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**Via E-Mail**

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Re: Comment on Facebook Campus Expansion DEIR

Dear Mr. Perata:

On behalf of Voters for Equitable and Responsible Growth (“VERG”), Shute, Mihaly & Weinberger LLP (“Firm”) has reviewed the Draft Environmental Impact Report (“DEIR”) for the Facebook Campus Expansion Project (“Project”) in the City of Menlo Park (“City”). VERG is a coalition of residents living and/or working in Menlo Park, Belle Haven, Palo Alto, East Palo Alto, and Atherton whose proximity to Facebook’s campus has resulted in ongoing impacts that will be exacerbated by the proposed expansion. VERG is particularly concerned about the impacts that the Project would have on traffic, population growth and housing, both in Menlo Park and the greater region. This Firm respectfully submits these comments to help ensure that the City’s decision-makers fully comply with the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 et seq.

As a preliminary matter, the Planning Commission must be alerted to the absurdity of the public review process for environmental documents currently before the City. As the City is aware, there are currently on-going public planning processes for several major development proposals in the City, including the Facebook Campus Expansion Project, the City’s General Plan Update, and the 1300 El Camino Real and 500 El Camino Real development projects. VERG and other community groups are actively engaged in the review of these projects, but under the time constraints, the task is unreasonable. It is noteworthy that the deadline for comments on the DEIRs for both the

Facebook Campus Expansion and the General Plan Update fall within four days of each other and in the middle of summer when the Menlo Park City Council and Planning Staff have been relatively unavailable due to prior scheduling, an all-staff off-site retreat, and two national holidays.

Given the import of all of these proposals to the future of the City and the region, local residents and other concerned parties deserve the opportunity to review the environmental documents thoroughly and to understand the issues as fully as possible before providing comments that will guide the City's development of the FEIRs and future actions on the various proposals. Just as importantly, Menlo Park's residents deserve to be represented by City officials possessed of as much information as is available before making extraordinarily important decisions that would have lasting impacts on the City and the entire region. Yet, the public and decision-makers were given only 45 days to digest volumes of materials for this Project, while at virtually the exact same time being expected to review documents and prepare comments on the General Plan Update. Dumping nearly 10,000 pages of technical environmental review documents on the public for two incredibly impactful proposals subverts the public review and informed decision-making that CEQA mandates.

Further, the sequence of placing the Facebook Campus Expansion Project DEIR immediately before the General Plan Update and associated zoning revisions for the M-2 zoning district within which area the Project is located raises serious planning questions. The Facebook Project DEIR relies on both the 1994 General Plan as a standard and on a yet-to-be adopted General Plan for guidance. Because of the General Plan Update's undeniable impact on the site of the Facebook Campus Expansion, the General Plan Update should have undergone CEQA review and been adopted before the Facebook Campus Expansion Project application was accepted.

Indeed, multiple community groups and individuals have repeatedly requested a modest, 15-day extension of the review period to allow the public to provide thorough and thoughtful comments on both the Facebook Campus Expansion and General Plan Update DEIRs, but the City has rejected these reasonable requests. We reiterate here the community's request for an extension of time to comment on this DEIR to allow the public a thorough opportunity to review and comment on these important matters.

In light of the cramped review period offered by the City, our comments focus on two of the most pressing issues facing Menlo Park and the region: population growth and housing, and traffic and transportation. However, we may submit further comments after the comment period to further address the myriad shortcomings in this environmental

document. Please note that we have not reviewed the entire DEIR, but rather have focused our review on impacts and other portions of the document most relevant to the City. Accordingly, the omission of comments on other portions of the document should not be construed to mean that we found those portions to comply with CEQA.

After reviewing the DEIR, we conclude that it does not comport with CEQA because it fails to analyze significant environmental impacts of the Project on population and housing and traffic and transportation, fails to propose adequate mitigation measures to address those impacts, and fails to properly assess and mitigate for cumulative impacts both in Menlo Park and in the greater Bay Area region.

“The Environmental Impact Report (“EIR”) is ‘the heart of CEQA.’” *Laurel Heights Improvement Ass’n v. Regents of University of California* (1988) 47 Cal.3d 376, 392 (“*Laurel Heights I*”) (citations omitted). It “is an environmental ‘alarm bell’ whose purpose it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return. The EIR is also intended ‘to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its action.’ Because the EIR must be certified or rejected by public officials, it is a document of accountability.” *Id.* (citations omitted).

Where, as here, the EIR fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, it does not satisfy the basic goals of the statute. *See* Pub. Res. Code § 21061 (“The purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect that a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.”). As a result of the DEIR’s serious inadequacies, there can be no meaningful public review of the Project’s population and housing impacts and transportation impacts. The City must revise and recirculate the DEIR in order to permit an adequate understanding by the public and decision-makers of the environmental issues at stake, especially with regard to traffic and population growth and housing.

#### **I. The DEIR’s Analysis of Population Growth and Housing Impacts is Legally Inadequate.**

For a project like the one here, which alone would increase the jobs in Menlo Park by more than 20%, it is especially important that the DEIR comprehensively identify and analyze the project’s impacts on population, employment, and housing demand. When a

project draws new people to an area, the increased population is likely to require new services and new housing, which will impact the environment. And here, the Project would bring an estimated 6,550 new employees to the area. DEIR at 3.12-9.

Thousands of new employees require housing, but available housing—especially affordable housing—is in short-supply in Menlo Park and the greater Bay Area. Accordingly, new housing and services would almost certainly have to be built to accommodate the growth spurred by Facebook’s expansion, which could have environmental impacts. CEQA requires that an EIR analyze these impacts. However, by minimizing, obfuscating, and in some cases simply ignoring the impact on population growth and housing demand of the job growth brought by the Project, the DEIR here fails to provide the public and decision-makers the information that CEQA requires.

California courts have established a framework for considering population, employment, and housing-related impacts. When analyzing these impacts,

[an EIR] should, at a minimum, identify the number and type of housing units that persons working within the [p]roject area can be anticipated to require, and identify the probable location of those units. The [EIR] also should consider whether the identified communities have sufficient housing units and sufficient services to accommodate the anticipated increase in population. If it is concluded that the communities lack sufficient units and/or services, the [EIR] should identify that fact and explain that action will need to be taken to provide those units or services or both.

*Napa Citizens for Honest Government v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342, 370. Once the EIR determines what actions will be necessary to provide sufficient housing and services, CEQA then requires it to disclose the environmental consequences of those actions.

A complete analysis of population and housing impacts thus requires two distinct, logical steps. First, an EIR must accurately estimate the population growth that a project would cause, both directly and indirectly. Specifically, in this case, the EIR must estimate the population growth related to the number of new employees that development of the Project would allow, including whether those employees are likely to be new to the region. Cal. Code Regs., tit. 14, ch. 3 (“CEQA Guidelines”), Appx. G § XII(a) (directing analysis of whether project would induce substantial population growth). The EIR also must consider the growth that a project will *indirectly* cause, whether through stimulating the local economy so that new employment opportunities draw new people to the area or

by providing infrastructure that allows new residential construction. CEQA Guidelines § 15126.2(d) (“Discuss the ways in which the proposed project could foster economic or population growth . . . .”); *see also* CEQA Guidelines Appx. G § XII(a).

