

From: Patti L Fry <pattilfry@gmail.com>
Sent: Friday, October 14, 2016 4:04 PM
To: _Planning Commission
Subject: Fwd: Additional comments General Plan Update
Attachments: Comments GPU ZO DEIR additional 20161006.pdf

Dear Commissioners, I see that the just-released staff report did not include this letter from me. I did not expect a response to it in the FEIR but think it is really important for you to recommend a) inclusion of measurable goals and metrics in the Land Use and Circulation Elements, b) adjustment of allowable non-residential FAR in acknowledgement that business practices regarding worker densities have changed and the General Plan Update and zoning amendments need to take them into account citywide, and c) moving forward with nexus studies so that impact fees are adjusted asap so that large projects will be paying their fair share of needed infrastructure improvements.

I hope you will take the time you need to both read, digest, and discuss each document before proceeding to others. Some have changed from prior versions. Example: the zoning ordinance amendments have changed from the GPAC recommendations to your May meeting, and again from what was published in the FEIR appendices to what is attached to the staff report issued today.

Details matter. This is the first comprehensive update since 1994.
Patti Fry

----- Forwarded message -----

From: Patti L Fry <pattilfry@gmail.com>
Date: Fri, Oct 7, 2016 at 10:09 AM
Subject: Additional comments General Plan Update
To: _connectmenlo <connectmenlo@menlopark.org>, City Council <city.council@menlopark.org>

Please for the record the attached comments regarding the General Plan Update.

Patti Fry

October 7, 2016

SUBJECT: General Plan Update and Zoning Ordinance Amendment Update DEIR - Additional Comments

Dear City of Menlo Park,

For the record, below are additional comments related to the General Plan Update (“GPU”) and Zoning Ordinance Amendment (“ZOA”), and related Draft EIR.

General Plan Update – If the city is serious about addressing the local and regional housing shortage, traffic congestion, and climate change, it will put quantifiable objectives and measurable milestones in the Goals, Policies, and Programs (“GPP”). The current General Plan has some metrics (e.g., related to traffic congestion), but the revised GPP’s do not. I do not believe there are ANY metrics. The City and community cannot manage what it does not measure.

If the City is serious about addressing the housing shortage rather than exacerbating it with its land use rules, about promoting alternative means of getting around other than vehicles, and attaining its stated climate change objective, there would be quantified goals (e.g., desired jobs/housing balance, total and average VMT, LOS for specific parts of our town’s roadway system, GHG emissions) related to these that are time-bound, with clear programs with measurable milestones that could realistically achieve the goals over defined timeframes. Such measurable goals and milestones must be identified in the Land Use and Circulation Elements of the updated General Plan.

Zoning Ordinance Amendments – There are several issues regarding the proposed Zoning Ordinance Amendments (“ZOA”). First, the only proposed changes are in the M-2 district whereas the current zoning rules need to be re-examined citywide since that has not been done comprehensively since 1994. It is unfortunate that the City Council directed the GPU/ZOA effort to consider zoning changes only in the M-2 zoning district. This limitation means that current zoning rules will guide future growth citywide through 2040. Most of the rules were put in place in 1994, when Menlo Park and the larger region were quite different in terms of population, jobs, traffic congestion, even roadway configurations (e.g., intersection of Sand Hill Road with El Camino didn’t exist until 2001), and business practices were very different.

Second, the proposed new Office and Life Sciences Districts allow significantly increased worker densities (and related housing demand) but ban housing in those two districts. The M-2 area west of highway 101 is an ideal area in which to allow more housing. It is near a shopping center, and closer to transit and schools. Allowing, even promoting, housing in that area could go a long way towards alleviating the shortage.

Third, both the proposed rules and the current rules would perpetuate, possibly worsen, an imbalance of jobs and housing. They ignore current business practices regarding office worker densities and market preferences for developing offices rather than residential or other commercial

uses desired by residents. An analysis of the rules in the El Camino Real/Downtown Specific Plan (“ECR/D SP”) and the proposed new Residential Mixed Use District (on pages 4 and 5) shows that additional development in these areas is likely to worsen, not alleviate, the housing shortage.

Note that it is very unclear what the proposed zoning rule changes really are. See the attached chart (page 3) that compares various versions from currently available City documents that I could find (not an easy task). The attached analysis evaluates each version; each version allows worsened housing shortage from new development in the proposed Residential Mixed Use District, some more than others. The General Plan Advisory Committee (“GPAC”) reviewed the Land Use Element draft, not the other versions. The EIR must be more clear what it is evaluating, and that should honor the hard work of the GPAC.

Last, the analyses provided herein assume current tech company worker density norms of 150 SF/office worker. The DEIR does not, assuming an average (including life sciences offices) of more than 300 SF/worker. This is not appropriately conservative for analyzing potential impacts of the GPU. We know that some companies are already using worker densities of only 75 SF/worker (see article <http://www.mercurynews.com/2016/08/03/menlo-park-amsterdam-firm-opens-co-working-space-in-belle-haven/>), with 400 desks in a 30,000 SF building.)

If the current and proposed rules that virtually ensure continued, probably worsened, housing shortages are not addressed in this process, the city could be accused of acting irresponsibly and could assume related risks.

EIR - I want re re-emphasize the need for the City to analyze Maximum Allowable Development (“MAD”) with existing and proposed rules citywide, including in the ECR/D SP area (the MAD in this area was never identified when it was adopted). Our community and decisionmakers need to know the results if every property were developed to the maximum it could be. The 1994 General Plan did that; this one should, too.

