COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: June 19, 2007
Staff Report #: 07-109

Agenda Item #: F4

REGULAR BUSINESS: Consideration of the Notice of Preparation (NOP) and Initial Study for the Environmental Impact Report (EIR) Associated with a Mixed-Use Office, Research and Development (R&D), Hotel, and Health Club Project and Possible Direction on Scope of EIR, Project Description, and Project Review Process

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RECOMMENDATION

Staff recommends that the City Council consider the Notice of Preparation (NOP) and Initial Study for the Environmental Impact Report (EIR) associated with a proposal for a mixed-use development incorporating office, research and development (R&D), hotel, and health club elements. Council Members should provide direction on specific topics that they feel should be addressed in the environmental analysis, as well as the project description and project review process.

BACKGROUND

In 2004, Bohannon Development Company submitted an application for a General Plan Amendment, Zoning Ordinance Amendment, Rezoning, Development Agreement, and Environmental Impact Report (EIR), associated with a proposal for a mixed-use office, R&D, hotel, and health club development on eight properties addressed 100 to 190 Independence Drive and 101 to 135 Constitution Drive. The proposal would not have directly affected any other parcels, although the proposed General Plan land use designation and zoning district could have been applied in the future to other nearby parcels, if those property owners applied for separate General Plan Amendment and Rezoning actions.

Work on an Environmental Impact Report (EIR) commenced in 2005, with EIP Associates serving as the City's primary EIR consultant and DKS Associates providing transportation analysis services. In 2006, prior to the release of a Draft EIR, the project was put on hold at the applicant's request, in order for modifications to the proposal to be considered. The applicant submitted a revised application in early 2007. The revisions included the addition of a parcel located at 155 Constitution Drive, as well as the complete exclusion of any other nearby parcels, so that the revised proposal is more explicitly for only these nine parcels. In addition, the proposal was revised to include a

higher FAR (Floor Area Ratio). The details of the current proposal are discussed in more detail in the Analysis section and in the draft General Plan and Zoning Ordinance Amendments prepared by the applicant, included as Attachment E.

Given the extent of the changes to the proposal, staff and the EIR consultant determined that the Notice of Preparation (NOP) and Initial Study should be revised and re-circulated. These documents were formally released on May 25, 2007, and are included as Attachments B and C, respectively. The City Council meeting of June 19, 2007, in conjunction with the Planning Commission meeting of June 4, 2007, will serve as the scoping session for the EIR.

ANALYSIS

Project Description

Bohannon Development Company is proposing a new General Plan land use designation and a new zoning district to be applied to two sites in Bohannon Park northeast of US 101 totaling 15.9 acres. The first site is located on Independence Drive and is comprised of five parcels with addresses ranging from 100 Independence Drive to 190 Independence Drive. The second site is located on Constitution Drive and is comprised of four parcels with addresses ranging from 101 Constitution Drive to 155 Constitution Drive.

The properties currently have a General Plan land use designation of Limited Industry and the properties are part of the M-2 (General Industrial) zoning district. Information pertaining to the existing General Plan land use designation and zoning district is included in Attachment D. The applicant has prepared draft language of the proposed General Plan and Zoning Ordinance Amendments to create a new land use designation (Mixed-Use Commercial Business Park) and zoning district (M-3 Mixed Use Commercial Business Park), which is available as Attachment E. The exact language of the proposal may be revised at a later date.

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The following is a summary table comparing the development standards of the existing M-2 zoning and the proposed M-3 zoning.

Development Regulation Comparison

	Proposed M-3 District Requirements	**Existing M-2 District Requirements**
Lot Area	0 sf min.	25,000 sf min.
Lot Width	0 ft. min.	100 ft. min.
Lot Depth	0 ft. min.	100 ft. min.
Setbacks		
Front	0 ft. min.	20 ft. min.
Rear	10 ft. min.	0 ft. min.
Sides	5 ft. avg.	10 ft. avg.
Height	140 ft. max.	35 ft. max.
Floor Area Ratio (FAR)		
Office	100% max.	45% max.
Hotel	25% max. additional	Not applicable
Other	13.5% max. additional	10% max. additional
Total	138.5% max.	55% max.
Coverage	0% min.	50% max.
Paving	0% min.	0% min.
Landscaping	30% min.	0% min.

In addition, the applicant is proposing to undertake a number of associated amendments to the Zoning Ordinance. In particular, the applicant is proposing that the M-2 off-street parking ratio of one space per 300 square feet of gross floor area be replaced with use-based standards specific to the M-3 district. These standards, which are described in more detail in the draft Zoning Ordinance amendment (Attachment E8), would allow for reductions for shared parking.

The requested General Plan and Zoning Ordinance Amendments would enable the construction of the following:

- Three office and R&D buildings (694,726 square feet);
- Hotel (173,682 square feet; 235 rooms);
- Health club, serving hotel guests and the public (76,420 square feet);
- Cafe/restaurant (6,947 square feet);
- Neighborhood-serving retail and community facilities (10,420 square feet); and
- Three parking structures.

The applicant has not completed the design of a specific development project, but intends for architectural control approval of specific project plans to be a component of the final review process.

In order to secure entitlements for an extended period of time, the applicant is pursuing a legally binding Development Agreement. Under State law, development agreements enable the City to grant a longer-term approval in exchange for demonstrable public benefits. The applicant proposes that a hotel has the potential to provide public benefits through revenue generated from transient occupancy taxes. To address this and related fiscal issues, the applicant is preparing a Fiscal Impact Analysis (FIA) for public review. Staff will distribute the draft FIA to an unaffiliated economic analysis firm for peer review services. The applicant will have an opportunity to respond to the peer review comments in the final FIA. The FIA review process is similar to the one followed for the hotel and office development at 2825 Sand Hill Road, which was approved by the City Council in 2006. Ultimately, the Council will decide if the public benefits being offered are sufficient to justify entering into a development agreement.

Requested Applications

The proposed project would require the following actions:

1. General Plan Amendment to create a new Mixed-Use Commercial Business Park land use designation;
2. General Plan Amendment to change the land use designation of the properties from Limited Industry to Mixed-Use Commercial Business Park;
3. Zoning Ordinance Amendment to create a new M-3 (Mixed-Use Commercial Business Park) zoning district and undertake associated modifications, in particular the addition of unique parking requirements for the M-3 district;
4. Rezoning the properties from M-2 (General Industrial) to M-3 (Mixed-Use Commercial Business Park);
5. Architectural Control approval of specific project plans for the construction of new buildings with a total of 962,196 square feet of gross floor area (138.5% FAR) and a maximum building height of 140 feet (equating to eight stories);
    - The Constitution Drive site would include two office buildings, two parking structures, and potential neighborhood-serving retail and community facility space;
    - The Independence Drive site would include one office building, a 173,682-square foot, 235-room hotel, a 76,420-square-foot health/fitness center, a shared parking structure, and associated commercial space;
    - The combined office gross floor area on the two sites would total 694,726 square feet, equating to an FAR of 100%.
6. BMR Agreement for the payment of in-lieu fees associated with the City's Below Market Rate (BMR) Housing Program;
7. Development Agreement to guarantee development rights associated with the requested entitlements; and
8. Environmental Impact Report (EIR) to analyze the potential environmental impacts of the proposal.

Public Review Process

Two meetings were held in reference to the original application: a scoping session at Menlo Park Senior Center on July 14, 2005, and a City Council study session on October 4, 2005. The applicant made a presentation regarding the revised proposal at the City Council meeting of March 20, 2007. Throughout the remainder of the process, there will be additional opportunities for public input. The following public meetings have been scheduled or are planned:

- EIR Scoping Sessions – June 4, 2007 (Planning Commission) and June 19, 2007 (City Council)
- Housing Commission Public Meeting to make recommendations on the proposed BMR Agreement.
- Planning Commission Public Hearing to review the Draft EIR and the requested development applications.
- Planning Commission Public Hearing to make recommendations on the Final EIR, incorporating responses to comments on the Draft EIR, and the requested development applications.
- City Council Public Hearing on the Final EIR and the requested development applications, including introduction of the ordinance to amend the Zoning Ordinance rezone the properties.
- City Council Meeting to adopt the ordinance to amend the Zoning Ordinance and rezone the properties.

The City has prepared a project page for the proposal, which is available at the following address: http://www.menlopark.org/projects/comdev_iac.htm. This page will provide up-to-date information about the project, allowing interested parties to stay informed of its progress. The page allows users to sign up for automatic email bulletins, notifying them when content is updated.

Planning Commission Review

As noted earlier, the Planning Commission reviewed the revised NOP and Initial Study at its meeting of June 4, 2007. The applicant also gave a project presentation similar to that given to the City Council on March 20, 2007. At the meeting, no members of the public spoke regarding the proposal, although several residents did later inform staff that the mailed joint notice of the Planning Commission and City Council scoping sessions arrived after the meeting of June 4. Staff has begun an inquiry with the Menlo Park branch of the United States Postal Service (USPS) to attempt to account for the delivery delay of the joint notice, but in the meantime has encouraged any residents affected by this delay to attend the City Council meeting of June 19 and/or submit written comments regarding the proposal.

At the meeting of June 4, individual Planning Commissioners made project-related comments, although the Commission did not attempt to reach consensus and did not take any formal action. Individual comments included the following:

Aesthetics

- Concern with the increase in height;
- Potential for shadow impacts on nearby properties;
- Need to avoid architectural style that could appear bland and dated in the future;
- General need for specificity and details at point of architectural control review;
- Overall impact of proposal on one of City's primary entry points, or "gateways;"

Biological Resources

- Potential use of open space and water resources to provide wildlife habitat on site;

Noise

- Impact of day-to-day operations on nearby properties and closest residential neighborhoods;

Population & Housing

- Impact of proposal on City's jobs/housing balance, which is already skewed towards employment;
- Potential impact on rest of City with regard to housing demand;
- Potential to encourage outreach to residents of the Belle Haven neighborhood regarding employment opportunities;
- Importance of BMR housing fees;

Public Services

- Potential for providing additional open space on the project sites, either on the ground level or on top of the parking structures;
- Potential for providing public recreation facilities on the project sites;
- Connection between project sites and Bayfront Park;
- Ability of Menlo Park Fire Protection District to serve buildings of these heights;

Transportation/Traffic

- General concerns with the likely increase in traffic and potential conflict with General Plan goals regarding low-impact development;
- Potential of increased shuttle service between the project site and other parts of Menlo Park, particularly downtown and the Caltrain station;

- Interaction with proposed Dumbarton Rail Corridor service;
- Potential benefits of providing neighborhood-serving retail and service uses on the project site itself, to reduce off-site trips by users of the project's facilities, as well as by occupants of other nearby properties;
- Impact on Marsh Road/US-101 interchange, and the potential to return this interchange to a full cloverleaf;
- Bicycle-related improvements, with regard to access from the rest of the City as well as provision of on-site amenities (bike storage and showers, e.g.);

Project Description/Other

- Concerns related to the proposal to create a new General Plan land use designation and zoning district, as opposed to a proposal that incorporated work previously completed for the Commercial Zoning Ordinance Update (CZOU) draft ordinance, in particular with regard to the M-2 "Business Park Master Plan" option;
- Need for a fiscal comparison between existing light industrial/R&D uses and proposed office uses;
- General need for public benefits that align with the private benefits associated with requested approvals;
- Need for more specificity with regard to the likely tenants of the office space;
- Potential for inclusion of the parcels located between the two project sites into the overall project for use as open space;
- Potential to tie the goals of this new zoning district to those of the nearby parcels that would remain in the M-2 zoning district; and
- Possibility of gold or platinum certification with regard to the Leadership in Energy and Environmental Design (LEED) Green Building Rating System.

City Council Review

Staff recommends that the City Council pursue the following procedure:

1. Presentation by Applicant (*5 minutes*)
2. Council Questions of Staff/Applicant
3. Public Comment
4. Council Comments on EIR Scope

As noted earlier, this meeting will serve as a scoping session for the EIR and an opportunity for the Council to comment on the review process outlined in the staff report. The Scoping Session is part of the EIR process, during which the City solicits input from other agencies and the public on specific topics that they feel should be addressed in the environmental analysis. Comments received during the scoping session on the project will be addressed in the Draft EIR.

In particular, staff believes the Council should review the proposed framework for analysis of certain non-residential roadway segment impacts. As noted in Attachment C37, staff and the EIR consultants are proposing that these segments be analyzed for impacts, but not automatically be evaluated as potentially significant impacts under the standard criteria in the City's Transportation Impact Analysis (TIA) Guidelines (Attachment G). Section IV.B. of the TIA Guidelines gives the Transportation Manager discretion to make such a determination. Staff believes the intent of the established criteria for potentially significant impacts identified for minor arterial, collector, and local streets was to address concerns regarding cut-through traffic and other impacts on residential streets. Staff and the EIR consultants are proposing that these non-residential segments be evaluated using appropriate criteria to be determined by the Transportation Manager.

IMPACT ON CITY RESOURCES

The applicant is required to pay planning permit fees, based on the Master Fee Schedule, to fully cover the cost of staff time spent on the review of the project. The applicant will bear the cost of any required environmental review. The proposed use has the potential to generate substantial revenue for the City in terms of transient occupancy tax. The applicant is preparing a Fiscal Impact Analysis that will be subject to public review and utilized in the course of negotiating a Development Agreement.

POLICY ISSUES

The proposed project will ultimately require a policy decision to change the General Plan land use designation and the Zoning classification for the property. The implications associated with this decision will be analyzed through the project review process.

ENVIRONMENTAL REVIEW

An Environmental Impact Report (EIR) will be prepared for this project. The Notice of Preparation of the EIR, including the Initial Study, was released on May 25, 2007. The City requests that written comments on the NOP be sent to the following address by June 25, 2007: Thomas Rogers, Associate Planner, City of Menlo Park Community Development Department, Planning Division, 701 Laurel Street Menlo Park, CA, 94025. Comments may also be submitted by email to: throgers@menlopark.org

Thomas Rogers Associate Planner Report Author	Justin Murphy Acting Community Development Director

PUBLIC NOTICE

Public notification was achieved by posting the agenda, at least 72 hours prior to the meeting, with this agenda item being listed. In addition, a joint notice of the Planning Commission scoping meeting of June 4, 2007 and the City Council scoping meeting of June 19, 2007 were mailed to all property owners and occupants within 2,640 feet (1/2-mile) of the project area, as well as any additional parcels within the City of Menlo Park that are within the area defined by Marsh Road, Bay Road, Flood Park, Hetch-Hetchy right-of-way, Willow Road, and Bayfront Expressway.