The second step in analyzing the impacts of population growth is to consider the environmental impacts of serving that estimated new population—that is, the change in the physical conditions in the areas affected by the proposed project. *See* Pub. Res. Code §§ 21060.5, 21068. Thus, the EIR must not only evaluate whether a project would “[i]nduce substantial population growth,” but also whether such growth would require construction of new housing. CEQA Guidelines Appx. G § XII(a), (c). If new construction is likely to occur, then the EIR must analyze the environmental impacts of that construction. *See, e.g., Napa Citizens*, 91 Cal.App.4th at 373. The EIR must also consider whether the new population would place demands on public services, such as fire protection, law enforcement services, or schools. CEQA Guidelines Appx. G § XIII(a). The EIR then must consider the environmental impacts of providing such facilities if they are necessary. *See Napa Citizens*, 91 Cal.App.4th at 373.

Here, the DEIR does not comply with CEQA because it fails to appropriately analyze the impacts of the Project by minimizing or ignoring impacts, fails to consider impacts beyond Menlo Park’s borders, and fails to conduct a legally sufficient cumulative impacts analysis.

**A. The DEIR Improperly Fails to Consider the Direct Impact of Job Growth.**

The DEIR establishes thresholds of significance for whether the Project would have significant impacts related to population growth and housing. Specifically, the Project would have a significant impact if it would “[i]nduce substantial population growth in an area, either directly (e.g., by proposing new homes *or businesses*) or indirectly (e.g., through the extension of roads or infrastructure).” DEIR at 3.12-7 (emphasis added) (adopting significance threshold from CEQA Guidelines Appx. G § XII(a)). Despite the fact that the Project would bring 6,550 new employees to Menlo Park—an over 20% increase in the total number of employees currently working in all of Menlo Park and 296% of the local employment growth anticipated by ABAG—the DEIR improbably concludes that there would be no impact resulting from direct population growth. *See* DEIR at 3.12-8.

The DEIR misunderstands what constitutes “direct population growth.” As the significance threshold make clear, direct population growth may result from developing

new homes *or* bringing new business employees to an area. But here, the DEIR determines there will be no impact from direct population growth because there will be no housing developed as part of the Project. DEIR at 3.12-8. The DEIR simply fails to consider direct population growth in the form of new jobs despite recognizing that this can be a significant impact. *Id.* Because the Project may have a significant impact on the environment related to direct population growth if it increases the number of employees in the area—and here, the impact is almost certainly significant, as the Project’s employees alone would exceed ABAG’s employment projections for all of Menlo Park in 2020 by 296%—the DEIR must be revised to evaluate this impact, and then be recirculated.

**B. The DEIR Fails to Conduct a Conservative Analysis that Would Identify All Potential Impacts.**

Next, despite the fact that the Project would draw 6,550 new employees to the area, the DEIR determines there will be no increase in City or regional population or demand for housing that would exceed ABAG projections. DEIR at 3.12-9. Based on this determination, the DEIR concludes that impacts would be less than significant. *See id.* However, the DEIR improperly relies on assumptions that minimize, rather than conservatively assess, the Project’s population and housing impacts. In so doing, the DEIR fails to conduct an analysis that accounts for all of the Project’s likely impacts, as CEQA requires. *See* Pub. Res. Code § 21061.

Specifically, the DEIR’s calculation of the population growth in the City related to the Project is unrealistic and underestimates likely population growth. The DEIR bases its calculations on the assumptions that (1) only 4.8 percent of the employees generated by the Project would seek and find housing in Menlo Park; (2) there will be 1.8 Project-generated employees per household; and (3) there will be 2.61 persons per household. DEIR at 3.12-10.

First, the assumption that a mere 4.8 percent of new Facebook employees will live in Menlo Park is based on the number of Facebook workers currently living in Menlo Park. *See id.* However, this is a “lower estimate” of the number of new employees that would reside in Menlo Park, as KMA’s Housing Needs Analysis for the DEIR notes—the overall average number of Menlo Park workers who live in the City is 7.6%. DEIR, Appx. 3.12 at 3. And the lower estimate fails to take into account the fact that Facebook recently began actively encouraging its employees to move closer to its Menlo Park campus—by paying employees to move. *See* Fortune, Facebook Gives Employees Big Money to Move Closer to Work (Dec. 17, 2015), attached as Exhibit A. Accordingly,

4.8% is not an adequately conservative assumption regarding the number of new employees generated by the Project who may decide to reside in Menlo Park.<sup>1</sup>

Second, the assumption that, of the of the new Facebook employees living in Menlo Park, there will be 1.8 per household is unrealistic and inappropriately used here. This assumption is based on countywide data that there is an average of 1.8 employed persons per household in the County. DEIR at 3.12-10. The DEIR provides no evidence indicating that workers sharing a household generally work for the same company, let alone that Facebook employees tend to share households. The DEIR cannot rely on unsupported assumptions. Pub. Res. Code § 21082.2(a) (a lead agency's determination of impacts must be "based on substantial evidence," which does not include "speculation, unsubstantiated opinion . . . [or] evidence which is clearly inaccurate").

Although undoubtedly a few new Facebook employees may cohabitate, it strains credulity to think that most—let alone any—of the 6,550 new, mostly high-paid employees drawn to the area will share housing with each other. It is more likely that each new employee who moves to the area will need his or her own housing unit, which he or she may share with family members or other people who do not work at Facebook. An appropriately conservative analysis for CEQA purposes should be based on the assumption that each new employee drawn to the area will establish her own household.

Once these unrealistic assumptions are corrected, the Project's likely impact on Menlo Park's population exceeds ABAG projections and thus is significant by the DEIR's own standards. Using the more appropriately conservative (and still quite low, considering Facebook's efforts to draw its workforce to live closer to work) estimate that 7.6% of the 6,550 new employees will live in Menlo Park means the Project will bring 498 new people to live in the City. With the properly conservative assumption that each of these employees would establish his or her own household, the housing demand from the Project's employees would be 498 housing units. And based on the City average of 2.61 persons per household, the Project alone would increase the population of Menlo Park by approximately 1,300 people.

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<sup>1</sup> The DEIR does provide a calculation of the Project's estimated housing demand if 7.6% of the Project's workers would reside in the City. See DEIR at 3.12-10. However, this is provided for "informational purposes only," and the DEIR does not rely on it when making its significance determination. See *id.*

A population increase of 1,300 exceeds ABAG projections for Menlo Park's population (1,000 people between 2015 and 2020) by 30%—even before *any* other projects or the currently proposed General Plan Update are taken into account. Likewise, demand for 498 new households exceeds the projected growth of 380 households in Menlo Park by 31%—substantially exceeding projected housing growth. Accordingly, when using appropriately conservative assumptions, both of these increases in population and in housing demand are clearly significant.

Further, the DEIR obfuscates the Project's likely impacts by being overly optimistic about the housing availability in Menlo Park. Based on a 5.6% vacancy rate for the City, the DEIR concludes that there are 738 vacant units in the City. DEIR at 3.12-11. Then, the DEIR jumps to the specious conclusion that the new households generated by the Project could be accommodated by these vacant units. *Id.* However, the DEIR provides no explanation regarding whether the purportedly vacant units are available as residences. Accordingly, those units cannot be relied on to absorb the housing demand generated by the Project.

In a final attempt to evade a significance finding, the DEIR asserts that housing demand from the Project would be less than significant because the demand could be accommodated by the housing estimated to be built in the City by 2035 under the City's Housing Element. DEIR at 3.12-11. First, 2035 is fifteen years too late to absorb any housing demand generated by the Project, which would be completed by 2020. Second, the Housing Element's estimates are no guarantee that housing will actually be built, and such speculation is an insufficient basis for concluding otherwise significant impacts would be less than significant. *See* Pub. Res. Code § 21082.2(a) (a lead agency's determination of impacts must be "based on substantial evidence," which does not include "speculation, unsubstantiated opinion . . . [or] evidence which is clearly inaccurate").

