary Sewer Capacity Fee Calculation, dated January 13, 2020
- Kennedy Jenks, Technical Memorandum re Review of Freyer & Laureta October 28, 2019 Draft Memorandum re 1200 Weeks Street Development

**BKF Engineers**  
**Technical Memorandum re University Plaza Phase 2 – Sanitary**  
**Sewer Capacity Fee Calculation, dated January 13, 2020**



January 13, 2020  
BKF Job No.: C20160076

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

*Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)*

**Subject: University Plaza, Phase 2, East Palo Alto, CA  
Sewer System Hydraulic Modeling  
October 29, 2019 Freyer & Laureta Memorandum**

Dear Mr. Okupe:

Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – University Phase II Development," prepared by Freyer & Laureta, Inc dated October 29, 2019 and the Wastewater Capacity Charge Update prepared by Bartle Wells Associates, dated December 2018 (Bartle Wells Report).

During our December 10, 2019 meeting with the District, you noted that the Bartle Wells Report establishes "capacity fees" for new projects served by the District. The Bartle Wells Report establishes a methodology to "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Implementing this methodology and fee structure to address system capacity is more appropriate than one off analyses for individual projects, as was done in the Freyer & Laureta memorandum. In light of this, we have included as Attachment A a sanitary sewer capacity fee calculation memorandum for the University Plaza Phase 2 project based on the Equivalent Dwelling Unit (EDU) methodology identified in the Bartle Wells Report.

While we believe that the capacity fee discussed above should be the only capacity fee applicable to new development served by the District, we have reviewed the Freyer & Laureta memorandum and have several questions and concerns outlined below.

1. The project as approved by the East Palo Alto City Council has been reduced to include 203,967 square feet of office space and 8,690 square feet of community flex space.
2. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor.

While one might consider this methodology for a single building or small campus it is not appropriate for a city wide sanitary sewer system where system peaks and time of use are already included as part of the flow monitoring complete to develop Master Plan Update. To apply this methodology universally would require a continuous simulation model instead of the static, peak flow model used.

An additional peaking factor of 5.8 was used in the model. This is the single highest peak factor identified in the Master Plan Update. Portions of the system that serve the proposed project site have smaller peaking factors. As identified in the Master Plan Update, this peaking factor is for Peak Wet Weather Flow that includes the system diurnal peak and significant system rain water dependent inflow and infiltration. Since this new project will not contribute additional rain water dependent inflow and infiltration, the peaking factor should be reduced.

This overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto. Based on analysis of nodes E2, I3 and T13 in the 2015 Master Plan update the maximum ADWF to PDWF peak is 1.7 at node E2. The remainder of the peaking factor is wet weather inflow and infiltration that is an existing condition and not increased by the proposed project.

3. The Memorandum states, "...the model does indicate there is a potential for SSOs as a result of the peak flows from the development." However, Figure 2 – Peak flow Hydraulic Grade Line shows available freeboard between the system hydraulic grade and existing ground even using the overly conservative peaking factors.
4. The peak flow hydraulic grade line for the existing condition is not presented and there is no discussion of the existing surcharge condition during peak wet weather events. Please note that it is common practice to allow some surcharge of a sanitary sewer system during peak wet weather events in existing pipes as new projects are added to the system and future capital improvement upgrades are scheduled.
5. While this memorandum identifies that significant system improvements are required, these improvements are substantially the same improvements identified in the Master Plan Update and used as the basis for the Bartle Wells Report (e.g.: increasing the size of the 15" sewer main on Beech street and Green Street). This "double counting" of improvements is further evidence that only the capacity charges recommended in the Bartle Wells Report should apply to the project.
6. Numerous system improvements identified in this memorandum are also identified in the Freyer & Laureta, Inc. memorandum prepared for the Primary School, 1200 Weeks Street development, dated October 28, 2019. The section of sewer main between T19 and T16 is included in both summaries of "probable projects costs" with no discussion of fair share costs.

7. The Master Plan Update recommends a Capital Improvement Program. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified?

Please let us know if a meeting would be helpful to discuss these comments. We look forward to working with your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6419 if you have any questions regarding these comments.

Sincerely,

**BKF Engineers**



Thomas R. Morse, PE, LEED® AP  
Vice President

Attachment:

- Attachment A: University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation

cc:

Kamal Fallaha, City of East Palo Alto  
Tim Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tamsen Plume, Holland & Knight, LLP  
Kevin Ashe, Holland & Knight, LLP  
John Rayner, Kennedy Jenks  
Sachi Itagaki, Kennedy Jenks  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton, LLP  
Carlos Castellanos, MidPen Housing Corp.  
Ashley Stanley, BKF Engineers  
Cole Gaumnitz, BKF Engineers

---

**Date:** January 13, 2020 **BKF Job Number:** 20160076

**Deliver To:** **Akin Okupe, General Manager, East Palo Alto Sanitary District**  
**Joan Sykes-Miessi, Vice President, Board of Directors**  
**Dennis Scherzer, Director, Board of Directors**

**From:** **Thomas Morse**

**Subject:** **University Plaza Phase 2 – Sanitary Sewer Capacity Fee Calculation**

---

### **Purpose**

The purpose of this memorandum is to provide a summary of East Palo Alto Sanitary District (District) sanitary sewer capacity fee calculations associated with the University Plaza Phase 2 (UPP2) development.

### **Background**

The UPP2 development encompasses approximately 2.60 acres in East Palo Alto, situated north of Donohoe Street, between University Avenue, the existing Chevron Gas Station, and the Ravenswood School District Bus Yard. Donohoe Street has an existing 12-inch sanitary sewer main that flows east toward University Avenue.

The site is currently occupied by paved and unpaved parking areas and existing buildings including a pharmacy and a Stanford Law Clinic totaling 11,495 square feet. The proposed development includes two buildings: a 6-story parking garage with 8,690 square feet of Community Flex Space and a 7-story office building with 203,967 square feet of office space as approved by the East Palo Alto City Council December 17, 2019.

### **Methodology**

The sanitary sewer capacity fee is based on the Equivalent Dwelling Unit (EDU) methodology and adopted per EDU capacity fee identified in the December 2018 Wastewater Capacity Charge Update Study prepared by Bartle Wells Associates.<sup>1</sup> The EDU methodology for non-residential connections is:

#### **EDU Formulas for Non-Residential Connections<sup>2</sup>**

Number of EDUs =  $0.871 * \text{Flow}/240 \text{ gpd} + 0.060 * \text{BOD}/200 \text{ mg/l} + 0.067 * \text{SS}/200 \text{ mg/l}$

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<sup>1</sup> East Palo Alto Sanitary District *Wastewater Capacity Charge Update* (Dec. 2018) at 10.

<sup>2</sup> As of the date of this memorandum, it remains unclear whether the District Board has adopted the capacity fee structure recommended by Bartle Wells Associates. On December 18, 2019, the Sobrato Organization (through counsel) submitted a public records act request for confirmation that the District has adopted this capacity fee methodology. This memorandum assumes that the District has adopted the capacity fee methodology proposed in the Bartle Wells Associated December 2018 report.

Under this methodology, the first step is to calculate the average day dry weather flow based on the unit demands provided to the District in the original BKF Sewer Demand Memorandum dated July 30 2018 and used in the Freyer and Laureta October 29, 2019 East Palo Alto sanitary District – University Phase II Development Memorandum. EDUs are then calculated based on typical residential household average day dry weather demand of 240 gallons per day (gpd) per EDU. The capacity fee per EDU is then applied to develop the project specific capacity fee. A credit is applied for existing retail and medical office uses on the site and for the total of deposits already provided to the District.

### **Existing Sanitary Sewer Demand Calculations**

The Average Dry Weather Flow (ADWF) for the existing sewer demand is calculated by taking the area of the existing building area and multiplying by a demand factor of 0.09 gpd per square foot (gpd/sf).

Existing sanitary sewer demand is estimated to be approximately 1,035 gpd ADWF. This equates to 4.31 EDUs.

### **Proposed Sanitary Sewer Demand Calculation**

The ADWF sanitary sewer demand for the UPP2 buildings is calculated by taking the proposed building areas and multiplying by the appropriate demand factors. This includes 203,967 square feet of office space at a demand factor of 0.05 gpd/sf and 8,690 square feet of Community Flex Space at a demand factor of 0.09 gpd/sf.

The proposed project sanitary sewer demand is estimated to be 10,980 gpd ADWF. This equates to 45.75 EDUs.

### **Project Sanitary Sewer Fee Calculation**

The proposed UPP2 project sanitary sewer capacity fee calculation is included as Table A included as an attachment to this memorandum.

As outlined in the 2018 Bartle Wells Associated Wastewater Capacity Charge Update the identified capacity fee is \$6,060 per EDU to, "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project."

**Based on this per EDU fee and the EDUs identified and allocated credits, the project sanitary sewer capacity fee is \$224,410.**

#### ATTACHMENTS:

- Table A – University Plaza Phase 2 Project Sanitary Sewer Capacity Fee Calculations

**TABLE A: UNIVERSITY PLAZA PHASE 2 PROJECT  
SANITARY SEWER CAPACITY FEE**

Proposed Use	Square Footage (SF) <sup>1</sup>	Demand Factor (gpd/SF) <sup>2</sup>	Average Dry Weather Flow (GPD)	EDU <sup>3</sup>	\$/EDU <sup>4</sup>	Capacity Fee	Comment
<b>PROPOSED PROJECT</b>							
Office	203,967	0.05	10,198	42.49	\$ 6,050	\$ 257,084	
Community Flex Space	8,690	0.09	782	3.26	\$ 6,050	\$ 19,716	
<b>Subtotal</b>			<b>10,980</b>	<b>45.75</b>		<b>\$ 276,800</b>	
<b>EXISTING USES AND DEPOSIT CREDITS</b>							
Office	-7,129	0.09	-642	-2.67	\$ 6,050	\$ (16,174)	Older Buildings, no water-saving fixtures
Medical Office	-4,366	0.09	-393	-1.64	\$ 6,050	\$ (9,906)	Older Buildings, no water-saving fixtures
Deposits						\$ (26,310)	\$15,000 + \$11,310
<b>Subtotal</b>			<b>-1,035</b>	<b>-4.31</b>		<b>\$ (52,390)</b>	
<b>TOTAL</b>			<b>12,015</b>	<b>41.44</b>		<b>\$ 224,410</b>	

**Table Notes:**

- Proposed building floor area based on project entitlements. Existing floor area based on actual building size and uses
- Unit demands for proposed office use based on the East Palo Alto Sanitary District - University Phase II Development Memorandum dated October 29, 2019 Prepared by Freyer and Laureta for the East Palo Alto Sanitary District and Item 2 of the August 6, 2019 letter from the East Palo Alto Sanitary District regarding University Plaza Phase 2, East Palo Alto - Sewer System Hydraulic Modeling.
- Capacity fee calculation is based on the Equivalent Dwelling Unit (EDU) methodology. Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates 1 EDU = 240 gallons per day.
- Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates the capacity fee for 1 EDU = \$6060.

**Kennedy Jenks**  
**Technical Memorandum re Review of Freyer & Laureta**  
**October 29, 2019 Draft Memorandum re University Plaza**  
**Phase II Development, dated January 13, 2020**

13 January 2020

## Technical Memorandum

To: Tim Steele  
From: John H. Rayner PE  
Subject: Review of F&L Oct 29 Draft Memorandum re University Phase II Development  
KJ 1964020.00

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### Background

The subject memo was written by Freyer & Laureta, engineers for East Palo Alto Sanitary District, to estimate the sewage generated by the proposed University Plaza Phase II Development, to be constructed on a 2.60 acre parcel in East Palo Alto, and estimate its impact on the District's collection system. The Development is proposed to have 231,883 square feet of office space. Using a sewage generation rate of 0.05 gallons per day (GPD) per square foot, the Development's average daily sewage flow is estimated to be 11,594 GPD. Based on the measured peak flow during wet weather at site E2, a sewer manhole downstream of the Development, a peaking factor of 5.8 is estimated for the Development.

At its meeting on December 17, 2019, the EPA City Council approved the Development with its office space reduced to 212,657 square feet.

The F&L memo then inserts the flow estimates for the Development into its hydraulic model of the EPASD collection system. The model results are shown graphically as hydraulic profiles on Figures 1,2 and 3 in the memo. Figure 1 shows average flow conditions. The hydraulic grade line shows the depth of sewage in sewers along the flow path, from the Development to the siphon under San Fransquito Creek. There are no problems shown under average flow conditions. Figure 2 shows the same sewers under peak flow conditions. The hydraulic grade line is now shown above the top of sewers, indicating that the sewers are flowing full and under low pressure because the level of sewage inside manholes has risen above the top of the sewers (the sewers are flowing surcharged). However, the hydraulic grade line is below the ground surface indicating there are no sanitary sewage overflows. Figure 3 shows what the hydraulic grade line would be if the first 4599' of 12" and 15" sewers would be replaced with 20" sewers and the next 2,820' of 18" and 21" sewers would be replaced with 28" sewers. The cost of replacing these sewers is estimated to be \$6,130,600 in the F&L memo.



## Technical Memorandum

Tim Steele  
13 January 2020  
KJ 1968020.00  
Page 2

### Review

The sewage generation from the University Plaza Phase II Development needs to be analyzed at 212,657 square feet of office space, approved by the City Council, instead of the initially proposed 231,883 square feet of office space.

The use of a 5.8 peaking factor used in the F&L memo for the Development was calculated by dividing meter readings during peak wet weather flow (PWWF) by the average dry weather flow (ADWF) from a metering station downstream of the Development. The flows were measured as part of a 2011/2012 flow monitoring program cited in the F&L memo. The District's sewage flows increase significantly during wet weather as rainwater enters the sewers directly through inflow and indirectly from increased groundwater infiltration. Neither of these sources of additional sewage flow during wet weather are significant factors in new office building projects so the 5.8 peaking factor used for estimating the Development's impact on the collection system should be significantly lower (probably closer to 3.0). A higher peaking factor may be appropriate to use in analyzing the capacity of onsite sewers and those serving just the Development and a small local area but not for analyzing the overall collection system. In analyzing the hydraulics of collection systems, its standard practice to reduce peaking factors as the collection system receives additional flow from more sources.

With only one exception, the sewer size increases proposed in the F&L memo are greater than those shown in the EPASD 2015 Master Plan by F&L. The proposed sewer size increases in the Master Plan are those required to increase sewer capacity to "... handle future flows". Unlike the F&L memo, the Master Plan does not show that sewers on Donohoe Street and Cooley Avenue need to be increased in size. The Master Plan (MP) does show that the other sewers listed in the F&L memo, from Green Street to the Trunkline manhole T16, will eventually need to be increased in size, however, the sizes differ from those in the F&L memo (Green and Clarke Streets: 18" in MP and 20" in F&L memo; Beech Street to Pulgas Avenue: 24" in MP and 20" in F&L memo; Beech Street to Trunkline manhole T16: 24" in MP and 28" in F&L memo). The 2016 Sewer Trunkline Realignment project replaced the 18" sewer on Beech Street between manhole I3 and T20 with a new 24" sewer. It's also noted that 1,522' of 21" sewers listed in the F&L memo as needing to be replaced with 28" sewers by the University Plaza Phase II Development, are the same sewers listed as needing to be replaced in the October 28<sup>th</sup> F&L Draft Memorandum for the Primary School project.

## Technical Memorandum

Tim Steele  
13 January 2020  
KJ 1968020.00  
Page 3

The estimated sewer replacement cost of \$6,130,600 in the F&L memo, is represented as a capacity fee for the Development which would far exceed the reasonable cost of providing service for just the Development. According to the California Government Code, a capacity fee must be proportional to the benefit of the property being served and the California Health and Safety Code states that special districts can only charge a property for its proportional share of the line. The sewer size increases proposed in both the F&L memo and the Master Plan are intended to convey flow from future buildout and are not solely necessary to convey sewage from just the Development. The capacity fee charged by EPASD needs to be consistent with these requirements.

Once we have all the files required for the hydraulic model, we will run the model to evaluate the impact of the University Plaza Phase II Development on the District's collection system and to estimate its proportionate share of any upgrade costs.

**BKF Engineers**  
**Technical Memorandum re The Primary School – Sanitary**  
**Sewer Capacity Fee Calculation, dated January 13, 2020**

January 13, 2020  
BKF Job No.: C20150053

Mr. Akin Okupe, General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

Transmitted Via Email: [aokupe@epasd.com](mailto:aokupe@epasd.com)

**Subject: The Primary School, East Palo Alto, CA  
Sewer System Hydraulic Modeling  
October 29, 2019 Freyer & Laureta Memorandum**

Dear Mr. Okupe:

Thank you for forwarding the sanitary sewer analysis memorandum titled, "East Palo Alto Sanitary District – 1200 Weeks Street Development," prepared by Freyer & Laureta, Inc and dated October 28, 2019. We have reviewed the memorandum and have several questions and comments outlined below.

1. The project as approved by the East Palo Alto City Council includes maximum occupancies of 511 students and 70 staff.
2. The calculation of peak hour demand is not industry standard and does not match the methodology used in the March 2015 East Palo Alto Sanitary District Master Plan Update prepared by Freyer & Laureta, Inc. Dividing the average day flow by the assumed operational hours is unnecessary and provides an overly conservative peaking factor. While one might consider this methodology for a single building or small campus it is not appropriate for a city wide sanitary sewer system where system peaks and time of use are already included as part of the flow monitoring complete to develop Master Plan Update. To apply this methodology universally would require a continuous simulation model instead of the static, peak flow model used.

An additional peaking factor of 3.88 was used in the model. As identified in the Master Plan Update, this peaking factor is for Peak Wet Weather Flow that includes the system diurnal peak and significant system rain water dependent inflow and infiltration. Since this new project will not contribute additional rain water dependent inflow and infiltration, the peaking factor should be reduced.

This overly conservative methodology may unduly show impact to district wide facilities, hampering future development in the City of East Palo Alto.

3. The Memorandum makes reference to predicted SSO's, however, Figure 2 – Peak flow Hydraulic Grade Line shows available freeboard between the system hydraulic grade and existing ground even using the overly conservative peaking factors.

4. The peak flow hydraulic grade line for the existing condition is not presented and there is not discussion of the existing surcharge condition during peak wet weather events.
5. While this memorandum identifies that significant system improvements are required, these improvements are substantially the same improvements identified in the Master Plan Update.
6. The Master Plan Update recommends a Capital Improvement Program. What is the status of the recommended Capital Improvement Program? Has timing been confirmed and funding identified?

During our December 10, 2019 District meeting, you referenced the December 2018 Wastewater Capacity Charge Update prepared by Bartle Wells Associates. We understand that this document identifies a methodology to, "Equitably [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Implementing this methodology and fee structure to address system capacity is more appropriate than one off analysis of individual project. A sanitary sewer fee capacity calculation based on the Equivalent Dwelling Unit fees identified in the Wastewater Capacity Charge Update will be submitted separately.

Please let us know if a meeting would be helpful to discuss these comments. We look forward to working your team to refine the modeling and better understand the project and cumulative impacts. Please contact me at 650.482.6458 if you have any questions regarding these comments.

Sincerely,  
**BKF Engineers**

Ashley A. Stanley, PE, PLS, LEED® AP  
Associate

cc:  
Kamal Fallaha, City of East Palo Alto  
Jennifer Von der Ahe, The Primary School  
Jennifer Renk, Sheppard Mullin Richter & Hampton LLP  
Courtney Garcia, The Primary School  
Time Steele, The Sobrato Organization  
Robert Tersini, The Sobrato Organization  
Tamsen Plume, Holland & Knight, LLP  
Kevin Ashe, Holland & Knight, LLP  
John Rayner, Kennedy Jenks  
Sachi Itagaki, Kennedy Jenks  
Carlos Castellanos, MidPen Housing Corp.  
Ashley Stanley, BKF Engineers  
Cole Gaumnitz, BKF Engineers

**Date:** January 13, 2020

**BKF Job Number:** 20150053

**Deliver To:** **Akin Okupe, General Manager, East Palo Alto Sanitary District**  
**Joan Sykes-Miessi, Vice President, Board of Directors**  
**Dennis Scherzer, Director, Board of Directors**

**From:** **Ashley Stanley**

**Subject:** **The Primary School – Sanitary Sewer Capacity Fee Calculation**

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### **Purpose**

The purpose of this memorandum is to provide a summary of East Palo Alto Sanitary District (District) sanitary sewer capacity fee calculations associated with the Weeks Primary School (WPS) development.

### **Background**

The Primary School development encompasses approximately 2.60 acres in East Palo Alto, situated with Weeks Street to the north and Runnymede Street to the South. Weeks Street has an existing 6-inch sanitary sewer main that flows east toward a trunk line flowing south parallel to the Bay Trail.

The site is currently undeveloped. The proposed development includes two buildings: a 2-story main school building with 61,000 SF of classroom, associated office, and community meeting space, and a one-story gymnasium with 11,000 SF of athletic, associated space, and a laundry room.

### **Methodology**

The sanitary sewer capacity fee is based on the Equivalent Dwelling Unit (EDU) methodology and adopted per EDU capacity fee identified in the December 2018 Wastewater Capacity Charge Update Study prepared by Bartle Wells Associates. The first step is to calculate the average daily and peak flows based on the unit demands presented in the Kennedy Jenks Technical Memorandum, dated January 2020. These unit demands are based on anticipated occupancy and characteristic wastewater generation rates found in the 2010 California Plumbing Code.

Equivalent dwelling units are then calculated based on typical residential household average day dry weather demand of 240 gallons per day (gpd) per EDU. The capacity fee per EDU is then applied to develop the project specific capacity fee. A credit is applied for any existing uses on the site and for the total of deposits already provided to the District.

### **Existing Sanitary Sewer Demand Calculations**

The Average Dry Weather Flow (ADWF) for the existing sewer demand is calculated by taking the area of the existing building area and multiplying by a demand factor of 0.09 gpd per square foot (gpd/sf).

As the site is currently undeveloped, there is no existing demand.

### **Proposed Sanitary Sewer Demand Calculation**

The average daily sanitary sewer demand for the Primary School buildings is calculated by taking the proposed occupancy of the school and gymnasium and multiplying by the appropriate demand factors. This includes 511 students at 15gpd/person and 70 staff at 20gpd/person.

The proposed project sanitary sewer demand is estimated to be 9,065 gpd. This equates to 37.77 EDUs.

### **Project Sanitary Sewer Fee Calculation**

The proposed Primary School project sanitary sewer capacity fee calculation is included as Attachment A to this memorandum.

As outlined in the 2018 Bartle Wells Associated Wastewater Capacity Charge Update the identified capacity fee is \$6,060 per EDU to, "Equitable [recover] costs based on the new or increased capacity needs of each new development or redevelopment project." Based on this per EDU fee and the EDUs identified, the project sanitary sewer capacity fee is \$228,494.

#### **ATTACHMENTS:**

- Attachment A – The Primary School Project Sanitary Sewer Capacity Fee Calculations

**PRIMARY SCHOOL PROJECT  
SANITARY SEWER CAPACITY FEE**

Proposed Use	Occupancy (Persons) <sup>1</sup>	Wastewater flow (GPD) <sup>2</sup>	Average Flow (GPD)	EDU <sup>3</sup>	\$/EDU <sup>4</sup>	Capacity Fee	Comment
<b>PROPOSED PROJECT</b>							
Students	511	15	7,665	31.94	\$6,060	\$193,222	
Staff	70	20	1,400	5.83	\$6,060	\$35,272	
<b>Subtotal</b>			<b>9,065</b>	<b>37.77</b>		<b>\$ 228,494</b>	
<b>EXISTING USES AND DEPOSITS CREDITS</b>							
No Existing Uses	-	-	-	-	-	-	
Deposits	-	-	-	-	-	-	
<b>Subtotal</b>							
<b>TOTAL</b>			<b>9,065</b>	<b>37.77</b>		<b>\$ 228,494</b>	

**Table Notes:**

- Proposed building occupancy based on project entitlements.
- Wastewater demands for proposed use based on the 2010 California Plumbing Code, cited in Technical Memorandum created by Kennedy Jenks
- Capacity fee calculation is based on the Equivalent Dwelling Unit (EDU) methodology. Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates 1 EDU = 240 gallons per day.
- Based on the East Palo Alto Sanitary District Wastewater Capacity Charge Updated dated December 2018 and prepared by Bartle Wells Associates the capacity fee for 1 EDU = \$6060.



**Kennedy Jenks**  
**Technical Memorandum re Review of Freyer & Laureta**  
**October 28, 2019 Draft Memorandum re 1200 Weeks**  
**Street Development, dated January 13, 2020**

13 January 2020

## Technical Memorandum

To: Jennifer Von der Ahe  
From: John H. Rayner PE  
Subject: Review of F&L Oct 28 Draft Memorandum re 1200 Weeks Street Development  
KJ 1964020.00

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### Background

The subject memo was written by Freyer & Laureta, engineers for East Palo Alto Sanitary District, to estimate the sewage generated by the proposed Primary School, to be constructed at 1200 Weeks Street in East Palo Alto. The memo estimates the school's average daily and peak sewage flows and its impact on the District's collection system. The memo estimates the total occupancy of the school as 224 people and uses a waste fixture unit count of 350 to estimate an average daily sewage flow of 49,755 gallons per day (GPD) and a peak instantaneous flow of 193,080 GPD.

The memo then inserts the flow estimates for the Primary School into a hydraulic model of the EPASD collection system. The model results are shown graphically as hydraulic profiles on Figures 1,2 and 3 in the memo. Figure 1 shows average flow conditions. The hydraulic grade line shows the depth of sewage in sewers along the flow path, from the Primary School to the siphon under San Fransquito Creek. There are no problems shown under average flow conditions. Figure 2 shows the same sewers under peak flow conditions. The hydraulic grade line is now shown slightly above the top of sewers, indicating that the sewers are flowing full and under low pressure because the level of sewage inside manholes has risen above the top of the sewers (the sewers are flowing surcharged) but the hydraulic grade line is still well below the ground surface indicating there are no sanitary sewage overflows. Figure 3 shows what the hydraulic grade line would be if the first 477' of 6" sewer, near the school, would be replaced with a 10" sewer and the next 3,434' of 18" and 24" sewers would be replaced with 28" sewers. The cost of replacing these sewers is estimated to be \$4,086,600 in the F&L memo.

### Review

The method used in the F&L memo for estimating average daily flow was to use 95% of the water supply requirements found in the plumbing code for the 350 waste fixture units at the school. Waste fixture units are used to ensure that water supply pipelines are sized properly. The plumbing code does not use waste fixture units to estimate sewage generation. Instead the

## Technical Memorandum

Jennifer Von der Ahe  
 13 January 2020  
 KJ 1968020.00  
 Page 2

2010 California Plumbing Code uses the enclosed Table K-3 to estimate sewage generation for a variety of building uses. Sewage generation estimates for elementary students are listed in the Code as 15 GPD/student and 20 GPD/person for staff.

We reviewed with the occupancy of the school with the architect who confirmed that the planning documents and conditions of approval from the City of East Palo Alto list occupancy as 511 students plus 70 staff. This is significantly greater than the total occupancy of 224 estimated in F&L's memo. Applying the higher occupancy to the sewage generation rates in the 2010 California Plumbing Code yields an average sewage generation rate of 9,065 GPD. Allowing for part-time staff, parents' meetings, occasional use of the gym by others and other miscellaneous uses, the estimated sewage generation for the Primary School should not exceed 10,000 GPD. This is about 20% of F&L's estimate, using waste fixture units, of 49,755 GPD.

Except for the Weeks Street sewer between manholes F7 and T25, the sewer size increases proposed in the F&L memo are greater than those shown in the EPASD 2015 Master Plan by F&L. The proposed sewer size increases in the Master Plan are those required to increase sewer capacity to "... handle future flows". The Master Plan shows that the 3,434' of Trunkline between manholes T25 and T16 needs to be replaced with 24" sewers, instead of 28" sewers as in the F&L memo. The 2016 Sewer Trunkline Realignment project recently replaced about 600' of this same section of Trunkline with new 24" sewer, not 28" sewer. It's also noted that 1522' of 21" sewers listed in the F&L memo as needing to be replaced with 28" sewers by the Primary School project, are the same sewers listed as needing to be replaced in the October 29<sup>th</sup> F&L Draft Memorandum for the University Plaza Phase II Development.

The estimated sewer replacement cost of \$4,086,600 in the F&L memo, is represented as a capacity fee for the Primary School which would far exceed the reasonable cost of providing service for just the School. According to the California Government Code, a capacity fee must be proportional to the benefit of the property being served and the California Health and Safety Code states that special districts can only charge a property for its proportional share of the line. The sewer size increases proposed in both the F&L memo and the Master Plan are intended to convey flow from future buildout and are not solely necessary to convey sewage from just the Primary School. The capacity fee charged by EPASD needs to be consistent with these requirements.

Based on our analysis, the hydraulic model of the EPASD collection system should be reanalyzed using the lower average daily flow of 10,000 GPD for the Primary School. Once we have all the files required for the hydraulic model, we will use the lower sewage generation rate

## **Technical Memorandum**

Jennifer Von der Ahe

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for the Primary School to reevaluate its impact on the District's collection system and to estimate its proportionate share of any upgrade costs.

Enclosure: 2010 California Plumbing Code, pages 464 & 465

## APPENDIX K PRIVATE SEWAGE DISPOSAL SYSTEMS

### K 1.0 Private Sewage Disposal – General.

- A. Where permitted by Section 713.0, the building sewer shall be permitted to be connected to a private sewage disposal system complying with the provisions of this appendix. The type of system shall be determined on the basis of location, soil porosity, and groundwater level, and shall be designed to receive all sewage from the property. The system, except as otherwise approved, shall consist of a septic tank with effluent discharging into a subsurface disposal field, into one (1) or more seepage pits, or into a combination of subsurface disposal field and seepage pits. The Authority Having Jurisdiction shall be permitted to grant exceptions to the provisions of this appendix for permitted structures that have been destroyed due to fire or natural disaster and that cannot be reconstructed in compliance with these provisions provided that such exceptions are the minimum necessary.
- B. Where the quantity or quality of the sewage is such that the above system cannot be expected to function satisfactorily for commercial, agricultural, and industrial plumbing systems; for installations where appreciable amounts of industrial or indigestible wastes are produced; for occupancies producing abnormal quantities of sewage or liquid waste; or when grease interceptors are required by other parts of this code, the method of sewage treatment and disposal shall be first approved by the Authority Having Jurisdiction. Special sewage disposal systems for minor, limited, or temporary uses shall be first approved by the Authority Having Jurisdiction.
- C. Disposal systems shall be designed to utilize the most porous or absorptive portions of the soil formation. Where the groundwater level extends to within twelve (12) feet (3,658 mm) or less of the ground surface or where the upper soil is porous and the underlying stratum is rock or impervious soil, a septic tank and disposal field system shall be installed.
- D. Disposal systems shall be located outside of flood hazard areas.  
**Exception:** Where suitable sites outside of flood hazard areas are not available, disposal systems shall be permitted to be located in flood hazard areas on sites where the effects of inundation under conditions of the design flood are minimized.
- E. All private sewage disposal systems shall be so designed that additional seepage pits or subsurface drain fields, equivalent to not less than one-hundred (100) percent of the required original system, shall be permitted to be installed where the original system cannot absorb all the sewage. No division of the lot or erection of structures on the lot shall be made if such division or structure impairs the usefulness of the one-hundred (100) percent expansion area.
- F. No property shall be improved in excess of its capacity to properly absorb sewage effluent by the means provided in this code.  
**Exception:** The Authority Having Jurisdiction shall be permitted to, at its discretion, approve an alternate system.
- G. No private sewage disposal system, or part thereof, shall be located in any lot other than the lot that is the site of the building or structure served by such private sewage disposal system, nor shall any private sewage disposal system or part thereof be located at any point having less than the minimum distances indicated in Table K-1.  
Nothing contained in this code shall be construed to prohibit the use of all or part of an abutting lot to provide additional space for a private sewage disposal system or part thereof when proper cause, transfer of ownership, or change of boundary not in violation of other requirements has been first established to the satisfaction of the Authority Having Jurisdiction. The instrument recording such action shall constitute an agreement with the Authority Having Jurisdiction, which shall clearly state and show that the areas so joined or used shall be maintained as a unit during the time they are so used. Such agreement shall be recorded in the office of the County Recorder as part of the conditions of ownership of said properties and shall be binding on all heirs, successors, and assigns to such properties. A copy of the instrument recording such proceedings shall be filed with the Authority Having Jurisdiction.
- H. When there is insufficient lot area or improper soil conditions for adequate sewage disposal for the building or land use proposed, and the Authority Having Jurisdiction so finds, no building permit shall be issued and no private sewage disposal shall be permitted. Where space or soil conditions are critical, no building permit shall be issued until engineering data and test reports satisfactory to the Authority Having Jurisdiction have been submitted and approved.
- I. Nothing contained in this appendix shall be construed to prevent the Authority Having Jurisdiction from requiring compliance with additional requirements than those contained herein, where such additional requirements are essential to maintain a safe and sanitary condition.
- J. Alternate systems shall be permitted to be used only by special permission of the Authority Having Jurisdiction after being satisfied of their adequacy. This authorization is based on extensive field and test data from conditions similar to those at the proposed site, or require such additional data as necessary to provide assurance that the alternate system will produce continuous and long-range results at the proposed site, not less than equivalent to systems which are specifically authorized.

If demonstration systems are to be considered for installation, conditions for installation, maintenance, and monitoring at each such site shall first be established by the Authority Having Jurisdiction.

Approved aerobic systems shall be permitted to be substituted for conventional septic tanks provided the Authority Having Jurisdiction is satisfied that such systems will produce results not less than equivalent to septic tanks, whether their aeration systems are operating or not.

### **K 2.0 Capacity of Septic Tanks.**

The liquid capacity of all septic tanks shall conform to Tables K-2 and K-3 as determined by the number of bedrooms or apartment units in dwelling occupancies and the estimated waste/sewage design flow rate or the number of plumbing fixture units as determined from Table 7-3 of this Code, whichever is greater in other building occupancies. The capacity of any one (1) septic tank and its drainage system shall be limited by the soil structure classification, as specified in Table K-4.

### **K 3.0 Area of Disposal Fields and Seepage Pits.**

The minimum effective absorption area in disposal fields in square feet ( $m^2$ ), and in seepage pits in square feet ( $m^2$ ) of sidewall, shall be predicated on the required septic tank capacity in gallons (liters) and/or estimated waste/sewage flow rate, whichever is greater, and shall conform to Table K-4 as determined for the type of soil found in the excavation, and shall be as follows:

1. When disposal fields are installed, a minimum of one-hundred and fifty (150) square feet ( $14 m^2$ ) of trench bottom shall be provided for each system exclusive of any hard pan, rock, clay, or other impervious formations. Sidewall area in excess of the required twelve (12) inches (305 mm) and a maximum of thirty-six (36) inches (914 mm) below the leach line shall be permitted to be added to the trench bottom area when computing absorption areas.
2. Where leaching beds are permitted in lieu of trenches, the area of each such bed shall be not less than fifty (50) percent greater than the tabular requirements for trenches. Perimeter sidewall area in excess of the required twelve (12) inches (305 mm) and a maximum of thirty-six (36) inches (914 mm) below the leach line shall be permitted to be added to the trench bottom area when computing absorption areas.
3. No excavation for a leach line or leach bed shall be located within five (5) feet (1,524 mm) of the water table nor to a depth where sewage may contaminate the underground water stratum that is usable for domestic purposes.

**Exception:** In areas where the records or data indicate that the groundwaters are grossly degraded, the five (5) foot (1,524 mm) separation requirement shall be permitted to be reduced by the Authority Having Jurisdiction. The applicant shall supply evidence of groundwater depth to the satisfaction of the Authority Having Jurisdiction.

4. The minimum effective absorption area in any seepage pit shall be calculated as the excavated sidewall area below the inlet exclusive of any hardpan, rock, clay, or other impervious formations. The minimum required area of porous formation shall be provided in one (1) or more seepage pits. No excavation shall extend within ten (10) feet (3,048 mm) of the water table not to a depth where sewage contaminate underground water stratum that is usable for domestic purposes.

**Exception:** In areas where the records or data indicate that the groundwaters are grossly degraded, the ten (10) foot (3,048 mm) separation requirement shall be permitted to be reduced by the Authority Having Jurisdiction.

The applicant shall supply evidence of groundwater depth to the satisfaction of the Authority Having Jurisdiction.

5. Leaching chambers shall be sized on the bottom absorption area (nominal unit width) in square feet. The required area shall be calculated using Table K-4 with a 0.70 multiplier.

### **K 4.0 Percolation Test.**

- A. Wherever practicable, disposal field and seepage pit sizes shall be computed from Table K-4. Seepage pit sizes shall be computed by percolation tests, unless use of Table K-4 is approved by the Authority Having Jurisdiction.
- B. In order to determine the absorption qualities of seepage pits and of questionable soils other than those listed in Table K-4, the proposed site shall be subjected to percolation tests acceptable to the Authority Having Jurisdiction.
- C. When a percolation test is required, no private disposal system shall be permitted to serve a building if that test shows the absorption capacity of the soil is less than 0.83 gallons per square foot ( $33.8 L/m^2$ ) or more than 5.12 gallons per square foot ( $208 L/m^2$ ) of leaching area per 24 hours. If the percolation tests shows an absorption rate greater than 5.12 gallons per square foot ( $208 L/m^2$ ) per 24 hours, a private disposal system shall be permitted if the site does not overlie groundwaters protected for drinking water supplies, a minimum thickness of two (2) feet (610 mm) of the native soil below the entire proposed system is replaced by loamy sand, and the system design is based on percolation tests made in the loamy sand.

### **K 5.0 Septic Tank Construction.**

- A. Plans for all septic tanks shall be submitted to the Authority Having Jurisdiction for approval. Such plans shall show all dimensions, reinforcing, structural calculations, and such other pertinent data as required.
- B. Septic tank design shall be such as to produce a clarified effluent consistent with accepted standards and shall provide adequate space for sludge and scum accumulations.
- C. Septic tanks shall be constructed of solid durable materials not subject to excessive corrosion or decay and shall be watertight.

**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<u><b>The Sobrato Organization</b></u>
<b>Contact</b>	Name: Tim Steele Phone: 408 832-4200 Email: tsteele@sobrato.com
<b>Project Name</b>	Sobrato Non-Profit Center
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Commercial including office space, community space, and parking lot. Total site area of 2.5 Acres with building floor area of 58,808 S.F.
<b>Entitlements Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: Project entitlements process on hold pending EPASD resolution
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input checked="" type="checkbox"/> Other: CEQA process on hold pending EPASD resolution
<b>Level of EPASD Participation in Project's CEQA Review</b>	CEQA process on hold due to EPASD failure to provide to provide project Will-Serve letter
<b>First Contact with EPASD</b>	Date: <u>7/15/2020</u>
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: EPASD never provided a formal response to project service request on District letterhead. Only correspondence received is Freyer & Laureta hydraulic modeling analysis.
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	5,881 gpd ADWF (assumes demand factor 1.0 gpd/sf) 17,643 gpd PWWF (assumes peaking factor 3)

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.

<b>EPASD Fee Estimate (if any)</b>	<p>\$6,679,400 - Provided by Freyer &amp; Laureta via hydraulic modeling analysis and identified capital improvements downstream of project connection. No fee estimate provided directly by EPASD</p> <p>\$148,491 –Capacity fee calculation based on the Equivalent Dwelling Unit (EDU) methodology and fee rate of \$6,060/EDU defined in the East Palo Alto Sanitary District Wastewater Capacity Charge Update dated December 2018, prepared by Bartle Wells Associate</p>
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**Please provide a summary of the Project’s experience with the EPASD?**

The project is seeking entitlements in order to move forward with development. A Will-Serve Letter from the EPASD was sought after early in the entitlement process. A Sewer Demand Memo was created by BKF Engineers and sent to the EPASD along with a complete EPASD Application and Permit for Sewer Lateral Connection. The EPASD General Manager followed up with comments on the Memo via email and also requested a deposit of \$15,000 to perform a hydraulic impact analysis on the system. A receipt was never provided for the deposit and an explanation of funds requested was conveyed by the General Manager via email.

The Hydraulic Impact Report was created by Freyer & Laureta and forwarded to the project team via email from the General Manager. No response to the report nor request for fee was ever given from the EPASD. The Hydraulic Impact Report identified multiple segments of the existing sanitary system downstream of the project that are needed to be replaced and upgraded in the existing flow condition and future project flow condition. The report calculated a total cost of capital improvements to be \$6,679,400. The General Manager has indicated these costs will be passed on to the developer in full to be paid for service of the project. The project capacity fees as calculated based on the Equivalent Dwelling Unit (EDU) methodology and fee rate of \$6,060/EDU defined in the publically documented, East Palo Alto Sanitary District Wastewater Capacity Charge Update dated December 2018, prepared by Bartle Wells Associate, is only \$148,491. To date, the EPASD has not provided a formal request of fees on standard District letterhead. Fee requests have only come via email and phone correspondence.

There are 5 segments of sewer pipe along the project sanitary flow route to the treatment facility that are identified to be upgraded within the 2015 EPASD Master Plan Update. These 5 segments make up the vast majority of the project flow route to the treatment facility and are labeled to be upgraded between 2015 and 2025 per the Master Plan Update. These 5 segments are also included in the Hydraulic Impact Report which the General Manager has insisted the project developer is fully responsible for funding the pipe upgrades. Per the Master Plan, majority of the identified pipe upgrades should be complete before the proposed development is occupied. The identified capital improvements have yet to be implemented to date.

The project team acknowledged that the EPASD needs to implement capital improvements in order to continue to serve new development within East Palo Alto. The project team developed fair share fees based on the capital improvements identified and planned development within East Palo Alto and presented this to the EPASD District Board of Directors. The Board dismissed the discussion of fair share capacity fees and continued to require the developer fund all of the capital improvements identified downstream of the proposed project. The Sobrato and BKF teams have spoken publically at EPASD Board meetings, and special City Intergovernmental Committee meetings to express concerns regarding the EPASD approval process and proposed potential solutions that benefit the EPASD and allow for development to be served.

Public speeches involve the Sobrato Non-Profit Center project as well as a number of other projects facing the same issues with the EPASD. None of the public meetings to date have been successful in getting the EPASD to work with developers on a realistic pathway forward. The Sobrato Non-Profit Center and a number of other developments planned within East Palo Alto are delayed or abandoned due to lack of resolution with the EPASD.



**Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at EXHIBIT A)**

Our experience working with the EPASD has been very abnormal, unprofessional, and confusing for a public entity. The EPASD has a Master Plan that outlines their system requirements and how new development connection fees are calculated. However, the EPASD does not abide by their own documented standards and leaves developers no clear path towards obtaining a Will-Serve Letter. Developers are left to try and negotiate their individual projects with the General Manager directly leaving full discretion of the process to the General Manager. Our experience communicating with the General Manager has been difficult and one-sided. Attempts at correspondence with the General Manager are typically disrupted and ideas/concerns ignored.

**Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.**

Our experience participating in and observing meetings of the EPASD Board of Directors has been unprofessional and unproductive. The Board has been presented evidence of potential solutions to their capital improvements issues from multiple different credible sources and have ignored or dismissed each without any examination. The Board does not appear to align with the City leader's vision on the future of development and associated public improvements within the City of East Palo Alto. There have been many instances during public meetings that Board members have engaged in arguments with members of the City and public that lead to raised voices and visible aggression. It is apparent to our team and any members of the public viewing, that any debate or discussion with the Board of Directors is likely unproductive.

**EXHIBIT A**

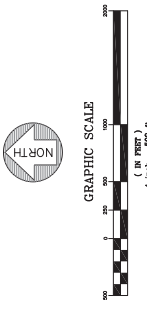
**Pertinent Communications and/or Documentation  
Involving the EPASD**

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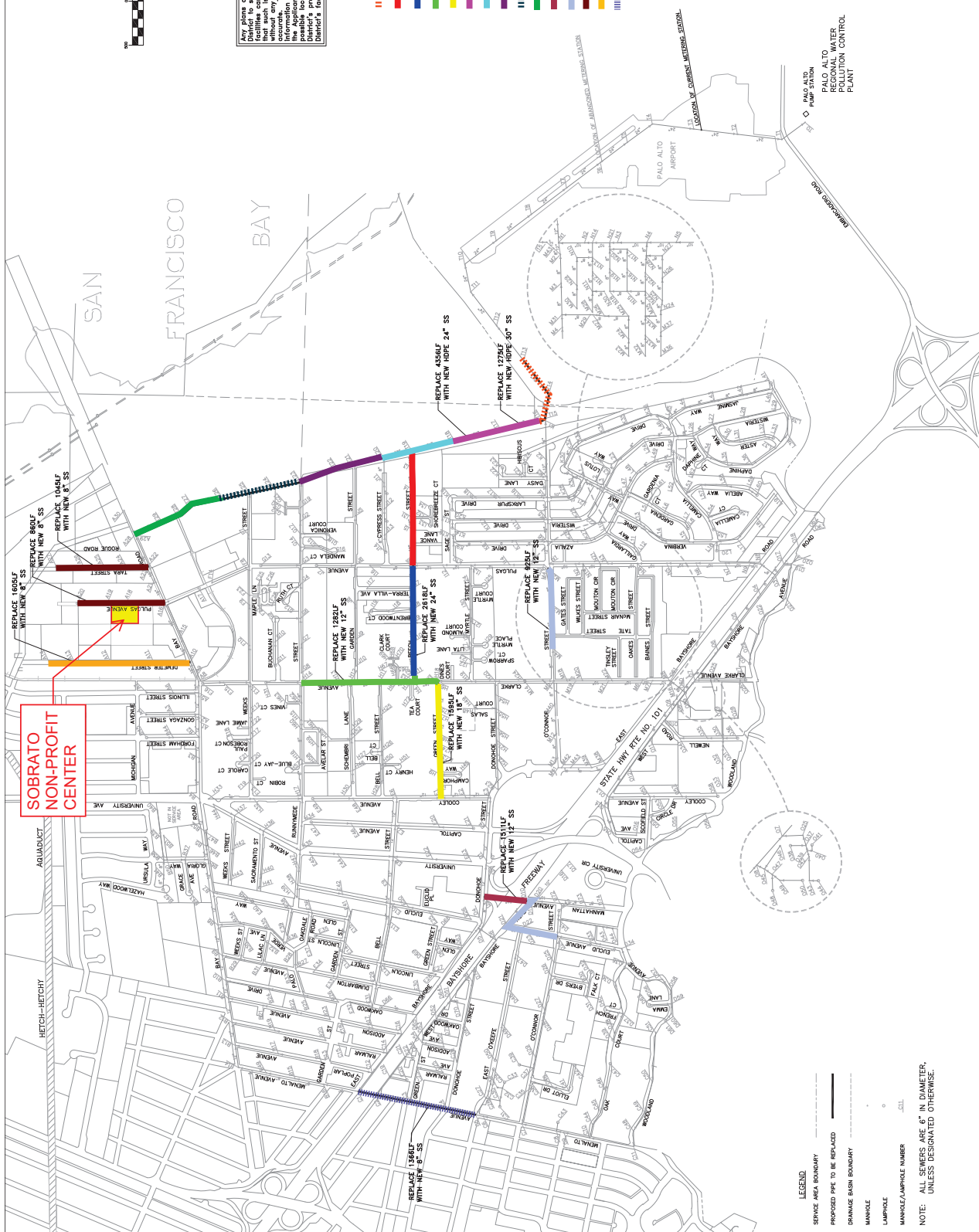
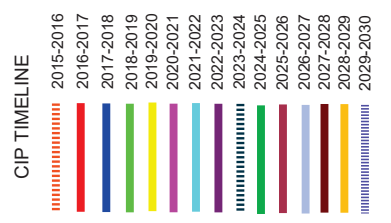
**EPASD IMPROVEMENT PLAN  
EAST PALO ALTO SANITARY DISTRICT**

DATE:	03/21/13
SCALE:	N.T.S.
DESIGNED:	J.L.
CHECKED:	J.L.
PROJECT ENGINEER:	J.L.

JOB NO.  
**2002**



Any plans or markings made by East Palo Alto Sanitary District to show the estimated location of the underground sewer lines are shown as approximate. They are not intended to be used as a basis for any construction or other work. The District will endeavor to make this information as complete and accurate as possible, but it is the user's responsibility to verify the location of any sewer lines before any excavation. Full responsibility for damage to the District's facilities must be borne by the applicant.



**SOBRATO  
NON-PROFIT  
CENTER**

**LEGEND**

- SERVICE AREA BOUNDARY
- PROPOSED PIPE TO BE REPLACED
- SEWERAGE BASIN BOUNDARY
- MANHOLE
- MANHOLE/LAMPPIOLE NUMBER

NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

**Appendix G**

## DRAFT MEMORANDUM

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**To:** Akin Okupe, P.E., M.B.A.  
*East Palo Alto Sanitary District*

**Date:** August 20, 2020

**From:** Jeffrey Tarantino, P.E.  
Raymond Mallari, E.I.T.  
*Freyer & Laureta, Inc.*

**Subject:** Proposed Development at 2519 Pulgas Avenue

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### Purpose

Freyer & Laureta, Inc. (F&L) is pleased to provide this memorandum to the East Palo Alto Sanitary District (EPASD) to present the results of the requested assessment of the proposed development at 2519 Pulgas Avenue sewer discharge impacts, if any, on EPASD's existing collection system. The proposed development of interest in the hydraulic modeling scenarios are for proposed Sobrato Center for Community Resources to be located on 2519 Pulgas Ave. The goal of the modeling effort is to determine how the proposed development impacts the existing EPASD collection system and confirm that the developer's projected average dry weather flows (ADWF) are consistent with similar projects in EPASD's service area and EPASD District Code.

### Assumptions

#### *Sobrato Center Flows*

The Sobrato Center is proposed as a new three-story office building with roof deck. The projected average daily sewer demand was calculated based on Paragraph B1.03.3 of EPASD Standard Specifications for Design and Construction of Sanitary Sewer Collection and Conveyance Facilities dated June 6, 2002, which indicates that office and retail space discharges 0.1 gallons per day (gpd) multiplied by project square footage.

F&L estimated average dry weather flows of the existing development using 0.1 gpd per square foot and calculated the estimated additional flow to be contributed by the future development. Table 1 documents the estimated existing flows and projected additional

flows. As noted in the Planning Submittal by Arc Tech dated June 12, 2020 the proposed project square footage units are estimated to be 58,808 square feet. Therefore, the proposed developments additional ADWF is calculated to be approximately 5,881 gpd with a peak day sanitary sewer flow rate calculated to be 8,822 gpd.

### *HYDRA 7 Manhole Injections*

The hydraulic review assumes that the offices are occupied 24 hours per day. The average daily flow is calculated to be 0.0091 cfs. EPASD estimates the calculated peak flow is 0.01365 cfs based on a PDWF peaking factor of 1.50 from site T20 located in Table 3. Flows were injected in Manhole A18; the flow path was modeled from Manhole A18 to Manhole T14.

## **Results**

Please refer to Appendix A for figures presenting the hydraulic grade line for the EPASD collection system both under current conditions and proposed conditions after the completion of 2519 Pulgas Avenue development and Appendix C documents the flow path through the EPASD collection system. Please also see Appendix B containing several tables that documents the calculation of estimated flows that were used by F&L in the model and the results of the hydraulic modeling study including documenting projected impacts by the development on the existing EPASD collection system. The figures included in Appendix A present the hydraulic grade line during the following scenarios:

- Average dry weather flow scenario of existing conditions (Figure 1),
- Peak dry weather flow scenario of existing conditions (Figure 2),
- Peak wet weather flow scenario of existing conditions (Figure 3),
- Average dry weather flow scenario of proposed conditions (Figure 4),
- Peak dry weather flow scenario of proposed conditions (Figure 5),
- Peak wet weather flow scenario of proposed conditions (Figure 6),
- Average dry weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 7),
- Peak dry weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 8),
- Peak wet weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 9).

- Average dry weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 10),
- Peak dry weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 11), and
- Peak wet weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 12).

The blue lines in each figure indicates the modeled water surface elevation and the red line represents the ground elevation.

## Analysis

As seen in the figures, the modeled water surface elevation changes when comparing both existing average and peak scenarios with the proposed average and peak scenarios are minor. The projected impacts to the hydraulic grade line are also presented in the Appendix B tables that compares the Depth over Diameter ratios (d/D) from Table 2.2 for existing conditions and Table 2.3 for future conditions when the development is complete. The d/D is seen to result in minor increases of depth during ADWF with the biggest difference in Manhole A18 of 0.24 inches. The hydraulic model predicts that the proposed development at 2519 Pulgas Avenue results in minor increase of d/D during ADWF from 0.16 under existing conditions and 0.20 under proposed conditions. Under PDWF conditions, differences are similar. The increase of d/D at Manhole A18 is from 0.20 under existing conditions to 0.24 under proposed conditions, which also yields a difference of 0.24 inches.

Capital improvements were determined by the scenario of peak wet weather flow (PWWF). Figure 12 in Appendix A shows the profile of the maximum event scenario with modified pipe sizes along the flow path in the collection system. After the capital improvements are implemented, the model predicts that the d/D along the entire flow downstream of the proposed development is less than 0.67 under PWWF. Capital improvements were not implemented under the PDWF condition due to a d/D already lower than 0.67 under the proposed injections. Table 2.5 presents the future conditions including proposed capital improvements under a maximum flow event and compares changes with the existing system.

## **Capital Improvements**

All old piping should be replaced with various sizes of DR17 HDPE pipe. In order to prevent the predicted SSOs, EPASD will need to replace approximately 4,400 linear feet of pipe starting from manhole A18 and continuing downstream to manhole T16. Table 2.7 in Appendix B shows the proposed capital improvements and Table 4 shows a cost estimate. The limits of the proposed capital improvement program are presented on Appendix C.

## Appendices

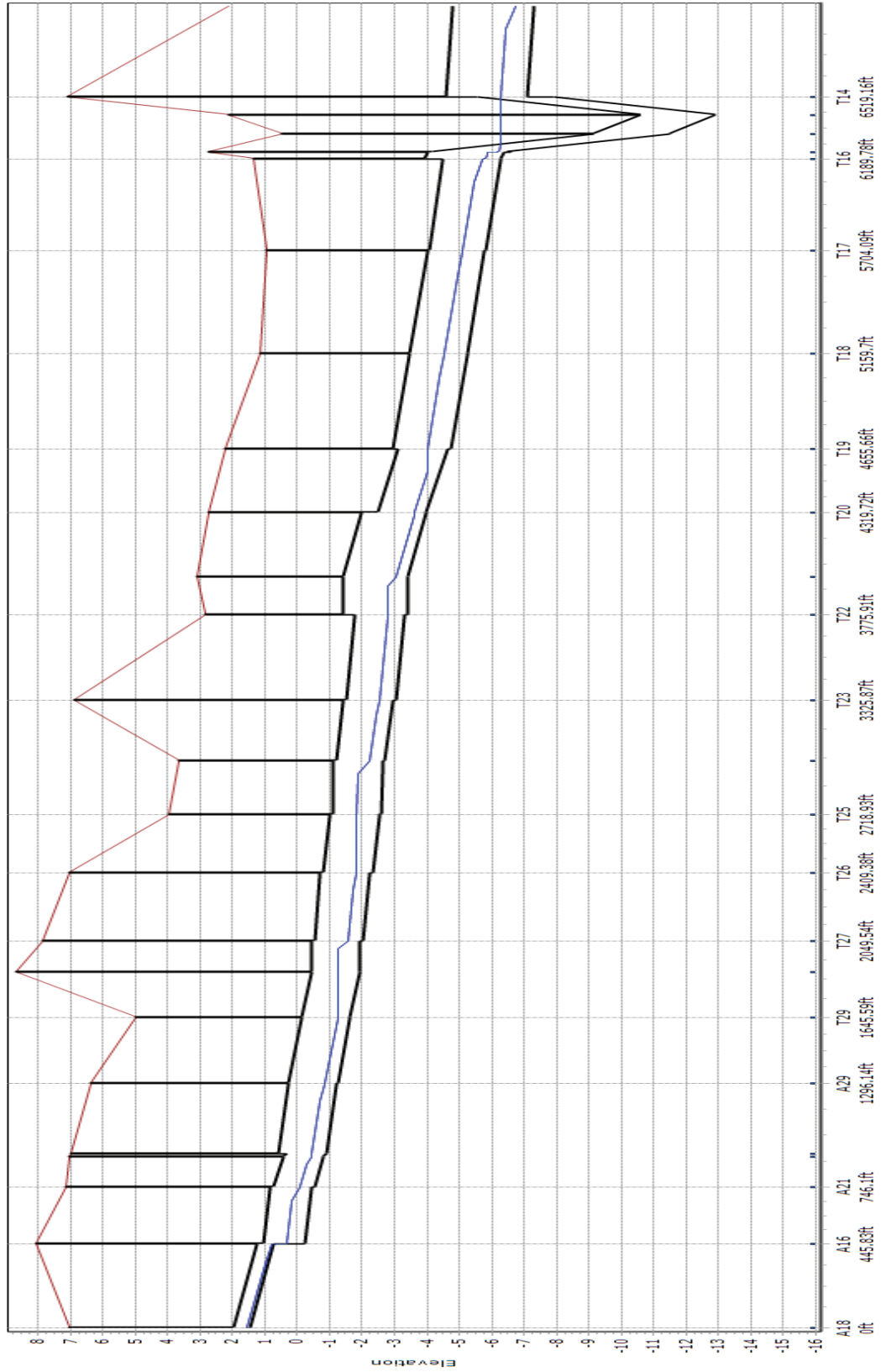
- Appendix A – Figures and Hydraulic Profiles
- Appendix B – Tables
- Appendix C – Proposed Development Flow Path

**Appendix A**  
**Figures of Flow Path and Hydraulic Profile**

**FREYER & LAURETA, INC.**



**Figure 1- Existing Average Dry Weather Flow Hydraulic Grade Line**



**Figure 2- Existing Peak Dry Weather Flow Hydraulic Grade Line**

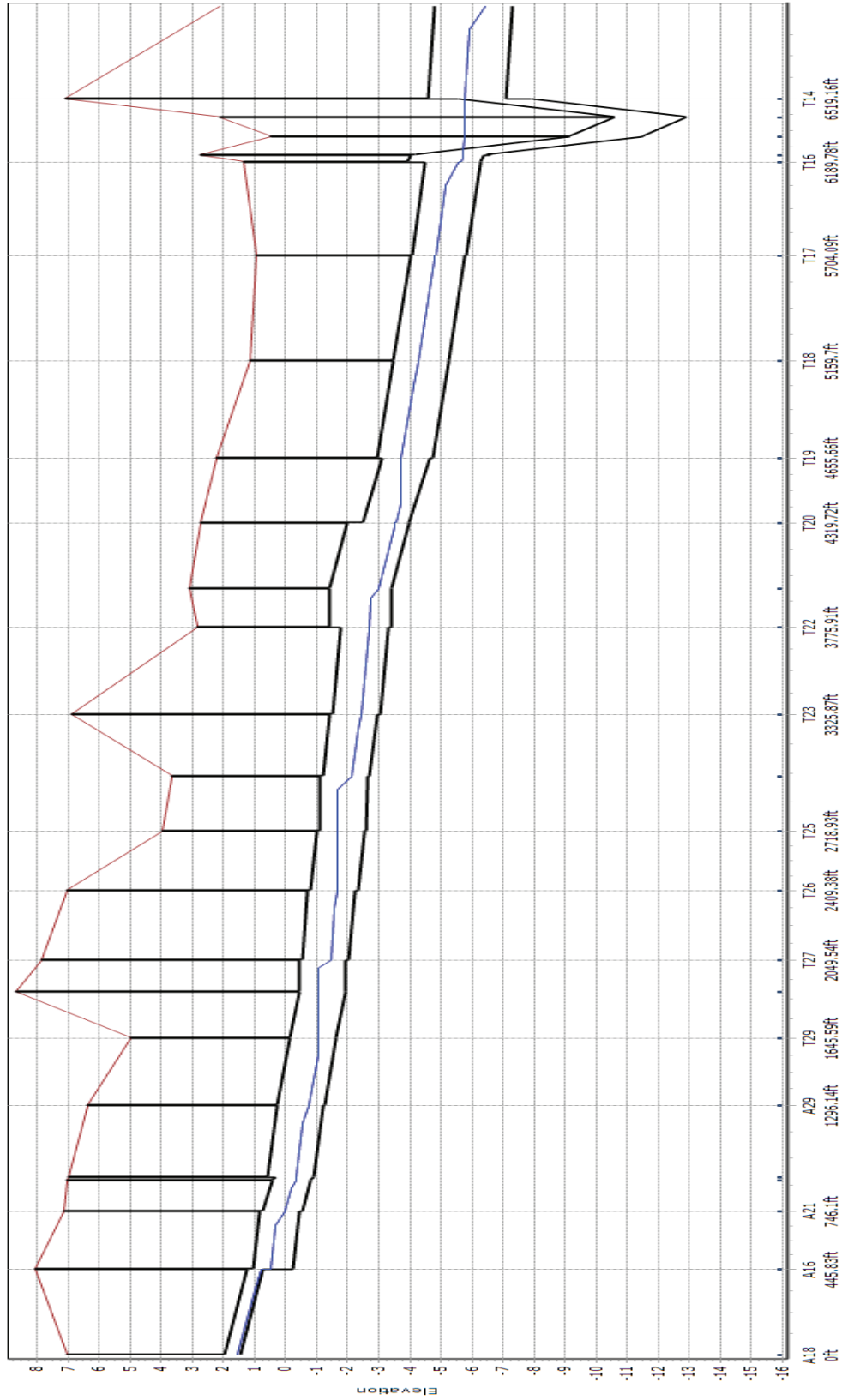
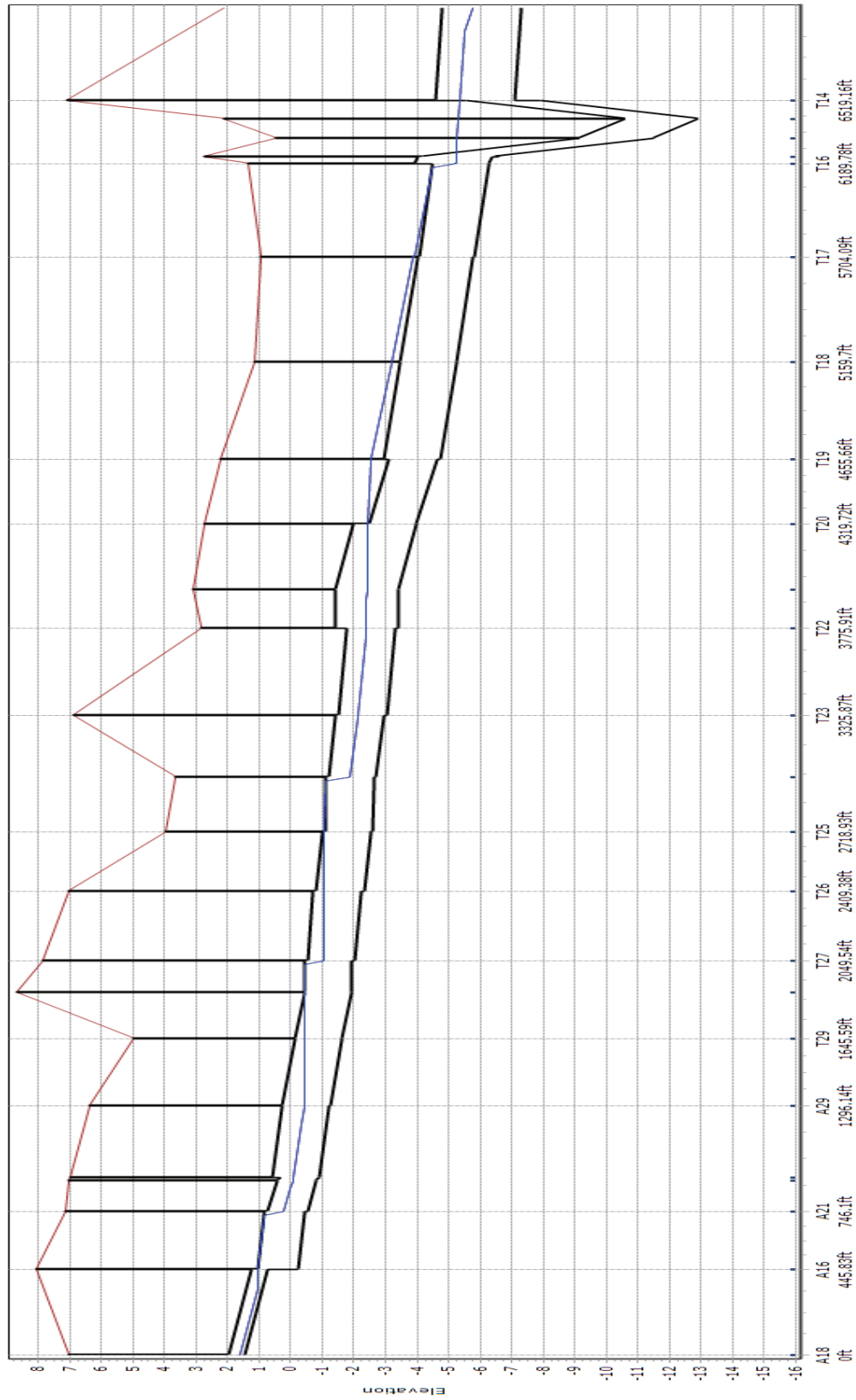
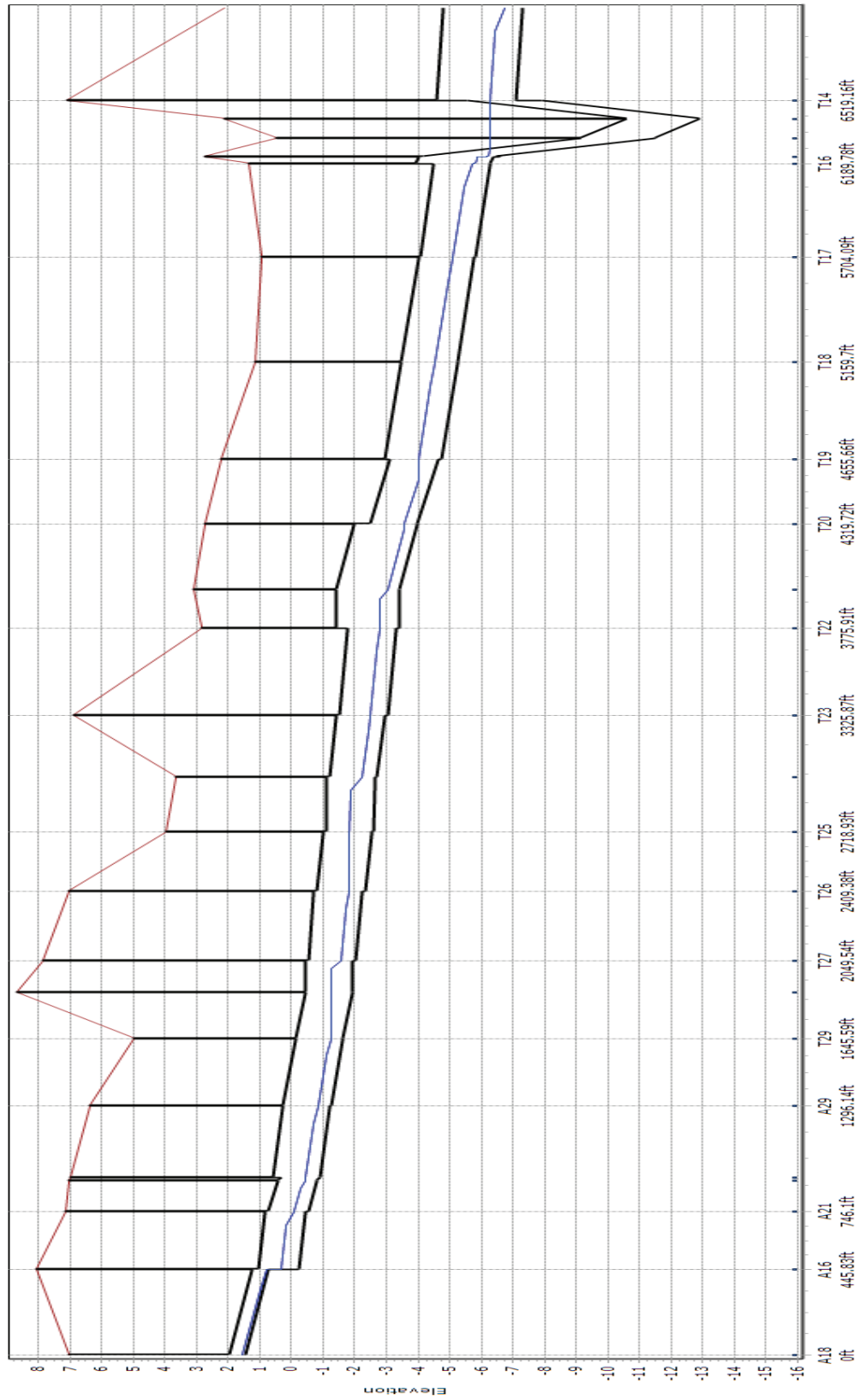


