



COMMUNITY DEVELOPMENT DEPARTMENT

Council Meeting Date: May 29, 2012
Staff Report #: 12-083

Agenda Item #:E-1

PUBLIC HEARING: Consider a Request for an Amended and Restated Conditional Development Permit and Development Agreement for the Property Located at 1601 Willow Road (East Campus) and Heritage Tree Removal Permit and Environmental Review for the Properties Located at the 1601 Willow Road (East Campus) and 312 and 313 Constitution Drive (West Campus)

RECOMMENDATION

Staff recommends that the City Council concur with the recommendation of the Planning Commission and approve the following actions related to the Facebook Campus Project, subject to the specific actions contained in Attachment A:

1. **Certify the Environmental Impact Report** which analyzes the potential environmental impacts of the proposed Project inclusive of the East Campus and West Campus;
2. **Adopt the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program**, which includes specific findings that the East Campus Project includes substantial benefits that outweigh its significant, and adverse environmental impacts, and establishes responsibility and timing for implementation of all required mitigation measures;
3. **Approve the Development Agreement** which results in the provision of overall benefits to the City and adequate development controls in exchange for vested rights in East Campus Project approvals;
4. **Approve the Amended and Restated Conditional Development Permit** which implements a vehicular trip cap that includes an AM and PM peak period and daily trip cap to accommodate an increase in employees at the East Campus Project site beyond the 3,600 employees permitted to occupy the site; and
5. **Approve Heritage Tree Removal Permits** to remove one heritage tree on the East Campus and seven heritage trees on the West Campus to facilitate

construction of improvements to the existing undercrossing of Bayfront Expressway.

If the Council votes to approve the Project on May 29, 2012, then the second reading of the ordinance for the Development Agreement is scheduled to occur on June 5, 2012. The Ordinance would go into effect 30 days thereafter.

BACKGROUND

On February 8, 2011, the City received a preliminary application from Facebook to commence the environmental review process for the Facebook Campus Project, inclusive of both the East Campus and West Campus Project components, as well an application for an Amended and Restated Conditional Development Permit (CDP) and Development Agreement for the East Campus component of the Project. The Project would include two phases, as discussed below. The Council's review of the Project on May 29, 2012, will focus on Phase I of the Project.

Facebook Incorporated (Facebook) seeks to develop an integrated, phased permanent headquarters in Menlo Park to accommodate the company's long-term growth potential. This phased approach includes the development of an East Campus located at 1601 Willow Road, followed by the development of a West Campus located at 312 and 313 Constitution Drive across Bayfront Expressway. Currently, Facebook is seeking land use entitlements for the East Campus, as well as environmental review for the entire Project, per the requirements of the California Environmental Quality Act (CEQA). The requested land use entitlements for the East Campus include amendment of the existing Conditional Development Permit (CDP) to convert the employee cap to a vehicular trip cap, as well as execution of a Development Agreement.

The 56.9 acre East Campus is currently developed with nine buildings, which contain approximately 1,035,840 square feet. The existing entitlements for the site allow up to 3,600 employees to occupy the site, and Facebook currently has approximately 2,200 employees at the site. The Project Sponsor has begun, and continues to complete tenant improvements at the site to convert the hardware-intensive laboratory spaces and individual hard-wall offices to a more open, shared workspace characteristic of the Facebook work environment, which is intended to foster innovation, teamwork, and creativity.

As part of the proposed Project, the Project Sponsor seeks to convert the existing employee cap into a vehicular trip cap. The proposed trip cap includes a maximum of 2,600 trips during the AM Peak Period from 7:00 a.m. to 9:00 a.m. and the PM Peak Period from 4:00 p.m. to 6:00 p.m. and a maximum of 15,000 daily trips. The trip cap would allow approximately 6,600 employees to occupy the East Campus.

The environmental review analyzes this proposal, as well as the build-out of the approximately 22-acre West Campus. This second phase of the Project contemplates construction of five buildings totaling approximately 440,000 square feet of gross floor

area, consistent with M-2 zone requirements, and an associated five-story parking structure. The proposed height of the buildings would exceed the 35-foot maximum height limit in the M-2 zone and a rezone to M-2-X plus approval of a CDP would be required to exceed the height limit. The Project Sponsor anticipates submitting land use entitlements for the West Campus this summer. A project location map illustrating the locations of Phase I and Phase II of the Project is included as Attachment M.