ATTACHMENTS

A. Location Map
B. Notice of Preparation
C. Initial Study
D. Existing General Plan Land Use Designation, Zoning District, and Off-Street Parking Requirement
E. Draft General Plan and Zoning Ordinance Amendments, Prepared by Applicant
F. Illustrative Land Use Concept (*color copies to be distributed to the City Council and made available at the meeting*)
G. Transportation Impact Analysis (TIA) Guidelines

INITIAL STUDY

Bohannon Office/Hotel Mixed Use
General Plan Amendment and Rezoning Project

Prepared for
City of Menlo Park
Community Development Department
701 Laurel Street
Menlo Park, CA 94025

Prepared by
EIP Associates, a division of PBS&J
353 Sacramento Street, Suite 1000
San Francisco, CA 94111
(415) 362-1500

May 24, 2007

BOHANNON OFFICE/HOTEL MIXED USE GENERAL PLAN AMENDMENT AND REZONING PROJECT

Initial Study - Environmental Checklist Form

1. **Project Title:** Bohannon Office/Hotel Mixed Use General Plan Amendment and Rezoning Project

2. **Lead Agency Name and Address:** City of Menlo Park, Community Development Department
701 Laurel Drive, Menlo Park, CA 94025

3. **Contact Person and Phone Number:** Thomas Rogers, Associate Planner
(650) 330-6722

4. **Project Location:** The proposed project encompasses two project sites situated in the northeastern area of the City of Menlo Park in San Mateo County (see Figure 1). The project sites are located within a larger area bound by US 101 to the south, the Marsh Road freeway off-ramp to the west, Bayfront Expressway to the north, and Chrysler Drive to the east (project area). The site located at 100-190 Independence Drive (Independence site) is located north of US 101 and is bound by US 101 to the south and west, Chrysler Drive to the east, and Independence Drive to the north (see Figure 2). The site located at 101-155 Constitution Drive (Constitution site) is north of the Independence site and is within an area bound by Independence Drive to the west, Bayfront Expressway to the north, Constitution Drive to the south, and Chrysler Drive to the east (see Figure 2). Although US 101 is normally regarded as being oriented north-south, in the stretch near the project area, the freeway runs more east-west. Directional conventions used in this Initial Study reflect this orientation.

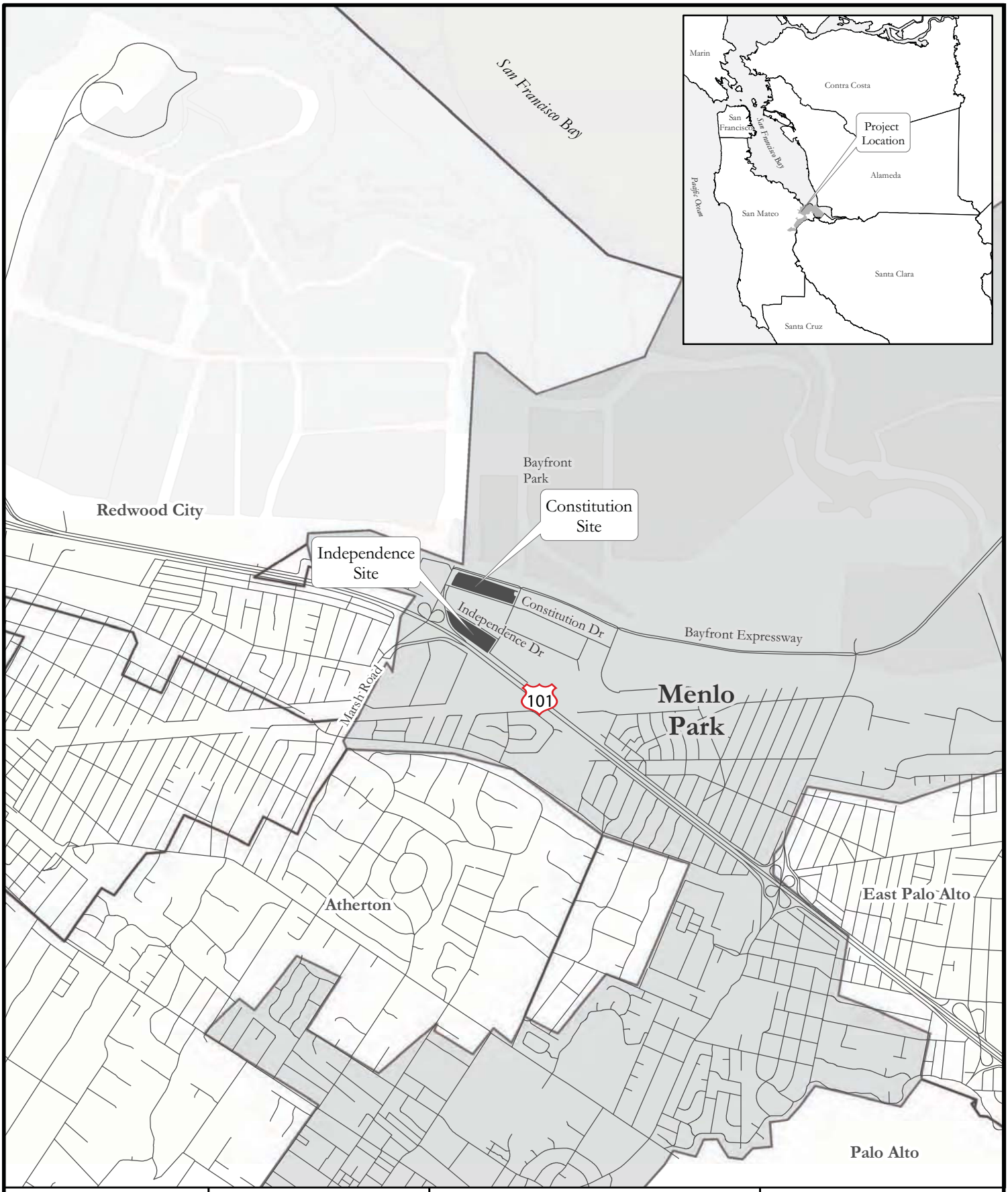
5. **Project Sponsor's Name and Address:** David D. Bohannon
Bohannon Development Company
60 31st Avenue
San Mateo, CA 94403

6. **General Plan Designation:** Limited Industry

7. **Zoning:** General Industrial (M-2) District

8. **Project Description:** The project sponsor, Bohannon Development Company, proposes to amend the Menlo Park General Plan designation for the Independence and Constitution sites from Limited Industry to a new Mixed-Use Commercial Business Park designation. Future uses at the two sites could continue to include research & development facilities, and offices (including light manufacturing and assembly) provided for by the Limited Industry designation, but could also include uses intended to serve businesses in the area (e.g., cafes/restaurants, convenience stores, and health/fitness centers) and hotel/motel uses. The maximum floor-area-ratio (FAR) would increase from the 45 - 55% to 137.5%

   The proposed project also would rezone the Independence and Constitution project sites from the General Industrial (M-2) district, which permits warehousing, manufacturing, printing, assembling, and offices uses, to a new Mixed-Use Commercial Business Park (M-3) district, which would permit administrative and professional offices, research and development, light industrial, motel or hotel, health and fitness centers, restaurants/cafés, convenience stores, parking structures, and storage. The proposed rezoning would permit an increase in the allowable FAR, building coverage, and building heights a shown in Table 1.



EIP ASSOCIATES
A Division of PBSJ

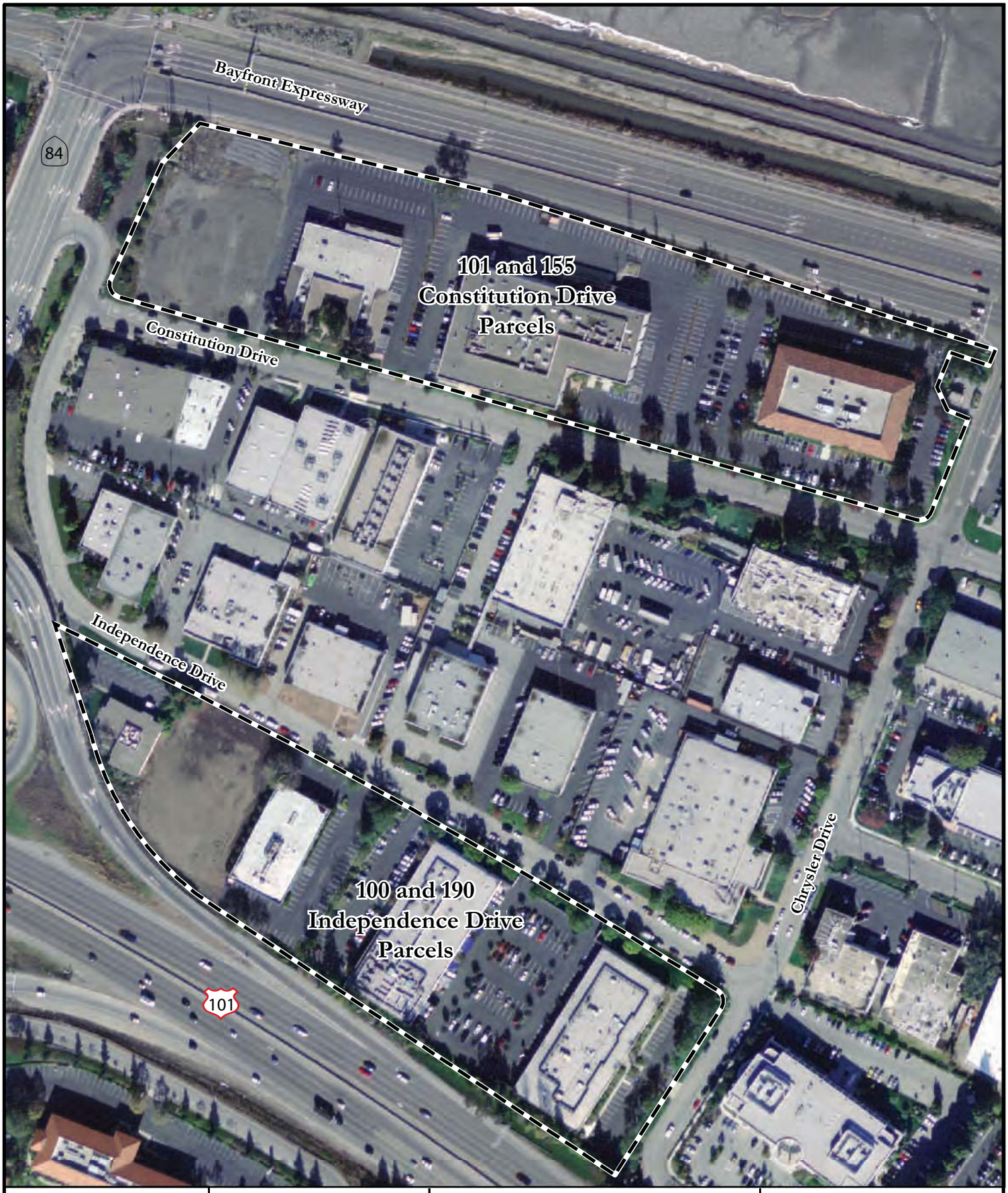
0 0.25 0.5
Miles
1 inch equals 0.5 miles

Source: US Census Bureau, City Boundaries, June 2000, TIGER 2K, Transportation Network, June 2002; USGS, Hydrography, Dec. 1998, Revised January 2007.

Proposed Specific Development Site
City of Menlo Park

FIGURE 1: PROJECT LOCATION

Bohannon Office/Hotel/ Mixed Use GPA and Rezoning



EIP ASSOCIATES
A Division of PBSJ

0 100 200
Feet
1 inch equals 200 feet

Source: MapMart, Orthophotography, February, 2004, County of San Mateo, Parcel Boundaries, July, 2006.
Revised January 2007.

Project Parcels

FIGURE 2: PROJECT SITE

Bohannon Office/Hotel/ Mixed Use GPA and Rezoning

The General Plan Amendment and Rezoning would apply only to the Independence and Constitution project sites. Any future zoning changes to any other parcels would require separate Zoning Ordinance and Zoning Map Amendments, and would be subject to independent environmental review at the time of that project application.

The project sponsor is proposing a mix of hotel, health club, restaurant/café, convenience store, and other uses permitted in the new M-3 district for the Independence site and a mix of office and research & development space for the Constitution site. Table 1 compares the existing site development, the permitted development under the existing M-2 zoning district, and the proposed development under the new M-3 zoning.

The project sponsor also proposes to enter into a Development Agreement with the City to ensure that the proposed infrastructure improvements to the project site are implemented, as stipulated by the new M-3 zoning district regulations.

Table 1
Existing and Potential Development under M-2 and M-3 Zoning Regulations

Project Site	Development/ Regulation	Existing Development	Existing M-2 Zoning	Proposed M-3 Zoning	
Combined Independence and Constitution	Use	office and R&D	limited industrial	hotel, health club, restaurant/café, office, , and research & development, convenience store, and other commercial uses	
	Height	one to two stories	35 ft.*	140 ft	
	Total Floor Area Ratio (FAR)	31%	55%	137% (1.4:1)	
	Floor Area, in square feet (sf)	218,731 s.f	382,099 s.f.	173,682 s.f. 778,093 s.f. 951,775 s.f.	Hotel Other Uses Total

*this maximum height limitation may be increased upon approval of a conditional use permit

9. Surrounding Land Uses and Setting: The project area is bounded by the US 101 right-of-way to the south, Bayfront Expressway, Bayfront Park, and open space to the north, and office and light industrial uses both to the west and east.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):

San Mateo County Congestion Management Agency
Regional Water Quality Control Board for National Pollutant Discharge Elimination System Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetic	☐ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology & Soils
☒ Hazards & Hazardous Materials	☒ Hydrology & Water Quality	☒ Land Use & Planning
☐ Mineral Resources	☒ Noise	☒ Population & Housing
☒ Public Services	☐ Recreation	☒ Transportation/Traffic
☒ Utilities & Services Systems	☒ Mandatory Findings of Significance	

DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____	_____
Signature	Date
Thomas Rogers, Associate Planner____	City of Menlo Park_____
Printed Name	For

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues:	Potentially Significant Impact	Potentially Significant without Mitigation Incorporated	Less than Significant Impact	No Impact	Source
I. AESTHETICS– Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1, 2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1, 2, 3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐	1, 2
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☒	☐	☐	☐	1

Discussion

a-b) The Independence and Constitution project sites are located in the City of Menlo Park in an area developed with one- and two-story office and light industrial buildings. Concrete buildings well set back from roadways and well-landscaped areas with mature trees characterize the visual setting. Surrounding the project area is US 101 to the south; Bayfront Expressway, Bayfront Park and open space to the north; and office and light industrial uses west of Marsh Road and east of Chrysler Drive. Beyond the Bayfront Expressway are salt ponds, Bayfront Park, and the San Francisco Bay. The project sites are visible from US 101, surrounding roadways, and adjacent development.