The DEIR must be revised to use appropriately conservative assumptions like the ones described here, to include an analysis of the Project's likely significant impacts to population growth and housing, and to provide for adequate and enforceable mitigation.

### **C. The DEIR Fails to Analyze the Project's Impact on Regional Population and Housing**

The DEIR also fails to describe and analyze the Project's impact on population and housing beyond the borders of Menlo Park. First, the DEIR obfuscates the Project's disproportionate impact on regional housing demand by relying on the unrealistic

assumption that there will be demand for only one housing unit per 1.8 new Project employees, and by failing to compare the demand generated the Project in proportion to Menlo Park's size. Based on these assumptions, the DEIR claims that the housing demand generated by the Project would be only 3.1% of projected Bay Area housing growth and 8.3% of projected San Mateo County housing growth through 2020. DEIR at 3.12-11. And because these percentages are numerically small, the DEIR claims, the Project's impacts would be less than significant. *Id.*

This analysis is doubly flawed. First, as explained above, assuming 1.8 Facebook employees per new household to calculate housing demand for the Project unrealistically assumes that almost all new Facebook employees will live with other new Facebook employees. When employing the more realistic—and, for the purposes of CEQA, appropriately conservative—assumption that each new employee will require a housing unit, the Project's housing demand would be *over 36%* of San Mateo County's projected growth through 2020. Additionally, Menlo Park's impact on housing, with this Project, would be significantly disproportional in relation to its size, as it contains only 5% of San Mateo County households yet would consume more than one-third of the projected housing available in the whole County. Similarly, 6,550 new households is 5.6% of projected total Bay Area household growth through 2020, though Menlo Park provides a mere 0.5% of Bay Area households. These are significant impacts to the projected capacity of the region to accommodate new households.

Even more egregiously, the DEIR fails to consider the impacts to population and housing beyond the City's borders at all—despite the fact that the DEIR predicts that over 95% of the Project's new employees will live somewhere other than Menlo Park. CEQA does not allow such myopic review, which would effectively allow the vast majority of the Project's population and housing impacts to escape environmental review. Indeed, CEQA specifically requires an agency to assess *all* environmental impacts of a project, even if “the project's effect on growth and housing will be felt outside of the project area.” *Napa Citizens*, 91 Cal.App.4th at 369. As the court in *Napa Citizens* stated, “the purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area.” *Id.*

In this case, the DEIR must identify the likely locations of the population growth and housing impacts throughout the region, and describe whether the impacted communities have sufficient housing and resources to absorb that demand—and if not, what the environmental impacts of meeting that demand will be. *See id.* Despite the fact that the DEIR relies on current Facebook commuting patterns to assume that only 4.8%

of new employees would live in Menlo Park, *see* DEIR at 3.12-11, it fails to identify where the remaining 95% of the employees will live. The City cannot have it both ways: it cannot use available data when it suits its purposes, then ignore the same data and claim there is no way for it to determine the locations of housing demand. *See* DEIR at 4-5. In so doing, the DEIR avoids analyzing the Project's potentially significant impacts on population and housing regionally, in violation of CEQA.

**D. The DEIR's Analysis of Cumulative Population and Housing Impacts is Fatally Flawed.**

CEQA requires the lead agency to analyze and mitigate a Project's potentially significant cumulative impacts. CEQA defines cumulative impacts as "two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts." CEQA Guidelines § 15355; *see also* *Communities for a Better Env't v. Cal. Res. Agency* (2002) 103 Cal.App.4th 98, 120. An effect is "cumulatively considerable" when the "incremental effects of an individual project are significant when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." CEQA Guidelines § 15065(a)(3). A proper cumulative impact analysis is "absolutely critical," (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1217), as it is a mechanism for controlling "the piecemeal approval of several projects that, taken together, could overwhelm the natural environment," (*Las Virgenes Homeowners Fed'n, Inc. v. County of Los Angeles* (1986) 177 Cal.App.3d 300, 306).

**1. The DEIR Underestimates Existing Cumulative Projects.**

First and most critically, the DEIR fails to consider and adequately quantify the impact of all relevant cumulative projects when considering the Project's cumulative impacts. The DEIR considers the cumulative impacts only of projects within the City of Menlo Park, *see* DEIR at 3.12-13, despite the fact that very close nearby projects will also contribute to cumulative impacts on population and housing by bringing large numbers of new employees to the very same area as this Project. CEQA requires that a cumulative impacts analysis consider *all* "past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency." CEQA Guidelines § 15130(b)(1)(A). But yet again, the DEIR has relied on too narrow a scope of analysis.

Most egregiously, the DEIR fails to consider in its cumulative impacts analysis the impact from nearby projects that will have significant impacts on population growth and

housing demand in the same area as the Facebook Campus Expansion Project. Specifically, the massive Stanford Medical Center expansion and the new Stanford Redwood City campus, combined, will draw up to 7,824 new employees to the same general area as this Project, with the associated impacts on population and housing demand in the area, including throughout Menlo Park. *See* Stanford University Medical Center Facilities Renewal & Replacement Draft EIR at 2-48 (Project Description), excerpt attached as Exhibit B (Stanford Medical Center expansion expected to add 2,424 new employees); Stanford in Redwood City Precise Plan Draft EIR at 17-1 (Growth-Inducing Impacts), excerpt attached as Exhibit C (Redwood City campus expected to add up to 5,400 employees).

These ignored projects represent an almost 50% increase over the number of new jobs the DEIR estimates cumulative projects in the area will generate—without even taking into account the likely multiplier effect of bringing these new jobs to the area. And neither project provides any housing, like most of the commercial development ongoing in Menlo Park and the surrounding area. The DEIR fails to provide even the barest explanation of why it has so artificially limited the geographic scope of the cumulative impacts analysis for population and housing, as CEQA requires. *See* CEQA Guidelines § 15130(b)(3) (Lead agencies must “provide a reasonable explanation for the geographic limitation used” for a cumulative impacts analysis.).

Further, the DEIR underestimates the likely job growth that will come along with development of the commercial projects it does consider in the cumulative impacts analysis. The DEIR estimates that the 4,831,626 square feet of cumulative commercial space—most of which is office and R&D space—will bring 16,911 new jobs, based on 3.5 employees per 1,000 square feet (or 285.7 square feet per employee). DEIR at 3.12-14. This is an outdated and inaccurate assumption. It is well-established that there is a steep downward trend in square-footage per employee, and offices for high-tech companies like the ones proliferating throughout the Bay Area tend to house approximately one employee per every 150 square feet—or less. *See, e.g.,* As Office Space Shrinks, So Does Privacy for Workers, N.Y. Times (Feb. 22, 2015), attached as Exhibit D. Because of the high likelihood that new office space will be occupied by high-tech companies, the DEIR should use that assumption when estimating cumulative job growth. Otherwise, the DEIR fails to disclose all likely environmental impacts, as CEQA requires. *See* Pub. Res. Code § 21061. Using the appropriately conservative assumption of one employee per 150 square feet, job growth under the cumulative projects could be over 32,000 new jobs—nearly double what the DEIR estimates.