The second phase of the Project is anticipated to house approximately 2,800 employees for a total of approximately 9,400 employees occupying both the East and West Campuses at full occupancy. The proposed Project would result in approximately 5,800 more employees than are currently permitted under the existing land use entitlements for the East Campus. However, unlike the existing entitlements for the East Campus, the Project proposal does not include a cap on the number of employees.

Since the application submittal date, numerous meetings have been held and milestones achieved, which are specified in Attachment N.

Planning Commission Review, May 7, 2012

On May 7, 2012, the Planning Commission held a public hearing for the Facebook Campus Project to consider the five actions included in Attachment A. After considering all of the public comments and documents, including the EIR, draft Development Agreement and draft Conditional Development Permit, the Planning Commission made a unanimous recommendation (with Commissioner Yu absent) that the City Council approve the project, per the recommendations included in the Planning Commission staff report. In addition, the Commission recommendation included the insertion of three mitigation measures from the EIR into the Statement of Overriding Considerations, Mitigation Monitoring and Reporting Program, and Amended and Restated Conditional Development Permit. Staff inadvertently omitted these mitigation measures from these three documents that were attached to the Planning Commission staff report. Finally, the Commission supported any necessary revisions of the Amended and Restated Conditional Development Permit and/or Development Agreement to incorporate applicable aspects of the separate agreement reached between Facebook and the City of East Palo Alto.

Prior to voting on the recommendation for the project, Commission discussion and questions focused on the following issue areas:

- Development Agreement: The Commission discussed the public benefits included in the Development Agreement and requested clarification regarding the financial benefit to the City resulting from the Project and the associated Development Agreement;
- Marsh Road and Middlefield Road Mitigation Measure: The Commission requested clarification regarding the mitigation measure included in the EIR for

this intersection, as well as an explanation of the difference between this mitigation measure and the improvements requested by the Town of Atherton;

- Intersection Impacts: The Commission discussed the intersections that would be impacted by the Project and the resulting impacts after implementation of mitigation measures; and
- Peak Periods of Traffic: The Commission requested clarification regarding how the peak periods included in the Trip Cap were chosen.

The approved transcript of the May 7, 2012 Planning Commission meeting is included as Attachment O.

ANALYSIS

Proposed Project

The Project components currently subject to land use entitlement review include Phase I of the Facebook Campus Project. Phase I is primarily related to the East Campus and includes amending and restating the CDP to implement a Trip Cap to accommodate an increase in employees at the site beyond the 3,600 employees currently permitted to occupy the site (coupled with a required Transportation Demand Management program to reduce vehicle trips by 25 percent), execution of a Development Agreement, and Heritage Tree Removal Permits for removal of eight heritage trees on both the East Campus and West Campus related to Phase I undercrossing improvements (discussed in more detail below).

Project Land Use Entitlements

The proposed Project requires various land use entitlements as summarized below.

Amended and Restated Conditional Development Permit

On May 19, 1992, the City Council approved a CDP and rezone of the Project site from M-2 (General Industrial) to M-2-X (General Industrial – Conditional Development). The CDP and “X” overlay allow for flexibility from zoning requirements, except maximum Floor Area Ratio (FAR), while providing greater certainty regarding the parameters of a particular development proposal. The existing CDP specifies development standards for the Project site, conditions of approval and a requirement for compliance with the Master Site Plan approved as part of the CDP. Specifically, the Master Site Plan, associated vested elements of Project approval, and conditions of approval establish the maximum permissible employment density on the Project site of 3,600 employees and include a Transportation Demand Management program that is required to attain a 25 percent reduction in drive alone commuting. Facebook seeks to amend the existing CDP to implement a Trip Cap to accommodate an increase in employees at the site beyond the 3,600 employees currently permitted to occupy the site.