Thank you for your consideration,

Patti Fry

Menlo Park resident and former Planning Commissioner

Draft Land Use Element Oct. 2015: LU-13 to LU-14 from city website 7/25/16	Draft Zoning Ordinance for Planning Commission 5/23/16	GPU DEIR page 3-26 June 2016
<p>Office. “This designation provides for office and research and development uses, business-oriented community education and training facilities, supportive commercial retail and personal services, residential, and hotel uses. The designation also accommodates existing and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. Hotels are allowed as options in several locations. The maximum base FAR shall be 45 percent and the maximum bonus FAR with community amenities shall be 100 percent. Maximum FAR for retail and service uses shall be 25 percent and for hotels shall be 175 percent.”</p>	<p>Office (Attachment D pages 2, 4) “Maximum FAR at Base 45% (plus 10% commercial and 175% hotel, if allowed) Maximum Bonus FAR 100% (plus 25% commercial)” Maximum commercial 10% at Base; 25% at Bonus</p> <p>Office a Permitted use up to 250,000 SF. Requires CUP >250,000 SF</p>	<p>Office (O). “This district allows new high-tech office, R&D, and life sciences uses, along with supportive commercial retail and personal services for nearby employment and hotel uses. The district also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial, residential, or O district uses in the vicinity. Hotels are allowed as an option in several locations. The maximum base FAR shall be 45 percent, plus 10 percent for commercial uses. The maximum bonus-level FAR with community amenities shall be 100 percent, plus 25 percent for commercial uses. The maximum FAR for hotels shall be 175 percent.”</p>
<p>Life Sciences. “This designation provides for new life sciences and R&D uses, along with high-tech office and small-scale supportive commercial retail and personal services for nearby employment, residential and hotel uses. The designation also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial or residential uses in the vicinity. The maximum base FAR shall be 55 percent and the maximum bonus FAR with community amenities shall be 125 percent. Maximum FAR for retail uses shall be 25 percent.”</p>	<p>Life Sciences (Attachment E pages 3,4) Maximum Base FAR “55% plus 10% Commercial” Maximum Bonus FAR is “125% plus 10% commercial” Maximum commercial 10% at Base, 10% at Bonus</p> <p>Office a Permitted use up to 20,000 SF. Requires CUP >20,000 SF</p>	<p>Life Sciences (LS). “This district allows new life sciences and R&D uses, along with limited high-tech office and small-scale supportive commercial retail and personal services for nearby employment and hotel uses. The district also accommodates existing light-industrial uses and new light-industrial uses that are not in conflict with existing or planned commercial, residential, or LS District uses in the vicinity. The maximum base FAR shall be 55 percent, plus a maximum 10 percent for commercial uses. The maximum bonus-level FAR with community amenities shall be 125 percent, plus 10 percent for commercial uses.”</p>
<p>Mixed Use Residential. “This designation provides for higher density housing to meet the needs of all income levels. It also allows mixed use developments with integrated or stand-alone retail and services uses, and offices that comply with the purposes of the Office Designation. Retail uses can range from small-scale businesses that serve nearby employment to a large-format grocery that also serves adjacent neighborhoods. The Mixed Use Residential Designation is intended to promote live/work/play environments oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. Residential density shall not exceed 50 units per net acre. Maximum FAR shall be 50 percent for office uses, 25 percent for retail and service uses, and 100 percent for residential uses.”</p>	<p>Residential-Mixed Use (Attachment F pages 4, 5) Maximum residential Base “Floor area ratio shall increase on an even gradient from 60% for 20 du/ac to 90% for 30 du/ac.” Maximum residential Bonus FAR 200% with “>30 du/acre to 100 du/acre” Maximum commercial FAR is 15% at Base, 25% at Bonus Bonus FAR requires at least 15% of residential units “affordable housing” Office a Permitted use up to 20,000 SF. Requires CUP >20,000 SF</p>	<p>Residential – Mixed Use (R-MU). “This district allows high-density residential/retail mixed-use development along specific retail corridors. Retail uses can range from small-scale businesses that serve nearby employment to a large-format grocery that also serves adjacent neighborhoods. The district is intended to promote the creation of residential and residential mixed-use neighborhoods oriented toward pedestrians, transit, and bicycle use, especially for commuting to nearby jobs. Residential density shall not exceed 100 dwelling units per net acre at the bonus level. Maximum FAR shall be 25 percent for office, retail, and service uses, and 200 percent for residential uses at the bonus level.”</p>

THE PROPOSED GENERAL PLAN UPDATE AMENDMENT ALLOWS A WORSENERD HOUSING SHORTAGE

ConnectMenlo RESIDENTIAL MIXED USE DISTRICT										
The General Plan Update, draft Land Use element and Draft Zoning Ordinance Amendment seem to allow office to be between 0.25 and 0.50 FAR										
Below is an analysis of the built-in housing shortage perpetuated by the proposed Mixed Use Residential zoning, using a hypothetical 1 acre site.										
The other two, larger, proposed zoning districts (Office and Life Sciences) would increase the allowable square feet, therefore more jobs and housing demand but do not allow any housing.										
This analysis assumes that a developer maximizes the allowable office and maximizes the allowable housing units.										
<i>A housing shortage results with the detailed zoning rules provided in the draft Zoning Ordinance and draft General Plan Land Use Element</i>										
SOURCE DOCUMENTS	MAXIMUM FAR		MINIMUM HOUSING UNITS		MAXIMUM HOUSING UNITS		HOUSING DEMAND OFFICE @ MAXIMUM FAR		HOUSING SHORTAGE IMPACT (WORSENERD)	
	BASE	BONUS	BASE	BONUS	BASE	BONUS	BASE	BONUS	BASE	BONUS
GPU DEIR (3-26)										
Residential		2.00				100				
Office, Retail, service uses		0.25						57		[27, if minimum 30 units]
Draft Zoning Ordinance*										
Residential	0.60 to 0.90	2.00	20	30	20 to 30	30 to 100			4 to 14	27 to 43
Commercial	0.15	0.25					34	57		
Draft Land Use Element										
Residential		1.00				50				63
Retail/Services		0.25								[83, if minimum 30 units]
Office		0.50						113		
Assumptions										
1 acre site or 43,560 SF										
150 SF/office worker (Facebook and tech company norm)										
1.28 employed residents/household (assumption used in ECR/Downtown Specific Plan)										
*Office is a Permitted ("by right") use up to 20,000 SF. To exceed 20,000 SF of office, a project would require a Conditional Use Permit.										
Sources: General Plan Update DEIR June 2016; draft Zoning Ordinance, Planning Commission staff report 5/23/16; draft Land Use Element October 2015 (city website July 2016)										

When a developer wants to maximize office SF in the Residential Mixed Use District, the project would always cause more housing demand than the site could provide because the proposed rules allow so much office FAR.

The other two proposed Districts ban housing, so their upzoning also will add to housing demand and worsen the housing shortage.

THE CURRENT ECR/DOWNTOWN SPECIFIC PLAN ALLOWS A WORSENERD HOUSING SHORTAGE

ECR/D Specific Plan Perpetuates Housing Shortage											
The ECR/D Specific Plan has different maximum FAR (Base and Bonus) for its various zoning districts. It allows office to be up to										50%	of the FAR
Below is an analysis of the built-in housing shortage perpetuated by the current zoning, using a hypothetical 1 acre site.											
This analysis assumes that a developer maximizes the allowable office and maximizes the allowable housing units. In ALL cases, a housing shortage results.											
ZONING DISTRICT	MAXIMUM FAR		MAXIMUM OFFICE SF		MAXIMUM HOUSING UNITS*		HOUSING DEMAND OFFICE @ 50% FAR		HOUSING SHORTAGE EVEN IF HOUSING MAXIMIZED		LARGE SITES IN ZONING DISTRICT
	BASE	BONUS	BASE	BONUS	BASE	BONUS	BASE	BONUS	BASE	BONUS	
ECR NE-Low Density	0.75	1.10	0.38	0.55	20	30	85	125	65	95	
ECR NE	1.10	1.50	0.55	0.75	25	40	125	170	100	130	Greenheart Station 1300
ECR NE-Residential	1.10	1.50	0.55	0.75	32	50	125	170	93	120	
ECR SE	1.25	1.75	0.63	0.88	40	60	142	199	102	139	Stanford Middle Plaza; Big 5 shopping center
ECR NW	1.10	1.50	0.55	0.75	25	40	125	170	100	130	
ECR SW	1.10	1.50	0.55	0.75	25	40	125	170	100	130	Safeway shopping center
Station Area East	1.35	1.75	0.68	0.88	50	60	153	199	103	139	
Station Area West	2.00	2.25	1.00	1.13	50	60	227	255	177	195	
Downtown	2.00	2.25	1.00	1.13	25	40	227	255	202	215	
Downtown Adjacent	0.85	1.00	0.43	0.50	18.5	25	96	113	78	88	Menlo Church
* No minimum number of housing units required											
Assumptions	1 acre site or		43,560 SF								
	150 SF/office worker (Facebook and tech company norm)										
	1.28 employed residents/household (assumption used in ECR/Downtown Specific Plan)										