For these reasons, the DEIR severely underestimates cumulative impacts of the Project related to population growth and housing demand. The DEIR must be revised to disclose the true impact of planned commercial growth in the area.

**2. The DEIR Fails to Disclose the Project's Contributions to Cumulative Impacts.**

Next, the DEIR severely understates the Project's own contribution to cumulative impacts related to population and housing. Specifically, the DEIR errs in its assumption that just because the Project represents a small percentage of the total population growth projected for the City that it is not a "cumulatively considerable contribution." *See* DEIR at 3.12-14. Indeed, small increases in population from individual projects are *exactly* the kind of impacts that are supposed to be encompassed by a cumulative impacts analysis. *See* CEQA Guidelines § 15065(a)(3). Here, the Project would contribute 2.4% of the projected population growth for the City—a notable, incremental contribution to population growth that is necessarily a contribution to the cumulative impacts of development projects in Menlo Park. To conclude, as the DEIR does, that the Project's contribution would not be cumulatively considerable, the document must identify facts and analyses to support this conclusion. CEQA Guidelines § 15130(a)(2). The DEIR fails to do so.

Further, the DEIR lacks any basis whatsoever for determining that the Project would not make a cumulatively considerable contribution to increased in housing demand. The DEIR admits that cumulative projects' demand for housing would exceed available housing (even when relying on the unrealistic assumption that there is demand for only one housing unit per 1.8 workers<sup>2</sup>) and that the Project would contribute 20% of the overall cumulative housing demand. DEIR at 3.12-14. This amount is clearly a considerable contribution to what would be a significant cumulative impact based on the DEIR's own significance threshold.

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<sup>2</sup> The DEIR states that, in this section, it is "assuming that each new employee who lives in the city forms a household." DEIR at 3.12-14. However, its calculation that housing demand would be for 714 units is based on the 1.8-workers-per-household assumption. *See id.* fn. 37. Had the DEIR assumed that each new employees forms a household, and that 7.6% of employees working in Menlo Park live in Menlo Park, the housing demand would be for approximately 1,285 units—far in excess of the number of available units in Menlo Park.

In an attempt to extricate itself from an obvious finding of a significant cumulative impact, the DEIR claims that impacts will not be significant because “additional residential development is *anticipated* by ConnectMenlo, which is *anticipated* to be approved . . . *could* accommodate the demand for housing units from the cumulative employment-generating projects.” DEIR at 3.12-14 (emphases added). This is far too speculative a basis to conclude that impacts will be less than significant. *See* CEQA Guidelines § 15384(a) (“speculation” does not constitute substantial evidence).

At best, the DEIR is relying on the ConnectMenlo General Plan update as de facto mitigation for the Project’s contribution to cumulative impacts. CEQA does not allow this. An EIR may not “compress[] the analysis of impacts and mitigation measures into a single issue.” *Lotus v. Department of Transportation* (2014) 223 Cal.App.4th 645, 656. Failure to evaluate the significance of impacts separately from what is effectively proposed mitigation prevents the EIR from “mak[ing] the necessary evaluation and findings concerning the mitigation measures that are proposed.” *See id.* More specifically, by conflating impacts and mitigation, the DEIR fails to consider whether there may be other more effective mitigation options, thereby omitting information that is necessary for the informed decision-making and public participation that CEQA requires. *See id.* at 658; *see also San Franciscans for Reasonable Growth v. City & County of San Francisco* (1984) 151 Cal.App.3d 61, 79 (EIR inadequate if it fails to identify feasible mitigation measures). Further, a finding of significance triggers the requirement that the Project include *enforceable* mitigation, as well as a monitoring program, which is lacking when a DEIR relies on an unapproved, future plan as de facto mitigation. *See Lotus*, 223 Cal.App.4th at 656-57.

Finally, the cumulative impacts analysis suffers from the same fatal flaw as the DEIR’s direct impacts analysis: it fails to disclose any impacts beyond the City’s borders, and it must. *See Napa Citizens*, 91 Cal.App.4th at 369 (“[T]he purpose of CEQA would be undermined if the appropriate governmental agencies went forward without an awareness of the effects a project will have on areas outside of the boundaries of the project area.”).

## **II. The DEIR Fails to Adequately Analyze or Mitigate the Project’s Transportation Impacts.**

Despite the minimal time given to evaluate the DEIR, including its dense 126 pages on transportation impacts and over 3,400 pages of traffic-related data in its appendices, we note some glaring and critical deficiencies here. Namely, the DEIR fails to analyze certain important and heavily impacted intersections and road segments that

will be further congested by the Project. It also wholly fails to conduct any analysis of the impacts to residential neighborhoods from cut-through traffic. Also, the DEIR fails to identify sufficient feasible mitigation, and its cumulative impacts analysis for transportation ignores major projects that will magnify traffic problems in the area.

**A. The DEIR Fails to Analyze All of The Project's Likely Traffic Impacts.**

The EIR fails to adequately analyze impacts to intersections and roadway segments that are likely to be impacted by project-related traffic, including traffic impacts within residential neighborhoods of Menlo Park and adjacent towns.

For example, the DEIR fails to analyze impacts to the complex intersection of El Camino Real with Sand Hill Road and Alma Street, which straddles Menlo Park and Palo Alto. Lesser intersections a short distance to the west are included in the DEIR's analysis, yet this one is inexplicably ignored. This intersection is closer to the Project than some other intersections studied in the DEIR, and it is the intersection of two primary arterials in a congested area (i.e., immediately adjacent to the Stanford Shopping Center and near the expanding Stanford Medical Center). Accordingly, the Project is almost certain to impact traffic at this important intersection, and DEIR must evaluate this impact to inform decision-makers and the public.

The DEIR also fails to analyze impacts to roadway segments along Woodland Avenue in Menlo Park and Palo Alto. The DEIR indicates potentially significant impacts at the intersection of Woodland Avenue and University Avenue but fails to analyze impacts to roadway segments in the same area. *See* DEIR at 3.3-31; study intersection number 57. Similarly, the DEIR fails to analyze impacts in Palo Alto to University Avenue between Middlefield Road and Highway 101. Without analysis of these intersections and roadway segments, the DEIR's traffic analysis is incomplete.

Further, the DEIR fails to analyze the impact of traffic using residential neighborhood streets to avoid heavy traffic on main routes. This impact is not analyzed for existing or background conditions and not analyzed for either of those conditions Plus Project, or not for cumulative Plus Project conditions. For example, there is no analysis of impacts on neighborhood streets of traffic attempting to bypass heavy traffic in Menlo Park, Palo Alto, or East Palo Alto on Willow Road and University Avenue. Nor is there an analysis of traffic using the Pope-Chaucer Bridge cut-through to avoid gridlock that will be exacerbated by the Project. Increasing amounts of traffic already use these routes—especially with the popularity of drive-time-shaving apps like Google Maps and Waze—and the traffic the Project adds in and around Menlo Park will only make things

worse. And these inevitable increases in neighborhood traffic will bring along significant new impacts to residential neighborhoods, like noise, air-pollution, and safety concerns.

The DEIR fails to analyze these cut-through traffic impacts despite the fact that the General Plan's land use policy II-A-8 requires that "[n]ew development shall be reviewed for its potential to generate significant traffic volumes on local streets in residential areas and shall be required to mitigate potential significant traffic problems." And General Plan land use policy II-A-9 requires that "[t]he City shall establish, as a priority, the protection of local streets in residential areas from excessive speeding and excessive volumes of through traffic ... [and] 'through traffic' shall mean traffic having neither an origin nor a destination within the relevant neighborhood."