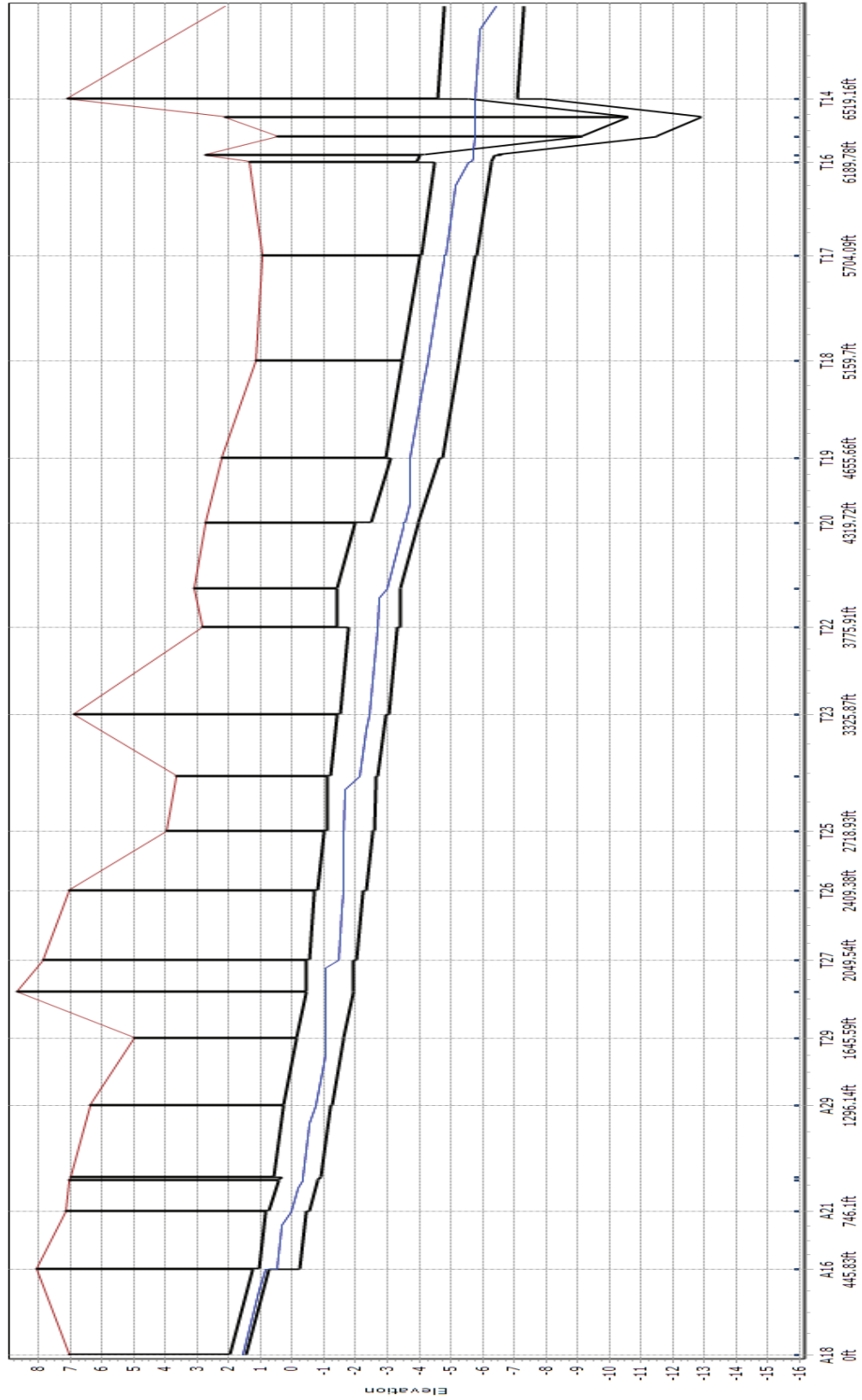
Figure 3- Existing Peak Wet Weather Flow Hydraulic Grade Line



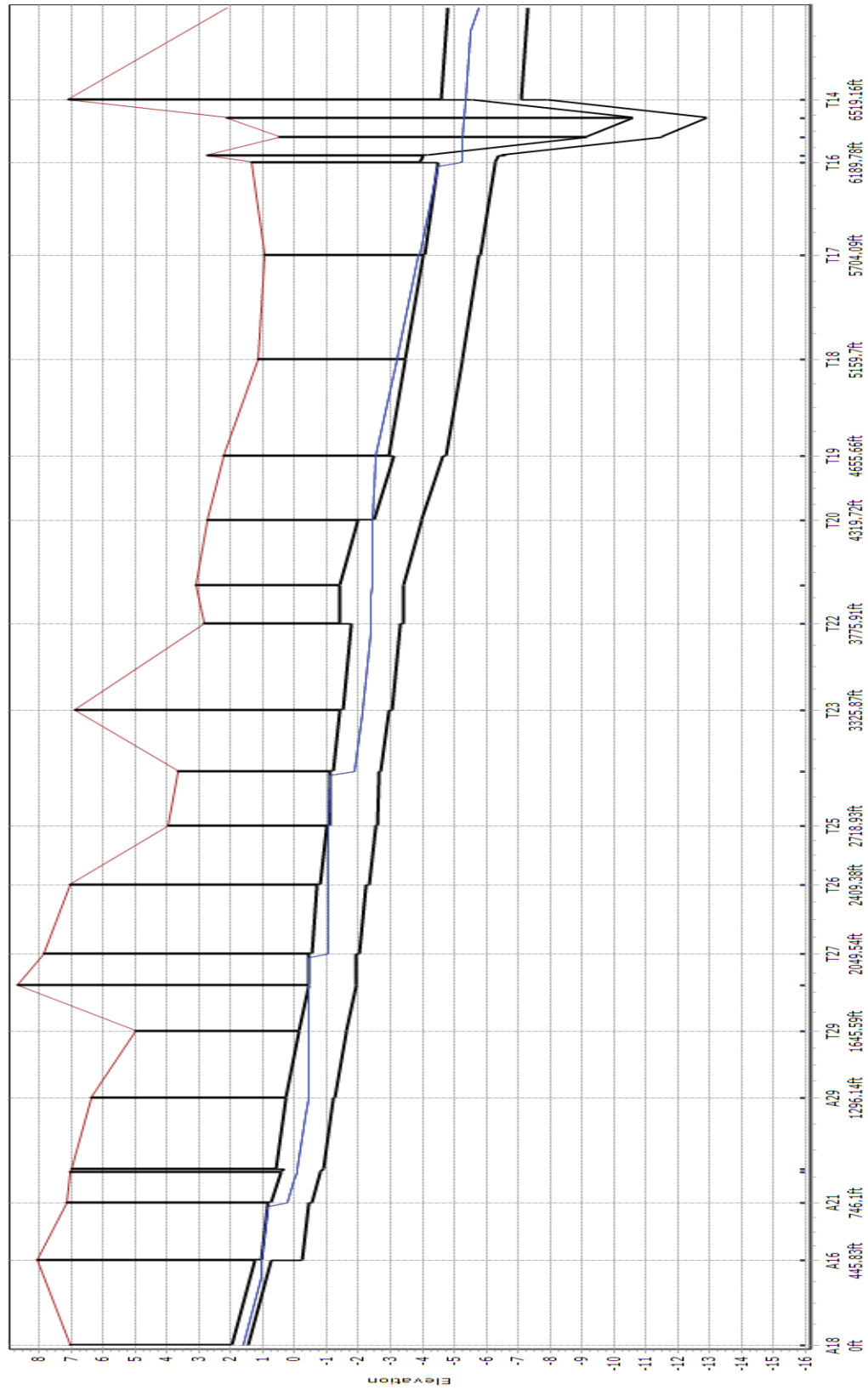
**Figure 4- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection**



**Figure 5- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection**



**Figure 6- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection**

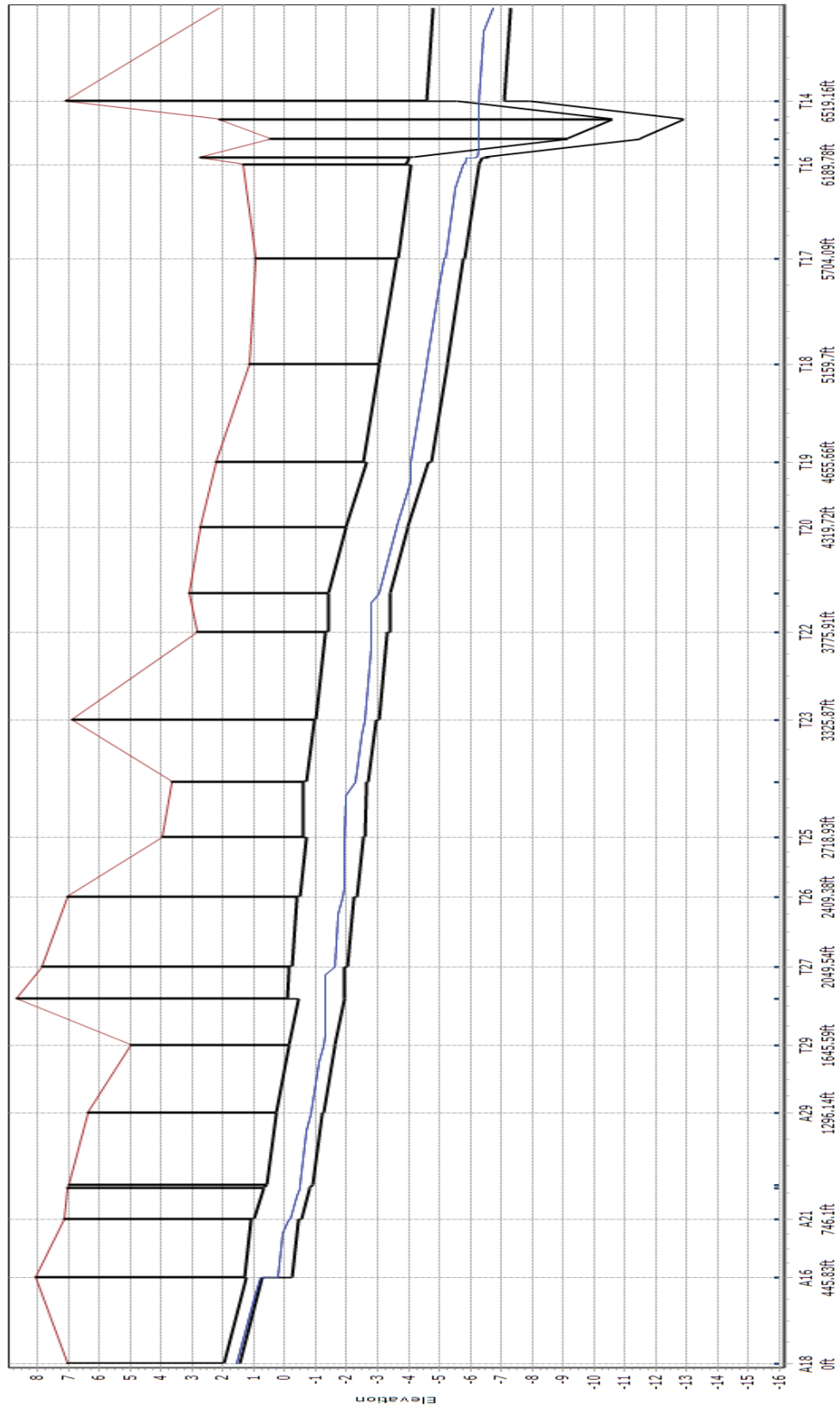


***Figure 7- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades***  
**NO PDWF IMPROVEMENTS PROPOSED.**

***Figure 8- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades***  
**NO PDWF IMPROVEMENTS PROPOSED.**

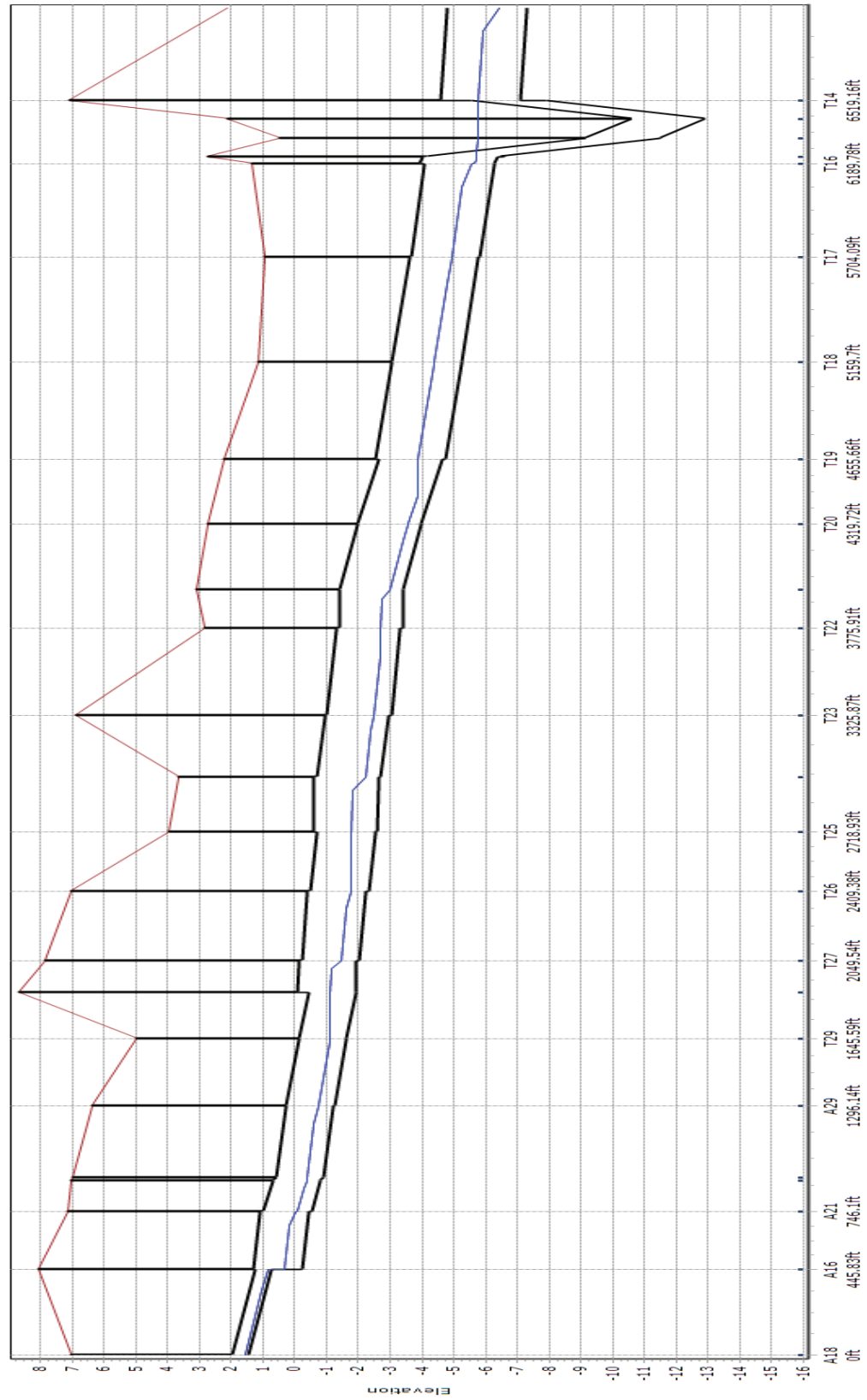
***Figure 9- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades***  
**NO PDWF IMPROVEMENTS PROPOSED.**

**Figure 10- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**

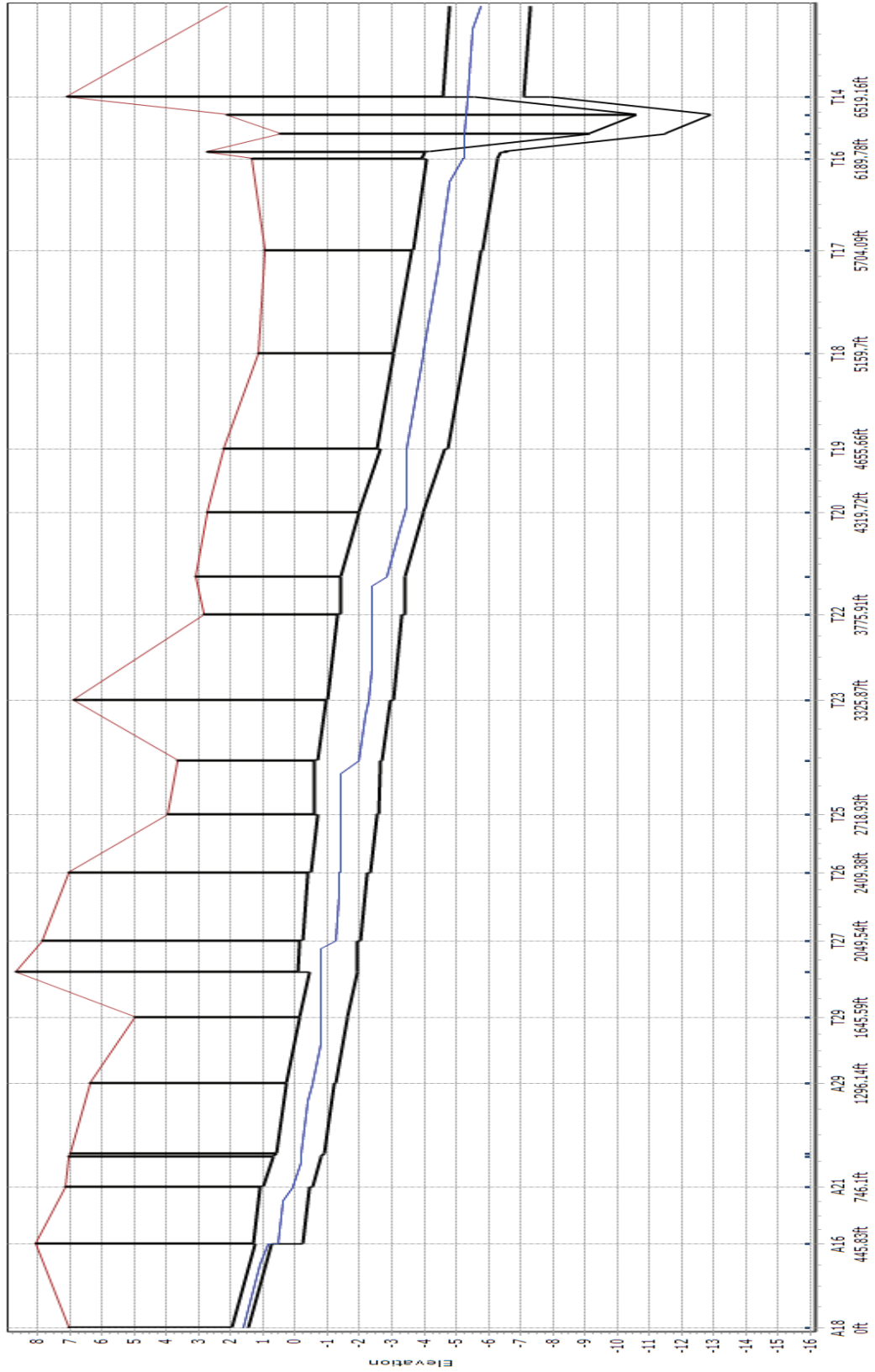




**Figure 11- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Figure 12- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Appendix B**  
**Tabular Summary of Hydraulic Modeling Results**

**Table 1**  
**Estimated Sewer Flows based on District Standards (1)**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
 East Palo Alto, California

<b>Building</b>	<b>Square Footage (2)</b>	<b>Estimated Average Dry Weather Flow (gpd) (3)</b>
Proposed	58,808	5,881

**Notes**

- (1) Estimated Sewer Flows are calculated in accordance with East Palo Alto Sanitary District Standard Specifications for Design and Construction of Sanitary Sewer Collection and Conveyance Facilities dated June 6, 2002.
- (2) Number of existing square feet and number of proposed square feet after development are complete based on Sobrato Non-Profit Center Planning Submittal by Arc Tech dated June 12, 2020.
- (3) Average dry weather flow calculated by multiplying project square footage by 0.1 based on Section B1.03.3 of the District Standards referenced in Note 1.

**Abbreviations**

gpd: gallons per day

**Table 2.1**

**Proposed Development**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
East Palo Alto, California

Manhole used for Injection (1)	Average Flow Injected into Manhole (cfs) (2)	Peak Flow Injected into Manhole (cfs) (3)	Average Flow Injected into Manhole (gpd) (4)	Peak Flow Injected into Manhole (gpd) (3)
A18	0.00910	0.01365	5,881	8,822

**Notes**

- (1) Manhole injected with flows taken from Table 1 to simulate modeling.
- (2) Average dry weather flow injected into Manhole converted from gpd to cfs using a 24-hour day.
- (3) Peak dry weather flow calculated by multiplying the average flow by a peaking factor of 1.50 for Site T20 (see Table 3).
- (4) Average dry weather flow taken from Table 1.

**Abbreviations**

gpd: gallons per day  
cfs: cubic feet per second

**Table 2.2  
Existing Results**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
A18	6	0.16	0.01	6,463	1.53	0.20	0.0147	9,501	1.55	0.32	0.0448	28,955	1.61
A16	15	0.43	0.6211	401,429	0.32	0.54	0.9563	618,075	0.46	1.00	1.7743	1,146,765	1.05
A21	15	0.34	0.6211	401,429	-0.10	0.42	0.9563	618,075	0.00	0.59	1.7743	1,146,765	0.22
A23	15	0.22	0.6288	406,406	-0.45	0.27	0.9683	625,831	-0.33	0.38	1.8142	1,172,553	-0.09
A22	18	0.31	0.6288	406,406	-0.46	0.39	0.9683	625,831	-0.34	0.55	1.8142	1,172,553	-0.10
A29	18	0.25	0.6308	407,698	-0.86	0.32	0.9712	627,706	-0.76	0.45	1.8271	1,180,891	-0.42
T29	18	0.25	0.6308	407,698	-1.24	0.31	0.9712	627,706	-1.05	0.43	1.8271	1,180,891	-0.42
T28	18	0.45	0.6308	407,698	-1.25	0.59	0.9712	627,706	-1.05	1.00	1.8271	1,180,891	-0.42
T27	18	0.32	0.6308	407,698	-1.57	0.40	0.9712	627,706	-1.45	0.57	1.8271	1,180,891	-1.06
T26	18	0.29	0.6308	407,698	-1.83	0.36	0.9712	627,706	-1.65	0.52	1.8271	1,180,891	-1.06
T25	18	0.49	0.6948	449,063	-1.83	0.63	1.0058	650,068	-1.65	1.00	2.0147	1,302,140	-1.06
T24	18	0.29	0.6948	449,063	-2.25	0.36	1.0058	650,068	-2.15	0.53	2.0147	1,302,140	-1.89
T23	18	0.33	0.7858	507,878	-2.53	0.39	1.0354	669,199	-2.45	0.60	2.1511	1,390,298	-2.13
T22	24	0.29	0.7858	507,878	-2.79	0.34	1.0354	669,199	-2.71	0.51	2.1511	1,390,298	-2.37
T21	24	0.18	0.8275	534,829	-3.07	0.21	1.052	679,928	-3.01	0.30	2.2283	1,440,194	-2.45
T20	18	0.25	0.842	544,201	-3.60	0.29	1.0574	683,418	-3.54	0.43	2.2573	1,458,937	-2.45
T19	21	0.39	2.1091	1,363,153	-4.02	0.56	3.8491	2,487,749	-3.73	1.00	7.3986	4,781,860	-2.54
T18	21	0.39	2.1091	1,363,153	-4.55	0.55	3.8491	2,487,749	-4.62	1.00	7.3986	4,781,860	-3.19
T17	21	0.41	2.1091	1,363,153	-5.12	0.58	3.8491	2,487,749	-4.82	1.00	7.3986	4,781,860	-3.89
T16	28	0.20	2.1091	1,363,153	-5.79	0.27	3.8491	2,487,749	-5.63	0.37	7.3986	4,781,860	-5.22
T15	28	0.11	2.5167	1,626,593	-6.17	0.16	5.9291	3,832,094	-5.71	0.21	8.9644	5,793,867	-5.23
T14	30	0.33	2.5167	1,626,593	-6.28	0.53	5.9291	3,832,094	-5.78	0.70	8.9644	5,793,867	-5.36

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.3  
Proposed Results**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	HGL	ADWF	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	HGL	PDWF	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	HGL	PDWF	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	HGL
A18	6	0.20	0.0191	12,345	1.55	0.24	0.0283	18,291	1.57	0.36	0.0584	37,745	1.63							
A16	15	0.43	0.6302	407,311	0.32	0.56	0.97	626,930	0.48	1.00	1.7879	1,155,555	1.06							
A21	15	0.34	0.6302	407,311	-0.10	0.42	0.97	626,930	0.00	0.59	1.7879	1,155,555	0.22							
A23	15	0.22	0.6379	412,287	-0.45	0.29	0.9819	634,621	-0.33	0.38	1.8278	1,181,343	-0.09							
A22	18	0.31	0.6379	412,287	-0.46	0.39	0.9819	634,621	-0.34	0.55	1.8278	1,181,343	-0.10							
A29	18	0.27	0.6399	413,580	-0.84	0.32	0.9849	636,560	-0.76	0.45	1.8407	1,189,680	-0.42							
T29	18	0.25	0.6399	413,580	-1.24	0.31	0.9849	636,560	-1.05	0.43	1.8407	1,189,680	-0.42							
T28	18	0.45	0.6399	413,580	-1.25	0.59	0.9849	636,560	-1.05	1.00	1.8407	1,189,680	-0.42							
T27	18	0.32	0.6399	413,580	-1.57	0.40	0.9849	636,560	-1.45	0.57	1.8407	1,189,680	-1.06							
T26	18	0.29	0.6399	413,580	-1.83	0.37	0.9849	636,560	-1.63	0.52	1.8407	1,189,680	-1.06							
T25	18	0.51	0.7039	454,944	-1.83	0.64	1.0195	658,923	-1.63	1.00	2.0283	1,310,930	-1.06							
T24	18	0.29	0.7039	454,944	-2.25	0.36	1.0195	658,923	-2.15	0.53	2.0283	1,310,930	-1.89							
T23	18	0.35	0.7949	513,759	-2.51	0.40	1.0491	678,054	-2.43	0.60	2.1647	1,399,088	-2.13							
T22	24	0.30	0.7949	513,759	-2.79	0.35	1.0491	678,054	-2.69	0.51	2.1647	1,399,088	-2.37							
T21	24	0.18	0.8366	540,711	-3.07	0.21	1.0556	688,718	-3.01	0.30	2.2419	1,448,984	-2.44							
T20	18	0.27	0.8511	550,083	-3.58	0.29	1.071	692,208	-3.54	0.43	2.2709	1,467,727	-2.44							
T19	21	0.40	2.1182	1,369,034	-4.02	0.56	3.8627	2,496,539	-3.73	1.00	7.4123	4,790,715	-2.54							
T18	21	0.39	2.1182	1,369,034	-4.55	0.55	3.8627	2,496,539	-4.26	1.00	7.4123	4,790,715	-3.19							
T17	21	0.41	2.1182	1,369,034	-5.12	0.58	3.8627	2,496,539	-4.82	1.00	7.4123	4,790,715	-3.89							
T16	28	0.20	2.1182	1,369,034	-5.79	0.27	3.8627	2,496,539	-5.63	0.37	7.4123	4,790,715	-5.22							
T15	28	0.11	2.5258	1,632,474	-6.17	0.17	5.9428	3,840,948	-5.71	0.21	8.9781	5,802,722	-5.23							
T14	30	0.33	2.5258	1,632,474	-6.28	0.53	5.9428	3,840,948	-5.93	0.70	8.9781	5,802,722	-5.36							

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.4**  
**PDWF Proposed Results with Pipe Size Upgrades**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PDWF "d/D" (3)	Existing PDWF HGL	Proposed Diameter (Inches) (2)	Predicted PDWF "d/D" (3)	Predicted PDWF HGL
A18	6	0.20	1.55	No change	0.24	1.57
A16	15	0.54	0.46	No change	0.56	0.48
A21	15	0.42	0.00	No change	0.42	0.00
A23	15	0.27	-0.33	No change	0.29	-0.33
A22	18	0.39	-0.34	No change	0.39	-0.34
A29	18	0.32	-0.76	No change	0.32	-0.76
T29	18	0.31	-1.05	No change	0.31	-1.05
T28	18	0.59	-1.05	No change	0.59	-1.05
T27	18	0.40	-1.45	No change	0.40	-1.45
T26	18	0.36	-1.65	No change	0.37	-1.63
T25	18	0.63	-1.65	No change	0.64	-1.63
T24	18	0.36	-2.15	No change	0.36	-2.15
T23	18	0.39	-2.45	No change	0.40	-2.43
T22	24	0.34	-2.71	Existing pipe no changes	0.35	-2.69
T21	24	0.21	-3.01	Existing pipe no changes	0.21	-3.01
T20	18	0.29	-3.54	No change	0.29	-3.54
T19	21	0.56	-3.73	No change	0.56	-3.73
T18	21	0.55	-4.62	No change	0.55	-4.26
T17	21	0.58	-4.82	No change	0.58	-4.82
T16	28	0.27	-5.63	Existing pipe no changes	0.27	-5.63
T15	28	0.16	-5.71	Existing pipe no changes	0.17	-5.71
T14	30	0.53	-5.78	Existing pipe no changes	0.53	-5.93

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter



**Table 2.5**  
**PWWF Proposed Results with Pipe Size Upgrades**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PWWF "d/D" (3)	Existing PWWF HGL	Proposed Diameter (Inches) (2)	Predicted PWWF "d/D" (3)	Predicted PWWF HGL
A18	6	0.32	1.61	No change	0.36	1.63
A16	15	1.00	1.05	18	0.51	0.54
A21	15	0.59	0.22	18	0.39	0.07
A23	15	0.38	-0.09	18	0.27	-0.17
A22	18	0.55	-0.10	No change	0.55	-0.18
A29	18	0.45	-0.42	No change	0.45	-0.56
T29	18	0.43	-0.42	No change	0.43	-0.79
T28	18	1.00	-0.42	22	0.62	-0.79
T27	18	0.57	-1.06	22	0.43	-1.27
T26	18	0.52	-1.06	22	0.38	-1.39
T25	18	1.00	-1.06	24	0.60	-1.39
T24	18	0.53	-1.89	24	0.35	-1.99
T23	18	0.60	-2.13	24	0.38	-2.27
T22	24	0.51	-2.37	Existing pipe no changes	0.51	-2.37
T21	24	0.30	-2.45	Existing pipe no changes	0.30	-2.82
T20	18	0.43	-2.45	24	0.29	-3.39
T19	21	1.00	-2.54	26	0.58	-3.45
T18	21	1.00	-3.19	26	0.58	-3.96
T17	21	1.00	-3.89	26	0.62	-4.49
T16	28	0.37	-5.22	Existing pipe no changes	0.37	-5.22
T15	28	0.21	-5.23	Existing pipe no changes	0.21	-5.23
T14	30	0.70	-5.36	Existing pipe no changes	0.70	-5.36

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.6**

**PDWF Proposed Capital Improvements**

Sobrato Non-Profit Center, 2519 Pulgas Ave  
East Palo Alto, California

**NO CHANGES PROPOSED.**

**Table 2.7**  
**PWWF Proposed Capital Improvements**  
 Sobrato Non-Profit Center, 2519 Pulgas Ave  
 East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
A16	A22	15	18	467
T28	T25	18	22	825
T25	T22	18	24	1,241
T20	T19	18	24	332
T19	T16	21	26	1,522

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain a d/D ratio of 0.67.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
 MH: Manhole

**Table 3**  
**Peaking Factor Calculations**  
 East Palo Alto Sanitary District

Monitoring Site	Overall ADWF (MGD) (2)	PDWF (MGD) (3)	PWWF (MGD) (4)	PDWF Peaking Factor (5)	PWWF Peaking Factor (6)
A15	0.27	0.43	1.19	1.59	2.77
B13	0.06	0.11	0.52	1.83	4.73
E1	0.13	0.19	0.59	1.46	3.11
E2	0.25	0.43	1.45	1.72	3.37
H3	0.14	0.23	0.58	1.64	2.52
I3	0.83	1.22	2.76	1.47	2.26
I12	0.23	0.39	0.76	1.70	1.95
K4	0.22	0.35	0.99	1.59	2.83
K28	0.11	0.17	0.68	1.55	4.00
T20	0.40	0.60	1.55	1.50	2.58
T13	1.53	2.31	5.78	1.51	2.50

Notes

- (1) Monitoring sites are identified in Table 3 of the *East Palo Alto Sanitary District Sanitary Sewer Flow Monitoring and Inflow/Infiltration Study* dated June 2012 prepared by V&A Consulting Engineers, Inc., referred to herein as "Flow Monitoring Study."
- (2) Overall ADWF is presented in Table 5 of the Flow Monitoring Study
- (3) PDWF is presented in Table 7-3 of the *East Palo Alto Sanitary District Wastewater Collection System Master Plan Update* dated March 2015 prepared by Freyer & Laureta, Inc., herein referred to as "Master Plan Update."
- (4) PWWF is presented in Table 7-3 of the Master Plan Update.
- (5) PDWF Peaking Factor is calculated by dividing the PDWF by the Overall ADWF.
- (6) PWWF Peaking Factor is calculated by dividing the PWWF by the PDWF.

Abbreviations

ADWF: Average Dry Weather Flow  
 MGD: Million Gallons per Day  
 PDWF: Peak Dry Weather Flow  
 PWWF: Peak Wet Weather Flow

**Table 4**  
**Conceptual Opinion of Probable Project Cost for PWWF Improvements (1)**  
 Sobrato Non-Profit Center, 2519 Pulgas Ave  
 East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
2	18-inch DR 17 HDPE Pipe	lf	470	\$ 500	\$ 235,000
3	22-inch DR 17 HDPE Pipe	lf	830	\$ 700	\$ 581,000
4	24-inch DR 17 HDPE Pipe	lf	1,570	\$ 800	\$ 1,256,000
5	26-inch DR 17 HDPE Pipe	lf	1,520	\$ 900	\$ 1,368,000
6	Manholes	ea	14	\$ 10,000	\$ 140,000
7	30% Contingency	%	30%	\$ 3,670,000	\$ 1,101,000
<b>Subtotal - Conceptual Opinion of Probable Construction Cost</b>					<b>\$ 4,771,000</b>
<b>Engineering and Administration Cost</b>					
8	Design	%	10%	\$ 4,771,000	\$ 477,100
9	Environmental/Permitting	%	10%	\$ 4,771,000	\$ 477,100
10	Construction Management/Inspection	%	15%	\$ 4,771,000	\$ 715,650
11	District Administration	%	5%	\$ 4,771,000	\$ 238,550
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 1,908,400</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 6,679,400</b>

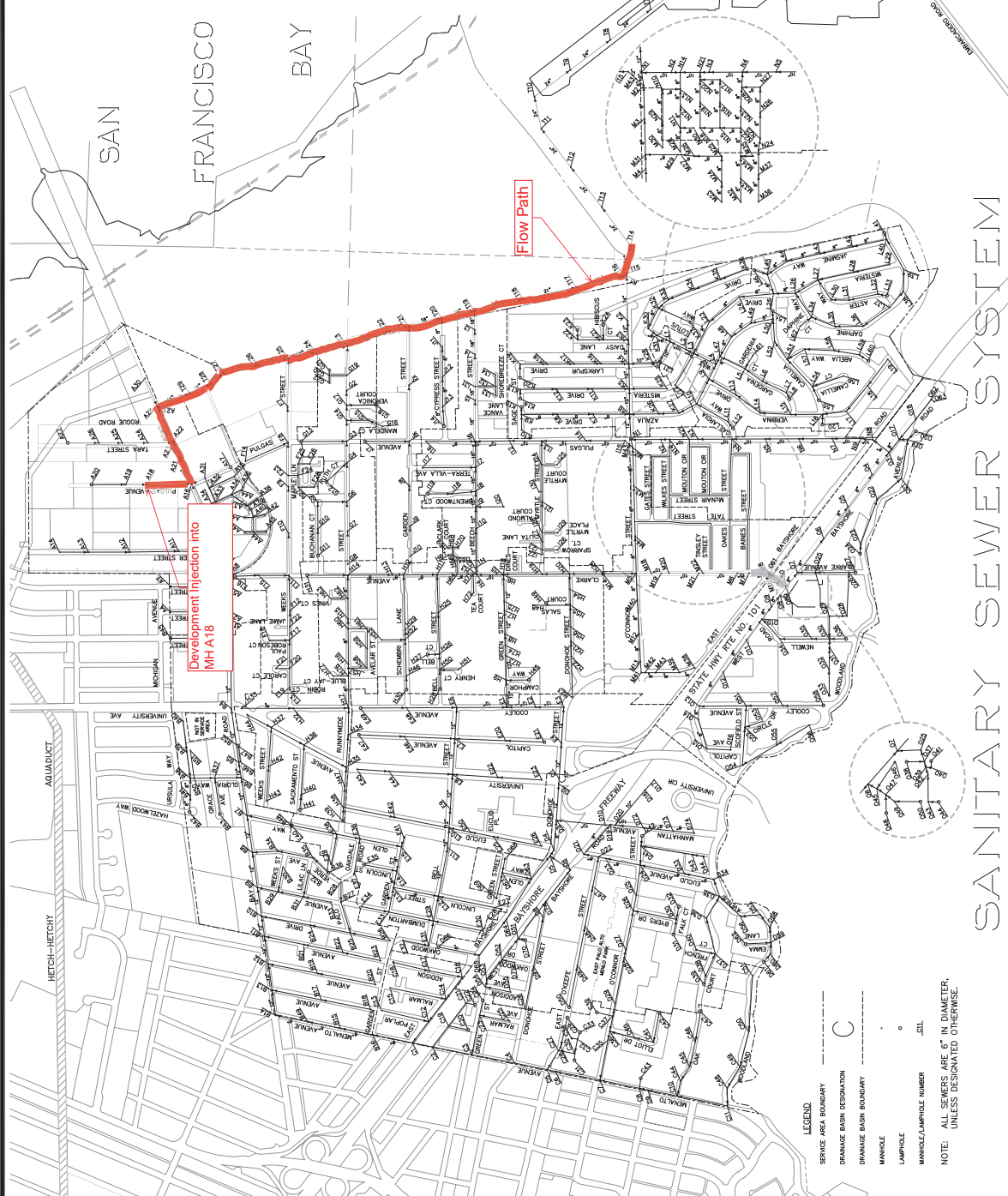
**Notes**

- (1) See Table 2.7 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.

**Appendix C**  
**EPASD Collection System Map with Development Discharge Flow Paths**



Any plans or workings made by East Palo Alto Sanitary District's facilities can only be furnished with the understanding that the District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible.



**LEGEND - FLOW PATHS**  
 2519 PULGAS AVE

**LEGEND**  
 SERVICE AREA BOUNDARY  
 DRAINAGE BASIN DESIGNATION  
 DRAINAGE BASIN BOUNDARY  
 MANHOLE  
 MANHOLE/AMP/PILE NUMBER  
 JLL  
 NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

SANITARY SEWER SYSTEM

# EAST PALO ALTO SANITARY DISTRICT

PALO ALTO REGIONAL WATER POLLUTION CONTROL PLANT

**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<u>Sand Hill Property Company / Woodland Park Communities</u>
<b>Contact</b>	Name: Michael Kramer Phone: 650-772-4319 Email: <a href="mailto:mkramer@shpco.com">mkramer@shpco.com</a>
<b>Project Name</b>	Woodland Park Euclid Improvements
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Residential / Mixed Use; With no displacement, this project proposes the replacement of several aging, outdated structures containing 161 housing units with new mixed-income buildings containing 605 apartments, amenities, and ground floor retail and community space.
<b>Entitlements Status</b>	<input type="checkbox"/> Approved: _____ (date) <input checked="" type="checkbox"/> Pending: <u>8/20/21</u> (date) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input checked="" type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	Limited; submitted comment in response to Draft EIR.
<b>First Contact with EPASD</b>	Date: <u>5/29/2020</u>
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input checked="" type="checkbox"/> Pending: <u>8/20/21</u> (date) <input type="checkbox"/> Other: Please specify:
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	69-77 gpd / unit (23,162 gpd net new total) – Applicant's architects' and civil engineers' estimate 5/28/2020 120-240 gpd / unit – Estimate from Freyer & Laureta on behalf of EPASD 8/19/2020 and 10/19/2020
<b>EPASD Fee Estimate (if any)</b>	\$592,305 estimate from applicant (BKF Civil Engineers) on 5/28/2020 \$9,491,300 estimate from EPASD (Freyer & Laureta) on 8/19/2020 \$9,405,800 estimate from EPASD (Freyer & Laureta) on 12/7/2020

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.



**Please provide a summary of the Project's experience with the EPASD?**

Regarding our development proposal, our civil engineers' estimate of the Wastewater Capacity Usage Charge was \$592,305, and the EPASD civil engineers' estimate of the cost to upgrade the system to service our project was roughly \$9.4 million.

There is a disagreement about the assumptions used to create the EPASD estimate, which does not employ a "fair share" approach but requires our project to bear 100% of all costs of upgrading all pipes between our project site and the treatment facility. We will be engaging with EPASD regarding their assumptions and approach, and we will discuss an alternative "fair share" approach with the District and other local developers.

Regarding the operation of our existing properties, in 2019 EPASD suddenly and erroneously demanded \$170,511.12 for a "delinquent sewer service commercial fee charge." We objected, provided evidence of our timely and full payment of the appropriate charges, and repeatedly followed up but never heard any response.

**Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at EXHIBIT A)**

After submitting an application to the City of East Palo Alto in September 2019, we reached out to EPASD staff on 5/29/2020 to request sanitary district service. As part of this communication, we provided our architects' and civil engineers' estimates of expected sanitary flow. Our civil engineers' estimate of the Wastewater Capacity Usage Charge was \$592,305.

After initially stating that they do not have the sewer capacity to accommodate this project, EPASD commissioned a study from their civil engineers, Freyer & Laureta, to study our project, paid for by the applicant. We received the study on 8/19/2020, which assumed 240 gpd/unit. The cost associated with the upgrades required to serve our project was estimated at \$9,491,300. We discussed with EPASD having Freyer & Laureta study additional sanitary flow scenarios at 120 gpd/unit and 160 gpd/unit, which they agreed to, and we received that report on 12/7/2020. The cost associated with the upgrades required to serve our project at either service level was estimated at \$9,405,800.

We have not had further discussions since receiving the most recent Freyer & Laureta Report in December 2020.

See Exhibit A for copy of these correspondence and reports, as well as correspondence regarding the erroneous delinquent sewer service commercial fee charge.

**Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.**

We have not participated in any meetings of the EPASD Board of Directors.

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

*[Remainder of Page Intentionally Blank]*



Michael Kramer <mkramer@shpco.com>

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## FW: EPA Sanitary District Service to Woodland Park Euclid Improvements

---

**Akin Okupe** <aokupe@epasd.com>

Tue, Aug 18, 2020 at 2:04 PM

To: Mike Kramer <mkramer@wlpcommunities.com>

Cc: Art Henriques <ahenriques@cityofepa.org>, Marian Lee <marian@lh-pa.com>, Adrian Biggs <abiggs@cityofepa.org>, Amy Chen <achen@cityofepa.org>, Jeffrey Tarantino <tarantino@freyerlaureta.com>, Cole Gaumnitz <cgumnitz@bkf.com>, Jacob Nguyen <jnguyen@bkf.com>

Jeff,

I concur with the provision of additional scope

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Tuesday, August 18, 2020 1:54 PM

**To:** Akin Okupe <aokupe@epasd.com>

**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Cole Gaumnitz <cgumnitz@bkf.com>; Jacob Nguyen <jnguyen@bkf.com>

**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

It was good talking to you by phone just now. It was helpful to understand your perspective regarding the additional cost of studying alternative scenarios.

**Jeff** – based on our conversation, Akin is comfortable having F&L study multiple scenarios as long as we cover any additional cost. Can you please amend your recent proposal to add scope to study two additional scenarios of 160 gpd/unit and 120 gpd/unit, beyond the 240 gpd/unit that was already included? Akin can confirm this understanding.

Please let me know if you have any questions or would like to discuss. Thanks –

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Tuesday, August 18, 2020 1:15 PM

**To:** 'Akin Okupe' <aokupe@epasd.com>

**Cc:** 'Art Henriques' <aHENRIQUES@CITYOFEPA.ORG>; 'Marian Lee' <marian@lh-pa.com>; 'Adrian Biggs' <abiggs@cityofepa.org>; 'Amy Chen' <achen@cityofepa.org>; 'Jeffrey Tarantino' <tarantino@freyerlaureta.com>; 'Cole Gaumnitz' <cgaumnitz@bkf.com>; 'Jacob Nguyen' <jnguyen@bkf.com>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

Thanks for sharing. Based on our research, the population of East Palo Alto actually decreased between the 2000 and 2010 census (from 29,506 to 28,115), and the East Palo Alto water fees (160 gpd/unit standard) were published in 2018.

That being said, we are eager to have F&L begin the analysis. If you are not willing to change to a multifamily sanitary flow standard as previously determined by the Sanitary District and the City of East Palo Alto, we can proceed under protest with the original scope. We reserve the right to update the analysis with a different sanitary flow standard in the future as appropriate.

Please have F&L proceed and we can discuss further once we review their draft results.

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Monday, August 17, 2020 4:47 PM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>  
**Cc:** Art Henriques <aHENRIQUES@CITYOFEPA.ORG>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Jacob Nguyen <jnguyen@bkf.com>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

The population density in East Palo Alto is very high compared to 2002, i think the 240 gpd is a safe bet

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>  
**Sent:** Monday, August 17, 2020 1:59 PM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Cc:** Art Henriques <aHENRIQUES@CITYOFEPA.ORG>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Jacob Nguyen <jnguyen@bkf.com>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hi Akin,

I hope you are well. I asked our civil engineers to look into the 240 gallon per day standard you referenced, and they found some helpful information.

The EPASD Master Plan Update from 2002 (attached, page 3-7, pdf page 29) says that in 1998, average water use for multi-family residences in East Palo Alto was 156 gpd/unit. It estimates that the “conservative end of the range for per capita water use” is 60 gallons per day per person. Since we are estimating an average of 2 occupants per unit for the proposed development, that would create an **estimated sanitary flow of 120 gpd/unit**. This is also using the conservative assumption that 100% of water use becomes sanitary flow. While this is higher than our engineers’ estimates of our sanitary flow, we can accept this conservative assumption for your analysis since it came from your own engineers.

Further, East Palo Alto water capacity fees (<http://www.ci.east-palo-alto.ca.us/DocumentCenter/View/3863>), as determined by Public Works, estimates average water demand of 160 gpd/unit for multi-family/apartment. We also believe this is overly conservative but is a better assumption than the 260 gpd/unit estimate previously discussed.

Since these were specifically determined for multifamily units, and the Master Plan amount is from your own engineers, we presume this would be a more appropriate standard for the upcoming F&L analysis of our proposal. Please confirm or let me know if you have any questions or would like to discuss.

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, July 14, 2020 3:14 PM  
**To:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

We will only like to proceed with the 240 gallons per day

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Sent:** Tuesday, July 14, 2020 3:06 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hi Akin,

Thanks for responding, it's helpful to understand District standards. While we expect to have fewer than three-and-a-half occupants per unit on average (70% of the proposed units are studio or 1-bedroom apartments), we are happy to have F&L independently review our plans and come up with a reasonable estimate of discharge, even using conservative assumptions about occupancy.

So lets proceed, adding that F&L will determine a reasonable estimate of discharge considering the construction of the building and the units' size and type, but utilizing agreed-upon standards and assumptions. I think this would address both of our concerns. Does that work?

Thanks! I look forward to working together –

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, July 14, 2020 12:29 AM  
**To:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

We have to keep to District Standard of 3 and half person per edu

Sent from my iPhone

On Jul 13, 2020, at 4:37 PM, Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)> wrote:

Akin,

Thanks for getting back to me, I understand your concern about underestimation. However, we also don't want it to be an overestimation, since apartments are very different than single family homes, and it might not make sense to use single standard for both.

To address this concern, can part of the scope then be that F&L will independently review our plans and come up with a reasonable estimate of discharge, considering the construction of the building and the units' size and type? We're happy to fund this analysis if it would result in additional cost.

Thanks,

Mike

**Michael Kramer**  
Woodland Park Communities  
Sand Hill Property Company  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Monday, July 13, 2020 4:20 PM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Cole Gaumnitz <cgaumnitz@bkf.com>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

We will not be able to do that as that will amount to gross underestimation

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>  
**Sent:** Monday, July 13, 2020 4:10 PM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Cole Gaumnitz <cgaumnitz@bkf.com>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

Thanks for passing this along. I circulated to our civil engineers and they had the following comment:

“Overall, the scope looks good, with the exception that it says that F&L will calculate ADWF based on a 2002 assumption that a single residential dwelling unit discharges 240 gpd. While that may have been the case for a single-family home, the existing apartments at this site discharge well below that amount, and the proposed apartments will be more efficient than those. Our analysis concluded that our proposed sanitary sewer flow is estimated to be 72.7 gpd per unit at 100% occupancy.”

Therefore, let’s proceed with the scope as written, with the exception that F&L will calculate ADWF based on a reasonable estimate of discharge factoring in the units’ size and type. It may be helpful for F&L to talk to BKF to understand their calculations (attached).

Please let me know if you have any questions or would like to discuss. Thanks –

Mike

**Michael Kramer**

Woodland Park Communities

Sand Hill Property Company

Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>

**Sent:** Thursday, July 9, 2020 11:29 AM

**To:** Mike Kramer <mkramer@wlpcommunities.com>

**Subject:** Fw: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel : (650) 325-9021

---

**From:** Jeffrey Tarantino <tarantino@freyerlaureta.com>

**Sent:** Thursday, July 9, 2020 6:21 AM

**To:** Akin Okupe <aokupe@epasd.com>

**Cc:** Denisse Peralta <dperalta@epasd.com>; Joanne Yau <yau@freyerlaureta.com>

**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hi Akin

Please find attached the requested proposal that includes both base scope and optional scope per our telephone discussion earlier in the week. Please let me know if you have any questions. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**

<image002.jpg>

Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Thursday, June 25, 2020 3:59 PM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>; Denisse Peralta <dperalta@epasd.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>; Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hi Jeff,

Please provide a proposal to perform the hydraulic analysis for this project.

Thanks

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>  
**Sent:** Thursday, June 25, 2020 3:23 PM  
**To:** Akin Okupe <aokupe@epasd.com>; Denisse Peralta <dperalta@epasd.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

It was good talking to you this afternoon, thank you for taking the time. As requested, attached is some information to help formulate the hydrology proposal:

- Project Description and Environmental Review Info
- Sewer load analysis, including existing flow information
- Full Project Application [here](#)

I have submitted the fee request to our accounts payable, so you should receive it in the next week or so. Please let us know once you have a fee and schedule proposal from your engineers for the hydraulic capacity study.

Thanks! Best wishes –

Mike

**Michael Kramer**

Woodland Park Communities

Sand Hill Property Company

Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>

**Sent:** Wednesday, June 24, 2020 4:54 PM

**To:** Mike Kramer <mkramer@wlpcommunities.com>; Denisse Peralta <dperalta@epasd.com>

**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>

**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

1-2

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Wednesday, June 24, 2020 4:46 PM

**To:** Akin Okupe <aokupe@epasd.com>; Denisse Peralta <dperalta@epasd.com>

**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>

**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Thanks Akin –

I am available tomorrow between 11 am – 2 pm. What works best for you.

**Adrian** – I think would be helpful for you to join. Are you available during those times?

Thanks,

Mike

**Michael Kramer**

Woodland Park Communities

Sand Hill Property Company

Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>

**Sent:** Tuesday, June 23, 2020 4:51 PM

**To:** Mike Kramer <mkramer@wlpcommunities.com>; Denisse Peralta <dperalta@epasd.com>

**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Amy Chen <achen@cityofepa.org>

**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

Am available on Thursday

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>

**Sent:** Tuesday, June 23, 2020 4:19 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Denisse Peralta <[dperalta@epasd.com](mailto:dperalta@epasd.com)>

**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>

**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hi Akin,

We received the attached letter from EPA Sanitary District through the East Palo Alto planning staff. We're looking forward to working together to determine any needed hydraulic capacity.

**Are you available to talk later this week or next week to discuss payment of the hydraulic impact evaluation fee and the next steps forward?** Please let us know some times that may work for you in the near future. Attached is our expected sanitary sewer load analysis and fee estimate.

Thanks,

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>

**Sent:** Wednesday, June 10, 2020 10:48 AM

**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Denisse Peralta' <[dperalta@epasd.com](mailto:dperalta@epasd.com)>

**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Marian Lee' <[marian@lh-pa.com](mailto:marian@lh-pa.com)>

**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

Thanks for getting back to me. I'm interested in learning more, like which pipes need upgrading, etc. Are you available to speak next week?

Please let me know what days or times might work best for you.

Thanks,

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Wednesday, June 10, 2020 10:23 AM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>; Denisse Peralta <dperalta@epasd.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

We dont have capacity, the developer must be willing to upgrade the pipes at 100%

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>  
**Sent:** Wednesday, June 10, 2020 10:20 AM  
**To:** Akin Okupe <aokupe@epasd.com>; Denisse Peralta <dperalta@epasd.com>  
**Cc:** Art Henriques <ahenriques@cityofepa.org>; Marian Lee <marian@lh-pa.com>  
**Subject:** RE: EPA Sanitary District Service to Woodland Park Euclid Improvements

Akin,

Thanks for getting back to me. What is your availability to discuss what pipes you believe may need upgrading and the sufficiency of the Wastewater Capacity Usage Charge to cover those costs? We can have our civil engineer join as well.

I'm flexible Tuesday, Thursday, or Friday of next week. What works best for you?

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, June 9, 2020 1:46 PM  
**To:** Denisse Peralta <dperalta@epasd.com>  
**Cc:** Mike Kramer <mkramer@wlpcommunities.com>  
**Subject:** Re: EPA Sanitary District Service to Woodland Park Euclid Improvements

We do not have the sewer capacity to accommodate this project, the only way forward is for the developer to upgrade the sewer pipes

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel : (650) 325-9021

---

**From:** Denisse Peralta <dperalta@epasd.com>

**Sent:** Tuesday, June 9, 2020 1:19 PM

**To:** Akin Okupe <aokupe@epasd.com>

**Subject:** FW: EPA Sanitary District Service to Woodland Park Euclid Improvements

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Tuesday, June 9, 2020 12:37 PM

**To:** info <info@epasd.com>

**Subject:** FW: EPA Sanitary District Service to Woodland Park Euclid Improvements

Hello – I'm trying to get the below message to Mr. Akin Okupe. Can you please pass it along?

Thanks,

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Tuesday, June 9, 2020 12:32 PM

**To:** Akin Okupe <aokupe@epasd.com>

**Cc:** 'ahenriques@cityofepa.org' <ahenriques@cityofepa.org>; 'Marian Lee' <marian@lh-pa.com>; 'Brennan Monro' <bmonro@shpco.com>

**Subject:** FW: EPA Sanitary District Service to Woodland Park Euclid Improvements

Dear Mr. Okupe,

I hope you are well. I am following up on my e-mail (below) from two weeks ago and I wanted to confirm that you received it.

As discussed, it would be great to meet with you in the near to discuss the memo. Please let me know when you are available, and I will set up a conference call.

Thanks,

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Michael Kramer <[mkramer@shpco.com](mailto:mkramer@shpco.com)>

**Sent:** Friday, May 29, 2020 1:46 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** 'Patrick Heisinger' <[pheisinger@cityofepa.org](mailto:pheisinger@cityofepa.org)>; 'Kamal Fallaha' <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; 'Amy Chen' <[achen@cityofepa.org](mailto:achen@cityofepa.org)>; 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Marian Lee' <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Brennan Monro <[bmonro@shpco.com](mailto:bmonro@shpco.com)>

**Subject:** EPA Sanitary District Service to Woodland Park Euclid Improvements

Dear Mr. Okupe,

Hope you are safe and well. I am from Woodland Park Communities and Sand Hill Property Company and am writing you regarding our housing development proposal in the City of East Palo Alto – the Woodland Park Euclid Improvements.

Our application for entitlement was submitted to the City of East Palo Alto in September 2019. Our pre-application was submitted January 2019 and we have been in discussion with the community and the public about improvements since mid-2018.

The application is currently being reviewed by the City and the environmental review process began last month. You can view the [application here](#), and there is more information on our website at [nodisplacement.com](http://nodisplacement.com).

Our civil engineers, BKF, recently completed their analysis regarding the expected Sanitary Sewer Load and Fee for the proposed Euclid Improvements project. We thought it would be timely to share with you now, please see attached.

I am seeking your review. I have copied City staff in this email to keep us all coordinated.

It would be great to meet with you in the next few weeks to discuss the memo. Please let me know when you are available, and I will set up a conference call.

Thanks! Best wishes –

Mike

**Michael Kramer**

Chief Investment Officer

**Woodland Park Communities**

**Sand Hill Property Company**

5 Newell Court

East Palo Alto, CA 94303

Tel. +1 650 772 4319

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## TECHNICAL MEMORANDUM

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**Date:** May 28, 2020 **BKF Job Number:** 20166089-20

**Deliver To:** Akin Okupe, MBA, PE  
East Palo Alto Sanitary District

**From:** Cole Gaumnitz, PE, QSD/P  
BKF Engineers

**Subject:** Euclid Improvements- Expected Sanitary Sewer Load and Fee

---

### Purpose

The purpose of this memorandum is to provide a summary of the expected sanitary sewer load associated with the proposed project, Euclid Improvements, and its impacts on the existing public sanitary sewer system.

### Background

The project site includes fourteen existing parcels and is located in the City of East Palo Alto. The site encompasses the entire block bound by West Bayshore Road to the north, Manhattan Avenue to the east, O'Connor Street to the south, and Euclid Avenue to the west, as well as a portion of land west of Euclid Avenue and south of East O'Keefe Street. The site is approximately 3.92 acres, containing 161 existing residential units. West Bayshore Road and Euclid Avenue have an existing 8-inch sanitary sewer main, East O'Keefe Street and O'Connor Street have an existing 6-inch sanitary sewer main, and Manhattan Avenue has a 10-inch sanitary sewer main. All aforementioned sanitary sewer mains flow towards the most northeastern corner of the site where they ultimately enter a 10-inch sanitary sewer main that flows north, under Bayshore Freeway/Highway 101.

The proposed development includes a nine-story parking structure and a mix of five, nine, and thirteen-story multifamily apartment buildings, including common areas, amenity space, neighborhood retail, utility rooms, and service spaces. A total of 605 residential units (444 net new units) is proposed. This project is being developed by Woodland Park Communities and is currently in the planning review stage with the City of East Palo Alto.

### Existing Sanitary Sewer Load

The site currently contains 161 residential units. Based on existing water bills from 11/11/16-1/11/18, the average combined water usage is approximately 23,162 gallons per day (gpd) or 16.1 gallons per minute (gpm). Assuming the sanitary sewer load is equal to 90% of the water usage, the existing sanitary sewer flow is estimated to be approximately 20,846 gpd or 14.5 gpm.

### Proposed Sanitary Sewer Load

The proposed project will contain 3,090 square feet (sf) of retail space, 188 studio apartments, 238 one-bedroom apartments, 177 two-bedroom apartments, and 2 three/four-bedroom apartments, for a total

of 605 residential units (444 net new units). Per the East Palo Alto Sanitary District (EPASD) Standard Specifications, retail space shall use a unit flow factor of 0.1 gpd/sf. The average dry weather per unit domestic flow is listed as 240 gpd. However, this rate is more suited for a single family home land use. Multi-family home land uses are historically much lower. The water supply assessment prepared by project architect shows even less due to the high efficiency fixture units proposed. Per the assessment the average per unit water demand is with in-unit washing machines is 77 gpd assuming a 95% occupancy rate. For a 100% occupancy rate the per unit water demand is 80.8 gpd. Again, assuming the sanitary sewer load is 90% of the water usage, the proposed sanitary sewer flow is estimated to be as follows:

$$\begin{aligned} \text{Total Proposed Flow} &= (80.80 \text{ gpd/unit} \times 605 \text{ units}) \times 90\% + (3,090 \text{ sf} \times 0.1 \text{ gpd/sf}) \\ &= 43,994 \text{ gpd} + 309 \text{ gpd} = 44,303 \text{ gpd or } 30.8 \text{ gpm} \end{aligned}$$

$$\text{Total Proposed Flow Increase} = 44,303 \text{ gpd} - 20,846 \text{ gpd} = \mathbf{23,457 \text{ gpd or } 16.3 \text{ gpm}}$$

### **Equivalent Dwelling Unit and Anticipated Cost**

Per the Wastewater Capacity Usage Charge Update by Bartle Wells Associates dated December 2018, each Equivalent Dwelling Unit (EDU) should be a cost of \$6,060 per EDU to pay for capital improvements and treatment plant capacity buy in fees.

The EDU is based on 240 gpd. Working backwards from our total proposed flow increase we get:

$$23,457 \text{ gpd} / 240 \text{ gpd/EDU} = 97.74 \text{ EDUs}$$

$$\text{Total EPASD fee} = 97.74 \text{ EDU} \times \$6,060/\text{EDU} = \mathbf{\$592,305}$$





**David Baker Architects**  
dbarchitect.com

461 Second Street Loft c127  
San Francisco, CA 94107

## 7. Water Supply Assessment

2019-09-18

FROM: Cristina Rossi, David Baker Architects  
TO: East Palo Alto Planning Department  
1960 Tate St., East Palo Alto, CA 94303  
RE: September 2019 Application - Water Analysis  
JOB: 21620 Woodland Park

---

### Current Water Usage

Based on water bills from each of the existing buildings in the proposed improvement area from 2016-2018, the property as currently configured utilizes 144 gallons of water per day per unit on average.

This is based on the total usage of 23,162 gallons per day across 161 existing residential units, as well as the common areas and tenant-serving facilities in the improvement area.

For more information about current water usage, see Exhibit A.

### Projected Water Usage

We have projected water usage for the completed Euclid Improvements proposal, based on the design proposed in the application, and assuming three potential scenarios: A) all tenants use shared laundry facilities, B) all units with 2+ bedrooms have in-unit washers and dryers but all other tenants use shared laundry facilities, and C) all units have in-unit washers and dryers.

In scenario A, the proposed buildings would use approximately 69 gallons of water per day per unit.

In scenario B, the proposed buildings would use approximately 73 gallons of water per day per unit.

In scenario C, the proposed buildings would use approximately 77 gallons of water per day per unit.

The following assumptions are made in order to generate these projections:

1. The calculations of gallons used per person per day for each type of appliance is based on baseline flow rates based on DBA's typical specifications for efficient fixtures.
2. The total number of residents in the building is based on the proposed unit mix and the following number of residents per unit type:



- a. Studio - 1 person
  - b. 1 Bedroom - 2 people
  - c. 2 Bedroom - 3 people
  - d. 3 Bedroom - 4 people
  - e. 4 Bedroom - 5 people
3. A 95% occupancy is assumed for the building.

### Current Water Supply

The projected demand of approximately 44,000 gallons per day equals a flow rate of 31 gallons per minute (44,000 gpd x 1 day/24 hours x 1 hour/60 minutes = 31 gpm). When factoring in a peaking factor of 4, as recommended by BKF Engineers, this would result in a 124 gallon per minute peak (31 gpm x peak factor of 4 = 124 gpm peak). Recent water flow tests of the American Water system serving the site conducted on July 11, 2019 indicated that the water lines to the site can deliver approximately 650 gpm. Therefore, the current water supply is adequate for the proposed buildings, and can deliver well above the projected peak water flow.

In July 2016, the City of East Palo Alto instituted a water connection moratorium over concerns about water supply. In June 2017, the City of East Palo Alto and the City of Mountain View agreed on a water transfer to permanently increase East Palo Alto's water supply by 1,000,000 gallons of water per day. Additionally, in May 2018, the City of East Palo Alto received a water transfer from the City of Palo Alto to permanently increase East Palo Alto's water supply by another 500,000 gallons of water per day. These transfers addressed the long-term water supply concerns, and the moratorium was lifted in July 2018.

### Conclusion

Based on the current water usage analysis and our projections of expected future water usage, the proposed buildings will use significantly less water per day per unit than the current buildings, regardless of whether tenants use shared laundry facilities or have in-unit laundry machines.

The new apartments are approximately twice as efficient as the current apartments, meaning they use roughly half as much water per unit per day compared to the existing units.

Further, the current water supply is sufficient for the proposed buildings.

Sincerely,

**Cristina Rossi**

Designer

[cristinarossi@dbarchitect.com](mailto:cristinarossi@dbarchitect.com)

415.799.4586



Exhibit A – Existing Water Usage

Building Address	Billing Period	100 CCF's Used	Units	Service Provider	Billing Rate per 100 CCF	100 CCF/Day
2001 Manhattan	11/11/16 - 1/11/18	6031	60	American Water	\$6.16	14.16
2033 Manhattan	11/11/16 - 1/11/18	1576	32	American Water	\$6.16	3.70
2010-2012 Euclid/501 O'Connor St.	11/11/16 - 11/7/17	490	22	American Water	\$6.16	1.36
2021 Euclid	11/11/16 - 1/11/18	332	11	American Water	\$6.16	0.78
2025 Euclid	11/11/16 - 1/11/18	378	7	American Water	\$6.16	0.89
2031 Euclid	11/11/16 - 1/11/18	1098	12	American Water	\$6.16	2.58
2032 Euclid	11/11/16 - 1/11/18	405	1	American Water	\$6.16	0.85
2036 Euclid	11/11/16 - 1/11/18	74	4	American Water	\$6.16	0.17
2040 & 2042 Euclid	11/11/16 - 1/11/18	1564	2	American Water	\$6.16	3.67
2041 & 2043 Euclid	11/11/16 - 1/11/18	287	0	American Water	\$6.16	0.67
2044 Euclid A & B	11/11/16 - 1/11/18	235	2	American Water	\$6.16	0.54
2054 Euclid	11/11/16 - 1/11/18	638	8	American Water	\$6.16	1.50

Note: Resident Services Office, Community Technology Center, Community Engagement Office

TOTAL	Sum CCF	Existing Units	Gallons	Gallons/Unit	100CCF/Day	Gallons/Day	Gallons/Unit/Day
	13108	161	9,804,784	60899	30.96	23,161.78	144



Exhibit B – Projected Water Budget

Current use (gallons/year)	8,454,050
Current use (gallons/day)	23,162
Current use (gallons/day), per unit	144

**Scenario 1** (all shared laundry facilities)

Projected use (gallons/year), avg	15,316,886
Projected use (gallons/day)	41,964
Projected use (gallons/day), per unit	69

**Scenario 2** (2 BR + units have in-unit washers & dryers, all others shared laundry)

Projected use (gallons/year), avg	16,049,055
Projected use (gallons/day)	43,970
Projected use (gallons/day), per unit	73

**Scenario 3** (all in-unit washers & dryers)

Projected use (gallons/year), avg	16,949,351
Projected use (gallons/day)	46,437
Projected use (gallons/day), per unit	77

**Project Data\***

No. Units	605
Studio	188
1BR	238
2BR	177
3BR	1
4BR	1
No. Residents, Studios & 1 BR, Full Occupancy	664
No. Residents, 2+ BR, Full Occupancy	540
No. Residents, Full Occupancy	1204
Assumed Occupancy	95%
No. Residents, Studios & 1 BR, Assumed Occupancy	631
No. Residents, 2+ BR, Assumed Occupancy	513
No. Residents, Assumed Occupancy	1144
Avg. No. Res. per unit	1.9

**Potable Water Use**

End Use	Gallons/person-day
Toilets	6.46
Kitchen Faucet	9.00
Lav Faucet	5.00
Showers+Bath	10.76
Dishwasher	0.35
Laundry (Common)	5.11
Laundry (in-Unit)	9.02
Total indoor use (daily per capita - common laundry)	36.69
Total indoor use (daily per capita - in-unit laundry)	40.60

**Fixture Flow Rates**

Proposed Flow Rate (gpm, gpf or gpc)	Uses (or cycles) per day (x) duration if applicable	Assumptions are based (LEED v4)
1.28	5.05	Four flushes per day
1.8	5.00	1 min/use, 4 uses per day
1	5.00	10 secs/use, 6 uses per day
1.75	6.15	10 min. shower, 0.75 probability of daily shower
3.5	0.10	One cycle every other day
7.92	2.51	Cycles per unit per week
7.92	4.43	Cycles per unit per week

\*Note: # of people per unit type is based on the International Mechanical Code Table 403.3.1.1 occupant density for private dwellings



Michael Kramer <mkramer@shpco.com>

---

## Fw: Hydraulic Evaluation of Woodland Park Apartments

---

Akin Okupe <aokupe@epasd.com>  
To: Mike Kramer <mkramer@wlpcommunities.com>

Thu, Aug 20, 2020 at 4:02 PM

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Sent:** Thursday, August 20, 2020 8:51 AM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Please find attached our memorandum presenting the results of our analysis of the proposed Woodland Apartment complex development that significantly increases the flow as compared to the existing apartment complex. Please call with any questions. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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not guarantee any accuracy of the information. Furthermore, this drawing is a working copy of a drawing that will comply with State laws requiring professional signatures of work. These files may or may not contain all the information available on the signed, final drawing.

---

**From:** Jeffrey Tarantino  
**Sent:** Friday, August 14, 2020 6:22 AM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Subject:** Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Please find attached the results of the hydraulic evaluation of the proposed improvements to Woodland Park Apartments proposed by Sand Hill Properties. Please review and let me know if you have any questions or comments. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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## DRAFT MEMORANDUM

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**To:** Akin Okupe, P.E., M.B.A.  
*East Palo Alto Sanitary District*

**Date:** August 19, 2020

**From:** Jeffrey Tarantino, P.E.  
Raymond Mallari, E.I.T.  
*Freyer & Laureta, Inc.*

**Subject:** Proposed Development at Woodland Park Apartments

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### Purpose

Freyer & Laureta, Inc. (F&L) is pleased to provide this memorandum to the East Palo Alto Sanitary District (EPASD) to present the results of the requested assessment of the proposed development at 499 O'Connor Street sewer discharge impacts, if any, on EPASD's existing collection system. The proposed development of interest in the hydraulic modeling scenarios are for Woodland Park Apartments located at 499 O'Connor Street. The goal of the modeling effort is to determine how the proposed development impacts the existing EPASD collection system and confirm that the developer's projected average dry weather flows (ADWF) are consistent with similar projects in EPASD's service area and EPASD District Code.

