

STANFORD  
UNIVERSITY



June 20, 2011

Mr. Thomas Rogers  
City of Menlo Park  
701 Laurel Street  
Menlo Park, CA 94025

RE: Stanford University's Comments on the Menlo Park El Camino & Downtown  
Specific Plan EIR

Dear Mr. Rogers:

Stanford University appreciates the opportunity to comment on the Environmental Impact Report for the Menlo Park El Camino and Downtown Specific Plan. As City staff knows, the University owns several properties on the east side of El Camino Real, to the south of Ravenswood Avenue. The properties are occupied by the Stanford Park Hotel and also include several car dealerships, most of which are closed. We share the Specific Plan's view that the former and current car dealership properties should be redeveloped and we hope to provide the mix and types of uses that will benefit the Menlo Park community.

While Stanford has no concrete plans or proposals for its properties along El Camino Real, University representatives have participated at each stage of the City's planning process in order to understand the community's objectives. We generally support the Specific Plan's proposals for the properties, including the proposed mix of land uses and densities. As the Specific Plan continues to be refined, we anticipate providing more detailed feedback in order to best ensure that, as a practical matter, the plan's vision for the properties can be realized. For example, we have some concern regarding the site's ability to accommodate, on the one hand, the proposed density, mix of uses, and open space, and, on the other hand, provide the full setbacks and building breaks that the plan proposes.

The site's long, narrow configuration and location sandwiched between El Camino Real and the Caltrain tracks pose physical constraints that may merit some additional design flexibility. To that end, we suggest that the EIR clarify that the plan is in draft form, and design refinements (if approved by the Council) would not substantially change the EIR's conclusions regarding visual impacts from development to the east of El Camino Real, south of Ravenswood Avenue.

In addition to providing the attached technical comments, we also wanted to highlight one other policy issue. As the EIR reflects, the draft Specific Plan proposes a

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policy to require Transportation Demand Management (TDM) programs for all new developments. Similarly, the Draft EIR includes a mitigation measure stating that new developments within the Specific Plan area must "have in-place a City-approved Transportation Demand Management (TDM) program prior to project occupancy." Mitigation Measure TR-2, Draft EIR at 4.13-53.

Stanford has a long history of strong support for voluntary TDM and is a recognized leader in TDM program development and implementation. Stanford's TDM programs currently include the TDM features listed in Mitigation Measure TR-2. However, one of the most important reasons for Stanford's success is its autonomy in designing its TDM programs and adapting them to changing conditions and user demands.

Stanford requests that Mitigation Measure TR-2 be deleted from the EIR and from the Specific Plan. Section 40717.9 of the California Health and Safety Code states: "a district, congestion management agency, . . . or any other public agency shall not require an employer to implement an employee trip reduction program unless the program is expressly required by federal law and the elimination of the program will result in the imposition of federal sanctions, including, but not limited to, the loss of federal funds for transportation purposes." Federal law does not require an employee trip reduction program; therefore state law prohibits the City from mandating TDM.

We request that the Final EIR instead refer to the Menlo Park General Plan's TDM Policy II-C-1, which calls upon the City to "work with employers to encourage employees to use alternatives to the single occupant vehicle in their return to work." Referring to this policy, rather than asserting that mandatory TDM measures can be imposed, would not change any of the Draft EIR's conclusions regarding the traffic impacts of development under the Specific Plan.

We further suggest that the Final EIR would benefit from a qualitative discussion of the benefits of the voluntary TDM programs encouraged by Policy II-C-1. Although the EIR's analysis properly does not attempt to quantify or rely on TDM, a qualitative discussion would be helpful to the reader. The inclusion of such a discussion would make clear that voluntary TDM reduces traffic at both intersections and roadway segments.

We look forward to continued discussion regarding the Specific Plan, and we appreciate the steps the City has taken to solicit public participation.