The Trip Cap includes a maximum of 2,600 trips during the AM Peak Period from 7:00 a.m. to 9:00 a.m. and the PM Peak Period from 4:00 p.m. to 6:00 p.m. and a maximum of 15,000 daily trips. The Trip Cap would allow approximately 6,600 employees to occupy the East Campus. Specific parameters regarding the Trip Cap can be found in the Trip Cap Monitoring and Enforcement Policy, which is included as Attachment I. Since the May 7, 2012 Planning Commission meeting, minor edits have been made to the Trip Cap Monitoring and Enforcement Policy in order to clarify that the Trip Cap would apply not only to Facebook, but also the Owner pursuant to the terms of the Development Agreement, to provide an additional example fee calculation, and to specify the penalty sharing percentage of 25 percent with the City of East Palo Alto. This document addresses the following issue areas:

- Definitions – explanation of terminology utilized;
- Monitoring – discussion regarding how the trip cap would be monitored; and
- Enforcement – discussion regarding how the Trip Cap would be enforced, including penalties associated with any violations of the Trip Cap.

Key components of the proposed Project that would assist Facebook in achieving compliance with the Trip Cap include a Transportation Demand Management program and enhanced bicycle and pedestrian circulation on-site, and connecting to the Project site from the adjacent community.

The Project proposal for the East Campus Amended and Restated CDP does not include construction activities, except for improvements related to the completion of the Phase 1 improvements of the Bayshore Expressway (State Route 84) undercrossing and the associated access paths. The proposed improvements are intended to occur in three phases, beginning with approval of the land use entitlements for the East Campus and continuing with development and completion of the West Campus. The following is a summary of the proposed phasing plan for access improvements to the existing undercrossing to facilitate a connection for pedestrian and bicycle traffic, and ultimately a people mover under Bayfront Expressway.

- **Phase 1:** Approval of the land use entitlements for the East Campus - would include the following elements:
 - Provide pedestrian and bicycle multi-use path to connect from Willow Road to south side of existing undercrossing (proximate to Willow Road along West Campus);
 - Provide access to undercrossing on the East Campus (north) side. Provide pedestrian and bicycle multi-use path and connection to Bay Trail. Provide sidewalks and crosswalk improvements to connect from the undercrossing to the main entrance of Building 10 (across campus ring road);
 - Maintain existing undercrossing cross-section (with raised sidewalk), and provide access to a pedestrian and bicycle multi-use path;

- Provide new plantings, species to be selected from Save the Bay Plan list; and
- Install lighting improvements for the undercrossing and along pedestrian and multi-use paths on both sides of the undercrossing.
- **Phase 2:** During Construction of the West Campus – would include the following elements:
 - Reconfigure pedestrian and bicycle multi-use path to connect from Willow Road to south side of undercrossing proximate to West Campus (if necessary) to avoid construction areas;
 - Detour pedestrians and bicyclists to use the existing crosswalk crossing Bayfront Expressway and pedestrian signals at Willow Road/Bayfront Expressway intersection during certain phases of construction if temporary (to be defined) closure of undercrossing is necessary; and
 - Maintain existing undercrossing cross-section (with raised sidewalk) and provide access to a pedestrian and bicycle multi-use path.
- **Phase 3:** Build Out of the West Campus – would include the following elements:
 - Improve undercrossing to allow for use by pedestrians, cyclists and Facebook people-mover system;
 - Install pump system to address any potential flooding of undercrossing;
 - Reconfigure West Campus pedestrian and bicycle multi-use path from Willow Road to south side of the undercrossing, if necessary, to replace temporary construction path;
 - Install any final permanent pedestrian and bicycle improvements on Willow Road along West Campus frontage, including sidewalks or multi-use path; and
 - Install traffic control devices on both sides of the undercrossing for controlling ingress/egress from the people-mover system into the undercrossing.

Conceptual plans for Phase I undercrossing improvements are included in Attachment P on plan sheets EL.2, EL.3 and EL.4. If the Project is approved, per the conditions of approval in the Amended and Restated CDP, Facebook would be required to submit a complete set of plans for construction of the undercrossing improvement to the City within 60 days of the effective date of the Development Agreement.

The resolution approving the Amended and Restated CDP, the draft Amended and Restated CDP and the Trip Cap Monitoring and Enforcement Policy, which is an attachment to the Amended and Restated CDP, are included as Attachments G, H and I, respectively. The Amended and Restated CDP relies on the Project plans, inclusive of the conceptual Phase I undercrossing plans, and includes conditions of approval, along with all of the mitigation measures from the EIR. The conditions of approval that are not EIR mitigations are generally standard conditions of approval with more Project specific conditions of approval associated with the construction of the undercrossing improvements.