### Assumptions

#### *Woodland Park Apartments Flows*

The Woodland Park Apartments located at 499 O'Connor Street is an existing housing complex proposing to rehabilitate and expand from the current 161 units to the proposed 605 units. The projected average daily sewer demand was calculated based on Paragraph B1.03.1.b of EPASD Standard Specifications for Design and Construction of Sanitary Sewer Collection and Conveyance Facilities dated June 6, 2002, which indicates that a single residential dwelling unit discharges 240 gallons per day (gpd).

F&L estimated average dry weather flows of the existing development using 240 gpd per dwelling unit and calculated the estimated additional flow to be contributed by the future development. Table 1 documents the estimated existing flows and projected

additional flows. As noted in Euclid Improvements Technical Memorandum by BKF dated May 28, 2020 the existing site is a 161-unit apartment building and the proposed development will result in a total of 605 units, which is an approximate 400% increase in residential dwelling units. The proposed developments additional ADWF is calculated to be approximately 106,560 gpd with a peak day sanitary sewer flow rate calculated to be 183,283 gpd.

### *HYDRA 7 Manhole Injections*

EPASD has indicated that for residential units, the hydraulic review assumes that the apartments are occupied 24 hours per day. The average daily flow is calculated to be 0.16487 cfs. EPASD estimates the calculated peak flow is 0.28358 cfs based on a PDWF peaking factor of 1.72 for site E2 in Table 3. Injections were made in Manholes D22; the flow path was modeled from Manhole D22 to Manhole T14.

### **Results**

Please refer to Appendix A for figures presenting the hydraulic grade line for the EPASD collection system both under current conditions and proposed conditions after the completion of Woodland Park Apartments Development and Appendix C documents the flow path through the EPASD collection system. Please also see Appendix B containing several tables that documents the calculation of estimated flows that were used by F&L in the model and the results of the hydraulic modeling study including documenting projected impacts by the development on the existing EPASD collection system. The figures included in Appendix A present the hydraulic grade line during the following scenarios:

- Average dry weather flow scenario of existing conditions (Figure 1),
- Peak dry weather flow scenario of existing conditions (Figure 2),
- Peak wet weather flow scenario of existing conditions (Figure 3),
- Average dry weather flow scenario of proposed conditions (Figure 4),
- Peak dry weather flow scenario of proposed conditions (Figure 5),
- Peak wet weather flow scenario of proposed conditions (Figure 6),
- Average dry weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 7),
- Peak dry weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 8),



- Peak wet weather flow scenario of proposed conditions with PDWF pipe size upgrades (Figure 9),
- Average dry weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 10),
- Peak dry weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 11), and
- Peak wet weather flow scenario of proposed conditions with PWWF pipe size upgrades (Figure 12).

The blue lines in each figure indicates the modeled water surface elevation and the red line represents the ground elevation.

## Analysis

As seen in the figures, the modeled water surface elevation changes when comparing both existing average and peak scenarios with the proposed average and peak scenarios are minor. The projected impacts to the hydraulic grade line are also presented in the Appendix B tables that compares the Depth over Diameter ratios (d/D) from Table 2.2 for existing conditions and Table 2.3 for future conditions when the development is complete. The d/D is seen to result in minor increases of depth during ADWF with the biggest difference from the scenario in Manhole D22 of 0.96 inches. The hydraulic model predicts that the proposed development results in minor increase of d/D during ADWF from 0.36 under existing conditions and 0.48 under proposed conditions. Under PDWF conditions, differences are seen to increase. The increase of d/D at Manhole N4 is from 0.66 under existing conditions to 1.0 under proposed conditions, which yields a difference of 2.88 inches.

Capital improvements were determined by both peak dry weather flow (PDWF) and peak wet weather flow (PWWF). Figure 12 in Appendix A shows the profile of the maximum event scenario with modified pipe sizes along the flow path in the collection system. After the capital improvements are implemented, the model predicts that the d/D along the entire flow downstream of the proposed development is less than 0.67 under PWWF and restored to the d/D under existing conditions for PDWF improvements. Table 2.5 presents the future conditions including proposed capital improvements under a maximum flow event and compares changes with the existing system.

## **Capital Improvements**

All old piping should be replaced with various sizes of DR17 HDPE pipe. In order to prevent the predicted SSOs, EPASD will need to replace approximately 8,200 linear feet of pipe starting from manhole D22 and continuing downstream to manhole T16 for the PWWF scenario and 5,600 linear feet for the PDWF scenario. Tables 2.5 and 2.6 in Appendix B shows the proposed capital improvements and Tables 4.1 and 4.2 shows a cost estimate. The limits of the proposed capital improvement program are presented on Appendix C.

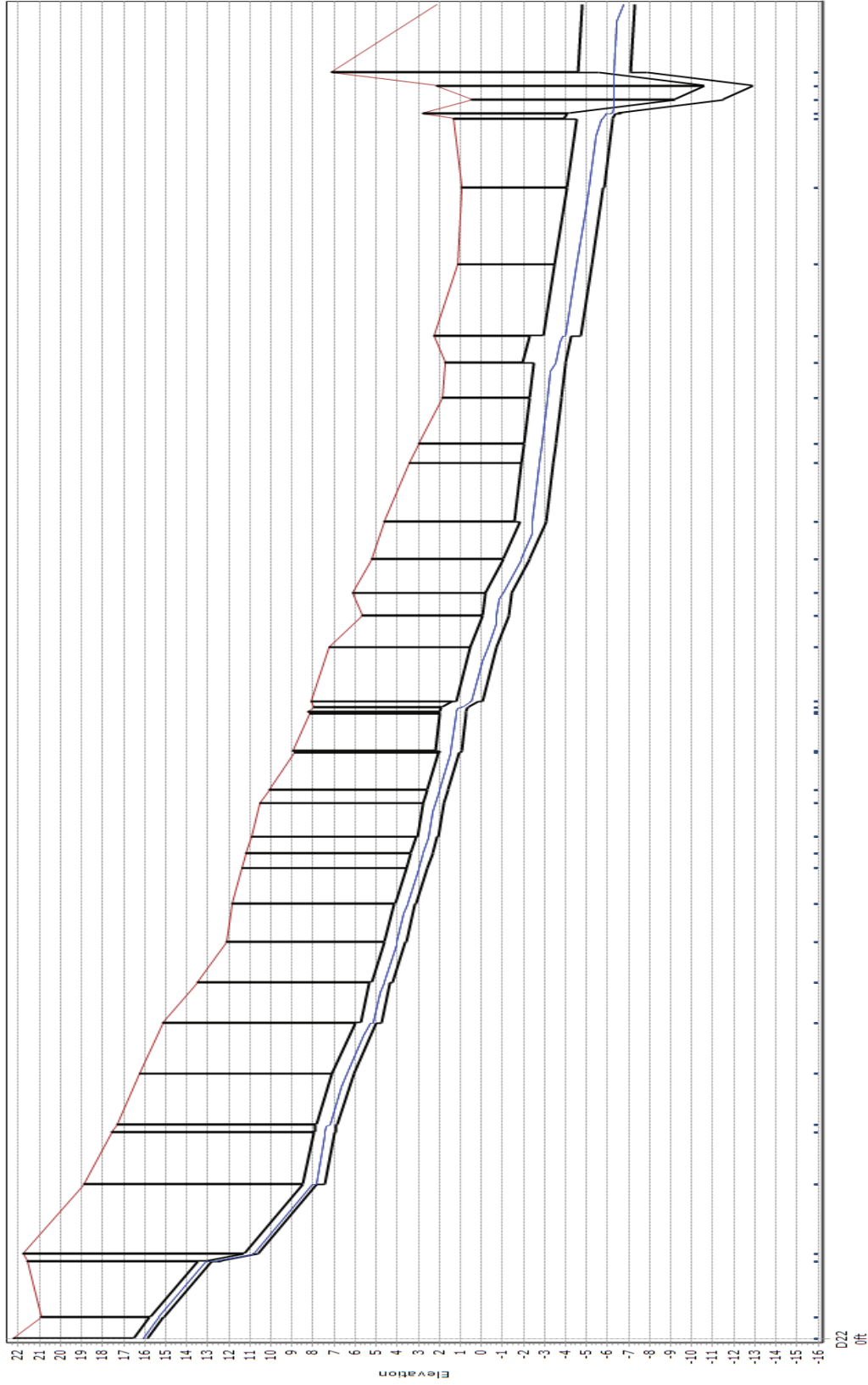
### Appendices

- Appendix A – Figures and Hydraulic Profiles
- Appendix B – Tables
- Appendix C – Proposed Development Flow Path

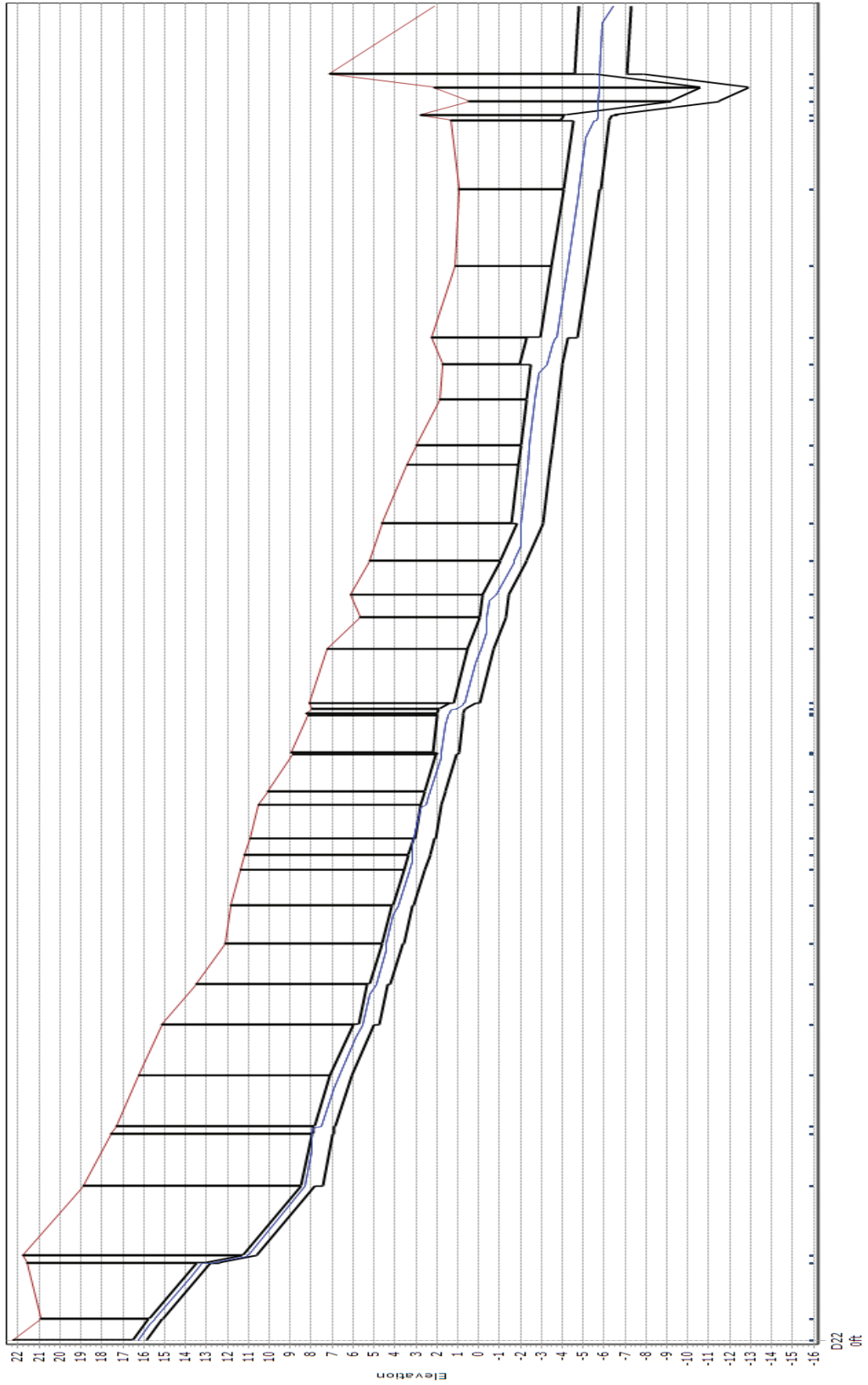
**Appendix A**  
**Figures of Flow Path and Hydraulic Profile**

**FREYER & LAURETA, INC.**

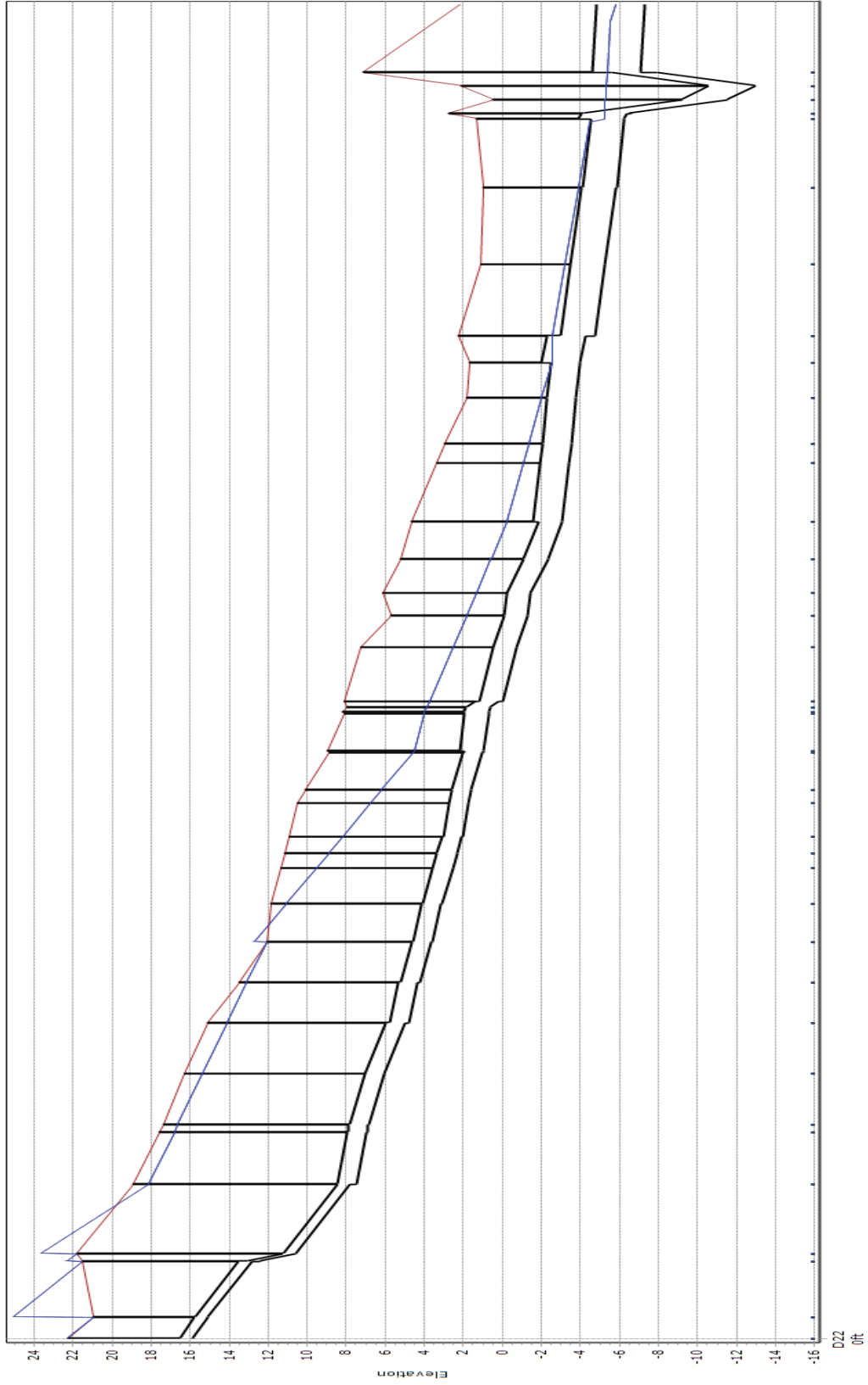
**Figure 1- Existing Average Dry Weather Flow Hydraulic Grade Line**



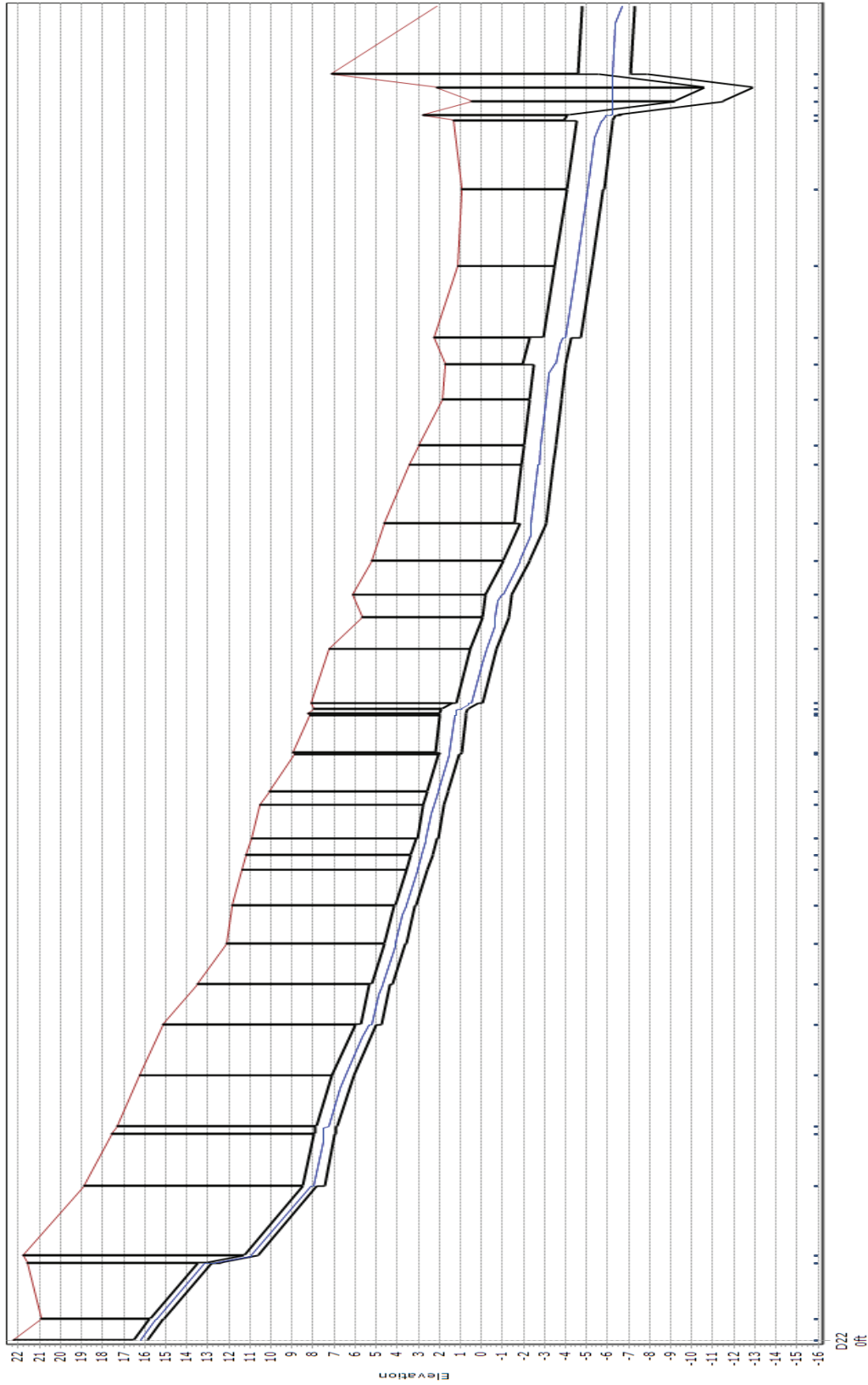
**Figure 2- Existing Peak Dry Weather Flow Hydraulic Grade Line**



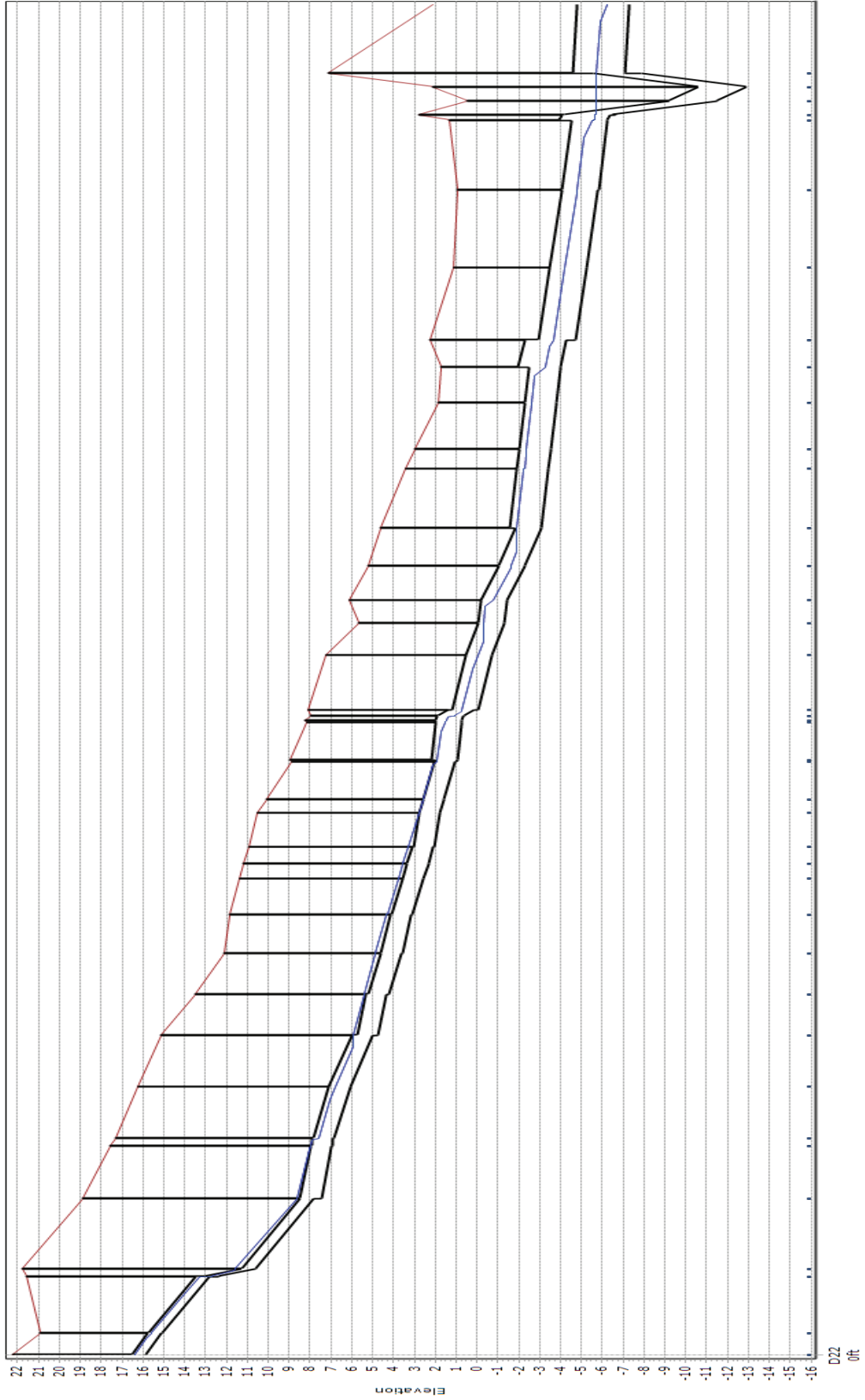
**Figure 3- Existing Peak Wet Weather Flow Hydraulic Grade Line**



**Figure 4- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection**

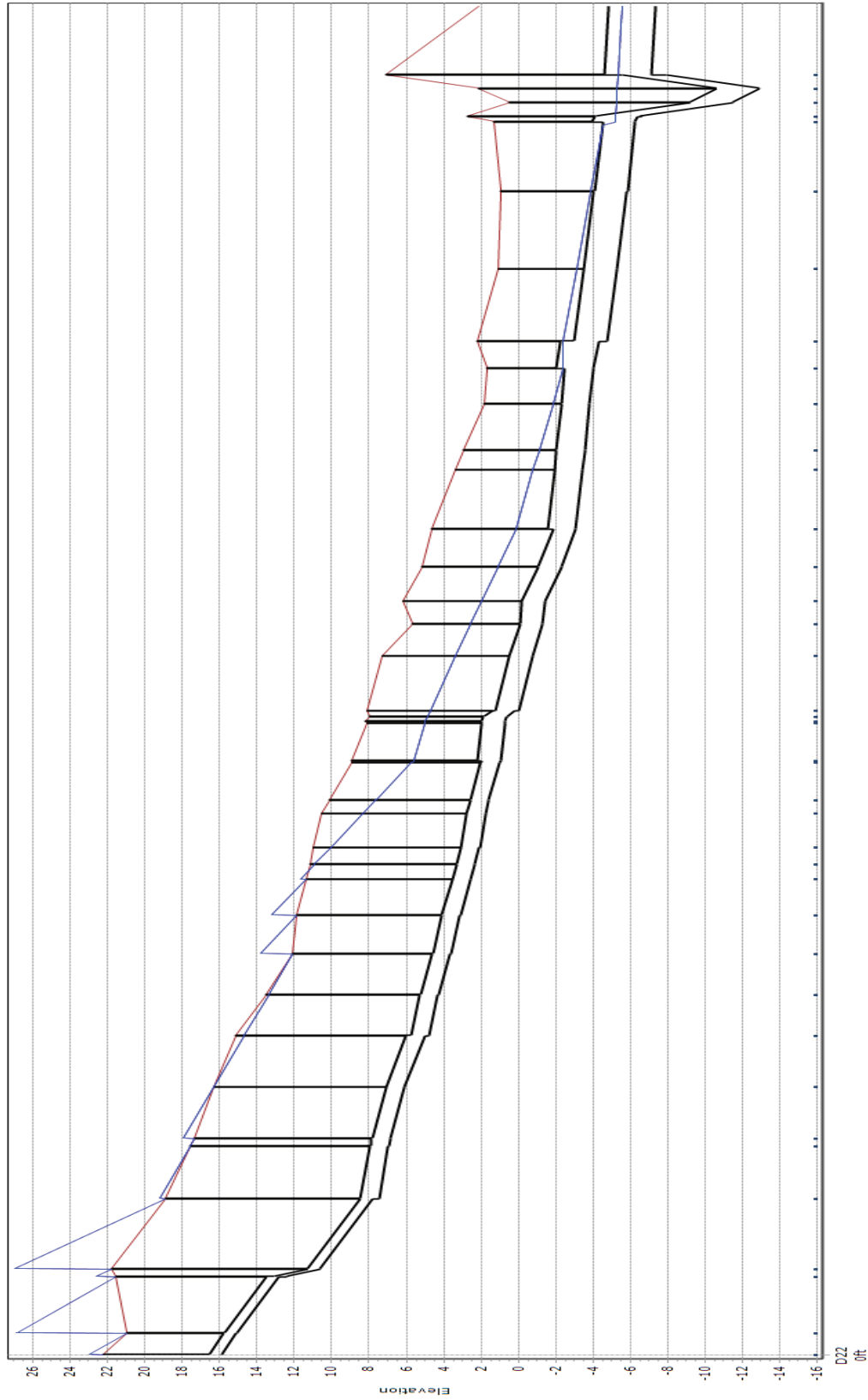


**Figure 5- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection**

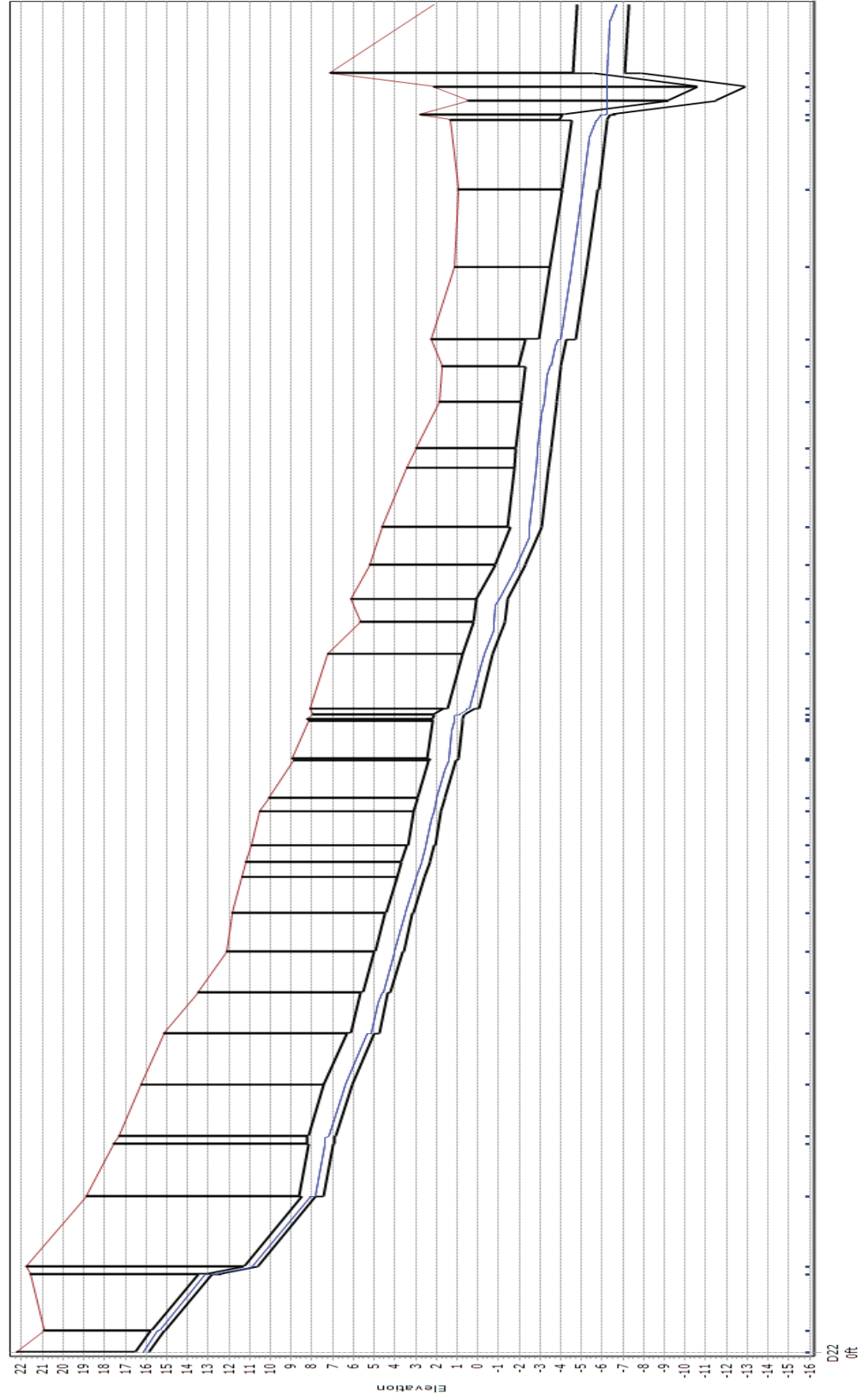




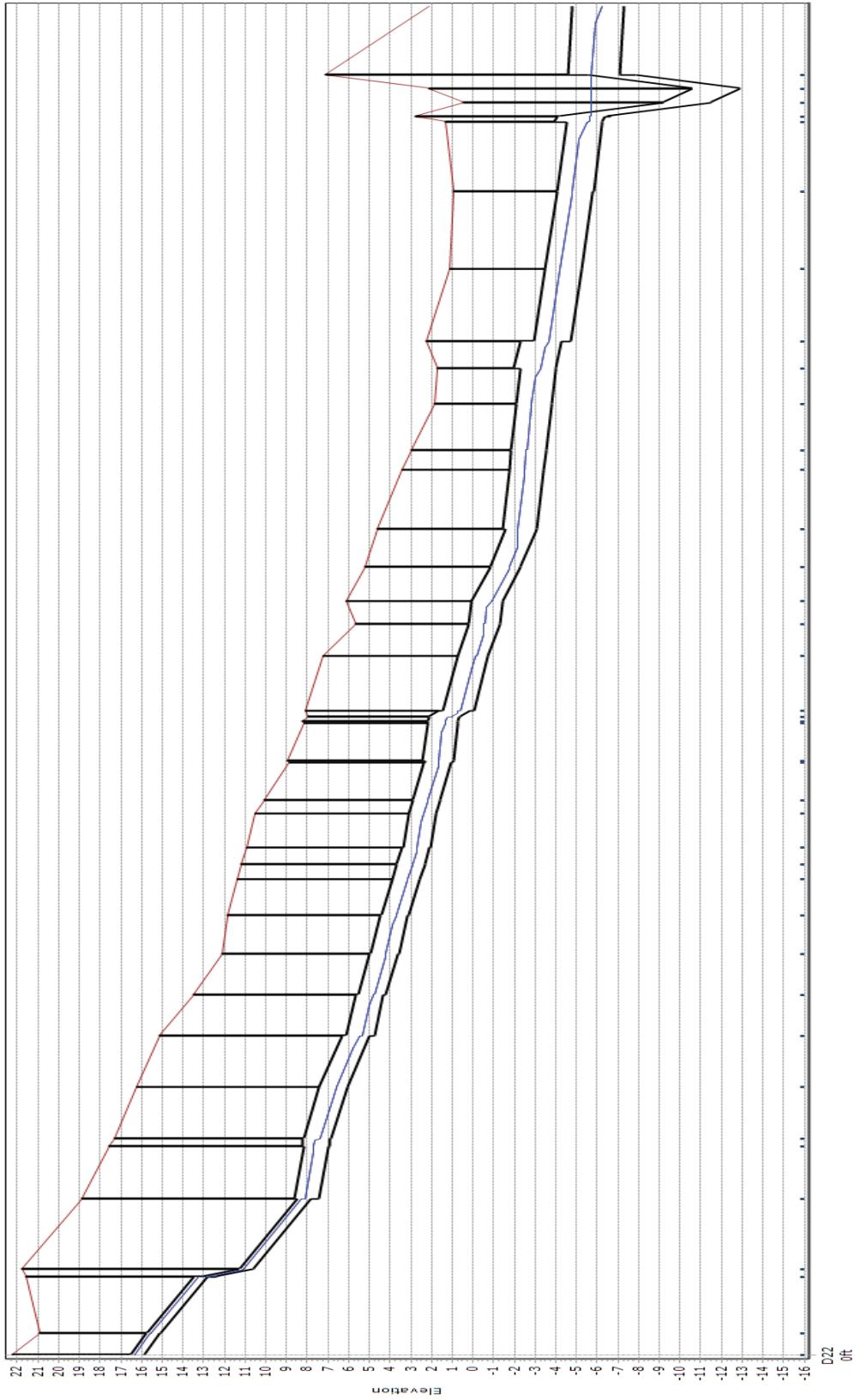
**Figure 6- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection**



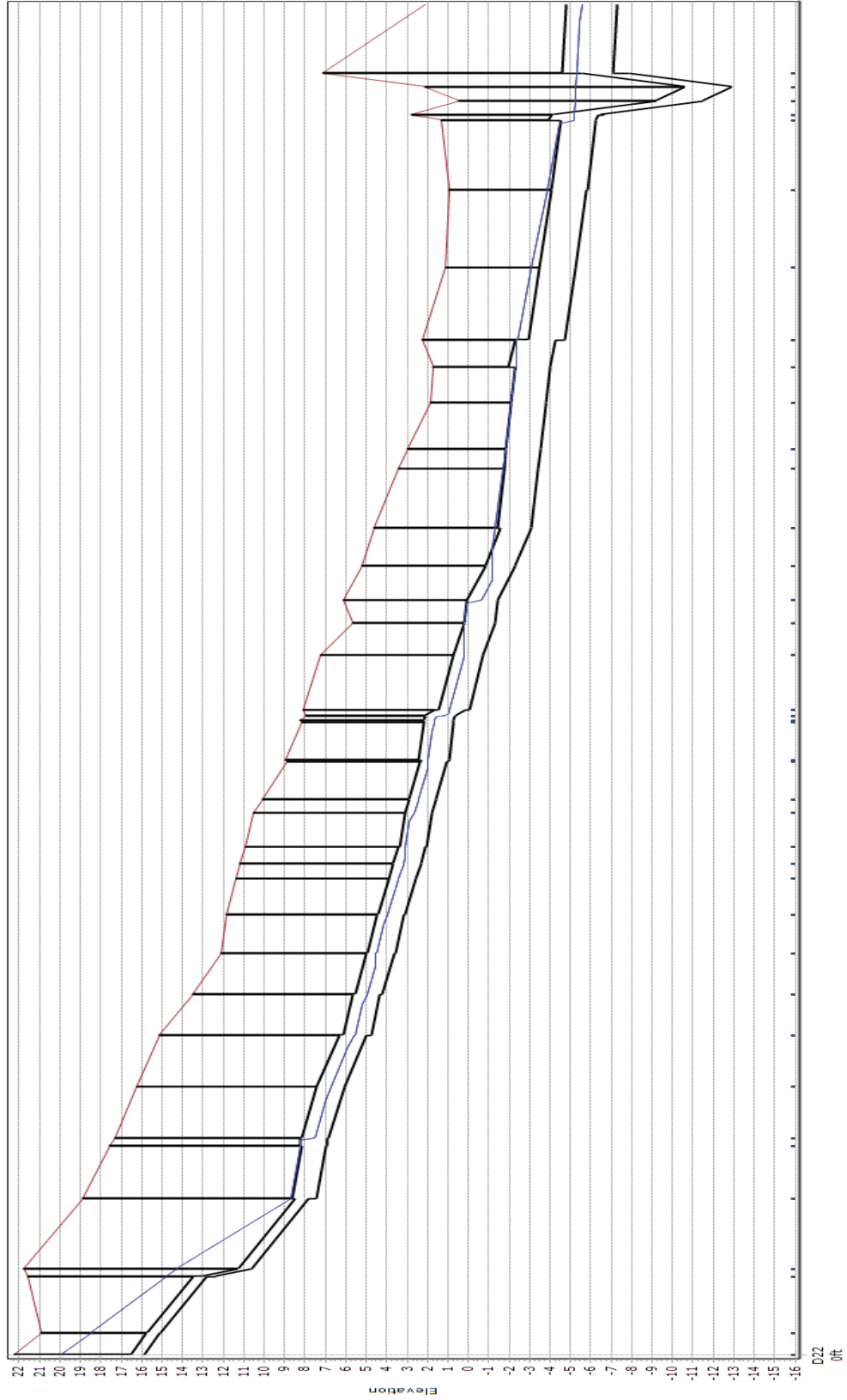
**Figure 7- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



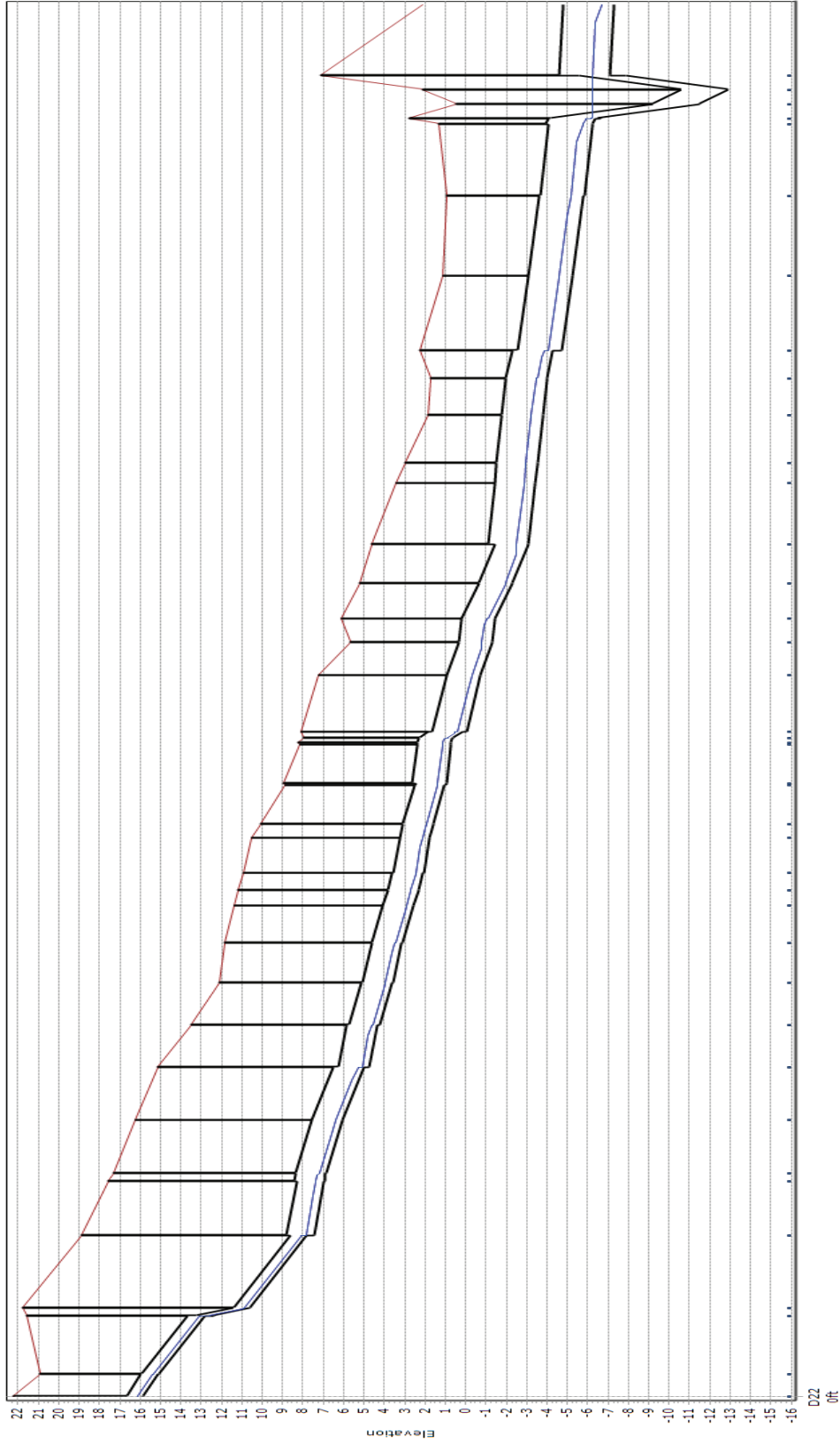
**Figure 8- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



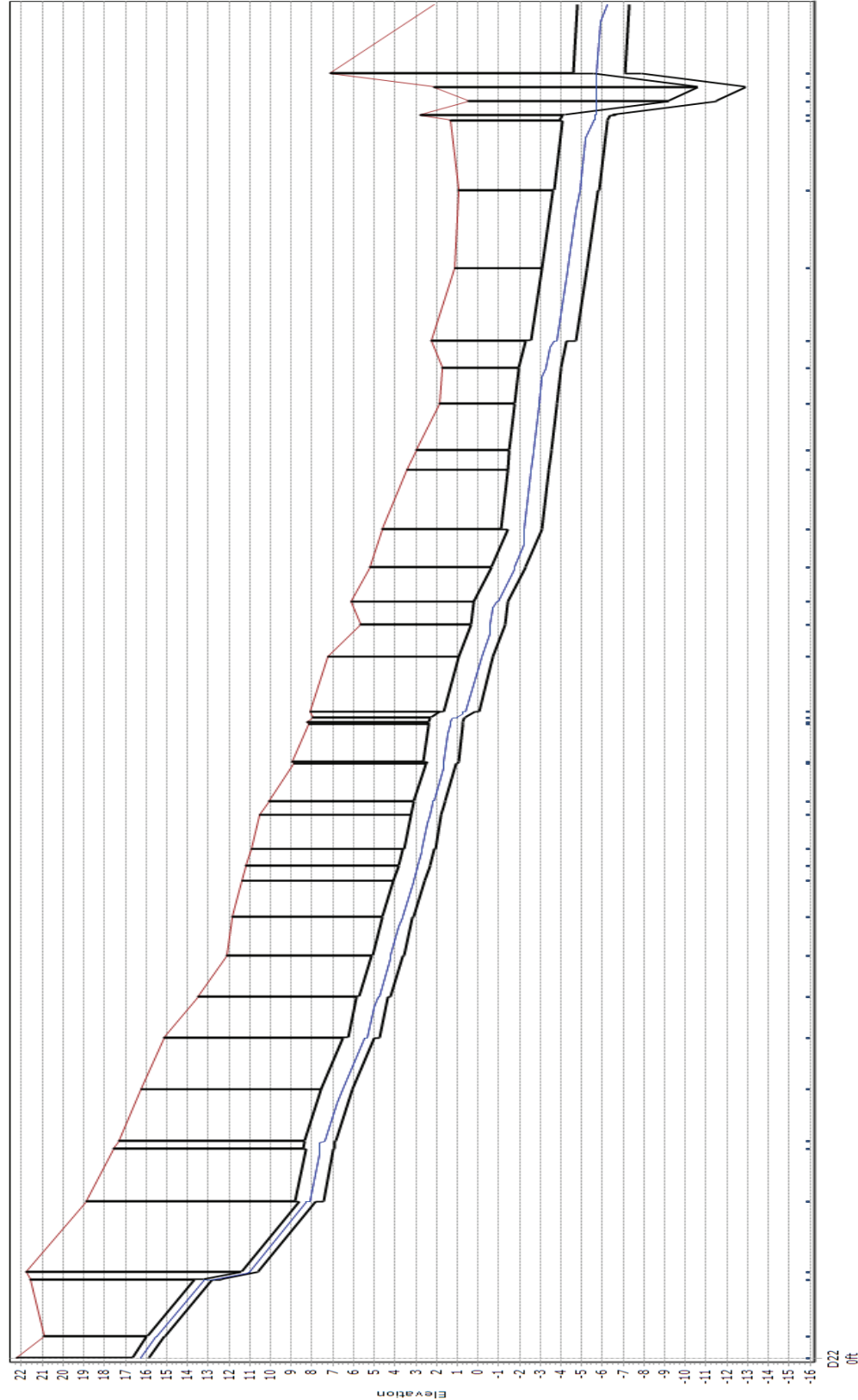
**Figure 9- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



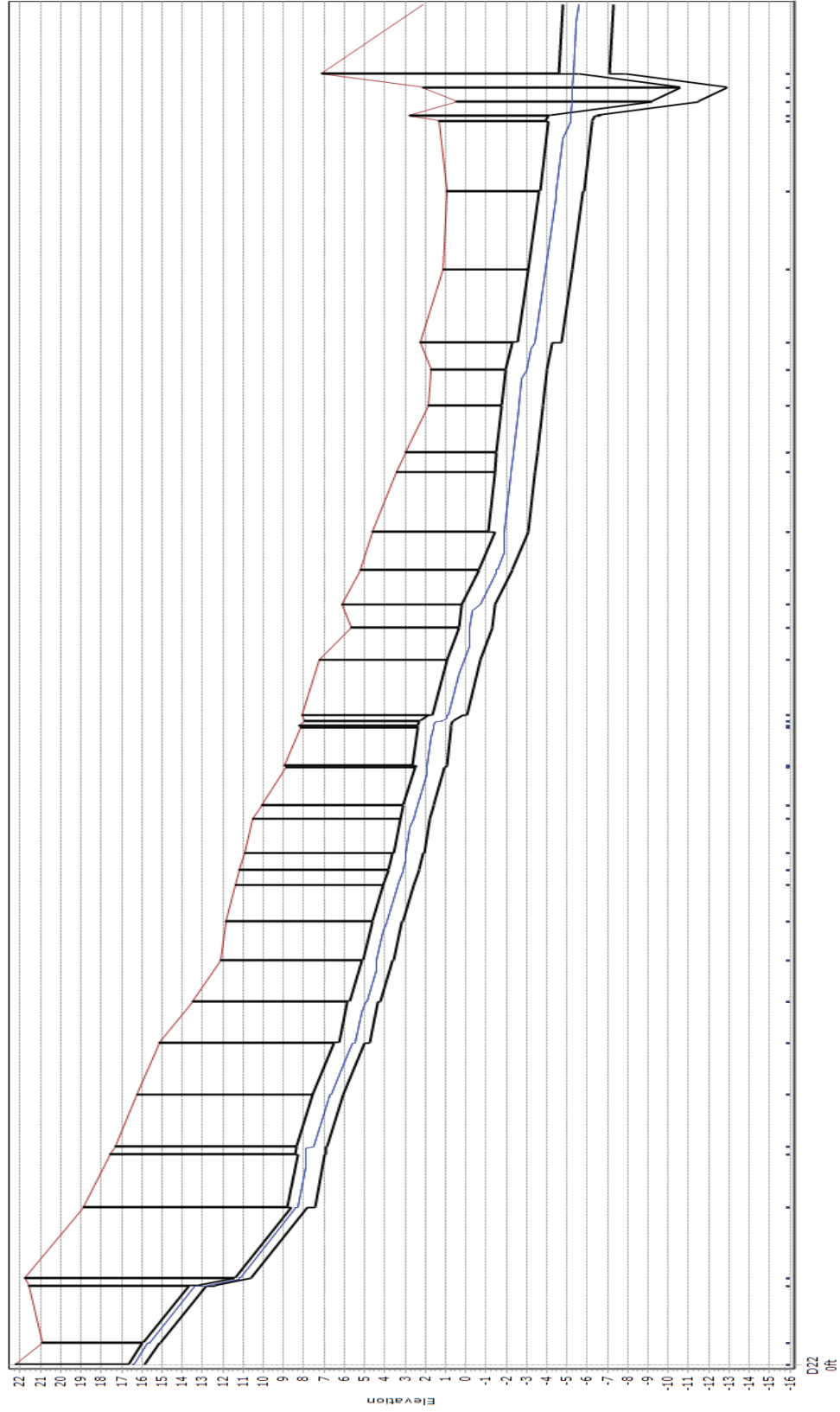
**Figure 10- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Figure 11- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Figure 12- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Appendix B**  
**Tabular Summary of Hydraulic Modeling Results**



**Table 1**  
**Estimated Sewer Flows based on District Standards (1)**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

<b>Building</b>	<b>Number of Units (2)</b>	<b>Estimated Average Dry Weather Flow (gpd) (3)</b>
Proposed	605	145,200
Existing	161	38,640
<b>Total Additional (4)</b>	<b>444</b>	<b>106,560</b>

**Notes**

- (1) Estimated Sewer Flows are calculated in accordance with East Palo Alto Sanitary District Standard Specifications for Design and Construction of Sanitary Sewer Collection and Conveyance Facilities dated June 6, 2002.
- (2) Number of existing units and number of proposed units after development is complete is based on Euclid Improvements Technical Memorandum by BKF dated May 28, 2020.
- (3) Average dry weather flow calculated by multiplying 240 gallons per dwelling unit per day by the total number of units. based on Section B1.03.2.b of the District standards referenced in Note 1 above.
- (4) Total additional is calculated by subtracting the existing units and estimated average dry weather flow from the proposed units and estimated average dry weather flow.

**Abbreviations**

gpd: gallons per day

**Table 2.1**

**Proposed Development**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole used for Injection (1)	Average Flow Injected into Manhole (cfs) (2)	Peak Flow Injected into Manhole (cfs) (3)	Average Flow Injected into Manhole (gpd) (4)	Peak Flow Injected into Manhole (gpd) (3)
D22	0.16487	0.28358	106,560	183,283

**Notes**

- (1) Manhole injected with flows taken from Table 1 to simulate modeling.
- (2) Average dry weather flow injected into Manhole converting from gpd to cfs using a 24-hour day.
- (3) Peak dry weather flow calculated by multiplying the average flow by a peaking factor of 1.72 for Site E2 (see Table 3).
- (4) Average dry weather flow taken from Table 1.

**Abbreviations**

gpd: gallons per day  
cfs: cubic feet per second

**Table 2.2**  
**Existing Results**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.36	0.2329	150,528	16.08	0.60	0.5703	368,596	16.24	1.00	1.2415	802,406	22.23
D21	8	0.33	0.2329	150,528	15.3	0.57	0.5703	368,596	15.46	1.00	1.2415	802,406	20.93
D19	8	0.24	0.2689	173,795	12.56	0.39	0.7358	475,562	12.67	0.54	1.3954	901,874	21.54
D10	8	0.36	0.2689	173,795	10.82	0.66	0.7358	475,562	11.02	1.00	1.3954	901,874	21.78
D3	12	0.4	0.4121	266,348	7.86	0.80	1.2366	799,239	8.26	1.00	2.1244	1,373,041	18.1
D2	12	0.5	0.4121	266,348	7.41	1.00	1.2366	799,239	7.93	1.00	2.1244	1,373,041	16.81
D1	12	0.36	0.4121	266,348	7.19	0.66	1.2366	799,239	7.49	1.00	2.1244	1,373,041	16.62
E4	12	0.32	0.4121	266,348	6.40	0.58	1.2366	799,239	6.66	1.00	2.1244	1,373,041	15.36
E3	12	0.38	0.4121	266,348	5.14	0.74	1.2366	799,239	5.50	1.00	2.1244	1,373,041	14.09
E2	12	0.36	0.4121	266,348	4.59	0.66	1.2366	799,239	4.89	1.00	2.1244	1,373,041	13.09
E1	12	0.44	0.6185	399,749	4.03	0.80	1.5098	975,813	4.39	1.00	3.026	1,955,763	12.09
H9	12	0.42	0.623	402,657	3.51	0.72	1.5148	979,045	3.82	1.00	3.036	1,962,226	11.07
H73	12	0.42	0.623	402,657	2.98	0.72	1.5148	979,045	3.29	1.00	3.036	1,962,226	9.54
H74	12	0.42	0.623	402,657	2.76	0.72	1.5148	979,045	3.16	1.00	3.036	1,962,226	8.91
H8	12	0.48	0.623	402,657	2.53	1.00	1.5148	979,045	3.12	1.00	3.036	1,962,226	8.21
H7	12	0.42	0.623	402,657	2.18	0.74	1.5148	979,045	2.51	1.00	3.036	1,962,226	6.76
H75	12	0.42	0.623	402,657	2.00	0.72	1.5148	979,045	2.31	1.00	3.036	1,962,226	6.19
H6	12	0.36	0.623	402,657	1.43	0.58	1.5148	979,045	1.80	1.00	3.036	1,962,226	4.58
H5	15	0.38	0.643	415,584	1.43	0.67	1.6588	1,072,115	1.79	1.00	3.056	1,975,153	4.01
H4	15	0.35	0.643	415,584	1.18	0.58	1.6588	1,072,115	1.43	1.00	3.056	1,975,153	3.99
H3	15	0.38	0.8969	579,684	1.18	0.56	1.8097	1,169,645	1.41	1.00	3.9379	2,545,142	3.88
H2	15	0.24	0.8969	579,684	0.90	0.34	1.8097	1,169,645	1.03	0.53	3.9379	2,545,142	3.88
I11	15	0.38	0.8969	579,684	0.45	0.56	1.8097	1,169,645	0.68	1.00	3.9379	2,545,142	3.76
I10	15	0.35	0.8969	579,684	-0.29	0.51	1.8097	1,169,645	-0.09	1.00	3.9379	2,545,142	2.55
I9	15	0.46	0.9059	582,269	-0.72	0.72	1.8137	1,172,230	-0.41	1.00	3.9429	2,548,374	1.85
I8	15	0.32	0.9059	585,501	-1.04	0.46	1.8187	1,175,461	-0.86	0.77	3.9479	2,551,605	1.35
I7	15	0.34	0.9139	590,671	-1.89	0.50	1.8287	1,181,925	-1.69	1.00	3.9529	2,554,837	0.59
I6	18	0.44	1.2611	815,074	-2.41	0.72	2.7857	1,800,453	-2.00	1.00	5.1314	3,316,524	-0.24
I5	18	0.44	1.2611	815,074	-2.75	0.72	2.7857	1,800,453	-2.34	1.00	5.1314	3,316,524	-1.08
I31	18	0.44	1.2671	818,952	-2.86	0.72	2.7917	1,804,330	-2.45	1.00	5.1414	3,322,988	-1.36
I4	18	0.44	1.2671	818,952	-3.12	0.72	2.7917	1,804,330	-2.71	1.00	5.1414	3,322,988	-2.02
I3	24	0.23	1.2671	818,952	-3.52	0.34	2.7917	1,804,330	-3.30	0.48	5.1414	3,322,988	-2.54
T19	21	0.40	2.1091	1,363,153	-4.01	0.56	3.8491	2,487,749	-3.73	1.00	7.3986	4,781,860	-2.54
T18	21	0.39	2.1091	1,363,153	-4.54	0.55	3.8491	2,487,749	-4.26	1.00	7.3986	4,781,860	-3.19
T17	21	0.41	2.1091	1,363,153	-5.11	0.58	3.8491	2,487,749	-4.82	1.00	7.3986	4,781,860	-3.89
T16	28	0.20	2.1091	1,363,153	-5.79	0.27	3.8491	2,487,749	-5.63	0.37	7.3986	4,781,860	-5.22
T15	28	0.11	2.5004	1,616,058	-6.17	0.17	5.92	3,826,212	-5.71	0.21	8.9644	5,793,867	-5.23
T14	30	0.33	2.5004	1,616,058	-6.28	0.53	5.92	3,826,212	-5.78	0.70	8.9644	5,793,867	-5.36

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

- gpd: gallons per day
- cfs: cubic feet per second
- HGL: Hydraulic Grade Line
- Q: Flow rate
- d/D: Depth over Diameter

Table 2.3  
Proposed Results

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PDWF "d/D" (3)	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.48	0.3978	257,106	16.16	0.78	0.8539	551,892	16.37	1.00	1.5251	985,702	22.23	
D21	8	0.45	0.3978	257,106	15.39	0.72	0.8539	551,892	15.57	1.00	1.5251	985,702	20.93	
D19	8	0.30	0.4337	280,309	12.61	0.45	1.0194	658,858	12.73	0.60	1.6790	1,085,171	21.54	
D10	8	0.48	0.4337	280,309	10.91	1	1.0194	658,858	11.6	1.00	1.6790	1,085,171	21.78	
D3	12	0.48	0.5770	372,926	7.94	1	1.5201	982,470	8.64	1.00	2.4080	1,556,338	18.91	
D2	12	0.62	0.5770	372,926	7.53	1	1.5201	982,470	7.96	1.00	2.4080	1,556,338	17.54	
D1	12	0.42	0.5770	372,926	7.25	0.76	1.5201	982,470	7.59	1.00	2.4080	1,556,338	17.33	
E4	12	0.38	0.5770	372,926	6.46	0.68	1.5201	982,470	6.77	1.00	2.4080	1,556,338	16.28	
E3	12	0.46	0.5770	372,926	5.22	1.00	1.5201	982,470	5.93	1.00	2.4080	1,556,338	14.66	
E2	12	0.42	0.5770	372,926	4.65	0.78	1.5201	982,470	5.42	1.00	2.4080	1,556,338	13.39	
E1	12	0.50	0.7833	506,262	4.09	1.00	1.7934	1,159,110	4.90	1.00	3.3096	2,139,059	12.09	
H9	12	0.48	0.7879	509,235	3.57	1.00	1.7934	1,159,110	4.32	1.00	3.3196	2,145,523	11.84	
H73	12	0.48	0.7879	509,235	3.04	0.82	1.7984	1,162,341	3.79	1.00	3.3196	2,145,523	11.36	
H74	12	0.48	0.7879	509,235	2.82	1.00	1.7984	1,162,341	3.56	1.00	3.3196	2,145,523	10.89	
H8	12	0.56	0.7879	509,235	2.61	1.00	1.7984	1,162,341	3.31	1.00	3.3196	2,145,523	10.05	
H7	12	0.48	0.7879	509,235	2.24	1.00	1.7984	1,162,341	2.80	1.00	3.3196	2,145,523	8.31	
H75	12	0.48	0.7879	509,235	2.06	1.00	1.7984	1,162,341	2.80	1.00	3.3196	2,145,523	7.64	
H6	12	0.40	0.7879	509,235	1.50	0.66	1.7984	1,162,341	1.90	1.00	3.3196	2,145,523	5.71	
H5	15	0.43	0.8079	522,162	1.50	0.75	1.9424	1,255,411	1.89	1.00	3.3396	2,158,449	5.62	
H4	15	0.38	0.8079	522,162	1.22	0.64	1.9424	1,255,411	1.51	1.00	3.3396	2,158,449	5.03	
H3	15	0.42	1.0618	686,262	1.22	0.61	2.0933	1,352,941	1.47	1.00	4.2215	2,728,438	5.01	
H2	15	0.26	1.0618	686,262	0.92	0.37	2.0933	1,352,941	1.07	0.54	4.2215	2,728,438	4.89	
I11	15	0.42	1.0618	686,262	0.49	0.62	2.0933	1,352,941	0.76	1.00	4.2215	2,728,438	4.74	
I10	15	0.38	1.0618	686,262	-0.25	0.56	2.0933	1,352,941	-0.03	1.00	4.2215	2,728,438	3.36	
I9	15	0.51	1.0658	688,847	-0.67	0.82	2.0973	1,355,526	-0.29	1.00	4.2265	2,731,670	2.55	
I8	15	0.35	1.0708	692,079	-1.00	0.51	2.1023	1,358,758	-0.80	0.83	4.2315	2,734,901	2.00	
I7	15	0.37	1.0788	697,250	-1.86	0.54	2.1123	1,365,221	-1.63	1.00	4.2365	2,738,133	1.10	
I6	18	0.47	1.4260	921,652	-2.38	0.77	3.0693	1,983,749	-1.92	1.00	5.4150	3,499,821	0.15	
I5	18	0.47	1.4260	921,652	-2.72	0.77	3.0693	1,983,749	-2.26	1.00	5.4150	3,499,821	-0.79	
I31	18	0.47	1.4320	925,530	-2.83	0.79	3.0753	1,987,627	-2.35	1.00	5.4250	3,506,284	-1.10	
I4	18	0.47	1.4320	925,530	-3.09	0.77	3.0753	1,987,627	-2.63	1.00	5.4250	3,506,284	-1.83	
I3	24	0.24	1.4320	925,530	-3.51	0.36	3.0753	1,987,627	-3.26	0.49	5.4250	3,506,284	-2.39	
T19	21	0.41	2.2740	1,469,731	-4.00	0.58	4.1326	2,670,980	-3.69	1.00	7.6822	4,965,156	-3.10	
T18	21	0.41	2.2740	1,469,731	-4.51	0.57	4.1326	2,670,980	-4.22	1.00	7.6822	4,965,156	-3.85	
T17	21	0.43	2.2740	1,469,731	-5.08	0.61	4.1326	2,670,980	-4.77	1.00	7.6822	4,965,156	-3.85	
T16	28	0.21	2.2740	1,469,731	-5.77	0.27	4.1326	2,670,980	-5.61	0.38	7.6822	4,965,156	-5.17	
T15	28	0.11	2.6815	1,733,106	-6.16	0.17	6.2127	4,015,390	-5.67	0.21	9.2480	5,977,164	-5.19	
T14	30	0.34	2.6815	1,733,106	-6.24	0.54	6.2127	4,015,390	-5.74	0.71	9.2480	5,977,164	-5.32	

Notes

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

Abbreviations

gpd: gallons per day  
cfs: cubic feet per second  
HGL: Hydraulic Grade Line  
Q: Flow rate  
d/D: Depth over Diameter

**Table 2.4**  
**PDWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PDWF "d/D" (3)	Existing PDWF HGL	Proposed Diameter (Inches) (2)	Predicted PDWF "d/D" (3)	Predicted PDWF HGL
D22	8	0.60	16.24	No Change	0.78	16.31
D21	8	0.57	15.46	No Change	0.72	15.51
D19	8	0.39	12.67	No Change	0.45	12.71
D10	8	0.66	11.02	No Change	1.00	11.07
D3	12	0.80	8.26	14	0.57	8.13
D2	12	1.00	7.93	16	0.59	7.69
D1	12	0.66	7.49	16	0.41	7.38
E4	12	0.58	6.66	16	0.38	6.59
E3	12	0.74	5.50	16	0.44	5.35
E2	12	0.66	4.89	16	0.41	4.78
E1	12	0.80	4.39	16	0.47	4.22
H9	12	0.72	3.82	16	0.44	3.68
H73	12	0.72	3.29	16	0.44	3.15
H74	12	0.72	3.16	16	0.44	2.93
H8	12	1.00	3.12	16	0.51	2.74
H7	12	0.74	2.51	16	0.45	2.37
H75	12	0.72	2.31	16	0.45	2.19
H6	12	0.58	1.80	16	0.36	1.68
H5	15	0.67	1.79	18	0.48	1.67
H4	15	0.58	1.43	18	0.43	1.36
H3	15	0.56	1.41	18	0.41	1.33
H2	15	0.34	1.03	18	0.27	1.01
H11	15	0.56	0.68	18	0.41	0.60
I10	15	0.51	-0.09	18	0.39	-0.15
I9	15	0.72	-0.41	18	0.51	-0.55
I8	15	0.46	-0.86	18	0.35	-0.92
I7	15	0.50	-1.69	18	0.38	-1.75
I6	18	0.72	-2.00	20	0.55	-2.16
I5	18	0.72	-2.34	20	0.56	-2.48
I31	18	0.72	-2.45	20	0.56	-2.59
I4	18	0.72	-2.71	20	0.56	-2.85
I3	24	0.34	-3.30	Existing pipe no changes	0.36	-3.26
T19	21	0.56	-3.73	No Change	0.58	-3.69
T18	21	0.55	-4.26	No Change	0.57	-4.22
T17	21	0.58	-4.82	No Change	0.61	-4.77
T16	28	0.27	-5.63	Existing pipe no changes	0.27	-5.61
T15	28	0.17	-5.71	Existing pipe no changes	0.17	-5.67
T14	30	0.53	-5.78	Existing pipe no changes	0.54	-5.74

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.5**  
**PWWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PWWF "d/D" (3)	Existing PWWF HGL	Proposed Diameter (Inches) (2)	Predicted PWWF "d/D" (3)	Predicted PWWF HGL
D22	8	1.00	22.23	10	0.67	16.41
D21	8	1.00	20.93	10	0.62	14.61
D19	8	0.54	21.54	10	0.38	12.77
D10	8	1.00	21.78	10	0.67	11.15
D3	12	1.00	18.10	16	0.60	8.27
D2	12	1.00	16.81	18	0.65	7.89
D1	12	1.00	16.62	18	0.44	7.49
E4	12	1.00	15.36	18	0.40	6.69
E3	12	1.00	14.09	18	0.48	5.49
E2	12	1.00	13.09	18	0.44	4.89
E1	12	1.00	12.09	18	0.56	4.44
H9	12	1.00	11.07	18	0.52	3.88
H73	12	1.00	9.54	18	0.52	3.35
H74	12	1.00	8.91	18	0.52	3.13
H8	12	1.00	8.21	18	0.61	2.98
H7	12	1.00	6.76	18	0.53	2.57
H75	12	1.00	6.19	18	0.52	2.37
H6	12	1.00	4.58	18	0.43	1.90
H5	15	1.00	4.01	20	0.56	1.90
H4	15	1.00	3.99	20	0.50	1.58
H3	15	1.00	3.88	20	0.52	1.58
H2	15	0.53	3.88	20	0.32	1.12
I11	15	1.00	3.76	20	0.53	0.86
I10	15	1.00	2.55	20	0.48	0.07
I9	15	1.00	1.85	20	0.67	-0.18
I8	15	0.77	1.35	20	0.43	-0.71
I7	15	1.00	0.59	20	0.47	-1.53
I6	18	1.00	-0.24	24	0.59	-1.89
I5	18	1.00	-1.08	24	0.59	-2.23
I31	18	1.00	-1.36	24	0.59	-2.34
I4	18	1.00	-2.02	24	0.59	-2.60
I3	24	0.48	-2.54	Existing pipe no changes	0.49	-3.00
T19	21	1.00	-2.54	26	0.60	-3.41
T18	21	1.00	-3.19	26	0.59	-3.94
T17	21	1.00	-3.89	26	0.63	-4.47
T16	28	0.37	-5.22	Existing pipe no changes	0.38	-5.17
T15	28	0.21	-5.23	Existing pipe no changes	0.21	-5.19
T14	30	0.70	-5.36	Existing pipe no changes	0.71	-5.32

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.6**  
**PDWF Proposed Capital Improvements**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D3	D2	12	14	364
D2	H5	12	16	2,654
H5	I6	15	18	1,491
I6	I3	18	20	1,111

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain d/D for existing conditions.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
 MH: Manhole

**Table 2.7**  
**PWWF Proposed Capital Improvements**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D22	D3	8	10	1,079
D3	D2	12	16	364
D2	H5	12	18	2,654
H5	I6	15	20	1,491
I6	I3	18	24	1,111
T19	T16	21	26	1,524

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain a d/D ratio of 0.67.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
MH: Manhole



**Table 3**  
**Peaking Factor Calculations**  
 East Palo Alto Sanitary District

Monitoring Site	Overall ADWF (MGD) (2)	PDWF (MGD) (3)	PWWF (MGD) (4)	PDWF Peaking Factor (5)	PWWF Peaking Factor (6)
A15	0.27	0.43	1.19	1.59	2.77
B13	0.06	0.11	0.52	1.83	4.73
E1	0.13	0.19	0.59	1.46	3.11
E2	0.25	0.43	1.45	1.72	3.37
H3	0.14	0.23	0.58	1.64	2.52
I3	0.83	1.22	2.76	1.47	2.26
I12	0.23	0.39	0.76	1.70	1.95
K4	0.22	0.35	0.99	1.59	2.83
K28	0.11	0.17	0.68	1.55	4.00
T20	0.40	0.60	1.55	1.50	2.58
T13	1.53	2.31	5.78	1.51	2.50

Notes

- (1) Monitoring sites are identified in Table 3 of the *East Palo Alto Sanitary District Sanitary Sewer Flow Monitoring and Inflow/Infiltration Study* dated June 2012 prepared by V&A Consulting Engineers, Inc., referred to herein as "Flow Monitoring Study."
- (2) Overall ADWF is presented in Table 5 of the Flow Monitoring Study
- (3) PDWF is presented in Table 7-3 of the *East Palo Alto Sanitary District Wastewater Collection System Master Plan Update* dated March 2015 prepared by Freyer & Laureta, Inc., herein referred to as "Master Plan Update."
- (4) PWWF is presented in Table 7-3 of the Master Plan Update.
- (5) PDWF Peaking Factor is calculated by dividing the PDWF by the Overall ADWF.
- (6) PWWF Peaking Factor is calculated by dividing the PWWF by the PDWF.