In order to fully address the Project's impact to traffic, especially neighborhood cut-through traffic, VERG members request that the City evaluate the following intersections, roadway segments, or neighborhood areas to determine whether they would be significantly affected by increased Project-related traffic. And, if these neighborhoods could be impacted, the EIR should analyze those impacts. VERG members request this evaluation for the following:

- Atherton: Alameda de las Pulgas & Atherton Avenue
- Atherton: Alameda de las Pulgas & Camino al Lago
- Atherton: El Camino Real & Atherton Avenue
- Atherton: El Camino Real & Watkins Avenue
- Atherton: Middlefield Road & Atherton Avenue
- Atherton: Middlefield Road & Watkins Avenue
- East Palo Alto: Manhattan Avenue & Woodland Avenue
- East Palo Alto: Newell Road & Woodland Avenue
- East Palo Alto: O'Connor Street & Manhattan Avenue
- East Palo Alto: Okeefe Street
- East Palo Alto: Runnymede Street & Clarke Avenue
- Menlo Park: Alma Street & Oak Grove Avenue
- Menlo Park: Alma Street & Willow Road
- Menlo Park: Alpine Road & I-280
- Menlo Park: Carlton Avenue & Hamilton Avenue
- East Palo Alto: Carlton Avenue & Newbridge Street
- Menlo Park: Chester Street between Willow Road & Menalto Avenue
- Menlo Park: Durham Street & Menalto Avenue
- Menlo Park: Woodland Avenue between Middlefield Road & University Avenue

Menlo Park: Gilbert Avenue between Willow Avenue & Menalto Avenue  
Menlo Park: Ivy Drive & Carlton Avenue  
Menlo Park: Laurel Street between Encinal Avenue & Willow Road  
Menlo Park: neighborhood streets between Middlefield Road & El Camino Real  
Menlo Park: Monte Rosa Drive  
Menlo Park: O'Connor Street & Euclid Avenue  
Menlo Park: Santa Cruz Avenue & Alameda de las Pulgas  
Menlo Park: Santa Cruz Avenue & Arbor Road  
Menlo Park: Santa Cruz Avenue & Avey Avenue & Orange Avenue  
Menlo Park: Cambridge Avenue  
Menlo Park: Valparaiso Avenue & Alameda de las Pulgas  
Palo Alto: neighborhood streets around University Avenue & Middlefield Road  
Palo Alto: Hamilton Avenue & Center Drive  
Palo Alto: Hamilton Avenue & Newell Road  
Palo Alto: University Avenue & Chaucer Street

**B. The DEIR Fails to Identify Adequate Feasible Mitigation for the Project's Significant Traffic Impacts.**

The DEIR further violates CEQA by failing to consider potentially feasible mitigation measures to respond to the numerous allegedly significant and unavoidable impacts identified. "An EIR shall describe feasible measures which could minimize significant adverse impacts . . ." CEQA Guidelines § 15126.4. Under CEQA, "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of such projects. . . ." Pub. Res. Code § 21002. California courts have made clear that an EIR is inadequate if it fails to suggest feasible mitigation measures, or if its suggested mitigation measures are so undefined that it is impossible to evaluate their effectiveness. *San Franciscans for Reasonable Growth*, 151 Cal.App.3d at 79.

These unmitigated impacts would greatly affect quality of life for the residents of Menlo Park and the surrounding area. However, the DEIR's identified mitigation measures would not reduce all of the Project's significant traffic impacts to levels that are less than significant. DEIR at 3.3-31. Rather than identify other feasible traffic mitigation measures, however, the DEIR simply concludes that these impacts are significant and unavoidable. This approach is contrary to the primary goal of an EIR,

which is to identify a project's significant environmental impacts and find ways to avoid or minimize them through the adoption of mitigation measures or project alternatives. Pub. Res. Code §§ 21002.1(a), 21061.

There are ample opportunities to mitigate the Project's transportation impacts. For example, the DEIR could require even further reduction of the Project-vehicle trip cap, as set forth in Mitigation Measure TRA-1.2 (though, this measure, which purports to be currently used by Facebook has not been supported with any evidence of whether it is currently successful). Indeed, the DEIR nowhere explains why a further trip-cap reduction for the Project is not feasible. Examples of other measures the DEIR could require to reduce traffic impacts include requiring the Project applicant to:

- fund vans to concentrated areas where employees live;
- fund free employee shuttle loops connecting Facebook with Union City BART, Palo Alto Caltrain Station, Menlo Park Caltrain Station, and Redwood City Caltrain station;
- create employee housing as part of the Project (or provide funding for new housing in Belle Haven);
- provide incentives for arrival/departure outside of defined peak periods; and
- encourage car alternatives by charging employees to park on site (would require measures to prevent parking in adjacent neighborhoods).

Adoption of these measures could go a long way toward reducing the Project's significant traffic impacts. Unless the City can identify why these measures are not feasible, the City must require the applicant to adopt and implement enough of these measures to ensure that the Project's impacts would be mitigated to a less than significant level.

**C. The DEIR Does Not Adequately Analyze the Project's Cumulative Traffic Impacts.**

Like with its population and housing cumulative impacts analysis, the DEIR's cumulative transportation impacts analysis is also inadequate for lack of consideration of nearby cumulative conditions, including the Stanford Medical Center expansion and the Stanford Redwood City campus. Both of these projects would add considerable traffic to the same routes impacted by this Project, and they must be considered in a cumulative

impacts analysis. *See* CEQA Guidelines § 15130(b)(1)(A) (cumulative impacts analysis must consider all “past, present, and probable future projects producing related or cumulative impacts, including, if necessary, those projects outside the control of the agency”). However, the DEIR considers only 2040 buildout under Menlo Park’s General Plan, without reasoned explanation for leaving out consideration of traffic impacts from every other project within a stone’s throw of the City limits, all of which will certainly impact the City’s and region’s traffic on the same routes as the Project. *See* CEQA Guidelines § 15130(b)(3) (Lead agencies must “provide a reasonable explanation for the geographic limitation used” for a cumulative impacts analysis.).

For example, the Stanford Medical Center expansion—which is just off of Sand Hill Road, near El Camino Real—would result in new parking demand of over 2,000 spaces. Exhibit B at 2-31. Further, that project’s EIR recognized that it would have a significant and unavoidable impact on peak hour conditions at three Menlo Park intersections (Middlefield Road/Willow Road; Bayfront Expressway/Willow Road; and University Avenue/Bayfront Expressway) and increase traffic on Menlo Park roadway segments (Marsh Road, Sand Hill Road, Willow Road, and Alpine Road). *See id.* at 4-1. These intersections and roadways will also be impacted by the Project, and thus the Stanford Medical Center expansion must be included as part of the cumulative projects analyzed here. *See* CEQA Guidelines § 15130(b)(1)(A).

### **III. The DEIR Should Be Recirculated.**

CEQA requires recirculation of an EIR when significant new information is added to the document after notice and opportunity for public review was provided. Pub. Res. Code § 21092.1; CEQA Guidelines § 15088.5. “Significant new information” includes: (1) information showing a new, substantial environmental impact resulting either from the project or from a mitigation measure; (2) information showing a substantial increase in the severity of an environmental impact not mitigated to a level of insignificance; (3) information showing a feasible alternative or mitigation measure that clearly would lessen the environmental impacts of a project and the project proponent declines to adopt the mitigation measure; or (4) instances where the draft EIR was so fundamentally and basically inadequate and conclusory in nature that public comment on the draft EIR was essentially meaningless. CEQA Guidelines § 15088.5(a); *Laurel Heights Improvement Ass’n v. Regents of University of California* (1993) 6 Cal. 4th 1112, 1130 (“*Laurel Heights II*”).