Development Agreement

A Development Agreement is a legally binding contract between the City of Menlo Park and an applicant that delineates the terms and conditions of a proposed development project. A Development Agreement allows an applicant to secure vested rights, and it allows the City to secure certain benefits. Development Agreements are enabled by California Government Code Sections 6584-65869.5. The City Council adopted Resolution No. 4159 in January 1990, establishing the procedures and requirements for the consideration of Development Agreements (Resolution No. 4159 is available upon request at City offices or on the City's website). Facebook is requesting a legally binding Development Agreement in concert with the requested CDP amendment.

On February 14, 2012, the City Council established a set of parameters for the City's negotiating team to commence negotiations with Facebook on the Development Agreement. After a series of negotiation sessions and input from the Council Subcommittee comprised of Mayor Keith and Council Member Cline, the City Council unanimously approved a term sheet for the Development Agreement on April 17, 2012. Since that meeting, the term sheet has been transformed into a 40 plus page Development Agreement, and all terms approved by the City Council are either included in the Development Agreement or in the Amended and Restated Conditional Development Permit, and in some cases, in both documents. In addition, some topics covered in the Development Agreement crossover into mitigations measures included in the EIR. The ordinance to approve the Development Agreement, and the Draft Development Agreement, are included as Attachments E and F, respectively.

Separately from the City's negotiations with the applicant, Facebook also negotiated an agreement with the City of East Palo Alto. The East Palo Alto City Council reviewed and approved the term sheet that has resulted from these negotiations at its meeting on May 1, 2012. The term sheet was utilized to develop a Memorandum of Agreement, which is attached to, and incorporated into the Development Agreement between the City of Menlo Park and Facebook. This, as well as other clean-up edits to the Development Agreement, have been incorporated since publication of the Draft Development Agreement included in the May 7, 2012 Planning Commission packet.

Heritage Tree Removals

The applicant is requesting approval for removal of eight heritage trees in order to construct Phase I undercrossing improvements, as discussed above. The proposed Heritage Tree removals include one tree on the East Campus and seven trees on the West Campus. All trees proximate to the undercrossing improvements, inclusive of those trees identified for removal are shown on plan sheet EL.5 and discussed in the East Campus and West Campus arborist reports, which are included as Attachments K and L, respectively. In summary, the requested eight tree removals include:

East Campus

- Blackwood Acacia, good health (tree 36).

West Campus

- Lombardy Poplar, fair health (tree 605);
- Lombardy Poplar, fair health (tree 606);
- Fremont Poplar, fair health (tree 607);
- Lombardy Poplar, good health (tree 613);
- Lombardy Poplar, good health (tree 614);
- Lombardy Poplar, good health (tree 619); and
- Lombardy Poplar, good health (tree 622).

The City Arborist has reviewed all requested tree removals, and recommends approval of the requested removals. His review of the requested tree removals indicated that the trees are in fair to good health and are of inferior species. The majority of the trees have extensive suckers and have not been properly maintained over time. The removal of heritage trees requires Heritage Tree Removal Permits and a minimum two-to-one replacement ratio. The applicant is proposing to plant a total of 28 replacement trees (12 on the East Campus and 16 on the West Campus), which will be consistent with the landscape palette provided on the Save the Bay Plant List.

FISCAL ANALYSIS

The City's independent economic consultant, Bay Area Economics (BAE), prepared a Fiscal Impact Analysis (FIA) projecting the potential changes in fiscal revenues and service costs directly associated with development of the proposed Project. The FIA also explores a number of related topics, including indirect revenues/costs from potential induced housing demand, as well as one-time/non-recurring revenues (such as impact fees), and potential additional opportunities for fiscal benefits. The Draft FIA was released on December 8, 2011 for a public comment period that ended on January 23, 2012. The Draft FIA was reviewed by the Planning Commission at its January 9, 2012 meeting, where verbal comments from the Commission and public comment were accepted on the Draft FIA, and transcribed for response as a component of the Final FIA. The January 31, 2012 City Council staff report for the Facebook Campus Project includes a summary of the Draft FIA.