Abbreviations

ADWF: Average Dry Weather Flow  
 MGD: Million Gallons per Day  
 PDWF: Peak Dry Weather Flow  
 PWWF: Peak Wet Weather Flow

**Table 4.1**  
**Conceptual Opinion of Probable Project Cost for PDWPF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	14-inch DR 17 HDPE Pipe	lf	370	\$ 350	\$ 129,500
5	16-inch DR 17 HDPE Pipe	lf	2,660	\$ 450	\$ 1,197,000
6	18-inch DR 17 HDPE Pipe	lf	1,500	\$ 550	\$ 825,000
7	20-inch DR 17 HDPE Pipe	lf	1,120	\$ 600	\$ 672,000
8	Manholes	ea	30	\$ 10,000	\$ 300,000
9	30% Contingency	%	30%	\$ 3,213,500	\$ 964,050
				<b>Subtotal - Conceptual Opinion of Probable Construction Cost</b>	<b>\$ 4,177,600</b>
<b>Engineering and Administration Cost</b>					
10	Design	%	10%	\$ 4,177,600	\$ 417,760
11	Environmental/Permitting	%	10%	\$ 4,177,600	\$ 417,760
12	Construction Management/ Inspection	%	15%	\$ 4,177,600	\$ 626,640
13	District Administration	%	5%	\$ 4,177,600	\$ 208,880
				<b>Subtotal - Engineering and Administration Cost</b>	<b>\$ 1,671,000</b>
				<b>Total Conceptual Opinion of Probable Project Cost</b>	<b>\$ 5,848,600</b>

**Notes**

- (1) See Table 2.6 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.

**Table 4.2**  
**Conceptual Opinion of Probable Project Cost for PWWF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	10-inch DR 17 HDPE Pipe	lf	1,080	\$ 300	\$ 324,000
5	16-inch DR 17 HDPE Pipe	lf	370	\$ 450	\$ 166,500
6	18-inch DR 17 HDPE Pipe	lf	2,660	\$ 550	\$ 1,463,000
7	20-inch DR 17 HDPE Pipe	lf	1,500	\$ 600	\$ 900,000
8	24-inch DR 17 HDPE Pipe	lf	1,120	\$ 700	\$ 784,000
9	26-inch DR 17 HDPE Pipe	lf	1,530	\$ 750	\$ 1,147,500
10	Manholes	ea	34	\$ 10,000	\$ 340,000
11	30% Contingency	%	30%	\$ 5,215,000	\$ 1,564,500
<b>Subtotal - Conceptual Opinion of Probable Construction Cost</b>					<b>\$ 6,779,500</b>
<b>Engineering and Administration Cost</b>					
12	Design	%	10%	\$ 6,779,500	\$ 677,950
13	Environmental/Permitting	%	10%	\$ 6,779,500	\$ 677,950
14	Construction Management/ Inspection	%	15%	\$ 6,779,500	\$ 1,016,925
15	District Administration	%	5%	\$ 6,779,500	\$ 338,975
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 2,711,800</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 9,491,300</b>

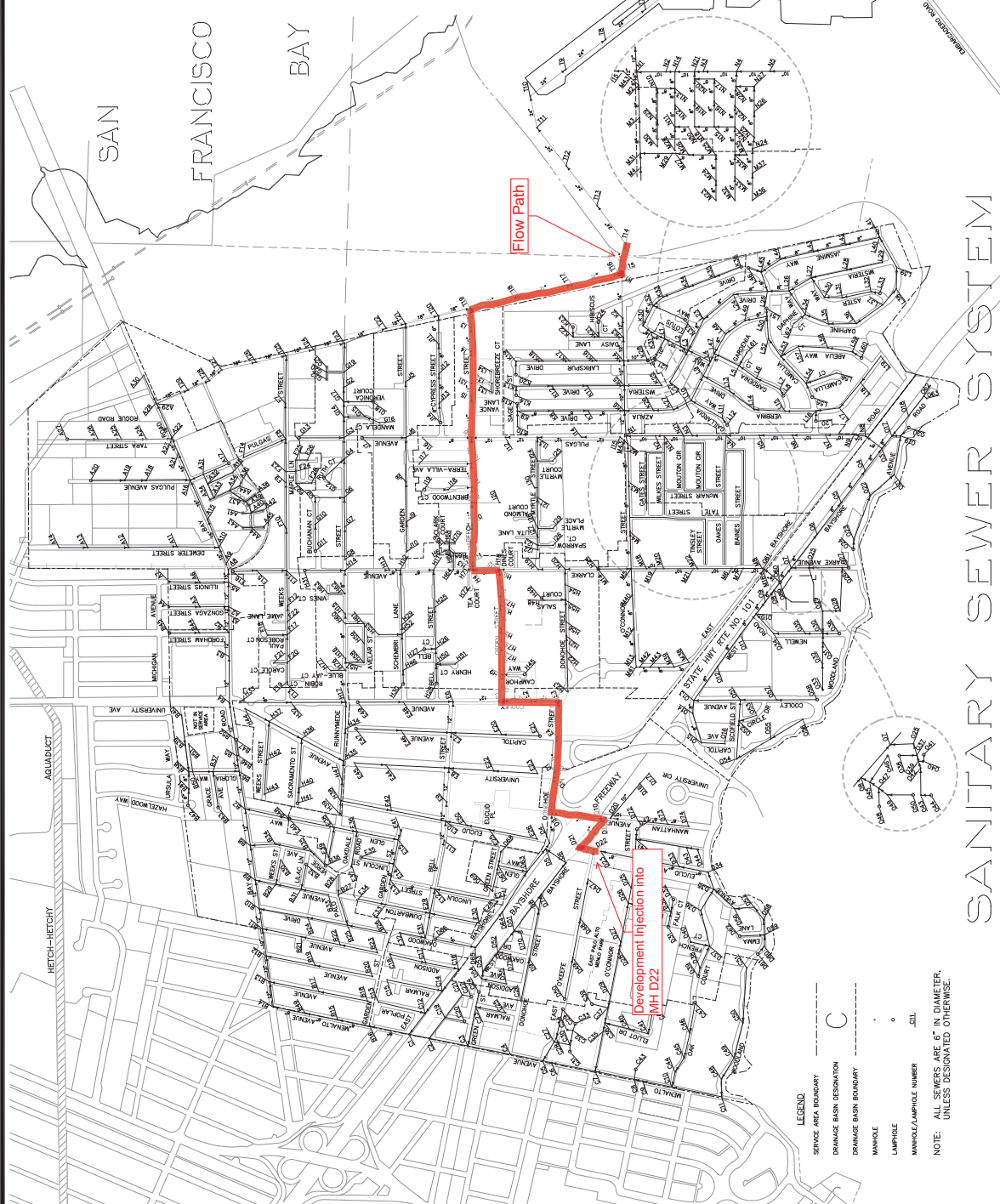
**Notes**

- (1) See Table 2.7 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.

**Appendix C**  
**EPASD Collection System Map with Development Discharge Flow Paths**



Any plans or workings made by East Palo Alto Sanitary District for the construction of sewerage treatment facilities can only be furnished with the understanding that the District will not be responsible for the accuracy of the same. The District will exercise due care to make this information as accurate as possible. The Applicant must regard it only as a suggestion as to possible locations, as would be necessary to protect the District's facilities must be borne by the applicant.



**LEGEND-FLOW PATHS**  
 WOODLAND PARK

**LEGEND**  
 SERVICE AREA BOUNDARY  
 DRAINAGE BASIN DESIGNATION  
 DRAINAGE BASIN BOUNDARY  
 MANHOLE  
 LAMPPILE  
 MANHOLE/LAMPPILE NUMBER  
 JLL  
 NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

SANITARY SEWER SYSTEM

# EAST PALO ALTO SANITARY DISTRICT

PALO ALTO REGIONAL WATER POLLUTION CONTROL PLANT



Michael Kramer <mkramer@shpco.com>

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## Fw: Hydraulic Evaluation of Woodland Park Apartments

---

Akin Okupe <aokupe@epasd.com>  
To: Mike Kramer <mkramer@wlpcommunities.com>

Fri, Dec 11, 2020 at 4:19 PM

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Sent:** Tuesday, December 8, 2020 6:32 AM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Cc:** Juliette Ngo Eone <mngo@epasd.com>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Please find attached tables and figures presenting the results of the additional hydraulic analysis requested by the developer. Please let me know if you would like me to forward to Mike. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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*not guarantee any accuracy of the information. Furthermore, this drawing is a working copy of a drawing that will comply with State laws requiring professional signatures of work. These files may or may not contain all the information available on the signed, final drawing.*

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, December 1, 2020 5:03 PM  
**To:** Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Cc:** Juliette Ngo Eone <mngo@epasd.com>; Joanne Yau <yau@freyerlaureta.com>  
**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

Please proceed as stated below

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Sent:** Tuesday, December 1, 2020 5:01 PM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Cc:** Juliette Ngo Eone <mngo@epasd.com>; Joanne Yau <yau@freyerlaureta.com>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Following up on our telephone conversation, can you please confirm that F&L is authorized to proceed with the work? We will perform the modeling, produce the tables, and share with the District. We will not prepare the report until the developer confirms he has no other questions or comments. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Jeffrey Tarantino  
**Sent:** Tuesday, December 1, 2020 10:37 AM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Cc:** Juliette Ngo Eone <mngo@epasd.com>; Joanne Yau <yau@freyerlaureta.com>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

I have attached a copy of the proposal as well as an October 19, 2020 email we had previously received from Mike with his approval of the proposal. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, December 1, 2020 9:19 AM  
**To:** Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Cc:** Juliette Ngo Eone <mngo@epasd.com>  
**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

Please send me a copy of the e proposal for the additional modelling work



Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Sent:** Tuesday, December 1, 2020 9:05 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Is F&L authorized to proceed with the additional modeling? Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Monday, November 30, 2020 6:05 PM  
**To:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-MSR](mailto:marian@lh-MSR)> Response to Comments

pa.com>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpc.com](mailto:bmonro@shpc.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>

**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

We just receive the cheque today

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>

**Sent:** Monday, November 30, 2020 3:47 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>

**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpc.com](mailto:bmonro@shpc.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Akin and Juliette –

I hope you had a nice Thanksgiving break. Our check went out on November 19<sup>th</sup> (see copy attached). Hopefully it's arrived already.

Please let us know when you receive it and Freyer & Laureta can proceed with the updated scope.

Thanks –

Mike

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>

**Sent:** Tuesday, November 17, 2020 4:00 PM

**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jeffrey Tarantino' <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; 'Juliette Ngo Eone' <[mngo@epasd.com](mailto:mngo@epasd.com)>

**Cc:** 'Jacob Nguyen' <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; 'Cole Gaumnitz' <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; 'Marian Lee' <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Kamal Fallaha' <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpc.com](mailto:bmonro@shpc.com)>; 'Amy Chen' <[achen@cityofepa.org](mailto:achen@cityofepa.org)>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Akin and Juliet –

I checked with our team and it is being mailed out this week. Apologies for any confusion, I thought it went out weeks ago. I will update you once it's been sent.

Thanks,

Mike

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, November 17, 2020 3:59 PM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>; Juliette Ngo Eone <mngo@epasd.com>  
**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>; Amy Chen <achen@cityofepa.org>  
**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

Juliet,

Please confirm if you receive any check from Woodland Apartment

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>  
**Sent:** Tuesday, November 17, 2020 2:59 PM  
**To:** Akin Okupe <aokupe@epasd.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>; Amy Chen <achen@cityofepa.org>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin,

We have sent additional payment, as discussed. I'll check with our accounting team about if/when the check was mailed.

Thanks,

Mike

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, November 17, 2020 2:55 PM  
**To:** Mike Kramer <mkramer@wlpcommunities.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>  
**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>; Amy Chen <achen@cityofepa.org>  
**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

Please send additional payment for additional work as discussed

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Sent:** Tuesday, November 17, 2020 1:09 PM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpco.com](mailto:bmonro@shpco.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Jeff,

I hope your week is going well. We wanted to check in on the updated hydraulic evaluation of the Euclid Improvements proposal at the Woodland Park Apartments. Please let us know when you expect to share a draft.

Thanks –

Mike

---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Sent:** Tuesday, October 20, 2020 8:37 PM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpco.com](mailto:bmonro@shpco.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Great – thanks Jeff. Looks good.

As requested by Mr. Okupe in August, we will provide an additional \$5,000 to fund this scope (in conjunction with remaining funds from our original \$10,000 deposit).

We will process the additional deposit immediately. Please proceed with this scope.

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Sent:** Monday, October 19, 2020 8:17 AM  
**To:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpco.com](mailto:bmonro@shpco.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin and Mike

Please find attached F&L's proposal for additional engineering services. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**



Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>

**Sent:** Friday, October 16, 2020 12:26 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>

**Cc:** Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Kamal Fallaha <[kfallaha@cityofepa.org](mailto:kfallaha@cityofepa.org)>; Brennan Monro <[bmonro@shpco.com](mailto:bmonro@shpco.com)>; Amy Chen <[achen@cityofepa.org](mailto:achen@cityofepa.org)>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Thanks Akin,

I understand, we just need documentation to process the additional funding request.

**Jeff** – can you send me the proposal for the analysis including the additional scope attached? Once we have this, we can provide additional funding, as appropriate. Please send at your earliest convenience.

Thanks,

Mike

**Michael Kramer**

Woodland Park Communities

Sand Hill Property Company

Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>

**Sent:** Friday, October 16, 2020 11:09 AM

**To:** Mike Kramer <mkramer@wlpcommunities.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>

**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>; Amy Chen <achen@cityofepa.org>

**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

You need to provide additional funding for the additional work

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Friday, October 16, 2020 11:02 AM

**To:** Akin Okupe <aokupe@epasd.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>

**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>; Amy Chen <achen@cityofepa.org>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Jeff,

Following up on our earlier e-mails (below). Please include the attached agreed-upon additions to the Euclid Improvements sanitary flow analysis. Please confirm and let us know the updated timing and cost.

**Akin** – please let me know if you'd like to discuss further. Otherwise, we would like to proceed.

Thanks,

Mike

**Michael Kramer**

Woodland Park Communities

Sand Hill Property Company

Tel. +1 650 772 4319

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Friday, October 2, 2020 12:26 PM

**To:** Akin Okupe <aokupe@epasd.com>; Jeffrey Tarantino <tarantino@freyerlaureta.com>

**Cc:** Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>; Kamal Fallaha <kfallaha@cityofepa.org>; Brennan Monro

<bmonro@shpco.com>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Jeff,

Following up on our e-mail from last week. Please include the attached agreed-upon additions to the Euclid Improvements sanitary flow analysis. Please confirm and let us know the updated timing.

Thanks,

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Mike Kramer <mkramer@wlpcommunities.com>

**Sent:** Friday, September 25, 2020 3:20 PM

**To:** 'Akin Okupe' <aokupe@epasd.com>

**Cc:** 'Jeffrey Tarantino' <tarantino@freyerlaureta.com>; 'Jacob Nguyen' <jnguyen@bkf.com>; 'Cole Gaumnitz' <cgaumnitz@bkf.com>; 'Marian Lee' <marian@lh-pa.com>; 'Adrian Biggs' <abiggs@cityofepa.org>; Kamal Fallaha (kfallaha@cityofepa.org) <kfallaha@cityofepa.org>; Brennan Monro <bmonro@shpco.com>

**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Thanks Akin and Jeff,

We've spoken with our engineers to document the agreement of additional study scope from late August, to make sure everything is clear. Please see attached. Jeff, can you please confirm you will run these scenarios, and the additional cost for the updated study?

We're happy to provide the additional funding once the parameters and additional cost are confirmed.

Thanks! Have a nice weekend –

Mike

**Michael Kramer**

**Woodland Park Communities**

**Sand Hill Property Company**

Tel. +1 650 772 4319

---

**From:** Akin Okupe <aokupe@epasd.com>

**Sent:** Wednesday, August 26, 2020 8:57 AM

**To:** Mike Kramer <mkramer@wlpcommunities.com>

**Cc:** Jeffrey Tarantino <tarantino@freyerlaureta.com>; Jacob Nguyen <jnguyen@bkf.com>; Cole Gaumnitz <cgaumnitz@bkf.com>; Marian Lee <marian@lh-pa.com>; Adrian Biggs <abiggs@cityofepa.org>

**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

U need to provide additional 5000 dollars

Sent from my iPhone

On Aug 26, 2020, at 8:56 AM, Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)> wrote:

Yes

Sent from my iPhone

On Aug 26, 2020, at 8:53 AM, Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)> wrote:

Thanks Jeff and Akin,

Is there any additional cost for this analysis beyond the \$10,000 we already provided? I would think the new analysis would be a relatively minor adjustment to the model you already created. Either way, please let us know and we can take care of it. We'd like to get this started as soon as possible.

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Wednesday, August 26, 2020 7:45 AM  
**To:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>  
**Cc:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>; Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** Re: Hydraulic Evaluation of Woodland Park Apartments

We are yet to receive funding

Sent from my iPhone

On Aug 26, 2020, at 7:44 AM, Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)> wrote:

Please don't start work until confirmed

Sent from my iPhone

On Aug 26, 2020, at 5:46 AM, Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)> wrote:

Hi Mike and Akin

Confirming receipt and F&L will provide additional services to perform the two additional scenarios identified in Mike's email below. Regarding schedule, we will likely need a few weeks as



our team focuses on completing the amendment to EPASD's master plan. I will provide an update in a few weeks. Thanks.

Jeff

---

**Jeffrey J. Tarantino, P.E.**

<image001.jpg>

Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Sent:** Tuesday, August 25, 2020 5:01 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Jeffrey Tarantino <[tarantino@freyerlaureta.com](mailto:tarantino@freyerlaureta.com)>; Jacob Nguyen <[jnguyen@bkf.com](mailto:jnguyen@bkf.com)>; Cole Gaumnitz <[cgaumnitz@bkf.com](mailto:cgaumnitz@bkf.com)>; Marian Lee <[marian@lh-pa.com](mailto:marian@lh-pa.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

**Akin** – thanks for passing along the preliminary modeling memo.

**Jeff** – can you please update the memo to include the agreed-upon analysis of 160 gpd/unit and 120 gpd/unit? Thanks!

Please let me know if you have any questions or would like to discuss.

Thanks,

Mike

**Michael Kramer**  
**Woodland Park Communities**  
**Sand Hill Property Company**  
Tel. +1 650 772 4319

---

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, August 20, 2020 4:02 PM  
**To:** Mike Kramer <[mkramer@wlpcommunities.com](mailto:mkramer@wlpcommunities.com)>  
**Subject:** Fw: Hydraulic Evaluation of Woodland Park Apartments

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Jeffrey Tarantino <[tarantino@freylaureta.com](mailto:tarantino@freylaureta.com)>  
**Sent:** Thursday, August 20, 2020 8:51 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Subject:** RE: Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Please find attached our memorandum presenting the results of our analysis of the proposed Woodland Apartment complex development that significantly increases the flow as compared to the existing apartment complex. Please call with any questions. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**

<image002.jpg>

Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070  
Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*



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---

**From:** Jeffrey Tarantino  
**Sent:** Friday, August 14, 2020 6:22 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Subject:** Hydraulic Evaluation of Woodland Park Apartments

Hi Akin

Please find attached the results of the hydraulic evaluation of the proposed improvements to Woodland Park Apartments proposed by Sand Hill Properties. Please review and let me know if you have any questions or comments. Thanks!

Jeff

---

**Jeffrey J. Tarantino, P.E.**

<image009.jpg>

Civil Engineers - Surveyors - Construction Managers

Phone: (415) 534-7070

Mobile: (650) 619-3226

*In response to the COVID-19 pandemic, F&L has implemented a remote work network. It is F&L's desire to continue to meet our client's needs while keeping our employees safe, and hopefully doing our part to reduce the spread of the virus. Our goal is to*

*continue to provide the responsiveness that we're known for, however we anticipate that we will encounter inefficiencies with working remotely. We appreciate your patience as we navigate through this uncertain time.*








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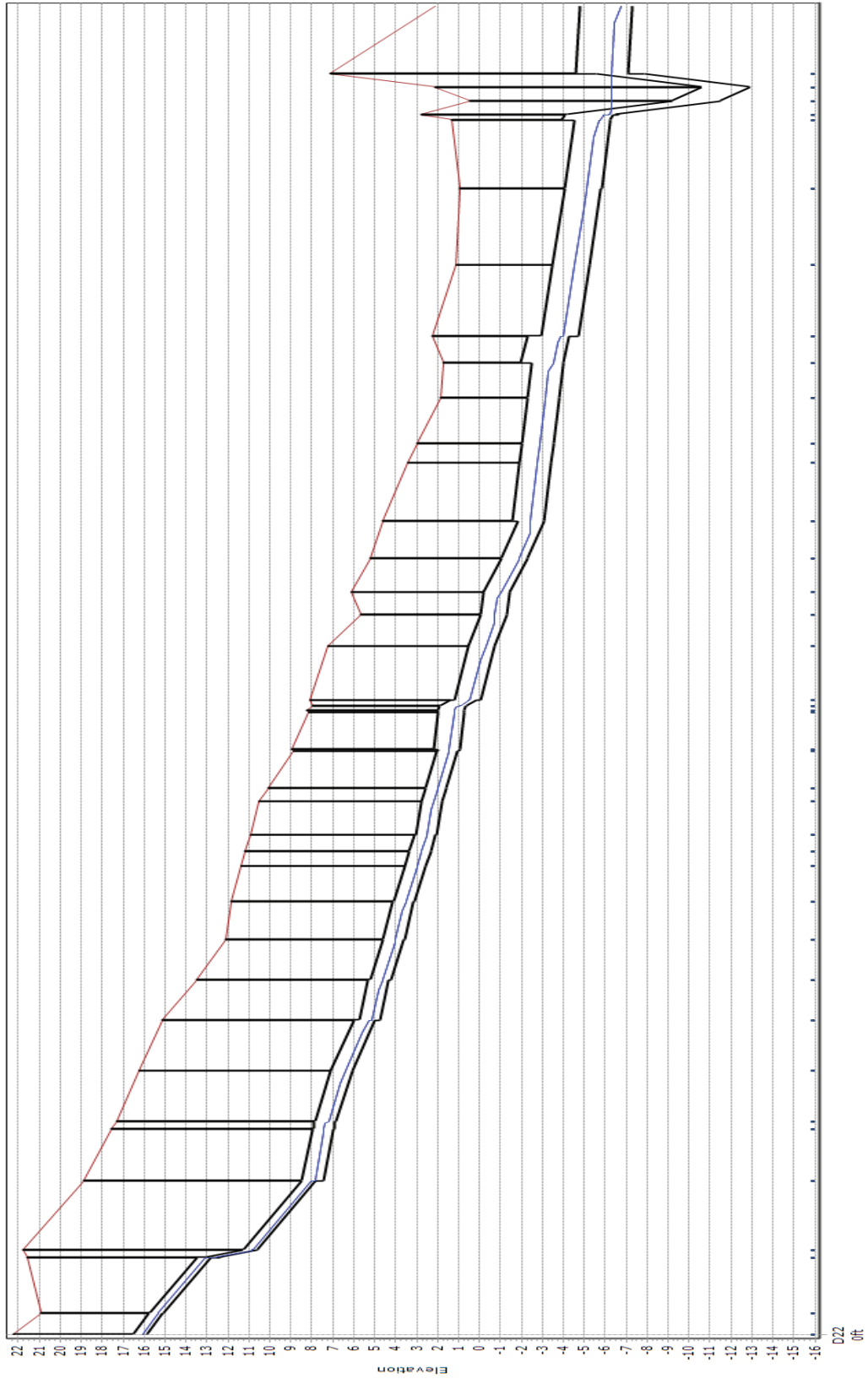
**5 attachments**

-  **Woodland Park Map Flow Path.pdf**  
509K
-  **Hydraulic Profiles- 160 gpd.pdf**  
1016K
-  **Woodland Park Hydraulic Tables- 160 gpd.pdf**  
216K
-  **Hydraulic Profiles- 120 gpd.pdf**  
983K
-  **Woodland Park Hydraulic Tables- 120 gpd.pdf**  
216K

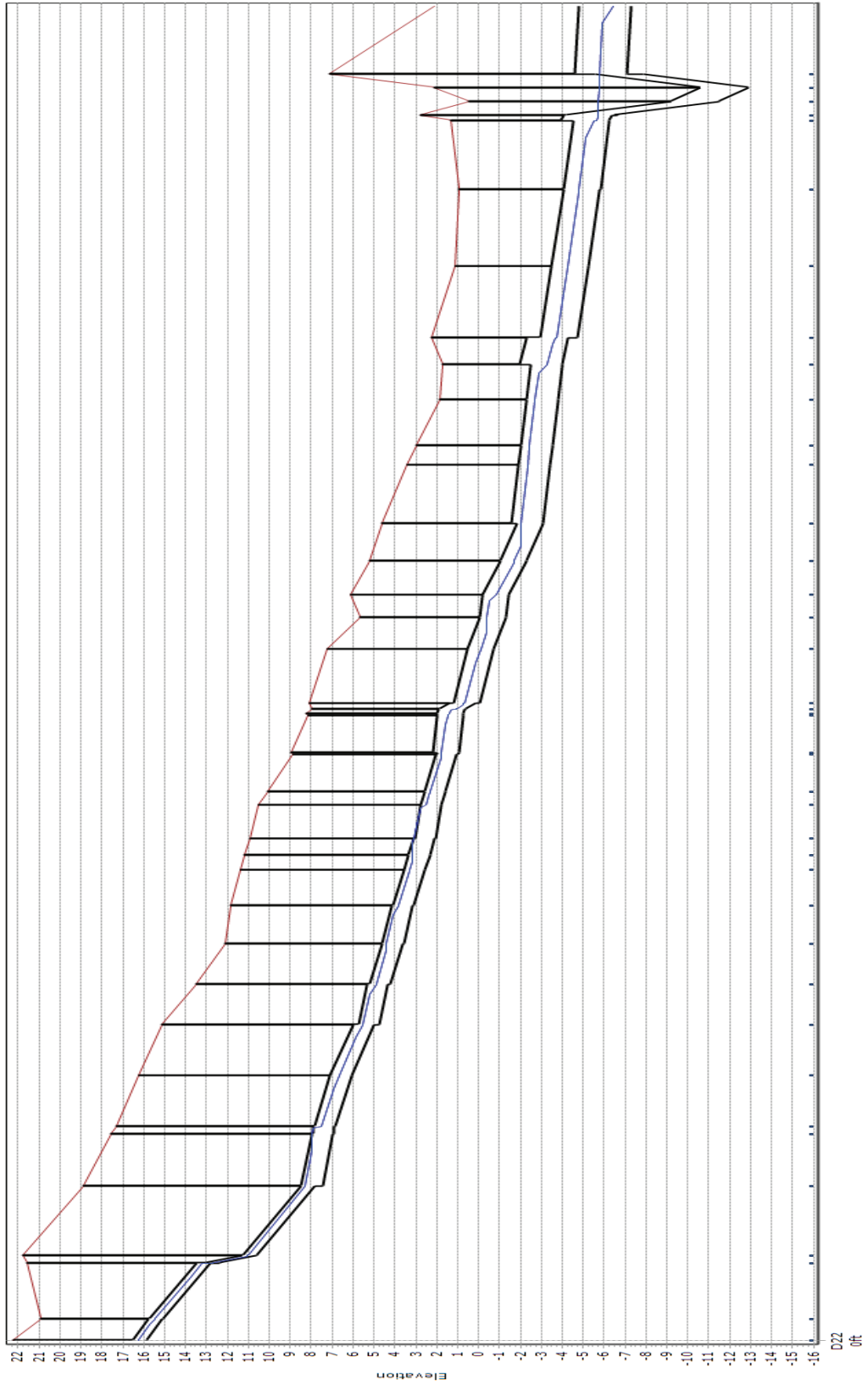
**Figures of Flow Path and Hydraulic Profile**

**FREYER & LAURETA, INC.**

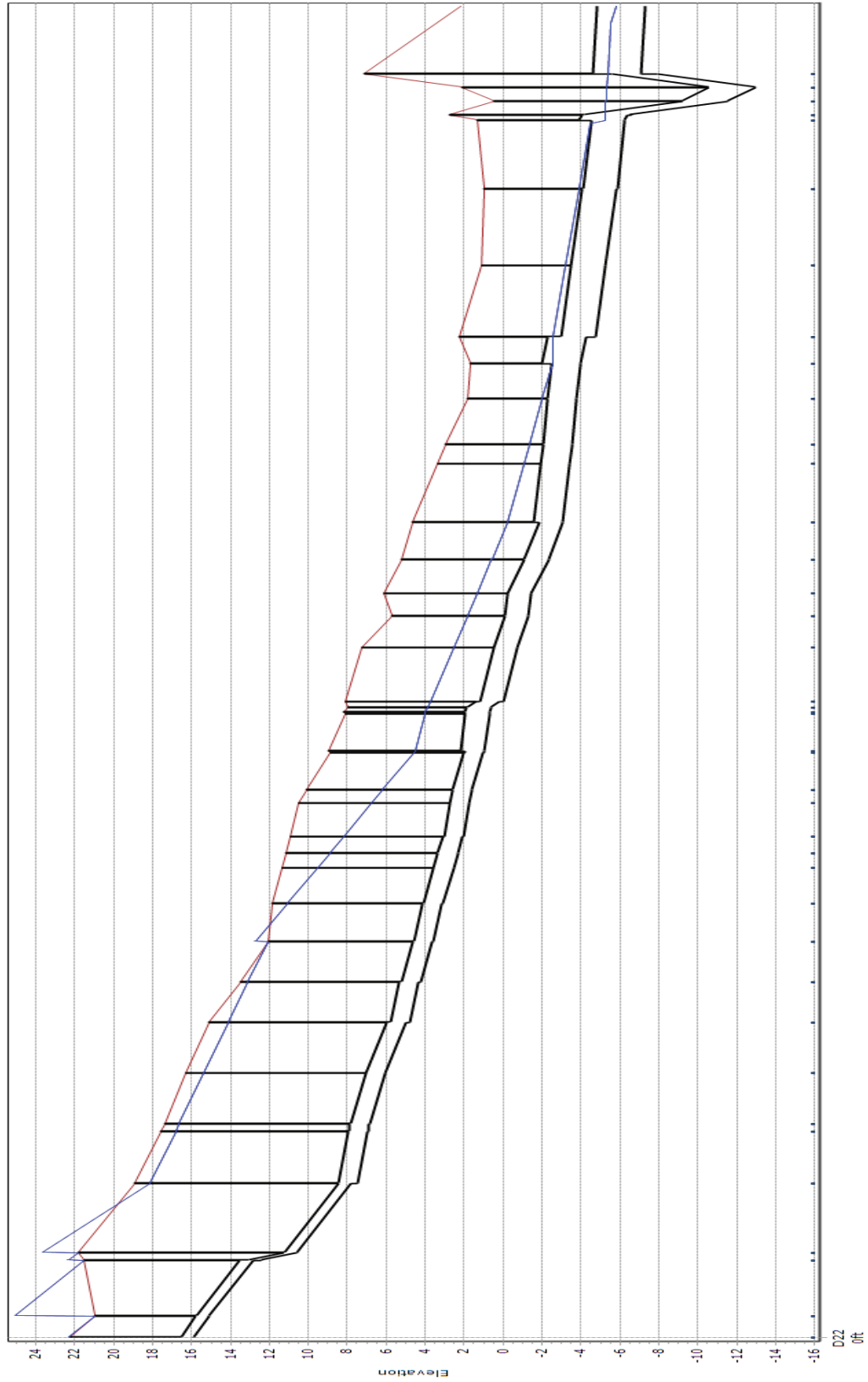
**Figure 1- Existing Average Dry Weather Flow Hydraulic Grade Line**



**Figure 2- Existing Peak Dry Weather Flow Hydraulic Grade Line**

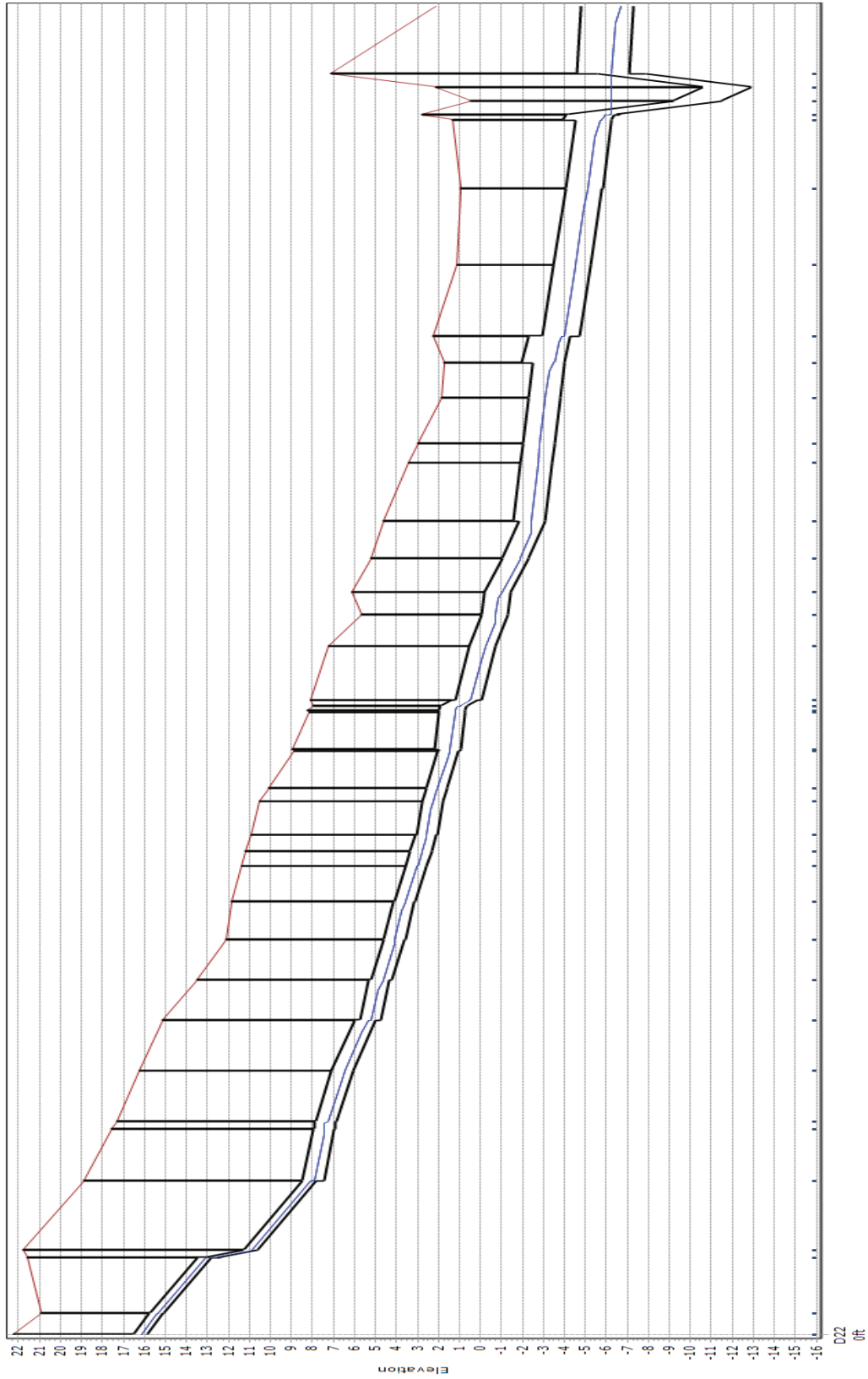


**Figure 3- Existing Peak Wet Weather Flow Hydraulic Grade Line**

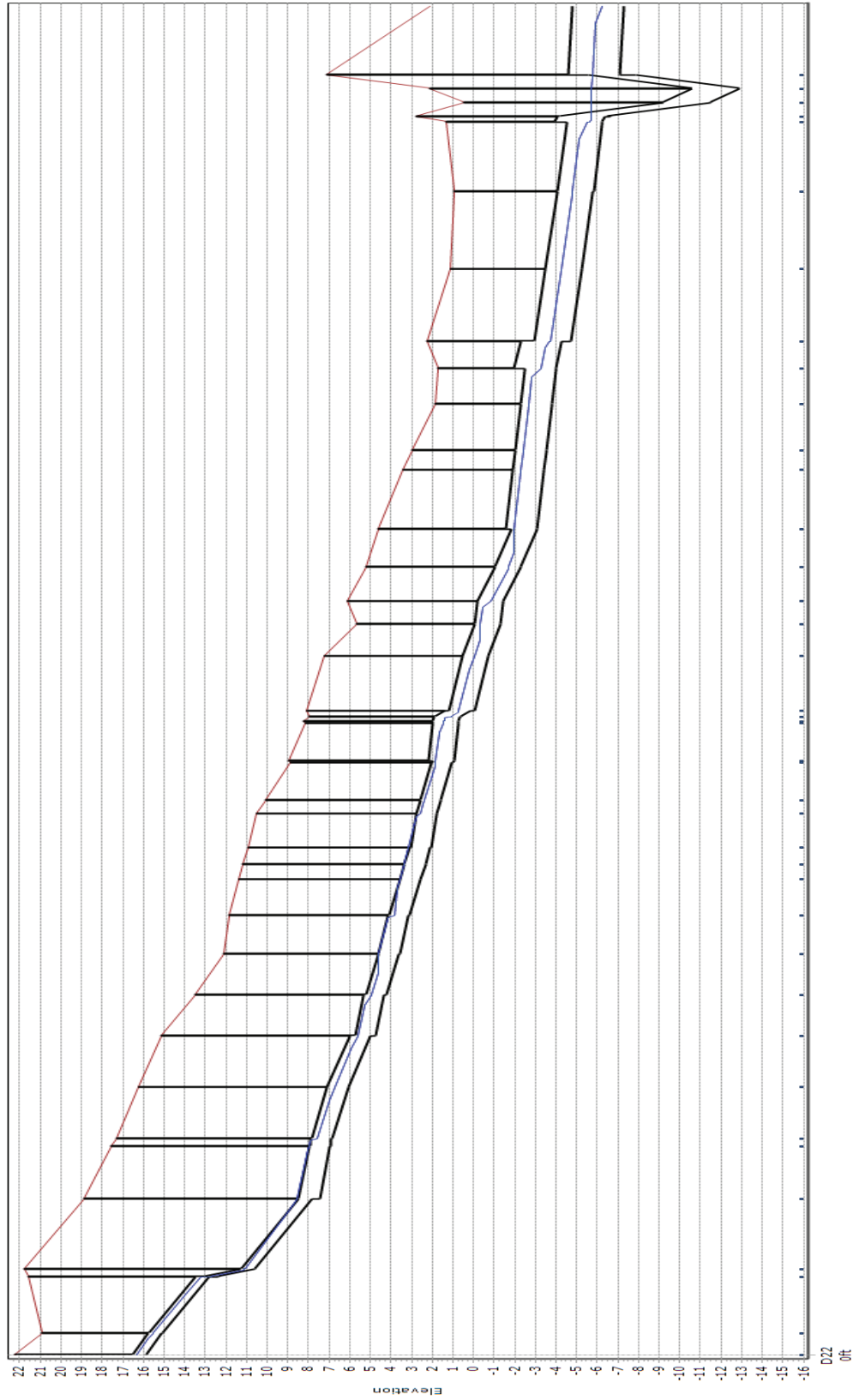




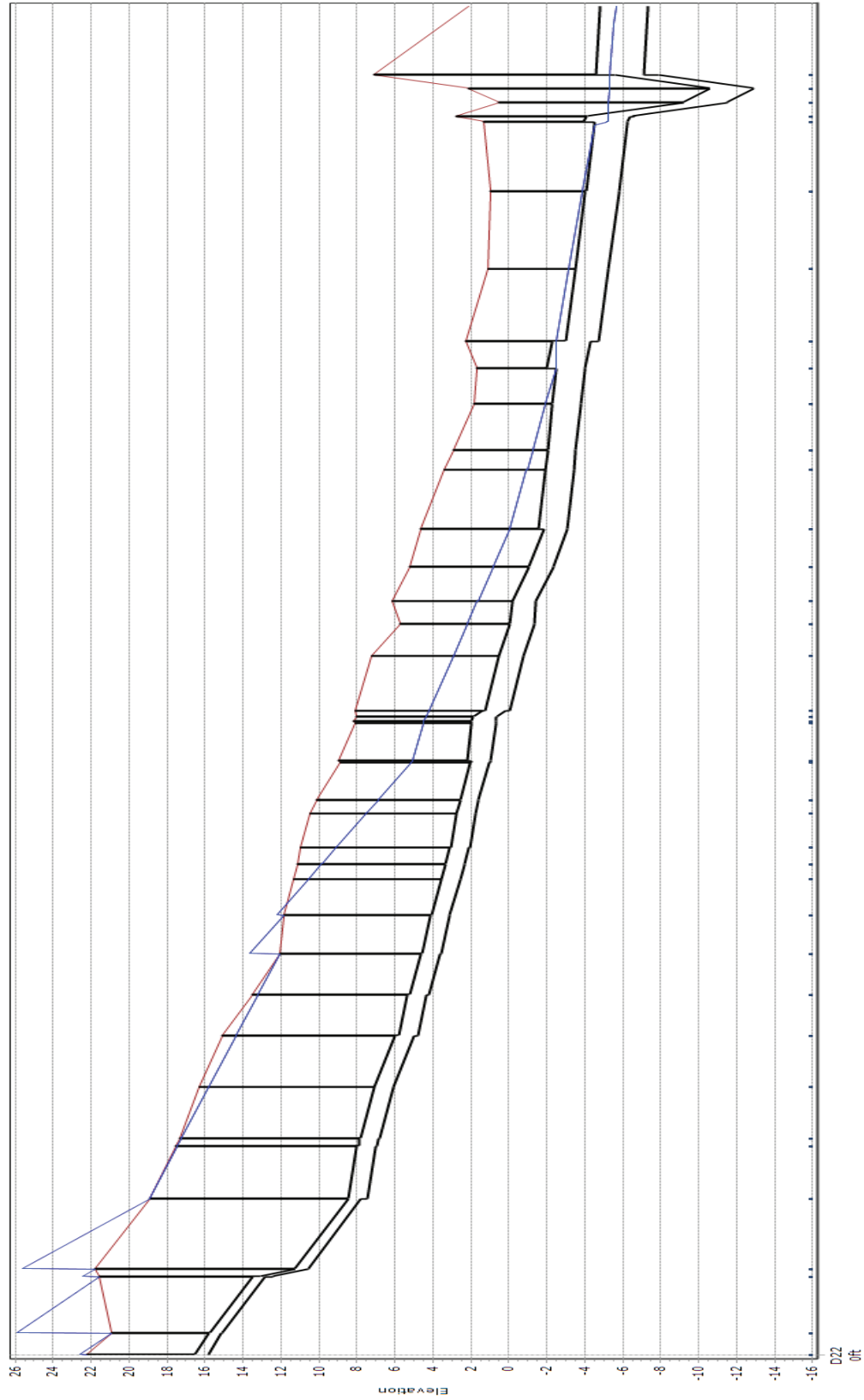
**Figure 4- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection**



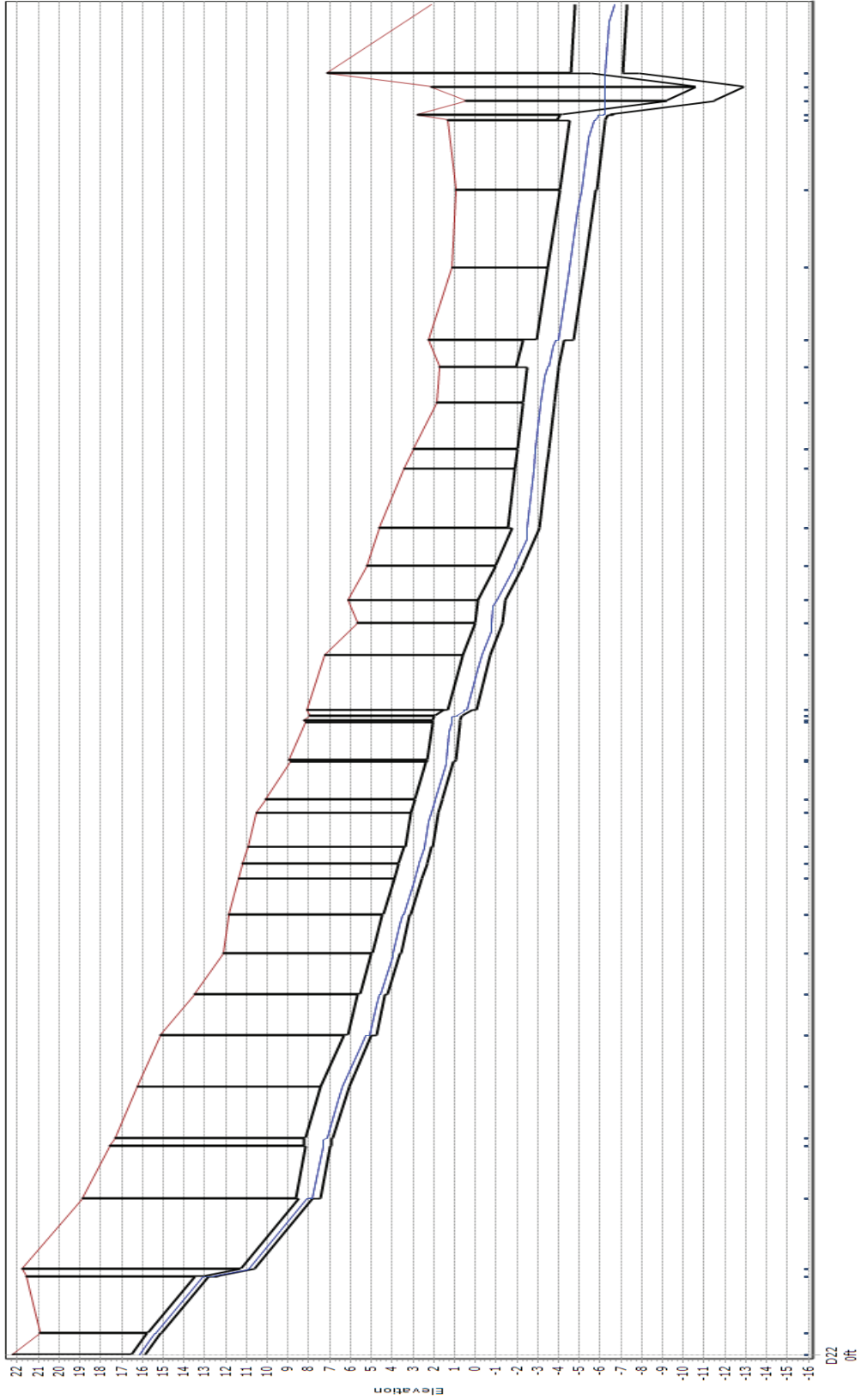
**Figure 5- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection**



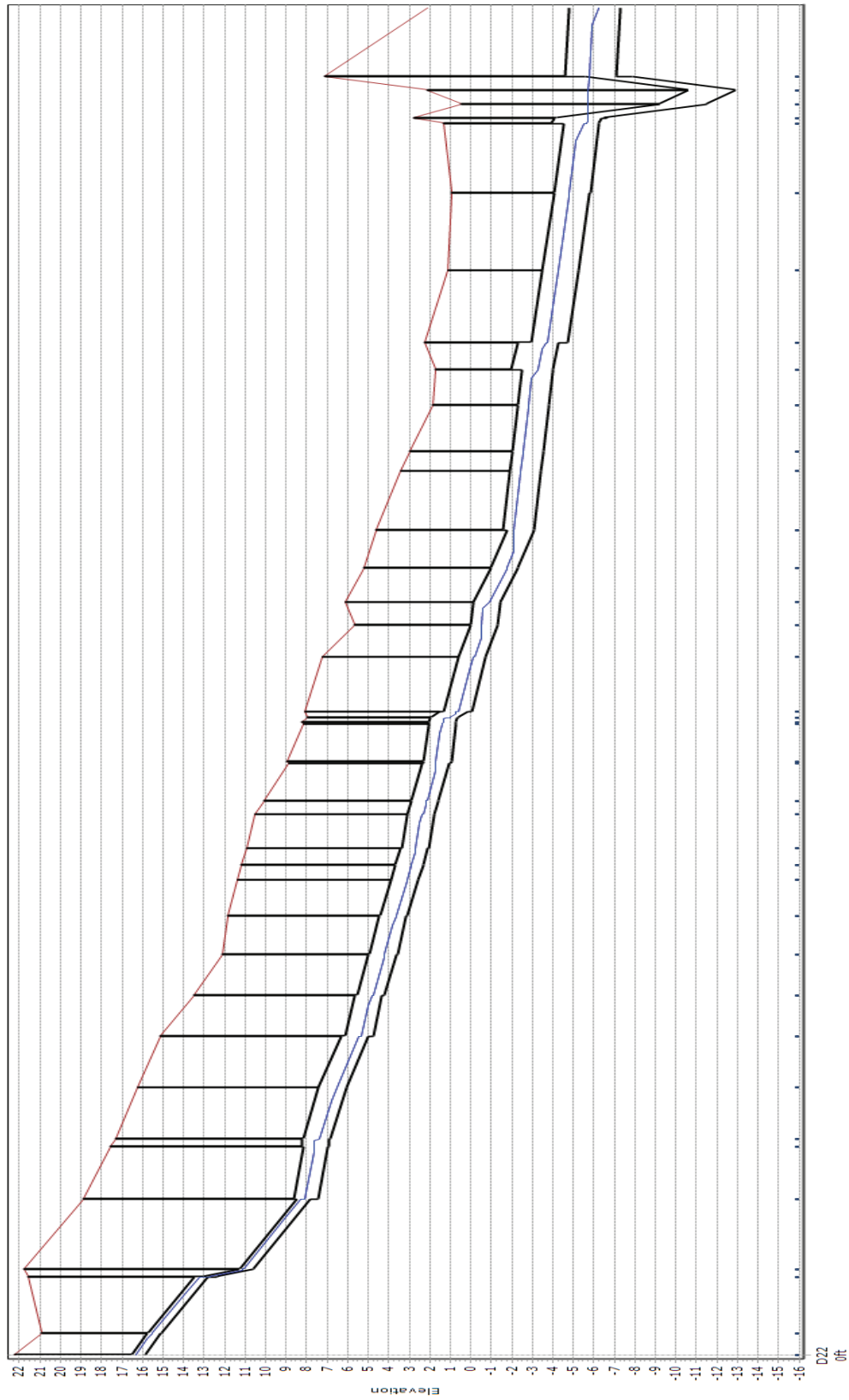
**Figure 6- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection**



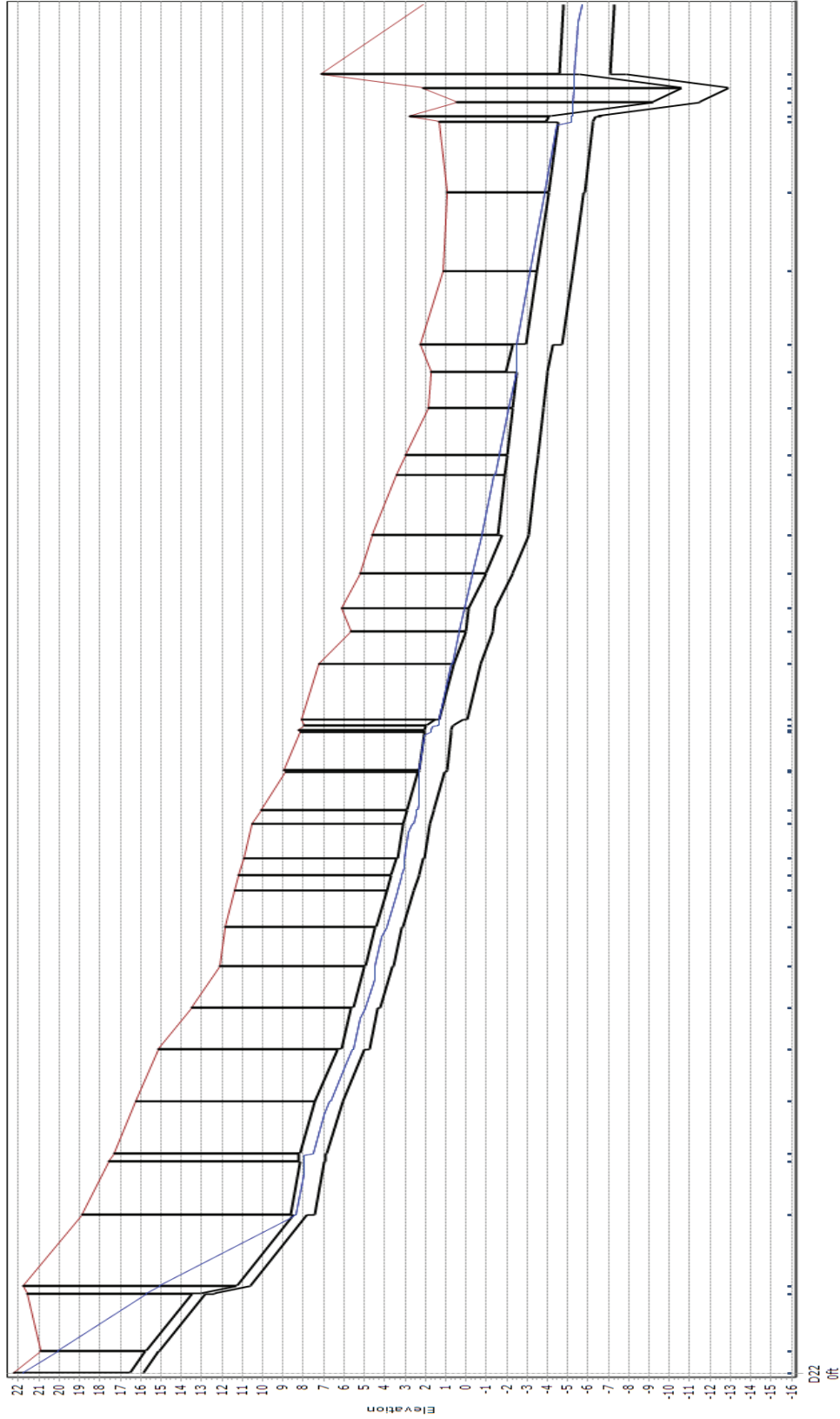
**Figure 7- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



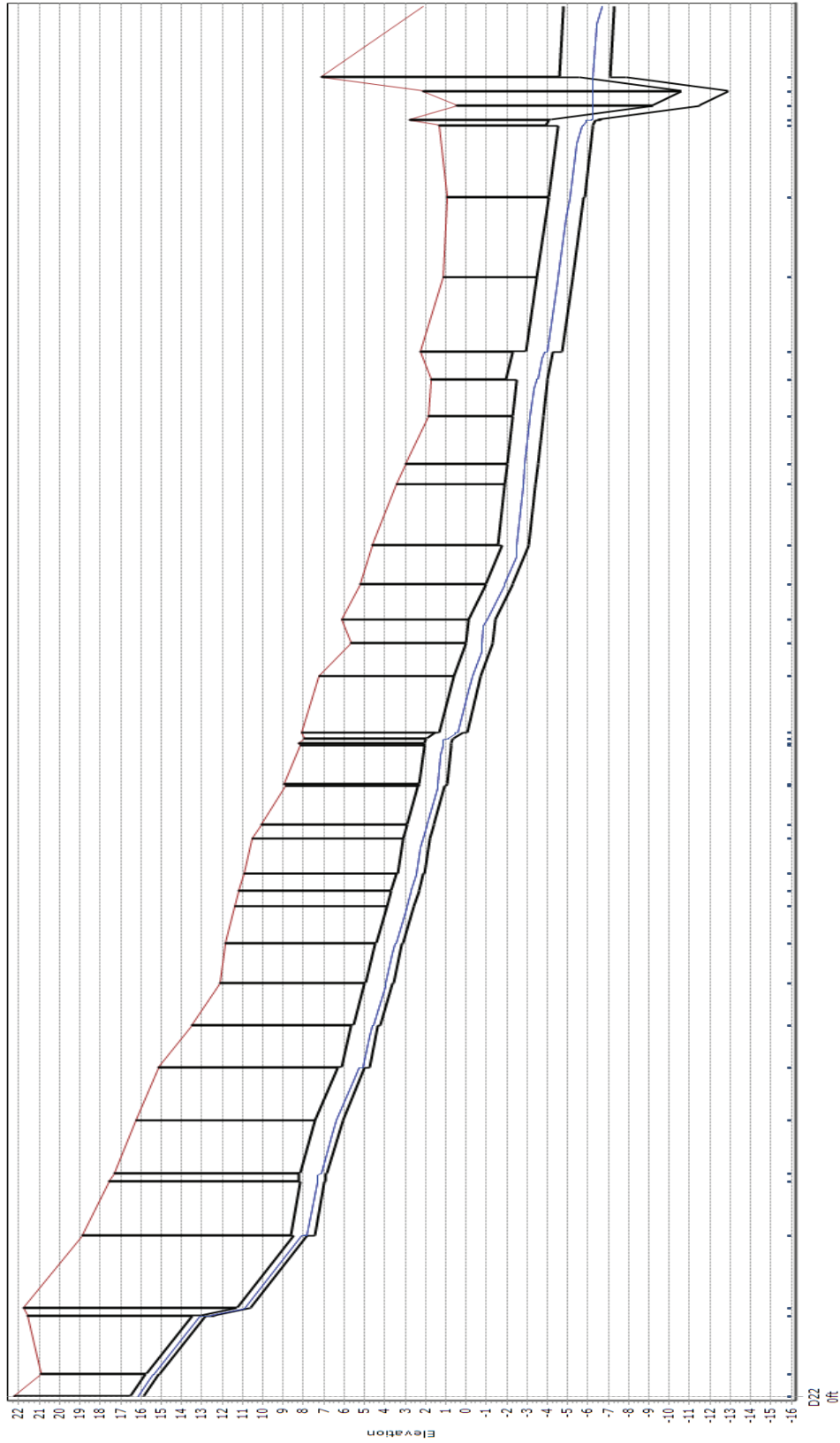
**Figure 8- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



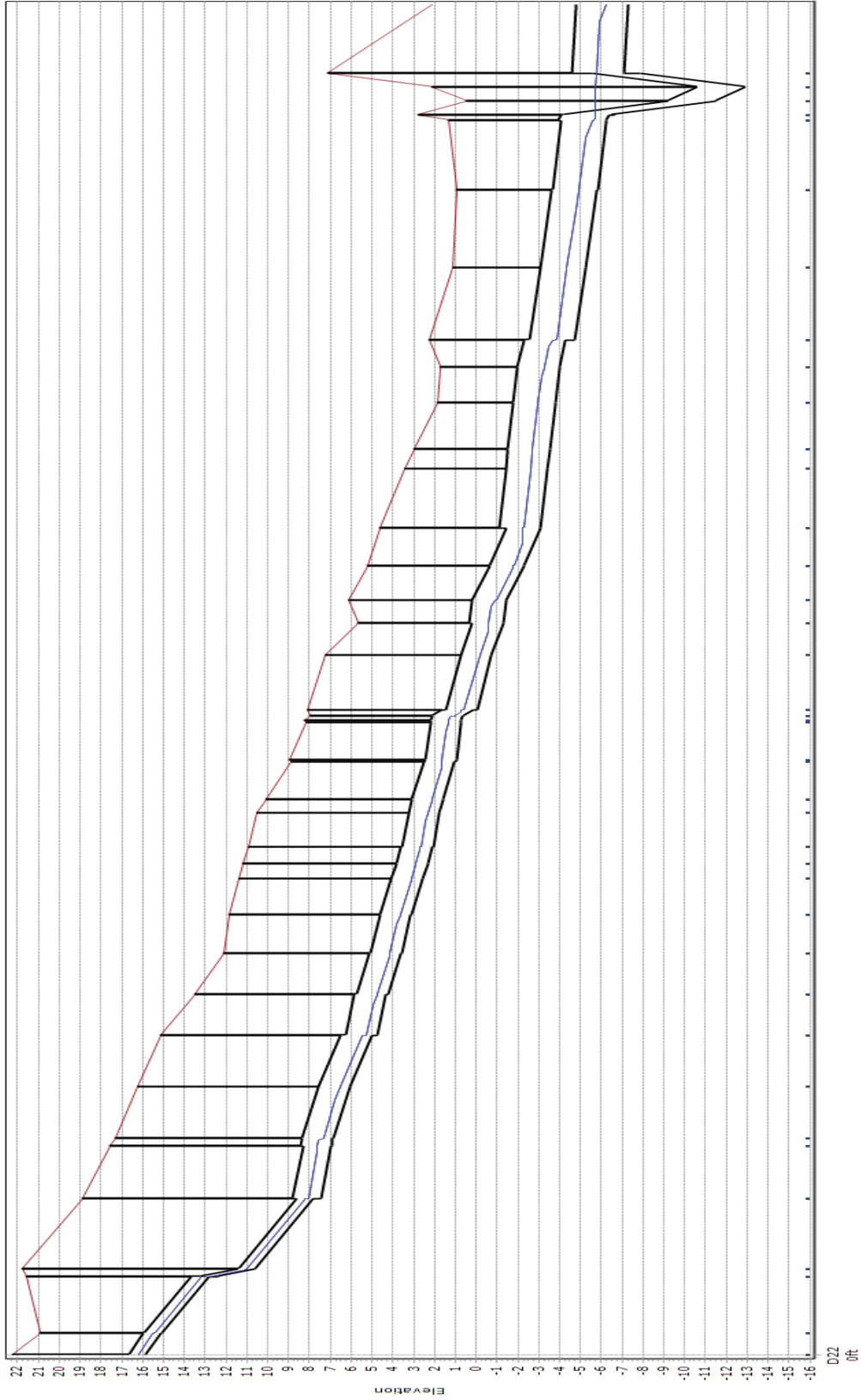
**Figure 9- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



**Figure 10- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**

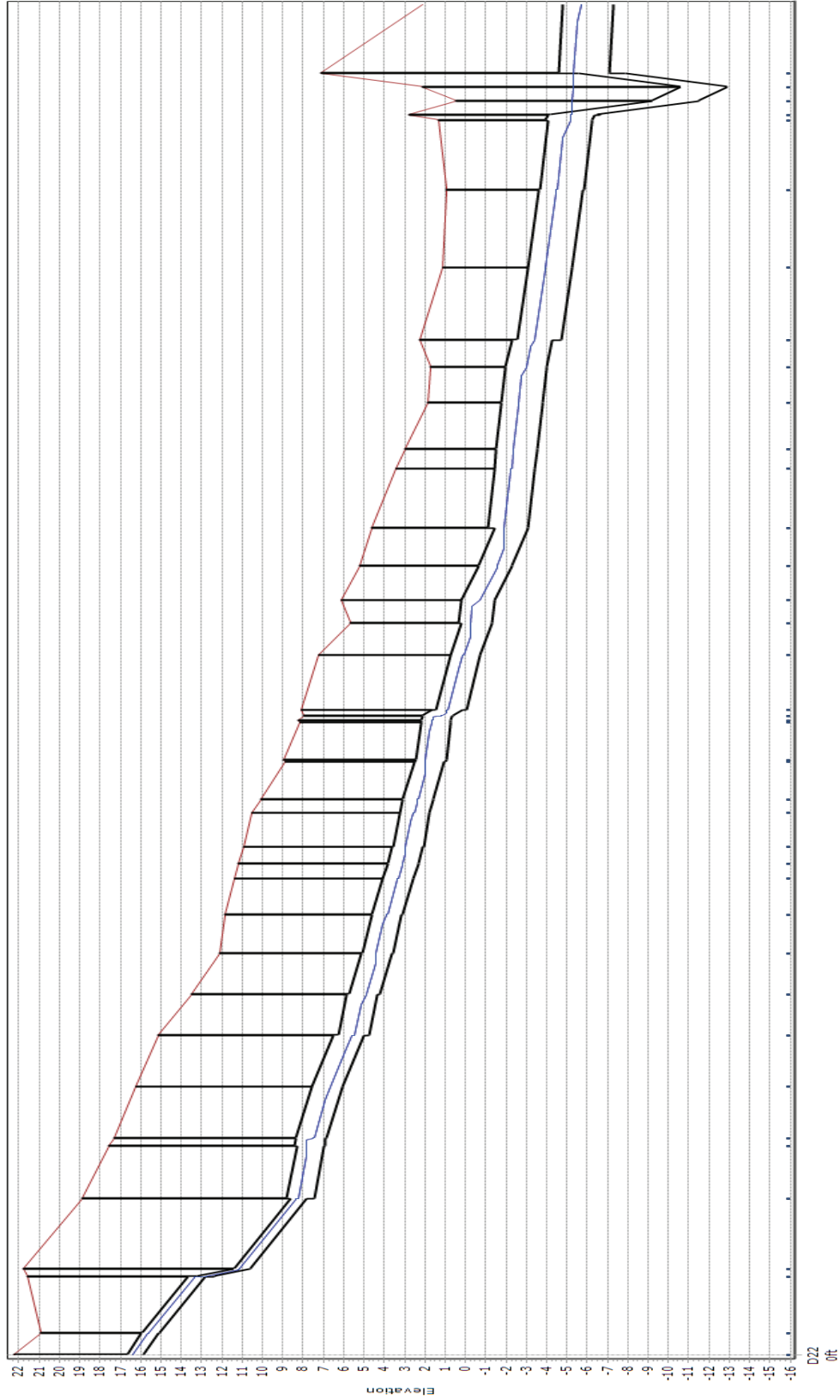


**Figure 11- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**





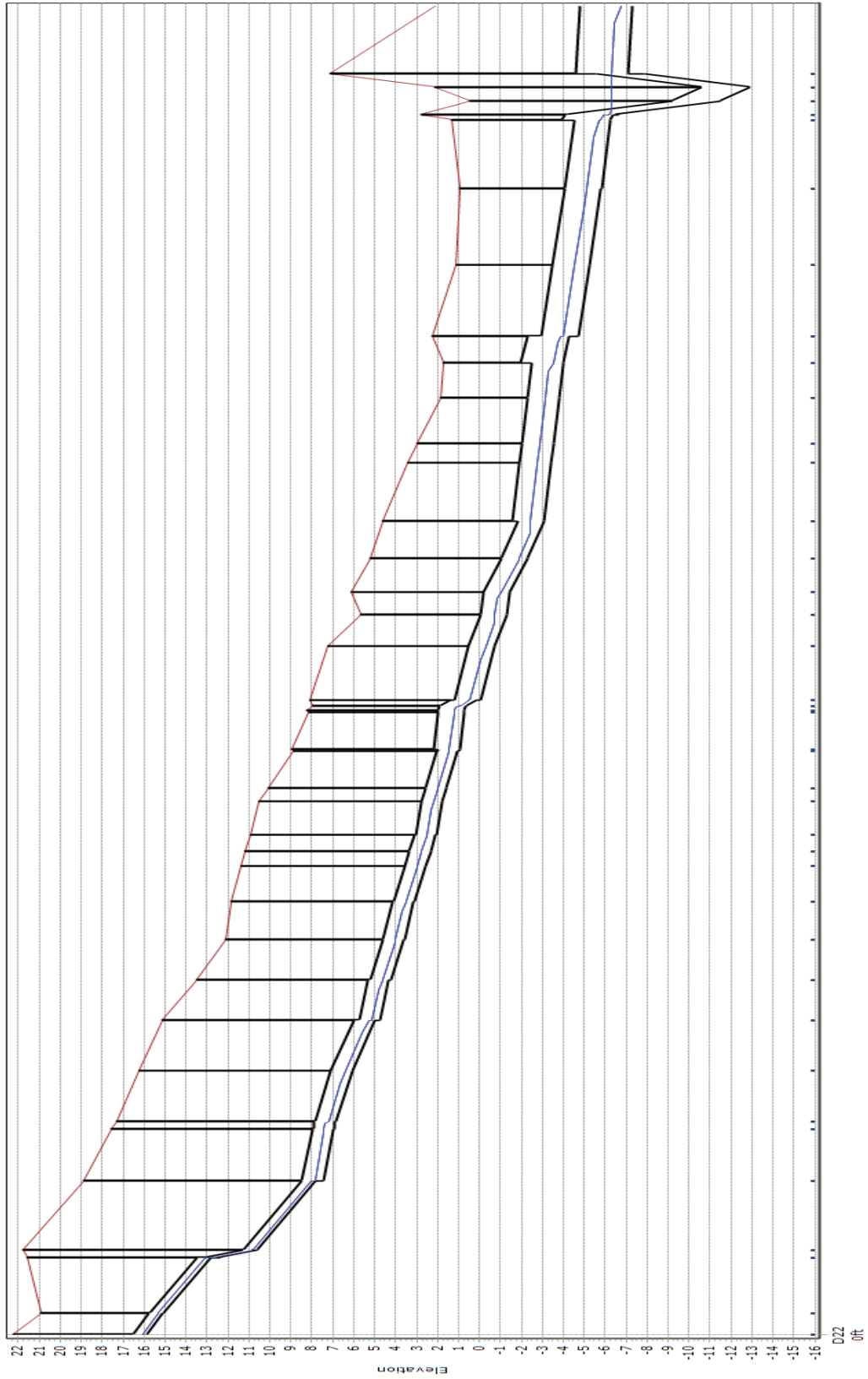
**Figure 12- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