The housing demand is calculated by dividing the maximum allowed office FAR by the current office worker density to get the number of workers, and then dividing that by the average number of employed residents per household. For example, in the ECR-SE zoning district, the calculation at the Base level would be 1.25 FAR times 43,560 SF, multiplied by 50%, divided by 150 SF/office worker. The result is divided by 1.28 employed residents/household. Once the allowed housing density goes above 40 units/acre, then the average size is smaller than 500 SF when office is 50% FAR.

When a developer wants to maximize office SF, the project would always cause more housing demand than the site could provide because the rules allow so much office FAR.

From: [Patti L Fry](#)
To: [Planning Commission](#)
Cc: [connectmenlo](#); [CCIN](#)
Subject: General Plan Update/Zoning Ordinance Amendment FEIR Comments
Date: Wednesday, October 19, 2016 4:53:04 PM
Attachments: [Comments GPU FEIR Fry 20161019.pdf](#)

Please accept the attached comments on the FEIR for tonight's meeting.

I want to add that holding a meeting about topics so complex and important to our city's future on the same evening as a Presidential debate minimizes the opportunity for community involvement. Despite the many meetings, this is one of few to focus on the IMPACTS of the proposed changes.

Further, it is highly inappropriate to ask the Planning Commission (and the public) to digest thousands of pages in such a short amount of time. The staff report with 13 attachments was published Friday afternoon, the FIA on Saturday but not in track changes mode so it is impossible to see what was changed. Worse, the Commission is being asked to review the FEIR without benefit of reading comments about it, since comments are due at 5:30 the same day as this meeting. The City can do better. I hope the Planning Commission will utilize at least the scheduled 10/24 meeting to allow for more full consideration of all inputs.

Patti Fry

October 19, 2016

Subject: GPU/ZOA FEIR

Dear Planning Commission,

Following are comments about the GPU FEIR. I will be sending, separately, additional comments about other documents referenced in the staff report.

A general comment: the EIR is not just a legal requirement for CEQA. It also should be a useful planning tool. It is disappointing to find that many legitimate concerns about the DEIR were dismissed essentially on the grounds that a) the DEIR met the legal minimum evaluation or b) there wasn't enough "proof" that the concern constituted anything substantial.

A couple areas I would like to highlight, in addition to my prior communications:

Citywide Development must be evaluated distinctly – while it is true that the EIR must compare the Project with No Project (and Alternatives), in this case, both the Project and the No Project include the remaining buildout of the 1994 General Plan, which was not previously evaluated in an EIR.

As pointed out previously in my comments about the DEIR, included by reference, there are places in the EIR where the analysis only focuses on the changes in the Bayfront area. That skews conclusions and removes consideration of possible mitigation for impacts.

For example, in the Master Response about neighborhood cut-through traffic on page 5-42 and response on page 5-47, there is a discussion about traffic to/from employment sites in the Bayfront area to justify why there would not be additional cut-through traffic in the Willows related to the Willow/University intersection. *"Any project trips through this intersection during the PM peak hour would primarily be in the westbound direction, traveling towards downtown Palo Alto, and would thus not contribute to the lengthy delay in the reverse direction."* This totally ignores the fact that 44% of the jobs and non-residential SF are projected (per table 3-2) to occur in other parts of Menlo Park (i.e., west of hwy 101). The EIR must analyze distinctly the impacts of the growth that would be allowed by the existing General Plan. It is a discretionary decision whether to reaffirm that growth, so the impacts of it must be disclosed in the EIR.

It is impossible to tell whether all development has really been evaluated. For example, on page 3-19 the wording implies that only the Bayfront area is being examined: *"New projects within the Bayfront area, which is the only area slated for future development in the ConnectMenlo plan..."* There are numerous similar quotes.

Master Response 3, starting page 5-8 is not responsive to the question (I49-4, page **5-371**) about accuracy of the figures for the remaining buildout of the existing General Plan.

Additionally, there are many areas where the FEIR concludes that the impacts would be Significant and Unavoidable but does not require mitigation in the rest of the city (non-Bayfront Area) where 44% of the non-residential growth is projected, and 18% of the residential growth is projected). Although it is possible that some conclusions of SU impacts may not change, the actual impacts could be further reduced if measures were applied citywide. Examples: TDM, green building standards, parking restrictions (including maximums), bicycle parking. In error, the FEIR claims that it does do this when it does not. On page 5-7, *"The proposed policies of the Land Use and Circulation Elements and the proposed Zoning standards have been carefully prepared to reduce and/or avoid impacts to the environment as a result of future development in the city to the extent feasible."* And on page 5-256 it also claims "all feasible mitigation has been incorporated." It is feasible to reduce impacts by applying mitigation measures citywide.

Zoning Ordinance Amendments – Due to convoluted wording and inconsistencies between several of the proposed Zoning Ordinance Amendments, it is impossible for the public to understand what the FEIR really studied and what this aspect of the Project really is. These were not provided with the DEIR. The Land Use Element represents the “constitution” that the Zoning Ordinance and its amendments must follow. In this case, the Land Use Element represents the work of the GPAC and what was reviewed in the scores of ConnectMenlo public meetings. The inconsistencies of the proposed ZOA exist with both the October 2015 draft (last version from GPAC) and the current version of the Land Use Element. Specific examples:

- **Office District** - the LU Element states “*maximum base FAR shall be 45 percent and the maximum bonus FAR with community amenities shall be 100 percent. Maximum FAR for corporate housing shall be 60 percent, for retail and service uses shall be 25 percent, and for hotels shall be 175 percent.*” But the ZOA would allow a Base FAR of 45% plus 10% commercial, and a Bonus FAR of 100% plus 25% commercial, a total FAR increase of 10%-25% beyond what the LU Element states is the maximum. The LU says there is a maximum overall and limits within it for corporate housing and commercial uses but the ZOA says otherwise. As a contrast, In the C-2-B ZOA, it is clear that the maximum FAR cannot be exceeded even in a mixed use development. Additionally, there is no reference to an Office-H (for hotel) district in the ZOA, so it is very unclear what the allowable FAR is when a hotel is involved. Would a large project with a hotel be allowed 175% FAR even if the hotel portion of the project is relatively small, allowing the non-hotel part to exceed the Base 45% and Bonus 100% FAR? The Office-Corporate Housing provisions in the ZOA do not seem to include the RMU provisions about community amenities. This would be a major change from what was described in the EIR. The new Corporate Housing section states “*Floor Area Ratio. Maximum sixty percent (60%) ratio of residential square footage of the gross floor area of all buildings on a lot to the square footage of the lot* “ That is very unclear. Is housing limited to 60% FAR or 60% of the total buildings?
- **Life Sciences District** – the LU Element states “The maximum base FAR shall be 55 percent and the maximum bonus FAR with community amenities shall be 125 percent. Maximum FAR for retail and service uses shall be 10 percent” But the ZOA would allow a Base FAR of 55% plus 10% commercial and Bonus FAR 125% plus 10% commercial.
- **C-2-B District** – the ZOA does not seem to allow housing among its Permitted Uses. What is listed there is “Multiple dwellings” (page E2) 16.40.010 (4)

Clarity and consistency are essential BEFORE the Commission and public can adequately evaluate the FEIR and ZOA.