The project sites are not located within a scenic vista. There are no scenic resources on or adjacent to the project area, and US 101 is not designated as a scenic area in the project vicinity. Accordingly, the proposed project would not adversely affect a scenic resource nor damage scenic resources within a state scenic highway.

c) The proposed project would change the visual character and quality of the project sites, which are marked by generally low-rise, well-maintained office/light industrial buildings. The proposed General Plan amendment and rezoning of the Constitution and Independence sites could permit taller and more intensive uses, thereby introducing visual elements and features that could contrast with the existing visual landscape. The maximum building heights would increase from 35 feet under the existing M-2 zoning to 140 feet under the proposed new M-3 zoning district. Accordingly, the EIR will discuss the visual effects of the proposed project on existing development in the project vicinity.

d) Existing lighting at the project sites is characterized by low-intensity security and safety lighting along walkways, within parking lots, and at building entrances. Although no lighting plans have yet been developed for the project sites, development at the project sites would include nighttime and security lighting, characteristic of existing development. However, the new buildings may involve lighting designs or construction materials that increase potential light and glare impacts for neighboring uses and motorists along the adjacent U.S. 101. Therefore, the EIR will discuss the proposed project's design in terms of potential light and glare considerations.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	3, 5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	6, 7
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	1, 2, 5, 7

Discussion

a) The project sites are not on or adjacent to any farmland. Therefore, the proposed project would not convert or have the potential to convert existing farmland to a nonagricultural use, and the proposed project would result in no impact on important farmlands.

b-c) The project sites are not currently protected under the Williamson Act or zoned for agricultural uses. All properties to be directly or indirectly impacted by the proposed project are zoned for office, research & development, and industrial uses. Therefore, the proposed project would result in no impact to agricultural resources.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	1
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐	1
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐	1
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	1
e) Create objectionable odors affecting a substantial number of people?	☒	☐	☐	☐	1

Discussion

a-e) The proposed project would intensify existing land uses at the project sites and permit a range of commercial uses, including food preparation uses, that do not currently exist in the project vicinity. The traffic related to the new employment base and to the visitors attracted to the service uses (e.g., the health/fitness centers and restaurants/cafes) would result in additional regional air emissions, and could contribute to local congestion that may result in "hotspots" of localized air pollutants such as carbon monoxide. The construction and demolition activities involved in the development of the new mixed uses would emit particulate matter and construction equipment exhausts. New uses, including the restaurants, can create odors that may disturb any sensitive receptors near the project area. Because of these air emissions, the proposed project may hinder efforts to attain state and federal air quality standards for ozone and small particulate matter, for which the Bay Area is in nonattainment. Accordingly, air-quality related concerns will be examined in the EIR.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IV. BIOLOGICAL RESOURCES – Would the project:					
a) Have a substantial adverse effect on either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	☒	☐	☐	☐	2, 8
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	☐	☐	☐	☒	2, 6,
c) Have a substantial adverse effect on federally protected wetland as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?	☐	☐	☐	☒	2
d) Interfere substantially with the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	2
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	3

Discussion

a-d) A query of the California Natural Diversity Database (CNDDB) for the U.S. Geological Survey (USGS) Palo Alto, Redwood Point, Newark, and Mountain View 7.5-minute quadrangles resulted in 43 occurrences of sensitive plant and animal species. This database includes species listed as rare, threatened, endangered, or proposed for listing as such, under the California and Federal Endangered Species Acts, species of special concern to California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS), and plants on the California Native Plant Society (CNPS) list 1 or 2 (considered rare or endangered within California and elsewhere). A separate 9-quad search on the CNPS electronic inventory resulted in 38 species of plants reported from the Palo Alto, Redwood Point, Newark, Mountain View, Woodside, La Honda, San Mateo, Mindego Hill, and Cupertino USGS 7.5' quadrangles. In general, the extensive species lists generated by the CNDDB and CNPS queries are the result of:

1. Populations of sensitive species associated with extensive freshwater wetlands and undisturbed native grasslands, and serpentine soils found within the region (primarily north and east of the project sites); and

2. Species associated with the extensive sloughs, coastal scrub, and associated brackish and freshwater habitats of the southern anchor of San Francisco Bay (across Bayfront Expressway along the northwest boundary of the Constitution site).

According to the data within the CNDDB, seven plant and animal species and two sensitive natural communities are reported within a 2-mile radius of the project sites. However, due to the project site's location (between a major highway and expressway) and its highly urbanized and developed landscapes, it is unlikely that any special status animal species would use the project sites for nesting, cover, or foraging habitat. Special-status plant species are either restricted to grassland habitats or are considered extinct. Although some portions of parcels are undeveloped, the original plant communities have been eliminated due to varying degrees of disturbance by previous development. Vegetation found within the project sites largely consists of commercial landscape specimen plantings, cultivars, and other commonly used horticultural varieties of plant species.

Except for existing municipal stormwater discharge systems, the project sites contain no wetlands or ponded water associated with wetlands or "other waters of the United States."

Any project activities that would result in the removal of existing woody vegetation could potentially impact nesting birds (i.e., the loss of young birds or the abandonment of an active nest), which would be a violation of Fish and Game Code Section 3503 and the federal Migratory Bird Treaty Act. The EIR will evaluate this potentially significant impact depending on the bird species.

e) The proposed project would be subject to the Menlo Park Municipal Code Chapter 13.24, which establishes regulations for the preservation of heritage trees. The proposed project could result in a loss of trees protected by Chapter 13.24, which would be considered a potentially significant impact. However, implementation of the provisions in this chapter of the Municipal Code would reduce this impact to less than significant.

The Menlo Park Municipal Code, Chapter 13.24 establishes regulations for the preservation and removal of heritage trees, which are defined as:

(1) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;

(2) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide< with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.

(3) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are less than twelve (12) feet in height, which will be exempt from this section. (Ord. 928 §1 (part), 2004).

A tree survey shall be conducted by a certified arborist, with a tree report and map showing the locations of all pertinent trees within the project envelope. Any work performed within an area ten times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for

review and approval by the Community Development Director or his or her designee prior to issuance of any permit for grading or construction, and shall be prepared by a certified arborist. Removal of heritage trees requires obtaining an appropriate permit from the Director of Public Works. In keeping with the general intent of Chapter 13.24 to preserve and maintain trees, the project sponsor shall retain as many of the native trees as feasible.

f) The project sites do not lie within or adjacent to an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. Accordingly, there would be no impact to these resource areas.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
V. CULTURAL RESOURCES – Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in code 15064.5?	☐	☐	☐	☒	10, 13
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☒	☐	☐	☐	10, 13
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	20
d) Disturb any human remains, including those interred outside formal cemeteries?	☒	☐	☐	☐	10

Discussion

a) A records search of historic and archaeological resources for the proposed project was conducted on June 10, 2005 at the Northwest Information Center (NWIC) at Sonoma State University. According to the NWIC, no historic resources are present at the project sites and a review of historical literature and maps on file at the NWIC gave no indication of historic activity in the project area. Based on the Phase I Environmental Site Assessment prepared for the Independence site (EFI Global, May 2005), the office and research & development facilities on Independence Drive were constructed around 1965. Prior to this date, the area was undeveloped grasslands and row crops. Since the State Office of Historic Preservation typically considers structures to be potentially historic if they are at least 45 years old (built in 1950 or earlier) and satisfy other criteria, the structures in the project sites would not be eligible for historic status. Thus, the proposed project would not be expected to affect historical or architectural resources.

b, d) According to the records search conducted for the proposed project by the NWIC, the project vicinity contains no recorded Native American or historic archaeological resources listed with the Historical Resources Information System. While the potential for the discovery of cultural resources on the project sites is low, there is a possibility that future development may uncover buried prehistoric archaeological resources. Indicators of prehistoric use and/or occupation in this area include dark brown to black friable soils containing visible amounts of shellfish remains, concentrations of stone and bone, evidence of fires (ash, charcoal, fire altered rock and burnt earth), and artifacts of stone, bone and shellfish. The EIR will evaluate whether the proposed project could involve grading activities within the project sites that could disturb undiscovered cultural resources.

c) Geologically recent invertebrate fossils (mollusks, micro-organisms, etc.) recovered from bay sediments such as those in the project vicinity are widely distributed, are found in predictable locations, and are both abundant and well preserved. Many types of marine and brackish-water invertebrate fossils can number in the millions and can be exposed over many miles of bayside sediments (some invertebrate fossils are so prolific that they constitute major soil or rock material, such as diatomaceous clay or fossiliferous limestone). Consequently, exposed sediments containing abundant, well-preserved, and extensively-distributed invertebrates such as the mollusks in the project vicinity, but lacking vertebrate fossils (see below), are less paleontologically sensitive than limited exposures containing few fossils from a restricted depositional zone.

Vertebrate fossil (fossils representing animals with backbones, including mammals, birds, reptiles, amphibians and fish) are more rare than invertebrate fossils and often are more poorly preserved. In marine sediments, significant vertebrate fossils generally are much less common than invertebrate fossils. Paleontological resource localities yielding vertebrate fossils frequently represent terrestrial environments, i.e., non-marine deposits such as the Holocene basin deposits at the project site. These continental deposits generally are less uniform depositionally than marine deposits, and, consequently, fossilization is even more infrequent. Further, in life vertebrates often are far less abundant than invertebrates (picture the difference between a herd of hundreds or even thousands of bison versus marine beds containing hundreds of millions of bivalves). The infrequency of fossilization and the vicissitudes of the many burial factors involved result in vertebrate fossils being extremely rare relative to their original numbers in life. For these reasons, vertebrate fossil resources are considered to have very high paleontological significance; geologic formations that have the potential to yield vertebrate fossil remains are therefore considered to have the greatest paleontological significance and the highest paleontological sensitivity. There are no geological formations of this type in the vicinity of the project site, so it is extremely unlikely that any paleontological resources exist at the project site.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact	Source
VI. GEOLOGY AND SOILS – Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State of Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	21, 22
ii. Strong seismic ground shaking?	☐	☐	☒	☐	23, 24
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	25, 26, 27
iv. Landslides?	☐	☐	☐	☒	1, 28,
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 28
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	1, 29
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

Discussion

a.i) The project sites are not in an Alquist-Priolo Earthquake Fault Zone or on or immediately adjacent to an active or potentially active fault.[1] The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones along sufficiently active and well-defined faults by the California Department of Conservation, Geological Survey (CGS). The active faults nearest to the project sites are the San Andreas

[1] An 'active fault' is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A 'potentially active fault' is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not mean that faults lacking evidence of surface displacement are necessarily inactive. 'Sufficiently active' is used to describe a fault for which there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 2005).

fault, about 7 miles southwest of the project sites, and the Hayward fault, about 9 miles northeast. Other nearby active Bay Area faults include the San Gregorio fault, about 15 miles southwest, and the Calaveras fault, about 16 miles northeast of the project sites. Traces of the Early Quaternary Palo Alto and Stanford faults appear on the County's Geologic Hazards Zones Map about 2 and 4 miles, respectively, south of the project sites. These faults do not show evidence for recent surface displacements (i.e., during the last 10,000 years) that would cause the state of California to categorize them as active. Because the project sites are not in an Alquist-Priolo Earthquake Fault Zone nor adjacent to any known active fault, fault rupture hazards are not considered impacts associated with the proposed project.

a.ii, iii) Menlo Park (and the rest of the San Francisco Bay Area) is in one of the most seismically active regions in the United States. Recent studies by the United States Geological Survey (USGS) indicate there is a 63 percent likelihood of a Moment Magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years. The project sites could experience very strong (Modified Mercalli Index [MMI] VIII) to violent (MMI IX) groundshaking intensities during a characteristic earthquake on the San Andreas fault.[2] Groundshaking of this intensity could result in moderate damage, such as collapsing chimneys and falling plaster. Seismic shaking of this intensity can trigger ground failures such as liquefaction, potentially resulting in foundation damage, disruption of utility service and roadway damage.[3]

The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong groundshaking, liquefaction, landslides, or other ground failures caused by earthquakes. SHMA requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site in a Seismic Hazard Zone, a geotechnical investigation must be conducted and appropriate mitigation measures incorporated in the project design. The CGS Special Publication 117, adopted in 1997 by the CGS in accordance with the SHMA, constitutes guidelines for evaluating seismic hazards other than surface faulting, and for recommending mitigation measures as required by Public Resources Code Section 2695(a).

The project sponsor would be required to comply with all applicable City regulations and standards to address potential geologic impacts associated with the proposed project, including groundshaking and liquefaction. Geotechnical and seismic design criteria must conform to engineering recommendations in accordance with the seismic requirements of Seismic Zone 4 of the 2001 California Building Code (Title 24) and the amendments adopted in the City's Building Code (Chapter 12 of the Menlo Park Municipal Code). In addition, because the project sites are in a liquefaction Seismic Hazard Zone, the project sponsor would be required to comply with the guidelines set by CGS Special Publication 117.

The City's Building Code requires that all foundations and other improvements (i.e., roads, driveways, utilities) be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer to ensure the suitability (especially considering the existence of potentially liquefiable soils and expansive soils at the site) of the subsurface materials for adequately supporting the proposed structures. All recommendations from the investigation would be summarized in a geotechnical engineering report and incorporated in the

[2] Shaking intensity is a measure of groundshaking effects at a particular location, and can vary depending on the magnitude of the earthquake, distance to the fault, focus of earthquake energy, and type of underlying geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects caused to groundshaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total).

[3] Liquefaction is the process by which saturated, loose, fine-grained, granular soil (such as sand) behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

project, pursuant to State law. The City's Building Code requires that geotechnical investigations provide design criteria that would minimize impacts associated with strong groundshaking during an earthquake. All structures, roads, and utility lines must meet or exceed design criteria of the 2001 California Building Code. Adherence to the Seismic Zone 4 soil and foundation support parameters in Chapters 16 and 18 of the Building Code and the grading requirements in Chapters 18 and A33 of the Building Code, as required by City and state law, ensures the maximum practicable protection available from soil failures under static or dynamic conditions for structures and their associated trenches, temporary slopes and foundations. Consequently, the proposed project would not have a significant adverse impact with regard to exposure of people or structures to damage resulting from seismic groundshaking or ground failure.

a.iv) The project sites are relatively level, sloping very gently to the northeast. There are no adjacent hillsides. Consequently, the proposed project would create no potential impacts associated with landslides, mudflows, or other statically or dynamically induced mass soil movements.

b) The proposed project would involve grading and trenching, which could create a significant effect on water quality as a result of erosion. Because the project sites exceed one acre in size, the project sponsor would be required to apply for coverage under the State General Construction Permit in order to comply with federal National Pollutant Discharge Elimination System (NPDES) requirements, in accordance with the State Water Resources Control Board requirements (see Section VIII, Hydrology and Water Quality). The project sponsor would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce potential erosion and subsequent sedimentation of storm water runoff. This SWPPP would include Best Management Practices (BMPs) to control erosion associated with grading, trenching, and other ground surface-disturbing activities. The project sponsor would be required to submit a grading plan to the City before permits would be issued. The plan would be required to conform to the City's Urban Runoff Pollution Prevention Program erosion control measures. Because the project would be required by the State Water Resources Control Board to include a SWPPP, which would include erosion preventative measures, impacts related to erosion, loss of topsoil, or unstable conditions from excavation or grading would be rendered less than significant.

Displacement of soil also would be regulated by the City's ordinances (Chapters 18 and A33 of the Building Code) relating to grading and excavation. Soil erosion after construction would be controlled by implementation of approved landscape and irrigation plans, as needed. Because earth-disturbing activities associated with construction would be temporary and would be governed by these regulations, they would not result in a permanent or significant alteration of significant natural topographic features that could increase or exacerbate erosion.