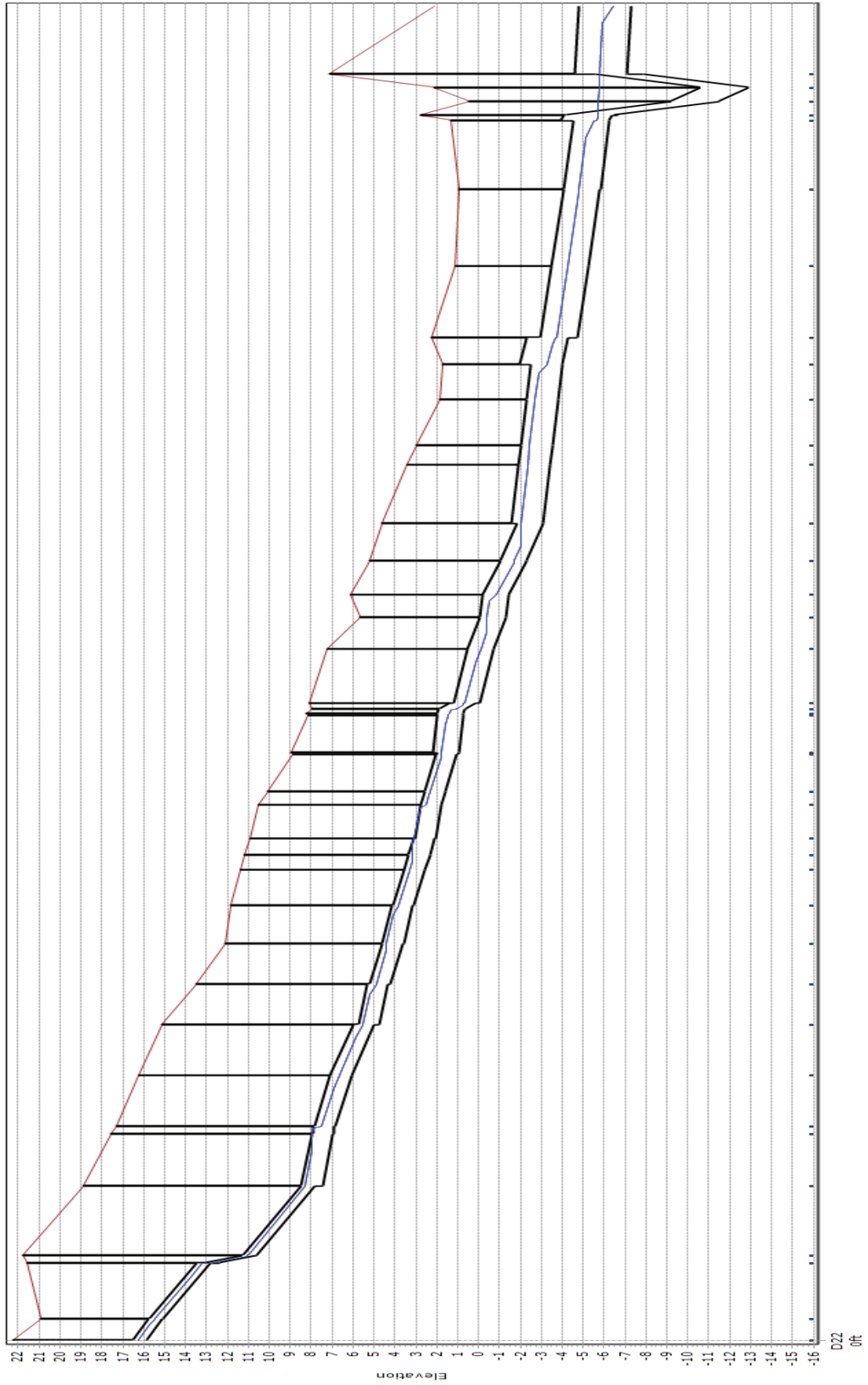
**Figures of Flow Path and Hydraulic Profile**

**FREYER & LAURETA, INC.**

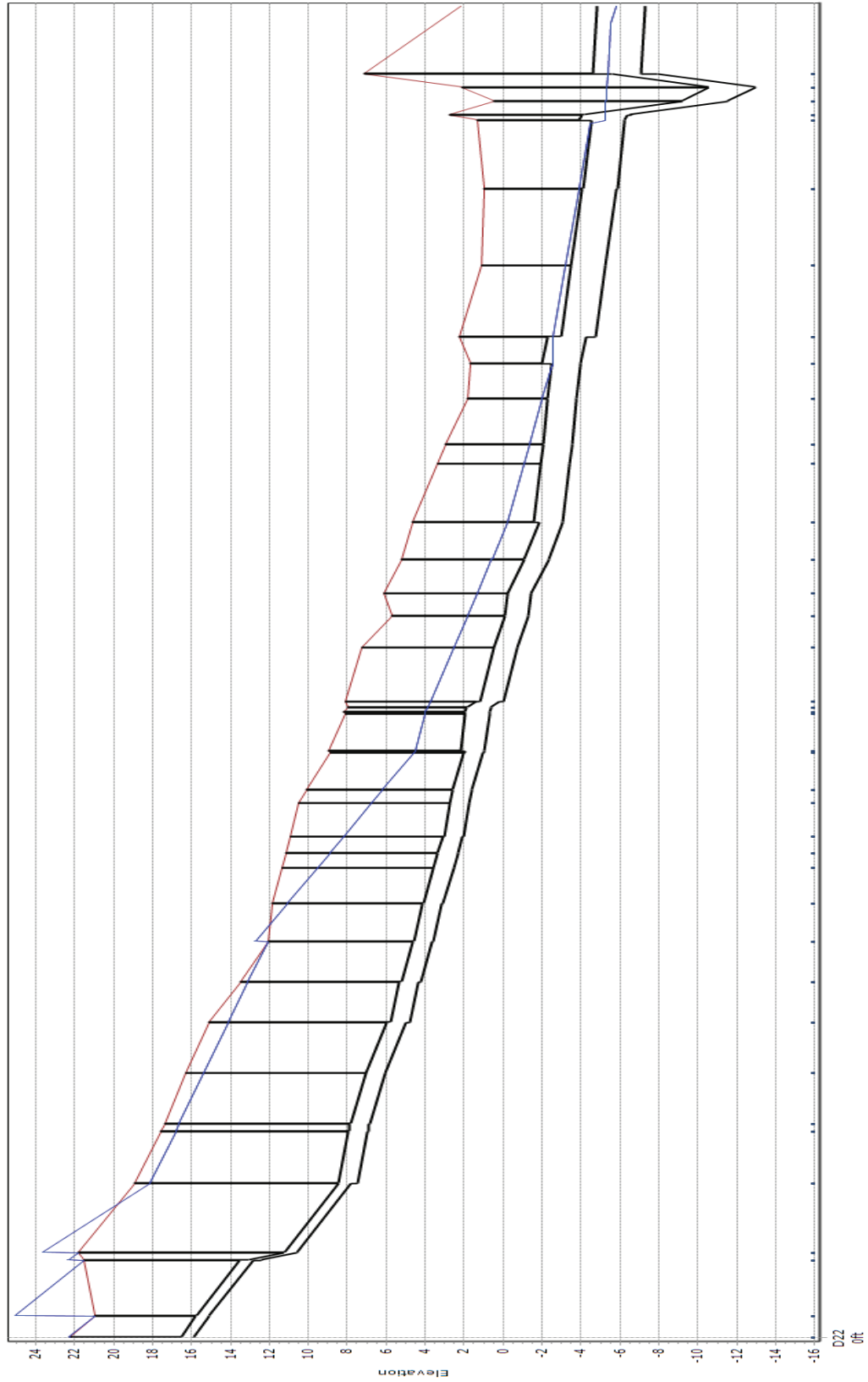
**Figure 1- Existing Average Dry Weather Flow Hydraulic Grade Line**



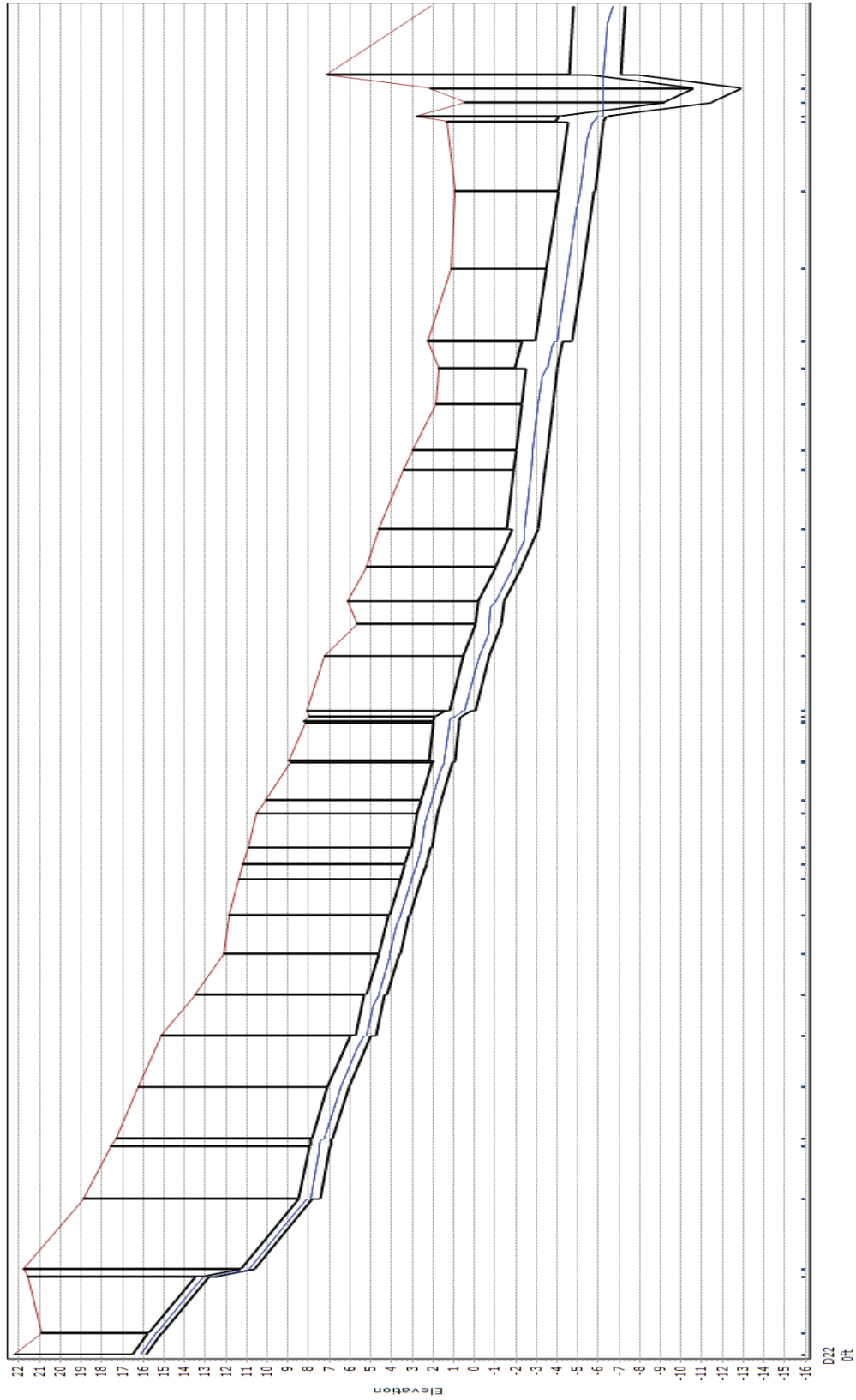
**Figure 2- Existing Peak Dry Weather Flow Hydraulic Grade Line**



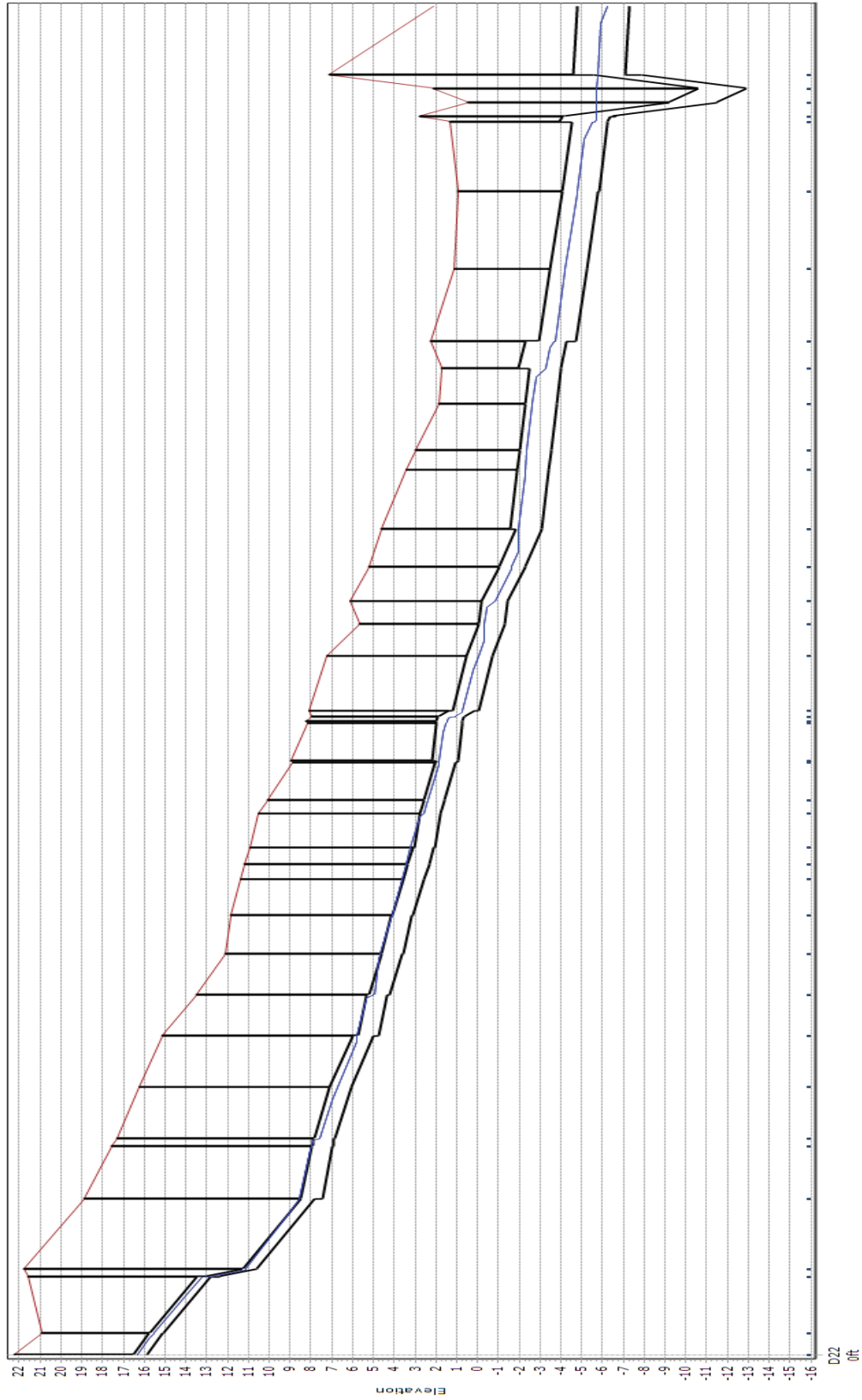
**Figure 3- Existing Peak Wet Weather Flow Hydraulic Grade Line**



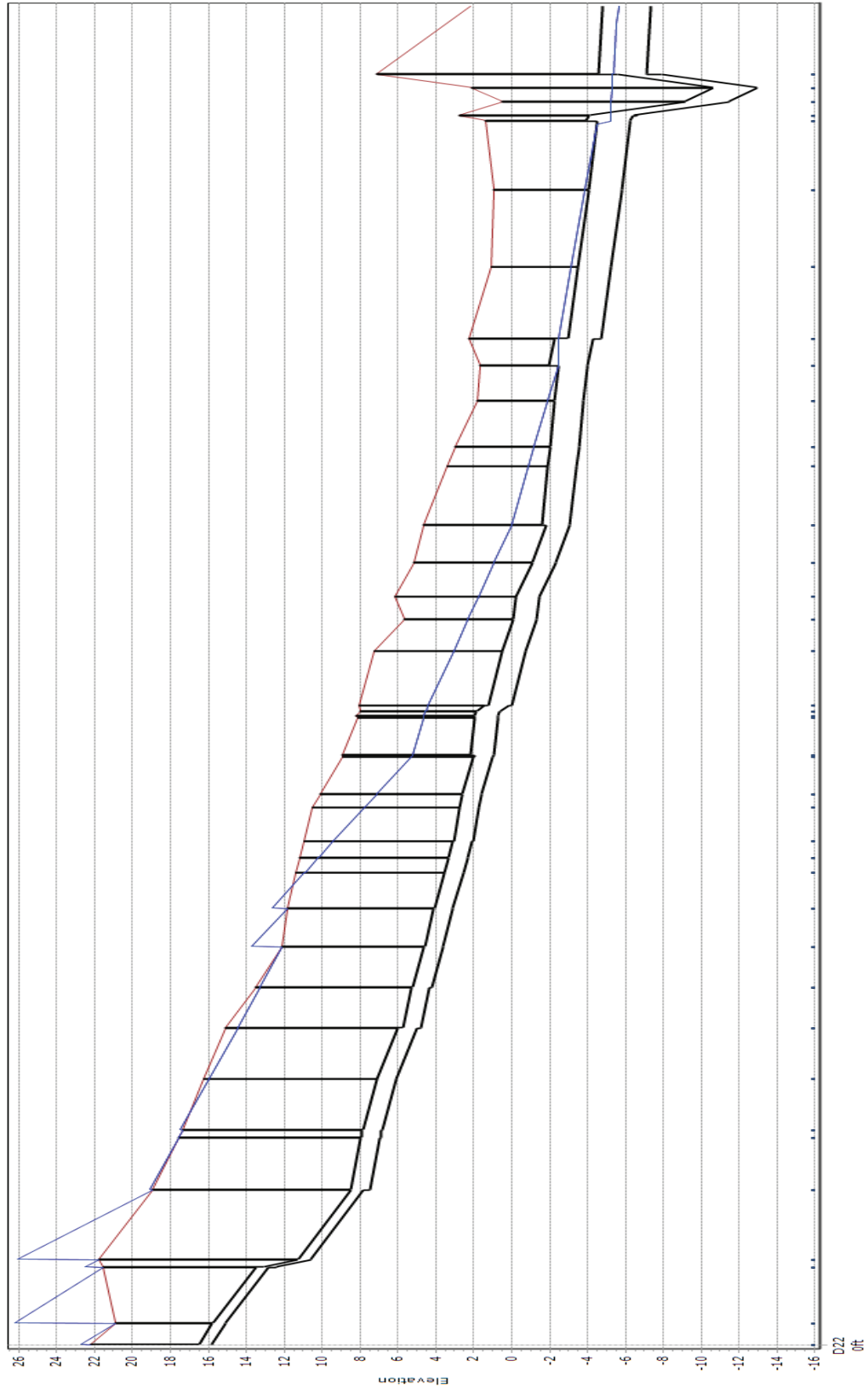
**Figure 4- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection**



**Figure 5- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection**

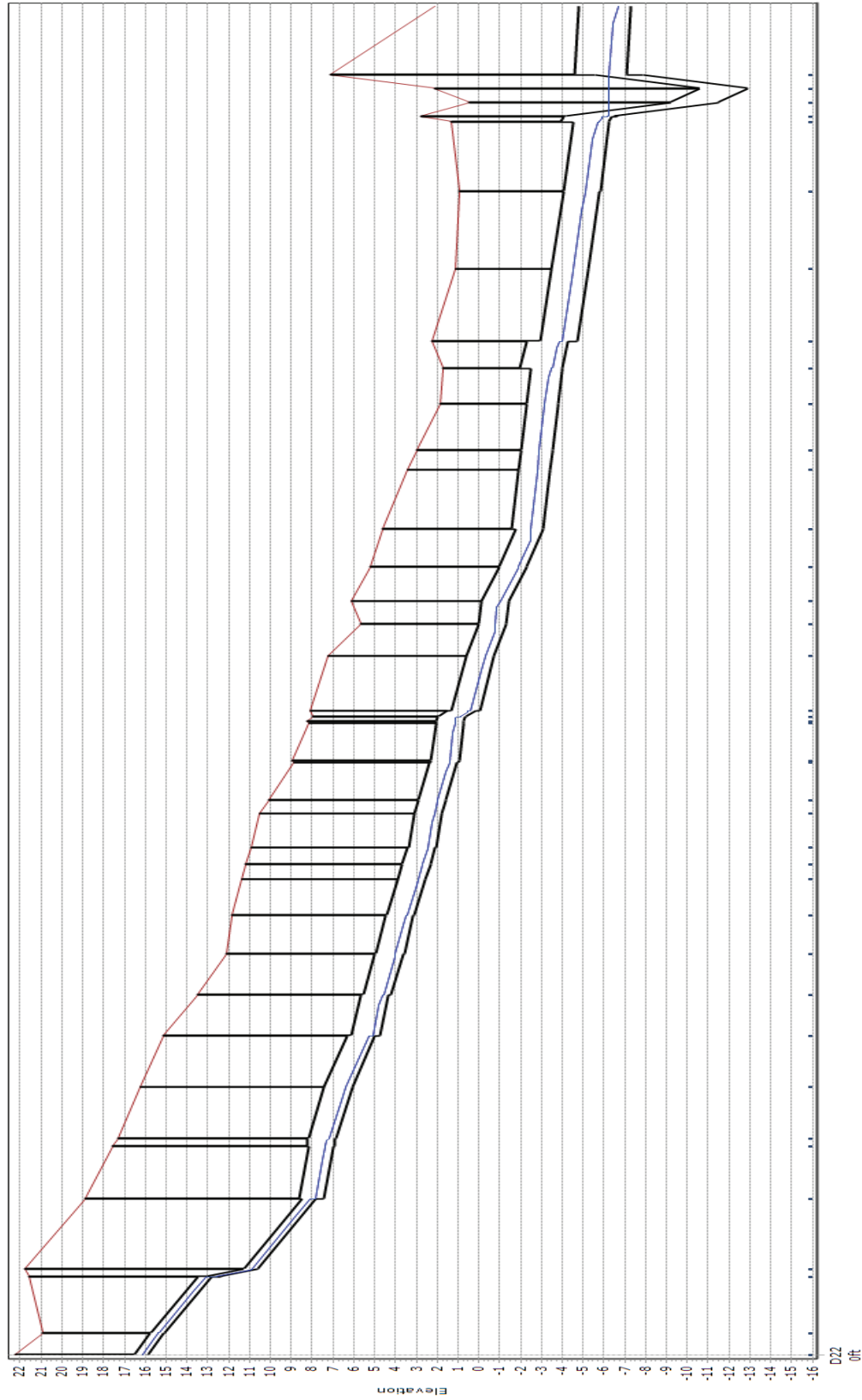


**Figure 6- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection**

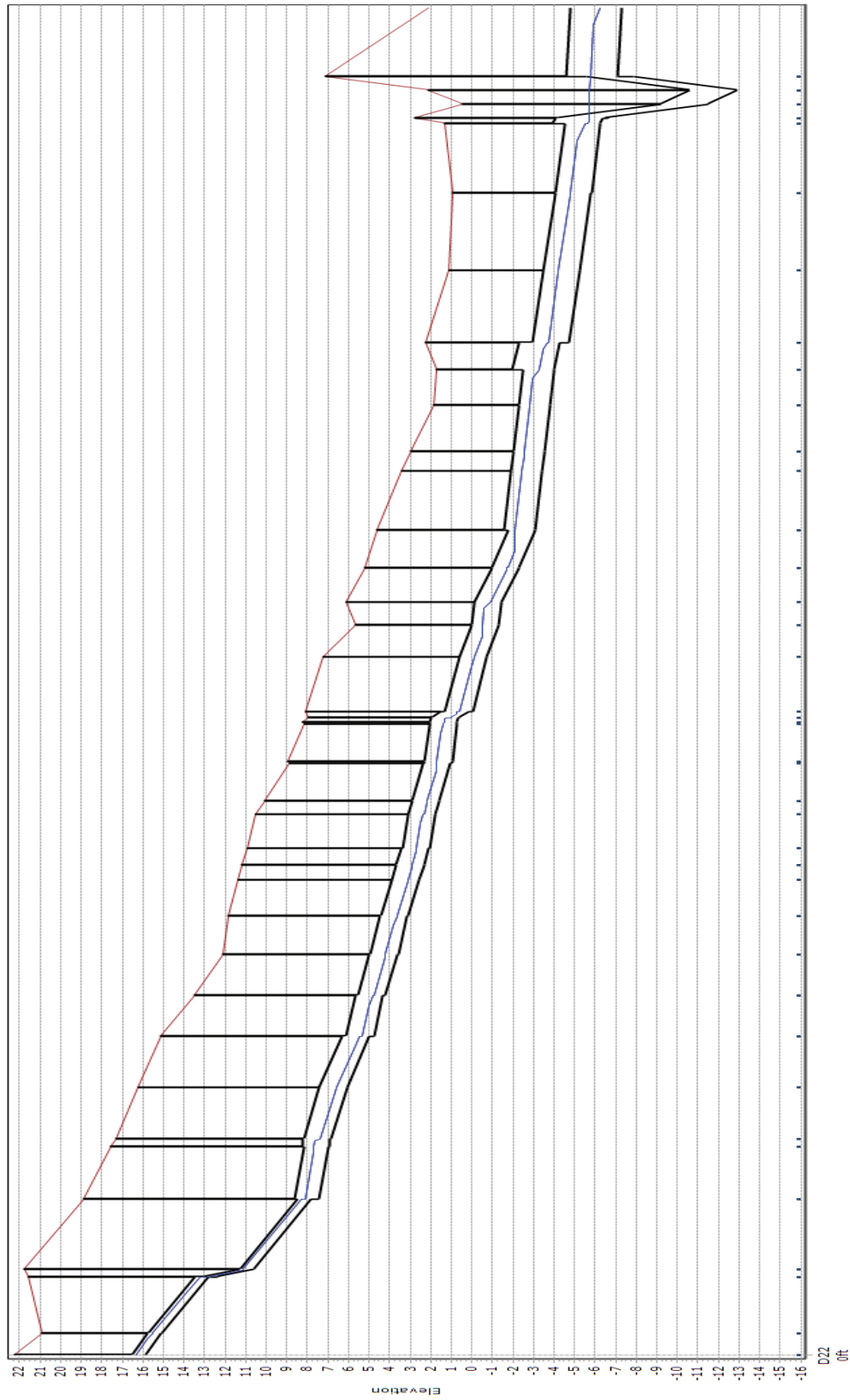




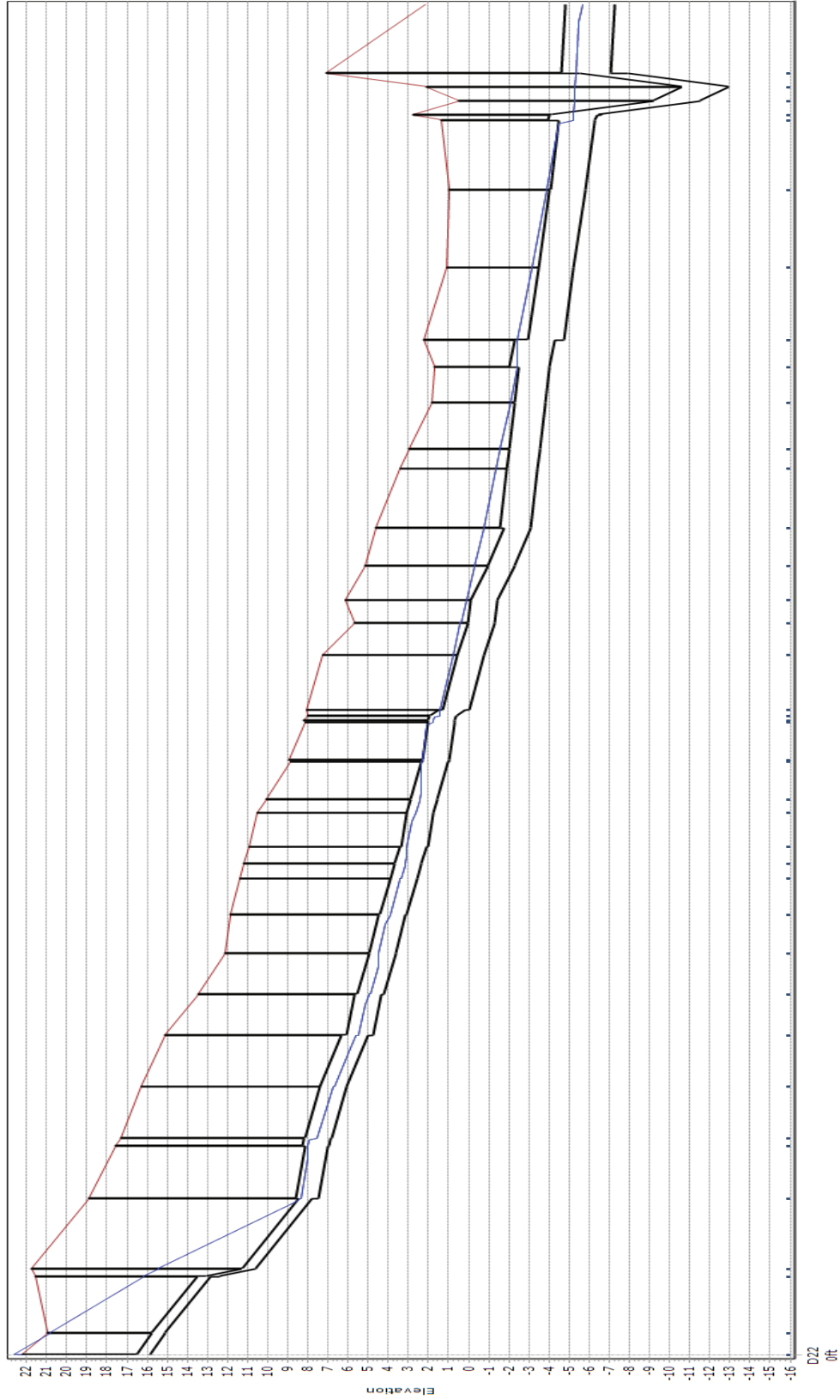
**Figure 7- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



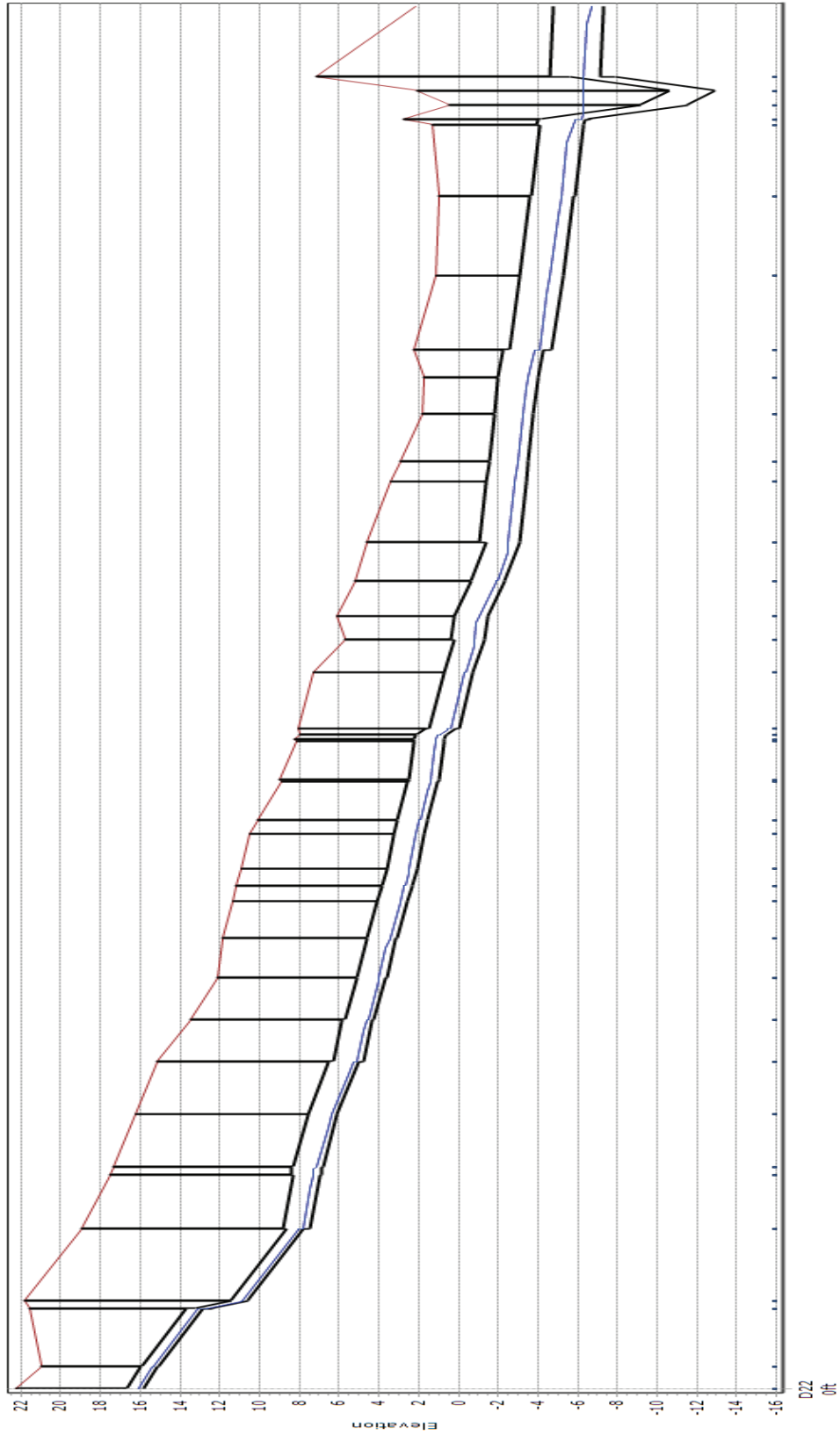
**Figure 8- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



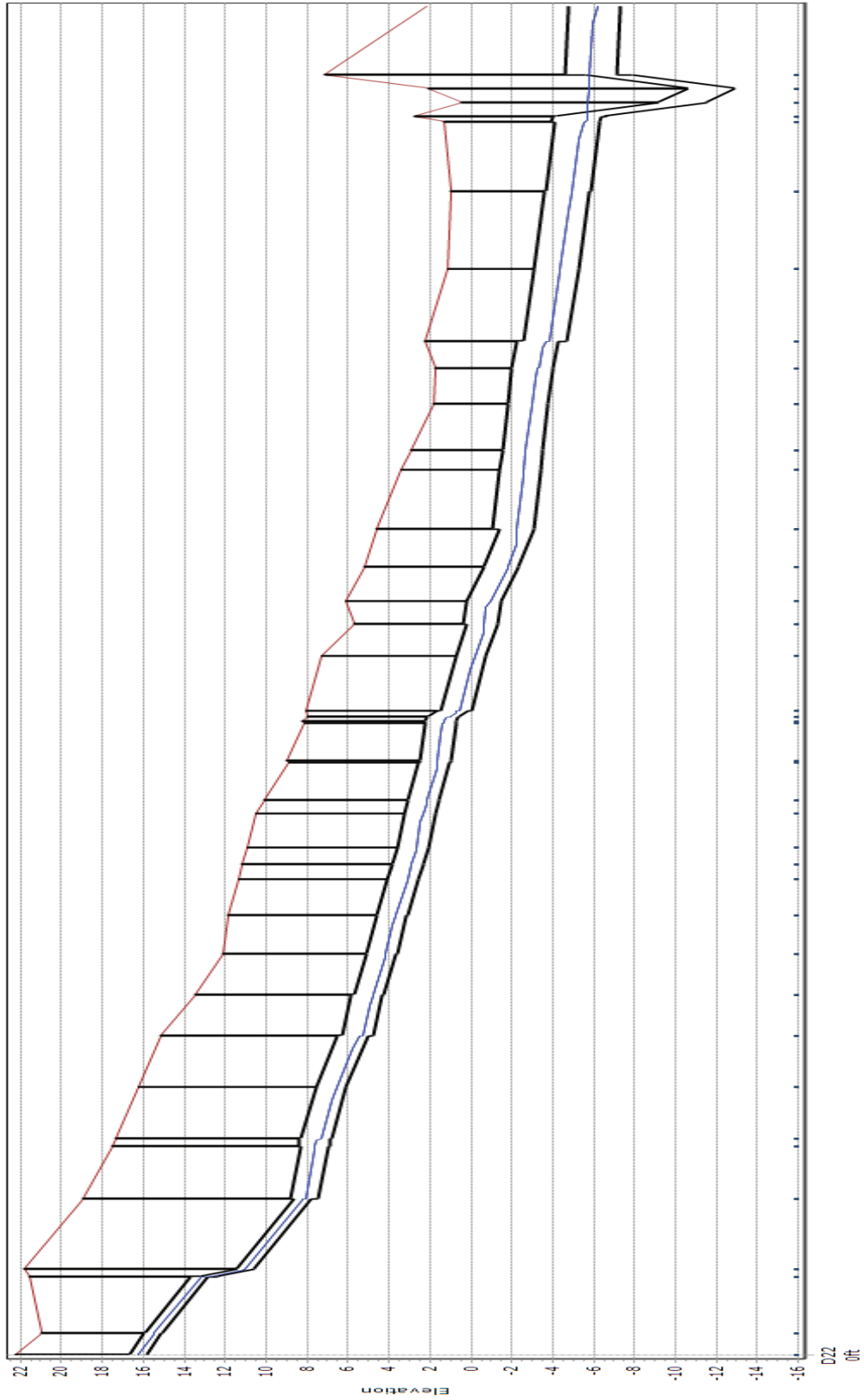
**Figure 9- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PDWF Pipe Size Upgrades**



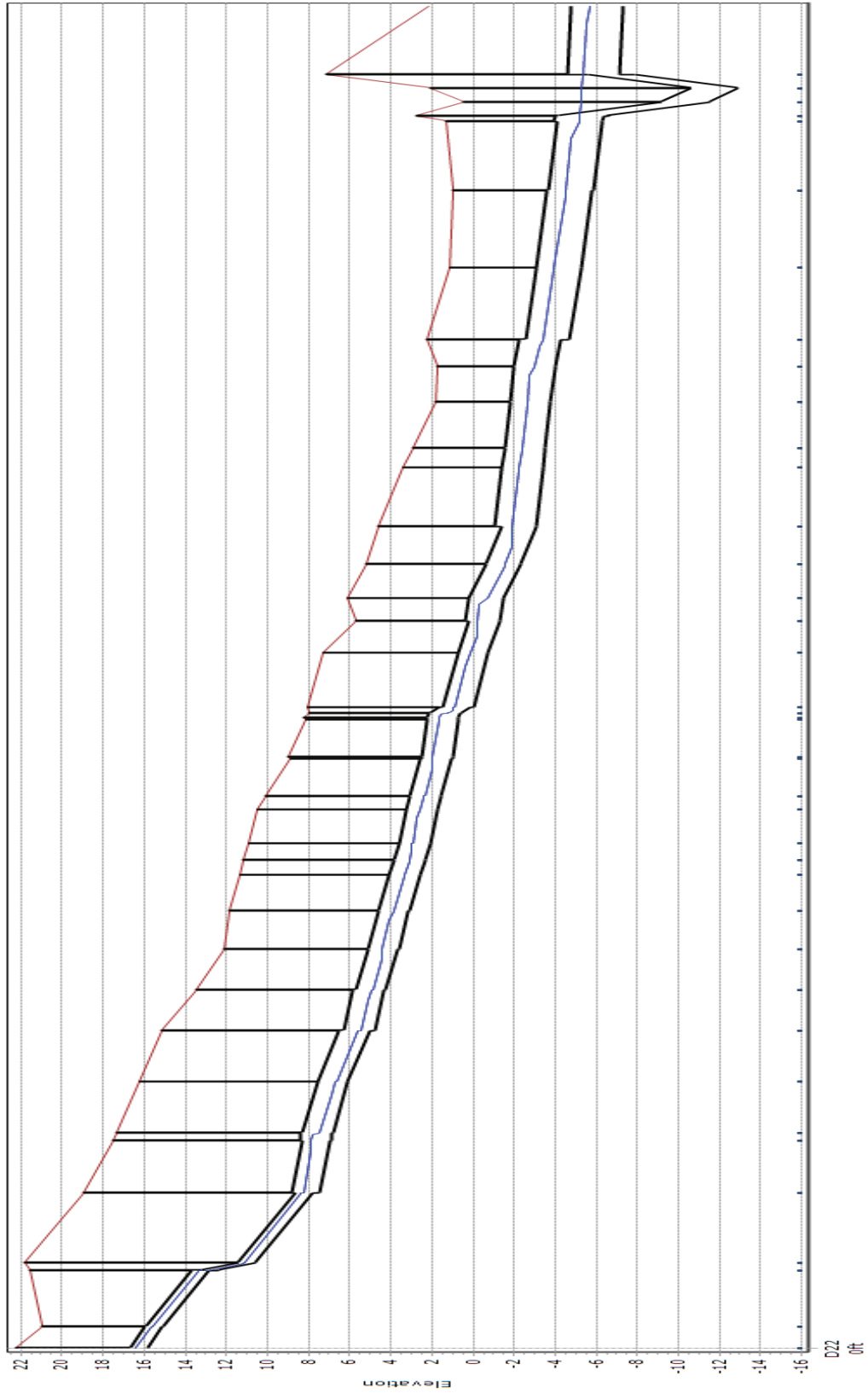
**Figure 10- Average Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Figure 11- Peak Dry Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Figure 12- Peak Wet Weather Flow Hydraulic Grade Line with Proposed Injection and PWWF Pipe Size Upgrades**



**Table 1**

**Estimated Sewer Flows**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

<b>Building</b>	<b>Number of Units (2)</b>	<b>Estimated Average Dry Weather Flow (gpd) (3)</b>
Proposed	605	72,600
Existing	161	19,320
<b>Total Additional (4)</b>	<b>444</b>	<b>53,280</b>

**Notes**

- (1) Not Used.
- (2) Number of existing units and number of proposed units after development is complete is based on Euclid Improvements Technical Memorandum by BKF dated May 28, 2020.
- (3) Average dry weather flow calculated by multiplying 120 gallons per dwelling unit per day by the total number of units. based on Technical Memorandum by BKF dated September 25, 2020.
- (4) Total additional is calculated by subtracting the existing units and estimated average dry weather flow from the proposed units and estimated average dry weather flow.

**Abbreviations**

gpd: gallons per day

**Table 2.1**

**Proposed Development**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole used for Injection (1)	Average Flow Injected into Manhole (cfs) (2)	Peak Flow Injected into Manhole (cfs) (3)	Average Flow Injected into Manhole (gpd) (4)	Peak Flow Injected into Manhole (gpd) (3)
D22	0.08244	0.14179	53,280	91,642

**Notes**

- (1) Manhole injected with flows taken from Table 1 to simulate modeling.
- (2) Average dry weather flow injected into Manhole converting from gpd to cfs using a 24-hour day.
- (3) Peak dry weather flow calculated by multiplying the average flow by a peaking factor of 1.72 for Site E2 (see Table 3).
- (4) Average dry weather flow taken from Table 1.

**Abbreviations**

gpd: gallons per day  
cfs: cubic feet per second



**Table 2.2**  
**Existing Results**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.36	0.2329	150,528	16.08	0.60	0.5703	368,596	16.24	1.00	1.2415	802,406	22.23	1.00	1.2415	802,406	22.23
D21	8	0.33	0.2329	150,528	15.3	0.57	0.5703	368,596	15.46	1.00	1.2415	802,406	20.93	1.00	1.2415	802,406	20.93
D19	8	0.24	0.2689	173,795	12.56	0.39	0.7358	475,562	12.67	0.54	1.3954	901,874	21.54	1.00	1.3954	901,874	21.54
D10	8	0.36	0.2689	173,795	10.82	0.66	0.7358	475,562	11.02	1.00	1.3954	901,874	21.78	1.00	1.3954	901,874	21.78
D3	12	0.4	0.4121	266,348	7.86	0.80	1.2366	799,239	8.26	1.00	2.1244	1,373,041	18.1	1.00	2.1244	1,373,041	18.1
D2	12	0.5	0.4121	266,348	7.41	1.00	1.2366	799,239	7.93	1.00	2.1244	1,373,041	16.81	1.00	2.1244	1,373,041	16.81
D1	12	0.36	0.4121	266,348	7.19	0.66	1.2366	799,239	7.49	1.00	2.1244	1,373,041	16.62	1.00	2.1244	1,373,041	16.62
E4	12	0.32	0.4121	266,348	6.40	0.58	1.2366	799,239	6.66	1.00	2.1244	1,373,041	15.36	1.00	2.1244	1,373,041	15.36
E3	12	0.38	0.4121	266,348	5.14	0.74	1.2366	799,239	5.50	1.00	2.1244	1,373,041	14.09	1.00	2.1244	1,373,041	14.09
E2	12	0.36	0.4121	266,348	4.59	0.66	1.2366	799,239	4.89	1.00	2.1244	1,373,041	13.09	1.00	2.1244	1,373,041	13.09
E1	12	0.44	0.6185	399,749	4.03	0.80	1.5098	975,813	4.39	1.00	3.026	1,955,763	12.09	1.00	3.026	1,955,763	12.09
H9	12	0.42	0.623	402,657	3.51	0.72	1.5148	979,045	3.82	1.00	3.036	1,962,226	11.07	1.00	3.036	1,962,226	11.07
H73	12	0.42	0.623	402,657	2.98	0.72	1.5148	979,045	3.29	1.00	3.036	1,962,226	9.54	1.00	3.036	1,962,226	9.54
H74	12	0.42	0.623	402,657	2.76	0.72	1.5148	979,045	3.16	1.00	3.036	1,962,226	8.91	1.00	3.036	1,962,226	8.91
H8	12	0.48	0.623	402,657	2.53	1.00	1.5148	979,045	3.12	1.00	3.036	1,962,226	8.21	1.00	3.036	1,962,226	8.21
H7	12	0.42	0.623	402,657	2.18	0.74	1.5148	979,045	2.51	1.00	3.036	1,962,226	6.76	1.00	3.036	1,962,226	6.76
H75	12	0.42	0.623	402,657	2.00	0.72	1.5148	979,045	2.31	1.00	3.036	1,962,226	6.19	1.00	3.036	1,962,226	6.19
H6	12	0.36	0.623	402,657	1.43	0.58	1.5148	979,045	1.80	1.00	3.036	1,962,226	4.58	1.00	3.036	1,962,226	4.58
H5	15	0.38	0.643	415,584	1.43	0.67	1.6588	1,072,115	1.79	1.00	3.056	1,975,153	4.01	1.00	3.056	1,975,153	4.01
H4	15	0.35	0.643	415,584	1.18	0.58	1.6588	1,072,115	1.43	1.00	3.056	1,975,153	3.99	1.00	3.056	1,975,153	3.99
H3	15	0.38	0.8969	579,684	1.18	0.56	1.8097	1,169,645	1.41	1.00	3.9379	2,545,142	3.88	1.00	3.9379	2,545,142	3.88
H2	15	0.24	0.8969	579,684	0.90	0.34	1.8097	1,169,645	1.03	0.53	3.9379	2,545,142	3.88	1.00	3.9379	2,545,142	3.88
I11	15	0.38	0.8969	579,684	0.45	0.56	1.8097	1,169,645	0.68	1.00	3.9379	2,545,142	3.76	1.00	3.9379	2,545,142	3.76
I10	15	0.35	0.8969	579,684	-0.29	0.51	1.8097	1,169,645	-0.09	1.00	3.9379	2,545,142	2.55	1.00	3.9379	2,545,142	2.55
I9	15	0.46	0.9059	582,269	-0.72	0.72	1.8137	1,172,230	-0.41	1.00	3.9429	2,548,374	1.85	1.00	3.9429	2,548,374	1.85
I8	15	0.32	0.9059	585,501	-1.04	0.46	1.8187	1,175,461	-0.86	0.77	3.9479	2,551,605	1.35	1.00	3.9479	2,551,605	1.35
I7	15	0.34	0.9139	590,671	-1.89	0.50	1.8287	1,181,925	-1.69	1.00	3.9529	2,554,837	0.59	1.00	3.9529	2,554,837	0.59
I6	18	0.44	1.2611	815,074	-2.41	0.72	2.7857	1,800,453	-2.00	1.00	5.1314	3,316,524	-0.24	1.00	5.1314	3,316,524	-0.24
I5	18	0.44	1.2611	815,074	-2.75	0.72	2.7857	1,800,453	-2.34	1.00	5.1314	3,316,524	-1.08	1.00	5.1314	3,316,524	-1.08
I31	18	0.44	1.2671	818,952	-2.86	0.72	2.7917	1,804,330	-2.45	1.00	5.1414	3,322,988	-1.36	1.00	5.1414	3,322,988	-1.36
I4	18	0.44	1.2671	818,952	-3.12	0.72	2.7917	1,804,330	-2.71	1.00	5.1414	3,322,988	-2.02	1.00	5.1414	3,322,988	-2.02
I3	24	0.23	1.2671	818,952	-3.52	0.34	2.7917	1,804,330	-3.30	0.48	5.1414	3,322,988	-2.54	1.00	5.1414	3,322,988	-2.54
T19	21	0.40	2.1091	1,363,153	-4.01	0.56	3.8491	2,487,749	-3.73	1.00	7.3986	4,781,860	-2.54	1.00	7.3986	4,781,860	-2.54
T18	21	0.39	2.1091	1,363,153	-4.54	0.55	3.8491	2,487,749	-4.26	1.00	7.3986	4,781,860	-3.19	1.00	7.3986	4,781,860	-3.19
T17	21	0.41	2.1091	1,363,153	-5.11	0.58	3.8491	2,487,749	-4.82	1.00	7.3986	4,781,860	-3.89	1.00	7.3986	4,781,860	-3.89
T16	28	0.20	2.1091	1,363,153	-5.79	0.27	3.8491	2,487,749	-5.63	0.37	7.3986	4,781,860	-5.22	1.00	7.3986	4,781,860	-5.22
T15	28	0.11	2.5004	1,616,058	-6.17	0.17	5.92	3,826,212	-5.71	0.21	8.9644	5,793,867	-5.23	1.00	8.9644	5,793,867	-5.23
T14	30	0.33	2.5004	1,616,058	-6.28	0.53	5.92	3,826,212	-5.78	0.70	8.9644	5,793,867	-5.36	1.00	8.9644	5,793,867	-5.36

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.3**

**Proposed Results**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.42	0.3153	203,808	16.12	0.69	0.7121	460,238	16.31	1.00	1.3833	894,047	1.00	1.3833	894,047	22.23
D21	8	0.39	0.3153	203,808	15.35	0.63	0.7121	460,238	15.51	1.00	1.3833	894,047	1.00	1.3833	894,047	20.93
D19	8	0.27	0.3513	227,075	12.59	0.42	0.8776	567,204	12.7	0.57	1.5372	993,516	1.00	1.5372	993,516	21.54
D10	8	0.42	0.3513	227,075	10.87	0.75	0.8776	567,204	11.09	1.00	1.5372	993,516	1.00	1.5372	993,516	21.78
D3	12	0.44	0.4945	319,628	7.9	1.00	1.3784	890,880	8.53	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	18.91
D2	12	0.56	0.4945	319,628	7.47	1.00	1.3784	890,880	7.95	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	17.47
D1	12	0.38	0.4945	319,628	7.21	0.72	1.3784	890,880	7.55	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	17.25
E4	12	0.36	0.4945	319,628	6.44	0.62	1.3784	890,880	6.71	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	15.81
E3	12	0.42	0.4945	319,628	5.18	0.82	1.3784	890,880	5.58	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	14.37
E2	12	0.38	0.4945	319,628	4.61	0.72	1.3784	890,880	4.95	1.00	2.2662	1,464,683	1.00	2.2662	1,464,683	13.24
E1	12	0.48	0.7009	453,029	4.07	1.00	1.6516	1,067,455	4.63	1.00	3.1778	2,047,405	1.00	3.1778	2,047,405	12.09
H9	12	0.44	0.7054	455,937	3.53	0.76	1.6566	1,070,687	3.86	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	11.84
H73	12	0.44	0.7054	455,937	3.00	0.76	1.6566	1,070,687	3.58	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	10.57
H74	12	0.44	0.7054	455,937	2.78	0.78	1.6566	1,070,687	3.39	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	9.87
H8	12	0.52	0.7054	455,937	2.57	1.00	1.6566	1,070,687	3.18	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	9.10
H7	12	0.46	0.7054	455,937	2.22	0.80	1.6566	1,070,687	2.57	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	7.51
H75	12	0.44	0.7054	455,937	2.02	0.78	1.6566	1,070,687	2.37	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	6.89
H6	12	0.38	0.7054	455,937	1.48	0.62	1.6566	1,070,687	1.86	1.00	3.1778	2,053,868	1.00	3.1778	2,053,868	5.13
H5	15	0.42	0.7254	468,864	1.47	0.72	1.8006	1,163,757	1.85	1.00	3.1978	2,066,794	1.00	3.1978	2,066,794	5.04
H4	15	0.37	0.7254	468,864	1.21	0.61	1.8006	1,163,757	1.47	1.00	3.1978	2,066,794	1.00	3.1978	2,066,794	4.50
H3	15	0.40	0.9793	632,964	1.20	0.58	1.9515	1,261,286	1.43	1.00	4.0797	2,636,784	1.00	4.0797	2,636,784	4.48
H2	15	0.26	0.9793	632,964	0.92	0.35	1.9515	1,261,286	1.05	0.53	4.0797	2,636,784	1.00	4.0797	2,636,784	4.37
I11	15	0.40	0.9793	632,964	0.47	0.59	1.9515	1,261,286	0.72	1.00	4.0797	2,636,784	1.00	4.0797	2,636,784	4.23
I10	15	0.37	0.9793	632,964	-0.28	0.54	1.9515	1,261,286	-0.05	1.00	4.0797	2,636,784	1.00	4.0797	2,636,784	2.94
I9	15	0.48	0.9833	635,549	-0.71	0.77	1.9555	1,263,871	-0.35	1.00	4.0847	2,640,015	1.00	4.0847	2,640,015	2.18
I8	15	0.34	0.9833	635,549	-1.02	0.48	1.9605	1,267,103	-0.84	0.80	4.0897	2,643,247	1.00	4.0897	2,643,247	1.65
I7	15	0.35	0.9963	643,951	-1.88	0.51	1.9705	1,273,566	-1.67	1.00	4.0947	2,646,478	1.00	4.0947	2,646,478	0.83
I6	18	0.45	1.3435	868,354	-2.40	0.75	2.9275	1,892,094	-1.96	1.00	5.2732	3,408,166	1.00	5.2732	3,408,166	-0.06
I5	18	0.45	1.3435	868,354	-2.74	0.75	2.9275	1,892,094	-2.30	1.00	5.2732	3,408,166	1.00	5.2732	3,408,166	-0.95
I31	18	0.45	1.3495	872,232	-2.85	0.75	2.9335	1,895,972	-2.41	1.00	5.2832	3,414,629	1.00	5.2832	3,414,629	-1.24
I4	18	0.45	1.3495	872,232	-3.11	0.75	2.9335	1,895,972	-2.67	1.00	5.2832	3,414,629	1.00	5.2832	3,414,629	-1.94
I3	24	0.24	1.3495	872,232	-3.51	0.35	2.9335	1,895,972	-3.28	0.48	5.2832	3,414,629	1.00	5.2832	3,414,629	-2.46
T19	21	0.40	2.1915	1,416,433	-4.02	0.57	3.9909	2,579,390	-3.71	1.00	7.5404	4,873,502	1.00	7.5404	4,873,502	-2.47
T18	21	0.40	2.1915	1,416,433	-4.53	0.56	3.9909	2,579,390	-4.24	1.00	7.5404	4,873,502	1.00	7.5404	4,873,502	-3.14
T17	21	0.42	2.1915	1,416,433	-5.10	0.59	3.9909	2,579,390	-4.79	1.00	7.5404	4,873,502	1.00	7.5404	4,873,502	-3.87
T16	28	0.20	2.1915	1,416,433	-5.79	0.27	3.9909	2,579,390	-5.63	0.37	7.5404	4,873,502	1.00	7.5404	4,873,502	-5.20
T15	28	0.11	2.5828	1,669,338	-6.16	0.17	6.0618	3,917,854	-5.69	0.21	9.1062	5,885,509	1.00	9.1062	5,885,509	-5.21
T14	30	0.34	2.5828	1,669,338	-6.26	0.54	6.0618	3,917,854	-5.76	0.70	9.1062	5,885,509	1.00	9.1062	5,885,509	-5.34

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.4**  
**PDWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PDWF "d/D" (3)	Existing PDWF HGL	Proposed Diameter (Inches) (2)	Predicted PDWF "d/D" (3)	Predicted PDWF HGL
D22	8	0.60	16.24	No Change	0.69	16.32
D21	8	0.57	15.46	No Change	0.63	15.51
D19	8	0.39	12.67	No Change	0.42	12.70
D10	8	0.66	11.02	No Change	0.75	11.09
D3	12	0.80	8.26	14	0.53	8.08
D2	12	1.00	7.93	16	0.56	7.65
D1	12	0.66	7.49	16	0.39	6.79
E4	12	0.58	6.66	16	0.35	6.55
E3	12	0.74	5.50	16	0.42	5.33
E2	12	0.66	4.89	16	0.39	4.76
E1	12	0.80	4.39	16	0.45	4.20
H9	12	0.72	3.82	16	0.42	3.66
H73	12	0.72	3.29	16	0.42	3.13
H74	12	0.72	3.16	16	0.42	2.91
H8	12	1.00	3.12	16	0.50	2.71
H7	12	0.74	2.51	16	0.44	2.35
H75	12	0.72	2.31	16	0.42	2.15
H6	12	0.58	1.80	16	0.35	1.70
H5	15	0.67	1.79	16	0.50	1.69
H4	15	0.58	1.43	16	0.50	1.38
H3	15	0.56	1.41	16	0.48	1.35
H2	15	0.34	1.03	16	0.30	1.01
H11	15	0.56	0.68	16	0.48	0.62
H10	15	0.51	-0.09	16	0.44	-0.15
I9	15	0.72	-0.41	16	0.60	-0.51
I8	15	0.46	-0.86	16	0.41	-0.90
I7	15	0.50	-1.69	16	0.42	-1.75
I6	18	0.72	-2.00	18	0.65	-2.10
I5	18	0.72	-2.34	18	0.65	-2.44
I31	18	0.72	-2.45	18	0.65	-2.55
I4	18	0.72	-2.71	18	0.65	-2.81
I3	24	0.34	-3.30	Existing pipe no changes	0.35	-3.28
T19	21	0.56	-3.73	No Change	0.57	-3.71
T18	21	0.55	-4.26	No Change	0.56	-4.24
T17	21	0.58	-4.82	No Change	0.59	-4.79
T16	28	0.27	-5.63	Existing pipe no changes	0.27	-5.63
T15	28	0.17	-5.71	Existing pipe no changes	0.17	-5.69
T14	30	0.53	-5.78	Existing pipe no changes	0.54	-5.76

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.5**  
**PWWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PWWF "d/D" (3)	Existing PWWF HGL	Proposed Diameter (Inches) (2)	Predicted PWWF "d/D" (3)	Predicted PWWF HGL
D22	8	1.00	22.23	10	0.62	16.37
D21	8	1.00	20.93	10	0.60	15.59
D19	8	0.54	21.54	10	0.38	12.76
D10	8	1.00	21.78	10	0.65	11.13
D3	12	1.00	18.10	16	0.59	8.25
D2	12	1.00	16.81	18	0.63	7.85
D1	12	1.00	16.62	18	0.43	7.48
E4	12	1.00	15.36	18	0.39	6.67
E3	12	1.00	14.09	18	0.47	5.47
E2	12	1.00	13.09	18	0.43	4.88
E1	12	1.00	12.09	18	0.55	4.42
H9	12	1.00	11.07	18	0.51	3.86
H73	12	1.00	9.54	18	0.51	3.33
H74	12	1.00	8.91	18	0.51	3.11
H8	12	1.00	8.21	18	0.60	2.96
H7	12	1.00	6.76	18	0.52	2.55
H75	12	1.00	6.19	18	0.51	2.35
H6	12	1.00	4.58	18	0.41	1.96
H5	15	1.00	4.01	18	0.67	1.96
H4	15	1.00	3.99	18	0.57	1.64
H3	15	1.00	3.88	18	0.61	1.63
H2	15	0.53	3.88	18	0.37	1.19
H11	15	1.00	3.76	18	0.61	0.90
H10	15	1.00	2.55	18	0.56	0.11
I9	15	1.00	1.85	20	0.65	-0.22
I8	15	0.77	1.35	20	0.43	-0.71
I7	15	1.00	0.59	20	0.46	-1.55
I6	18	1.00	-0.24	24	0.58	-1.91
I5	18	1.00	-1.08	24	0.58	-2.25
I31	18	1.00	-1.36	24	0.58	-2.36
I4	18	1.00	-2.02	24	0.58	-2.62
I3	24	0.48	-2.54	Existing pipe no changes	0.49	-3.02
T19	21	1.00	-2.54	26	0.59	-3.43
T18	21	1.00	-3.19	26	0.59	-3.94
T17	21	1.00	-3.89	26	0.62	-4.49
T16	28	0.37	-5.22	Existing pipe no changes	0.37	-5.20
T15	28	0.21	-5.23	Existing pipe no changes	0.21	-5.21
T14	30	0.70	-5.36	Existing pipe no changes	0.70	-5.34

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.6**  
**PDWF Proposed Capital Improvements**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D3	D2	12	14	364
D2	I6	12	16	4,145
I6	I3	18	18	1,111

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain d/D for existing conditions.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
 MH: Manhole

**Table 2.7**  
**PWWF Proposed Capital Improvements**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D22	D3	8	10	1,079
D3	D2	12	16	364
D2	I9	12	18	3,592
I9	I6	15	20	553
I6	I3	18	24	1,111
T19	T16	21	26	1,524

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain a d/D ratio of 0.67.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
MH: Manhole

**Table 3**  
**Peaking Factor Calculations**  
 East Palo Alto Sanitary District

Monitoring Site (1)	Overall ADWF (MGD) (2)	PDWF (MGD) (3)	PWWF (MGD) (4)	PDWF Peaking Factor (5)	PWWF Peaking Factor (6)
A15	0.27	0.43	1.19	1.59	2.77
B13	0.06	0.11	0.52	1.83	4.73
E1	0.13	0.19	0.59	1.46	3.11
E2	0.25	0.43	1.45	1.72	3.37
H3	0.14	0.23	0.58	1.64	2.52
I3	0.83	1.22	2.76	1.47	2.26
I12	0.23	0.39	0.76	1.70	1.95
K4	0.22	0.35	0.99	1.59	2.83
K28	0.11	0.17	0.68	1.55	4.00
T20	0.40	0.60	1.55	1.50	2.58
T13	1.53	2.31	5.78	1.51	2.50

Notes

- (1) Monitoring sites are identified in Table 3 of the *East Palo Alto Sanitary District Sanitary Sewer Flow Monitoring and Inflow/Infiltration Study* dated June 2012 prepared by V&A Consulting Engineers, Inc., referred to herein as "Flow Monitoring Study."
- (2) Overall ADWF is presented in Table 5 of the Flow Monitoring Study
- (3) PDWF is presented in Table 7-3 of the *East Palo Alto Sanitary District Wastewater Collection System Master Plan Update* dated March 2015 prepared by Freyer & Laureta, Inc., herein referred to as "Master Plan Update."
- (4) PWWF is presented in Table 7-3 of the Master Plan Update.
- (5) PDWF Peaking Factor is calculated by dividing the PDWF by the Overall ADWF.
- (6) PWWF Peaking Factor is calculated by dividing the PWWF by the PDWF.

Abbreviations

ADWF: Average Dry Weather Flow  
 MGD: Million Gallons per Day  
 PDWF: Peak Dry Weather Flow  
 PWWF: Peak Wet Weather Flow

**Table 4.1**  
**Conceptual Opinion of Probable Project Cost for PDWF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	14-inch DR 17 HDPE Pipe	lf	370	\$ 350	\$ 129,500
5	16-inch DR 17 HDPE Pipe	lf	4,150	\$ 450	\$ 1,867,500
6	18-inch DR 17 HDPE Pipe	lf	1,120	\$ 550	\$ 616,000
7	Manholes	ea	30	\$ 10,000	\$ 300,000
8	30% Contingency	%	30%	\$ 3,003,000	\$ 900,900
<b>Subtotal - Conceptual Opinion of Probable Construction Cost \$ 3,903,900</b>					
<b>Engineering and Administration Cost</b>					
9	Design	%	10%	\$ 3,903,900	\$ 390,390
10	Environmental/Permitting	%	10%	\$ 3,903,900	\$ 390,390
11	Construction Management/Inspection	%	15%	\$ 3,903,900	\$ 585,585
12	District Administration	%	5%	\$ 3,903,900	\$ 195,195
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 1,561,600</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 5,465,500</b>

**Notes**

- (1) See Table 2.6 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.



**Table 4.2**  
**Conceptual Opinion of Probable Project Cost for PWWF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	10-inch DR 17 HDPE Pipe	lf	1,080	\$ 300	\$ 324,000
5	16-inch DR 17 HDPE Pipe	lf	370	\$ 450	\$ 166,500
6	18-inch DR 17 HDPE Pipe	lf	3,600	\$ 550	\$ 1,980,000
7	20-inch DR 17 HDPE Pipe	lf	560	\$ 600	\$ 336,000
8	24-inch DR 17 HDPE Pipe	lf	1,120	\$ 700	\$ 784,000
9	26-inch DR 17 HDPE Pipe	lf	1,530	\$ 750	\$ 1,147,500
10	Manholes	ea	34	\$ 10,000	\$ 340,000
11	30% Contingency	%	30%	\$ 5,168,000	\$ 1,550,400
<b>Subtotal - Conceptual Opinion of Probable Construction Cost</b>					<b>\$ 6,718,400</b>
<b>Engineering and Administration Cost</b>					
12	Design	%	10%	\$ 6,718,400	\$ 671,840
13	Environmental/Permitting	%	10%	\$ 6,718,400	\$ 671,840
14	Construction Management/ Inspection	%	15%	\$ 6,718,400	\$ 1,007,760
15	District Administration	%	5%	\$ 6,718,400	\$ 335,920
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 2,687,400</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 9,405,800</b>

**Notes**

- (1) See Table 2.7 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.

**Table 1**

**Estimated Sewer Flows**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

<b>Building</b>	<b>Number of Units (2)</b>	<b>Estimated Average Dry Weather Flow (gpd) (3)</b>
Proposed	605	96,800
Existing	161	25,760
<b>Total Additional (4)</b>	<b>444</b>	<b>71,040</b>

**Notes**

- (1) Not Used.
- (2) Number of existing units and number of proposed units after development is complete is based on Euclid Improvements Technical Memorandum by BKF dated May 28, 2020.
- (3) Average dry weather flow calculated by multiplying 160 gallons per dwelling unit per day by the total number of units. based on Technical Memorandum by BKF dated September 25, 2020.
- (4) Total additional is calculated by subtracting the existing units and estimated average dry weather flow from the proposed units and estimated average dry weather flow.

**Abbreviations**

gpd: gallons per day

**Table 2.1**

**Proposed Development**

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole used for Injection (1)	Average Flow Injected into Manhole (cfs) (2)	Peak Flow Injected into Manhole (cfs) (3)	Average Flow Injected into Manhole (gpd) (4)	Peak Flow Injected into Manhole (gpd) (3)
D22	0.10991	0.18905	71,040	122,189

**Notes**

- (1) Manhole injected with flows taken from Table 1 to simulate modeling.
- (2) Average dry weather flow injected into Manhole converting from gpd to cfs using a 24-hour day.
- (3) Peak dry weather flow calculated by multiplying the average flow by a peaking factor of 1.72 for Site E2 (see Table 3).
- (4) Average dry weather flow taken from Table 1.