The Final FIA, dated April 6, 2012, was prepared in response to comments on the Draft FIA, and to address the recent dissolution of the City's Community Development Agency (Redevelopment Agency). Given the fact that the ultimate fiscal implications of the State Supreme Court's actions to dissolve Redevelopment Agencies are not yet clear, the Final FIA only includes a qualitative analysis of this change. The quantitative findings regarding the Community Development Agency's revenues have been left in the Final FIA for informational purposes. The City and other agencies analyzed in the

FIA will receive additional funds from the dissolution of redevelopment agencies; however, the actual amounts are yet to be determined. A memorandum providing a response to comments for all comments received on the Draft FIA is a companion document to the Final FIA. Both the Final FIA and the memorandum were released for public review on April 23, 2012, and both documents are available for review on the City's website, at the Library and at the Community Development Department.

The FIA does not require action by the City Council; however, the City Council should consider the FIA in reviewing the Project proposal.

Correspondence

Since the April 17, 2012 City Council meeting, staff has received three comment letters. All letters, as well as City responses, if applicable, are included as attachments to this Staff report. Specifically, the following correspondence has been received:

1. **William Webster** – email dated Tuesday, May 1, 2012 to the City of East Palo Alto City Council (Attachment Q) regarding its review of the Draft Term Sheet with Facebook.
2. **Town of Atherton** – letter dated April 26, 2012 voicing its concerns about the traffic analysis prepared for the Project. This letter is included as Attachment R and the City's response to this letter dated May 7, 2012 is included as Attachment S. It should be noted that City staff did reach out to Town of Atherton staff prior to the release of the Draft EIR, and have subsequently met with them to discuss the Draft EIR and Final EIR, most recently on May 22, 2012. All past correspondence is on file at the Community Development Department.
3. **Caltrans** – letter dated May 7, 2012 regarding the Draft and Final Environmental Impact Report. This letter is included as Attachment T and the City's response to this letter dated May 21, 2012 is included as Attachment U. It should be noted that City staff did reach out to Caltrans staff prior to the release of the Draft EIR, and have subsequently reached out to them, most recently via telephone on May 16, 2012. Staff is currently in the process of scheduling a meeting with Caltrans in June to discuss the Facebook Campus Project. All past correspondence is on file at the Community Development Department.

Conclusion

The proposed East Campus Project would occupy an existing underutilized corporate campus and is projected to generate approximately 3,000 new jobs for the City. To minimize impacts to the community, the Project proposal includes a Trip Cap and robust Transportation Demand Management program, which would limit the increase in vehicular trips associated with the Project, and related air quality and noise impacts. As part of the review of the Project, an Environmental Impact Report was prepared, which determined that the Project would result in significant and unavoidable impacts related to transportation, air quality and noise. However, as identified in the Fiscal Impact Report prepared for the Project, implementation of the Project is projected to have a net

positive fiscal impact for the City. Finally, the Project would provide extensive public benefits as presented in the Development Agreement prepared for the Project, including monetary contributions to the City's General Fund, financial contributions to the community, and environmental stewardship.

The review of the Facebook Campus Project has been extensive with numerous public meetings and a significant amount of attention by staff, the public, Commissions and the City Council. It is now up to the City Council to make a decision on the policy issues involving the potential for an increase in employees with implementation of a vehicle trip cap, significant and unavoidable environmental impacts related to transportation, air quality and noise, and make a determination regarding whether the public benefits provided by the Project outweigh any impacts it may have. Staff believes that the Project includes substantial benefits that outweigh its significant and adverse environmental impacts and recommends that the Council approve the findings and take all the actions as outlined in Attachment A.

IMPACT ON CITY RESOURCES

The Project Sponsor is required to pay planning permit fees, based on the City's Master Fee Schedule, to fully cover the cost of staff time spent on the review of the Project. The Project Sponsor is also required to bear the cost of the associated environmental review and fiscal analysis. For the environmental review and fiscal analysis, the Project Sponsor deposits money with the City and the City pays the consultants.

POLICY ISSUES

The Project does not require an amendment to the City's General Plan. The primary policy issues for the City Council to consider while reviewing the Project relate to the significant and unavoidable environmental impacts and the appropriate level of public benefit based on the request to exceed the current employee cap of 3,600 people on the East Campus.

ENVIRONMENTAL REVIEW

A Notice of Preparation (NOP) for the Facebook Campus Project was released on April 21, 2011 and was circulated for a 36-day review period. The NOP was provided to responsible agencies and interested parties and was made available for public review on the City's web site, at the library, and at the Community Development Department. The Planning Commission held a scoping meeting on May 16, 2011 to receive comments from the public and interested public agencies and organizations on the issues that should be addressed in the EIR. The written and verbal comments received on the NOP were used to inform the issue areas reviewed in the Draft EIR.