As this comment explains, the Facebook Campus Expansion DEIR clearly requires extensive new information and analysis in order to comply with CEQA. This

Kyle Perata  
July 11, 2016  
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analysis will likely result in the identification of new, substantial environmental impacts that will require development of mitigation measures. Consequently, the City must revise and recirculate the DEIR for public review and comment.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Laura D. Beaton

cc: Jim Wiley, The Willows, Menlo Park  
Neilson Buchanan, Downtown North, Palo Alto  
Martin Lamarque, Belle Haven, Menlo Park  
William Byron Webster, President, East Palo Alto Council of Tenants (EPACT)  
Education Fund  
Kathleen Daly, Owner, Cafe Zoe, Menlo Park  
Steve Schmidt, Former Mayor, Menlo Park

# **EXHIBIT**

**A**

# Facebook Gives Employees Big Money to Move Closer to Work

- by
- [Reuters](#)

December 17, 2015, 7:57 PM EDT

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The social network is paying workers to relocate closer to headquarters.

(Reuters) – Facebook is offering employees at its Silicon Valley headquarters at least \$10,000 to move closer to the office, a reflection of the challenges many tech companies face in the increasingly expensive and congested San Francisco Bay area.

To qualify for the payment, which the social networking firm started offering in the last 12 months, according to current and former Facebook workers, employees must buy or rent a home within 10 miles (16 km) of the Facebook campus at One Hacker Way, a desolate strip of road overlooking a marsh about 30 miles (48 km) south of San Francisco.

Some Facebook employees with families to support could earn a one-off payment of \$15,000 or more for

housing costs.

Facebook's efforts, along with similar programs at some other technology companies including investment management technology company Addepar, data company Palantir and software firm SalesforceIQ, a unit of Salesforce.com [CRM](#) 0.33% , could help ease a major source of tension in San Francisco: an influx of young, wealthy tech workers who commute to Silicon Valley on private buses and often displace lower-income residents.

But Silicon Valley has a housing affordability crisis of its own, and if Facebook's program gains traction it could further accelerate the gentrification of nearby communities, especially the low-income city of East Palo Alto.

"A lot of local families are going to get hurt," said John Liotti, chief executive officer of East Palo Alto community advocacy group Able Works.

Facebook [FB](#) -0.73% says the program is not about social engineering. "Our benefits at Facebook are designed to support our employees and the people who matter most to them at all stages of life," a Facebook spokesman said.

Cynics suggest the company might be looking to encourage people to spend more time in the office while also cutting the cost of its luxury bus service, whose drivers recently unionized.

For Mark Shim, an engineer who had worked at Addepar, living across the street from the Mountain View-based company earned him a \$300-a-month bonus. But the money, which was a taxed benefit, wasn't the reason behind his housing decision.

"For me, it wasn't financially driven as my rent has gone up more than 60 percent since I moved to Mountain View and the stipend doesn't keep up with the rent spikes in the area," said Shim, who has since joined another company.

"If you live closer to work you are less worried about leaving at an exact time, and if you're in the middle of solving a cool problem, you'll spend the extra time to finish that up."

Lissa Minkin, vice president of people at Addepar, said the perk was designed to help employees spend more time on personal interests or with their families.

"Not having a long commute makes a huge positive impact on maintaining a healthy work-life balance," she said.

Tech workers say the commute is getting worse. What would have been a one-hour commute each way three years ago has stretched to 90 minutes or more as the tech economy has boomed and more cars hit the road.

San Francisco-area drivers spend more time in gridlock than those of any city other than Washington, D.C., and Los Angeles, according to traffic data service Inrix.

Still, plenty of young techies are willing to endure it. Take Nilesh Patel, a single technology worker who commutes from San Francisco to a large company almost 40 miles (64 km) away so he can cultivate his rich

social life in the city.

“I didn’t want to move into one of those depressing bachelor complexes,” he said about the generic Silicon Valley apartment buildings that often house people like him.

Even for those who might consider a more suburban lifestyle, \$10,000 doesn’t necessarily go very far in a city like Menlo Park, where the average rental is \$3,600 a month, according to data from online real estate company Trulia.

And moving south won’t provide an escape from the resentment tech workers have engendered in San Francisco neighborhoods like the Mission, where community activists protesting gentrification have blockaded tech-company buses.

In East Palo Alto, once a crime-ridden city that provided an element of gritty flair amid the bland office parks and strip malls that dominate much of Silicon Valley, the recent influx of tech money has brought plenty of benefits.

Crime, including robbery, auto theft and rape, has declined over the years, according to city data. New businesses like the city’s only full-fledged grocery store have opened, and many new arrivals are trying to help by tutoring kids and donating to local causes, said Liotti.

But the newcomers, who locals call “los Facebuqueros” regardless of where they work, have also contributed to increasing evictions and sky-rocketing rents.

“We’re dealing with a huge displacement of lower-income individuals,” said Tom Myers, executive director of the Community Services Agency in Mountain View, which this month passed ordinances to try to take pressure off lower-income renters.

There’s also the chance that the housing incentives backfire.

Old hands remember a time when Facebook offered a few hundred dollars for employees who lived within a few blocks of its old offices in Palo Alto. Landlords got wind of the situation and quickly raised rents to match, they say.

*For more about Facebook, watch this Fortune video:*

Facebook founder and CEO Mark Zuckerberg.

Justin Sullivan--Getty Images

# **EXHIBIT**

# **B**

**EXCERPTS FROM STANFORD UNIVERSITY  
MEDICAL CENTER FACILITIES  
RENEWAL & REPLACEMENT DRAFT EIR**

Categorized according to use, the approximately 1.3 million square feet of proposed additional space would include about 1.2 million square feet of hospital space and about 100,000 square feet of clinic/medical office space (see Table 2-5). There would be no increase in research space.

**Parking.** To accommodate the increase in floor area, the SUMC Project sponsors propose to replace the occupied spaces that are being demolished, build additional spaces in the same amount needed to meet new parking demand associated with the SUMC Project, and maintain a 10 percent vacancy rate to ensure that drivers are able to locate parking spaces without excessive recirculation through the parking area. As shown in Table 2-2, there are currently 871 occupied spaces in the existing parking facilities that would be demolished, including Parking Structure 3 and Falk Lot 5 on the Main SUMC Site and a portion of Lot 1A on the Hoover Pavilion Site. The expansion components of the SUMC Project would create a demand for 2,053 new spaces in 2025. Thus, the total new and replacement parking provision would be 2,985 spaces, which would be allocated as 2,053 for SUMC Project expansion and 932 as replacement parking for existing spaces demolished during project construction. The replacement parking (932 spaces) is calculated as 871 spaces removed plus a 10 percent vacancy factor. The calculated vacancy factor is slightly less than 10 percent because some of the new demand would be met through existing vacant spaces (see Table 2-6).

The 2,985 spaces to be constructed include 970 spaces in a new SCH underground structure; 430 spaces in a new LPCH underground structure; 500 spaces in a new Clinics underground structure; and 1,085 spaces in a new Hoover Pavilion under- and above-ground structure.<sup>24,25</sup>

Figure 2-6 shows the parking facilities to be demolished, and Figure 2-9 shows the four proposed parking facilities, including three underground garages and one above-ground garage. More information on the parking facilities is provided in Section 3.4, Transportation.