VMT (Vehicle Miles Traveled) – The FEIR has modified the metric and the standard from what was disclosed in the DEIR. There are two problems with this. First the basis for the change, and second the use of the changed metric.

Basis for the change – In the FEIR the VMT metric is based on service population rather than per capita. This change was justified by incorrect reference (FEIR 5-228) to a “recommendation” of the state Office of Planning & Research. While the FEIR correctly references a checklist where the term “service population” is used as an optional metric along with “per capita”, That was not a recommendation or “preferred metric” (as stated FEIR 3-34), just a sample checklist question. That is the only place in the entire 57-page document (*Revised Proposal on Updates to the CEQA Guidelines on Evaluating Transportation Impacts in CEQA*, January 2016) where “service population” is used. Further in the document is a discussion of “Considerations of what VMT to count” (starting on page III:13) and recommendations regarding thresholds (starting page III:18). There is a section “Recommendation

regarding land use plans” on page III.25 where it states “As with projects, agencies should analyze VMT outcomes of land use plans over the full area that the plan may substantively affect travel patterns, including beyond the boundary of the plan or jurisdiction geography. Analysis of specific plans may employ the same thresholds described above for projects. The following guidance for significance thresholds applies to General Plans, Area Plans, and Community Plans.

A land use plan may have a significant impact on transportation if it is not consistent with the relevant RTP/SCS. For this purpose, consistency with the SCS means all of the following must be true:

- Development specified in the plan is also specified in the SCS (i.e. the plan does not specify developing in outlying areas specified as open space in the SCS)
- Taken as a whole, development specified in the plan leads to VMT that is equal to or less than the VMT per capita and VMT per employee specified in the SCS”

This OPR recommendation is to evaluate VMT using per capital AND per employee, NOT the combination of service population. And the recommendation is to compare VMT to the Regional Transportation Plan and Sustainable Communities Strategy

Use of the VMT metric – In the FEIR (3-35), there is a comparison of existing VMT per service population (residents plus employees) of 15 VMT against the 2013 Plan Bay Area VMT per person of 20.8. This is an inappropriate comparison. 2013 Plan Bay Area divides vehicle miles by population, not by service population; the latter adds employees to resident population. The comparison should be 28.4 per capita for Menlo Park. San Mateo C/CAG draft 2040 plan uses per capita also (page 39). A similar claim is made in FEIR 3-36- 3-37 incorrectly stating how 2013 Plan Bay Area did its calculation which is shown in its EIR 2.1-13 “The region’s per capita VMT is the total VMT divided by the population of the Bay Area.”

An accurate comparison to the Plan Bay Area per capita VMT of 20.8 and the threshold of 17.7 (15% below 20.8 VMT per capita) would be useful for planning and helpful when evaluating efficacy of mitigation measures. Here is such a comparison:

TABLE 4.13-13 DAILY VEHICLE MILES TRAVELED (VMT) PER SERVICE POPULATION COMPARISON: 2014 EXISTING AND 2040 PLUS PROJECT

Analysis Scenarios	VMT	Residents	Jobs	VMT per service population	VMT Per Capita
2014 Existing	934,722	32,900	30,900	15	28
2040 No Project	1,655,624	38,780	47,750	19	43
2040 Plus Project	1,449,337	50,350	53,250	14	29

Source: TJKM Transportation Consultants, 2016.

FEIR 3-40 Table 4.13-13

On page 5-64 a comment from California State Transportation Agency confirms use of per capita metric in our region: “These targets support the Metropolitan Transportation Commission’s (MTC) Sustainable Communities Strategy, which promotes the increase of non-auto mode shares by ten percentage points and a decrease in automobile VMT per capita by ten percent.”

The comparison with Plan Bay Area’s per capita average and goal should be regarded as a potentially significant impact that needs mitigation measures to reduce it. With Menlo Park’s aggressive climate change goals, improvement in both metrics (per service population or per capita) is critical.

For the future, and because mitigation measures could be different for residential VMT and non-residential VMT, **the Planning Commission should recommend that the City use and monitor separate metrics of VMT per capita, VMT per employee, total VMT, in addition VMT per service population.**

October 19, 2016

Greenhouse Gas Emissions – with a “substantial increase” projected despite aggressive City goals, the FEIR concludes this is a Significant and Unavoidable impact for which THE mitigation is to update the city’s Climate Action Plan by 2020. **The Planning Commission should recommend much more aggressive actions** than that. Example: Apply citywide the types of mitigation measures in the revised zoning for Bayfront Area. After all, 44% of the non-residential growth and 18% of the residential growth is projected to occur in other parts of Menlo Park. Also, move up the due date for revising the Climate Action Plan.

Employment Density - the FEIR fails to provide adequate information about its assumptions of office worker density. It merely provides a overly wide range (155-450 SF/worker, a nearly 3x difference). There IS a mathematical calculation behind what is in the EIR and that should be disclosed so the Planning Commission and public can evaluate whether that assumption is reasonable. The average across all non-residential growth is very high (approximately 414 SF/employee), using data from Table 3-2, when national and regional trends are for far less than that. If the assumptions, such as for office worker density, is “off”, the calculations about traffic, GHG emissions, etc. also could be “off”.

The Planning Commission should ask for more information; it is available and would fit the “good faith effort at full disclosure” goal of an EIR.

Public Services - Concluding that the Fire District does not need new facilities as a result of this growth is inappropriate. While the District has already determined that it needs new facilities, the type and location of such facilities and resulting potential environmental impacts are directly related to the District’s need to provide more services. The FEIR does not demonstrate that the facilities required for this much proposed additional growth are the same as what would be needed for growth without the Project. The Fire District’s opinion should be heeded.

The FEIR still does not address the need for additional park facilities such as sports fields to support a 50% growth in population from now (43% more than existing plus cumulative projects). The Planning Commission should ask for this. The amount of parkland per population is not the same as amount of available facilities. Common sense says more will be needed.