**Abbreviations**

gpd: gallons per day  
cfs: cubic feet per second

**Table 2.2**  
**Existing Results**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.36	0.2329	150,528	16.08	0.60	0.5703	368,596	16.24	1.00	1.2415	802,406	1.00	1.2415	802,406	22.23
D21	8	0.33	0.2329	150,528	15.3	0.57	0.5703	368,596	15.46	1.00	1.2415	802,406	1.00	1.2415	802,406	20.93
D19	8	0.24	0.2689	173,795	12.56	0.39	0.7358	475,562	12.67	0.54	1.3954	901,874	1.00	1.3954	901,874	21.54
D10	8	0.36	0.2689	173,795	10.82	0.66	0.7358	475,562	11.02	1.00	1.3954	901,874	1.00	1.3954	901,874	21.78
D3	12	0.4	0.4121	266,348	7.86	0.80	1.2366	799,239	8.26	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	18.1
D2	12	0.5	0.4121	266,348	7.41	1.00	1.2366	799,239	7.93	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	16.81
D1	12	0.36	0.4121	266,348	7.19	0.66	1.2366	799,239	7.49	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	16.62
E4	12	0.32	0.4121	266,348	6.40	0.58	1.2366	799,239	6.66	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	15.36
E3	12	0.38	0.4121	266,348	5.14	0.74	1.2366	799,239	5.50	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	14.09
E2	12	0.36	0.4121	266,348	4.59	0.66	1.2366	799,239	4.89	1.00	2.1244	1,373,041	1.00	2.1244	1,373,041	13.09
E1	12	0.44	0.6185	399,749	4.03	0.80	1.5098	975,813	4.39	1.00	3.026	1,955,763	1.00	3.026	1,955,763	12.09
H9	12	0.42	0.623	402,657	3.51	0.72	1.5148	979,045	3.82	1.00	3.036	1,962,226	1.00	3.036	1,962,226	11.07
H73	12	0.42	0.623	402,657	2.98	0.72	1.5148	979,045	3.29	1.00	3.036	1,962,226	1.00	3.036	1,962,226	9.54
H74	12	0.42	0.623	402,657	2.76	0.72	1.5148	979,045	3.16	1.00	3.036	1,962,226	1.00	3.036	1,962,226	8.91
H8	12	0.48	0.623	402,657	2.53	1.00	1.5148	979,045	3.12	1.00	3.036	1,962,226	1.00	3.036	1,962,226	8.21
H7	12	0.42	0.623	402,657	2.18	0.74	1.5148	979,045	2.51	1.00	3.036	1,962,226	1.00	3.036	1,962,226	6.76
H75	12	0.42	0.623	402,657	2.00	0.72	1.5148	979,045	2.31	1.00	3.036	1,962,226	1.00	3.036	1,962,226	6.19
H6	12	0.36	0.623	402,657	1.43	0.58	1.5148	979,045	1.80	1.00	3.036	1,962,226	1.00	3.036	1,962,226	4.58
H5	15	0.38	0.643	415,584	1.43	0.67	1.6588	1,072,115	1.79	1.00	3.056	1,975,153	1.00	3.056	1,975,153	4.01
H4	15	0.35	0.643	415,584	1.18	0.58	1.6588	1,072,115	1.43	1.00	3.056	1,975,153	1.00	3.056	1,975,153	3.99
H3	15	0.38	0.8969	579,684	1.18	0.56	1.8097	1,169,645	1.41	1.00	3.9379	2,545,142	1.00	3.9379	2,545,142	3.88
H2	15	0.24	0.8969	579,684	0.90	0.34	1.8097	1,169,645	1.03	0.53	3.9379	2,545,142	1.00	3.9379	2,545,142	3.88
I11	15	0.38	0.8969	579,684	0.45	0.56	1.8097	1,169,645	0.68	1.00	3.9379	2,545,142	1.00	3.9379	2,545,142	3.76
I10	15	0.35	0.8969	579,684	-0.29	0.51	1.8097	1,169,645	-0.09	1.00	3.9379	2,545,142	1.00	3.9379	2,545,142	2.55
I9	15	0.46	0.9059	582,269	-0.72	0.72	1.8137	1,172,230	-0.41	1.00	3.9429	2,548,374	1.00	3.9429	2,548,374	1.85
I8	15	0.32	0.9059	585,501	-1.04	0.46	1.8187	1,175,461	-0.86	0.77	3.9479	2,551,605	1.00	3.9479	2,551,605	1.35
I7	15	0.34	0.9139	590,671	-1.89	0.50	1.8287	1,181,925	-1.69	1.00	3.9529	2,554,837	1.00	3.9529	2,554,837	0.59
I6	18	0.44	1.2611	815,074	-2.41	0.72	2.7857	1,800,453	-2.00	1.00	5.1314	3,316,524	1.00	5.1314	3,316,524	-0.24
I5	18	0.44	1.2611	815,074	-2.75	0.72	2.7857	1,800,453	-2.34	1.00	5.1314	3,316,524	1.00	5.1314	3,316,524	-1.08
I31	18	0.44	1.2671	818,952	-2.86	0.72	2.7917	1,804,330	-2.45	1.00	5.1414	3,322,988	1.00	5.1414	3,322,988	-1.36
I4	18	0.44	1.2671	818,952	-3.12	0.72	2.7917	1,804,330	-2.71	1.00	5.1414	3,322,988	1.00	5.1414	3,322,988	-2.02
I3	24	0.23	1.2671	818,952	-3.52	0.34	2.7917	1,804,330	-3.30	0.48	5.1414	3,322,988	1.00	5.1414	3,322,988	-2.54
T19	21	0.40	2.1091	1,363,153	-4.01	0.56	3.8491	2,487,749	-3.73	1.00	7.3986	4,781,860	1.00	7.3986	4,781,860	-2.54
T18	21	0.39	2.1091	1,363,153	-4.54	0.55	3.8491	2,487,749	-4.26	1.00	7.3986	4,781,860	1.00	7.3986	4,781,860	-3.19
T17	21	0.41	2.1091	1,363,153	-5.11	0.58	3.8491	2,487,749	-4.82	1.00	7.3986	4,781,860	1.00	7.3986	4,781,860	-3.89
T16	28	0.20	2.1091	1,363,153	-5.79	0.27	3.8491	2,487,749	-5.63	0.37	7.3986	4,781,860	1.00	7.3986	4,781,860	-5.22
T15	28	0.11	2.5004	1,616,058	-6.17	0.17	5.92	3,826,212	-5.71	0.21	8.9644	5,793,867	1.00	8.9644	5,793,867	-5.23
T14	30	0.33	2.5004	1,616,058	-6.28	0.53	5.92	3,826,212	-5.78	0.70	8.9644	5,793,867	1.00	8.9644	5,793,867	-5.36

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

Table 2.3

Proposed Results

Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Manhole (1)	Diameter (Inches) (2)	ADWF "d/D" (3)	ADWF (cfs) (4)	ADWF "Q" (gpd) (5)	ADWF HGL	PDWF "d/D" (3)	PDWF (cfs) (4)	PDWF "Q" (gpd) (5)	PDWF HGL	"d/D" (3)	PWWF "d/D" (3)	PWWF (cfs) (4)	PWWF "Q" (gpd) (5)	PWWF HGL
D22	8	0.45	0.3428	221,568	16.14	0.72	0.7594	490,785	16.33	1.00	1.4306	924,595	22.23	
D21	8	0.42	0.3428	221,568	15.37	0.66	0.7594	490,785	15.53	1.00	1.4306	924,595	20.9	
D19	8	0.27	0.3788	244,835	12.59	0.45	0.9249	597,751	12.72	0.60	1.5845	1,024,063	21.54	
D10	8	0.45	0.3788	244,835	10.89	0.78	0.9249	597,751	11.11	1.00	1.5845	1,024,063	21.78	
D3	12	0.46	0.5220	337,388	7.92	1.00	1.4257	921,428	8.57	1.00	2.3135	1,495,230	18.91	
D2	12	0.58	0.5220	337,388	7.49	1.00	1.4257	921,428	7.95	1.00	2.3135	1,495,230	17.54	
D1	12	0.40	0.5220	337,388	7.23	0.72	1.4257	921,428	7.55	1.00	2.3135	1,495,230	17.33	
E4	12	0.36	0.5220	337,388	6.44	0.64	1.4257	921,428	6.73	1.00	2.3135	1,495,230	15.97	
E3	12	0.44	0.5220	337,388	5.20	1.00	1.4257	921,428	5.78	1.00	2.3135	1,495,230	14.47	
E2	12	0.40	0.5220	337,388	4.63	0.74	1.4257	921,428	4.97	1.00	2.3135	1,495,230	13.29	
E1	12	0.48	0.7284	470,789	4.07	1.00	1.6989	1,098,002	4.66	1.00	3.2151	2,077,952	12.09	
H9	12	0.46	0.7329	473,697	3.55	0.78	1.7039	1,101,234	4.12	1.00	3.2251	2,084,415	11.84	
H73	12	0.46	0.7329	473,697	3.02	0.78	1.7039	1,101,234	3.63	1.00	3.2251	2,084,415	10.92	
H74	12	0.46	0.7329	473,697	2.80	0.80	1.7039	1,101,234	3.43	1.00	3.2251	2,084,415	10.19	
H8	12	0.54	0.7329	473,697	2.59	1.00	1.7039	1,101,234	3.20	1.00	3.2251	2,084,415	9.41	
H7	12	0.46	0.7329	473,697	2.22	0.82	1.7039	1,101,234	2.59	1.00	3.2251	2,084,415	7.75	
H75	12	0.46	0.7329	473,697	2.04	0.80	1.7039	1,101,234	2.39	1.00	3.2251	2,084,415	7.14	
H6	12	0.40	0.7329	473,697	1.47	0.64	1.7039	1,101,234	1.86	1.00	3.2251	2,084,415	5.32	
H5	15	0.42	0.7529	486,624	1.47	0.72	1.8479	1,194,304	1.85	1.00	3.2451	2,097,341	5.22	
H4	15	0.37	0.7529	486,624	1.20	0.62	1.8479	1,194,304	1.49	1.00	3.2451	2,097,341	4.67	
H3	15	0.40	1.0068	650,724	1.20	0.59	1.9988	1,291,833	1.44	1.00	4.1270	2,667,331	4.65	
H2	15	0.26	1.0068	650,724	0.92	0.37	1.9988	1,291,833	1.07	0.54	4.1270	2,667,331	4.64	
I11	15	0.40	1.0068	650,724	0.47	0.61	1.9988	1,291,833	0.74	1.00	4.1270	2,667,331	4.40	
I10	15	0.37	1.0068	650,724	-0.28	0.54	1.9988	1,291,833	-0.05	1.00	4.1270	2,667,331	3.08	
I9	15	0.50	1.0108	653,309	-0.69	0.79	2.0028	1,294,419	-0.33	1.00	4.1320	2,670,562	2.30	
I8	15	0.34	1.0158	656,541	-1.02	0.50	2.0078	1,297,650	-0.82	0.80	4.1370	2,673,794	1.76	
I7	15	0.37	1.0238	661,711	-1.86	0.53	2.0178	1,304,113	-1.65	1.00	4.1420	2,677,026	0.92	
I6	18	0.45	1.3710	886,114	-2.40	0.75	2.9748	1,922,641	-1.96	1.00	5.3205	3,438,713	0.01	
I5	18	0.45	1.3710	886,114	-2.74	0.76	2.9748	1,922,641	-2.28	1.00	5.3205	3,438,713	-0.89	
I31	18	0.47	1.3770	889,992	-2.83	0.76	2.9808	1,926,519	-2.39	1.00	5.3305	3,445,176	-1.19	
I4	18	0.45	1.3770	889,992	-3.11	0.76	2.9808	1,926,519	-2.65	1.00	5.3305	3,445,176	-1.90	
I3	24	0.24	1.3770	889,992	-3.51	0.35	2.9808	1,926,519	-3.28	0.49	5.3305	3,445,176	-2.44	
T19	21	0.40	2.2190	1,434,193	-4.02	0.57	4.0382	2,609,938	-3.71	1.00	7.5877	4,904,049	-2.44	
T18	21	0.40	2.2190	1,434,193	-4.53	0.57	4.0382	2,609,938	-4.22	1.00	7.5877	4,904,049	-3.12	
T17	21	0.42	2.2190	1,434,193	-5.10	0.61	4.0382	2,609,938	-4.78	1.00	7.5877	4,904,049	-3.86	
T16	28	0.20	2.2190	1,434,193	-5.79	0.27	4.0382	2,609,938	-5.63	0.37	7.5877	4,904,049	-5.19	
T15	28	0.11	2.6103	1,687,098	-6.16	0.17	6.1091	3,948,401	-5.69	0.21	9.1535	5,916,056	-5.21	
T14	30	0.34	2.6103	1,687,098	-6.26	0.54	6.1091	3,948,401	-5.76	0.70	9.1535	5,916,056	-5.34	

Notes

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.
- (4) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) found in model.
- (5) Average dry weather flow (ADWF), Peak dry weather flow (PDWF), or Peak wet weather flow (PWWF) converted to gpd using 24-hour day.

Abbreviations

gpd: gallons per day  
cfs: cubic feet per second  
HGL: Hydraulic Grade Line  
Q: Flow rate  
d/D: Depth over Diameter

**Table 2.4**  
**PDWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PDWF "d/D" (3)	Existing PDWF HGL	Proposed Diameter (Inches) (2)	Predicted PDWF "d/D" (3)	Predicted PDWF HGL
D22	8	0.60	16.24	No Change	0.72	16.33
D21	8	0.57	15.46	No Change	0.66	15.53
D19	8	0.39	12.67	No Change	0.45	12.72
D10	8	0.66	11.02	No Change	0.78	11.11
D3	12	0.80	8.26	14	0.55	8.10
D2	12	1.00	7.93	16	0.57	7.67
D1	12	0.66	7.49	16	0.39	7.36
E4	12	0.58	6.66	16	0.36	6.57
E3	12	0.74	5.50	16	0.42	5.33
E2	12	0.66	4.89	16	0.39	4.76
E1	12	0.80	4.39	16	0.45	4.20
H9	12	0.72	3.82	16	0.45	3.66
H73	12	0.72	3.29	16	0.42	3.13
H74	12	0.72	3.16	16	0.44	2.93
H8	12	1.00	3.12	16	0.50	2.72
H7	12	0.74	2.51	16	0.43	2.35
H75	12	0.72	2.31	16	0.44	2.17
H6	12	0.58	1.80	16	0.34	1.72
H5	15	0.67	1.79	16	0.57	1.71
H4	15	0.58	1.43	16	0.51	1.40
H3	15	0.56	1.41	16	0.48	1.35
H2	15	0.34	1.03	16	0.30	1.02
H11	15	0.56	0.68	16	0.48	0.62
I10	15	0.51	-0.09	16	0.45	-0.13
I9	15	0.72	-0.41	16	0.60	-0.51
I8	15	0.46	-0.86	16	0.41	-0.90
I7	15	0.50	-1.69	16	0.44	-1.73
I6	18	0.72	-2.00	18	0.65	-2.10
I5	18	0.72	-2.34	18	0.65	-2.44
I31	18	0.72	-2.45	18	0.67	-2.53
I4	18	0.72	-2.71	18	0.65	-2.81
I3	24	0.34	-3.30	Existing pipe no changes	0.35	-3.28
T19	21	0.56	-3.73	No Change	0.57	-3.71
T18	21	0.55	-4.26	No Change	0.57	-4.22
T17	21	0.58	-4.82	No Change	0.61	-4.78
T16	28	0.27	-5.63	Existing pipe no changes	0.27	-5.63
T15	28	0.17	-5.71	Existing pipe no changes	0.17	-5.69
T14	30	0.53	-5.78	Existing pipe no changes	0.54	-5.76

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.5**  
**PWWF Proposed Results with Pipe Size Upgrades**

Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Manhole (1)	Existing Diameter (Inches) (2)	Existing PWWF "d/D" (3)	Existing PWWF HGL	Proposed Diameter (Inches) (2)	Predicted PWWF "d/D" (3)	Predicted PWWF HGL
D22	8	1.00	22.23	10	0.65	16.39
D21	8	1.00	20.93	10	0.60	15.59
D19	8	0.54	21.54	10	0.38	12.76
D10	8	1.00	21.78	10	0.65	11.13
D3	12	1.00	18.10	16	0.59	8.25
D2	12	1.00	16.81	18	0.63	7.85
D1	12	1.00	16.62	18	0.43	7.48
E4	12	1.00	15.36	18	0.39	6.67
E3	12	1.00	14.09	18	0.47	5.47
E2	12	1.00	13.09	18	0.43	4.88
E1	12	1.00	12.09	18	0.55	4.42
H9	12	1.00	11.07	18	0.51	3.86
H73	12	1.00	9.54	18	0.51	3.33
H74	12	1.00	8.91	18	0.51	3.11
H8	12	1.00	8.21	18	0.60	2.96
H7	12	1.00	6.76	18	0.52	2.55
H75	12	1.00	6.19	18	0.52	2.37
H6	12	1.00	4.58	18	0.41	1.96
H5	15	1.00	4.01	18	0.67	1.96
H4	15	1.00	3.99	18	0.59	1.64
H3	15	1.00	3.88	18	0.61	1.63
H2	15	0.53	3.88	18	0.37	1.19
H11	15	1.00	3.76	18	0.63	0.92
I10	15	1.00	2.55	18	0.56	0.11
I9	15	1.00	1.85	20	0.66	-0.20
I8	15	0.77	1.35	20	0.43	-0.71
I7	15	1.00	0.59	20	0.46	-1.55
I6	18	1.00	-0.24	24	0.58	-1.91
I5	18	1.00	-1.08	24	0.58	-2.25
I31	18	1.00	-1.36	24	0.58	-2.36
I4	18	1.00	-2.02	24	0.58	-2.62
I3	24	0.48	-2.54	Existing pipe no changes	0.49	-3.00
T19	21	1.00	-2.54	26	0.59	-3.43
T18	21	1.00	-3.19	26	0.63	-3.94
T17	21	1.00	-3.89	26	0.63	-4.47
T16	28	0.37	-5.22	Existing pipe no changes	0.37	-5.19
T15	28	0.21	-5.23	Existing pipe no changes	0.21	-5.21
T14	30	0.70	-5.36	Existing pipe no changes	0.70	-5.33

**Notes**

- (1) Manhole used to find Q and Depth over Diameter value.
- (2) Pipe Diameter directly downstream of Manhole.
- (3) Calculated by dividing the depth of flow by pipe diameter. This value is evaluated directly downstream of specified Manhole.

**Abbreviations**

gpd: gallons per day  
 cfs: cubic feet per second  
 HGL: Hydraulic Grade Line  
 Q: Flow rate  
 d/D: Depth over Diameter

**Table 2.6**  
**PDWF Proposed Capital Improvements**  
 Woodland Park Apartments, 499 O' Connor St  
 East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D3	D2	12	14	364
D2	I6	12	16	4,145
I6	I3	18	18	1,111

**Notes**

(1) Proposed size of DR17 HDPE pipe to maintain d/D for existing conditions.

(2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter

MH: Manhole



**Table 2.7**  
**PWWF Proposed Capital Improvements**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Upstream Manhole	Downstream Manhole	Existing Pipe Size	Proposed Pipe Size (Inches) (1)	Length (Feet) (2)
D22	D3	8	10	1,079
D3	D2	12	16	364
D2	I9	12	18	3,592
I9	I6	15	20	553
I6	I3	18	24	1,111
T19	T16	21	26	1,524

**Notes**

- (1) Proposed size of DR17 HDPE pipe to maintain a d/D ratio of 0.67.
- (2) Length of pipe size increase between upstream and downstream MH.

**Abbreviations**

d/D: Depth over Diameter  
MH: Manhole

**Table 3**  
**Peaking Factor Calculations**  
 East Palo Alto Sanitary District

Monitoring Site	Overall ADWF (MGD) (2)	PDWF (MGD) (3)	PWWF (MGD) (4)	PDWF Peaking Factor (5)	PWWF Peaking Factor (6)
A15	0.27	0.43	1.19	1.59	2.77
B13	0.06	0.11	0.52	1.83	4.73
E1	0.13	0.19	0.59	1.46	3.11
E2	0.25	0.43	1.45	1.72	3.37
H3	0.14	0.23	0.58	1.64	2.52
I3	0.83	1.22	2.76	1.47	2.26
I12	0.23	0.39	0.76	1.70	1.95
K4	0.22	0.35	0.99	1.59	2.83
K28	0.11	0.17	0.68	1.55	4.00
T20	0.40	0.60	1.55	1.50	2.58
T13	1.53	2.31	5.78	1.51	2.50

Notes

- (1) Monitoring sites are identified in Table 3 of the *East Palo Alto Sanitary District Sanitary Sewer Flow Monitoring and Inflow/Infiltration Study* dated June 2012 prepared by V&A Consulting Engineers, Inc., referred to herein as "Flow Monitoring Study."
- (2) Overall ADWF is presented in Table 5 of the Flow Monitoring Study
- (3) PDWF is presented in Table 7-3 of the *East Palo Alto Sanitary District Wastewater Collection System Master Plan Update* dated March 2015 prepared by Freyer & Laureta, Inc., herein referred to as "Master Plan Update."
- (4) PWWF is presented in Table 7-3 of the Master Plan Update.
- (5) PDWF Peaking Factor is calculated by dividing the PDWF by the Overall ADWF.
- (6) PWWF Peaking Factor is calculated by dividing the PWWF by the PDWF.

Abbreviations

ADWF: Average Dry Weather Flow  
 MGD: Million Gallons per Day  
 PDWF: Peak Dry Weather Flow  
 PWWF: Peak Wet Weather Flow

**Table 4.1**  
**Conceptual Opinion of Probable Project Cost for PDWPF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	14-inch DR 17 HDPE Pipe	lf	370	\$ 350	\$ 129,500
5	16-inch DR 17 HDPE Pipe	lf	4,150	\$ 450	\$ 1,867,500
6	18-inch DR 17 HDPE Pipe	lf	1,120	\$ 550	\$ 616,000
7	Manholes	ea	30	\$ 10,000	\$ 300,000
8	30% Contingency	%	30%	\$ 3,003,000	\$ 900,900
<b>Subtotal - Conceptual Opinion of Probable Construction Cost \$ 3,903,900</b>					
<b>Engineering and Administration Cost</b>					
9	Design	%	10%	\$ 3,903,900	\$ 390,390
10	Environmental/Permitting	%	10%	\$ 3,903,900	\$ 390,390
11	Construction Management/ Inspection	%	15%	\$ 3,903,900	\$ 585,585
12	District Administration	%	5%	\$ 3,903,900	\$ 195,195
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 1,561,600</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 5,465,500</b>

**Notes**

- (1) See Table 2.6 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.

**Table 4.2**  
**Conceptual Opinion of Probable Project Cost for PWWF Improvements (1)**  
Woodland Park Apartments, 499 O' Connor St  
East Palo Alto, California

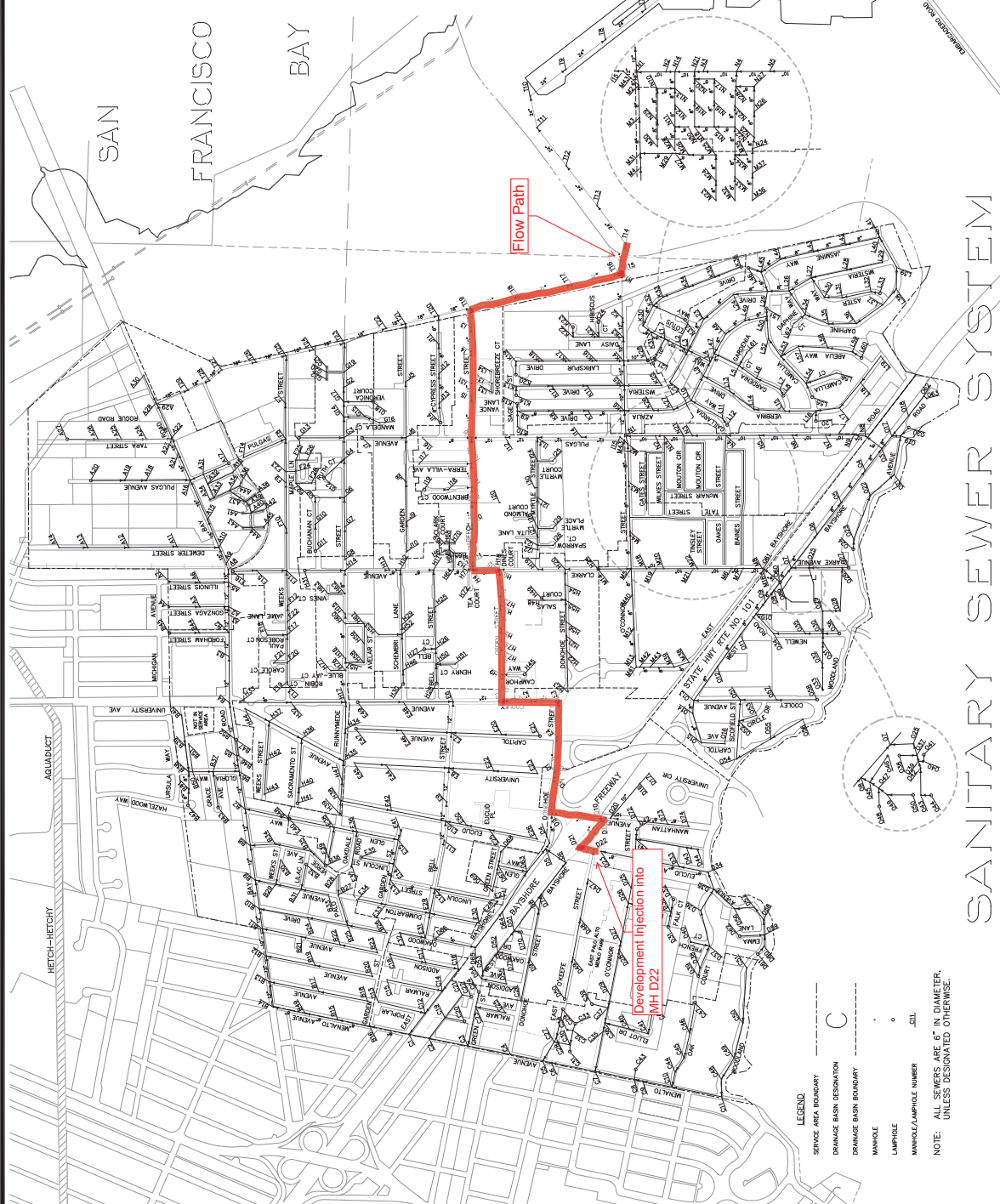
Item No.	Description	Units	Quantity (2)	Unit Price	Budget
<b>Conceptual Opinion of Probable Construction Cost</b>					
1	Mobilization	ls	1	\$ 50,000	\$ 50,000
2	Traffic Control	ls	1	\$ 20,000	\$ 20,000
3	Sheeting, Shoring, and Bracing	ls	1	\$ 20,000	\$ 20,000
4	10-inch DR 17 HDPE Pipe	lf	1,080	\$ 300	\$ 324,000
5	16-inch DR 17 HDPE Pipe	lf	370	\$ 450	\$ 166,500
6	18-inch DR 17 HDPE Pipe	lf	3,600	\$ 550	\$ 1,980,000
7	20-inch DR 17 HDPE Pipe	lf	560	\$ 600	\$ 336,000
8	24-inch DR 17 HDPE Pipe	lf	1,120	\$ 700	\$ 784,000
9	26-inch DR 17 HDPE Pipe	lf	1,530	\$ 750	\$ 1,147,500
10	Manholes	ea	34	\$ 10,000	\$ 340,000
11	30% Contingency	%	30%	\$ 5,168,000	\$ 1,550,400
<b>Subtotal - Conceptual Opinion of Probable Construction Cost</b>					<b>\$ 6,718,400</b>
<b>Engineering and Administration Cost</b>					
12	Design	%	10%	\$ 6,718,400	\$ 671,840
13	Environmental/Permitting	%	10%	\$ 6,718,400	\$ 671,840
14	Construction Management/ Inspection	%	15%	\$ 6,718,400	\$ 1,007,760
15	District Administration	%	5%	\$ 6,718,400	\$ 335,920
<b>Subtotal - Engineering and Administration Cost</b>					<b>\$ 2,687,400</b>
<b>Total Conceptual Opinion of Probable Project Cost</b>					<b>\$ 9,405,800</b>

**Notes**

- (1) See Table 2.7 for limits of improvements.
- (2) Quantities rounded to nearest 10 feet.



Any plans or workings made by East Palo Alto Sanitary District for the construction of sewerage treatment facilities can only be furnished with the understanding that the District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible. The District will exercise due care to make this information as accurate as possible.



SANITARY SEWER SYSTEM

PALO ALTO REGIONAL WATER POLLUTION CONTROL PLANT

**LEGEND-FLOW PATHS**  
 WOODLAND PARK

**LEGEND**  
 SERVICE AREA BOUNDARY  
 DRAINAGE BASIN DESIGNATION  
 DRAINAGE BASIN BOUNDARY  
 MANHOLE  
 MANHOLE/AMPHOLE NUMBER  
 NOTE: ALL SEWERS ARE 6" IN DIAMETER, UNLESS DESIGNATED OTHERWISE.

# EAST PALO ALTO SANITARY DISTRICT



**EAST PALO ALTO SANITARY DISTRICT**

**BOARD OF DIRECTORS**

Glenda Savage, President  
Joan Sykes-Miessi, Vice President  
Bethzabe Yañez, Secretary  
Goro Mitchell, Director  
Dennis Scherzer, Director

901 Weeks Street  
East Palo Alto, CA 94303  
Phone: (650) 325-9021  
Fax: (650) 325-5173  
[www.epasd.com](http://www.epasd.com)

Akin Okupe, M.B.A, P.E., General Manager

April 11<sup>th</sup>, 2019

Sandhill Property Company  
965 Page Mill Road  
Palo Alto, CA 94304

**Subject: Sewer Service Delinquency Fee Tax Bill Warning (APN #063-513-650)**

Dear Customer,

Our records indicate that we have not received a response nor payment from you for the delinquent sewer service commercial fee charge of \$170,511.12. This amount was calculated using the water consumption data at Woodland Park Property for the last four years as indicated in Table 2 below:

**Table 1 (Annual Fee Calculation)**

APN	Annual Water Use	Commercial Rate	Annual Total
063-513-650	8901 ccf	4.7891	\$42,627.78

**Table 2 (Delinquency Fees Breakdown)**

Fiscal Years	Fees
July 1 <sup>st</sup> , 2015-June 30 <sup>th</sup> , 2016	\$42,627.78
July 1 <sup>st</sup> , 2016-June 30 <sup>th</sup> , 2017	\$42,627.78
July 1 <sup>st</sup> , 2017-June 30 <sup>th</sup> , 2018	\$42,627.78
July 1 <sup>st</sup> , 2018-June 30 <sup>th</sup> , 2019	\$42,627.78
<b>Total</b>	<b>\$170,511.12</b>

The fees due in the amount of \$170,511.12 is indicated in Table 2. You have until May 15<sup>th</sup>, 2019 to either submit a dispute by phone, mail, or office visit, or payment for the charges to your parcel(s). After May 15<sup>th</sup>, 2019 your parcel(s) will be added to the San Mateo County Tax Bill for collection. If you are unable to pay the full amount due there is an installment agreement available.

Checks may be submitted in person or by mail to 901 Weeks Street, East Palo Alto, CA 94303.

If you have any questions or concerns, please call the East Palo Alto Sanitary District at (650) 325 – 9021, or visit between 8 am – 12 pm, or 1 pm – 5 pm on weekdays.

Thank you for your cooperation and anticipated action.

Sincerely,



Akin Okupe, General Manager



Corinne I. Calfee  
2907 Claremont Ave., Suite 115  
Berkeley, CA 94705

ccalfee@opterrallaw.com  
510-809-8001

**VIA Electronic Mail**

Akin Okupe  
General Manager  
East Palo Alto Sanitary District  
901 Weeks Street  
East Palo Alto, CA 94303

May 28, 2019

***Re: Sewer Service Delinquency Fee Tax Bill Warning (APN #063-513-650)***

Dear Mr. Okupe:

Opterra Law, Inc., represents Woodland Park Property Owner, LLC (“Woodland Park”). I write today in relation to the April 11, 2019 letter regarding allegedly delinquent sewer service fees of \$170,511.12 at APN #063-513-650. You and I spoke by telephone on May 13, 2019 and you confirmed that my telephone call to you satisfied the requirement to dispute the fees by May 15, 2019. You agreed to provide me with additional information on May 14, 2019.

When I did not hear back from you on May 14, 2019 or during the subsequent week, I followed up with you by telephone on May 20, 2019. I spoke with you and Ms. Nickings. I requested copies of any bills or other prior correspondence regarding past-due amounts. You agreed to provide additional information.

On May 21, 2019, you telephoned me to explain that in your opinion, the sewer service delinquency fee was appropriate and would be added to the property tax bill. You conceded that if my client had owned the property for less than four years, the Sanitary District would reduce the bill to reflect the time period of ownership. I listened to your arguments and explained that my client did not agree with the fee and needed additional information. I told you that I would speak with my client and gather additional information. That same day, Ms. Nickings emailed and asked how many apartment units are located on the property.

Woodland Park has gathered additional documentation and reiterates its dispute regarding the sewer service fee. All appropriate sanitary sewer fees have been paid throughout Woodland Park’s ownership of the property. It would be improper and unlawful to impose any additional fees, as explained in greater detail below.



The parcel in question, APN #063-513-650, is one of four connected parcels on which there are a total of 64 apartments. The other three parcels are APN ##063-513-830, 063-513-560, and 063-513-540. Please see Exhibit A hereto, which is the Assessor's Parcel Map where these four parcels have been highlighted.

The street addresses of this apartment building are 1920 and 1928 Cooley Ave., East Palo Alto. Please see Exhibit B hereto, which is a print out from Google Maps showing the perimeter of the apartment building outlined on the four connected parcels.

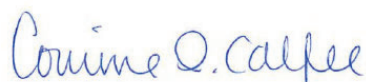
The sanitary sewer charges for these 64 apartments have been assessed on parcels 063-513-560 and 063-513-540. Each parcel has been assessed \$18,400. At the EPA Sanitary Sewer District's rate of \$575 per dwelling unit, this amounts to a charge for 32 dwelling units on each of these parcels. Together, this comes to a total annual payment of \$36,800, which is the appropriate payment for all 64 dwelling units that are located on the four underlying and connected parcels. Please see the statements in Exhibit C showing the secured property tax for each parcel. The statements show that the taxes have been paid in full.

Therefore, although there was no separate assessment for APN #063-513-650, the sanitary sewer charges for the portion of apartments located thereon has already been paid via assessments on parcels 063-513-560 and 063-513-540. No further assessment would be proper.

Please immediately confirm that the EPA Sanitary Sewer District will cease and desist its attempts to collect any additional sewer service commercial fees for APN #063-513-650 and will not add this amount to the secured property tax bill for collection.

Thank you for your assistance.

Sincerely,



Corinne I. Calfee

cc: Client

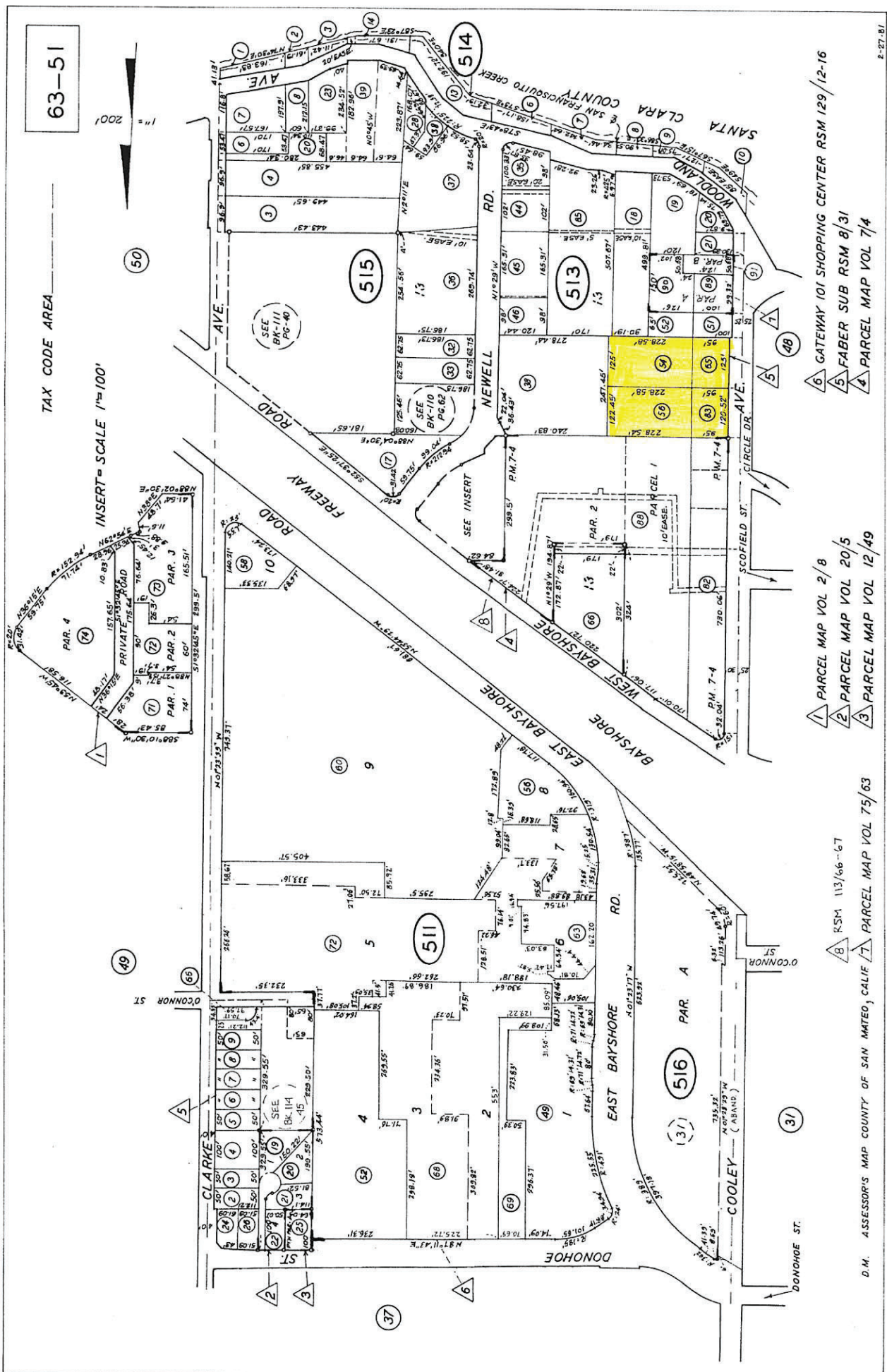
Encl.

# Exhibit A

63-51

TAX CODE AREA

INSERT = SCALE 1"=100'



- △ 6 GATEWAY 101 SHOPPING CENTER RSM 129/12-16
- △ 5 FABER SUB RSM 8/31
- △ 4 PARCEL MAP VOL 7/4

- △ 1 PARCEL MAP VOL 2/8
- △ 2 PARCEL MAP VOL 20/5
- △ 3 PARCEL MAP VOL 12/49

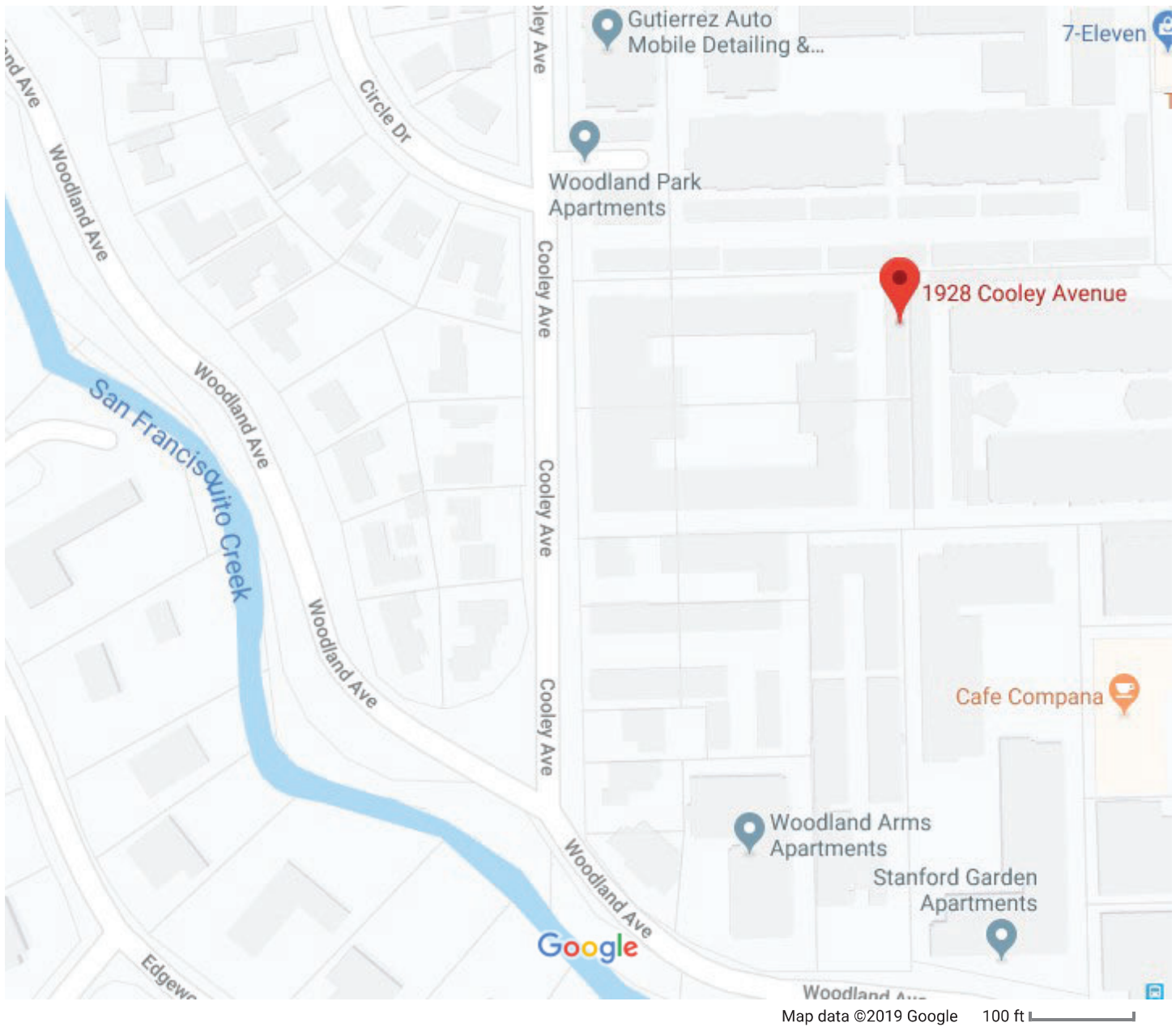
- △ 8 RSM 113/66-67
- △ 7 PARCEL MAP VOL 75/63

D.M. ASSESSOR'S MAP COUNTY OF SAN MATEO, CALIF

2-27-81

# Exhibit B

Google Maps 1928 Cooley Ave



# Exhibit C

**County of San Mateo  
Tax Collector/Treasurer**  
Tuesday May 21, 2019. 03:44:24 PM PDT

**TAX BILL PAID**

Secured Property Tax			2018	Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
<b>063-513-540</b>	21-004	2018	2018	General Tax	29,421.56	29,421.56	\$58,843.12
<b>Owner Address</b>				Total Special Charges	9,377.68	9,377.68	\$18,755.36
*Name private per CA AB2238				Total Taxes	38,799.24	38,799.24	\$77,598.48
965 PAGE MILL RD				Penalty + Cost + Fee	0.00	0.00	\$0.00
PALO ALTO CA 94304-1013				<b>Total Amount</b>	<b>\$38,799.24</b>	<b>\$38,799.24</b>	<b>\$77,598.48</b>
Property Location				Due Date	Nov 01, 2018	Feb 01, 2019	
1920 COOLEY AVE				Late After	Dec 10, 2018	Apr 10, 2019	
EAST PALO ALTO				<b>PAID DATE</b>	<b>DEC 07, 2018</b>	<b>APR 08, 2019</b>	
<b>Values</b>			<b>Detail Special Charges</b>				
Improvements	1,328,881		Phone Contact		Amount		
Land	3,901,445		EPA STORM DRAINAGE FEE	(650) 853-3108	66.66		
Personal Property	35,750		FEDCA&NPDES STORM FEE	(650) 363-4100	18.46		
Total Values:	5,266,076		SEQUOIA UHSD MAINTENANCE	(800) 273-5167	58.50		
<b>Exemptions</b>			SFBRA MEASURE AA	(888) 508-8157	12.00		
			SMC MOSQUITO ABATE DIS	(800) 273-5167	3.74		
			RAVENSWOOD MEAS Q PTAX	(866) 807-6864	196.00		
			EPA SANITARY DISTRICT	(650) 325-9021	18,400.00		
			Total Special Charges:		18,755.36		
			<b>Taxing Agency</b>		Tax Rate	Amount	
			GENERAL TAX RATE		1.0000	52,660.76	
			MIDPENINSULA REG OPEN SPACE DEBT SERVC		.0018	94.79	
			RAVENSWOOD EL 2016 REF		.0616	3,243.90	
			SEQUOIA UNION HI BOND 2008 SER B		.0365	1,922.11	
			SM JR COLLEGE BD 2002		.0175	921.56	
			General Tax Total		1.1174	58,843.12	
<b>Net value</b>	\$5,266,076		Composite Rate	1.1174	Penalty Rate	10.0%	
<b>Legal Description</b>	0.66 AC MOL COM N 1 DEG 29 MIN W 284.87 FT & N 88 DEG 31 MIN E 100 FT FR NELY COR OF						
Be aware that during peak periods, it may take up to 10 days to receive and process your payments.							

**Your Taxes Have Been Paid. Thank You.**

**County of San Mateo  
Tax Collector/Treasurer**  
Tuesday May 21, 2019. 03:44:58 PM PDT

**TAX BILL PAID**

Secured Property Tax			2018	Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
063-513-560	21-004	2018	2018	General Tax	28,317.59	28,317.59	\$56,635.18
<b>Owner Address</b>				Total Special Charges	9,637.22	9,637.22	\$19,274.44
*Name private per CA AB2238				Total Taxes	37,954.81	37,954.81	\$75,909.62
965 PAGE MILL RD				Penalty + Cost + Fee	0.00	0.00	\$0.00
PALO ALTO CA 94304-1013				<b>Total Amount</b>	<b>\$37,954.81</b>	<b>\$37,954.81</b>	<b>\$75,909.62</b>
Property Location				Due Date	Nov 01, 2018	Feb 01, 2019	
1928 COOLEY AVE				Late After	Dec 10, 2018	Apr 10, 2019	
EAST PALO ALTO				<b>PAID DATE</b>	<b>DEC 07, 2018</b>	<b>APR 08, 2019</b>	
<b>Values</b>				<b>Detail Special Charges</b>		Phone Contact	Amount
Improvements		1,291,968		EPA GARBAGE SERVICE		(650) 853-3108	566.20
Land		3,776,511		EPA STORM DRAINAGE FEE		(650) 853-3108	20.14
Total Values:		5,068,479		FEDCA&NPDES STORM FEE		(650) 363-4100	17.86
<b>Exemptions</b>				SEQUOIA UHSD MAINTENANCE		(800) 273-5167	58.50
				SFBRA MEASURE AA		(888) 508-8157	12.00
				SMC MOSQUITO ABATE DIS		(800) 273-5167	3.74
				RAVENSWOOD MEAS Q PTAX		(866) 807-6864	196.00
				EPA SANITARY DISTRICT		(650) 325-9021	18,400.00
				Total Special Charges:			19,274.44
				<b>Taxing Agency</b>		Tax Rate	Amount
				GENERAL TAX RATE		1.0000	50,684.79
				MIDPENINSULA REG OPEN SPACE DEBT SERVCE		.0018	91.24
				RAVENSWOOD EL 2016 REF		.0616	3,122.18
				SEQUOIA UNION HI BOND 2008 SER B		.0365	1,849.99
				SM JR COLLEGE BD 2002		.0175	886.98
				General Tax Total		1.1174	56,635.18
<b>Net value</b>		\$5,068,479		Composite Rate	1.1174	Penalty Rate	10.0%
<b>Legal Description</b>		0.64 AC MOL COM N 1 DEG 29 MIN W 409.87 FT & N 88 DEG 31 MIN E 100 FT FR NELY COR OF					
Be aware that during peak periods, it may take up to 10 days to receive and process your payments.							

**Your Taxes Have Been Paid. Thank You.**



**County of San Mateo  
Tax Collector/Treasurer**  
Tuesday May 21, 2019. 03:45:28 PM PDT

**TAX BILL PAID**

Secured Property Tax			2018	Note: Penalties only apply to late payments					
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total		
<b>063-513-650</b>	21-014	2018	2018	General Tax	11,843.69	11,843.69	\$23,687.38		
<b>Owner Address</b>				Total Special Charges	432.08	432.08	\$864.16		
*Name private per CA AB2238				Total Taxes	12,275.77	12,275.77	\$24,551.54		
965 PAGE MILL RD				Penalty + Cost + Fee	0.00	0.00	\$0.00		
PALO ALTO CA 94304-1013				<b>Total Amount</b>	<b>\$12,275.77</b>	<b>\$12,275.77</b>	<b>\$24,551.54</b>		
Property Location				Due Date	Nov 01, 2018	Feb 01, 2019			
1920 COOLEY AVE				Late After	Dec 10, 2018	Apr 10, 2019			
EAST PALO ALTO				<b>PAID DATE</b>	<b>DEC 07, 2018</b>	<b>APR 08, 2019</b>			
<b>Values</b>			<b>Detail Special Charges</b>					Phone Contact	Amount
Improvements	553,700		EPA GARBAGE SERVICE					(650) 853-3108	566.20
Land	1,566,167		EPA STORM DRAINAGE FEE					(650) 853-3108	20.14
Total Values:	2,119,867		FEDCA&NPDES STORM FEE					(650) 363-4100	7.58
<b>Exemptions</b>			SEQUOIA UHSD MAINTENANCE					(800) 273-5167	58.50
			SFBRA MEASURE AA					(888) 508-8157	12.00
			SMC MOSQUITO ABATE DIS					(800) 273-5167	3.74
			RAVENSWOOD MEAS Q PTAX					(866) 807-6864	196.00
			Total Special Charges:						864.16
			<b>Taxing Agency</b>					Tax Rate	Amount
			GENERAL TAX RATE					1.0000	21,198.67
			MIDPENINSULA REG OPEN SPACE DEBT SERVCE					.0018	38.16
			RAVENSWOOD EL 2016 REF					.0616	1,305.83
			SEQUOIA UNION HI BOND 2008 SER B					.0365	773.75
			SM JR COLLEGE BD 2002					.0175	370.97
			General Tax Total					1.1174	23,687.38
<b>Net value</b>	\$2,119,867		Composite Rate	1.1174	Penalty Rate	10.0%			
<b>Legal Description</b>	0.27 AC MOL HAVING 125 FT FRON T ON ELY LN OF COOLEY AVE LYING OPP LOTS 19 & 20 OF								
Be aware that during peak periods, it may take up to 10 days to receive and process your payments.									

**Your Taxes Have Been Paid. Thank You.**

**County of San Mateo  
Tax Collector/Treasurer**  
Tuesday May 21, 2019. 03:46:04 PM PDT

**TAX BILL PAID**

Secured Property Tax			2018	Note: Penalties only apply to late payments			
Parcel	Tax Rate Area	Assessment Year	Roll Year		Installment 1	Installment 2	Total
063-513-830	21-014	2018	2018	General Tax	11,529.83	11,529.83	\$23,059.66
<b>Owner Address</b>				Total Special Charges	172.10	172.10	\$344.20
*Name private per CA AB2238				Total Taxes	11,701.93	11,701.93	\$23,403.86
965 PAGE MILL RD				Penalty + Cost + Fee	0.00	0.00	\$0.00
PALO ALTO CA 94304-1013				<b>Total Amount</b>	<b>\$11,701.93</b>	<b>\$11,701.93</b>	<b>\$23,403.86</b>
Property Location				Due Date	Nov 01, 2018	Feb 01, 2019	
1928 COOLEY AVE				Late After	Dec 10, 2018	Apr 10, 2019	
EAST PALO ALTO				<b>PAID DATE</b>	<b>DEC 07, 2018</b>	<b>APR 08, 2019</b>	
<b>Values</b>				<b>Detail Special Charges</b>		Phone Contact	Amount
Improvements		516,787		EPA STORM DRAINAGE FEE		(650) 853-3108	66.66
Land		1,546,902		FEDCA&NPDES STORM FEE		(650) 363-4100	7.30
Total Values:		2,063,689		SEQUOIA UHSD MAINTENANCE		(800) 273-5167	58.50
<b>Exemptions</b>				SFBRA MEASURE AA		(888) 508-8157	12.00
				SMC MOSQUITO ABATE DIS		(800) 273-5167	3.74
				RAVENSWOOD MEAS Q PTAX		(866) 807-6864	196.00
				Total Special Charges:			344.20
				<b>Taxing Agency</b>		Tax Rate	Amount
				GENERAL TAX RATE		1.0000	20,636.89
				MIDPENINSULA REG OPEN SPACE DEBT SERVICE		.0018	37.16
				RAVENSWOOD EL 2016 REF		.0616	1,271.23
				SEQUOIA UNION HI BOND 2008 SER B		.0365	753.24
				SM JR COLLEGE BD 2002		.0175	361.14
				General Tax Total		1.1174	23,059.66
<b>Net value</b>		\$2,063,689	Composite Rate	1.1174	Penalty Rate		10.0%
<b>Legal Description</b>	0.26 AC MOL ON ELY LN OF COOLEY AVE COM 409.87 FT NLY FR WOODLAND AVE BEING PTN OF L						
Be aware that during peak periods, it may take up to 10 days to receive and process your payments.							

**Your Taxes Have Been Paid. Thank You.**

**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<b>Emerson Collective</b>
<b>Contact</b>	<b>Name: Lorenzo Brooks</b> <b>Phone: (510) 629-1638</b> <b>Email: lorenzo@emersoncollective.com</b>
<b>Project Name</b>	JobTrain Office Project/Center for Economic Mobility
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Development of a 109,000 SF office building with 357 surface parking spaces.
<b>Entitlements Status</b>	<input type="checkbox"/> Approved: _____ (date) <input checked="" type="checkbox"/> Pending: Going through the entitlement process and expected to present to planning commission in Q4 2021 (date) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input checked="" type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	None
<b>First Contact with EPASD</b>	Date: August 26, 2020
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: EPASD only replied to our request with an email stating that they do not have capacity. We have repeatedly asked for a formal response but have not received anything.
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	10,365 GPD
<b>EPASD Fee Estimate (if any)</b>	We did not receive a fee estimate from EPASD. BKF, the civil engineer on the Project, estimated the capacity fee at approximately \$262,000. We did receive an estimate of sewer improvement costs necessary to move forward with the Project. The total cost was \$6.6 million.

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.

<p><b>Please provide a summary of the Project’s experience with the EPASD?</b></p>	
<p>We submitted a demand memo and connection application for sewer service to EPASD on August 26, 2020. On August 31, 2020, we received an email response back that only stated that EPASD does not have capacity for our Project (see Exhibit A – EPASD Capacity Email). The email did not contain any direction on how to move forward. In addition, we made several attempts to get a formal written response from EPASD on our application but none was provided. Moreover, EPASD did not provide any additional feedback on how we could proceed at this time.</p> <p>Over the next five months we made several attempts to figure out a path to receiving a will serve letter from EPASD that included: (1) trying to get a better understanding of necessary sewer upgrades, (2) participating in intergovernmental meetings with EPASD and the City of EPA, (3) presenting an alternative sewer connection idea to EPASD, and (4) discussing an onsite wastewater treatment option with EPASD.</p> <p>While several intergovernmental meetings took place, no decisions were made and they ended in November 2020 without a solution to EPASD’s capacity challenges. In December 2020, we presented a unique solution to EPASD that involved a partnership with West Bay Sanitary District (“WBSD”) (see Exhibit A – West Bay Sanitary District Option). We asked to present the WBSD option at an EPASD board meeting but EPASD did not reply to our request. EPASD did discuss this option at an engineering committee meeting but then requested a \$10,000 payment to have a conversation about feasibility with WBSD (see Exhibit A – West Bay Sanitary District Option). In addition to looking at this solution, we are also considering onsite wastewater management but EPASD has not been helpful in thinking through this solution (see Exhibit A – Onsite Wastewater Treatment). Note that onsite wastewater management would have little to no effect on EPASD’s capacity concerns because all of the wastewater will be treated without using the existing sewer pipes. Finally, in January of 2021, EPASD provided feedback on our request for a will serve letter in the form of a hydraulic modeling analysis that concluded that if we would like to move forward with our Project, we would need to improve approximately 4,200 feet of sewer pipe at an estimated cost of \$6.6 million. When we inquired about the next step in the process of finding a solution, EPASD requested a payment of \$20,000 to put together a development agreement to outline the sewer improvement process and begin negotiations with EPASD on cost sharing (see Exhibit A – Capacity Upgrades and Development Agreement).</p> <p>At this time, a formal response to our request for service on August 26, 2020, has not been received.</p>	
<p><b>Please provide a summary of your experience working with and/or communicating with EPASD personnel.</b></p>	
<p>Our team has found it difficult to communicate with EPASD. Our conversations have primarily been with the General Manager, Akin Okupe. The main challenge has been getting Mr. Okupe to provide a formal response to our request for service that we submitted on August 26, 2020. We have specifically asked for this on several occasions. Mr. Okupe has stated that EPASD does not have capacity for our Project in an email but has not provided a denial letter. In addition, due to the capacity issue with EPASD, we have come up with several creative solutions to help move our Project forward but EPASD has not been willing to really consider them.</p>	
<p><b>Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.</b></p>	
<p>I have attended several EPASD board meetings and I attended the intergovernmental meetings between EPASD and the City of EPA. In all of these meetings, I found there to be a lack of constructive conversation geared toward moving forward with solving EPASD’s capacity challenges. Suggestions were made by the City of EPA and consultants but they were disregarded by EPASD in such a way that a meaningful conversation regarding actual solutions never occurred.</p>	

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

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**EPASD Capacity Email**









**West Bay Sanitary District Option**

**Date: December 1, 2020**

**To: Akin Okupe  
General Manager, East Palo Alto Sanitary District**

**Martha Stryker  
Director, East Palo Alto Sanitary District**

**Betsy Yanez  
Director, East Palo Alto Sanitary District**

**From: Brad Powell, Sycamore Real Estate Investment, LLC  
Lorenzo Brooks, Sycamore Real Estate Investment, LLC**

**Subject: Alternative Sewage Treatment Proposal at 2535 Pulgas Avenue**

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**Purpose**

The purpose of this letter is to request that the following proposal for a sewage treatment alternative for a new 100,000 square foot office building at 2535 Pulgas Avenue (the “Building”) be included for consideration on the agenda of the next East Palo Alto Sanitary District (“EPASD”) Board of Directors (“Board”) meeting.

**Project Background**

Sycamore Real Estate Investment, LLC (an affiliate of Emerson Collective, LLC) (“SREI”) and JobTrain, Inc. (“JobTrain”) are in the process of seeking approval to develop the Building. This project is intended to house the Center for Economic Mobility (“CEM”) and it will serve as a new hub for innovation and opportunity to allow residents to find jobs and career pathways toward long term economic security. JobTrain, a local workforce development non-profit organization, is slated to occupy 50,000 square feet of the Building and SREI will own the remaining 50,000 square feet. The Building will house an expanded JobTrain program in addition to ancillary support services, a community college campus, and a conduit to jobs in East Palo Alto and the surrounding area. JobTrain will move all of its operations from its Menlo Park office into the new development. This includes career training services in healthcare, IT, culinary, building maintenance, and carpentry. In addition, JobTrain will also move its onsite preschool, youth services, Employment Development Division, Stanford Health and Wellness, Five Keys Schools and Programs, and Cañada College into the new Building. Moreover, with increased space, JobTrain plans to provide additional career training programs to serve the demand from employers in other industries in Silicon Valley. JobTrain will work with employers to help train and/or identify candidates with required skills and source local talent to work in their businesses. Most importantly, this new development will allow JobTrain to remain in the community where most of its students live. SREI will use its space for general office activities, and both partners are committed to enabling community members to achieve full economic mobility and inclusion.

Additional community benefits of the project are as follows:

- Construction will be performed under a local/priority hire agreement in collaboration with the project’s general contractor
- Environmentally sustainable development features that include an alternative concrete mix that sequesters carbon, solar panels, and water efficient landscaping
- A neighborly presence on the Pulgas Avenue corridor alongside the Ravenswood Family Health Center, Sobrato Center for Community Resources, and EPACenter Arts


Note that CEM is the first ground-up development in East Palo Alto for SREI and it will be followed by a larger EPA waterfront development currently in the pre-application phase of the planning process. The sewer demand for CEM is 10,248 gallons per day.

**Sewage Treatment Proposal**

SREI submitted a sewer demand memo to EPASD on August 26, 2020 and SREI received a response on August 31, 2020 stating that EPASD does not have capacity to serve the CEM project. Given the current sewage treatment constraints of EPASD, SREI would like to propose an arrangement between EPASD and West Bay Sanitary District ("WBSD") that would address CEM's anticipated needs. SREI's developable land in East Palo Alto straddles the boundary of EPASD and WBSD as can be seen in Exhibit A to this letter. CEM is within EPASD and adjacent to SREI property that is within WBSD. Under this alternative proposal, SREI would be responsible for constructing a new sewer line on SREI property connecting the Building to WBSD's pump station on Illinois St. (seen in orange on Exhibit A). This sewage treatment alternative would have no impact on EPASD infrastructure and no impact to current EPASD rate payers. Under this potential agreement between EPASD and WBSD, SREI would still be an EPASD customer and pay all related fees to EPASD. EPASD would then enter into a separate agreement with WBSD to pay a transmission and treatment fee for the additional demand that will be flowing through WBSD's system.

As an alternative to the proposal above, we would also be open to considering an agreement between EPASD and WBSD that allows for a boundary line adjustment or annexation to solve CEM's sanitary sewer needs. We look forward to discussing this proposed solution with you and the Board in more detail. Please feel free to reach out to us with any questions.

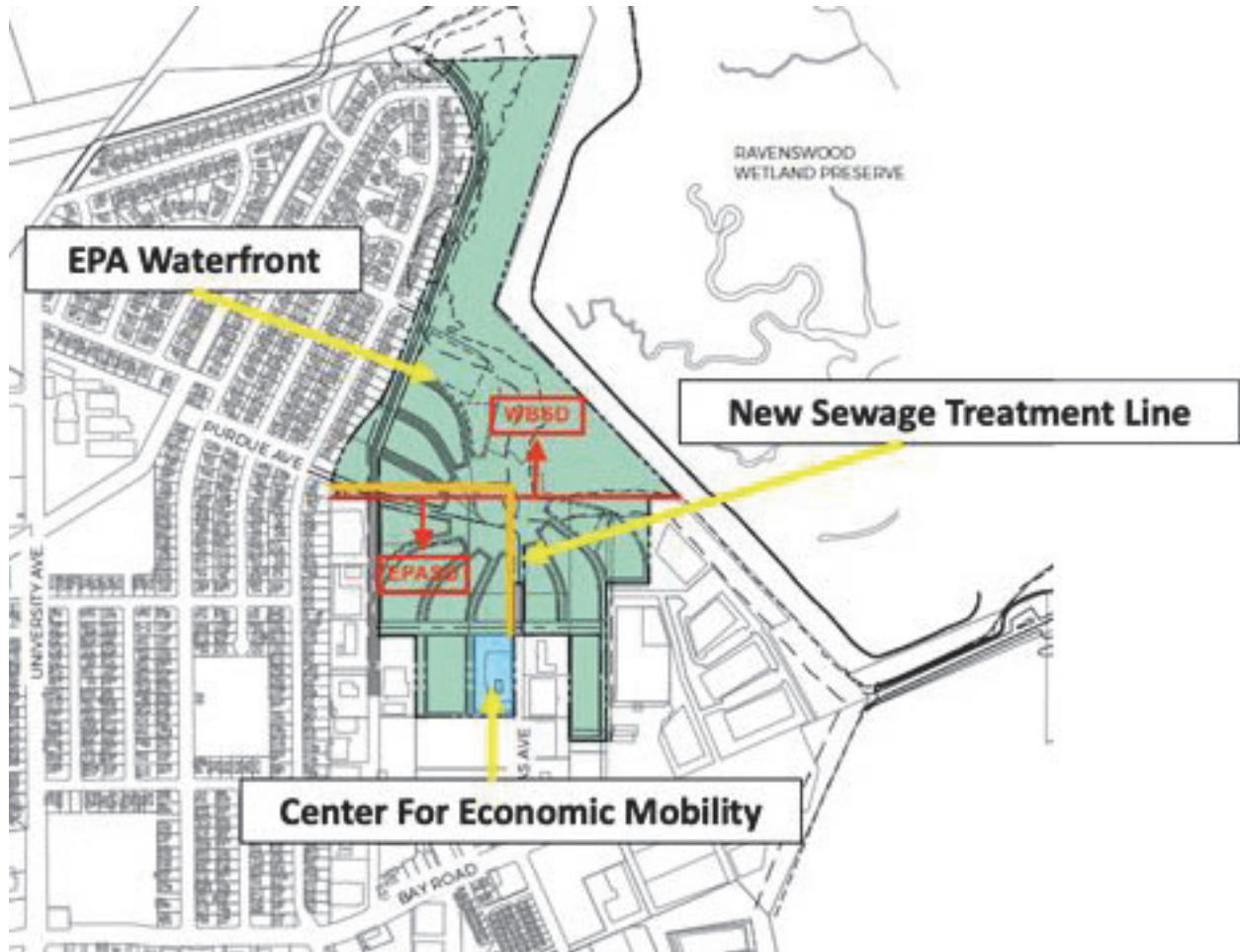
Sincerely,  
Brad Powell

A handwritten signature in blue ink that reads "Brad Powell". Above the signature, there is a small, faint stamp that says "Digitally signed by". Below the signature, there is a small, faint stamp that says "17182224751480".

Sycamore Real Estate Investment, LLC

SREI Contact: Lorenzo Brooks  
lorenzo@emersoncollective.com

## EXHIBIT A: SREI Land and Corresponding Sanitary District





## **Onsite Wastewater Treatment**







## **Capacity Upgrades and Development Agreement**



































**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<u>Victor Dong</u>
<b>Contact</b>	Name: Victor Dong Phone: 510-364-5343 Email: victor_dong@yahoo.com
<b>Project Name</b>	4 single family house on 0.5 acre vacant lot at 961 Beech st
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Build 4 new single family house on 0.5 acre vacant lot at 961 Beech St
<b>Entitlements Status</b>	<input checked="" type="checkbox"/> Approved: Oct 28, 2019 ( <i>date</i> ) <input type="checkbox"/> Pending: _____ ( <i>date</i> ) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input checked="" type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	0, City Planning department give CEQA exemption because small in-fill of only 4 single family house
<b>First Contact with EPASD</b>	Date: March 26, 2021
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ ( <i>date</i> ) <input type="checkbox"/> Pending: _____ ( <i>date</i> ) <input checked="" type="checkbox"/> Other: Please specify: Rejected
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	468 GPD
<b>EPASD Fee Estimate (if any)</b>	Application fee: \$3700 Connection fee: \$26400 Capacity analysis: \$3000 EPASD engineer fee _ \$6990 Consultant fee

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**Please provide a summary of the Project's experience with the EPASD?**

My 4 single family house subdivision project on 0.5 acre land started almost 5 years ago, tentative map was approved by East Palo Alto Planning department on Oct 28, 2019. It was an in-fill development, previously there is big green house on the property with all utility connections. Planning department, City engineer, City counsel, Public work, fire department ... all reviewed, approved the subdivision. The final map was recorded on Dec 26, 2020, now it is 4 separate lot. We got CEQA exemption on condition of approval.

I submitted sewer lateral connection application to EPASD on March 26, 2021. On April 15, I discussed the project over the phone with Akin Okupe, he said there is 1000 gallon limit on sewer discharge and I need to hire a consultant to do capacity analysis and then he will approve the project, he can refer someone and he said it will cost around \$1000. I looked through EPASD website and some board meeting minutes, I cannot find any ordinance or code about threshold of 1000 gallon. Although my project's discharge is  $240 \times 4 = 960$  gallon, below 1000 limit, but hoping to move forward quickly, I asked Akin to send consultant contact information and plan to move forward.

On April 29, 2021, I finally got sewer capacity analysis proposal from the consultant Jeffery Tarantino referred by Akin, the price is \$6990 and EPASD will charge another \$3000 engineer fee on top of that. My civil engineer designed site plan include sewer discharge and storm drain, his wife works in Hayward city sanitary district, he has done some capacity analysis for other bigger project before, he said capacity analysis is very simple job and normally cost \$1500 and he can do it for me for free, when I asked Akin if I can use my civil engineer to do the analysis, Akin changed his mind, he claim there is no capacity at all and he won't approve my project no matter what from now on.

To make his point, Akin has his crew Oman opened the sewer manhole in front of my street on May 18, water is running very smooth, less than half height of the pipe (about 7 inch of 15 inch pipe). Omar said everything looks great and don't see any problem to add 4 single family house. The next day when I talked with Akin, he claimed less than half now don't mean anything, when rain season comes, the pipe will be full. First rain water suppose not enter sewer pipe in big quantity, second if there are leak to sewer line, is that sanitary district's job to fix it? Akin claims only option for me is pay pipe upgrade which will be over \$4 million. I am a very small investor, this is only real estate investment for me, the value of whole project after build 4 homes is only little over \$6 million, \$4 million for sewer upgrade fee which is never expected is devastating to me.

Only Jun 18, 2021, my building review got approved, only thing left is get sewer connection approval to start building.

**Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at EXHIBIT A)**

On Jun 29, 2021, I called EPASD and confirmed with front desk Juliette that GM Akin is in office and can talk with me. I went there and told Akin I am willing to use Jeffery Tarantino and pay whatever the amount they want to do analysis, I begged him to give me the option again and told him in the past few month my life is totally destroyed, I cannot sleep, keep on worrying my financial and future. I showed Akin some picture that I am a very happy family guy, work hard and play hard, enjoy life and outdoor activities like fishing, spearfishing, gardening, hunting, wild mushroom picking ... I showed him some picture try to get some personal connections and get sympathy from him, but he became erratic and out of control, claim I am threatening his life and want to call police, when police came in 10 minutes later, he is still shouting, yelling loudly, waving his hand crazily. Police need ask him to calm down and police told me later they witness Akin behave like this before. Akin even yelling at Juliette and complain her to let me come in, and claim he will refuse to see me or talk with me again, even police told Akin as a public service agency, I do have the rights to make appointment and come to discuss my project.

GM Akin caused the nightmare to a lot of people already, Akin behaves erratic, inconsistent and dishonest, he will change his word every single time. When I first submitted the plan in March, 2021 given as the GM Akin now claims that no solution and there is no capacity for any project, why he accept application? Why GM Akin refer Freyer and Laureta to do capacity analysis? It seems my application is denied in part because I try to save some money by asking if I can use my civil engineer to do capacity analysis. Unfortunately, it seems the GM Akin took it personal and decided to reject the project.

**Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.**

On June 30, 2021 sent an email to EPASD five board members about my project and experience with Akin.

On July 02, 2021, attended EPASD engineer board meeting, talked about my case, board decide to discuss it in next meeting

On Aug 05, 2021, attended EPASD regular board meeting, quite a few board members showed sympathy and willingness to find a solution for my project. But Akin started telling lies again, he claimed there are 11 project ahead of mine, when I asked him to show which 11 projects, the legal counsel told him those should be public information and he can show the list, then he claim he only has the master plan to show there is capacity restrain. Then Akin scared board with his usual claim, if board vote to approve my project, the sewer will over flow, the board need take responsibility.

Why a public utility service board need have legal counsel present on every board meeting? When they have engineer meeting, other than my project, all other agenda are just routine and bureaucratic. They know they are doing shitty business and scared of being sued.

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

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**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<b><u>Ravenswood Family Health Network</u></b>
<b>Contact</b>	Name: Luisa Buada, RN MPH Phone: 650-330-7410, 510-409-6339 (cell) Email: Lbuada@ravenswoodfhc.org
<b>Project Name</b>	Sobrato Center for Community Resources
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Three story, 60,000 sf, Non-Profit Community Resource Center lease free for local non-profit agencies, managed by the Sobrato Organization. It will be 50% owned by Ravenswood Family Health Network (RFHN) a Federally Qualified Health Center for their administrative offices. RFHN has a medical and dental clinic which serves over 17,000 patients in South San Mateo County including more than 7,000 residents of the City of East Palo Alto and employs more than 70 residents of the City of East Palo Alto.
<b>Entitlements Status</b>	<input type="checkbox"/> Approved: _____ (date) <input checked="" type="checkbox"/> Pending: since June 2020 _____ (date) <input checked="" type="checkbox"/> Other: Please specify: Project cannot proceed to planning due to the EPA Sanitary District unwillingness to provide a "Will-Serve" letter without a commitment of \$6.6 million dollars to connect the new building to the sewer system one half block down Pulgas Ave. to Bay Road.
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input checked="" type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	Please request from the Sobrato Organization
<b>First Contact with EPASD</b>	Date: _____ Please request from the Sobrato Organization
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: EPASD will not provide the project a Will-Serve letter without a commitment of \$6.6 million dollars from the project to connect to the sewer system

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<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	Please request from the Sobrato Organization
<b>EPASD Fee Estimate (if any)</b>	\$6.6 million dollars
<b>Please provide a summary of the Project’s experience with the EPASD?</b>	
<p>As far as I am aware and have been involved, EPASD will not reconsider their charge of \$6.6 million dollars for our project to get a “Will-Serve” letter.</p>	
<b>Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at <u>EXHIBIT A</u>)</b>	
<p>I have not personally spoken to any of the EPASD personnel.</p>	
<b>Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.</b>	
<p>I observed several Intergovernmental City of EPA and EPASD meetings – September 14, 2020 and one on October 27<sup>th</sup>. The EPASD General Manager, Mr. Akin, repeatedly stated that his only responsibility to his Board was to control expenditures. He was only willing to consider an annual capital expenditure of \$1.5 million per year despite the recent report that 44% of the effluent in the cracked clay sewer pipes is leaking into the ground threatening well water as well as salt water tidal intrusion entering the cracked clay sewer pipes which is limiting capacity for new connections and future growth. He would not agree to a plan to repair and upgrade the system, complaining that it would cost up to \$45 million dollars and that he would not recommend that the EPASD board vote to do that.</p>	



When it was brought to his attention and the EPASD committee board members that typically municipalities will get a bond to cover the expense of the system repairs and improvements which new development rates would be paying the debt and interest for over the 40 years of the bond, he claimed that such a bond would have to be demonstrated to be paid for by the existing rate payers, doubling their fees. He also stated that the existing rate payers would have to vote to accept the increased rates (double) before applying for a 40 year bond and that there was no assurance that any new development would be built so therefore, pending developments are meaningless. He proceeded to bring to subsequent EPASD board meetings draft letters to be sent to rate payers asking if they wanted to double their sewer rates to pay for new private development in East Palo Alto.

From what I saw, the EPASD General Manager has been ill advising the Board of the EPASD as to their options. the charges that EPASD is requiring developers to pay in order to get a Will-Serve letter not only greatly exceeds the cost of connecting to the sewer line, there is no commitment on the part of EPASD to repair and upgrade the system capacity to serve either with this money. EPASD is charging different developers millions of dollars to connect in the same area to the same lines, again with no commitment to repair and upgrade the system despite their argument that they need the money because the system is at capacity. It appears that it has become the policy of the EPASD to hold everyone including the City of East Palo Alto hostage to whatever they want to charge developers irrespective of reasonable fees and practices. They have shown no willingness or intention to address the deplorable conditions of the system which is a public health hazard to local residents. They are in effect thwarting the City of East Palo Alto's opportunity to grow business in the City. They are also preventing landowners of the right to develop their properties and to gain some kind of return, albeit a community benefit in our case.

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

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**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	Eden Housing / EPACANDO (Light Tree Two, L.P.)
<b>Contact</b>	Name: Matt Schreiber / Weijia Song Phone: 510-247-8180 / 510-247-8176 Email: <a href="mailto:matt.schreiber@edenhousing.org">matt.schreiber@edenhousing.org</a> / <a href="mailto:Weijia.song@edenhousing.org">Weijia.song@edenhousing.org</a>
<b>Project Name</b>	Light Tree Apartments (Light Tree Two, L.P.)
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	New construction of 128 income-restricted apartments with ground level parking. Part of an expansion of a 94-unit existing multifamily affordable residential apartment development. 91 net new units on the site; 185 total units with adjacent Light Tree Three project's 57 units that will undergo substantial renovation.
<b>Entitlements Status</b>	<input checked="" type="checkbox"/> Approved: __February 2019__ (date) <input type="checkbox"/> Pending: _____ (date) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input checked="" type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	EPASD did not respond to comments on the CEQA Review for Light Tree Apartments. Below is the schedule:  CEQA November 30, 2018 to January 2nd, 2019 - NOI to Adopt MND <ul style="list-style-type: none"> <li>• NEPA December 21, 2018 – January 7th , 2019 – Finding of No Significant Impact and Notice of Intent to Release Funds</li> <li>• NEPA December 21st, 2018 – The Mercury News</li> <li>• CEQA January 14, 2019 – East Palo Alto Planning Commission</li> <li>• CEQA January 15, 2019 – Palo Alto Daily News</li> <li>• CEQA January 29, 2019 – East Palo Alto City Council</li> <li>• CEQA February 5, 2019 – Zoning Change – East Palo Alto City Council</li> <li>• NOD for CEQA – February 7, 2019</li> </ul>

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<b>First Contact with EPASD</b>	Date: November 26, 2019												
<b>Will-Serve Letter Status</b>	<input checked="" type="checkbox"/> Approved: July 6, 2020 ( <i>date</i> ) <input type="checkbox"/> Pending: _____ ( <i>date</i> ) <input type="checkbox"/> Other: Please specify:												
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	21,840 gpd												
<b>EPASD Fee Estimate (if any)</b>	<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding-left: 20px;">System Expansion Payment</td> <td style="text-align: right;">\$1,894,600.00</td> </tr> <tr> <td style="padding-left: 20px;">Inspection Fees</td> <td style="text-align: right;">\$18,500.00</td> </tr> <tr> <td style="padding-left: 20px;">Permit Fees</td> <td style="text-align: right;">\$4,625.00</td> </tr> <tr> <td style="padding-left: 20px;">Capacity Fees</td> <td style="text-align: right;">\$551,460.00</td> </tr> <tr> <td style="padding-left: 20px;">Administrative Fee</td> <td style="text-align: right;">\$17,400.00</td> </tr> <tr> <td style="padding-left: 20px;"><b>Total</b></td> <td style="text-align: right; border-top: 1px solid black;"><b>\$2,486,585.00</b></td> </tr> </table>	System Expansion Payment	\$1,894,600.00	Inspection Fees	\$18,500.00	Permit Fees	\$4,625.00	Capacity Fees	\$551,460.00	Administrative Fee	\$17,400.00	<b>Total</b>	<b>\$2,486,585.00</b>
System Expansion Payment	\$1,894,600.00												
Inspection Fees	\$18,500.00												
Permit Fees	\$4,625.00												
Capacity Fees	\$551,460.00												
Administrative Fee	\$17,400.00												
<b>Total</b>	<b>\$2,486,585.00</b>												
<b>Please provide a summary of the Project's experience with the EPASD?</b>													
See attached Memo.													
<b>Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at <u>EXHIBIT A</u>)</b>													
See attached Memo.													
<b>Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.</b>													
See attached Memo.													

**EXHIBIT A**

**Pertinent Communications and/or Documentation  
Involving the EPASD**

*[Remainder of Page Intentionally Blank]*

**Stakeholder Input Form<sup>1</sup>**  
**San Mateo LAFCO's Municipal Service Review for**  
**East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")**

<b>Developer</b>	<u><b>Seven Bridges Properties</b></u>
<b>Contact</b>	Name: Mark English Phone: (510) 499-9013 Email: <a href="mailto:mark.english@sevenbridgesprop.com">mark.english@sevenbridgesprop.com</a>
<b>Project Name</b>	University Circle phase 2
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	Existing office campus with 3 mid-rise office buildings + one 200 room Four Seasons hotel. Proposal is to add a fourth office building on an existing surface parking lot.
<b>Entitlements Status</b>	<input type="checkbox"/> Approved: _____ (date) <input checked="" type="checkbox"/> Pending: <u>_Q1 2022_</u> (date) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input checked="" type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input type="checkbox"/> Other:
<b>Level of EPASD Participation in Project's CEQA Review</b>	EPASD is required to review our planning application and comment to planning staff
<b>First Contact with EPASD</b>	Date: <u>_April 30, 2020</u>
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ (date) <input type="checkbox"/> Pending: _____ (date) <input checked="" type="checkbox"/> Other: Please specify: Unclear exactly. They have stated they don't have capacity to serve the proposed expansion, we have submitted a service application and provided plans, have not received a response.
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	Prepared by our MEP engineer Acies => 2,710 gpd

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.

<b>EPASD Fee Estimate (if any)</b>	EPASD has not provided us with one
<b>Please provide a summary of the Project's experience with the EPASD?</b>	
<p>With respect to water and wastewater, we are pursuing a net zero project to offset future system requirements by retrofitting the existing office buildings with highly efficient fixtures to generate savings that will offset consumption or input generated by the new building. We have submitted multiple versions of a technical report prepared by our MEP consultant directly to EPASD (Akin Okupe), plus a full set of planning application plans. I believe City Planning staff have also routed our planning application to EPASD. To the best of my knowledge EPASD has sent a simple short note to planning staff saying the system doesn't have capacity to accommodate our project. In our direct communications with EPASD (Akin primarily) we have been unable to engage in a detailed technical dialogue. Akin has stated that the SD's estimate of our system impacts will be determined without taking into account any potential offset generated by the retrofit of the existing building, a position which we find to be unreasonable. We have requested that EPASD either review and comment in detail on our consultant's report, or, that we will reimburse the SD to retain its own consultant to perform a peer review of our consultants report, which can be the basis for future discussions. Lastly, we have submitted a request for service application, followed up with additional information, and have not received any response.</p>	
<b>Please provide a summary of your experience working with and/or communicating with EPASD personnel. (To the extent available, please provide pertinent copies of communications to and from EPASD personnel at <u>EXHIBIT A</u>)</b>	
<p>See attached email threads #1 and #2. Most recent communication was early May 2021 (thread #2) when we followed up on additional information as requested by Akin. Have not seen a response since then.</p>	
<b>Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.</b>	
<p>I have only viewed one meeting online (Zoom). The meeting seemed disorganized and unproductive.</p>	

## **EXHIBIT A**

### **Pertinent Communications and/or Documentation Involving the EPASD**

#### **EMAIL THREAD #1**

**From:** Mark English <mark.english@sevenbridgesprop.com>  
**Sent:** Tuesday, February 2, 2021 1:06 PM  
**To:** 'Akin Okupe' <aokupe@epasd.com>  
**Cc:** 'Art Henriques' <ahenriques@cityofepa.org>; 'Adrian Biggs' <abiggs@cityofepa.org>; 'Milan Pesakovic' <milan@acies.net>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – thanks for your response. If I might suggest we take this in several steps, with Step #1 to be for the EPA SD to review the Acies report? We're pretty comfortable with our savings projections, and, if so, since EPA SD already serves the property, if you concur, then I think the scope of our "project" as it relates to the SD improvements will be quite different than if we are going to be generating new system inputs. We would of course be happy to provide you an application form and deposit for your review of the Acies report.

I just tried to download the application form from your web site. Clicking on the link opens up an outside hosting web platform for the forms, and it's not responding or working. Here's the web link: <http://38.106.4.240/residents/forms-permits>

Can you or have someone from the SD send us the application form?

Also, I just saw your follow up email. We understand that if our system burden increases post completion of the fourth office building that we may incur additional costs to increase the system capacity.

Lastly, you referenced previous experience that would suggest our discharge will increase. If there's a real life case study of a property that was retrofitted and then had measured discharge results against a baseline we'd like to see it and learn from it.

Best regards,

Mark English  
*Seven Bridges Properties*  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013





**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, February 2, 2021 10:38 AM  
**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

You will need to submit a formal application for this project, we will need to check your calculations, from previous experience, it seems you are going to increase the discharge into the collection system. You will also need to enter into development agreement before we can serve the project. You will need to provide an initial deposit of 12,000 dollars to perform engineering evaluation of your project to ensure we will be able to serve the project.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Tuesday, February 2, 2021 9:03 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – picking up our email conversations from last Summer. We had sent you the attached report from Acies projecting water consumption and wastewater production for University Circle, post construction of a new 6-story office building to go with the existing three similar office buildings. One of our key objectives for the project is to be net zero on water consumption and wastewater generation, which is accomplished by retrofitting the current early 2000s vintage bathroom fixtures with highly efficient water fixtures. You had reviewed one version of the Acies report and asked that we supplement the analysis with the actual water consumption profile, which we did and sent to you in early August 2020. The City is nearing the publication of the draft EIR for our project, and this particular feature of our project will be highly beneficial to the City in that it will not burden the existing infrastructure with net new consumption of input. EPA Public Works has reviewed and concurred with the water calculations, and we would like to finalize the Sanitary District’s review of the same report.

I think the analysis is relatively straightforward, but would look to you for how to most efficiently proceed? We would be happy to schedule a call to walk you through the report again, or if you would like to review and get back to us with written questions or responses, that is fine too. Please advise at your earliest convenience.

Best regards,

Mark English

**Seven Bridges Properties**

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013



**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>

**Sent:** Tuesday, September 8, 2020 2:07 PM

**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – following up on our previous email correspondence.

Best regards,

Mark English

**Seven Bridges Properties**

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Friday, August 7, 2020 10:22 AM

**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)

**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>

**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Let me take a close look at your calculations, however, the analysis will be based on worst case scenario not the best case

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Friday, August 7, 2020 9:00 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – could you please clarify - are you saying that our projections for the new building should be based on historic consumption?

Best regards,

Mark English  
***Seven Bridges Properties***  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, August 6, 2020 9:48 AM  
**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

We cannot go by this calculation, we have to go by the previous consumption

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Thursday, August 6, 2020 8:58 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan

Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>

**Subject:** FW: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe - Re-sending email.

Best regards,

Mark English

***Seven Bridges Properties***

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013

**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>

**Sent:** Tuesday, July 7, 2020 2:22 PM

**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – following up on our discussion regarding projected WW discharge at University Circle post-expansion. As discussed, our strategy is to include a retrofit of the existing building fixtures to create enough water savings to both offset potable water demand from the new building, and offset additional wastewater discharge at the new building. You had asked Acies to layer in actual water consumption to their analysis and projections, the attached updated report does this. Once you have had a chance to review let's schedule a time to review as a group.

Best regards,

Mark English

***Seven Bridges Properties***

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Thursday, May 7, 2020 2:42 PM

**To:** Mark English <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>

**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Milan Pesakovic <[milan@acies.net](mailto:milan@acies.net)>

**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Absolutely

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Mark English <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Thursday, May 7, 2020 2:40 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; Milan Pesakovic <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Would it be possible to schedule a quick call to make sure we know exactly what you are looking for? We did use actual water consumption as the basis for our water calcs, which of course translated to WW.

Mark English  
(510) 499-9013

On May 7, 2020, at 14:12, Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)> wrote:

I have sent subsequent emails requesting for additional calculations, the calculations presented are mainly theoretical. The result of the calculations need to be compared to actual water use. The developer must be able to take all liabilities resulting from the inaccuracy of the calculations including SSO. Using water efficiency fixtures does not necessarily transmit into lower water use, it greatly depends on population behavioral patterns. We need to include actual water use in the equation.

Thank you

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Thursday, May 7, 2020 1:55 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs'

<[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>; 'Milan Pesakovic' <[Milan@acies.net](mailto:Milan@acies.net)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – just to clarify, you cannot physically read the calculations in the file because they are illegible?

I have copied our MEP engineer with Acies on this email, and we'll be happy to get you what you need for your review if you'd clarify whether it's the presentation format or legibility of the file provided that is the issue?

Best regards,

Mark English  
(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Tuesday, May 5, 2020 7:23 PM

**To:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com); 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>

**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Hi,

Your engineering calculations that demonstrate the existing and proposed water use will be the same is not legible, please could you provide the calculations on a separate engineering calculation sheet.

Thank you so much

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>

**Sent:** Tuesday, May 5, 2020 12:02 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Last of 4 emails. This one includes:

Pages 29 thru 41 of our application plan set

Would you please confirm receipt of all 4 emails?

Best regards,

Mark English  
(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Tuesday, May 5, 2020 11:51 AM  
**To:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com); 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

I could not download the docs, please send hard copies.

Thanks

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel : (650) 325-9021

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**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Tuesday, May 5, 2020 10:35 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Mr Okupe – confirming you were able to successfully access/download the files in Dropbox folder? There were 4 PDF's plus a folder entitled "renderings"

Best regards,

Mark English  
(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Saturday, May 2, 2020 7:44 PM  
**To:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com); Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

The hydraulic impact of the project must be part of the CEQA Analysis and the specific plan

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

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**From:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>  
**Sent:** Saturday, May 2, 2020 3:21 PM  
**To:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>;  
Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

If there is anything that the District needs from EPA Planning or Public Works please let us know.

Arthur Henriques  
Contract Project Manager  
City of East Palo Alto  
1960 Tate Street, East Palo Alto, CA 94303  
Ph: (650) 853-3121; Fax: (650) 853-3179  
[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)

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**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Friday, May 1, 2020 4:34 PM  
**To:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Yes, that's fine

Best regards,

Mark English  
(510) 499-9013

**From:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>  
**Sent:** Friday, May 1, 2020 3:50 PM  
**To:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com); 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Adrian Biggs <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal



Hi Mark. Thanks. I am copying Adrian from Public Works. I believe it is okay for them to contact EPASD directly and copy you. Is that correct?

Arthur Henriques  
Contract Project Manager  
City of East Palo Alto  
1960 Tate Street, East Palo Alto, CA 94303  
Ph: (650) 853-3121; Fax: (650) 853-3179  
[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)

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**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Friday, May 1, 2020 2:36 PM  
**To:** 'Akin Okupe' <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Cc:** Art Henriques <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi – I've just populated a Dropbox folder with our plan set, the Acies Engineering analysis on water and wastewater, the C3-C6 checklist and a project description.

I've added Art Henriques to this email because I wanted to check in on process for obtaining EPASD input. One option would be for you to send any of your project comments directly to Art. Another option, after you and your team have reviewed the material, would be to set up a conference call to discuss. I'm open to either one.

Best regards,

Mark English  
(510) 499-9013

**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, April 30, 2020 4:50 PM  
**To:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Hi,

Thank you for reaching out to me on your project, we will want the impact to the sewer to be part of the CEQA Process as well as part of the specific plan. Please provide all your documents via a drop box and I will down load them. Thank you once again and am looking forward to a successful working relationship with you

Regards

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** [english.mark.a@gmail.com](mailto:english.mark.a@gmail.com) <[english.mark.a@gmail.com](mailto:english.mark.a@gmail.com)>  
**Sent:** Thursday, April 30, 2020 4:24 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Subject:** University Circle Expansion Proposal Application Transmittal

Dear Mr Okupe – I’m the project manager for the University Circle expansion project. We are proposing to add another office building at University Circle, and recently submitted our planning application to the City and are getting ready to publish the Notice of Preparation for the EIR. Adrian Biggs with EPA Public Works gave me your contact info and asked that I send you a copy of our application.

The plan portion of our package is too large to transmit by email, and given our preference to send things electronically during the shelter in place order, I’m wondering if it will work for you for me to set up a Dropbox folder to share our application and associated material? If you have another preferred online file sharing system you prefer I’m happy to work with that as well. If that doesn’t work, next best bet might be for me to mail you a thumb drive containing all the files with a letter to help you get oriented. Please let me know what suits you best.

By way of quick introduction to our project, which is going to be unique from other big office projects, our proposal is for a 180,000 square foot office building at the existing parking lot on the corner of University Avenue and Woodland Avenue. Part of our project is to retrofit the three existing office buildings with low flow / high efficiency fixtures, which is projected to deliver a net zero water consumption project (i.e. the new building’s water consumption will be offset by the water savings from the retrofit of the three existing buildings). We asked our MEP engineer to investigate not only how we would go about delivering a net zero water project, but also a net zero wastewater project, since water savings at the three existing buildings will generate significant reductions in wastewater as well. Their conclusion is that if we retrofit the existing buildings with highly efficient fixtures we can save enough water to reduce overall water consumption at the property, and deliver a net zero wastewater project as well. Acies report and calculations will be part of the documents we deliver to you, but I wanted to give you a preview of this aspect of our project since I understand the impact of new development on the sanitary sewer system is a hot topic right now.

Please do not hesitate to call or write for any reasons, and please do let me know your preferred method of transmittal of our application.

Best regards,

Mark English

(510) 499-9013

### EMAIL THREAD #2

**From:** Mark English <mark.english@sevenbridgesprop.com>  
**Sent:** Monday, May 3, 2021 10:42 AM  
**To:** 'Akin Okupe' <aokupe@epasd.com>; 'Juliette Ngo Eone' <mngo@epasd.com>  
**Cc:** 'Jonathan Tang' <jtang@BKF.com>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Akin – sorry for the delay. I think this will address your questions:

#1 – the three office towers total 468,223 square feet today across three buildings. When fully occupied outside of covid times, our average population is about 1,200.  
#2 – the new tower is expected to be another 180,000 square feet. The current employee ratio expressed at employees per 1,000 SF of office space is 2.56, and applying that ratio to the new office tower yields an expected population of 461. Industry averages are more typically 3.3 per 1,000, so I would suggest you assume 594 as a conservative #.

Site plan single sheet attached.

Best regards,

Mark English  
*Seven Bridges Properties*  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013



**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, April 22, 2021 4:21 PM  
**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>; [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Please provide the population of use as well as the square ft area i will do a conceptual calculation and tell you the required upgrade necessary for us to move forward

---

**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Thursday, April 22, 2021 3:57 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Akin – I’m not an expert in this field it’s not my place to debate this. What I’d like to suggest is that the SD hire a third party engineer to peer review the Acies report and that review can be the basis of further discussion. We would expect to reimburse, or front, the costs of both the third party report as well as SD’s time and out of pocket expenses to hire and manage the peer review.

Best regards,

Mark English  
*Seven Bridges Properties*  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013



**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, April 22, 2021 3:37 PM  
**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>; [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

I don't concur with net discharge of zero, otherwise i will not approve the project to move forward. We have to use the District standard. The waste will be calculated based on population of use and square ft area not otherwise.

---

**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Thursday, April 22, 2021 3:10 PM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Akin – to the extent our project requires upgrading the pipes we are willing to perform as part of our project, though I'm sure you are aware of the study we have prepared that shows our projected net discharge is ~0 due to the retrofitting of the existing office buildings prior to beginning construction on the new building. We are aware that we would be required to measure sanitary sewer flow prior to and after operation of the new building so we have a baseline against which to evaluate the actual performance of our retrofits. Given the SD's capacity constraints we are looking forward to partnering with you and your team on a creative approach to addressing those issues.

Best regards,

Mark English  
*Seven Bridges Properties*  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013



**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>  
**Sent:** Thursday, April 22, 2021 11:02 AM  
**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>; [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

We don't have the capacity to accommodate this project, it will require the developer to upgrade the pipes. Is this something you are interested in performing as part of the project

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**From:** Mark English <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>  
**Sent:** Thursday, April 22, 2021 10:59 AM  
**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>; Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Juliette – our architect, Cliff Chang, is sending you a full sized plan set of our application and I expect that to be delivered in the next 24 hours or so. While setting up a Dropbox folder to share files electronically, I realized that we had previously set up a Dropbox folder with plans and project descriptions in Springtime last year and given Akin access. I just now re-sent that shared folder invitation and added your email to the invitation so you have access as well. Would you kindly confirm receipt of the Dropbox invitation and also the hard copies when they arrive? Many thanks

Best regards,

Mark English

**Seven Bridges Properties**

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013



**From:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>

**Sent:** Wednesday, April 21, 2021 8:10 AM

**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com); Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Good Morning Mark

Akin would like you to send the total projected area and the population to be served.

He would also like to schedule a meeting with you to discuss about this project.

Thank you

**Juliette**

East Palo Alto Sanitary District

(650) 325-9021

**From:** Mark English

**Sent:** Tuesday, April 20, 2021 3:34 PM

**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>

**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Akin – probably best is for me to send you the full plan set and the written project description. The electronic version of the plan set is too large for email. I can place it on a shared online folder (Dropbox or Box is fine) for you to download, I can send you a flashdrive with the plan set on it, or, I can have a full size hard copy of the plan sets sent to you – what works best for you?

Best regards,

Mark English

**Seven Bridges Properties**

[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)

(510) 499-9013



**From:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>

**Sent:** Tuesday, April 20, 2021 3:26 PM

**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>; [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)

**Cc:** 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>

**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Please could you provide project details and description

Akin Okupe, M.B.A.,P.E.

General Manager

East Palo Alto Sanitary District

Tel :(650) 325-9021

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**From:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>

**Sent:** Tuesday, April 20, 2021 10:52 AM

**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com) <[mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)>

**Cc:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>

**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Good Morning Mark

The invoice will be send to you once Akin had a chance to check the different attachments you provide and assessed the wastewater discharge associated with your projects.

Thank you

**Juliette**

East Palo Alto Sanitary District  
(650) 329\_9021

**From:** Mark English  
**Sent:** Tuesday, April 20, 2021 10:11 AM  
**To:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Cc:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; 'Jonathan Tang' <[jtang@BKF.com](mailto:jtang@BKF.com)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Hi Juliette – per previous correspondence, attached find our application to tie into the existing on site sewer lateral for the proposed forth office building at University Circle. In addition to the signed application, I am also attaching the following documents to provide a more complete understanding of the proposed project:

- Sheet C4.0 from our application plan set with the proposed sewer lateral tie in highlighted (there is an existing sewer lateral that we are planning to tie into)
- A regional EPASD system map, most relevant will be the portion that shows our on site sewer later and where it connects to the SS main on Manhattan Ave
- As previously discussed, our plan is to retrofit the existing office buildings with highly water efficient fixtures. This will allow us to offset the additional water consumption and sanitary sewer discharge associated with the new bldg. with savings from the rest of the property, and in effect create a net zero water and sanitary sewer project. Given the strain on infrastructure resources in the City of East Palo Alto due to potential new development, the City has indicated strong support for this project feature, and we anticipate the same from EPASD. To support our ability to do this, we are re-submitting the report prepared by our wet utility consultant Acies.

Administratively we understand the SD will require a deposit in order to review our application. If you would kindly send me an invoice we will get a check cut and sent to you to begin the review process.

Best regards,

Mark English  
*Seven Bridges Properties*  
[Mark.English@sevenbridgesprop.com](mailto:Mark.English@sevenbridgesprop.com)  
(510) 499-9013





**From:** Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Sent:** Wednesday, February 3, 2021 10:00 AM  
**To:** Akin Okupe <[aokupe@epasd.com](mailto:aokupe@epasd.com)>; [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com)  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>;  
'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** RE: University Circle Expansion Proposal Application Transmittal

Good Morning everyone  
There is attached the application form for a sewer lateral connection.  
Thank you

Juliette

**From:** Akin Okupe  
**Sent:** Tuesday, February 2, 2021 1:12 PM  
**To:** [mark.english@sevenbridgesprop.com](mailto:mark.english@sevenbridgesprop.com); Juliette Ngo Eone <[mngo@epasd.com](mailto:mngo@epasd.com)>  
**Cc:** 'Art Henriques' <[ahenriques@cityofepa.org](mailto:ahenriques@cityofepa.org)>; 'Adrian Biggs' <[abiggs@cityofepa.org](mailto:abiggs@cityofepa.org)>;  
'Milan Pesakovic' <[milan@acies.net](mailto:milan@acies.net)>  
**Subject:** Re: University Circle Expansion Proposal Application Transmittal

Juliet, please email the application form to Mark.

Mark, all these calculations about water savings are theoretical, we cannot base sewer planning on that, the District standard is that we calculate your sewer discharge based on your floor area and that is what we are going to do. In the best-case scenarios, you can save some water but overtime, you lose these efficiencies and your contribution to the system will increase. In this regard, we will be using the District standard to determine your discharge.

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

ao

*[Remainder of Page Intentionally Blank]*

<b>Letter F</b>	<b>Kevin J. Ashe, Holland &amp; Knight LLP</b>
Response	Comments and attachments noted. The letters will be made part of the administrative record for the MSR.



May 5, 2022

Rob Bartoli  
 Executive Officer  
 San Mateo County Local Area Formation Commission  
 455 County Center, 2nd Floor  
 Redwood City, CA 94063

**Re: Eden Housing Comments on Draft Municipal Services Review for East Palo Alto Sanitary District, City of East Palo Alto, and West Bay Sanitary District**

Dear Mr. Bartoli,

Eden Housing is the co-owner and co-developer of the Light Tree development. We urge LAFCo to consider the comments below, adopt the draft MSR, and support the zero sphere of influence determination for East Palo Alto Sanitary District due to major inefficiencies, roadblocks, and non-performance, which is preventing both developer and City of East Palo Alto from building state-mandated affordable housing.

The Light Tree project includes the redevelopment of an existing 94-apartment affordable residential development at 1805 East Bayshore Road in the City of East Palo Alto ("Project"). Because the Project expands the number of dwelling units onsite to 185 through a combination of substantial rehabilitation and new construction, it is required to pay a connection fee to the District for the 91 net new units.

**Page 108 – Item 4: “If the developer agrees to the costs and required funding, then the two entities enter in to an agreement.”**

The MSR should clarify how EPASD calculates the required costs a developer is required to pay. The California Planning and Zoning Law requires that cities and special districts keep each other informed and coordinated regarding planning for major infrastructure needs. Government Code Section 65401 requires the District annually to submit any capital improvement plan ("CIP") to the City. As noted, EPASD does not appear to have submitted a recent CIP to the City and does not appear to have formulated any sort of a CIP that would accommodate expected growth, despite being situated in the heart of Silicon Valley, an area under tremendous growth and development pressure. To our knowledge, there is no state-level oversight board or agency monitoring these required coordination efforts, which makes this MSR process critical to ensure accountability of the District.

Based on the District's consultants' analysis that the system did not have sufficient capacity for the 91 net new units, it also had the legal authority to require Light Tree to pay a fee for expanded sewer capacity to accommodate the new units. The connection fee is duly published by the District, but **the District's capacity charges are imposed on an ad hoc basis, without the benefit of any nexus studies, master plans or other generally applicable provisions to guide their calculation of these capacity charges.**

22645 Grand Street | Hayward, CA 94541 | Tel: 510-582-1460 | edenhousing.org



Broker License No. 872400  
 MSR Response to Comments  
 Page 467



G-1



For context, and without going into the details of flow volume and path, the flow attributable to the incremental 91 units at Light Tree will comprise approximately 15% to 25% of the total flow at the point where it connects, and a progressively smaller fraction of total flow as it moves downstream. The 75% to 85% of flow already in the sewer main at the point where Light Tree connects collects from a substantial portion of the City's "Westside" area. Any and all capacity upgrades to serve the Light Tree project will serve this entire area as well because the flows are comingled.

The District's willingness to allocate \$2 million for system upgrades (*page 139*) indicates that the existing system has deficiencies that must be addressed, but without systemwide assessment and a CIP, it is impossible for Light Tree or any applicant to understand precisely which pipes have current deficiencies and which are both adequately sized and in good repair for extended service.

The absence of publicly available CIPs or nexus studies documenting the existing capacity in the District's system prevents any interested party from testing or independently verifying whether the District actually needs to expand the capacity of its sewer system, or by how much and where, to accommodate new development in the City. Moreover, as the MSR confirms, the District does not appear to have evaluated more holistic and efficient expansion plans and financing options that might facilitate its ability to accommodate the growth planned for this area.

G-2

**Page 108 – Item 6: “EPASD constructs all necessary infrastructure for the new development.”**

The MSR should have EPASD clarify this step given that the District has been unable to meet the performance deadlines in the 2020 WSA and build the Light Tree capacity upgrades despite receiving requisite funds.

G-3

Light Tree entered into a Wastewater Services Agreement (“WSA”) with the Sanitary District in June 2020 to pay \$2.5 million in exchange for the District to complete a series of pipe upgrades within 18 months of receiving payment. This timing was driven by a \$20 million state housing award, which includes \$6 million in grant funding to the City of East Palo Alto and San Mateo County Transit Authority (SamTrans) for bike, pedestrian, and public transportation improvements for the greater community.

The nonperformance of the District threatens this award. It is critical that commitments made and subsequently accepted by lenders, investors, and residents are fulfilled.

In Section 7 of the WSA, EPASD held that:

*“The District shall initiate and complete all design, entitlement, permitting, construction and inspections to ensure the System Expansion Improvements shall be completed in a timely manner, in accordance with Section 2 of this Agreement. The District represents and warrants that, in addition to the System Expansion Payment, the District has sufficient funds to complete the Expansion.”*



However, even after EPASD had deposited Light Tree's capacity expansion payment on September 29, 2020, District staff continually threatened to "hand project back to developer" in March 2021 and even stopped work in November 2021 until the City and Developer agreed to fund all "cost escalation" associated with the improvements. This was memorialized in a draft addendum to the original WSA. For evidence, the following exhibits are included:

- Exhibit A – Evidence of Nonperformance – Email from EPASD
- Exhibit B - Evidence of Nonperformance – Proposed Addendum to Relieve EPASD of Financial Commitment
- Exhibit C - Evidence of Nonperformance – EPASD Letter to City Manager

**Page 139 – “The Light Tree project has been stalled (as of 3/15/2022) by issues related to increased costs and environmental review and project funding is at risk of default; EPASD, the City of EPA, and the developer have been unable to determine a path forward.”**

G-4

The MSR should distinguish between the Light Tree residential development and the EPASD capacity upgrades outlined in the WSA from June 2020.

**Increased Costs** – EPASD should provide evidence of increased costs in the form of expenditures to date, bids received, and contracts both executed and pending that have caused the upgrades to exceed the \$4.5 million project budget.

**Environmental Review** – EPASD should provide evidence that the recommended environmental review will lead to cost overruns and submit evidence that justifies the work stoppage and demonstrates how necessary permits will exceed current budget.

**Project Funding At Risk of Default** – EPASD should clarify which funding is at risk of default. The \$2.5 million provided by Light Tree neither expires nor is at risk of default. The funds have been deposited and are available for use by EPASD.

**Unable to Determine a Path Forward** – On November 23, 2021 a CEQA consultant provided the District with a proposal for additional environmental analysis to move a portion of the capacity upgrades forward. On March 4, 2022, the City of East Palo Alto presented the EPASD General Manager and Board with additional guidance on multiple options to move the capacity expansion forward. On April 6, 2022, EPASD agreed to move forward “**provided it shall not be at the expense of the District,**” directly contradicting the agreement reached in 2020. (*Exhibit C*) Further, it was not until April 21, 2022, after the MSR was released and the first LAFCo comment meeting on April 20, 2022, that the District began soliciting construction bids. It remains unclear if any future cost overages above the \$4.5 million budget will be billed to the City of East Palo Alto or the Developer despite Section 7 of the WSA.

Eden appreciates the need for developers to fund a fair share of costs related to impact of new apartments on the existing sanitary system. However, given our experience so far, **the District has been unable to perform its duties even after a payment is received.** Eden Housing has strong reservations about its ability to build affordable housing in East Palo Alto under the status quo. Our reliance on the constant involvement from City staff and elected officials through the intergovernmental committee to get the Sanitary District to even consider an agreement and avoid losing \$20 million in state funding proves the status quo is not sustainable.



There can be great efficiencies gained through consolidation and therefore we urge the Commission to formalize what has already been unofficially occurring: direct City management and oversight of the sanitary sewer system to allow the City's development pipeline to move forward.

Thank you,

A handwritten signature in black ink, appearing to read 'AOsgood', positioned above a blue horizontal line.

Andrea Osgood (May 5, 2022 15:15 PDT)

Andrea Osgood  
Senior Vice President Real Estate Development  
Eden Housing, Inc.



**Exhibit A – Evidence of Nonperformance – Email from EPASD**

## Matt Schreiber

---

**From:** Akin Okupe <aokupe@epasd.com>  
**Sent:** Tuesday, March 30, 2021 4:45 PM  
**To:** Matt Schreiber  
**Subject:** Re: Light Tree CEQA NOD

We will like to hand this project back to the developer, please let us discuss to continue

Akin Okupe, M.B.A.,P.E.  
General Manager  
East Palo Alto Sanitary District  
Tel :(650) 325-9021

---

**From:** Matt Schreiber <Matt.Schreiber@edenhousing.org>  
**Sent:** Tuesday, March 30, 2021 3:44 PM  
**To:** Akin Okupe <aokupe@epasd.com>  
**Subject:** Light Tree CEQA NOD

Hi Akin,

Just wanted to check in on the CEQA that was approved by the Board. Has the Notice of Exemption been filed with the County of San Mateo and Santa Clara? Could you have your counsel send over the approval when available?

Thanks,



**Matt Schreiber, Project Developer**

22645 Grand Street Hayward, CA 94541

**Office** 510-247-8180 **Cell** 510-634-3955

Matt.Schreiber@edenhousing.org | edenhousing.org

**EDEN HOUSING CREATES AND SUSTAINS HIGH-QUALITY AFFORDABLE HOUSING  
COMMUNITIES THAT ADVANCE EQUITY AND OPPORTUNITY FOR ALL.**





**Exhibit B – Evidence of Nonperformance – DRAFT Addendum**

## FIRST ADDENDUM TO WASTEWATER SERVICE AGREEMENT

This FIRST ADDENDUM TO WASTEWATER SERVICE AGREEMENT (“Addendum”) is made and entered into on *[insert date]* by and between the EAST PALO ALTO SANITARY DISTRICT (“District”) and LIGHT TREE TWO, L.P. (“Developer”).

### RECITALS

A. On June 12, 2020, District and Developer entered into a Wastewater Service Agreement (“Agreement”) regarding the development of a 185-unit affordable housing project (“Development”) located at 1805 East Bayshore Road, East Palo Alto, CA 94303 (“Property”).

B. Pursuant to the Agreement, District has agreed to expand its wastewater system (“System”) to accommodate the additional load that the 91 net new units created by the Development will add to the District’s System (“System Expansion Improvements”) in exchange for the Developer, among other things, paying for the cost of such System Expansion Improvements. The District is prohibited from using sewer service fees imposed on existing customers for the cost of augmenting the existing sewer system, and the Agreement ensures that the costs of such System Expansion Improvements are paid for from funds other than sewer service fees imposed on existing customers.

C. The System Expansion Improvements include the replacement of approximately 2,652 feet (or approximately one-half mile) of existing sanitary sewer main to accommodate wastewater flows from the Property (“Project”). The Project consists of a replacement lateral connection from the Property to the existing sanitary main near the intersection of East Bayshore Road and Clarke Avenue, which includes the replacement of the following sewer lines:

- 150-foot segment of an existing eight-inch diameter existing sewer main with a 10-inch diameter main from Oakes Street to Pulgas Avenue;
- 1,004 feet of an existing 10-inch diameter sanitary sewer main with a 12-inch diameter main on Pulgas Avenue between Oakes Street and O’Connor Street;
- 990 feet of the existing 12-inch diameter main with a 15-inch diameter main on O’Connor Street between Pulgas Avenue and Daisy Lane; and
- 660 feet of the existing 14-inch diameter main between Daisy Lane in the City of East Palo Alto and with an 15-inch diameter main to manhole K2, and an 18-inch diameter main from K2 to manhole T15, which is located in the City of Palo Alto just south of the East Palo Alto city limit.

D. On *[insert date]*, a Notice of Exemption was filed by EMC Planning Group (“Consultant”) on behalf of the District for the Project in accordance with the California Environmental Quality Act (CEQA) (see Pub. Res. Code § 21080.21(a)).

E. The Consultant has since determined that construction of a segment of the Project may result in potentially significant impacts to protected wildlife species due to the final segment (manhole K2 to manhole T15) being situated adjacent to a salt marsh habitat.

F. Since the Project may result in significant impacts to protected wildlife species, an Initial Study is required to analyze the environmental impacts to the marsh habitat and protected species. Additional measures may also be required to minimize impacts to protected wildlife species, including District obtaining a regulatory permit from the U.S. Army Corps of Engineers (USACE).

G. Pursuant to the Agreement, the Completion Date, as defined in the Agreement, “shall be extended for a period of time equal to the number of days during which the District (or any contractor or subcontractor of the District) is prevented from proceeding with the construction of the System Expansion Improvements by reason of force majeure. The term “force majeure” includes acts of God, flooding, strikes, lockouts or other labor trouble, materially adverse weather conditions, fire or other casualty, epidemics, pandemics or outbreak of communicable disease, quarantines, governmental preemption in connection with a national emergency, any rule, order or regulation of any governmental agency or any department or subdivision thereof, or inability to secure materials or labor because of any such emergency, rule, order, regulation, war, civil disturbance, or other emergency, cause or event beyond the reasonable control of District.”

H. District is prevented from completing the System Expansion Improvements due to the need for the Project to undergo CEQA analysis and/or receive approval from USACE.

I. In order to avoid delays to the Completion Date, Developer has requested that the Project be bifurcated into two phases to allow for completion of a segment of the Project as depicted on **Exhibit D**. District will commence the remaining segment of the Project after CEQA analysis is completed and all necessary permits are obtained by the District.

J. The parties desire to amend the Agreement to account for all of the aforementioned scope changes. Capitalized terms not defined herein shall have the meaning ascribed to them in the Agreement.

NOW THEREFORE, the parties agree as follows:

1. **RECITALS**. The Recitals set forth above are true and correct, and by this reference incorporated herein.

2. **AGREEMENT TO BIFURCATE**. In order to facilitate timely completion of the Project for the benefit of Developer, the District agrees to bifurcate the Project as depicted in **Exhibit D**.

3. **REPLENISHMENT OF LIGHT TREE APARTMENT FUND**. Developer has deposited the System Expansion Payment into the Light Tree Apartment Fund to cover the costs of the Project. In the event that such funds are insufficient to cover the cost of the Project as bifurcated and depicted in **Exhibit D**, upon demand from the District evidenced by proof of costs incurred, Developer agrees to deposit such additional amounts in the Light Tree Apartment Fund as necessary to pay all costs of the Project, including administrative costs, design, planning, construction and acquisition costs, and any other incidental costs associated with bifurcating the Project.

4. EFFECT OF ADDENDUM. Except as set modified above, the Agreement remains unmodified and is hereby in full force and effect. To the extent of any conflict between the terms of the Agreement and this Addendum, the terms of this Addendum shall prevail and control.

[SIGNATURES ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the Parties have by their duly authorized representatives executed this Addendum, among the East Palo Alto Sanitary District and Light Tree Two, L.P. as of the date first written above.

ATTEST:

**EAST PALO ALTO SANITARY DISTRICT**

\_\_\_\_\_  
Secretary

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel

LIGHT TREE TWO, L.P.,  
a California limited partnership

By: Light Tree Two LLC,  
a California limited liability company,  
its managing general partner

By: Eden Housing, Inc.,  
a California nonprofit public benefit  
corporation, its manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_

By: Light Tree CANDO LLC,  
a California limited liability company,  
its co-general partner

By: East Palo Alto Community  
Alliance and Neighborhood Development  
Organization, Inc.,  
a California nonprofit public benefit  
corporation, its sole member/manager

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Its: \_\_\_\_\_



**Exhibit C - Evidence of Nonperformance – EPASD Letter to City Manager**



**EAST PALO ALTO SANITARY DISTRICT**

**BOARD OF DIRECTORS**

Bethzabe Yañez, President  
Martha Stryker, Vice President  
Glenda Savage, Secretary  
Dennis Scherzer, Director  
Joan Sykes-Miessi, Director

901 Weeks Street  
East Palo Alto, CA 94303  
Phone: (650) 325-9021  
Fax: (650) 325-5173  
[www.epasd.com](http://www.epasd.com)

Via E-Mail and Certified Mail

Akin Okupe, M.B. A, P.E, General Manager

April 06, 2022

Jaime M Fontes  
City Manager  
City of East Palo Alto  
2415 University Ave  
East Palo Alto, CA 94303

Dear Mr Fontes,

This acknowledges receipt of the City of East Palo Alto's ("City") letter to the East Palo Alto Sanitary District ("District"), dated March 4, 2022, concerning the 185-unit affordable housing project at 1805 East Bayshore Road ("Project") by Light Tree Two, L.P. ("Developer").

The City has proposed the following courses of action as the basis of a Memorandum of Understanding to move the Project forward:

1. The Project move forward with construction shown in segments A through 6 of the Exhibit A
2. The City will issue an encroachment permit for all work required in segments A through 6, and the California Environmental Quality Act (CEQA) clearance for that permit and work is documented in the Notice of Exemption filed by the District on March 23, 2021 pertaining to the 1805 East Bayshore Road Sewer Main Replacement Project ("Sewer Main Replacement Project").
3. The District begins construction work on segments A through 6.
4. The California Environmental Quality Act environmental review of the construction and

installation of the sewer lines in Segment 7 will be included in the California Environmental Quality Act environmental review for the District's Trunk Line Project

5. Pursuant to the Sanitary District Act of 1923, the District is authorized to charge fees or charges for services and facilities in connection with its sanitation or sewerage system. However, revenues derived from such fees or charges may not be used for the acquisition or construction of additional local street sewers or laterals which are an augmentation to an existing system. (Health & Safe. Code, § 6520.5.) It is for this reason that the District and Developer entered into the Wastewater Service Agreement, dated June 12, 2020 ("Agreement"). The Agreement provides that Developer is required to,

fund the sewer system expansion improvements for the Project, and Recital E of the Agreement specifically states that such improvements shall be at no cost to the District except as explicitly set forth in the Agreement. As a result, an Initial Study will be required to analyze environmental impacts, and additional measures may be required to minimize impacts moving forward, including a regulatory permit from the U.S. Army Corps of Engineers.

**The Agreement does not require that the District expend any of its own funds to address this issue.** This provision, amongst others, reflects the clear statutory prohibition against spending customer-provided revenues on expansion of system infrastructure to accommodate new development.

As such, the District proposes to proceed as follows: the Sewer Main Replacement Project will be bifurcated into two phases to allow for completion of a segment of the project as depicted on Exhibit A. The District will commence the remaining segment of the Sewer Main Replacement Project after CEQA analysis is completed and all necessary permits are obtained by the District, provided it shall not be at the expense of the District. **The District will not be responsible for additional costs, if any, associated with serving the development.**

Please also note that the Developer cannot connect the additional units to the District's collection system until the improvements are completed. Please contact me with any questions or to discuss further. The District's goal is to resolve this issue in a timely and fair manner.

If you have any questions or concerns, please give me a call at (650) 325-9021

Very truly yours,



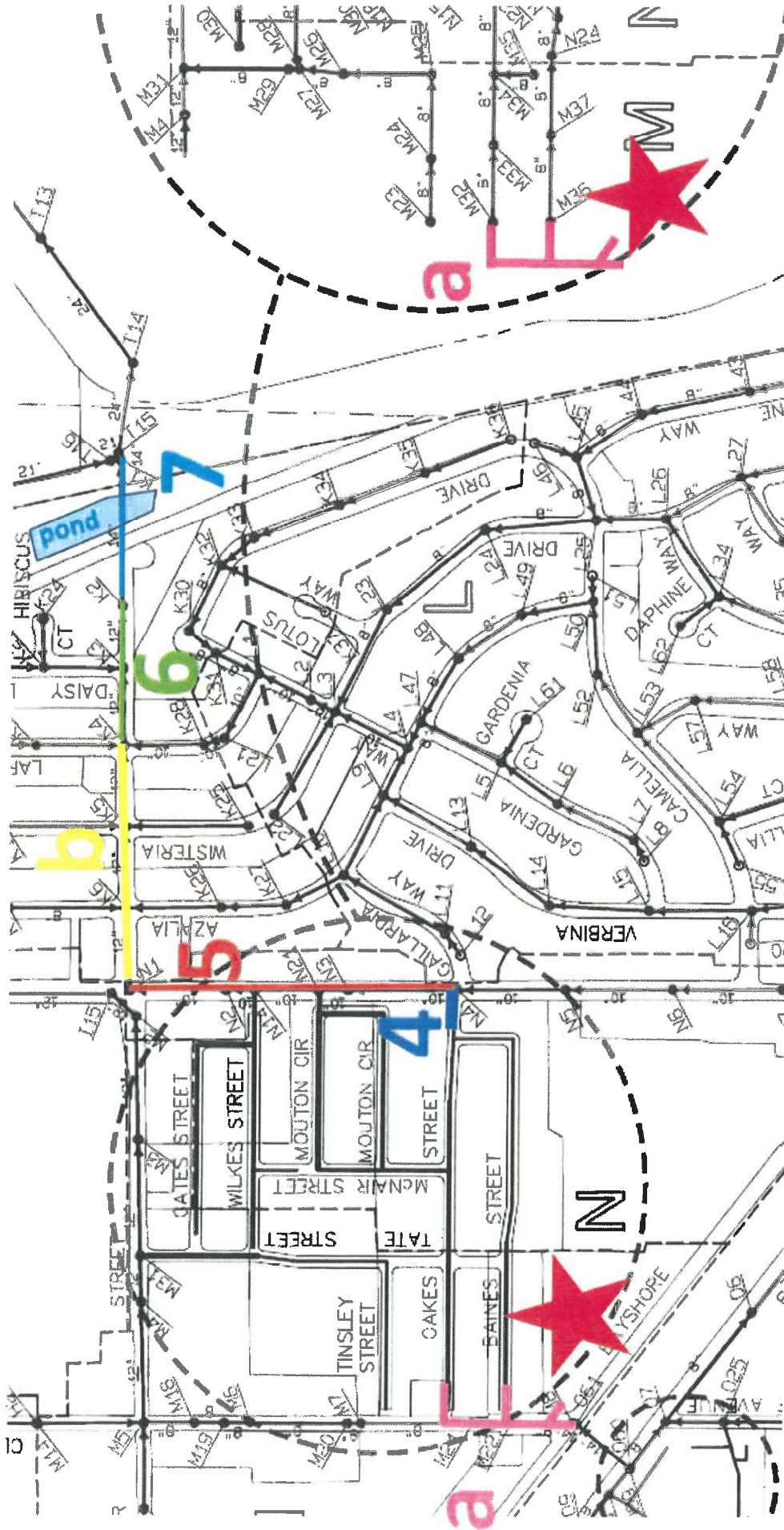
Akin Okupe

General Manager

East Palo Alto Sanitary District



LIGHT TREE – EPASD WASTEWATER SERVICES AGREEMENT - EXHIBIT C MAP



<b>Letter G</b>	<b>Andrea Osgood, Eden Housing, Inc.</b>
Response G-1	Statement added that “EPASD has no published policies or procedures for calculation of charges for collection system upgrades other than its standard capacity charges; discussions in EPASD meetings indicate that key assumptions (e.g., flows per resident of new buildings), reimbursement calculations, EPASD’s share, and other terms are negotiated with each development for projects ranging in scale from hundreds of units to a proposed single ADU” (Pages 142-143).
Response G-2	The MSR supports the prioritization of improvements and identification of mechanisms to fund existing deficiencies and future capacity needs over time as part of the development of a Capital Improvement Plan.
Response G-3	Comments noted.
Response G-4	Comments noted.



May 5, 2022

Mr. Rob Bartoli  
Executive Director  
San Mateo LAFCo  
455 County Center, 2<sup>nd</sup> Floor  
Redwood City, CA 94063-1663

Via Email: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

RE: Consideration of Municipal Service Review, Public Review Draft Report  
for the City of East Palo Alto, East Palo Alto Sanitary District, and West Bay Sanitary District

Dear Mr. Bartoli:

On behalf of Harvest Properties Inc., we appreciate the opportunity to provide our comments on the Municipal Services Review (MSR) Public Review Draft Report.

Harvest Properties Inc is a locally based real estate development firm, and the property owner of approximately 20-acres of property located in East Palo Alto (1990 Bay Road, 1175 Weeks Street, 1250 Weeks Street, 1103 Weeks Street). We are also a member of the Ravenswood Shores Business District, a California limited liability company comprised of the majority of the landowners and businesses located in the 100-acre Ravenswood Area of East Palo Alto.

We initially submitted our Pre-Application in February 2020, then late last year, submitted a Major Application into the City of East Palo Alto for the proposed development on our property of a mixed-use development, consisting of commercial and retail space, subsidized community space, affordable housing (in partnership with Eden Housing) and a vast network of open space, waterfront trails and recreational amenities, all of which will be open to the East Palo Alto community. This would be one of the largest community benefit packages proposed in the greater Bay Area, and we would hate to see that prevented from happening.

As part of the Major Application, and its circulation to various agencies for review and input, the East Palo Alto Sewer District (EPASD) received our application. As part of our project, we are proposing

unique approaches to the treatment of grey and black water via the creation of onsite water treatment facilities. To date, the response from EPASD has been that Harvest would be responsible for all improvements triggered anywhere in the City, and even down to the Palo Alto Wastewater Treatment Plant, by our proposed development. Additionally, EPASD has not provided any written feedback to our project's innovative approach for onsite water treatment. This is needed in order to move forward with our application and CEQA process and is already holding us up.

Similar to other for-profit and non-profit developers with projects in East Palo Alto, we would be willing to pay our fair share of the costs associated with the sanitary sewer improvements to EPASD necessitated by our project. We are already having to cover the infrastructure costs that would have been covered or split with The Primary School across the street from us, given they terminated their development of a new school due to being held up by EPASD.

However, it is important to note that if Harvest is forced to pay for all citywide sewer improvements that should have otherwise been paid for by EPASD, then the community benefits our project is currently able to offer, would be significantly reduced. These include but are not limited to: affordable housing with a deep level of affordability (at or below 60% of Area Median Income), rent-free retail and community space, home ownership grants, and other grants for small businesses and local artists.

Again, we truly appreciate this opportunity to provide information about our experience to date with the East Palo Alto Sanitary District and would welcome any questions you might have about our proposed project.

Yours Sincerely,

*Kim Diamond*

Kim Diamond  
Managing Director of Development  
Harvest Properties, Inc.

<b>Letter H</b>	<b>Kim Diamond, Harvest Properties, Inc.</b>
Response H-1	Comments noted.

<b>Stakeholder Input Form<sup>1</sup></b> <b>San Mateo LAFCO's Municipal Service Review for</b> <b>East Palo Alto, Menlo Park, and the East Palo Alto Sanitary District ("EPASD")</b>	
<b>Developer</b>	<u>Victor Dong</u>
<b>Contact</b>	Name: Victor Dong Phone: 510-364-5343 Email: victor_dong@yahoo.com
<b>Project Name</b>	961 Beech St 4 single family house
<b>Project Description</b> (e.g., residential or commercial, number of units, etc.)	4 single family house on ½ acre vacant lot
<b>Entitlements Status</b>	<input checked="" type="checkbox"/> Approved: Oct 28, 2019 ( <i>date</i> ) <input type="checkbox"/> Pending: _____ ( <i>date</i> ) <input type="checkbox"/> Other: Please specify:
<b>CEQA Document</b>	<input type="checkbox"/> Environmental Impact Report <input type="checkbox"/> Negative Declaration / Mitigated Negative Declaration <input type="checkbox"/> Categorical / Statutory Exemption <input checked="" type="checkbox"/> Other: CEQA exception from City Planning Department
<b>Level of EPASD Participation in Project's CEQA Review</b>	N/A
<b>First Contact with EPASD</b>	Date: 03/26/2021
<b>Will-Serve Letter Status</b>	<input type="checkbox"/> Approved: _____ ( <i>date</i> ) <input type="checkbox"/> Pending: _____ ( <i>date</i> ) <input checked="" type="checkbox"/> Other: Please specify: rejected
<b>Project Sanitary Sewer Flow Estimates (gpd)</b>	468 GPD
<b>EPASD Fee Estimate (if any)</b>	Application fee: \$3700 Connection fee: \$26400 Capacity analysis: \$3000 EPASD engineer fee _ \$6990 Consultant fee Sewer upgrade fee varies from \$4 million to \$40 million depends on Akin Okupe's mood

<sup>1</sup> This Stakeholder Input Form ("Form") was prepared by a working group of stakeholders and developers with approved and/or pending development projects in the City of East Palo Alto. This Form is intended to inform the SM LAFCO in its preparation of a Municipal Service Review for the City of East Palo Alto, City of Menlo Park, and the EPASD.

**Please provide a summary of the Project's experience with the EPASD?**

My 4 single family house subdivision project on 0.5 acre land started almost 5 years ago, tentative map was approved by East Palo Alto Planning department on Oct 28, 2019. The final map was recorded on Dec 26, 2020, now it is 4 separate lot. We got CEQA exemption on condition of approval.

I submitted sewer lateral connection application to EPASD on March 26, 2021 after City building department notified me that I need have sanitary district clearance to pull permit. On April 15, I discussed the project over the phone with Akin Okupe, he said there is 1000 gallon limit on sewer discharge and I need to hire a consultant to do capacity analysis and then he will approve the project, he can refer someone and he said it will cost around \$1000. I looked through EPASD website and some board meeting minutes, I cannot find any ordinance or code about threshold of 1000 gallon. From water usage estimate report by certified PE, with newer and efficient water devices, each house is only 117 gallon per day. Even use 240 GPD as industrial average, times 4 will be 960 gallon, still below 1000 limit, but hoping to move forward quickly, I asked Akin to send consultant contact information and plan to move forward.

On April 29, 2021, I finally got sewer capacity analysis proposal from the consultant Jeffery Tarantino referred by Akin, the price is \$6990 and EPASD will charge another \$3000 engineer fee on top of that. My civil engineer designed site plan include sewer discharge and storm drain, his wife works in Hayward city sanitary district, he has done some capacity analysis for other bigger project before, he said capacity analysis is very simple job and normally cost \$1500 and he can do it for me for free, when I asked Akin if I can use my civil engineer to do the analysis, Akin changed his mind, he claim there is no capacity at all and he won't approve my project no matter what from now on.

Akin has his crew Oman opened the sewer manhole in front of my street on May 18, water is running very smooth, less than half height of the pipe(about 7 inch of 15 inch pipe). Omar said everything looks great and don't see any problem to add 4 single family house. The next day when I talked with Akin, he claimed less than half now don't mean anything, when rain season comes, the pipe will be full. First rain water suppose not enter sewer pipe in big quantity, second if there are leak to sewer line, is that sanitary district's job to fix it? Akin claims only option for me is pay pipe upgrade which will be over \$4 million. The value of whole project after build 4 homes is only little over \$6 million, \$4 million for sewer upgrade fee which is never expected is devastating to me.

I complaint to City about keep me in the blind sight for the past 5 years, but City said my project is first project this small with minimal impact to sewer capacity get rejected

by Akin, also the first single family house got rejected. Communication is broken between EPASD and City, and I got caught in between and suffered most. Technically, it is allowed to build a huge single family house over 5000 sqft and one ADU, the sewer capacity won't increase too much compared with 4 small single family house which servers community much better.

**Please provide a summary of your experience working with and/or communicating with EPASD personnel.** *(To the extent available, please provide pertinent copies of communications to and from EPASD personnel at **EXHIBIT A**)*

On Jun 29, 2021, I called EPASD and confirmed with front desk Juliette that Akin is in office and can talk with me. I went there and told Akin I am willing to use Jeffery Tarantino and pay whatever the amount they want to do analysis, I begged him to give me the option again and told him in the past few months my life is totally destroyed, I cannot sleep, keep on worrying my financial and future. Akin said I will never be able to build on my land unless I pay \$40 million which is the estimated cost of upgrading whole city's sewer pipe, then only after the pipe upgrade is done, then I can build my 4 single family house.

I showed Akin some picture that I am a very happy family guy, work hard and play hard, enjoy life and outdoor activities like fishing, spearfishing, gardening, hunting, wild mushroom picking ... I showed him some picture try to get some personal connections and get sympathy from him, but he became erratic and out of control, claim I am threatening his life and he called police, when police came in 10 minutes later, he is still shouting, yelling loudly, waving his hand crazily. Police need ask him to calm down and police told me later they witness Akin behave like this before. Akin even yelling at Juliette and complain her to let me come in, and claim he will refuse to see me or talk with me again, even police told Akin as a public service agency, I do have the rights to make appointment and come to discuss my project.



Akin caused the nightmare to a lot of people already, Akin behaves erratic, inconsistent and dishonest, he will change his word every single time.

**Please provide a summary of your experience participating in, or observing, meetings of the EPASD Board of Directors.**

Attended EPASD engineer committee meeting on 07/02/2021, pleaded my case, sent my testimony in email.

Attended EPASD board meeting on 07/08/2021, pleaded my case again, board member said sorry, but no resolution

EPASD has 5 board members, there are two members from same family, Dennis and his daughter Martha Stryker. Dennis moved out from East Palo Alto to rural Mendocino decade ago, feels he has strong anti-developing mentality, which is fine if in rural area, but East Palo Alto is in the middle of Silicon Valley with huge housing shortage.

EPASD board members received highest compensation and just sitting on the board and say no to everything. They knew they are doing something wrong and afraid of lawsuit, they need have their attorney presented in every board meeting.

<b>Letter I</b>	<b>Victor Dong, Ratepayer/developer</b>
Response	Comments noted.

**From:** [Barbara Kelsey](#)  
**To:** [Rob Bartoli](#)  
**Cc:** [Jennifer Hetterly](#); [Alice Kaufman](#); [Eileen McLaughlin](#); [James Eggers](#); [Gladwyn d'Souza](#); [Mike Ferreira](#)  
**Subject:** Joint comment letter re: LAFCo's Draft Municipal Service Report Update for East Palo Alto  
**Date:** Thursday, May 5, 2022 2:38:44 PM  
**Attachments:** [Joint comment letter to LAFCo re EPA MSR Update 5.5.22.pdf](#)  
[SCLP, CCCR, GF comments on RBD SP Update 2.23.22.pdf](#)

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**CAUTION:** This email originated from outside of San Mateo County. Unless you recognize the sender's email address and know the content is safe, do not click links, open attachments or reply.

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May 5, 2022

Rob Bartoli  
Executive Officer  
Local Agency Formation Commission  
San Mateo County, California

Dear Mr. Bartoli,

The Bay Alive Campaign of the Sierra Club Loma Prieta Chapter, the Citizens Committee to Complete the Refuge, and Green Foothills are grateful to have this opportunity to comment on LAFCo's Draft Municipal Service Report Update (MSR Update) regarding East Palo Alto Sanitary Services. Please see our comment letter attached, along with our Ravenswood Business District Specific Plan Update Joint Letter dated 2/23/22.

Sincerely yours,

Eileen McLaughlin  
Board Member  
Citizens Committee to Complete the Refuge

Jennifer Chang Hetterly  
Campaign Lead, Bay Alive  
Sierra Club Loma Prieta Chapter

Alice Kaufman  
Legislative Advocacy Director, Green Foothills

Additional attachment:  
Ravenswood Business District Specific Plan Update Joint Letter dated 2/23/22

Sent by:

Barbara Kelsey

she/her/hers

Chapter Coordinator

Sierra Club, Loma Prieta Chapter

3921 E. Bayshore Rd, Suite 204

Palo Alto, CA 94303

[barbara.kelsey@sierraclub.org](mailto:barbara.kelsey@sierraclub.org)

Please note that we are not  
working in the office yet, so  
email is the best way to contact us.



May 5, 2022

Rob Bartoli  
Executive Officer  
Local Agency Formation Commission  
San Mateo County, California  
Email submission only: [rbartoli@smcgov.org](mailto:rbartoli@smcgov.org)

Dear Mr. Bartoli,

The Bay Alive Campaign of the Sierra Club Loma Prieta Chapter, the Citizens Committee to Complete the Refuge, and Green Foothills are grateful to have this opportunity to comment on LAFCo's Draft Municipal Service Report Update (MSR Update) regarding East Palo Alto Sanitary Services.

Our reading of the MSR Update found it to be thorough and very informative. Our organizations have invested substantial efforts monitoring and working with the planning process for East Palo Alto's Ravenswood Business District Specific Plan Update. As you may know, its CEQA Notice of Preparation is currently in its comment period. The MSR Update makes it clear we should recommend that the EIR thoroughly analyze sanitary and stormwater services.

We would like to bring a topic to your attention that was not considered in the MSR Update but has implications for all underground utilities in shoreline and lowland areas of East Palo Alto and similarly in other jurisdictions. The companion to sea level rise inundation is rising groundwater. It may cause underground pipes and conduits to fail.

We are attaching a letter that we recently sent to the East Palo Alto City Council that poses the issue of rising groundwater in more detail and provides references. We recommend that the City take certain actions to identify sites of particular risk due to rising groundwater. We encourage LAFCo to consider these same issues for all San Mateo County shoreline areas as appropriate.

J-1

Sincerely yours,



Eileen McLaughlin  
Board Member  
Citizens Committee to Complete the Refuge



Jennifer Chang Hetterly  
Campaign Lead, Bay Alive  
Sierra Club Loma Prieta Chapter



Alice Kaufman  
Legislative Advocacy Director, Green Foothills

Attachment:

Ravenswood Business District Specific Plan Update Joint Letter dated 2/23/22



SAN MATEO, SANTA CLARA & SAN BENITO COUNTIES



February 23, 2022

East Palo Alto City Council  
2415 University Ave 2nd floor  
East Palo Alto, CA 94303

RE: Ravenswood Business District Specific Plan Update

Dear Mayor Abrica, Vice Mayor Gauthier and Members of City Council,

Representing the Citizens Committee to Complete the Refuge, Green Foothills and the Sierra Club Loma Prieta Chapter, we write to express our concern about the health and safety impacts from rising groundwater associated with sea level rise. Such impacts have potential to affect the entire East Palo Alto shoreline, including the area within the Ravenswood Business District Specific Plan. This is particularly worrisome in the presence of contaminated soils. We urge the City to undertake a groundwater rise vulnerability assessment and incorporate appropriate mitigation strategies that will apply to the RBD Specific Plan Update.

A Raimi & Associates response at your February 1 study session stated that the CEQA analysis for the RBDSP would evaluate the impact of the project on the environment. Although that is true, **such analysis does not assess the potential for environmental hazards to impact the project.** With the updated RBD SP there is the potential to bring thousands of new residents and workers into the area. Sitting very close to sea level and with a documented history of toxic contamination within East Palo Alto's city limits, **it behooves the City to study the potential threat of groundwater rise to public health and safety inclusive of the RBD area and to establish appropriate standards for avoidance, mitigation, and monitoring.** Given the proposed timeline for the RBD SP Update and risks discussed below, *timely* City action is needed.

To that end, *these comments provide recommended actions, explanations of threats and risks, local relevant examples and references.*

## I. Recommendations for Timely Action

- ▶ Order a hydro-geologic study that assesses shallow aquifer groundwater, buried contaminant conditions and associated buried infrastructure in the areas of East Palo Alto most likely to be affected e.g. based on elevation, adjacency to low elevation or contaminant history.

► Adopt an ordinance applying to shallow aquifer groundwater and contaminant at-risk areas that establishes building requirements to avoid, mitigate and/or monitor any action that has potential to create or increase health and safety risk due to groundwater rise. [See IV.2 below]

## II. Sea level rise effects on shallow aquifer groundwater

1. As our scientists, agencies and communities have grown in awareness of the threat of sea level rise, the consideration was and largely still is focused on inundation above ground i.e. flooding. That remains, of course, a very substantial concern. Community and Bay Area reactions have turned to building sea level rise levees such as the SAFER Bay project. While not widely discussed by the public, water supply professionals have significant concern about salt-water intrusion into the deep aquifers that serve as a drinking water supply.
2. Principles of physics dictate groundwater changes. No levee will stop the pressure of a rising Bay from forcing water through permeable layers of alluvial fans that form the South Bay basin, filtering through those layers into aquifers below the shoreline. In recent years new scientific studies about coastal groundwater and the use of correlated data demonstrate reason for significant concern and the need for attention by both the public and civic leaders.

## III. Potential hazards of rising shallow aquifer groundwater

It is anticipated that in shorelines geologically like that of East Palo Alto, the rise in shallow-aquifer groundwater has the potential for multiple adverse impacts including the following:

1. buried hazardous materials may be forced upwards toward the surface causing potential public exposure. Additionally and if in liquid form (a layer present in the former Romic site and known as Light Non-Aqueous Phase Liquids, primarily organic solvents). contaminants may move laterally toward new sites, potentially the Bay or developed business/residential areas,
2. groundwater (shallow aquifer) will get closer to the surface, perhaps emerging in some locations. This may occur in inland locations at low-elevation in addition to coastal areas,
3. surface stormwater pooling will occur more often with localized flooding because groundwater has saturated soil layers closer to the surface, and
4. underground infrastructure (sewers, water lines, utility conduits) will deteriorate more quickly unless built or rebuilt to withstand the effects of salt water.