All construction activities would be required to comply with Chapter 18 of the Building Code, which regulates excavation activities and the construction of foundations and retaining walls, and Chapter A33 of the Building Code, which regulates grading activities, including drainage and erosion control. Compliance with the NPDES permit process and the City Building Code requirements would minimize the effects from erosion. Such compliance would ensure that erosion impacts resulting from project construction would be less than significant.

c, d) The existence of Holocene basin deposits beneath the project sites makes it necessary to ensure the soils used for foundation support of buildings, roads, and utilities are sound. Such deposits are regarded as potentially weak soils (i.e., those that are expansive, compressive, or liquefiable), since they are composed of bay mud and undocumented artificial fill. Using unsuitable soils would have the potential to create future liquefaction, subsidence, or collapse problems leading to building settlement and/or utility line disruption. When weak soils are re-engineered specifically for stability prior to use, these potential

effects can be reduced or eliminated. An acceptable degree of soil stability would be achieved for expansive, liquefaction-prone, and compressible soils by the required incorporation of soil treatment programs (replacement, grouting, compaction, drainage control, etc.) in the excavation and construction plans to address site-specific soil conditions. A site-specific evaluation of soil conditions is required by the Building Code and must contain recommendations for ground preparation and earthwork specific to the site, that become an integral part the construction design.

As part of the construction permitting process, the City would require completed reports of soil conditions at each specific construction site to identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. The evaluations must be conducted by registered soil professionals. The reports must (a) identify potentially unsuitable soil conditions and (b) contain appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in the City Building Code, Chapters 16, 18, and A33, to eliminate inappropriate soil conditions.

Adherence to the Seismic Zone 4 soil and foundation support parameters of the City Building Code, as required by City and State law, ensures the maximum practicable protection available from soil failures under static or dynamic conditions for structures and their associated trenches, slopes, and foundations. The project sponsor would be required to incorporate these recommendations into the project design. In view of these circumstances, hazards related to unstable geologic or soil units would be reduced to a less-than-significant level.

e) The proposed project would not include any septic tanks or leach field systems. Development in the area would continue to dispose of wastewater through the existing sanitary sewer system. Consequently, the existence of soils incapable of supporting septic systems is not considered an impact associated with the proposed project.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐	1, 13
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐	1, 13
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1, 13
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐	13
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	2
f) For a project within the vicinity of a private airstrip, would the project resulting in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	2
g) Impair implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☒	1, 2, 3

Discussion

a-d) The Phase I Environmental Site Assessment, prepared for the project sites to identify the potential for onsite or nearby soil or groundwater contamination, noted that groundwater below the study properties may be adversely affected by a regional groundwater solvent plume from properties within the project area. Both the Regional Water Quality Control Board and the San Mateo County Environmental Health Department have identified groundwater contamination from low levels of chlorinated solvents. Sources for these solvents include:

- 120 Constitution Drive, where concentrations of 540 parts per billion (ppb) of TCE, in addition to PCE, 1,1,1-TCA, 1,1-CDE, cis 1,2-DCE, and vinyl chloride, were detected in the groundwater.
- 115 Independence Drive, formerly occupied by a business that manufactured plastic products and printed circuit boards, where concentrations of 590 ppb of TCE, and of up to 25 ppb of1,1-DCE and cis 1,2-DCE were collected.
- 119 Independence Drive, also occupied by the same business as at 115 Independence Drive, where concentrations of up to 610 ppb of TCE and of up to 25 ppb of 1,1-DCE were detected.

Given the presence of nearby Cortese List sites, future construction workers and site occupants may be exposed to hazardous materials and potential public health risks will be evaluated further in the EIR.

e-f) There are no airports or airstrips in the vicinity of the project sites. Accordingly, safety hazards from nearby aircraft operations or activities would not be an impact at the project sites.

g) The project would not alter existing emergency response procedures, nor impose a substantial demand on emergency response personnel. Accordingly, the proposed project would not impair implementation or interfere with emergency response in the project vicinity.

h) The project sites are in an urbanized setting, remote from wildlands. Therefore, safety hazards from wildland fires would not affect the project sites.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
VIII. HYDROLOGY AND WATER QUALITY - Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	14, 15
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	16, 17
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site?	☒	☐	☐	☐	16, 17
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐	
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	16
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	18, 19
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	18, 19
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	18, 19
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	

Discussion

a) During the construction phase of the project, there is the potential for sediment erosion and transport, as well as movement of construction pollutants to surface and groundwater. Additionally, due to the relatively high water table of 5-10 ft (EFI Global, 2005), it is likely that construction activities would

require dewatering of excavation pits and potential discharge of this water to surface waterbodies. Following construction, stormwater runoff may carry urban pollutants to surface waterbodies. However, the proposed mixed-use commercial businesses could diminish the type or amount of pollutants in stormwater, compared to existing conditions (light industrial) and existing requirements and enforcement of existing NPDES permits [the San Mateo Countywide NPDES General Permit (Order No. 99-059, NPDES Permit No. CAS0029921) and General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, Order No. 99-08-DWQ)] would prevent any significant violations of water quality standards or waste discharge requirements. Additionally, approval from the San Francisco Bay Regional Water Quality Control Board (RWQCB) is required for discharges of water from construction dewatering activities.

The proposed project would be subject to permit and municipal code requirements that include preparation of a Storm Water Pollution Prevention Plan for construction activities and compliance with the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP). These programs are designed to prevent violation of water quality standards through mitigation and control of pollutant transport in stormwater runoff and infiltrating waters. Consequently, the proposed project would not violate water quality standards or waste discharge requirements and the impacts would be less than significant.

b) The project sites are in the San Mateo Subbasin of the Santa Clara Valley Groundwater Basin. The San Mateo Subbasin is bound by the Westside Basin to the north, San Francisco Bay to the east, San Francisquito Creek to the south, and the Santa Cruz Mountains to the west. The subbasin has two main water-bearing units; the Quaternary age alluvium and the Santa Clara Formation. The alluvium is the most important water-bearing unit in the subbasin, and most of the wells in the subbasin draw water from the deeper aquifers of this unit. The alluvium is coarse grained, generally unconfined, and permeable. A relatively shallow water table aquifer overlies the aquifers in the lowland areas. The underlying Santa Clara Formation overlies non-water bearing formations. Well data indicate that permeability tends to increase from west to east and decrease with increasing depth.

Groundwater in the vicinity of the proposed project lies near the surface (within 10 feet) in the easterly, low-lying portion of the City. Seeps are a localized hydrologic problem in the hills and are not known to occur in the project vicinity. Natural recharge occurs primarily by infiltration of water from streams. Additional recharge occurs by percolation of precipitation that falls directly on the ground surface.

It is anticipated that dewatering of excavated pits would be necessary during the construction phase of the proposed project. This would locally and temporarily lower the local aquifer table and reduce aquifer volume. However, no large underground structures would be built and dewatering would not continue following the construction phase. Construction impacts on the local groundwater aquifer would be temporary and less than significant.

The project site is now primarily covered by impervious surfaces – including office, research & development, and light industrial land uses. Most remaining undeveloped areas are also composed of impervious surfaces or compacted, flat surfaces with very low permeability. Existing groundwater recharge potential is minimal. The project would permit mixed commercial uses with less impervious surfaces than under current conditions, since the future uses would have a landscaping requirement whereas none currently exists. Therefore, post-construction groundwater recharge potential would be minimally improved compared to existing conditions.

The majority of water supplies serving the City of Menlo Park are obtained from the SFPUC (Hetch-Hetchy). However, a small amount of connections is served by local groundwater. The O'Connor Tract Co-operative Water Company is a small municipal water supplier that services parts of Menlo Park and East Palo Alto. This company operates two groundwater wells that are 250 to 500 feet deep and are located over 2 miles up-gradient from the project sites.

With implementation of the proposed project, the total area of paved surfaces could be reduced, although the intensity of development will be increased relative to existing conditions. If so, there would be no reduction in groundwater recharge potential. As there would be no long-term impact of the project on the local groundwater table and as water supplies would not involve local groundwater resources, there are no new wells proposed. Local groundwater table impacts would be less than significant.

c) Construction activities associated with development generally alter existing drainage patterns that could result in substantial erosion or siltation. However, the project must comply with existing NPDES permits (General Permit and Construction General Permit) and Municipal Codes for construction and stormwater management (Chapter 7.42 Storm Water Management Program) including preparation of a Grading and Drainage Plan.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) that the discharger will use to protect storm water runoff, including the placement and timing of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Preparation of an approved SWPPP and Grading and Drainage Plan and compliance with the NPDES permits will prevent substantial erosion, sediment transport, or siltation because of implementation of the proposed project and impacts would be less than significant.

This SWPPP would include, but would not necessarily be limited to, many of the following erosion control methods:

- Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction of the project;
- Keep runoff away from disturbed areas during grading and related activities;
- Stabilize disturbed areas as quickly as possible, either by vegetative, mechanical and/or physical methods;
- Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or straw wattles including perimeter protection;
- Use dirt and sediment tracking BMPs, including stabilized construction entrances and wheel washes;
- Implement routine street sweeping;
- Cover exposed soils and material stockpiles to prevent wind erosion;

- Use interceptor ditches, drainage swales, or detention basins to prevent storm runoff from transporting sediment into drainage ways and to prevent sediment-laden runoff from leaving any disturbed areas;
- Use landscaping and grading methods that lower the potential for down-stream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods;
- Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team; and
- During the installation of the erosion and sediment transport control structures, the erosion control professional must be on the site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period.

Following construction of the proposed project, drainage patterns would not be substantially altered compared to existing conditions, surfaces would be primarily impervious with some landscaping (more so than under existing conditions), and the project would have no impact on erosion or siltation on- or off-site.

d-e) Implementation of the proposed project might increase the amount of impervious cover and may alter drainage patterns compared to existing conditions. The proposed project would replace the existing commercial uses and add hotel/resort uses to the project area, thereby increasing the intensity of development on site, thus probably resulting in a greater area of impervious surfaces. This change in site conditions could modify the drainage patterns and as well as increase the rate and/or amount of stormwater runoff. On the other hand, the proposed project would result in the conversion of light industrial land use to mixed uses, which would not likely contribute additional pollutants to stormwater runoff.

f) Because the groundwater table is very shallow at the project sites, pollutants and chemicals associated with construction activities could readily migrate to the groundwater and contribute to degradation of the local groundwater aquifer. Implementation of construction BMPs such as spill prevention and good house-keeping BMPs would be included in the SWPPP and prevent significant impacts to groundwater quality during construction.

Following completion of the proposed project, implementation of the STOPPP would prevent substantial degradation of groundwater quality by land-use activities including landscape maintenance (e.g., covered waste containers, minimization of pesticides and fertilizers).

The most common sources of storm water pollution are construction sites, streets and parking lots, large landscaped areas, and household and industrial materials dumped into storm drains. Grading and earthmoving activities associated with new construction accelerate soil erosion, even in lowland areas. Grease, oil, hydrocarbons and heavy metals deposited by vehicles and heavy equipment accumulate on streets and paved parking lots, and are carried into storm drains by runoff. Pesticides, herbicides and fertilizers used for landscape maintenance are washed into storm drains by overwatering. Paints, solvents, soap products and other toxic materials are inadvertently or deliberately deposited in storm

drains in residential and industrial areas. The federal Clean Water Act requires local municipalities to implement measures to control this type of pollution entering their storm drainage systems.

The proposed project would replace light industrial land uses with mixed land use. Table 2 lists the national median storm event concentrations for commercial compared to industrial land uses (similar percent imperviousness) from the National Storm Water Quality Database.

Table 2
Typical Pollutant Concentrations in Stormwater for Industrial and Commercial Land Uses

Constituent of Concern (COC)	Event Mean Concentration (EMC)		
	Units	**Industrial**	**Commercial**
Oil and Grease	*mg/L*	5.0	4.7
Total Dissolved Solids	*mg/L*	92	74
Total Suspended Solids	*mg/L*	78	42
Biochemical Oxygen Demand	*mg/L*	9	11
Fecal Coliforms	*mpn/100 mL*	2500	4300
Total Nitrogen	*mg/L*	2.13	2.12
Total Kjeldahl Nitrogen	*mg/L*	1.4	1.6
Nitrate + Nitrite	*mg/L*	0.73	0.60
Heavy Metals			
Total Cadmium	*µg/L*	2.0	0.89
Dissolved Cadmium)	*µg/L*	0.6	0.3
Total Chromium	*µg/L*	14	2.0
Dissolved Chromium	*µg/L*	3.0	2.0
Total Copper	*µg/L*	22	17
Dissolved Copper	*µg/L*	8.0	7.6
Total Lead	*µg/L*	25	18
Dissolved Lead	*µg/L*	5.0	5.0
Total Mercury	*µg/L*	0.2	0.2
Dissolved Mercury	*µg/L*	NA	NA
Total Nickel	*µg/L*	16	7.0
Dissolved Nickel	*µg/L*	5.0	3.0
Total Zinc	*µg/L*	210	150
Dissolved Zinc	*µg/L*	112	59

Source: NSQD Version 1.1
http://unix.eng.ua.edu/~rpitt/Research/ms4/mainms4.shtml

These data indicate that there would not be a substantial alteration in the type or amount of potential pollutants in storm water runoff with the proposed project compared to existing conditions. The proposed project would not otherwise impact water quality.

For significant redevelopment projects, a previously developed site that results in addition or replacement, which combined total 43,560 square feet or more, of impervious surface on such as already developed site), some pertinent NPDES Permit C.3. provisions are:

Development Project Approval Process:

"Dischargers shall modify their project review processes as needed to incorporate the requirements of Provision C.3 to ensure that pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and increases in runoff flows are managed in accordance with C.3.f., to the maximum extent practicable".

Such conditions shall, at a minimum, address the following goals:

i. Require project proponent to implement site design/landscape characteristics where feasible which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from a site have been reduced to the maximum extent practicable; and

ii. For new and redevelopment projects that discharge directly to water bodies listed as impaired by a pollutant(s) pursuant to Clean Water Act Section 303(d), ensure that post-project runoff does not exceed pre-project levels for such pollutant(s), through implementation of the control measures addressed in this provision, to the maximum extent practicable, in conformance with Provision C.1. (The project is in the San Francisquito Creek sub-basin, which is listed as a 303(d) impaired water body by the US EPA.).

Numeric Sizing Criteria For Pollutant Removal Treatment Systems: Treatment BMPs incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff.

i. Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

    1. The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

    2. The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook, (1993), using local rainfall data.

ii. Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

    1. 10% of the 50-year peak flow rate; or

    2. The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or

    3. The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

The above C.3. provision criteria are based on physical properties for sizing treatment devices to assure adequate treatment and conveyance capacity. BMPs included in site designs and plans for the proposed project would be reviewed by City/County Association of Governments of San Mateo County or City of Menlo Park engineering staff to assure appropriateness and adequate design capacity, prior to project approval.

Limitation on Increase of Peak Stormwater Runoff Discharge Rates: No net increase in flow where such increase would increase erosion or otherwise degrade the stream; no net increase in flow is not required where increased flows would not cause degradation.

Reporting, including Pesticide Reduction Measures

The Dischargers shall demonstrate compliance with the requirements of Provision C.3. by providing in their Annual Reports, including:

iii. A summary of the types of pesticide reduction measures required for those new development and significant redevelopment projects to be addressed under Provision C.3.c., and the percentage of such new development and significant redevelopment projects for which pesticide reduction measures were required.