Sincerely,



Steve Elliott  
Managing Director, Development

Stanford University's  
 Technical Comments on Menlo Park El Camino Real  
 and Downtown Specific Plan Draft EIR

Page No.	Summary of DEIR Text	Comment
3-7	The project description states that there is demand for one conference hotel by 2015 and a smaller boutique hotel in the mid- to long-term from 20 to 30 years.	The EIR should clarify that hotel demand fluctuates, and the appropriate size of a hotel on El Camino Real would be determined by market forces and in connection with a particular project proposal.
3-9	The project description states that the plan incorporates public open spaces on the east side of El Camino Real.	We agree that the plan does and should accommodate public open spaces. The Draft EIR should clarify, however, that the plan incorporates “potential” public open spaces and provides incentives to developers for providing public open spaces on private land.
3-23 and 3-28	The project description states that larger setbacks along the east side of El Camino Real are intended to accommodate wider sidewalks of 15 feet with differentiated clear zones for furnishings and walking.	Some flexibility may be needed with regard to the width of the sidewalks and setbacks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan’s proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such a refinement would not result in substantially different environmental effects as long as the overall goal of achieving a pedestrian-friendly environment can be met.
3-25	The project description states that the Specific Plan includes requirements for breaks between buildings to break up building mass and to provide publicly accessible open space, essential linkages and improved pedestrian environment.	Some flexibility may be needed with regard to the number and size of building breaks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan’s proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such refinements would not result in substantially different environmental effects as long as the overall goals of modulating building

		massing, and providing essential linkages and an improved pedestrian environment can be met.
3-26	The project description states that the Specific Plan includes a 40 percent open space requirement on the southeast side of El Camino Real.	Some flexibility may be needed with regard to the quantity of open space provided on the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. Due to the long, narrow configuration of the site, we are concerned that it may not be possible to achieve the Specific Plan's vision while providing open space at this ratio, and such an open space requirement would conflict with the density bonuses proposed by the Plan in return for providing uses such as public open space and senior housing. We ask that the Draft EIR clarify that a reduction in the open space requirement would not result in substantially different environmental effects.
3-26 and 3-47	The project description states that the Specific Plan incorporates LEED Neighborhood Development strategies.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the need for LEED certification.
3-31	The project description states that the Specific Plan proposes Transportation Demand Management (TDM) programs for all new developments.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter.
3-47	The project description recites Policy E.3.8.3.03 regarding the ability of larger parcels to incorporate more cost effective carbon reduction features, and therefore justify more stringent sustainability requirements.	While it may be correct in the abstract that some larger development projects could readily incorporate design features that would reduce their carbon footprint, we note that the configuration of the properties east of El Camino Real, to the south of Ravenswood Avenue, is long and narrow and leaves relatively little room for design flexibility in that buildings along this strip necessarily will front on El Camino Real. The shape of the parcels and the Caltrain tracks on the

		east boundary constrain development options. The Draft EIR should clarify that additional reductions in greenhouse gas emissions beyond those required of other properties have not been assumed and flexibility with regard to this policy would not change the EIR's conclusions.
3-50	The project description states that the land use designation proposed for ECR SE is Mixed Use/Residential.	The Specific Plan proposes both Mixed Use and Mixed Use/Residential land use designations in this portion of the plan area.
4.1-24, 4.1-26, and 4.1-38	The aesthetics section states that setbacks would be required to widen sidewalks to 15 feet minimum along the east side of El Camino Real, south of the Station.	Some flexibility may be needed with regard to the width of the sidewalks and setbacks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that such a refinement would not result in substantially different environmental effects as long as the overall goal of achieving a pedestrian-friendly environment can be met.
4.1-27	The aesthetics section states that the open space requirement is 40 percent on the southeast side of El Camino Real.	Some flexibility may be needed with regard to the quantity of open space provided on the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. Due to the long, narrow configuration of the site, we are concerned that it may not be possible to achieve the Specific Plan's vision while providing open space at this ratio, and such an open space requirement would conflict with the density bonuses proposed by the Plan in return for providing uses such as public open space and senior housing. We ask that the Draft EIR clarify that a reduction in the open space requirement would not result in substantially different environmental effects.