## Site Plan

Figure 2-6 shows the existing layout plan at the SUMC Sites, including both the Main SUMC Site and the Hoover Pavilion Site. This figure also shows the structures to be demolished (these structures are also listed in Table 2-1, Table 2-6, and Table 2-7).

Figure 2-10 shows the post-construction site plan and identifies the new structures, which would hold replacement and expansion facilities of the SHC, LPCH, and SoM. A further discussion of the proposed structures is provided under the succeeding subheadings.

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<sup>24</sup> Stanford University Medical Center, Stanford University Medical Center Facilities Renewal and Replacement Project Application, August 2007, as amended; Tab 3, Table 3-5.

<sup>25</sup> AECOM Transportation, *Stanford University Medical Center Environmental Impact Report, Transportation Impact Analysis*, Appendix C, March 2010.

of-state locations. These rates would be expected to remain fairly constant following completion of the SUMC Project, although the expanded facilities could allow the SUMC to provide additional specialty services to clientele inside and outside of the immediate service area.

**Employment.** Table 2-9 shows the projected on-site employment that would be expected over time following buildout of the SUMC Project. Currently, non-SUMC providers occupy space within the existing SUMC; these non-SUMC providers are included in the overall employment count. As part of the SUMC Project, some of the non-SUMC providers that could be displaced by the demolition would be relocated to the Hoover Pavilion Site. Full buildout and occupancy of the SUMC Project would result in an increase of 2,242 new full-time equivalent employees,<sup>33</sup> or an approximately 23 percent increase over 2007 employment. In 2015, the SUMC Project would add 1,929 net new employees, or an approximately 20 percent increase over 2007 employment. Upon full buildout, SUMC would include approximately 12,123 employees.<sup>34</sup> Table 2-9 also shows the projected changes in employment without adjusting for part-time status. Without such an adjustment, employment is projected to increase by 2,417 employees.

**Table 2-9**  
**Projected On-Site Employment With SUMC Project**

<b>Projected Employment (Total Employees)</b>	<b>Existing (2007)</b>	<b>Proposed Employment at Full Buildout (2025)</b>	<b>Change</b>	<b>Part-Time Multiplier<sup>a</sup></b>	<b>Net Change (Adjusted For Part-Time Employment)</b>
SHC, including the Hoover Pavilion Site	5,240	6,562	1,322	0.94653	1,251
LPCH	1,666	2,655	989	0.90149	891
SoM <sup>b</sup>	2,823	2,823	0	-	0
Non-SUMC Providers	151 <sup>c</sup>	257	106	0.94653	100
<b>TOTAL</b>	<b>9,880</b>	<b>12,297</b>	<b>2,417</b>		<b>2,242</b>

Source: SUMC, 2010 and KMA, 2009.

Notes:

- a. Employment counts have been adjusted by KMA to count only the portion of housing need for part-time employees generated by the SUMC Project. The adjustment is based on the assumption that part-time employees generally have other employment. The adjustment factor is calculated from SUMC payroll data and weighs part-time employees based on percentage of a full-time schedule. Part-time employees working up to 70 percent of full-time are adjusted; employees working 70 percent time or more are not assumed to have another part-time job and are therefore not adjusted.
- b. Includes faculty, staff, and students. For the purposes of this analysis, SoM employment is assumed to be unchanged.
- c. Estimated by KMA at 350 square feet per employee.

SUMC's current employees generally are from Palo Alto or commute from nearby communities such as East Palo Alto, Fremont, Hayward, Menlo Park, Mountain View, Redwood City, San Francisco, San Jose, San Mateo, and Sunnyvale. Employee commute patterns are expected to be similar under the SUMC Project.

<sup>33</sup> Adjusted for part-time employment.

<sup>34</sup> Keyser Marston Associates, Final Proposed Stanford University Medical Center Expansion Housing Needs Analysis, September 2009.

# Chapter 4

## Other CEQA Considerations

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### 4.1 SIGNIFICANT UNAVOIDABLE ENVIRONMENTAL IMPACTS

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Section 21100(b)(2)(A) of the California Environmental Quality Act (CEQA) requires that an Environmental Impact Report (EIR) identify any significant environmental effects that cannot be avoided if the Stanford University Medical Center Facilities Renewal and Replacement Project (SUMC Project) is implemented. Most impacts identified for the SUMC Project would either be less than significant or could be mitigated to a less-than-significant level. However, the SUMC Project would result in some significant impacts that cannot be mitigated to less-than-significant levels. The SUMC Project would have significant and unavoidable project and cumulative impacts related to:

- Deterioration of intersection level of service during Peak Hour conditions at three Menlo Park intersections (Middlefield Road and Willow Road, Bayfront Expressway and Willow Road, and University Avenue and Bayfront Expressway);
- Increased average daily traffic on four Menlo Park roadway segments, on Marsh Road, Sand Hill Road, Willow Road, and Alpine Road;
- Emission of criteria air pollutants (NO<sub>x</sub>) during construction, on both a project level and cumulative level;
- Emission of criteria air pollutants (ROG, NO<sub>x</sub>, PM<sub>10</sub>) during operation, on both a project level and cumulative level;
- Contribution to cumulative emissions of toxic air contaminants;
- Emission of greenhouse gases, which would contravene the City's ability to meet emission reduction goals in the Palo Alto Climate Protection Plan and which would have a cumulatively considerable contribution to global climate change;
- Temporary but substantial noise during construction, on both a project level and cumulative level;
- Emission of ambulance noise along a new route along Sand Hill Road into the proposed Durand Way extension, so that noise levels at roadside residences would increase by a level considered unacceptable under the City's Comprehensive Plan;
- Demolition of an historical structure, the 1959 Hospital Building complex (also referred to as the Stone Building complex), which is a significant and unavoidable impact on both a project and cumulative level; and
- Removal of up to 71 Protected Trees, as defined in City of Palo Alto's Tree Protection and Management Regulations, which is a significant and unavoidable impact on both a project level and a cumulative level.

# **EXHIBIT**

# **C**

**EXCERPT FROM STANFORD IN REDWOOD CITY  
PRECISE PLAN DRAFT EIR**

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## 17. CEQA-REQUIRED ASSESSMENT CONSIDERATIONS

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This chapter summarizes the EIR findings in terms of the various assessment categories suggested by the California Environmental Quality Act (CEQA) Guidelines for EIR content. The findings of this EIR are summarized below in terms of project-related potential "growth-inducing effects," "significant unavoidable impacts," "irreversible environmental changes," "cumulative impacts," "effects found not to be significant," and "energy conservation."

### 17.1 GROWTH-INDUCING EFFECTS

CEQA Guidelines section 15126.2(d) requires that the EIR discuss "...the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment."

The Precise Plan does not propose any housing. Project buildout would result in a net increase in employment in the Precise Plan area of approximately 3,900 to 5,400 employees (see EIR chapter 6, Population, Housing, and Employment). This increase would represent approximately 23.5 to 32.5 percent of the Association of Bay Area Governments (ABAG) projected citywide increase in jobs over the 2010-to-2030 period. The direct increase in jobs on-site could also have an indirect economic "multiplier" effect, generating additional employment in the broader local area, as described in EIR chapter 6. The potential population and employed resident growth in Redwood City resulting from Precise Plan implementation would be well within the citywide population and employed resident totals forecast by ABAG for 2010 to 2030.