No pesticide reductions measures have been identified. If the proposed project is subject to pesticide reduction reporting requirements under future NDPES permit provisions, these will need to be addressed. Pesticide reduction practices can include selection of landscaping plants with minimal pesticide requirements.

Implementation of the following BMPs would assure compliance with potential NPDES permit regulations:

Site Planning BMPs

1. Minimize directly connected impervious surfaces using site lot design. Pervious paving materials may also be incorporated to further decrease impervious surface area. These BMPs apply to development on all the parcels in the project.

2. Landscaping shall be used around buildings to trap and filter contaminants before stormwater reaches the storm drain system. This BMP applies to all proposed buildings in the project.

3. Use the Bay Area Stormwater Management Agencies Design Guidance Manual to modify roadway, landscaping, and channel improvement projects, incorporating recommended design elements such as sediment traps, gravel strips and/or trenches, concave planting areas, permeable substrate, and infiltration basins and/or vaults at the end of downspouts.

Post-construction BMPs

1. The final Developer shall distribute educational materials to the first residents or tenants of all residential and commercial properties included in the project. These materials shall address good housekeeping practices relating to stormwater quality, prohibited discharges, and proper disposal of hazardous materials.

2. The agency responsible for any common landscaped areas shall implement a program of efficient irrigation and proper maintenance including minimizing use of fertilizer, herbicides and pesticides.

3. The responsible agency shall implement a trash management and litter control program to mitigate the impacts of gross pollutants on storm water quality. This program shall include litter patrol, emptying trash receptacles in common areas, and reporting and investigating and trash disposal violations.

4. Any new storm drain inlets shall be labeled with the phrase "No dumping – flows to Bay", or a similar phrase to mitigate the impact of potential for discharges of pollutants to the storm drain system.

5. Measures shall be incorporated into drainage projects (storm drains, conduits, collection points, and outlets) to maximize infiltration, permeability, trapping of pollutants and sediment from stormwater runoff. These measures may include structural BMPs, including vortex separators (Stormceptor©, Vortechnics©, etc.) to separate oil and solids (contaminants, sediment, etc.) from stormwater runoff and designed based on the anticipated type and quantity of pollutants to be removed and the flow rate to be treated.

7. Properly designed vegetated filter strips shall be installed wherever feasible in the project to mitigate sediment and pollutant transport from sheetflow of stormwater.

8. Restaurants incorporated in the commercial areas of the development would be designed with contained areas for cleaning mats, containers and sinks connected to the sanitary sewers. Grease shall be collected and stored in a contained area and will be removed regularly by a disposal recycling service. This BMP would mitigate potential impacts due to oil and grease.

9. Streets in the project area shall be swept immediately prior to and once during the storm season. If the City of Menlo Park does not agree to accept responsibility for street sweeping, the developer would arrange for this service within the project area for developed portions of the project.

10. A pesticide reduction plan shall be developed and implemented. This plan will include recommendations for landscape planting to minimize pesticide use.

Construction Dewatering

Dewatering of excavation pits will likely be required during construction. This extracted water would likely reflect similar characteristics of nearby Bay waters because of its close proximity to the Bay and likely subsurface interaction with the Bay. If construction dewatering is required and disposal would be to land or surface water, an individual Waste Discharge Requirement (WDR) would be required and need to be obtained from the RWQCB. The WDR would require testing to make sure that discharged waters do not pose a substantial risk to water quality. Furthermore, during construction, the Proposed Project would be subject to the SWPPP, which includes measures for spill prevention, control, and containment that would prevent potential construction pollutants from leaching through the exposed excavation pits into the local groundwater. These existing regulatory requirements would assure that disposal of any construction dewatering would not substantially affect water quality and that potential construction pollutants do not contaminate construction dewatering water. Thus, the proposed project would not substantially contribute any other water quality degradation and impacts would be less than significant.

g-i) FEMA allows non-residential development in the floodplain; however, construction activities are restricted within the flood hazard areas depending upon the potential for flooding within each area.

Federal regulations governing development in a floodplain are set forth in Title 44, Part 60 of the Code of Federal Regulations (CFR) which enables FEMA to require municipalities that participate in the National Flood Insurance Program (NFIP) to adopt certain flood hazard reduction standards for construction and development in 100-year flood plains. No residential units would be included in the proposed project.

The San Mateo County Flood Control District (SMCFCD) is a Countywide Special District that was created by State legislation in order to provide a mechanism to finance flood control projects. The legislation requires that a flood control zone be formed over an entire watershed and a proposed funding source be determined before a flood control project is undertaken. There are currently three active flood control zones—Colma Creek, San Bruno Creek, and San Francisquito Creek—none of which directly affect the project area.

The Constitution and Independence sites are located within the 100-year flood zone. The project sites are not located within a Dam Failure Inundation Area. Development of mixed-use structures would not be substantially different than existing light industrial structures. Development of the project would not significantly alter flood flows. Additionally, construction within special flood hazards areas is governed by Municipal Code 12.42.51 Standards of construction, which details the standards for development within special flood hazard areas that will minimize flood hazard risks and impacts. Compliance with building code standards would reduce project impacts from flood hazards to a less-than- significant level.

j) The project area is at an elevation of five to ten feet above mean sea level and is not located near an exterior coast or a standing waterbody. Therefore, the project would not be subject to tsunami or seiche conditions. Additionally, the site topography is relatively flat and would not be subject to mudflows.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IX. LAND USE AND PLANNING – Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1, 2, 3
b) Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐	3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	

Discussion

a) The project sites are bound by the US 101 to the south, the Bayfront Expressway, Bayfront Park and open space to the north, and office and light industrial uses to the west and east. The project area is essentially a community/business district unto itself. The proposed project would not divide the physical arrangement of a community. Rather, the proposed project would allow for hotel, health club, and café/restaurant, and other commercial uses to be developed within existing industrial uses in the project vicinity. Therefore, the proposed project would not disrupt or divide the physical arrangement of the community established by existing uses.

b) The City of Menlo Park General Plan contains land use, circulation and transportation, housing, open space and recreation, and noise policies which could be applicable to the proposed project. Since the proposed project involves the creation of a new General Plan land use designation and zoning district (M-3), the EIR will discuss the consistency of the proposed project with applicable plans and policies, and effects of the project that could contribute to a potentially significant adverse environmental effect associated with land use and/or policy conflicts because of the substantial increase in density and the new General plan and zoning designations.

c) There is no habitat conservation plan or natural community conservation plan in effect within the project area. Accordingly, the proposed project would not conflict within any habitat conservation or natural community conservation plans.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
X. MINERAL RESOURCES – Would the project?					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	30
b) Result in the loss of availability of a locally - important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	30

Discussion

a-b) The State legislation protecting mineral resource zones is the Surface Mining and Reclamation Act of 1975. Part of the purpose of the act is to classify mineral resources in the State and to transmit the information to local governments which regulate land use in each region of the State. Local governments are responsible for designating lands that contain regionally significant mineral resources in local general plans to assure resource conservation in areas of intensive competing land uses. The law has resulted in the preparation of Mineral Land Classification Maps delineating Mineral Resource Zones (MRZ) 1 through 4 for aggregate resources (sand, gravel and stone).

The project area is classified by the California Geological Survey as MRZ-1, a Mineral Resource Zone for which there is adequate information to indicate there are no aggregate mineral resources present. Consequently, there would be no impact on mineral resources.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XI. NOISE – Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐	1, 2, 3, 6
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☒	☐	☐	☐	1
c) A substantial permanent increase in ambient noise level in the project vicinity above the levels existing without the project?	☒	☐	☐	☐	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	2

Discussion

a-d) Sensitive receptors present in the vicinity of the proposed project area include residences in the triangle bound by US 101, U.P.R.R rail line, and Willow Road. Students at Beachwood School and users of Joseph B. Kelly Park are also considered sensitive receptors. The increased traffic on the two major access roads near the project sites, Willow Road and Marsh Road, would likely impact the surrounding residential area. The increased activity levels at the project site, traffic, and operations have the potential to disturb these sensitive receptors as well. Accordingly, the EIR will analyze the potential construction, operational and traffic-related noise effects of the proposed project on sensitive receptors.

e-f) The proposed project is not within two miles of a public or private airport; therefore, the project would not expose people residing or working at the project site to excessive aircraft noise levels.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XII.POPULATION AND HOUSING – Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☒	☐	☐	☐	1, 3, 6
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2

Discussion

a) The proposed General Plan amendment and rezoning would increase the allowable FAR in the project site from 45-55% to 137.5%. As a result, the employment at the project sites has the potential to be considerably greater than existing conditions. In addition, the project could indirectly affect housing demand because increased employment at the project sites could result in additional housing demand in the City and surrounding communities. The EIR will discuss potential effects of greater employment and housing demand as a result of the proposed project.

b-c) The proposed project would not displace any people or housing, because the project sites are developed with office, light manufacturing, and research & development uses, with some partially undeveloped areas. Therefore, the proposed project would not displace people and/or housing.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XIII. PUBLIC SERVICES - Would the project:					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable services rations, response times or other performances objectives for any of the public services:					
i) Fire Protection	☒	☐	☐	☐	1
ii) Police Protection	☒	☐	☐	☐	1
iii) Schools	☐	☐	☐	☒	1
iv) Parks	☐	☐	☐	☒	1
v) Other public facilities (Road Access)	☐	☐	☐	☒	1

Discussion

a) The proposed project would introduce taller and more highly occupied and used structures than would be expected under existing zoning regulations. This change, coupled with the inclusion of hotel/motel uses and parking structures, may necessitate the acquisition of new or additional equipment and hiring of additional personnel in order to adequately maintain acceptable standards of fire and police protection. The EIR will consider whether the increased demand for resources may result in the need for new or expanded facilities, which, in turn, could result in environmental impacts.

In contrast, the proposed uses are business related and, thus, would not impose demand on public facilities like schools and parks. The demand for these facilities is typically associated with new residential development.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XIV. RECREATION - Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1

Discussion

a-b) The proposed project includes proposed office, hotel, health club, and café/restaurant uses within the project sites. City parks within a half a mile of the project sites include Bayfront Park to the north along Bayshore Expressway and Joseph B. Kelley Park to the south along the U.P.R.R. rail line and Terminal Avenue. One county park, Flood Park, is located further to the south on the west side of U.S. 101. Employees, hotel guests, and visitors to the project sites would not be expected to visit these parks on a regular basis. The proposed project would not increase the demand for neighborhood or regional parks or other recreational facilities, because the project would not generate a substantial number of new park or recreational facilities users; therefore, the proposed project would result in no impacts to recreation.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XV. TRANSPORTATION/TRAFFIC – Would the project:					
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐	1, 2
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?	☒	☐	☐	☐	1, 3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1, 2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐	1
e) Result in inadequate emergency access?	☒	☐	☐	☐	1
f) Result in inadequate parking capacity?	☒	☐	☐	☐	1
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☒	☐	☐	☐	1, 3

Discussion

a-g) The proposed project would increase the allowable FAR at the project sites. As a result, the number of project-related trips would be expected to increase demand on the local and regional transportation network and could adversely impact emergency access as result. The additional traffic could add to congestion at local intersections and along US 101, and exceed established levels of service. In the absence of site plans for future mixed use commercial development, the site ingress and egress and localized circulation plans could increase hazards or fail to provide for sufficient emergency access. The proposed M-3 zoning district contains new parking standards that may or may not provide for an adequate number of parking spaces to serve the estimated demand. Accordingly, the EIR will examine the transportation impacts of the proposed project on the existing and planned road network, pedestrian and bicycle activity, transit service, and operational safety.

The EIR will analyze the impact to the following intersections in accordance with the City's Transportation Impact Analysis Guidelines:

Signalized Intersections:

1. Bayfront Expressway/University Ave
2. Bayfront Expressway/Willow Rd

3. Bayfront Expressway/Chilco St
4. Bayfront Expressway/Chrysler Dr
5. Bayfront Expressway/Marsh Rd
6. Marsh Rd/US 101 NB Off-Ramp
7. Marsh Rd/US 101 SB Off-Ramp
8. Marsh Rd/Scott Dr
9. Marsh Rd/Bohannon
10. Marsh Rd/Middlefield Rd (Atherton)
11. Marsh Rd/Bay Rd
12. Willow Rd/Hamilton Ave
13. Willow Rd/Ivy Dr
14. Willow Rd/O'Brien Dr
15. Willow Rd/Newbridge St
16. Willow Rd/Bay Rd

Unsignalized Intersections:

17. Independence Dr/Marsh Rd
18. Independence Dr/Constitution Dr
19. Independence Dr/Chrysler Dr
20. Constitution Dr /Chrysler Dr
21. Constitution./Chilco St

The EIR will also analyze the following roadway segments in accordance with the City's Transportation Impact Analysis Guidelines:

1. Marsh Rd from Bohannon to Bay
2. Chilco Street from Bayfront to Constitution
3. Chilco Street from Constitution to Hamilton

Finally, the EIR will analyze the following roadway segments using appropriate non-residential criteria to be determined by the Transportation Manager.

4. Chrysler Drive from Constitution to Jefferson
5. Constitution Drive from Independence to Chrysler
6. Independence Drive from Constitution to Chrysler
7. Constitution Drive from Independence to Chrysler
8. Constitution Drive from Chrysler to Chilco
9. Independence Drive from Constitution to Chrysler
10. Chrysler Drive from Bayfront to Constitution
11. Chrysler Drive from Constitution to Jefferson

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XVI. UTILITIES & SERVICE SYSTEMS – Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐	1
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐	1
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐	1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐	1
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐	1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐	1
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☒	☐	☐	☐	1

Discussion

a-g) Because the proposed project could result in greater employment and population at the project sites, it is expected that demand for public utilities would increase. Depending on the existing and planned capacities to be available, the proposed project could necessitate the alteration or construction of water, wastewater, or solid waste facilities that could result in significant environmental impacts. Therefore, the EIR will discuss potential project impacts to utilities and service systems in the project site and its vicinity.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Would the project:					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or a wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☒	☐	☐	☐	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects?)	☒	☐	☐	☐	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐	

Discussion

a) As discussed under Section IV, Biological Resources, the project would not likely affect any sensitive species or habitat. However, trees on the site may provide habitat for nesting birds typically found in urban settings. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, per the California Fish and Game Code (Section 3503). Removal of trees currently on the site during nesting season could affect these birds. Additionally, potential removal of heritage trees would conflict with a local ordinance protecting biological resources. The project will not affect historical and architectural resources and the potential for discovering pre-historic cultural resources is low.

b) Impacts that are individually limited but can be cumulatively considerable include impacts related to air quality, noise, population and housing, public services, traffic, and utilities. A cumulative discussion of those topics will be discussed in the EIR.

c) As discussed in Section III, Air Quality, the proposed project would introduce regional and localized air emissions through construction and long-term operational activities. Section VII, Hazards and Hazardous Materials, notes that contaminated groundwater has been identified beneath the project sites, and that 13 sites near the project sites appear on the Cortese List. Moreover, as explained in Section XI, Noise, the increased activity levels at the project sites, traffic, and operations (relative to existing conditions and existing zoning) have the potential to generate noise that may disturb nearby sensitive receptors. Given these impacts, the project may have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, that need to be explored in the EIR.