4.1-38	The aesthetics section states that the Specific Plan envisions a new open space plaza within the segment the east of El Camino Real and to the south of the Station that is a minimum of 120 feet in width.	The Draft EIR should clarify that the Specific Plan creates incentives for providing public open space. Further, some flexibility may be needed with regard to the size of the open space at Burgess Park in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that a reduction in the size of the plaza would not result in new or substantially more severe shadow impact.
4.1-38	The aesthetics section states that the Specific Plan requires breaks in building massing at Cambridge Avenue and Roble Avenue as well as four additional breaks, and provide the widths of such breaks.	Some flexibility may be needed with regard to the number and size of building breaks along the east side of El Camino Real, south of Ravenswood Avenue in order to accommodate the Specific Plan's proposed mix of uses, densities and other features. We ask that the Draft EIR clarify that fewer and/or narrower breaks would not result in new or substantially more severe shadow impacts.
4.2-17	The Air Quality section states that Mitigation Measure TR-2 of Section 4.13 identifies TDM strategies to be implemented by individual project applicants, although the precise effectiveness of a TDM program cannot be guaranteed.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter.
4.2-18	In Table 4.2-4, the Air Quality section states that the 2010 Clean Air Plan includes a policy to "Encourage Sustainable Travel Behavior (i.e., voluntary employer-based trip reduction program)." The table then states, in numerous locations, that the Specific Plan proposes requiring new developments to establish a TDM Program or pay in lieu fees.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This would be consistent with the 2010 Clean Air Plan.
4.2-19	In Table 4.2-4, the Air Quality section refers to the Specific Plan's strategy calling for LEED certification.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the

		need for LEED certification.
4.2-22	Mitigation Measure AIR-5 includes a requirement that an engineer provide a written report documenting that the filtration system offers the best available technology to minimize outdoor to indoor transmission of air pollution.	This mitigation measure appears to create an open-ended requirement that exceeds the level of mitigation needed to reduce the impact to less-than-significant. The Draft EIR quantifies the effectiveness filters with a MERV rating of 14 or higher and concludes that such a filter will adequately reduce risks to residents and other sensitive receptors. Accordingly, a requirement for filters exceeding this threshold (if best available) appears to be unwarranted and could subject project developers to excessive cost and uncertainty, as well as increased energy consumption due to the equipment necessary to provide higher filtration.
4.2-25	Mitigation Measure AIR-7 includes a requirement that an engineer provide a written report documenting that the filtration system offers the best available technology to minimize outdoor to indoor transmission of air pollution.	Please see our comment on AIR-5. Again, this requirement appears to exceed the required level of mitigation and could subject project developers to excessive cost and uncertainty, as well as increased energy consumption due to the equipment necessary to provide higher filtration.
4.3-7	The Biology section states that the potential for California tiger salamander and California red-legged frog to occur in the plan area is “moderate.”	According to the University biologist, the potential for these species to occur in the plan area should be characterized as “low.”
4.3-10	The Biology section states that the potential for western pond turtle to occur in the plan area is “moderate.”	According to the University biologist, the potential for this species to occur in the plan areas should be characterized as “low.”
4.3-16	The Biology section states, in footnote 11, that the CNDD database reports a sighting of the tiger salamander in San Francisquito Creek, which may have occurred at the edge of the Plan area.	According to the University biologist, the 2002 record likely refers to a CTS recovered from a cistern on Perry Lane, which is not at the edge of the Plan area.
4.3-26 and 4.3-	The Biology section recognizes that impacts to common birds through	The optional building guidelines do not