Based on these considerations, no substantial, detrimental, growth-inducing effect is expected. Any future individual development proposals not included in the proposed project would require routine local review of associated development applications, including CEQA-mandated development-specific environmental review, to ensure that any adverse environmental impacts are adequately addressed. These existing requirements and procedures would be expected to reduce the environmental impacts of such secondary growth-inducement associated with the project to less-than-significant levels, except where specific statements of overriding consideration are adopted.

### 17.2 SIGNIFICANT UNAVOIDABLE IMPACTS

CEQA Guidelines section 15126.2(b) requires that the EIR discuss "significant environmental effects which cannot be avoided if the proposed project is implemented." The impacts listed below are identified as significant and unavoidable for one of four reasons: (1) no potentially feasible mitigation has been identified; (2) potential mitigation has been identified but may be found by the City to be infeasible; (3) with implementation of feasible mitigation, the impact still would not, or might not, be reduced to a less-than-significant level; or (4) implementation of the mitigation measure would require approval of another jurisdictional agency, whose approval will

# **EXHIBIT**

## **D**

N.Y. / REGION

# As Office Space Shrinks, So Does Privacy for Workers

By JAMES BARRON FEB. 22, 2015

Dafna Sarnoff worked her way up to vice president at American Express and what she remembers as “a desirable office.” Later she was hired by a financial services company — bigger salary, bigger office. Then, in 2012, she was recruited by Yodle, a smaller, newer company that sells online marketing tools for small businesses.

“I had heard about these tech start-ups that had these open office environments,” Ms. Sarnoff said. “I wondered if I was going to get an office.”

She did not, and on her first day on the job, she all but panicked. “I remember being led to my new desk and thinking, ‘Oh my God, this is going to take some getting used to.’”

Soon she will have even less space. Yodle is scheduled to move in the next few weeks and is cutting the amount of space allotted to each employee to 122 square feet, from 137 in its current quarters.

With rents surging as the Manhattan office market rebounds, many companies are looking to cut costs, and one way to do that is by trimming personal space. The shrinking is happening beyond New York. The average amount of space per office worker in North America dropped to 176 square feet in 2012, from 225 in 2010,

according to CoreNet Global, a commercial real estate association. Though more recent figures are not available, real estate experts say there is no doubt that workers are being shoehorned into even less space.

This means that everyone will get to hear those loud calls about how long your mother-in-law will be staying or why the \$1,500 medical bill the collection agency insists you owe should really be covered by insurance.

Bryan Langlands knows all about this. He works for NBBJ, an architecture firm that designs open offices — and has one. Consider the conversation in which he told the assistant to a partner, who sits directly behind him, that he was postponing their later-in-the-week lunch.

He explained why, too: He was having a colonoscopy.

“About six people around me know — they heard,” Mr. Langlands, a principal at the firm, said. “They hear all the phone calls. They know if I’m upset with a client on the phone. Or, if you come back from a bad meeting and you don’t want to show your bad side but you’re decompressing and venting, everybody hears you venting. It’s very intimate in that sense.”

Some real estate brokers make the pitch that companies can avoid a rent increase by moving to new quarters that are 20 or 25 percent smaller than what they had, even if it means increasing workplace density and jamming people into less space.

“Every client we talk to, they’re using less space per person,” said Kenneth McCarthy, the chief economist for Cushman & Wakefield, a commercial real estate broker. He said that 50,000 more people work in “office-using industries” in New York now than before the recession. But with the vacancy rate at 9.5 percent in Manhattan at the end of 2014, he said, “more people are taking up less space.”

Bosses — and the designers and architects they hire — are betting that most employees will not notice the difference. “The balance between individual spaces and community spaces has changed drastically,” said David Bright, a senior vice president of Knoll, the office furnishing manufacturer, “with shared and community

spaces taking up a greater proportion of space than they once did.”

The result, nationally as well as in Manhattan, is offices with less space for desks and more square footage for conference rooms or other activity space areas, as some designers call them. Also popular with architects and designers are “refuge rooms” to which employees can retreat when the buzz around them proves distracting — the open-office equivalent of the low-decibel “quiet car” on many trains.

The argument for more communal space is that open offices foster communication and accidental creativity — that serendipity is a plus, if serendipity is defined as bumping into co-workers and chatting about projects they may not necessarily be assigned to.

The comic strip “Dilbert,” which has long lampooned office culture, anticipated the personal space squeeze in 2013. The character identified as the Boss was trying to justify declines in productivity to the chief executive. He explained that the engineers had first moved from private offices to cubicles. Then they had been assigned to an open-plan area.

The chief executive asked, “Have we tried putting all of them in one clown car?”

The Boss replied, “No, but I don’t see why that wouldn’t work.”

Scott Adams, the cartoonist who created “Dilbert,” said it was no surprise that individual breathing room in the workplace was being reduced. “But computers have gotten smaller and the need for storage of paper has disappeared,” Mr. Adams said. “If you’ve got a place to hang a coat and a place to sit with a laptop, you’ve got everything you need.”

While space is getting tight in many places, there is every indication that offices are even tighter in the New York area. Justin Mardex, a member of CoreNet’s New York City chapter, surveyed 10 recent projects and found that the average came to 120 square feet per employee. The most generous amount set aside was 178 square feet per person. The smallest was 93 square feet per worker.

It is not just underlings who are losing the office space race. “There’s a unilateral flattening,” said Tom Krizmanic, a principal of Studios, an architecture

and design firm. “Even the C.E.O., the C.F.O. used to have more.”

But Louis D’Avanzo, the chairman of CoreNet’s New York City chapter and a vice chairman of Cushman & Wakefield, cautioned that if individual space dwindled to less than 100 square feet per person, “it can be a very dense environment.”

And, some cubicle-dwellers add, too noisy for sustained concentration. Suzanne Carlson, a partner at Mr. Langlands’s firm, recalled a recent conversation in which she found herself saying that the private office needed to make a comeback, but with one important qualification. “It does not need to be owned,” she said — meaning that no one person’s name is on the door. “This is about the existence of a private space you can go to for refuge,” she said. “If you don’t have that refuge, it’s horrible.”

Yodle’s move to West 34th Street near Ninth Avenue is being overseen by Arnold F. Madisson, who was deputy executive director of facilities, construction management and operations for the last two years of Michael R. Bloomberg’s time as mayor. “The idea was to go around to the last of the offices and tear them down,” Mr. Madisson said. “One million square feet. I believe in openness.”

Yodle’s chief executive, Court Cunningham, so values being close to other employees that he does not want a private office. He even dictated that the desks in Yodle’s new quarters be relatively small: No more than 5 feet wide and 2 1/2 feet deep.

“We believe a lot of individuals don’t need their own space,” Mr. Madisson said, adding, “We talked about what if we eliminated desks.” Long tables would have given each person even less space, he said — about 2 feet wide by 1 1/2 feet deep.

Ms. Sarnoff, Yodle’s head of consumer marketing, spent that first night agonizing. “I remember telling my husband about it,” she recalled. “He said, ‘Would you not take the job if you didn’t have an office?’ He actually said that to me, and I said, ‘Would that be a bad reason not to take this job?’ ”

She became a convert. “It’s fun,” she said. “That’s the reason I wouldn’t want an office. It’s fun — if you like the people you work with.”

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the headline: As Office Space Shrinks, So Does Workers' Privacy.

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