Schools – the EIR should say that there is a significant impact on schools that become LTS with the required mitigation of payment of statutory fees. It is inaccurate to assert that there is LTS impacts when the schools state otherwise and would exceed capacity. The FEIR asserts that the mitigation is the same as LTS impact (example 5-63).

Population and Housing – It defies common sense for the EIR (5-32) to continue to claim that Menlo Park’s massive growth, with a continued imbalance of jobs, would not cause the need for more housing to be built in a region that has a housing shortage: “The long-term policy framework would ensure adequate planning in the city would not necessitate the construction of additional housing elsewhere in the region.” The jobs/housing ratio is portrayed (5-34-5-35) as not becoming worse even though it is 17% worse with the Project than now.

Miscellaneous – The mitigation for Pop-4 page 2-27 makes no sense; it is an incomplete sentence. The VMT threshold on page 3-38 is incorrectly stated as “*The threshold is therefore 15 percent of 20.8 miles, or 17.7 miles per person.*” The threshold is either 15% below, or 85% of, 20.8 miles. As mentioned earlier, this is not “per person” but “per capita” so as to not confuse with “per service population”.

Respectfully submitted, Patti Fry, former Planning Commissioner

From: [Brielle Johnck](#)
To: [Planning Commission](#)
Subject: General Plan Comment Letters due 5 PM today.
Date: Wednesday, October 19, 2016 3:02:21 PM

Planning Commission,

It is a sad commentary on your interest in the public's reaction to the General Plan Update Final EIR that you have not been allowed a full week to read what will have been submitted today. This is the same schedule that was also set for the Final Facebook EIR.

The Final General Plan EIR contains new information that was not included in the Draft EIR. It would take hours to even locate this new information. It ranges from a new zoning designation to a change in the method used to determine the traffic impacts.

In addition your reviewing the Final EIR, you are also charged with the review of the Land use and Circulation Elements plus a revised Financial Analysis, amendments to the Zoning Ordinance. It is a stretch to believe that after completing these reviews, you are then supposed to evaluate the Draft for the Statement of Overriding Considerations! This General Plan will change Menlo Park as we know it today. Your task tonight is a grave one, indeed.

It is unprecedented that the City Administration and Staff has foisted on you this schedule and the Facebook schedule. Had you had time to read and absorb the comment letters filed today, you would be better prepared to do your job. So often residents are told that transparency at the highest government level is a priority in Menlo Park. Listening to the concerns of residents is a virtue repeated often by council candidates.

One of you needs to stand up and speak against this rush to approval.

Brielle Johnck

From: jackie leonard-dimmick <akita550@hotmail.com>
Sent: Saturday, October 15, 2016 3:51 PM
To: _Planning Commission
Subject: Zoning Changes - M-2

Dear Menlo Park Planning Commission:

I read in the October 12, 2016 issue of the "Almanac", 'Final Environmental Report Released on Plan Update," that Menlo Park is considering adding "2.3 million additional square feet of nonresidential buildings, foo hotel rooms and 4,500 residential units." This would result in "1,570 new residents and 5,500 employees to Menlo Park".

Why would Menlo Park even THINK of such a proposal? The city - as others on the Peninsula, continues to destroy the beauty and serenity of the Bay Area. We don't need more jobs, housing and people. We need fewer people! This proposal will not solve the problems we all face from GLOBAL WARMING, CLIMATE CHANGE, and RISING TIDES. In addition we will all be confronted with noise, air, and water pollution, an abundance of cars regularly parked on the street in residential neighborhoods, road rage, car accidents, lack of air flow, resulting in more air conditioners being used, adding more heat - and noise into the atmosphere, more crime, and the miss use of our natural resources, to name just a few. No one wants to live like chickens in a factory farm. This is not healthy financially, physically, emotionally or spiritually.

Most of our environmental problems are due to OVER POPULATION - internal and external. This can be prevented. Why not start hiring locally and encourage small families through education and tax incentives? This would do much to alleviate a lot of the homelessness and lack of affordable housing that is prevalent today, (The Law of "SUPPLY and DEMAND"). Start with the SOURCE, the CAUSE, of the problem, not the RESULT!

Instead of developing every little bit of land with hard rock, it could be converted into community gardens for the homeless. They would run, manage and eat from them. Whatever surplus there was, they could sell, expressing a sense of independence and sustainability.

Thank you for letting me share a different route to a happier and healthier planet along with the people who live on it.

Sincerely,

Jackie Leonard-Dimmick

From: aldeivnian@gmail.com on behalf of Adina Levin <alevin@alevin.com>
Sent: Sunday, October 16, 2016 10:09 PM
To: _Planning Commission
Subject: Review of General Plan and Final EIR

Dear Planning Commissioners and staff,

Thank you for considering the Menlo Park General Plan update and final EIR.

<https://www.menlopark.org/AgendaCenter/ViewFile/Agenda/10192016-2822>

Overall, the plan reflects extensive community input and consideration, and addresses the goals defined by a variety of community and stakeholder groups for a live-work-play environment in the Belle Haven / Bayfront area, providing housing including affordable housing to address the housing shortage, supporting economic growth, and providing services for residents and workers.

I urge you to consider these and other comments, and to affirmatively recommend the plan to City Council.

A few specific comments.

* The final EIR incorporated the recommendation from the Transportation Commission that the plan should consider stronger vehicle trip reduction requirements if and when transportation improvements are conducted. Thank you very much for incorporating this change which will help the city improve quality of life and reduce pollution/greenhouse gas emissions over time.

* The recommendation to phase office and housing development so as not to get extremely out of balance was categorized in the EIR responses as a policy matter. At earlier public meetings, staff and consultants responded that such phasing would be feasible (though not trivially easy). Therefore, I strongly urge the Planning Commission recommend a policy to ensure a level of phasing of housing and office development, so we do not see a situation where most of the office is built out before the housing, greatly increasing in-commuting and traffic impact.

* The staff report notes that based on earlier feedback from the General Plan Advisory Committee, "Level of Service" (vehicle delay at intersections) is planned to be retained as a transportation impact metric, in addition to "Vehicle Miles Travelled" as required by new state law. Menlo Park currently has highly sensitive LOS thresholds - if a new development adds driving and slows down intersections by less than a second, this can trigger a whole new round of transportation studies. This sensitive threshold is the factor that delayed the welcome, long-awaited mixed-use, developments on El Camino Real near downtown and Caltrain for a couple of years.

It is reasonable to keep LOS as an "advisory" metric to make sure that our transportation system is functioning and we don't have 15 minute delays at key intersections for users including car drivers, shuttle/transit passengers, cyclists and pedestrians. But it is unreasonable, contrary to the city's goals for mixed-use infill development to increase vibrancy and support today's preferences, and contrary to new state policy supporting the environmental benefits of infill development to keep hair-trigger thresholds. All this does is bolster efforts to slow development.