## IV. Local Sea Level Rise Planning Examples and Available Opportunities

1. A recent news story<sup>1</sup> covered Burlingame's adoption of a zoning ordinance<sup>2</sup> establishing a sea level rise overlay and associated development requirements. Notably every city shoreline is different e.g. Burlingame is not part of a regional sea level rise levee project. Further, other than requiring reporting of groundwater inundation risks when property changes ownership, Burlingame did not establish any development standards related to groundwater. Nor did the ordinance make any reference regarding potential groundwater disturbance of buried contaminants.

<sup>1</sup> Knee Deep Times story: <https://www.kneedeep.com/climate-zoning-defined-for-burlingame-shore-and-sonoma-hills/?fbclid=IwAR2OvTCCmiWZrBLSQrh0D0LaWMqgHl8TAM0lrGtTi3w7Sk0k3VZiBir-IA>

<sup>2</sup> Burlingame Zoning Overlay Ordinance: [https://cms6.revize.com/revize/burlingamecity/document\\_center/Planning/25.12.050%20-%20Adopted.pdf](https://cms6.revize.com/revize/burlingamecity/document_center/Planning/25.12.050%20-%20Adopted.pdf)



Separately and relevant as a caveat, Burlingame was sued in recent weeks by property owners over damages resulting from the October storm. Their attorney saying: ““The city did not take steps it should have taken to prevent these floods or minimize the damage....””<sup>3</sup>

2. In East Palo Alto an overlay zone and standards it establishes could serve multiple purposes. It would first and foremost identify the overall area at risk and within it, subareas at risk of groundwater hazards already mentioned. It could define shoreline setbacks and the location and elevation needed for the SAFER levee, the Bay Trail and for protection of the marshes. It could set building design standards that would avoid neighborhood and Bay habitat environmental impacts.
3. In the Knee-Deep Times story linked above, Len Materman states that One Shoreline has been working with East Palo Alto as it did with Burlingame. Clearly this resource is an advantage.
4. Other local cities have independently pursued similar actions. Sunnyvale, in its current Moffett Park Specific Plan Update planning, worked with the San Francisco Estuary Institute and an environmental consultant to prepare its Sea Level Rise Adaptation Strategy.<sup>4</sup> While Sunnyvale anticipates inclusion in a regional sea level rise levee, the report includes groundwater considerations.
5. Another recent article<sup>5</sup> in the East Bay Express highlighted local efforts to increase attention to contaminant hazards related to sea level rise and inclusive of groundwater conditions. It reports that more than 1000 contaminant sites<sup>6</sup> can be found along the Bay Shoreline as mapped by San Francisco Baykeeper.
6. In 2020, groundwater study documents that directly relate to Bay shorelines were circulated. One, a study of groundwater risks of coastal California provides a Bay Area emphasis and was published in Nature Climate Change<sup>7</sup>. In October 2019, a geo-hydrology group at UC Berkeley led by Dr. Kristina Hill, had released a Bay shoreline groundwater study tool that can be used for initial review of local risks<sup>8</sup>.
7. There are other examples of individual jurisdictions taking control on sea level rise risks. For example, the City of Mountain View undertook its own sea level rise study some years ago. It did so even while knowing that the City’s shores would be part of the USACE and Valley Water Shoreline Study project. Today Mountain View has a policy that incorporates sea level rise actions in its Shoreline area Capital Improvement Plan, including automatic updates of its standards every time the California Ocean Protection Guidelines and Principles are updated.

<sup>3</sup> San Mateo Daily Journal [https://www.smdailyjournal.com/news/local/burlingame-sued-over-bayshore-flooding/article\\_13f43d96-8a24-11ec-bf51-27c476039a58.html](https://www.smdailyjournal.com/news/local/burlingame-sued-over-bayshore-flooding/article_13f43d96-8a24-11ec-bf51-27c476039a58.html)

<sup>4</sup> Sunnyvale Sea Level Rise Adaptation Strategy: <https://static1.squarespace.com/static/5e38a3dd6f9db304821e8e5e/t/5fbd4410375f0e7b0b88753a/1606239255034/Sunnyvale+SLR+A+daptation+Strategy+2020-11-23.pdf>

<sup>5</sup> East Bay Express Story: <https://eastbayexpress.com/toxic-tidesgroups-demand-action-now-as-seas-rise/>

<sup>6</sup> San Francisco Baykeeper Contaminant Map: <https://baykeeper.org/shoreview/pollution.html>

<sup>7</sup> Befus et al, “Increasing threat of coastal groundwater hazards from sea level rise in California”, Nature Climate Change, 2020 (attached)

<sup>8</sup> Plane, Hill, and May, “A Rapid Assessment Method to Identify Potential Groundwater Flooding Hotspots as Sea Levels Rise in Coastal Cities.”, MDPI/Water, 10/19/2019. <https://www.mdpi.com/2073-4441/11/11/2228>

In the near term, it is our hope and recommendation that East Palo Alto will take steps prerequisite to a future of massive development and in service to the health and safety of the community.

Sincerely,



Jen Hetterly  
Coordinator, [Bay Alive Campaign](#)  
Sierra Club Loma Prieta Chapter



Eileen McLaughlin  
Board Member  
Citizens Committee to Complete the Refuge



Gladwyn d'Souza  
Chair, Conservation Committee  
Sierra Club Loma Prieta Chapter



Alice Kaufman  
Legislative Advocacy Director  
Green Foothills

<b>Letter J</b>	<b>Eileen McLaughlin, Jennifer Chang Hetterly, and Alice Kaufman, for Citizens Committee to Complete the Refuge, Sierra Club Loma Prieta Chapter, and Green Foothills</b>
Response J-1	The following statement has been added to the MSR: “A related concern has been noted regarding the potential for sea level rise to contribute to rising groundwater levels that may contribute to the failure of underground pipes and conduits” (Page 134).

May 5, 2022

Rob Bartoli  
 Executive Officer  
 San Mateo Local Agency Formation Commission  
 Redwood City, CA 94063

Re; Municipal Services Review Draft Report for the City of East Palo Alto, East Palo Alto Sanitary District, and West Bay Sanitary District

Mr. Bartoli,

I currently serve as the Mayor of East Palo Alto. The City Council has already directed staff to send the official response from the City. I am writing this note (via email) as an individual member of the Council and speak only for myself.

I specifically want to comment on the '3) Intergovernmental Relations' paragraph on recommendations to the City of East Palo Alto on page 99 of the draft report. My comments are based on my own experience over the years as a council member, Mayor, and member of subcommittees.

While the recommendation of restarting and continuing regular meetings between representatives of both the City and the EPASD is laudable, there has been a historical imbalance in addressing concrete issues to seek solutions instead of just meeting for on-going discussions and discussions. Between 2010 and 2012 we met regularly. We went as far as identifying a list of areas we could work on together, including joint grant applications for infrastructure, comparing and coordinating capital improvements, etc. EPASD never produced any information in writing. After a year of work where city staff shared documents, prepared mini staff reports, council member Woods and I and city management presented a brief written report to the Council and recommended that we stop meeting since no concrete work was proceeding. We did direct our staff to stay in communication with EPASD staff for day to day issues. *(with more time and hopefully by June 15, I will try to find copies of those documents).*

I think one cannot improve efficiency and coordination if one governmental party doesn't fully participate with specific proposals on how problems can be solved. Two years ago, I believe the work of the committee in 2020 did contribute some to the reaching of an agreement for the Light Tree Project. Most recently I reached out to the President of the Board to talk concretely about the Light Tree Project affordable housing project since it was and is in danger of being stalled due to the failure of the district to meet the timelines specified in the agreement itself. We held two intense, but fruitful talks to at least identify the issue. Subsequently the City Council send a specific proposal to resolve the issue, and we are still waiting. Intergovernmental meetings are good but need to be a two way effort in terms of work and concrete proposals to find common ground before things deteriorate and become a crisis.

In conclusion, and given the importance of studying this Draft Report, I will reach out to the respective Chairs of both sanitary districts and suggest that sometime before June 15, we hold a joint study session for the sake of the public process and to reach a wider audience. If the three governmental bodies jointly go about asking questions and making comments directly with each other, it can only benefit transparency and understanding of the issues.

sincerely

Ruben Abrica, 650-924-6990. rubenabrica@gmail.com

<b>Letter K</b>	<b>Ruben Abrica, Resident/City of East Palo Alto Councilmember</b>
Response K-1	Comments noted. Additional language has been added to the recommendation regarding the Intergovernmental Relations meetings between the City and EPASD. The meetings could be focused on specific topics such as development projects and infrastructure finance to help the agencies to allow for more directed discussions. These meetings should also be conducted with equal support and staff time from both the City and EPASD.

# **The SMCo LAFCo MSR & Other Related Public Documents**

**A Report  
prepared for the**

**East Palo Alto Sanitary District  
Board of Directors  
and the  
EPASD Community**

**East Palo Alto, California  
April 28, 2022**

***Prepared by Dennis C. Scherzer, Director, EPASD***

# Vital Considerations

- **ENGINEERING**
- **LEGAL**
- **FINANCIAL**
- **GOVERNMENTAL**
- **DAY-TO-DAY OPERATIONS  
(COMPARATIVE O&M)**

# ENGINEERING

- **EPASD's General Manager, Akin Okupe, is a civil engineer licensed by the State of California.**
- **Mr. Okupe has over 25 years experience designing, operating, and managing underground water utilities such as potable water, storm, and sanitary sewers.**
- **EPASD is currently performing a CCTV inspection of its entire system. The results will be analyzed and a schedule will be formulated that prioritizes repairs and upgrades where most needed.**
- **The overall condition of the EPASD system is Very Good.**



# LEGAL

- **EPASD is governed primarily by the California Constitution Article 13D Section 6, “Property Related Fee For Service”.**
- **Property owners pay annual Sewer Service Charges which are collected on the San Mateo County property tax roll.**
- **EPASD is prohibited from charging existing ratepayers more for Sewer Services than it costs to provide them, or for services not “immediately available” to them.**

# FINANCIAL

- **EPASD recently completed a comprehensive audit, receiving best possible findings from the auditor CPA.**
- **The audit revealed no evidence of fraud, embezzlement, mismanagement, or wasteful spending.**
- **Mr. Okupe, an MBA, has increased EPASD's net cash reserves while reducing spending, and eliminating debt.**

# GOVERNMENTAL

- **EPASD was established by the East Palo Alto community in 1939 to provide sanitary sewers to protect public health and safety.**
- **It is a small sovereign local government that has historically addressed the community's needs through an easily accessed directly elected Board of Directors.**

# **Day-to-Day Operations**

- EPASD employees operate and maintain our system.**
- All operations are managed from EPASD's facility at 901 Weeks Street in East Palo Alto.**
- Proactive maintenance and inspection procedures have resulted in no Sewer System Overflows (SSOs) for over 10 years.**

# Categories of Concern

- **Technical, legal, and financial viability and reliability of information contained in the MSR, much of which is undocumented speculation.**
- **Potential impacts on the community and the environment. The recommended option in the MSR would dissolve EPASD and place its operations in the hands of another agency which has demonstrated that it can't manage underground water utilities.**
- **Confirming that the continuance of EPASD on a “status quo” basis is the best possible solution for the community and proposed development.**

# History of the current MSR.

Page 1.

## “EXECUTIVE SUMMARY”

Par. 2:

“LAFCo initiated the current MSRs at their meeting May 29, 2021. LAFCo staff indicated at that meeting that the preparation of the MSRs *‘...responds to a request for a prioritized MSR by various developers and the City of East Palo Alto because of the inability to obtain will serve letters from the District for new developments in the City.’*”

*(Emphasis added)*

# Questions

- Which developers? Do they have names?**
- Why is the City involved? Do they say so in their request?**
- “Their”(the developers) inability, not “the” inability. The previous draft stated the “inability of EPASD to provide will serve letters.” The intent is to imply that EPASD is incapable or deliberately unwilling to serve new development projects proposed by the City.**
- No description of the EPASD process for obtaining a will serve letter, and where these “various developers” are/were within the process.**

**Deliberate descriptive bias has been designed into the MSR by BA for the purpose of holding EPASD in a bad light. This was done to help benefit the “various developers”, and not our community.**

# Undocumented LAFCo Policy

**Par. 3:**

**“The current MSR for EPASD re-affirms the current ‘dissolution’ (zero) Sphere of Influence originally adopted by LAFCo for EPASD in 1983 and affirmed by the 2008 MSR. A ‘dissolution’ (zero) Sphere of Influence means that LAFCo anticipates future dissolution of EPASD and provision of sewer services by another agency.”**

L-2



# More Facts

**The negative SOI was adopted without consultation with EPASD.**

L-3

**It wasn't adopted "for" EPASD, it was adopted *regarding* EPASD.**

L-3

**•The City was incorporated in 1983 after a second public vote on the issue. The first ballot, in 1982, failed because voters refused to dissolve EPASD into the City. Dissolution of EPASD was required in 1982 for incorporation to pass.**

**•Dissolution of EPASD was not on the ballot in 1983, and although the voters determined that they wanted an independent EPASD, separate from the City, San Mateo County decided, without consulting EPASD, that EPASD should be dissolved and made part of "another agency".**

# **This is Untrue - The Big Lie**

## **Page 2. City of East Palo Alto**

**“2. Lack of EPASD sewer collection system capacity is an impediment to development in the City. *Developers have indicated concerns that the costs to connect are prohibitively expensive and that EPASD has been unwilling to discuss financing options to make connection more feasible. Efforts to-date to resolve this issue have been largely unsuccessful.*”**

**(emphasis added)**

# The Backstory

- City engineers and planning staff never evaluated EPASD's collection system in their General Plan. Additionally, they never communicated directly with EPASD staff or engineers to obtain this crucial information.**
- The City Public Works Director, (Kamal Fallaha), publicly stated to EPASD that he worked for Kennedy/Jenks Engineers while they were performing the EPASD Master Plan Survey in 2000, and that he was aware of collection system “problems” as a result of his work.**

# **City of EPA's General Plan is inaccurate and incomplete**

**.Later, in 2016, Mr. Falaha signed his name on the EIR approving it for the City's General Plan (GP) update which declared that the planned development (through 2035) would have "No Significant Impact" on EPASD facilities.**

**.The GP created zoning in the former Ravenswood industrial area that would allow over 2 million square feet of commercial use and over 500 residential units. This is in an area of mostly vacant or underdeveloped parcels. The entire area has been well-served by 6" diameter pipes for over 60 years.**

# City Unwilling to Cooperate

- **The “financing options” mentioned in the MSR all incorporate some scheme that has existing ratepayers footing the bill, especially through use of existing cash reserves and long term debt, BEFORE the mega-development is even designed.**
- **The report tries to shift blame for inept project management from the developers and the City onto EPASD:**
  - **“Constrained development deprives the City of EPA and its residents...of increased municipal and other revenues to maintain and improve public services, reduces future affordable housing...and limits growth in job opportunities.”**

# **“Reorganization Theories” in the MSR are Highly Speculative**

**“3. Reorganization of EPASD as a subsidiary district of the City of EPA is a potential governance option that could improve coordination between land use planning and implementation of needed sewer capacity”  
(emphasis added)**

# **Unfounded Speculation Substituted for Fact**

**The MSR constantly engages in unfounded speculation when describing (and recommending) “potential” governance schemes that “could” or “may” work.**

**The MSR should identify circumstances where their governmental reorganization model recommendations are tried and true and in common practice, rather than speculative theories.**

# **“Subsidiary District” Theory**

**What is a “subsidiary district”?**

**BA thoroughly describes statute that empowers LAFCo to conduct the MSR, however they fail to cite any statutory definition of a “subsidiary district”.**

**The concept appears to have been manufactured for the benefit of the sponsors of this report.**

L-5



# **MSR Speculation Confirms that City is Unable to Manage Sanitary Sewers**

**”A *potential* contract between the City of EPA and WBSD to manage sewer operations would provide the specialized expertise required.”**

**The MSR never specifies, nor even indicates that EPASD does not properly maintain the sewer system, so EPASD’s “specialized expertise” and operational efficacy is not in question.**

**The MSR also documents (later in the report) that**

**Sewer Service Charges (SSC) at WBSD are more than double those at EPASD.**

**The MSR recommends that EPASD be dissolved and the City of EPA take over its governance, while demonstrating that the City is unable to manage the EPASD system. No explanation is offered.**

L-6

# Another Theory Tells of Hidden Intent to Misuse Funds

“This governance option could align provision of sewer services with *other community interests and municipal functions*, increase community representation in sewer services, improve transparency and public outreach, result in potential cost savings to ratepayers, and improve sewer infrastructure and services.”

- What other “community interests and municipal functions”?
- This statement implies that if the City had control of EPASD’s finances, the funds would be siphoned off for uses other than providing sanitary sewer services.

# **Nonsense Logic Pervades the MSR**

**Currently, there is a directly elected 5-member Board of Directors (BOD) at EPASD.**

**•How would placing the EPASD agenda within the larger, more complex agenda at the City “*increase*” community representation?**

# **The MSR Confirms that EPASD is Well-Managed**

**The MSR describes no detrimental effect of current EPASD governance, nor any example of how the already overburdened City Council could devote the necessary attention to EPASD operations and policies.**

**The need for improved “transparency and community outreach” is mentioned, yet never documented.**

L-7

**Readers of the MSR must rely on unsubstantiated facts (hidden or nonexistent) designed to coax readers of the MSR into assuming that BA is correct – without ever having to factually document claims..**

**•How is this indicative of “transparency”?**

# **Again - Speculation Without Information**

**“...result in potential cost savings to ratepayers...”.**

**•How would such savings result?**

**•How much would ratepayers save?**

**WBSD's rates are already twice EPASD's.**

**•After the City takes their cut of the money, how could rates possibly be lower with two agencies administering EPASD?**

# **Deliberate Misstatement of Facts**

***Page 3: East Palo Alto Sanitary District***

***“EPASD sewer rates are low due to: property tax helps fund expenses;”***

**This awkward sentence construction is indicative of the questionable writing ability of the staff that BA has assigned to prepare the MSR.**

**This statement is attempting to lay groundwork for the false contention that EPASD should use ratepayer funds to construct sewers for new development because of increased future property tax revenues.**

L-8

# **Findings of the 2021 EPASD Audit**

- No indicators or allegations of fraud**
- No difficulties with Management**
- No abuse or wasteful spending**
- Cash increased \$10 Million from 2017 – 2021.**

**(Mr. Okupe, an MBA, began managing EPASD finances in November, 2017.)**

- Sewer Service Charges = 72 - 84% of total revenue.**
- Property taxes = 12.4%.**

**Increase in EPASD cash position is due to careful and skilled fiscal management.**

# **Number One Reason Why EPASD's Sewer Service Charges are Lowest in San Mateo County**

- Excellent financial management practices at EPASD are the actual reason EPASD rates are the lowest in San Mateo County.**
- This fact is deliberately omitted from the MSR.**



# EPASD's Capital Improvement Program

**“6. The Capital Improvement Program proposed in the 2021 Addendum does not identify improvement priorities, timing or method of funding; the absence of implementation planning could pose a future risk to existing residents in the event of a major storm event.”**

**(Compare this tatement with the next slide.)**

# **EPASD's CIP is being Updated, and the MSR Knows It!**

**Page 106:**

**“EPASD proposed a Capital Improvement Program (CIP) in its 2021 Master Plan Addendum. The CIP outlines system deficiencies for existing users and separately defines deficiencies attributable to serving additional new development and estimates corresponding costs for both.”**

**(This statement contradicts the MSR statement quoted on the preevious slide.)**

L-9

# **EPASD's CIP is being Updated**

**•The “2021 Addendum” to the EPASD Master Plan was completed in September, 2021, months prior to the completion of the MSR draft.**

**•“Improvement priorities” and “timing” are dependent on engineering analysis of both flow monitoring data gathered from EPASD’s newly installed flow monitoring system, and the ongoing comprehensive CCTV inspection of the entire EPASD collection system, which is necessary to determine which pipes need repair/replacement, and how soon.**

**•Without this comprehensive inspection, it is impossible to identify needed repairs.**

# **MSR Speculates that EPASD “Reserve Funds” Could be Used to Fund Upgrades**

**Page 4:**

**7. “EPASD’s reserved funds *could* be programmed towards specific priority improvements serving existing ratepayers...”**

**•EPASD’s “reserved funds” belong to existing ratepayers. Using these funds is the same as raising rates.**

**•Based on the results of EPASD’s comprehensive system survey, “specific priority improvements” are being completed using the existing connection fee and construction replacement funds.**

# **EPASD Blamed for City/s Refusal to Meet With EPASD**

**“Funding opportunities could be improved through collaboration with other agencies, for example, by restarting interjurisdictional committee meetings with the City of East Palo Alto.”**

**“Continued lack of planning, implementation and inter-agency cooperation by EPASD could result in the EPASD loss of significant funds to the detriment of its ratepayers...”**

# **City Refuses to Cooperate**

- . This is a deliberate misrepresentation of facts by BA. The City Council, (in secret) has determined that they won't meet with the EPASD Board of Directors.**
- .City staff has refused to consider modifying the City's General Plan EIR to reflect complete and accurate information regarding EPASD infrastructure.**
- .The MSR has revealed that City staff was aware that they did not research EPASD infrastructure as part of the GP process.**

# City Violates State ADU Law

- **City staff, although required by State law to do so, has refused to meet with EPASD to describe the City's intended density goals based on their ADU Ordinance. By law, the City was supposed to meet with EPASD prior to enacting their ADU Ordinance.**
- 
- **Government Code 65852.2 (A)**

# **City Engineer in Error**

- Although City planning and public works staff engineers reviewed the GP EIR, they failed to evaluate the EPASD pipelines' ability to transport effluent to the sewage treatment plant (PARWQCP).**
- This fundamental flaw has led to the City's (and developers') reliance on incomplete and inaccurate information regarding actual EPASD infrastructure configuration.**



# **EPASD Blamed for City Mistakes**

**“8. Lack of EPASD capital improvement implementation stalls the City of East Palo Alto’s General Plan, effectively blocking needed new housing, commercial development and new tax revenues to improve City services.”**

- . This is also a deliberate misrepresentation of the facts in an attempt to blame EPASD for City staff’s ineptitude.**

**.If housing, commercial development and new tax revenues are so essential, then why has the City abandoned a serious effort to manage new development?**

**.Why leave planning tasks to incompetent project managers?**

**.According to the MSR, the City’s GP contains inaccurate and incomplete information regarding EPASD’s infrastructure. This is the actual problem.**

# West Bay Sanitary District

**”11. WBSD is considered well managed with a high level of transparency and accountability as demonstrated by its compliance with legal requirements and efforts to exceed its minimum obligations.”**

**“WBSD complies with all legal requirements aimed at ensuring accountability and transparency of public agencies, such as maintaining a website, timely ethics training, adoption of and compliance with required policies and bylaws, and filing of Form 700 by appropriate individuals.”**

**.So does EPASD.**

**.However, the MSR is designed with this biased interpretation stated so as to imply that EPASD does not exhibit those qualities.**

**.Bias towards EPASD is confirmed by the MSR’s failure to mention these things as they also apply to EPASD.**

# MSR: WBSD is “Unclear”

Page 6:

***“WBSD’s Master Plan is outdated and in need of comprehensive update.”***

**“The District (WBSD)...is in the midst of compiling a new Master Plan in 2022.”**

**“Because the District’s Master Plan is almost 10 years old and many improvements have been made since the hydraulic assessment was conducted, it is unclear the degree to which flows are at or nearing capability and which segments are most impacted.”**

**“Similarly, because WBSD’s flow projections are outdated it is unclear what infrastructure needs are necessary to meet projected demand.”**

# **WBSD Contradictions in MSR**

- How can a district (WBSD) be so transparent when there is no current visible Master Plan for repair and maintenance of the physical infrastructure?**
- EPASD has a current updated Master Plan that includes flow monitoring sensors (already installed), and a CCTV survey creating a comprehensive update of the entire EPASD system now in progress.**
- WBSD isn't transparent, they're “unclear”?**

# **Ravenswood Business District (RBD)**

**Page 26., Par 2:**

**“The City is currently undertaking a targeted update to the Ravenswood Business District/4 Corners TOD Specific Plan. This update aims to refresh the existing plan to address *new and emerging challenges*, such as wastewater collection capacity constraints...”**

# **825 Residential Units 4,250,000 Sq. Ft. Commercial**

- The existing plan did not consider consideration of EPASD pipe capacity in the RBD necessary to serve proposed development.**
- Currently, 825 residential units, plus over 4 million square feet of commercial development is planned for this area. The area consists of mostly vacant land with some industrial warehouses that create minimal effluent, and has been served throughout with 6-inch diameter pipes for more than 60 years.**
- Why did the City and its engineers fail to recognize the need for larger infrastructure in this area?**

# **6-Inch Pipes in RBD for over 60 years.**

**Page 26, Par. 2:**

**“The (RBD) plan assumes up to 825 residential units...”.**

**“The City is currently undertaking a targeted update to the Ravenswood Business District / 4 Corners TOD Specific Plan. This update aims to refresh the existing plan to address new and emerging challenges, *such as wastewater collection capacity constraints...*”.**

**•Does this mean that the City has just discovered that the RND area is served by 6” diameter pipes?**

# RBD = 80% of New Development

**Page 27, Par. 2:**

**“The Ravenswood Business Area could represent up to 80 percent of remaining development capacity in the City and has encouraged EPASD to participate in planning updates to the Specific Plan to assure adequate sewer capacity is available from EPASD.”**

**The footnote attached to this statement credits it to remarks made by Kamal Falaha, City Public Works Director, at the January 6, 2022 EPASD Board meeting. Mr. Falaha also stated that he was familiar with the EPASD infrastructure and he knew that EPASD had undersized and outmoded pipes, however he signed off on the GP EIR that stated that there were “No Significant Impacts” to the EPASD system from the proposed development.**



# **City Refuses to Correct Deficiencies in their General Plan**

**.This is an attempt to blame the City's incomplete and inaccurate GP EIR, on EPASD. It also falls back on the contention that EPASD should perform the City's project research and engineering studies for them, as well as proof read their work to assure it is correct and complete.**

**.This also contradicts the City Manager's December 13, 2021 letter responding to EPASD's request to provide a Supplemental EIR in order to ensure complete and accurate data in the GP. City Manager Fontes refused to consider this request, blaming EPASD for not responding to EIR notices in 2015. No conversation regarding problem solving.**

# **EPASD Blamed for Cost of Construction**

**Page 31:**

**“Developers have indicated concerns that the costs to connect are prohibitively expensive and that EPASD has been unwilling to discuss financing options to make connections more feasible.”**

**•EPASD has no control over construction costs.**

**•EPASD has been clear that it can and will not consider using ratepayer funds to finance costs associated with new development. The “financing options” are variations of having EPASD’s ratepayers subsidize new development.**

# Unsupported Legal Claim

**Page 34, bottom:**

**“Given that the City of East Palo Alto is empowered as the sole land use authority for the territory within the city limits, it appears de facto that EPASD is overstepping its approved powers by not actively addressing the capacity issues that are impeding proposed and approved development within the City.”**

**•This is a legal argument (made by a non-attorney spokesperson) without any pertinent citations.**

# Proposed Mega-Development on a Known 6-inch Pipeline

Page 34, par. 5:

**“The Landing is proposed to be located at 1990 Bay Road, 1175 Weeks Road (sic), and 1250 Weeks Road (sic). The parcels proposed for development are presently vacant with an abandoned building. The project proposes a mixed-use design of 922,000 square feet of office space, R&D, civic, and retail space. Additionally, the project proposes 90 multi-family dwelling units. *This project is in the pre-application process.*”**

**922,000 square feet = more than 21 acres.**

# Development Projects Per MSR

**Page 37 - 39:**

**“Figure 4-11: Planned and Proposed Projects, December 2021”**

**20 projects listed**

**5 projects (25%) approved**

**10 projects (50%) “under review”**

**5 projects (25%) “pre-ap<sub>p</sub>”**

# **City has “structural budget deficits”**

**Page 41:**

**“...the City is experiencing structural budget deficits...”**

**“Specifically, the planned development projects noted in the FY18-19 budget that have received City approvals continue to be delayed due to their inability to receive ‘will serve’ letters from EPASD.”**

**•What projects? The report states “specifically”.**

**•“...the planned development projects noted in the FY18-19 budget”. What are they?**

# **Vital Documentation Lacking**

**•When did these projects receive City approval?**

**.WHY are they unable to receive “will serve” letters from EPASD?**

**•Why have City finances rely on “planned” development of “proposed” projects? There was no surety of this revenue stream to begin with.**

# Undocumented Statement

**Page 46:**

**“... the City noted the *potential* to work with EPASD to apply for low-interest infrastructure loans with required minimum loan amounts that EPASD would otherwise have difficulty meeting.”**

**•When did the City note this “potential” and where is that documented?**

**•Why not work with developers to create financing options?**



# **City Inherited Water and Drainage Districts from San Mateo County**

**Page 15. City of East Palo Alto**

**Par.2**

**(After incorporation in 1983): “...EPA assumed responsibility for...**

**the East Palo Alto County Water District, ... and the East Palo Alto Drainage Maintenance District.”**

# **City Storm Drain Management**

**Page 75:**

## **Stormwater Services**

**“Flooding is a concern facing the City. Most of EPA is considered low lying with 56 percent of the City designated as having an elevated risk for flooding.”**

**.The MSR attributes this statement to the 2016 GP.**

# Missing Engineering Data

**Page 77:**

**“The City also relies on other, more focused planning tools that highlight particular issues and their potential solutions. In this case, the City adopted the Storm Drain Master Plan in 2015, which provides an in depth overview of EPA’s storm drain systems and areas of concern.”**

- . On page 79, the MSR states, “The Storm Drain Master Plan ...report’s GIS hydraulic model...” is incomplete because “...only 85 percent of pipe diameters could be identified...”**

**.Additionally, 30% of the data regarding facility depths below ground (invert elevations) is missing, according to the MSR.**

# **All Front, No Back**

**Paying a consultant to create a Master Plan does not indicate that the plan is viable, or that the City can actually follow the plan.**

# Storm Drains Need Repair

**Page 78:**

***“Throughout City planning documents, it has been repeatedly noted that many repairs and improvements need to be made to EPA’s storm drains and stormwater network to better meet the demands of the system.”***

# O'Connor Street Pump Station

**Page 79:**

**“East Palo Alto utilizes one pump station, the O'Connor Street Pump Station.”**

**“It was reported that this station has received little attention beyond minor repairs thus labeling it as an urgent priority for improvements.”**

**“Additionally, pump capacity is not sufficient.”**

**“Notably, there are an insufficient number of storm drains throughout City streets. This has contributed to a history of flooding in the area...”**

**•The O'Connor Street Pump Station was completed in 1985. Necessary maintenance has been deferred for 37 years.**

# **O’Connor Pump Station in Disrepair Due to Deferred Maintenance**

**Page 81:**

**“Without routine maintenance, the O’Connor Street Pump Station has fallen into disrepair and (is)... unable to sustain the levels of service needed.”**

**“...flooding from spillage will continue to present a great risk to the City.”**

L-10

# Wastewater and City Development

**“Wastewater services provided by EPASD and WBSD within the City of East Palo Alto appear to be adequate based on the analysis in this report.”**

- **”A *potential* contract between the City of EPA and WBSD to manage sewer operations would provide the specialized expertise required.” (MSR, page 3)**
- **If both are “adequate” then what is “specialized”?**
- **Why would the MSR recommend destroying EPASD and contracting with WBSD to maintain EPASD sewers?**



# **City “Misunderstands” EPASD Infrastructure**

**“The City has understood that there is sufficient wastewater capacity to served planned development.”**

**“The City’s Housing Element assessed that ‘The City has sufficient water and sewer capacity, either current or planned, to meet its... need and beyond.’”**

**“These erroneous statements are likely due to a focus on treatment capacity, which is sufficient to meet projected demand through 2035. However, collection system capacity to accommodate additional flow is constrained.”**

# **The City's Pipe Dreams**

- Simply put, the City's Public Works and Planning staff collaborated on the GP, and failed to evaluate EPASD's infrastructure available to serve the proposed new development.**
- Had City staff actually worked with EPASD at the time, these costly errors could be avoided.**
- The "erroneous statements" still exist in the GP and the City has refused to correct them.**

# **Developers Required to Finance Necessary Capacity Improvements**

***“Developers are required to finance necessary capacity improvements to connect to the system, but it is challenging because of the degree of capacity enhancements needed downstream from the proposed new connections and large-scale capacity enhancements required to serve existing development as well as increased flows from new development that cannot be completed in a piece meal fashion as development occurs.”***

**(Sorry, it was written this way in the MSR.)**

**“Policy 3.2: Sewer infrastructure for new development. Require development projects to pay for their share of new sewer infrastructure or improvements necessitated by that development”**

**(City of East Palo Alto 2016 General Plan)**

# **Current Piecemeal Development Plans Don't Work**

- EPASD has continuously been repairing and upgrading pipes as needed. Although engineering projections have identified pipe segments that will be upgraded based on recent surveys, most of the work doesn't need to be done in the near future.**
- The MSR recognizes that the City has no development management plan that EPASD can plug into.**

# **City Council Policy Prohibits Communication with EPASD**

- The City is automatically canceling any attempt to solve the phasing problem that prevents valid cooperation necessary to provide new sewage collection infrastructure for neww development IN ANYTHING OTHER THAN A PIECEMEAL MANNER.**

# Sewer Pipes Matter

- “... this MSR recommends that EIRs and other environmental and planning documents include analysis regarding impacts on the wastewater collection system, not just the treatment system.”**
- Why would the MSR recommend this if it was already included in the GP EIR (and others)?**
  - Those relying on City misinformation compound the problem.**

# Conclusion

- **The LAFCo MSR confirms that EPASD is well managed with a good record of service to the community.**
- **EPASD has lower rates, no Sewer System Overflows compared to West Bay SD.**
- **EPASD is currently conducting a system-wide inspection of all pipes as part of its current Capital Improvement Program.**
- **The people of our community have determined that the current system works best – and it does!**

***Thank You !***



Letter L	Dennis C. Scherzer, East Palo Alto Sanitary District
Response L-1	Comments noted. This presentation was presented to the EPASD Board on April 28, 2022. LAFCo presented the MSR at the request of the City of East Palo Alto and the West Bay Sanitary District, but no request was made by EPASD to LAFCo.
Response L-2	The EPASD dissolution (zero) Sphere of Influence for EPASD was originally adopted in 1985 and reaffirmed in 2009 by San Mateo LAFCo during a public process. The adoption of the Sphere of Influence followed the applicable California Government Code Sections at the time.
Response L-3	EPASD provided comments on the 2009 MSR and Sphere of Influence
Response L-4	Per Government Code Section 56425, “the Commission (LAFCo) shall develop and determine the sphere of influence of each city and each special district”
Response L-5	As described in Government Code Section 56078, a “Subsidiary district” means a district in which a city council is designated as, and empowered to act as, the ex officio board of directors of the district. Government Code Sections 57525 discusses the establishment of a subsidiary district and the effect of the creation of a subsidiary district. Footnote added on Page 2 to reference the applicable Government Code Section.
Response L-6	The MSR does not make any statement regarding the inability of the City of East Palo Alto to potential manage the EPASD system as a subsidiary district
Response L-7	As noted in the MSR, District policies are not readily accessible on EPASD’s website. Budget documents do not provide a clear and transparent description of expenditures to inform the ratepayers about how taxes and service charges are being utilized. Staff reports for District meetings are often not provided, or the narrative for agenda items provides minimal information about the proposed meeting topic or recommended action by the Board.
Response L-8	Sentence amended to read as: EPASD sewer rates are low partially due to 1) property tax which helps fund expenses; 2) EPASD has used contract staff but is shifting to District employees; 3) the District has not implemented its 2015 CIP or its 2021 Update Addendum to address predicted peak storm event sewer overflows under existing land use conditions; and 4) capital improvements have proceeded at a slower pace than planned.
Response L-9	<p>The statements regarding the 2021 Master Plan Addendum are not contradictory. While the Plan does identify existing deficiencies for existing users and separately defines deficiencies attributable to serving additional new development, the Plan does not identify improvement priorities, timing or method of funding to address these deficiencies.</p> <p>It is a recommendation of the report that the District should prioritize improvements and identify financing mechanisms to fund existing deficiencies and future capacity needs over time. It is also recommended that an independent engineering analysis should be conducted to review the hydraulic analysis and assumptions to reconcile the apparent inconsistencies between predicted sewer overflows under existing conditions and EPASD’s position that the system currently is adequate.</p>
Response L-10	The City was recently awarded a Federal grant of \$800,000 for the O’Connor Stormwater Pump.



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SERGIO RAMIREZ  
District Manager

In reply, please refer to our

May 17, 2022

Robert Bartoli  
Executive Officer  
San Mateo County Local Agency Formation Commission  
455 County Center, 2nd Floor  
Redwood City, CA 94063

**RE: SMC0 LAFCo EPA MSR Comments**

In reference to the 2022 Municipal Services Review, the following are West Bay Sanitary District's (WBSD) comments for your consideration (WBSD's comments are primarily based in West Bay's portion of the MSR).

- WBSD delivered 54 million gallons of reclaimed water to the Sharon Heights Golf and Country Club course for irrigation in 2021.
- Sewer service charges were updated on April 27<sup>th</sup> 2022 to \$1280 for Single Family and Multi-Family customers (59% of the rate is allocated the collection system while 41% of the rate is used for treatment plant needs). Commercial customers are also charged, at a minimum, the Single Family Rate. Commercial/Industrial customers are also charged using Flow Rate, Biochemical Oxygen Demand, and Total Suspended Solid levels.
- Sewer Connection Fees were updated on April 27<sup>th</sup> 2022 to \$8,608.
- The strategic plan was updated on April 13<sup>th</sup> 2022 not 2018.
- Please reference Highway 101 not Highway 114.
- The 10-year master plan will be updated in 2023 since it was revised in 2013. It is important to note that West Bay has maintained its 10-year schedule and has replaced over 18 miles of public sewer pipe using the 2013 Master Plan. The Master Plan is not overdue—West Bay will issue an RFP in 2022 so an updated Master Plan can be presented to the Board in 2023 and serve as a planning tool for the next 10 years to 2033. The new master plan will consider the prior pipeline replacement and rehabilitation work and will include a new hydraulic model study.
- Overall, in the past 10 years the District has seen a significant reduction in flows due to water restrictions and by responsibly replacing its infrastructure.

M-1

WBSD will support the community of East Palo Alto on which ever course they choose to take and is in favor of seeing the community of East Palo Alto flourish with new development and having essential services that do not currently exist in the area.

M-2

WBSD is in support of assisting the City of East Palo Alto in maintaining their public sewer system just as WBSD assists the Towns of Los Altos Hills and Woodside. This is commonly done through inter-agency agreements. Since West Bay is a local government agency, it would perform the work at the District's cost for providing the maintenance service without the need of a profit margin.

It is feasible to re-route the sewer system within the City of Menlo Park that is now served by East Palo Alto Sanitary District. A small pump station could be installed so that the area could flow back to Menlo Park by way of West Bay's collection system. Obviously those applicable customers would have to be annexed into WBSD's service area.

WBSD is also in favor of annexing the area of Ravenswood Business District (North East of Bay Road), if it will help the community obtain essential sewer services and development and at the same time alleviate the apparent capacity issues within the East Palo Alto Sanitary District wastewater collection system. Wastewater flows in this area could be served by WBSD's pump station at Purdue Ave. and Illinois Street in East Palo Alto and the adjacent collection system, with the necessary upgrades.

M-3

If the entire service area were to annex into WBSD, West Bay would seek to reroute the existing sewer collection system to its own Silicon Valley Clean Water treatment plant to avoid the need to upgrade the City of Palo Alto treatment plant when the time comes.

We will likely have more comments during the June 15th San Mateo County LAFCo Public Hearing. If you have any questions, please feel free to contact me.

Sincerely,

**WEST BAY SANITARY DISTRICT**



Sergio Ramirez  
District Manager

cc: ABC Law, West Bay Sanitary District Board of Directors

<b>Letter M</b>	<b>Sergio Ramirez, West Bay Sanitary District</b>
Response M-1	Information updated in various sections of the MSR.
Response M-2	Comments notes and added to MSR on Page 207.
Response M-3	Comments notes and added to MSR on Page 207.



Fagen Friedman &amp; Fulfroft LLP

May 17, 2022

Via U.S. Mail and E-Mail  
rbartoli@smcgov.org

Mr. Rob Bartoli  
Executive Officer  
San Mateo LAFCO  
455 County Center, 2nd Floor  
Redwood City, CA 94603

**Re: Response of East Palo Alto Sanitary District to Draft Report of Berkson & Associates – Municipal Service Review**

Dear Mr. Bartoli:

This correspondence shall serve as the response (“Response”) of the East Palo Alto Sanitary District (“District”) to the March 28, 2022 Report by Berkson & Associates (“Report”), undertaken to assist the San Mateo Local Agency Formation Commission (“LAFCO”). As you know, this Report concerns the Municipal Service Review (“Service Review”), involving the City of East Palo Alto (“City”), the District, and the West Bay Sanitary District (“West Bay SD”). The District respects and appreciates the statutory mission of LAFCO for planning and shaping the logical and orderly development and coordination of local governmental agencies to advantageously provide for the present and future needs of the County and its communities. (Gov. Code, § 56425). Because such planning is often complex and technical in nature, LAFCO frequently retains outside vendors to conduct the Service Review. In this case, LAFCO retained Berkson & Associates and it is our understanding that a developer or developers with applications before the District paid for their fees in their entirety.

In its decision-making regarding spheres of influence and the agency best suited to deliver certain services, LAFCO must be able to rely on an accurate and complete Service Review. The Report is certainly lengthy and addresses a number of technical issues. However, its depiction and critique of the District contains a number of inaccuracies and analytical gaps. Some of these shortfalls will be analyzed in this Response.

However, on a more fundamental level, the Report consciously ignores a reality that detrimentally affects the analysis and conclusions of the Report. That reality is that the District serves a community of color, many of whom are economically challenged and who have been historically segregated from the successes and achievements of its surrounding communities. This fact hardly

N-1

needs a recitation to authority and has been generally known by virtually everyone in the Bay Area for generations. The District was formed in 1939, long before formation of the City, to serve the needs of this diverse and neglected community. It has done so efficiently, and for a modest cost, for its constituents ever since.

N-1  
(con't)

The Report's failure to adequately recognize and address this central reality reflects that it has not satisfied a mandatory duty under Government Code section 56425, subd. (e)(4), namely that the Commission shall consider the existence of social and economic communities of interest. In furtherance of this requirement, the Report should confront a potential consequence of this proceeding and subsequent proceedings, namely, the "socialization" of the private costs of large-scale developers seeking to avoid the full cost of their developments.

N-2

N-3

### **I. An Overview of the City of East Palo Alto**

As noted in the Report, the City is a small, densely populated city, only 2.6 square miles in size. (Report, at p. 15). Packed within this tight space, reside 28,798 persons (world populationreview.com; *see also* Report, at p. 28). As a result, the City is arguably one of the most densely populated cities in the Bay Area, with 11,239 persons per square mile. In comparison, its sister city of Palo Alto has 2,628 persons per square mile while the neighboring City of San Mateo has 8,468 persons per square mile. Perhaps the City's only real rivals in density are places like the City of Albany which has similar density. (The proposed mega-developments that are the real impetus of this proceeding would fill the last significant open space in the entire city.) Unlike the City of Albany however, the City's community is mostly either poor or economically challenged. This is a fact that the Report simply glosses over, similar to other social realities.

Like density, let us make some comparisons. Depending on which poverty yardstick is used, the City has a poverty rate ranging from 13-18%. It has a per capita income of \$18,385 (United States Census, 2020). Comparatively, the City of Palo Alto, across Highway 101, has a per capita income of \$97,307 while the City of San Mateo has a per capita income of \$65,319. Finally, the County of San Mateo, the jurisdiction of LAFCO, has an average per capita income of \$64,450. Therefore, the City stands in marked contrast to every other city in the County, a factor LAFCO should keep firmly in mind as it analyzes the issues presented in this proceeding, including the ability of this small and economically modest city to pay for the ambitions of the developers and their mega-projects. (This ability would be expressed in property valuations, or rates, or both.)

In addition to being densely packed and economically challenged, the City is diverse and has been the scene of racial segregation and isolation. This is the central fact governing the historical life of the City and its accompanying social challenges. It is a fact and a challenge the Report glides by, with almost nary a word. Since the Report fails to do so, let us flesh out the record and look at some facts and comparisons. The City is almost entirely a community of color, with only 9.9% of the community being white. The largest ethnic group is Hispanic at 65% and African American, which stands at 10.7%. (City-Data.com) These figures are in dramatic contrast to both neighboring

cities and the County as a whole. In Palo Alto and Menlo Park, for example, there are negligible numbers of both Hispanic and African American people (worldpopulationreview.com). In San Mateo County, the percentage of persons who are African American is negligible and the percentage who are Hispanic is well below half the city's population.

Given this background of racial concentration, poverty, and packed living conditions, LAFCO must look beyond the developer-focused Report and judge its duties with a wider lens. That duty includes examining the particularized needs of a minority community. That examination involves answering a few crucial questions. First, does it make good policy sense to impose a solution which disables and dismantles of a mediating institution serving a poor minority community? This question is underlined by the observation that the mediating institution in question is locally created, democratically elected, with a diverse Governing Board. Second, does it matter that the citizens of the District have shown no interest, recently or historically in implementing the consultant's recommendation and were not consulted at any point in this process except in a few "show" meetings?

A brief history of the historical and institutional neglect of the community may be in order to answer these questions properly. The literature addressing the racism that formed the community of the District is overwhelming and convincing. (East of Palo Alto's Eden: Race and the Formation of Silicon Valley, techcrunch.com, January 10, 2015). East Palo Alto is the product of lender and municipal redlining, and the intentional discrimination against persons of color by citizens, real estate agents and local officials (Richard Rothstein, "The Color of Money: A Forgotten History of How our Government Segregated America" (2017).)

In sum, as we proceed with the remainder of our analysis, LAFCO should keep in mind the social and economic factors that underly the considerations of this proceeding. The District has been a democratically elected part of this community for almost a century. Any effort to strip and diminish the democratic rights of the City's citizens should be considered with the greatest sensitivity. LAFCO should understand that the tidal wave of development proposed by outside developers here would challenge *any* local agency that is conscientious about its citizens and adherence to the applicable law.

## **II. An Overview of the East Palo Alto Sanitary District**

### **i. Current Conditions**

Whether they intended to do so or not, the authors of the Report paint a relatively positive picture of the District and its current operations. The portrait that emerges is that of a relatively small, financially stable agency, providing services to its constituents at a modest cost. This conclusion is important in LAFCO's consideration of the Report. Factors to be reviewed under Government Code section 56430 include the (1) the present capacity of the District's facilities; (2) adequacy of

public services; and (3) financial ability of the agency to provide services (Gov. Code, § 54629, subd. (a)(2)-(3).)

The current profile of the District is both straightforward and reassuring. The District currently services a total of 3,950 sewer connections, the vast majority of them being residences (Sewer Service Charges (July 2020), attached as Exhibit “A” hereto.) The top four categories of service include:

1. Single Family Residences: 3,371
2. Multi-Family Units: 368
3. Commercial: 118
4. Church: 30

These customers receive service at a modest minimum rate of \$600 a year for sewer services (Report, at p. 195), This amount is consistent with the modest incomes and valuations of the residents and their homes. The Report notes that the District’s rates are about one-half of the County-wide average and less than one-half of that charged by neighboring West Bay SD. With these remarks, the Report implies that the residents of the District could therefore presumably “handle” the drastically increased rates required to accommodate the mega-projects circling the District. This conclusion would be false. As we have seen, the average incomes of persons living in the City are several orders of magnitude less than those living in nearby communities. The percentage of their income going to sewer connections is more than other districts. There is little money to squeeze here.

Even so, along with the modest costs comes good service. The Report notes no reported complaints regarding District services in the studied period. There were no mishaps at the treatment plants, trunk lines or service connections. Further, there were no interruptions in service and no Sewer System Overflows (SSOs). In other words, the District went about its work effectively and efficiently.

The District’s reasonable rates and good service were matched by its exemplary financial position. The District’s revenues exceed its expenditures, and revenues are increasing at a moderate deliberate pace. (Report, at p. 119) This allows the District to fund a number of desirable and necessary activities. As the Report puts it: “[T]he net revenues enable [the District] to fund debt service, build reserves and transfer funds to its Capital Replacement Fund for infrastructure improvements.” (*Id.*)

Effective financial stewardship is shown, perhaps most dramatically, in the District’s operating reserves. Without a single nod of approval or mention of this achievement (a pervasive characteristic of the Report when it comes to analyzing the District), the Report notes that the reserve is “high” at \$9.9 million. (Report, at p. 122).



The District has taken a dramatic step of resolving its pension liabilities. The Report concludes, ominously that the District's funding of pension liabilities is "low". It notes, darkly, that it authorized a payment of \$1.4 million to a liability of \$1.98 million, while still leaving an unfounded amount of \$504,279. This figure, left unanalyzed, is highly misleading. The payment of the District of \$1.4 million has left the funded portion of the pension liability in the "high" category, as using the standards set forth and reported by the consultant of the Report in a separate writing ("Pension Indicator-Overview", Berkson & Associates (undated).) As anyone knowledgeable in California public agencies knows, having your pension liability "highly" funded, is a place of rarified air.

The District's current operations were recently reviewed by the Regional Water Quality Control Board ("Board"), again at the behest of the ever-solicitous and public-minded Developers. After a review the Board found the District's operations to be satisfactory.

ii. A Comparison with the City

The duties and burdens of local public agencies will differ between themselves. The differences are based on their divergent natures and missions. It is therefore hazardous to draw similarities between agencies (a task the Report has nonetheless bravely undertaken). A few words about the City may be in order, particularly since the bent of the Report would fold the District into it as a department or as a "subordinate agency."

In contrast to its grudging admiration of the District's finances, the Report's depiction of the overall fiscal health of the City is sobering:

"The [City]'s FY 2021-22 adopted General Fund Budget shows an annual projected deficit of approximately \$480,000. The prior year also projected a deficit after several years of annual surpluses. Declines in property tax revenues and licenses, fees and permits were not offset by State and Federal relief funds. From FY 2018-19 through FY 2021-22, General Fund revenues grew an average of .5 percent annually compared to expenditure growth of 3.1 percent. While the City currently has healthy fund balances and revenues, continuing shortfalls will reduce available funds over time."

"The City's current budget indicates significant concern about its structural budget imbalance; the addition of new staff diverges from the City's desired "fiscal resiliency framework" by increasing the City's long-term costs offset temporarily by Covid relief funds."

(Report, at p. 42).

It should be kept in mind that one of the alternatives offered by the Report (arguably favored by the Report), is to have the City take over the functions of the District. To do so, the City would have to administer and maintain a complex system of collection, piping, and a sophisticated treatment plant. The Report's depiction of similar water-based collection systems should give any fact-finder pause.

Let us start first with the storm water system. The Report goes into great detail concerning the City's failure to properly construct and maintain the storm drain system that it inherited from San Mateo County after incorporation. (Report, at p. 79-81.) Some of these deficiencies are listed below:

- Failure to properly repair the O'Connor Street Pump Station, the only pumping facility within the entire system.
- O'Connor Street Pump Station wet well have inadequate carrying capacity.
- Pumping capacity is not sufficient to handle storm surges.
- Electrical capacity at the pump station is not sufficient.
- San Mateo County has historically provided inadequate storm drains, resulting in eight historic floods.
- Modeling shows that flooding could occur in 68 of the 430 stormwater nodes, some more than one foot. Additionally, significant portions of flow data and facility inspection reports, as well as crucial measurement (such as invert elevations) are missing from engineering data associated with the City's storm drain system.
- Only one of two pump stations have been completed since 1985.

Taking all of these deficiencies into account, the Report concludes as follows:

“As was identified in the demand section, there are deficiencies in the [City's] collection system. Most notably, the 68 of 430 nodes that allow for significant flooding must be addressed. Having one pump station servicing EPA has been detrimental to flooding potential as well. Without routine maintenance, the O'Connor Street pump station has fallen into disrepair and the equipment it houses, such as its five pumps, have been unable to sustain the levels of service needed. ... Without steps taken to mitigate spills from the San Francisquito Creek, this is another roadblock to reaching effective levels of service. In combination with a lack of other infrastructure, flooding from spillage will continue to present a great risk to the City.”

(Report, at p. 81)

In analyzing the City's storm water collection system, the Report notes a shortfall of \$27.5 million for infrastructure and a lack of funding by the City to remedy its deficiencies. (Report, at p. 97,

section 4-12.) The Report does not even hazard a guess as to where the City might obtain the funds to prevent the risk of flooding. In an era of global warming and rising sea water, this omission is significant.

There is another service the City provides to its residents that is similar to the infrastructure provided by a sanitary district. The City provides water for its residents. The Report makes no bones about the City's challenges in maintaining the system (bequeathed to the City by San Mateo County) and chronicles its deficiencies in some detail. The City has no water storage facilities. (Report, at p. 93-94) Due to the City's topography, the system will need booster station facilities that are currently lacking. (Report, at p. 94) The existing system has had a number of breaks and leaks. It experienced 13 main and service line breaks and leaks, resulting in unaccounted water loss. (Report, at p. 95)

The Report concludes the City simply does not have enough water supplies to either *existing* or *projected* water needs. (Report, at p. 92) This has historically resulted in a City-wide moratorium which constrained new development until several prospective developers financed the acquisition of water rights from the Cities of Mountain View and Palo Alto resulting in the transfer of a portion of their water allotment to the City. (*Id.*) Nonetheless, the Report notes that the City would not have enough water in dry years, requiring the City to enact its Water Shortage Contingency Plan. (*Id.*) The Report estimates another \$35 million will be needed to correct the City's water system deficiencies caused by deferred maintenance. Since it is general knowledge that California and the Western United States are in the middle of their worst drought in 1,200 years, this shortfall appears to be imminent. Interestingly, the Summary of the Report's findings includes a finding that the City's water service is adequate, despite relentless analysis in the Report that the contrary is true.

The foregoing analysis should not be interpreted to mean that the City has failed to recognize or attempt to rectify its water delivery system shortfalls. The City, like the District, has had similar struggles in preparing to meet the demands of future development, which will easily require tens of millions of dollars to address. What it does mean is that, in all candor, it makes little sense to transfer the District to an agency without experience in sanitary service and who have had inadequacies in maintaining and planning for their existing water delivery systems.

This Response will not address in detail the option of the District being unnecessarily combined with West Bay SD and the more affluent cities it serves. It will only note that such a move would further dilute the ability of a segregated community to govern themselves and decide their future through democratically elected representatives. Such a move would also result in the immediate doubling of the rate for ratepayers in the District. It is the District's understanding that the Developers have already reached out to the West Bay SD for sewer connections. However, West Bay SD, like the District, stated it intended to charge the Developers for the capacity upgrade. The Developers quickly turned their attentions back to the City and this proceeding. Apparently, it is

cheaper for the Developers to dissolve the District and disband its elected Governing Board than to pay its fair share of increased infrastructure costs.

What then is the way out? Part of the way out can be found in the following observation, a throw-away line actually, found in the Report: “The City is negotiating with developers regarding water storage needs...” (Report, at p. 94) This is exactly what the District is doing with Developers regarding its sanitary sewer service requirements. The Report and this proceeding were not prompted by a lack of understanding by the District of its future needs or how they might be met. The District has a clear picture of what is required. Additionally, the issue is not the District’s lack of understanding the issues or the costs of system expansion. But instead, this concerns how the expansion of the sanitary district should be *funded*, or more precisely, *who* should fund the system expansion.

There is a disagreement between the District and the Developers as to what the Developers proportional share should be. From the District’s point of view this proceeding is an attempt by the Developers, and those who sympathize with them, to remove the District from the bargaining table so they can secure better terms with a different set of interlocutors. The use of this process to serve as a means to secure the desires of developers would amount to a perversion of LAFCO itself and the public good that is its mission to secure.

### **III. The Future of The District’s Services**

As we have seen, the District is currently operating as a financially stable agency, with solid reserves and exemplary employee retirement obligation servicing. It provides service, without incident or interruption to its citizens. It does so at moderate costs, in line to an economically challenged community, slowly emerging from a history and background of racial exclusion and economic isolation.

The Report instead focuses almost all its analysis on the future needs of the District. It recites, often in ponderous details, the future developments planned within the District. To put this discussion in its proper perspective, the scope of the developments should be described. They are found at page 112-114 of the Report. The City has approved or is in the process of approving at least twenty (20) significant developments.

Let us first examine the nature of the non-residential development. When taken together, the developments would add 4,244,139 square feet of commercial and retail development. To provide comparison, this amount of development would be more than the combined square feet of: (1) the new Apple headquarters at 2.8 million square feet (ApplePark, 9to5 Mac, May 2, 2022) and (2) the 61-story headquarters of Sales Force, at 1.4 million square feet ([www.Salesforce.com](http://www.Salesforce.com), Feb. 10, 2022) For the more traditionally-minded, the Pentagon is the largest office building in the *world*, at 1,811,607 square feet (“Pentagon: the World’s Largest Office Building, Michaela Hancock, Architect’s Journal, August 27, 2015.) Looked at in this perspective, the developments are well

over 2 times the size of the Pentagon, within the boundaries of a small city. The developments are an “Oklahoma land rush” of development.

This analysis only considers *non-residential* developments. Let us look at the residential construction next. As the Report lists, at pages 112-114, there will be a total of 1,469 units created. The District currently services only approximately 3,739 units. The developments would therefore involve increasing the current number of residences requiring services by at least 40%. It is a matter of common sense and technical reality that an increase of 4,244,139 square feet in office and commercial space, accompanied by a 40% increase in the number of residences, would require substantial increases in the treatment plant and piping infrastructure. It is also a matter of common sense that the developers creating this enormous demand should pay for all or most of the costs of these upgrades. As we shall see, common sense has suffered defeats in this issue thus far.

The District’s engineering consultant expert, Freyer & Laureta, identifies at least \$35 million in pipeline up-sizings needed to accommodate the new developments. Much of the existing piping has 30-40 years of useful life left. Similarly, the Palo Alto Regional Water Quality Treatment Plant, which now has excess capacity would need to be upgraded at a cost of at least \$5 million. Total project costs could easily approach \$45 million in this era of inflation and supply chain disruptions.

Given these costs, it would appear both reasonable and legally compelling for developers to pay for the proportionate share of their own development. It is certainly the case in more affluent, less diverse cities that surround the District. For example, Apple has agreed to pay \$75 million in infrastructure improvements for a development that we have seen is a fraction of the size of the developments here (theguardian.com, “Apple’s Spaceship Headquarters Valued as One of the World’s Most Expensive Buildings”, July 12, 2019.) Google paid the City of San Jose \$265 million in infrastructure fees for its new office in San Jose (CNBC.com, May 25, 2021). Facebook paid the City of Menlo Park \$15 million of its headquarters including a basket of payments such as subsidized rental housing and a housing innovation fund (Almananews.com, May 25, 2021).

Sadly, the District is not located in these more fortunate cities. This is reflected in the offer made by Developers to the District for their mega-developments. They have, in effect, offered nothing. They have held that they should only be required to pay the basic connection fees. According to the District, the payment of these fees would amount to approximately to \$3,000,000, or 7% of the costs of the estimated upgrades. For its part, the District has offered to pay \$10,500,000 for the upgrades. In addition, the District has agreed to reimburse the Developers where the cost of the upgrades benefit existing ratepayers, in the amount that financial evaluations support such reimbursements.

In the most telling sign of the inherent bias that runs throughout the Report, the Report nowhere states that the Developers should actually pay for *anything* at all, much less estimate, the categories of payment or the payment amounts they should pay. (As we shall see below, they sometimes nod

N-4

at the concept of such payment.) Instead, it turns solely to the District and its ratepayers, urging them throughout the Report to apply for unspecified State and Federal funds (*See, e.g.*, Report, at p. 138, “Grants and Loans”) This completely unbalanced approach can perhaps be best explained by the facts surrounding the initiation and conduct of these proceedings. In the process, the Report embraces a kind of “trickle-down” theory of developer fees. It states that the connection fees can somehow be financed through the enhanced revenue the extra revenue the new development would generate. Apparently, these rates would finance the bonds the District would have issued to finance the costs. Existing ratepayer costs to support such financing would be exorbitant, even if the necessary tax were to be passed by skeptical voters.

N-4  
(con't)

As the very commencement of the Report concedes, this proceeding was initiated on an expedited basis by LAFCO, responding to a request by “various developers” (unnamed of course), and the City because of the inability of developers to obtain “will-serve” letters. The very framing of the issue ignores the reality of what is occurring. The reason the “various developers” did not receive “will-serve” letters is because the developers would not agree to pay their fair share of the increased infrastructure arising from their developments. Ironically, it is the City who could avoid the current problems by requiring sanitary infrastructure as part of the EIR to its General Plan update, or during the approval process of each of the developments. They did not and the problem has now moved down to the feet of the District. The Report details this sad failure:

“The City has understood that there is sufficient water capacity to serve planned development. The City’s Housing Element assessed that ‘The City has sufficient water and sewer capacity, either current or planned to meet its RHNA need and beyond [City of East Palo Alto General Plan Housing Element, 2015 p. 3-32]. These erroneous statements are likely due to a focus on treatment capacity, which is sufficient to meet projected demand through 2035. However, collection system capacity to accommodate additional flows is constrained. Developers are required to finance necessary capacity improvements to connect to the system, but it is challenging because of the degree of capacity enhancements needed downstream from the proposed new connections and large-scale capacity enhancements, required to serve existing development as well as increased flows from new development, that cannot be completed in a piecemeal fashion as development occurs.”

(Report, at p. 88)

This quote encapsulates why we are in this proceeding. The City failed to properly plan for growth and the Developers have so far failed to propose adequate payment to fund their developments, which the Report concedes is their responsibility. The District is left to pick up the pieces. Given their documented failings, does it make sense to hand responsibility for the sanitary infrastructure

to the City? Additionally, if the Developers share responsibility for paying for the impact of their developments, why is this not highlighted more frequently elsewhere in the Report?

#### **IV. Applicable Legal Framework**

Unfortunately for the Developers, among the Report's ocean of facts and conjectures, bob some inconvenient laws and constitutional provisions, sometimes unseen, but present, nonetheless. Under Article 13D, section 6 of the California Constitution, a rate payor may not be charged fees greater than necessary to provide the service to them, a fee for services that are not "proportional" to their use of the system, or for services not "immediately available" to the rate payor. If a fee that is not proportional is proposed, the local agency must put the matter to a vote. (*Id.*) This is further codified in Government Code section 66001. Taken together, these provisions mean that the District is precluded from accepting the Developers' proposal because it would have a disproportionate impact on existing ratepayers. (It is estimated that if the Developers proposal was accepted each ratepayer would be charged over \$10,000 per connection, or approximately 15 years of service under the current rate structure.)

In order to properly set the stage for these negotiations, there are certain infrastructure and fee realities that must first be addressed. First, the Report did not consider the fact that a large portion of the main line was installed in 2016 and could last up to another 90 years. Another part of the system designed to serve developers can last for another 20 years or more. Ignoring this longevity, the Report simply states that the entire pipeline system should be replaced and that current ratepayers should foot the bill. Under these circumstances, the District believes it is legally prohibited from taking these actions.

The District believes that its current disputes with Developers should be resolved in one of two ways. First, a refreshed round of negotiations that utilizes expert technical and financial analysis. Toward this end, the District has retained the services of Lori Raineri, of Government Financial Strategies, Inc. to provide the District financial modeling for any understanding reached by the developers and the development of a fee and financing , under Government Code section 66001. The District admits that it could have been more communicative and detailed in its past proposals.

Alternatively, in the event the negotiations are not successful, either party could take their recourse to the courts and have proportionality decided using admissible evidence and expert testimony.

In light of these options, it is clear that this current proceeding is the wrong action and LAFCO is the wrong forum to address challenges in the negotiations process.to take. Looked at in the most direct way, this proceeding is in reality the opening gambit in an effort to simply decapitate the current elected Governing Board and replace it with more pliant and accommodating negotiators, thereby avoiding the more exacting requirements of a traditional legal action. In so doing, the Developers seek to test the integrity LAFCO itself. Their efforts should be resisted.

N-5


**V. Summary and Recommendations**

The Report's analysis should be rejected and the District should remain, as it has since 1939, the democratically elected overseer of sanitary systems in the City and its diverse community. Its sphere of influence should be expanded from "zero," to encompass the City.

In so doing, it should repudiate the often mentioned, never cited 1983 study, which recommended that the District be given a zero zone of influence and implied that the District should be dissolved.

Sincerely,

FAGEN FRIEDMAN & FULFROST, LLP



Mark S. Williams

MSW

cc: Mr. Timothy Fox, Esq.  
Mr. Akin Okupe, General Manager of East Palo Alto Sanitary District  
Mr. Sergio Ramirez, District Manager of West Bay Sanitary District  
Mr. Patrick Heisinger, Interim City Manager

868-5/6357280.2



# **EXHIBIT A**

**EAST PALO ALTO SANITARY DISTRICT  
SAN MATEO COUNTY, CALIFORNIA**

**SEWER SERVICE CHARGES  
FISCAL YEAR 2020-2021**

**July 2020**

**901 Weeks Street  
East Palo Alto, CA 94303  
EAST PALO ALTO SANITARY DISTRICT**

**REVENUE PROGRAM FOR SEWER SERVICE CHARGES  
FISCAL YEAR 2020-2021**

The fees below are sewer service charges based on the number of residential units and water usage recorded for Fiscal Year 2020-2021, with the rate of \$600 per Equivalent Residential Unit.

**2020-2021 RATES**

**RESIDENTIAL:** For each dwelling or living unit, a charge of six hundred dollars (\$600) per year.

**COMMERCIAL AND INDUSTRIAL:** For each commercial or industrial user, a charge in accordance with the annual use of water by each establishment times the applicable rate as follows:

8.5034	per hundred cubic feet for Restaurants.
4.6191	per hundred cubic feet for Educational Facilities.
4.6191	per hundred cubic feet for Offices and Churches.
5.2940	per hundreds cubic feet for Motel/Hotels.
4.9022	per hundreds cubic feet for Commercial.
5.2940	per hundreds cubic feet for Medical.
5.2940	per hundreds cubic feet for Industrial.
4.9022	per hundreds cubic feet for Recreational.

No individual commercial or industrial establishment should be charges less than six hundred dollars (\$600) per year.

Annual water consumption for each user or establishment was a period of 12 months in 2019-2020.

## EAST PALO ALTO SANITARY DISTRICT

### FISCAL YEAR 2020-2021

<u># OF UNITS</u>	<u>TYPE</u>	<u>FLOW</u>	<u>CHARGES</u>
3,371	Single-Residential	--	2,022,600.00
368	Multiple-Residential	--	2,130,600.00
2	Motel	15,716	83,200.50
12	School	21,188	99,715.22
30	Church	5,551	33,599.38
12	Office	4,662	24,542.52
118	Commercial	23,376	166,263.96
2	Medical	1,296	7,461.02
12	Restaurant	6,468	56,255.80
19	Industrial	2,976	22,995.56
4	Recreational	890	6,118.84
4	Retirement	372	4,200.00
38	Manual Billed	--	--
	Lateral Repayment		
	<b>TOTAL</b>	<b>82,495</b>	<b>4,657,552.80</b>

## PARCEL DATA

<b>Letter N</b>	<b>Mark Williams, Fagen, Friedman, &amp; Fulfroost LLP</b>
Response N-1	<p>Comments noted. EPASD and the City of East Palo Alto have a shared constituency as over 90% of EPASD is located within the City. The City of East Palo Alto provides services such as police, land use planning, water, stormwater, and parks among others to residents and business located in the City. EPASD is only empowered to provide wastewater collection as a direct service by owning, operating, and maintaining the collection system and sewage treatment via a contract with the City of Palo Alto for capacity at its Regional Water Quality Control Plant.</p> <p>Also, a number of the projects that are currently proposed for development would provide substantial benefits of growth and redevelopment to the City, community, and its residents, including social and economic revitalization and environmental and sustainability benefits. These include job retention and creation, enhanced revenue, and greater availability of housing, including affordable housing.</p>
Response N-2	<p>Determinations for the Sphere of Influence will be considered by the Commission at the June 15, 2022, hearing. As noted previously, the City and EPASD have a shared constituency. As part of a Municipal Service Review, LAFCo examines possible governmental structure changes and operational efficiencies that could be achieved. The governance options that are identified are potential paths to achieve improved service delivery and greater efficiency for the residents, community, and public agencies.</p>
Response N-3	<p>The MSR notes that major system improvements can be funded more cost-effectively, and costs spread to future ratepayers rather than entirely existing ratepayers. The MSR states that new development can be constructed without burdening existing ratepayers for costs to serve new development.</p>
Response N-4	<p>See response to N-3.</p> <p>Also, the MSR recommends that EPASD review and update the existing rates and capacity charges. The 2019 EPASD Rate Study conducted for the District noted that sewer costs “needed to fund projected operating expenses, help fund high priority improvements to the District’s aging sewer collection system, pay for the District’s share of operating and capital improvement costs for the regional wastewater treatment plant, and support safe and reliable service.” The MSR goes on to say that the rate update should balance the need to maintain affordable sewer rates against the importance of maintaining and improving services and infrastructure for the health and well-being of EPASD ratepayers.</p> <p>The District’s priority to maintain low rates can adversely affect services and infrastructure by hampering the District’s ability to implement best practices and address existing system capacity deficiencies to reduce risks of sewer overflows from existing uses. Low rates that do not account for the need to address projected surcharging and potential sewer overflows with the existing system can adversely affect ratepayers financially in the long run.</p>
Response N-5	<p>LAFCo supports continued conversations between EPASD, the City, and developer/applicants.</p>