The Draft EIR analyzes both the East Campus and West Campus components of the Project, and was released on December 8, 2011 for a 47-day public comment period that was specified to end on January 23, 2012. City staff received three requests to

extend the public comment period, and the City Council considered these requests at its meeting on January 10, 2012, and approved an extension of the public comment period until January 30, 2012. With this extension, the total public comment period provided for the Draft EIR was 54-days. The Planning Commission held a public hearing on January 9, 2012 to provide an opportunity for verbal public comment on the Draft EIR. In addition to the comments made at this meeting, 50 written comments were received on the Draft EIR. Both the verbal and written comments are included in, and responded to, in the Final EIR prepared for the Project.

The Final EIR, which includes responses to comments and revisions to the Draft EIR, was released on April 23, 2012 for public review. The Final EIR is available for review on the City's website, at the Library and at the Community Development Department.

The EIR analyzes the potential impacts of the Project across a wide range of impact areas. The EIR evaluates 16 topic areas as required by the California Environmental Quality Act (CEQA), as well as one additional topic area specific to the project site (Wind). The 16 required topic areas include: Aesthetics, Agricultural Resources, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Mineral Resources, Noise, Population and Housing, Public Services, Transportation, and Utilities. Given the phased nature of the Project, these topic areas were analyzed separately for both the East and West Campuses, and then collectively for the entire Project proposal. The EIR identifies significant and unavoidable impacts in the following categories: Air Quality, Noise, and Transportation. Except as updated by the Final EIR, these significant and unavoidable impacts were explained in detail in the January 9, 2012 Planning Commission staff report.

Differences between the Draft EIR and Final EIR

The key differences between the Draft EIR and the Final EIR are related to biological resources, transportation, and air quality, and are summarized below:

- **Biological Resources:** Additional analysis was completed relative to the potential for biological impacts on the East Campus related to the proposed increase in employee density, and the required tree removals for the undercrossing improvements. As a result of this analysis, an additional mitigation measure has been added for the East Campus requiring that nesting bird surveys be completed if work is done during the bird nesting period. Specific to the West Campus, as a result of additional analysis and public comments, mitigation measures have been added requiring preconstruction surveys for burrowing owls, and implementation of bird-safe design standards.
- **Transportation:** As the result of comments made by the City of Palo Alto, re-analysis of the potential for impacts at the intersection of Middlefield Road and Lytton Avenue determined that the Project would have a less than significant impact (previously significant and unavoidable) impact at this intersection. In addition, minor changes have been made to the mitigation measure at the intersection of Middlefield Road and March Road, based upon written comments

received and discussions with the Town of Atherton prior to the release of the Final EIR.

- Air Quality: To further address air quality impacts, an additional mitigation measure has been added, which requires the installation of a Cogentra combined heat and power system on building 11 on the East Campus. This mitigation measure will decrease the operational emissions of reactive organic gas (ROG), nitrogen oxide (NOx), and particulate matter (PM₁₀), but not to a less than significant level.

The responses and revisions in the Final EIR substantiate and confirm or correct the analyses contained in the Draft EIR. No new significant environmental impacts, no new significant information, and no substantial increase in the severity of an earlier identified impact have resulted from responding to comments.

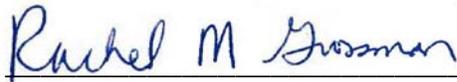
Certification of the EIR, Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program

In order to complete the EIR process and certify the document, CEQA requires the preparation of Findings for Certification of the EIR, adoption of a Statement of Overriding Considerations for significant and unavoidable impacts resulting from implementation of the Project, and adoption of a Mitigation Monitoring and Reporting Program (MMRP). The Findings for Certification are required to acknowledge that the EIR was completed in compliance with CEQA, the EIR was presented and reviewed by the decision making body, and the EIR reflects the City's independent judgment and analysis. The Statement of Overriding Considerations is required to include specific findings that the project includes substantial benefit that outweighs its significant, and adverse environmental impacts. Finally, the MMRP establishes responsibility and timing for implementation of all required mitigation measures.