A good example is the long-desired grocery store in Belle Haven. Let's say that adding the grocery store adds 5 seconds of additional delay at lights in Belle Haven, but reduces the time for a Belle Haven resident to get groceries from 30 minutes to 5 minutes. Most would agree that this is a net benefit. Belle Haven residents (and workers running errands) will benefit from the improved access to desired services, even if they have to wait a bit longer at a light. Also, the round trip to get groceries is now less than 1 mile instead of 6 miles, reducing pollution and greenhouse gas emissions. These are key reasons why the state law changed - it is a net benefit to have infill development requiring less driving, even if there is some additional intersection delay.

I urge the Planning Commission to recommend a review of the LOS policy and thresholds to effectively complement the new VMT goals and to support the city's overall goals for mixed-use infill development and the environmental benefits of infill, while ensuring that our transportation system remains functional.

Thank you for your consideration,

- Adina

Adina Levin
Menlo Park

October 14, 2016

Deanna Chow
Principal Planner
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: New Public Street through 111 Independence Drive

Ms. Chow:

As the property owner of 111 Independence Drive in Menlo Park, I am hereby formally providing you with my notice of objection to the proposed "New Public Street" running through my property as part of the new zoning of the "M-2 Area" in Menlo Park. I have previously reached out to you to discuss the matter, but have not yet heard back.

Sincerely,

A handwritten signature in black ink, appearing to read "Massy Mehdipour". The signature is fluid and cursive, with a large initial "M" and a long, sweeping underline.

Massy Mehdipour
SP Menlo LLC
111 Independence Dr.
Menlo Park, CA 94025

From: Mollie Naber <mollienaber@gmail.com>
Sent: Sunday, October 16, 2016 9:35 PM
To: _connectmenlo
Subject: General Plan

Hello Deanna,

Thank you for distributing the proposed update to the general plan by mail. I appreciate the reminder and opportunity to review!

My question is:

What percentage of the proposed 4,500 new residential units will be designated affordable for families/seniors/disabled people earning less than 80% area median income.

Best regards,
Mollie Naber

827 Marsh Road
Menlo Park, CA 94025
802-359-2421

From: Dan Tamada <dan.americanprinting@gmail.com> on behalf of Dan Tamada . <dan@americanprinting.com>
Sent: Monday, October 17, 2016 10:19 AM
To: Chow, Deanna M
Subject: M-2 Area Zoning Question

Hello Deanna,

My boss owns the building at 1100 O'Brien Drive in Menlo Park. We are an offset printing and copying business. It looks like the proposed zoning will be designated as LS Life Sciences. Will the new Zoning designation affect our business?

Thank you,
Dan Tamada
American Printing
1100 O'Brien Drive
Menlo Park, CA. 94025

From: [Leora Tanjuatco](#)
To: [_connectmenlo](#)
Subject: Comments for General Plan update
Date: Wednesday, October 19, 2016 3:49:58 PM

Comments on General Plan Update

We wholeheartedly support the purpose of this General Plan update. Our comments are focused on incentivizing housing production, alleviating the jobs/housing imbalance, and minimizing barriers to multi-family housing. We encourage the City of Menlo Park to allow for enough residential development to maximize the retail and commercial opportunities that are being created.

Draft Land Use Element

- In the Land Use Element Goals, specify how Menlo Park might “minimize potential environmental and traffic impacts” and “create vibrant commercial corridors”: (i.e. create housing close to businesses)
- A potential Land Use Element Goal: Meet the needs of Menlo Park’s current residents and workers by providing housing for all incomes.

Draft Circulation Element:

- In the Circulation Element Goals, include transit-oriented development, development in the downtown, and housing in the business park area to reduce traffic to and from commercial buildings and corporate campuses.
- Given the need in Belle Haven and San Mateo County, we recommend adding affordable housing to the list of corporate contributions and physical benefits.

R-MU Zoning:

Our members have contributed their comments for this section:

We are supportive of the purpose and intent of the Residential Mixed Use district. Our comments are focused on making sure that housing gets built as well as community amenities, focusing on potential impediments within the zoning code and flagging updates at the State level for consideration.

1. 16.xx.020, 16.xx.030, 16.xx.040. It should be clear that any of the proposed community amenities would be allowed as part of the project.
2. 16.xx.080. There is a new State law allowing developments containing affordable housing and located near transit reduced parking requirements. AB 744, an amendment to California’s density bonus law (Government Code Section 65915), was signed into law by Governor Jerry Brown on October 9, 2015. Menlo Park may wish to update the language of the ordinance to reference these updates. Menlo Park may want to consider allowing for lower parking ratios for affordable housing generally, especially as it relates to the new State law.
3. 16.xx.120. 2.B. The minimum setback requirement may add to costs or reduce the number of units that can be built. A huge part of making multi-family buildings cost effective is making everything stackable. A required 10’ horizontal set back above the base level height (40’) likely means that there will either be costly non-stacking conditions or that density would be impacted. 7.G. This requirement will make irrigation and drainage more challenging and will impact density due to parking ratio requirements.
4. 16.xx.130. 3.C. City should issue its proposed methodology in advance; 3.D. important to recognize that dual plumbing will add to the cost of development; 3.G. seems intended for

fountains but please clarify if it includes decorative landscaping; 4.A. the 24" requirement may have density impacts related to height limits and cost impacts on a site by site basis, especially related to ADA requirements; 4.B. this requirement is very vague as written; will there be a not to exceed amount set that developers can plan around?; 6.D and G. The bird-friendly design criteria are pretty strict and may require studies, which is a cost impact.

--

Leora Tanjuatco

Policy Director

Housing Leadership Council of San Mateo County

(650) 201-9889

2905 S El Camino Real

San Mateo, CA 94403

www.hlcsmc.org

Vote Yes On K! Affordability and Quality of Life

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From: [Patricia Larkin](#)
To: [_Planning Commission; _connectmenlo](#)
Cc: [PlanningDept; CCIN; Ellison Folk](#)
Subject: ConnectMenlo General Plan Land Use and Circulation Elements and M-2 Zoning Update
Date: Wednesday, October 19, 2016 3:11:11 PM
Attachments: [image001.png](#)
[image003.jpg](#)
[LTR to Menlo Park Planning Commission re GPU 10.19.2016.PDF](#)

Dear Members of the Planning Commission:

Attached is a letter from Ellison Folk of this office regarding the ConnectMenlo General Plan Land Use and Circulation Elements and M-2 Zoning Update. Please contact me should you have any difficulty accessing the pdf.

Best regards,

Patricia Larkin

Legal Secretary

Shute, Mihaly & Weinberger LLP

396 Hayes Street

San Francisco, CA 94102-4421

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ELLISON FOLK
Attorney
folk@smwlaw.com

October 19, 2016

Via Electronic Mail Only

Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025
E-Mail: connectmenlo@menlopark.org

Re: ConnectMenlo General Plan Land Use and Circulation Elements and M-2 Zoning Update

Dear Members of the Planning Commission:

The City of East Palo Alto submitted extensive comments documenting the inadequacies of the environmental impact report for the Menlo Park General Plan update. A copy of these comments is attached to this letter for your reference. East Palo Alto is disappointed that the final EIR does not address critical deficiencies in the environmental review for its General Plan update.