SOURCES

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6. Menlo Park Municipal Code, March 2005.
7. San Mateo County, Williamson Act Maps.
8. California Department of Fish and Game, California Natural Diversity Database, data version: July 3, 2004.
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23. Association of Bay Area Governments Web Site, *On Shaky Ground, Earthquake Hazard Map for Menlo Park/Atherton/East Palo Alto, Scenario: Entire San Andreas Fault System,* http://www.abag.ca.gov/cgi-bin/pickmapx.pl , updated 20 October 2003.

24. The State regulations protecting the public from geo-seismic hazards, other than surface faulting, are contained in California Code of Regulations, Title 24, Part 2 (the California Building Code [CBC]), which apply to public buildings and most private buildings intended for human occupancy. The CBC is based on the current Uniform Building Code, but contains Additions, Amendments and Repeals that are specific to building conditions and structural requirements in the State of California. City codes are permitted to be more stringent than Title 24, but are required to be no less stringent. Chapter 16 of the CBC deals with General Design Requirements, including (but not limited to) regulations governing seismically resistant construction (Chapter 16, Division IV). Chapters 18 and A33 deal with excavations, foundations, retaining walls, and grading, including (but not limited to) requirements for seismically resistant design, foundation investigations, stable cut and fill slopes, and drainage and erosion control.

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Revised Notice of Preparation

To: Responsible/Trustee Agency

From: Menlo Park Community Development Department

Date: May 24, 2007

Subject: Notice of Preparation of a Draft Environmental Impact Report

Project Title	**Original State Clearinghouse #**
Bohannon Office/Hotel Mixed Use General Plan Amendment and Rezoning	2005062161
Project Proponent	**APN(s)**
Bohannon Development Company	055-235-040, 055-235-050, 055-235-080, 055-235-100, 055-135-110, 055-234-240, 055-234-250, 055-234-260, 055-234-270

Project Location

Northeastern portion of the City of Menlo Park, between U.S. 101 and Bayfront Expressway and between Marsh Road and Chrysler Road.

Project Description

The subject property consists of two sites of office, research & development (R&D), and industrial space that is designated for Limited Industry in the General Plan and zoned General Industrial (M-2) by the City of Menlo Park. The proposed project includes:

- An amendment to the General Plan from Limited Industry to Mixed Use Commercial Business Park, allowing commercial and business services in addition to the existing office, research & development (R&D), and industrial space
- An amendment to the zoning district from General Industrial (M-2) to Mixed Use Commercial Business Park (M-3)
- Specific development application for the properties addressed at 101-155 Constitution Drive for a mix of office, office-flex, and (R&D) space.
- Specific development application for the properties at 100-190 Independence Drive for a mix of hotel, health club, restaurant/café, and office and research and development uses in the new M-3 district.

An NOP for a prior version of the Project was circulated in June 2005. The NOP addressed a project application that would have potentially allowed for the future rezoning of an additional 21 acres that are not part of the revised application. The revised application only applies to property owned by the applicant. While the redesignation and rezoning cover a smaller area than the prior project addressed in the June 2005 NOP, the revised development proposal incorporates one additional property owned by the applicant and includes an increase in the number of hotel rooms, parking spaces and building heights compared to the original proposal.

The City of Menlo Park will be the Lead Agency and will prepare an Environmental Impact Report for the project identified above. We need to know the views of your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities in connection with the proposed project. Your agency will need to use the EIR prepared by our agency when considering your permit or other approval for the project. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but *not later than 30 days* after receipt of this notice. Please respond by June 25, 2007. Please send your response to Thomas Rogers, Associate Planner (contact person) at the Community Development Department address shown above. We will need the name of a contact person in your agency.

Prepared by: Thomas Rogers, Associate Planner

Signature Date

Independence/Constitution
General Plan Amendment and Rezoning Project EIR

PROJECT DESCRIPTION

The project sponsor, the Bohannon Development Company, proposes to amend the Menlo Park General Plan designation for several parcels at 100 and 190 Independence Drive Independence Drive ("Independence site" and at 101 and 155 Constitution Drive ("Constitution site") from Limited Industry to a new Mixed-Use Commercial Business Park designation. Future uses at the two sites would continue to include research & development facilities and offices (and may include light manufacturing and assembly) provided for by the Limited Industry designation, but would also include uses intended to serve businesses in the area (e.g., cafes/restaurants, convenience stores, and health/fitness centers) and hotel/motel uses. The maximum floor area ratio (FAR) would increase from the 45 - 55% under Limited Industry to 100% for commercial business uses plus, 25% for hotel, and 13.5% for business services under the Mixed-Use Commercial Business Park designation.

The proposed project also would rezone the Independence and Constitution project sites from a General Industrial (M-2) district, which permits warehousing, manufacturing, printing, assembling, and office uses, to a new Mixed Use Commercial Business Park (M-3) district, which will permit administrative and professional offices, research and development, light industrial, motel or hotel, health and fitness centers, restaurants/cafés, convenience stores, parking structures, and storage. The proposed rezoning would permit an increase in the allowable FAR, building coverage, and building heights (see discussion above for the General Plan land use designations).

The project sponsor has revised the proposal originally submitted to the City in January 2005. The revised project differs from the original proposal in that it addresses entitlements and future development only on those parcels owned by the applicant and does not include the re-designation or rezoning of an additional 21 acres included in the prior application. Additional changes to the original application include an increase in the number of hotel rooms from 125 to a maximum of 235, and an increase in the maximum building height from 90 feet to 140 feet. The amount of proposed parking also would be increased: the Constitution site's parking would increase from 939 spaces to a maximum of 1,816 spaces; and the Independence site's parking would increase from 995 spaces to a maximum of 1,017 spaces. The project sponsor is proposing that a mix of office, research and development, hotel, health club, restaurant/café, convenience store, and other uses be permitted in the new M-3 district for the Independence site and that a mix of office, office-flex, and research & development space be permitted for the Constitution site.

The project sponsor also proposes to enter into a Development Agreement with the City to ensure that the proposed infrastructure improvements to the project site are implemented, as stipulated by the new M-3 zoning district requirements.

ENVIRONMENTAL ANALYSIS

The Environmental Impact Report (EIR) will be prepared in accordance with the requirements of the California Environmental Quality Act (CEQA) of 1970, as amended. The City of Menlo Park will be the lead agency, in charge of preparing the EIR on the Bohannon Office/Hotel Mixed Use General Plan Amendment and Rezoning. The EIR is intended to be a full, public disclosure document, the purpose of which is to identify potentially significant environmental impacts of the proposed project and to recommend appropriate and feasible mitigation measures, before the City Council takes any actions on the project. The EIR will be comprehensive and examine all environmental issues as outlined below.

Aesthetics

The EIR will:

- Describe and depict the existing visual setting and examine, using visual simulations, the potential visual impacts from the proposed project including increased height and intensity allowances in the General Plan, and its effect on existing development in the project vicinity.
- Discuss the proposed project design in terms of potential light and glare considerations.

Air Quality

The EIR will discuss:

- Effects of a new range of commercial uses, including food preparation, that do not currently exist in the vicinity.
- Local and regional air quality impacts from project related traffic.
- The effects of demolition and construction for new developments.

Biological Resources

The EIR will evaluate whether construction activity might disturb nesting birds.

Cultural and Historical Resources

The EIR will evaluate whether the proposed project could require grading activities within the project sites that could disturb undiscovered cultural resources.

Hazards and Hazardous Materials

The EIR will discuss potential public health risks associated with the presence of known groundwater contamination in the project vicinity and nearby Cortese List sites.

Land Use, Zoning and Adopted Plans

The EIR will discuss the consistency of the proposed project with applicable plans and policies.

Noise

The EIR will analyze the potential construction, operational, and traffic-related noise effects of the proposed project on sensitive receptors.

Hydrology and Water Quality

The EIR will examine the potential for how the proposed project could alter drainage patterns and the amount and type of pollutants in stormwater runoff generated by the type and intensity of development proposed.

Population and Housing

The EIR will discuss potential effects of increased employment and housing demand as a result of the proposed project.

Public Services

The EIR will consider whether the increased demand for services may result in the need for new or expanded facilities, which, in turn, could result in environmental impacts.

Traffic/Circulation/Transportation

The EIR will examine the transportation impacts of the proposed project on the existing and planned road network, pedestrian and bicycle activity, transit service, and operational safety.

Utilities

The EIR will discuss the potential project impacts to utilities and service systems.

Other Issues

Based on the nature, size, and location of the proposed project, it is anticipated that the following resources will not be significantly affected by the proposed project and they will be discussed as topics found not to be significant:

Agricultural resources
Geology and soils
Mineral resources
Recreation

Attachment D

Bohannon Office/Hotel Mixed Use General Plan Amendment and Rezoning Project

Existing General Plan Land Use Designation, Zoning District, and Off-Street Parking Requirement

June 19, 2007

GENERAL PLAN LAND USE DESIGNATION

Limited Industry
This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, limited retail sales (such as sales to serve businesses in the area), public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 20 percent to 55 percent.

Table II-3

INDUSTRIAL USE INTENSITY

Land Use Designation/Type	Use Intensity (Floor Area Ratio)	Applicable Zoning Districts
Limited Industry		
Industrial	55%	M-2
	55%	M-1
Offices	45%	M-2
	20%	M-1

ZONING DISTRICT

Chapter 16.46 – M-2 GENERAL INDUSTRIAL DISTRICT

Sections:
16.46.010 Permitted uses.
16.46.015 Administratively permitted uses.
16.46.020 Conditional uses.
16.46.030 Development regulations.

16.46.010 Permitted uses. Permitted uses in the M-2 district, all within a building and not requiring new construction or structural alterations therefor (except for those structural alterations enumerated below) and not having any noxious or hazardous character, are as follows:

(1) General industrial uses including but not limited to warehousing, manufacturing, printing, assembling;
(2) Offices;
(3) All of the uses listed above involving any of the following structural alterations:
    (A) seismic or Americans with Disabilities Act (ADA) compliant upgrades,
    (B) structural alterations that affect 10,000 square feet or less of gross floor area of a building during a 12-month period measured from final inspection to building permit issuance, or
    (C) structural alterations that affect more than 10,000 square feet of gross floor area of a building, where said alterations do not both change the use and increase the intensity of a building.

16.46.015 Administratively permitted uses. Uses allowed in the M-2 district, subject to obtaining an administrative permit, are as follows:

(1) Any outside storage of material, equipment or vehicles associated with the main use.

16.46.020 Conditional uses. Conditional uses allowed in the M-2 district, subject to obtaining a use permit, are as follows:

(1) All of the uses listed in Section 16.46.010, for which new construction or structural alterations are required, except for the structural alterations permitted therein;
(2) Activities similar to those listed in Section 16.46.010, but involving the use of hazardous material, provided there are adequate safeguards therefor;
(3) Cafes, intended to serve the employees of the immediate area;
(4) Convenience stores to serve the employees of the immediate area and limited to hours of operation between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday;
(5) Personal services such as barber, beauty, launderette, dry cleaning and shoe repair meant to serve the employees of the immediate area and limited to hours of operation between 7:00 a.m. and 7:00 p.m., Monday through Saturday;
(6) Day care facilities to serve the employees of the immediate area;
(7) Public utilities in accordance with Chapter 16.76;
(8) Special uses in accordance with Chapter 16.78.

16.46.030 Development regulations. Development regulations in the M-2 district are as follows:

(1) Minimum lot area -- Twenty-five thousand square feet;
(2) Minimum lot dimensions -- One hundred feet width; one hundred feet depth;

(3) Required minimum yards -- Twenty feet front; rear, none except twenty feet where abutting residential districts; side, ten feet, except that side yard may be reduced to zero feet provided the side yard is correspondingly increased;
(4) Land cover by all structures shall not exceed fifty percent of building site;
(5) Height of structures shall not exceed thirty-five feet; however, additional height may be permitted subject to obtaining a conditional development permit;
(6) In the case of conditional uses, additional regulations may be required by the planning commission.
(7) The floor area ratio shall not exceed fifty-five percent for general industrial uses, including but not limited to, warehousing, manufacturing, printing, assembling, related office and laboratory uses, and shipping and receiving, and forty-five percent for offices.

OFF-STREET PARKING REQUIREMENT

16.72.050 M-2 district uses. M-2 district uses are as follows: one parking space shall be provided for every 300 square feet of gross floor area not in the front one-quarter of any required front yard.

PROPOSED GENERAL PLAN AMENDMENTS

PART II

(page II-3)

LAND USE/CIRCULATION DIAGRAMS AND STANDARDS

INDUSTRIAL DESIGNATIONS

Limited Industry

This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, limited retail sales (such as sales to serve businesses in the area), public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 45 percent to 55 percent.

Mixed-Use Commercial Business Park

This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, limited sales, services to serve businesses and hotel/motel clientele in the area (such as restaurants, cafes, and health/fitness centers), hotel/motel to serve the local and regional market, public and quasi-public uses, and similar and compatible uses. The maximum FAR for the commercial business uses (i.e., light manufacturing and assembly, distribution of manufactured products research and development facilities, industrial supply, incidental warehousing, offices, and limited sales) on both properties shall be 100 percent. In addition to the commercial business at 100 percent FAR, a project with mixed-use commercial business park designation may have an additional FAR of 13.5 percent for health and fitness centers, cafes and restaurants, day care facilities, and neighborhood-serving convenience retail/community facilities; and an additional FAR for hotel/motel use of 25 percent.

(page II-7)

TABLE II-3

INDUSTRIAL USE INTENSITY

Land Use Designation/Type	**Use Intensity (Floor Area Ratio)**	**Applicable Zoning Districts**
Limited Industrial		
Industrial	55%	M-2
Offices	45%	M-2
Mixed-Use Commercial Business Park		
Commercial businesses (i.e., light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, and limited sales)	*100%*	*M-3*
	AND	
Health and fitness centers, cafes, restaurants, neighborhood-serving convenience retail, community facilities, and day care facilities	*13.5%*	*M-3*
	AND	
Hotel/motel	*25%*	*M-3*

The following existing Goals and Policies are supportive of the proposed project.

PART I
SECTION I: LAND USE

GOALS AND POLICIES

(page I-3)
COMMERCIAL

Goal I-E **To promote the development and retention of commercial uses which provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.**

Policies

I-E-1 All proposed commercial development shall be evaluated for its fiscal impact on the City as well as its potential to provide goods or services needed by the community.

I-E-2 Hotel uses may be considered at suitable locations within the commercial and industrial zoning districts of the city.

I-E-4 Any new or expanded office use must include provisions for adequate off-street parking, mitigating traffic impacts, and developing effective alternatives to auto commuting, must adhere to acceptable architectural standards, and must protect adjacent residential uses from adverse impacts.

INDUSTRIAL

Goal I-F **To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have low environmental and traffic impacts.**

Policies

I-F-5 Convenience stores and personal service uses may be permitted in industrial areas to minimize traffic impacts.