As discussed previously, the EIR analyzed environmental impacts associated with both Phase I (East Campus) and Phase II (West Campus) of the Project. As such, the Findings for Certification of the EIR are applicable to both the East Campus and West Campus components of the Project. Adoption of a Statement of Overriding Considerations and MMRP are associated actions related to land use entitlements. As such, the Statement of Overriding Considerations and MMRP attached to this staff report are specific to the East Campus component of the Project. Similar documents would be prepared for the West Campus component of the Project and presented to the Planning Commission and City Council with the land use entitlement requests.

The resolution certifying the EIR, resolution adopting the Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program, and the Mitigation Monitoring and Reporting Program are included as attachments B, C, and D, respectively. It should be noted that minor changes were made to the resolution adopting the Statement of Overriding Considerations and adopting the Mitigation Monitoring and Reporting Program and the MMRP since their publication in the May 7, 2012 Planning Commission report due to an inadvertent omission of three mitigation

measures. These are not new mitigation measures, and were previously included in both the Draft and Final EIR, and this change is merely to correct a mistake of omission.



Rachel Grossman
Associate Planner



Justin Murphy
Development Services Manager

PUBLIC NOTICE

Public notification consisted of publishing a legal notice in the local newspaper and notification by mail to all property owners and occupants within a quarter-mile (1,320 feet) radius of the Project site. The mailed notice was supplemented by an email update that was sent to subscribers of the project page for the proposal, which is available at the following address: http://www.menlopark.org/projects/comdev_fb.htm
In addition to allowing for interested parties to subscribe to email updates, the Project page provides up-to-date information about the Project, as well as links to previous staff reports and other related documents.

ATTACHMENTS

- A. [Draft Actions for Approval](#)
- B. [Resolution Certifying the Environmental Impact Report](#)
- C. [Resolution Adopting the Statement of Overriding Considerations and Adopting the Mitigation Monitoring and Reporting Program prepared for the Facebook Campus Project, East Campus](#)
- D. [Mitigation Monitoring and Reporting Program prepared for the Facebook Campus Project, East Campus](#)
- E. [Draft Ordinance approving the Development Agreement](#)
- F. [Draft Development Agreement](#)
- G. [Resolution Approving the Amended and Restated Conditional Development Permit](#)
- H. [Draft Amended and Restated Conditional Development Permit](#)
- I. [Trip Cap Monitoring and Enforcement Policy](#)
- J. [Resolution Approving the Heritage Tree Removal Permits](#)
- K. [Facebook East Campus Arborist Report prepared by SBCA Tree Consulting, dated April 6, 2012](#)
- L. [Facebook West Campus Arborist Report Survey Addendum prepared by SBCA Tree Consulting, dated July 19, 2011](#)
- M. [Location Map](#)
- N. [Project Meetings and Milestones](#)
- O. [Planning Commission Meeting Transcript, May 7, 2012](#)
- P. [Project Plans](#)

- Q. [Email from William Webster to the City of East Palo Alto City Council, dated April 31, 2012](#)
- R. [Letter from the Town of Atherton, dated April 26, 2012](#)
- S. [Letter from the City of Menlo Park to the Town of Atherton in response to their letter dated April 26, 2012, dated May 7, 2012](#)
- T. [Letter from California Department of Transportation, dated May 7, 2012](#)
- U. [Letter from the City of Menlo Park to Caltrans in response to their letters dated May 7, 2012, dated May 17, 2012](#)

Note: Attached are reduced versions of maps and diagrams submitted by the applicants. The accuracy of the information in these drawings is the responsibility of the applicants, and verification of the accuracy by City Staff is not always possible. The original full-scale maps, drawings and exhibits are available for public viewing at the Community Development Department.

EXHIBIT TO BE PROVIDED AT MEETING

None

DOCUMENTS AVAILABLE FOR REVIEW AT CITY OFFICES AND WEBSITE

- [Draft Environmental Impact Report \(EIR\) prepared by Atkins, dated December 2011](#)
- [Draft Fiscal Impact Analysis \(FIA\) prepared by BAE, dated December 2011](#)
- [Planning Commission Staff Report on the Draft EIR, Draft FIA and Project Study session, dated January 9, 2012](#)
- [Final Environmental Impact Report, including Response to Comments, dated April 2012](#)
- [Final FIA, dated April 2012](#)
- [FIA Response to Comments, dated April 2012](#)
- [City Council Staff Report on the Draft Term Sheet, dated April 2012](#)
- [Planning Commission Staff Report on the Project Proposal, dated May 7, 2012](#)