The General Plan EIR continues to underestimate the population growth that will result from the substantial increase in jobs associated with the update and their attendant impacts on housing and traffic in the region. East Palo Alto, in particular, has experienced substantial pressure on its housing market and transportation infrastructure while Menlo Park has reaped the benefit of job growth. The jobs-housing imbalance created by the General Plan update will only exacerbate these impacts.

Rather than downplay these impacts or assume they cannot be mitigated, Menlo Park should work with East Palo Alto to ensure that the costs and benefits of increased job growth are more equitably shared. Among other measures, Menlo Park should require new development pay its fair share of the cost of transportation infrastructure improvements in East Palo Alto that are necessitated by the new development. Menlo Park should also require new development to offset its impacts on population displacement and housing through a housing linkage fee that benefits not just Menlo

Park, but also East Palo Alto which currently provides much of the affordable housing in the region.

East Palo Alto is committed to working with Menlo Park to address the impacts of new development in the region. However, that work requires an adequate assessment of the impacts of the General Plan Update and potential mitigation measures. Therefore, East Palo Alto requests that Menlo Park reconsider the impacts of the General Plan update and make a concerted effort to address them before the project is approved.

Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP



Ellison Folk

Attachment

829054.1



RICHARDS | WATSON | GERSHON

ATTORNEYS AT LAW – A PROFESSIONAL CORPORATION

355 South Grand Avenue, 40th Floor, Los Angeles, California 90071-3101
Telephone 213.626.8484 Facsimile 213.626.0078

July 28, 2016

David M. Snow
dsnow@rwglaw.com

VIA U.S. MAIL AND ELECTRONIC MAIL

Sean Charpentier, Assistant City Manager
Guido Persicone, AICP, Planning Manager
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

Re: Review of City of Menlo Park Environmental Impact Report for General Plan
Land Use and Circulation Element Updates (ConnectMenlo)

Dear Mr. Charpentier and Mr. Persicone,

Richards, Watson & Gershon (“RWG”) is pleased to assist the City of East Palo Alto in reviewing the Environmental Impact Report for City of Menlo Park’s proposed updates to the Land Use and Circulation Elements of the General Plan, also referred to as ConnectMenlo.

In reviewing the EIR, we have a number of concerns regarding the document’s accuracy and adequacy, which are set forth in the table attached to this letter. We believe that before the City of Menlo Park could certify the EIR substantial revisions are necessary and recirculation of a revised Draft EIR for further public review and comment is required.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

David M. Snow

cc: Valerie Armento, Interim City Attorney

City of East Palo Alto

Comments on Menlo Park General Plan Draft EIR

Draft EIR Section	Page Number	Comment
Project Description	3-30	<p>The Project Description states that the DEIR is analyzing the impact of the “full” development potential of the proposed Bayfront Area and the existing General Plan potential, but also states that it excludes the Facebook Campus Expansion and other cumulative projects.</p> <p>Given the geographic overlap between the Facebook Campus Expansion project and the Bayfront Area being analyzed in the General Plan update, the decision to <i>not include</i> the Facebook Campus Expansion project in the project creates the potential to underestimate the impacts of the General Plan update. The DEIR fails to adequately explain why the project does not include the Facebook Expansion project, as well as other projects that are within the geographic area covered by this General Plan update. This decision makes the DEIR confusing to decipher because it is not clear to a layperson whether the cumulative project impacts are already incorporated into the project impacts based on the planning for those sites. The DEIR needs to include a more expansive discussion of the overlap between the cumulative projects and the General Plan update. In addition, the DEIR should include substantial evidence to support these decisions.</p>
Environmental Evaluation	4-3	<p>The 2040 Horizon Development Potential states that the EIR is calculating population by applying the 2.57 persons per household generation rate. Why is this different from the 2.61 persons per household rate used in the Facebook DEIR?</p> <p>The City cannot choose to use different assumptions in two different EIRs that are being prepared simultaneously without providing substantial evidence to support that decision. The DEIR currently fails to include substantial evidence to support this distinction.</p>
	4-3	<p>In this section, the DEIR provides that employment is calculated based on certain employment generation factors. The DEIR does not, however, provide substantial evidence as to why those assumptions are reasonable. The DEIR should support the use of these employment generation figures with substantial evidence.</p>
	4-4	<p>The “Baseline” section provides a number of figures regarding existing conditions, but the remainder of the DEIR often fails to compare project build-out under the proposed General Plan updates to these existing conditions. This is a fundamental flaw in the current analysis in the DEIR. The DEIR seeks to compare the proposed General Plan build-out to ABAG projections and/or existing General Plan projections. The appropriate baseline, as stated here however, must represent the existing conditions on the ground at the time of the NOP. All potential</p>

Draft EIR Section	Page Number	Comment
		project impacts and potential project plus cumulative project impacts should be compared to these baseline figures. In failing to include this comparison, the DEIR does not adequately analyze the project's impacts under CEQA.
	4-12	With respect to "Population and Housing," this section regarding cumulative impacts states that "impacts from cumulative growth are considered in the context of consistency with regional planning efforts." The cumulative population and housing impacts also must consider the impacts from the project plus cumulative projects as compared to existing conditions. As stated in our specific comments regarding the Population and Housing section, the DEIR's analysis cannot ignore the comparison between the actual cumulative plus project impacts and the existing conditions. Mere "consistency with regional planning efforts" does not adequately disclose the true project impacts and deprives the public of a meaningful opportunity to comment on the proposed project's true impacts.
Air Quality	4.2-21	The failure to analyze the Facebook expansion as part of the General Plan may result in the understating of air quality impacts, given the large impact that project will have on the number of employees in the City and vehicle trips. It seems less likely that the General Plan would be found consistent with existing air quality plans if the Facebook project was included in the General Plan as a reasonably foreseeable project.
	4.2-25	The analysis of consistency with existing air quality plans should focus less on the general policies of the proposed general plan update, and more on the proposed revisions to land use designations and possible increase in population, density, and vehicle trips. This section does not adequately explain whether the proposed general plan amendment would allow for higher densities that might conflict with the growth projections that are the basis of the Bay Area Clean Air Plan. It is not adequate to say that new development will comply with green building requirements – a lack of consistency could arise if the GP contemplates development that would exceed the population/employment projections in the Bay Area Clean Air Plan.
	4.2-33-34	As described above, the Facebook expansion project does not appear to be calculated as part of the projected population under the General Plan. This could result in the impacts of the general plan update with foreseeable projects being understated.
	4.2-34	See above. The finding of less-than-significant impacts does not take into account the Facebook expansion project being considered simultaneously with this General Plan amendment.
	4.2-39	This analysis should include projected changes in land use designation that would result in population growth, vehicle trips, and other factors that would result in air quality impacts in excess of the BAAQMD