PROPOSED ZONING ORDINANCE AMENDMENTS

(page i)

Title 16
ZONING

Chapters:

16.44 M-1 Light Industrial District
16.46 M-2 General Industrial District
16.47 M-3 Mixed-Use Commercial Business Park
16.48 OSC Open Space and Conservation District

(page 4)

Chapter 16.04
DEFINITIONS

Sections:

16.04.325 Gross floor area.
16.04.328 Health and Fitness Centers.
16.04.030 Height of structure.

16.04.205 Community Facility. *A facility where community events and/or gatherings are held or sponsored by neighborhood, business, civic, cultural, religious or other community organizations.*

16.04.328 Health and Fitness Centers. *A commercial athletic facility where a building or site is equipped for physical training, fitness, or athletic type games and sports, such as but not limited to, health spas, gymnasiums, group exercise, and personal fitness training; also including ancillary uses when incidental to the primary use, such as but not limited to, steam baths, weight training, massage as defined in Section 16.04.465, saunas, food sales, and retailing of athletic supplies to be used in the facility. Does not include adult entertainment establishment as defined in Section 16.04.025.*

16.04.385 Light industrial uses. "Light industrial uses" mean uses engaged in prototype development, testing, repairing, manufacturing, assembling, packaging, storage, and/or distribution of finished or semi-finished products conducted within a building, including wet labs, dry labs and/or clean rooms, and not having any noxious or hazardous character. Uses with similar characteristics of the above listed activities, such as telecommunication hub facilities, may also be considered as light industrial uses. Incidental administrative offices and sales areas occupying less than 20% of the gross floor area of the building are allowed,

16.04.470 Motel or hotel. "Motel" or "hotel" means a single building or group of detached or semi-detached buildings containing guest rooms or apartments, with automobile storage space provided on the site, *or as a shared facility and meeting the requirements in subsection 16.72.055,* for such rooms or apartments provided in connection therewith, which group is designed and used primarily for the accommodation of transient ~~automobile~~ travelers *or visitors*,

and not containing individual cooking facilities *except for limited facilities provided in extended stay hotels; and including associated recreational facilities (e.g., swimming pools, exercise facilities, and tennis courts) and associated restaurant.*

16.04.550 Research and development. "Research and development" means a *use which is involved in* scientific or engineering investigation leading to the manufacture of new material or equipment and including the making of prototypes but not including the manufacture of such material or equipment.

(page 16)

Chapter 16.08
DISTRICTS ESTABLISHED – GENERAL REGULATIONS

Sections:

16.08.050 Ambiguity
16.08.060 Increase in building height in C-3, C-4, ~~and~~ M-2~~.~~*, and M-3 districts.*
16.08.070 Cluster housing.

16.08.010 Districts established—Designated. There are established several districts into which the city is divided and which are designated as follows:

M-1 Light Industrial District
M-2 General Industrial District
M-3 Mixed-Use Commercial Business Park
OSC Open Space and Conservation District

(page 17)

16.08.060 Increase in building height in C-3, C-4, ~~and~~ M-2, *and M-3* districts. Subject to obtaining a conditional development permit as provided in this title, any building in a C-3, C-4, ~~or~~ M-2, *or M-3* district may be erected to a height exceeding that specified for such districts; provided:

(1) In C-3 districts, the minimum building site shall be twenty thousand square feet.
(2) In C-4, ~~and~~ M-2*, and M-3* districts, the minimum building site shall be one acre.
(3) Off-street parking, as required in this title, shall be provided on or adjacent to the building site.

(new page)

Chapter 16.47

M-3 MIXED-USE COMMERCIAL BUSINESS PARK

Sections:

16.47.010 Purpose
16.47.015 Applicability
16.47.020 Permitted Uses
16.47.030 Conditional Uses
16.47.040 Development Regulations

16.47.010 Purpose. *The purpose and intent of the M-3 district is to:*

(1) Provide for flexible zoning that would accommodate uses ranging from office to light industrial, including research & development businesses, allowing for modern business practices that often lead to shifts in primary business functions over time.
(2) Provide an area that accommodates hotel uses to serve local and regional demand.
(3) Allow supportive commercial services for nearby employment and hotel uses.
(4) Provide a benefit to the City of Menlo Park that is negotiated through a Development Agreement.

16.47.015 Applicability. *The district shall be limited to two areas with boundaries delineated by: (1) the Bayshore Freeway (US101), Independence Drive, and Chrysler Drive; and (2) the Bayfront Expressway, Independence Drive, Constitution Drive, and Chrysler Drive; and by the requirement of a Development Agreement approval at the time of rezoning.*

16.47.020 Permitted Uses. *Permitted uses in the M-3 district not having noxious or hazardous character, are as follows:*

(1) Administrative and Professional Offices;
(2) Research & Development;
(3) Light Industrial;
(4) Motel or Hotel;
(5) Health and Fitness Centers privately operated and intended to serve a hotel or motel and the employees of the surrounding area, and the broader community;
(6) Cafes and restaurants, not serving beer, wine or alcoholic beverages of any type and providing live music or entertainment, with a focus on serving a hotel or motel and/or to serve the employees of the surrounding area;
(7) Neighborhood-serving convenience retail businesses intended primarily to serve the employees of the immediate area and limited to hours of operation between the hours of 6:00 a.m. and 9:00 p.m., Monday through Sunday;
(8) Personal Services.
(9) Community Facilities;
(10) Parking Structure;

(11) Any outside storage of material, equipment or vehicles associated with the main use, which meets the minimum screening and location requirements as defined within Chapter 16.64.

16.47.030 Conditional Uses. *Conditional uses allowed in the M-3 district, subject to obtaining a use permit are as follows:*

(1) Activities similar to those listed in Section 16.47.020, but involving the use of hazardous material, provided there is adequate safeguards therefore; [to be determined]

(2) Cafes and restaurants serving beer, wine or alcoholic beverages of any type and providing live music or entertainment;

(3) Day care facilities to serve the employees, hotel guests, and other patrons of uses in the immediate area;

(4) Public utilities in accordance with Chapter 16.76;

(5) Special uses in accordance with Chapter 16.7: except for recreational facilities privately owned, which is a permitted use listed as Health and Fitness Centers;

(6) Development which exceeds any of the development regulations with the exception of maximum FAR in Section 16.47.040.

16.47.040 Development regulations. *Development regulations in the M-3 district are as follows, these regulations apply across all parcels that are part of the Development Agreement, even if the parcels are not contiguous.*

(1) Minimum yards:

a) Zero feet minimum street-facing frontage;

b) 10 feet along frontage facing Bayshore Freeway (US 101) and Bayfront Expressway (landscape buffer treatments within this frontage shall be determined through the architectural control process as part of building permit approvals);

c) 5 feet along boundaries adjoining other property, except that a setback may be reduced to zero feet provided that the parallel setback is correspondingly increased to 10 feet or when abutting another district that allows residential use in which case the side yard shall be no less than required by the abutting district;

(2) Minimum on-site landscaping; 30% minimum of the total site area shall be landscaped, including planted areas, paved plaza space and pedestrian circulation.

(3) Maximum floor area ratio (FAR):

a) Administrative and Professional Offices, Research & Development, Light Industrial uses: 100% of the lot area;

AND

b) Health and Fitness Center, Cafes and Restaurants, Neighborhood-Serving Convenience Retail/Community Facilities, and Day Care Facilities:13.5% of the lot area;

AND

c) Motel or Hotel: 25% of the lot area.

(2) Maximum height of structures shall be 140 feet;

(3) Motel or Hotel room limit: the total number of motel or hotel rooms allowed within one M-3 Zoning District project proposal shall not exceed 235 rooms.

(4) In the case of conditional uses, the Planning Commission may require additional regulations.

-(page 62)

Chapter 16.72
OFF-STREET PARKING

Sections:

16.72.045 M-1 district uses.
16.72.050 M-2 district uses.
16.72.055 M-3 district uses.
16.72.060 Public utility facilities.

16.72.055 ***M-3 district uses.*** *Shared parking is allowed within the M-3 District. Parking requirements for M-3 district uses are as follows.*

(1) Administrative and Professional Offices, Research & Development, Light Industrial uses: one parking space for every 300 square feet of gross floor area;

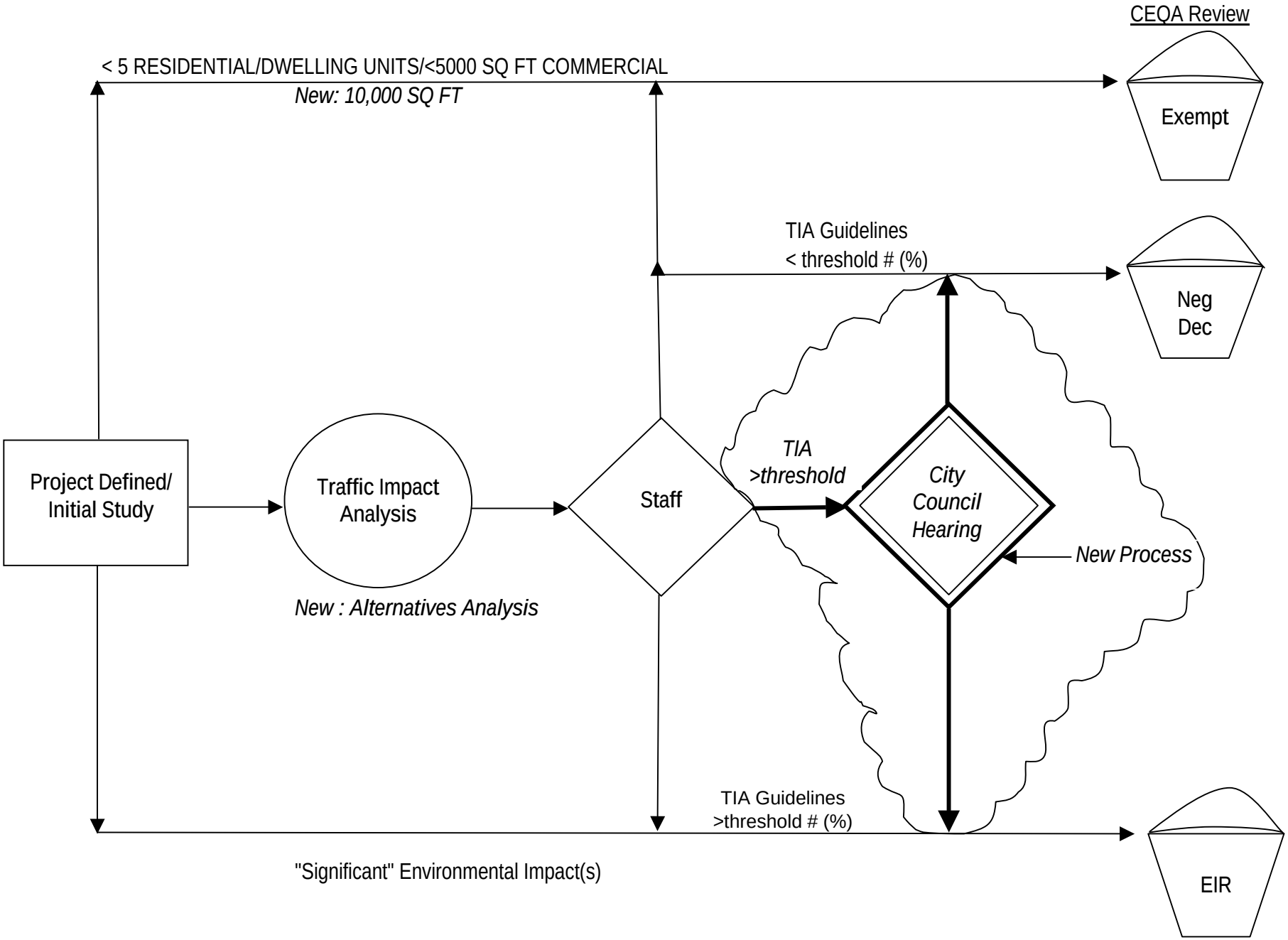
(2) Motel or Hotel: one parking space for every one guest room;

(3) Recreational facilities privately operated, Cafes and Restaurants, Day Care Facilities, Neighborhood-Serving Convenience Retail, Personal Services, or Community Facilities: one space for every 200 square feet of gross floor area;

(4) Required parking shall not be provided in any required street-facing yard in M-3 districts on the subject properties.

(5) Shared parking: The uses allowed within the M-3 district may have maximum parking demands at different times of day. Parking requirement reductions that account for this by allowing shared parking agreements may be included in the Development Agreement which is required to implement the M-3 district designation.

TRAFFIC IMPACT ANALYSIS PROCESS



ATTACHMENT "A"

<u>Transportation Impact Analysis Guidelines</u>

The following projects would generally be exempt from the requirements of the Transportation Impact Analysis Guidelines unless their geographic location or type of use prompt such study (subject to the City's discretion):

- **Residential projects under five units**
- **Commercial projects where the total new or added square footage is 10,000 square feet or less**
- **Other projects that are determined to be exempt or categorically exempt under CEQA**

All other projects involving a change of use and/or new construction will be required to submit a Transportation Impact Analysis performed by a qualified consultant selected by the City and paid for by the project applicant.

The Transportation Impact Analysis shall include the following:

I. Executive Summary

II. Introduction

A. Project Description
B. Study Scope

III. Existing Conditions – Conditions should be described based upon information found in the most recent Circulation System Assessment (CSA) document when applicable. The CSA existing traffic counts and information should be used as existing conditions.

A. Description of existing street system serving the site (Number of lanes, classification, etc.)
B. CSA existing traffic volumes – ADT's and AM & PM peak hours (Figure to be included in report)
C. CSA existing levels of service – AM & PM (Table to be included in report)
D. Public transit (Service providers to the area)
E. On and off-street parking conditions/availability
F. Pedestrian and bicycling conditions in the project area

IV. Cumulative Analysis – Near Term conditions without project should be discussed using the most recent CSA near term traffic counts and information. Project traffic should then be added to the CSA near term traffic counts. If the project build-out is beyond the CSA near term data, future conditions should be projected to the first year of assumed project occupancy. A supplemental list of planned and or/approved projects will be provided to the consultants for inclusion in the analysis process. For large projects of regional magnitude (projects generating 100 or more trips during peak hours), the

consultants will analyze the impacts of the project for a span of ten years from the existing conditions.