27	increased building collisions both at night and during the day is not considered to be a significant impact, and also recognizes that the potential for a Cooper's hawk to strike a building is deemed low. Nevertheless, the Draft EIR identifies bird-safe building guidelines that could help minimize potential impacts to birds.	appear to be feasible.
4.3-28	Mitigation Measure BIO-3a includes a requirement to install motion-sensor lighting on the building exterior.	Placing exterior lighting on a motion sensor could create safety hazards. Instead, we suggest that exterior lighting should be controlled by light levels, shields, and clocks.
4.3-30	Mitigation Measure BIO-5a includes a cross-reference to Mitigation Measures BIO-2b through 2e.	The cross reference appears to be erroneous. We suggest changing the cross reference to BIO-5b and 5c.
4.3-32	Mitigation Measure BIO-6a specifies requirements pertaining to the California red-legged frog, California tiger salamander, and western pond turtle, including a requirement that a qualified monitoring biologist perform surveys of San Francisquito Creek within 100 feet of the Plan area.	We suggest that the EIR clarify that Mitigation Measure BIO-6a only applies to development sites within 100 feet of San Francisquito Creek.
4.6-15, 4.6-22, and 4.6-24	The Climate Change section states that the Specific Plan incorporates policies pertaining to LEED certification.	We suggest that the City consider whether recently adopted CalGreen requirements essentially supplant the need for LEED certification.
4.6-17	In Table 4.6-4, the Climate Change section quantifies emissions from solid waste generation, and then compares the inventory containing such emissions to the BAAQMD performance standard of 4.6 metric tons per service population.	We understand, based on discussions with air quality experts and BAAQMD staff, that the inventory used by BAAQMD to develop the 4.6 metric ton per service population threshold did not include emissions from solid waste generation. Accordingly, inclusion of such emissions in the inventory used for comparison to the standard appears to result in an "apples to oranges" approach. We suggest that emissions from solid waste generation should not be considered when calculating the 4.6

		metric ton per service population comparison. Instead, the EIR could qualitatively assess whether solid waste generation from the project is likely to be higher than comparable types of land use projects in the region.
4.6-17	In Table 4.6-4, the Climate Change section quantifies emissions from electricity generation.	It is not clear whether compliance with CalGreen and the newly adopted 33% RPS standard have been assumed in quantifying emissions from electricity generation. We suggest that these legal requirements should be included in the analysis, if not already included.
4.6-18	Mitigation Measure GHG-1 includes a requirement to “ensure that new development finances the full cost of expanding public infrastructure and services to provide an economic incentive for incremental expansion.”	This measure does not appear to apply to infill projects of the type contemplated by the Specific Plan and would be unlikely to reduce greenhouse gas emissions associated with the project. In any event, nexus considerations would likely preclude requiring individual developers to pay for infrastructure expansion beyond the impacts they cause.
4.6-24	In Table 4.6-7, the Climate Change section refers to the Specific Plan’s proposal to require all new developments to establish a TDM program or pay an in-lieu impact fee.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter
4.7-2	Table 4.7-1 in the Hazardous Materials section, lists hazardous release sites and each site’s closure status.	Please include the following two additional sites:  300 El Camino Real—no further action required after closure activities.  350 El Camino Real—Completed-case closed.  We will submit letters from the Health Services agency documenting the status of these sites.
4.7-15	Mitigation Measure HAZ-1 requires a Phase 1 for all proposed development	We suggest that this measure should be modified to state that a Phase 1 is not required for sites that were, or currently

	sites.	are, under regulatory oversight. Construction activities on those sites should be conducted in accordance with applicable plans. We also suggest that the EIR clarify that some sites upon which releases have occurred already have been cleaned up in accordance with regulatory standards.
4.13-53	Mitigation Measure TR-2 states that the Specific Plan includes provisions for new developments within the Specific Plan area to have in place a City-approved TDM program prior to project occupancy. The Draft EIR states because the effectiveness of a TDM program cannot be guaranteed, the impact to roadway segments is considered to be significant and unavoidable.	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This will not change the EIR's significance conclusion.
4.13-79	Mitigation Measure TR-8 cross-reference Mitigation Measure TR-2 (TDM Program).	Please clarify that the Specific Plan would encourage TDM programs, on a voluntary basis, for the reasons explained in our cover letter. This will not change the EIR's significance conclusion.