A. Description of new or planned changes to the street system serving the site including changes in on-street parking

B. Near term volumes – ADT's and AM & PM peak hours

1. List project trip generation rates
2. Discuss trip distribution
3. Discuss impact of project traffic on intersections in the project vicinity

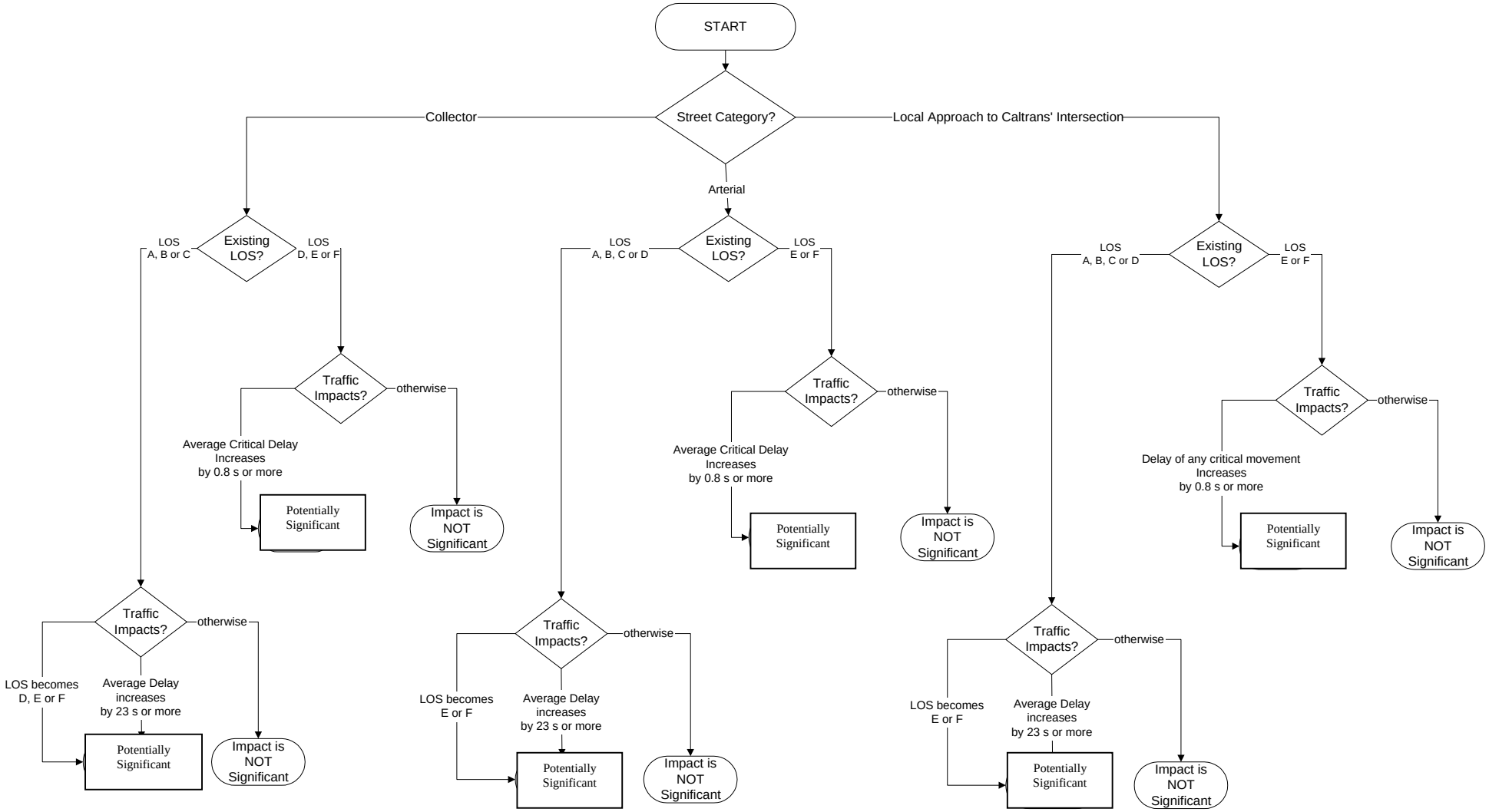
C. Near term levels of service – AM & PM for both near term and near term plus project analysis. Table to be included in report. Also a comparison table of existing conditions including a column showing the difference in seconds of delay between existing, near term conditions and near term conditions with project and percent of increase.

V. Analysis

A. Discuss impacts of CSA near term conditions and CSA near term conditions with project

1. A Project is considered to have a potentially "significant" traffic impact if the addition of project traffic causes an intersection on a collector street operating at LOS "A" through "C" to operate at an unacceptable level (LOS "D", "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first. A potential "significant" traffic impact shall also include a project that causes an intersection on arterial streets or local approaches to State controlled signalized intersections operating at LOS "A" through "D" to operate at an unacceptable level (LOS "E" or "F") or have an increase of 23 seconds or greater in average vehicle delay, whichever comes first.

2. A project is also considered to have a potentially "significant" traffic impact if the addition of project traffic causes an increase of more than 0.8 seconds of average delay to vehicles on all critical movements for intersections operating at a near term LOS "D" through "F" for collector streets and at a near term LOS "E" or "F" for arterial streets. For local approaches to State controlled signalized intersections, a project is considered to have a potentially "significant" impact if the addition of project traffic causes an increase of more than 0.8 seconds of delay to vehicles on the most critical movements for intersections operating at a near term LOS "E" or "F".


START
Street Category?
Collector
Arterial
Local Approach to Caltrans' Intersection
Existing LOS?
LOS A, B or C
LOS D, E or F
Traffic Impacts?
otherwise
Average Critical Delay Increases by 0.8 s or more
Potentially Significant
Impact is NOT Significant
LOS becomes D, E or F
Average Delay increases by 23 s or more
Existing LOS?
LOS A, B, C or D
LOS E or F
Traffic Impacts?
otherwise
Average Critical Delay Increases by 0.8 s or more
Potentially Significant
Impact is NOT Significant
LOS becomes E or F
Average Delay increases by 23 s or more
Existing LOS?
LOS A, B, C or D
LOS E or F
Traffic Impacts?
otherwise
Delay of any critical movement Increases by 0.8 s or more
Potentially Significant
Impact is NOT Significant
LOS becomes E or F
Average Delay increases by 23 s or more

B. In certain circumstances as determined by the Transportation Manager, analysis may be necessary for impacts on minor arterial, collector and local streets. If any of the thresholds listed below are exceeded, the analysis should make a recommendation as to whether the traffic impact is considered potentially "significant".

   1. On minor arterial streets, a traffic impact may be considered potentially significant if the existing Average Daily Traffic Volume (ADT) is: (1) greater than 18,000 (90% of capacity), and there is a net increase of 100 trips or more in ADT due to project related traffic; (2) the ADT is greater than 10,000 (50% of capacity) but less than 18,000, and the project related traffic increases the ADT by 12.5% or the ADT becomes 18,000 or more; or (3) the ADT is less than 10,000, and the project related traffic increases the ADT by 25%.

   2. On collector streets, a traffic impact may be considered potentially significant if the existing Daily Traffic Volume (ADT) is: (1) greater than 9,000 (90% of capacity), and there is a net increase of 50 trips or more in ADT due to project related traffic; (2) the ADT is greater than 5,000 (50% of capacity) but less than 9,000, and the project related traffic increases the ADT by 12.5% or the ADT becomes 9,000 or more; or (3) the ADT is less than 5,000, and the project related traffic increases the ADT by 25%.

   3. On local streets, a traffic impact may be considered potentially significant if the existing Daily Traffic Volume (ADT) is: (1) greater than 1,350 (90% of capacity), and there is a net increase of 25 trips or more in ADT due to project related traffic; (2) the ADT is greater than 750 (50% of capacity) but less than 1,350, and the project related traffic increases the ADT by 12.5% or the ADT becomes 1,350; or (3) the ADT is less than 750, and the project related traffic increases the ADT by 25%.

C. Discuss project site circulation and access and identify any deficiencies.

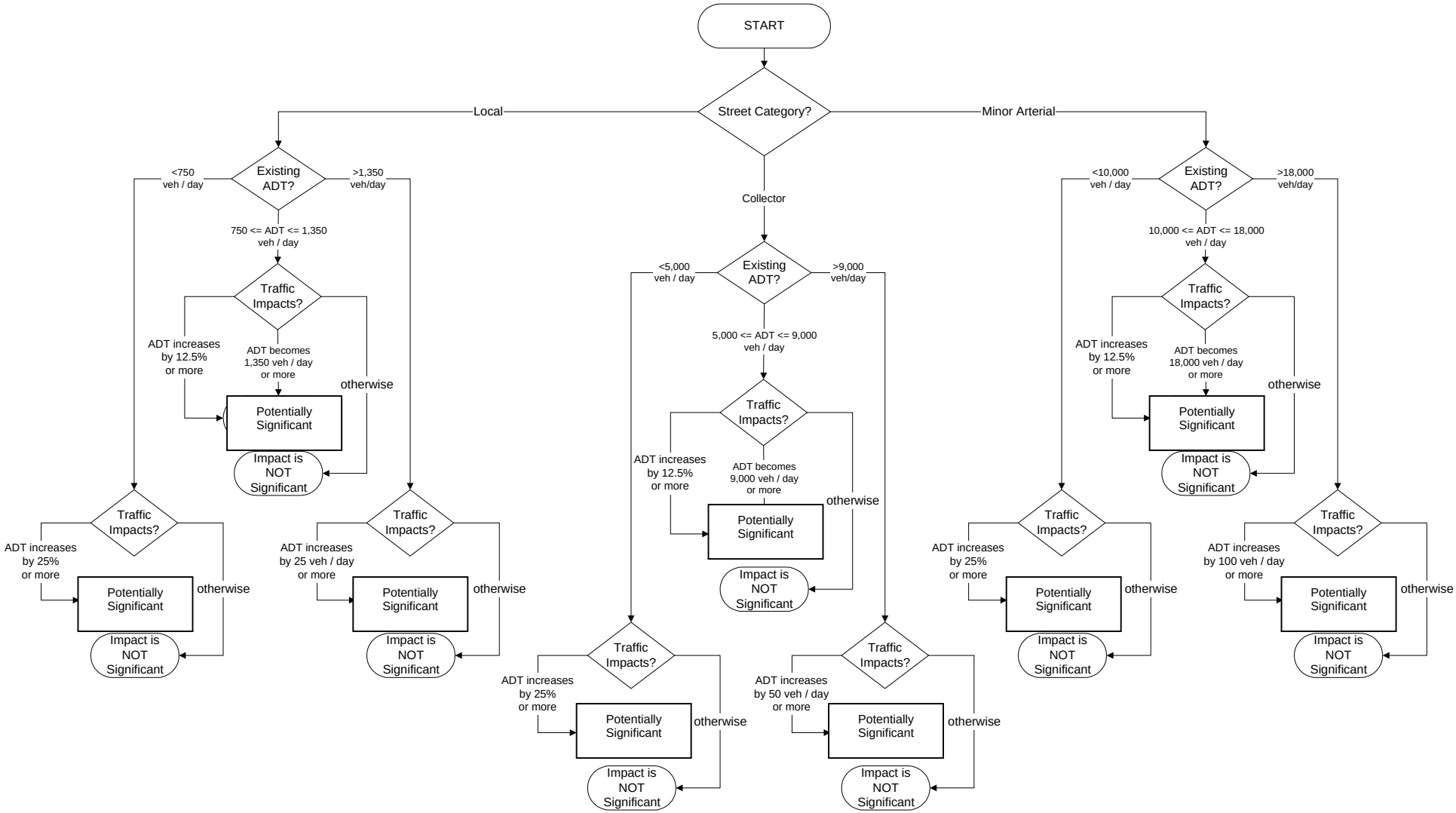
D. Discuss compliance of project site parking with adopted City code including loading and disabled spaces. If a shared parking arrangement is proposed, an analysis of the adequacy of this aspect shall be provided. Discuss any off-site parking impacts (such as neighborhood parking intrusion) of the project.

E. Analyze project in relation to relevant policies of the Circulation Element of the General Plan.

F. Analyze potential cut-through traffic generated by the project impacting other City neighborhoods.

G. Pedestrian conditions and bicycle access, including safety issues, should be discussed.

Significance Criteria for Street segments



H. Analyze project using the requirements outlined in the San Mateo County Congestion Management Plan Land Use Analysis Program guidelines, if applicable.

VI. Mitigation

A. Discuss specific mitigation measures in detail to address significant impacts, which may occur as a result of the addition of project traffic (provide table comparing before and after mitigation). Analysis shall focus on mitigating significant impacts to a non-significant level, but must also identify measures, which would reduce adverse, although not significant, impacts. All feasible and reasonable mitigation requirements that could reduce adverse impacts of the project should be identified, whether or not there are significant impacts caused by the project. The goal of mitigation should be such that there are no net adverse impacts on the circulation network. Mitigation measures may include roadway improvements, operational changes, Transportation Demand Management or Transportation Systems Management measures, or changes in the project. If roadway or other operational measures would not achieve this objective, the consultant shall identify a reduction in the project size, which would with other measures, reduce impacts below the significant level. All mitigation measures must first be discussed with the City Transportation Division before they are included in the report.

B. Discuss possible mitigation measures to address future traffic conditions with the project. All feasible and reasonable mitigation measures that would reduce such impacts, whether at the significant level or below shall be identified. Mitigation measures should be designed to address the project's share of impacts. Measures that should be jointly required of the project and any other on-going related projects in a related geographical area should also be identified, as applicable.

C. Discuss possible mitigation measures to address any site circulation or access deficiencies.

D. Discuss possible mitigation measures to address any parking deficiencies.

E. Discuss possible mitigation measures to address any impacts on pedestrian amenities, bicycle access, safety and bus/shuttle service.

VII. Alternatives

A. In the event any potentially significant impacts are identified in the Transportation Impact Analysis, alternatives to the proposed project shall be evaluated or considered to determine what the impacts of an alternative project or use might be. The alternatives to be considered shall be determined in consultation with the Director of Community Development and the Transportation Manager.

VIII. Summary and Conclusions

A. Assess level of significance of all identified impacts after mitigation.

Upon receipt by the City of a Transportation Impact Analysis indicating that a project may have potentially significant traffic impacts, the applicant shall have the option of proceeding directly with the preparation of an EIR in accordance with the City's procedures for preparation of an EIR, or requesting a determination by the City Council as to whether a negative declaration, mitigated negative declaration or an EIR is most appropriate for the project.

NOTES:

1. The Highway Capacity Manual Special Report 209 (HCM), latest version shall be used for intersection analysis. The consultant shall use the Citywide TRAFFIX model with the HCM analysis.

2. The most recent Circulation System Assessment (CSA) shall be used for all information regarding existing and near term conditions.

3. Traffic counts that may be required beyond the counts contained in the CSA document shall be less than 6 months old.

4. The consultant shall submit proposed assumptions to the Transportation Manager for review and approval prior to commencement of the Analysis relating to the following:

    1. trip rates
    2. trip distribution
    3. trip assignment
    4. study intersections
    5. roadways to be analyzed

4. The consultant shall submit all traffic count sheets to the City's Transportation Division.

5. Figures of existing and any proposed intersection configurations should be provided in the appendix.

6. Trip generation rates from Institute of Transportation Engineer's (ITE) publication, "TRIP Generation", latest version should be used.

7. Street widening and on-street parking removal are mitigation measures which may be technically feasible, but which are generally considered undesirable. If such measures appear potentially appropriate to the consultant, they should consult the Transportation Division in preparing the impact analysis and mitigation recommendations. If such measures are to be proposed, alternate mitigation measures, which would be equally effective, should also be identified.

8. Existing uses at the site, which would be removed as part of the project, may be deducted from the calculation of the project traffic based on their traffic distribution patterns.

9. Refer to the San Mateo County Congestion Management Program (CMP) Land Use Impact Analysis Program guidelines for performing CMP analysis.