Draft EIR Section	Page Number	Comment
		regional thresholds.
	4.2-43-45	It is unclear how these general policies will result in a less than significant impact on CO hotspots. Development under the GP will result in more vehicle trips and more service vehicles that may idle. These general policies are not enforceable enough to reduce impacts to a less than significant level.
Biology	4.3-19 to 4.3-23	<p>Impact BIO-1: The EIR does not examine how increased activity in the project area and accompanying noise, light and runoff could cause direct or indirect impacts to special status species located at the adjacent Don Edwards National Wildlife Refuge.</p> <p>Although identified in the Facebook EIR, the General Plan EIR fails to address increased predation that may occur due to development adjacent to the Refuge.</p> <p>The EIR does not address the loss of special status species' nesting foraging habitat on remaining undeveloped lands in the Bayfront Area. The EIR does not describe any temporary impacts to special status species' habitat due to the removal of trees and/or vegetation until replacement landscaping is matured.</p> <p>The EIR does not identify which special status species in particular could be impacted by the Life Sciences designation of areas of marshland near University Avenue.</p>
	4.3-28	Impact BIO-7: The EIR states that potential impacts on proposed development on biological resources are site specific and fails to identify the scope of cumulative impacts. By contrast, the Facebook EIR identifies the geographic context for analysis of cumulative biological impacts as including the nine counties within the Bay Area. Thus, the EIR fails to identify and describe how development under the proposed General Plan in combination with other development in neighboring communities could impact the Don Edwards National Wildlife Refuge and the San Francisco Bay.
Greenhouse Gas Emissions	4.6-34	The Facebook Campus Expansion project should be analyzed as part of the General Plan for purposes of determining greenhouse gas emissions.
Hydrology	4.8-30	HYDRO-2: The discussion in the 2 nd paragraph compares the proposed project to the current General Plan. The DEIR needs to analyze the proposed project to <i>existing conditions</i> on the ground, as well as to the existing General Plan. The analysis should include a more robust discussion of the potential increase in impervious surfaces between the proposed project and existing conditions.
	4.8-31	The sentence that states "Under the Zoning update, no potable water..." includes a double negative that appears to be unintentional. I believe it should state that potable water shall not be used for

Draft EIR Section	Page Number	Comment
		decorative features.
	4.8-32	A more robust discussion of the City's program to monitor the pumping of groundwater is required to disclose to the public and decision-makers how the monitoring would reduce impacts to groundwater.
	4.8-33	On this page, the DEIR should state "...the City of Menlo Park has adopted more stringent requirements <u>than</u> the C.3 provisions..." Also, for the purpose of disclosing information to the public, the DEIR should identify the specific C.3 provisions that are applicable in each instance.
	4.8-41	The section regarding Sea Level Rise should more directly address the fact that the proposed project encourages development in an area prone to sea level rise. The analysis should detail the number of new residential units and the amount of non-residential square footage that would be added in areas prone to sea level rise under the proposed project.
	4.8-44	The cumulative impacts analysis should discuss the connection between the proposed developments with respect to sea level rise. The discussion should explain how much development is being proposed in areas subject to sea level rise, and how Menlo Park plans to mitigate the risks of adding such development in those areas. In addition, the DEIR should discuss how Menlo Park will require that those projects contribute their fair share to projects intended to protect coastal developments from sea level rise.
Noise	4.10-30, 4.10-34	<p>Impact NOISE-3: On page 30, the EIR states that increases to ambient noise from car traffic would result in a substantial permanent increase in ambient noise levels. On page 34, the EIR states that there would be no roadway segments experiencing a substantial permanent increase in ambient noise levels. These conflicting statements should be reconciled.</p> <p>The EIR does not give a clear picture of how noise is expected to increase both with and without the project. It is unclear whether Table 4.10-10 includes the 2040 forecast conditions with the proposed project.</p> <p>It is unclear whether the increases at roadway segment #42 (O'Brien Drive at Kavanaugh Drive to Willow Road) and #72 (Chilco Street at Ivy Dive to Terminal Avenue) will be substantial. Table 4.10-10 indicates that there will be 3-5 dB increases at these points, but it is unclear what the normally acceptable standards are for each of these study points.</p>
Population and Housing	4.11-4	Given how drastically the Bay Area's housing market and population have changed since 2010, as highlighted in the Facebook Campus Expansion DEIR also prepared by Menlo Park, it is not appropriate to use statistics regarding the City's housing market from 2010.

Draft EIR Section	Page Number	Comment
		<p>Moreover, it seems less appropriate to compare the figures for 2000 and 2010, as opposed to comparing figures from 2010 to 2015.</p> <p>The DEIR should provide the most recent available Census or American Community Survey (ACS) information and/or provide substantial evidence to support the use of the 2010 Census numbers as an appropriate way to analyze population and housing at this point. At the moment, the DEIR fails to provide substantial evidence to support the use of 2010 statistics given that ACS data is available for at least some of these figures from 2015, which is the appropriate baseline given the NOP date.</p>
	4.11-4	<p>The “Future Housing Needs” discussion (see footnote 10) appears to rely on the 2009 ABAG Projections, but the Facebook Campus Expansion DEIR and other portions of this DEIR rely on the 2013 ABAG projections. The DEIR must be consistent with respect to its sources regarding population and housing statistics and support the choice of sources with substantial evidence, especially if the DEIR is not relying on the most recent projections.</p>
	4.11-4	<p>Table 4.11-1 seems to rely on the 2013 ABAG projections, which do not take into account the Facebook Campus Expansion. That project is proposed to add 6,550 jobs to the City of Menlo Park. In light of that fact, how can the City rely on the ABAG projections with respect to anticipated growth in population, housing, and employment? The decision to rely on ABAG projections that do not take into account the Facebook Campus Expansion is not supported by substantial evidence. The General Plan DEIR cannot ignore a project that adds 6,550 jobs to the City, especially given that this figure represents more than a fifth of the City’s current jobs.</p>
	4.11-5	<p>POP-1: The title of the impact discussion phrases “POP-1” correctly that the threshold is whether the project will induce substantial population growth, either directly or indirectly. The analysis, however, fails to adequately compare the population, employment, and housing growth to existing conditions. The DEIR does not analyze the impact appropriately but instead of focusing on the threshold above, focuses on the following: “The proposed project would result in a significant impact related to population growth if it would lead to substantial unplanned growth either directly or indirectly.” This statement, and the analysis in this section, mischaracterizes the threshold of significance, and fails to adequately analyze the true impact of the proposed project as compared to existing conditions.</p> <p>Page 3-27 of the DEIR states that under the proposed project the changes in the Bayfront Area could result (directly) in new development potential as follows:</p>

Draft EIR Section	Page Number	Comment
		<ul style="list-style-type: none"> • 2.3 million square feet of non-residential space • 400 hotel rooms • 4,500 residential units • 11,570 residents; and • 5,500 employees <p>The DEIR needs to analyze how allowing for all of this development induces population growth – <i>not</i> whether the General Plan <i>plans</i> for this growth.</p>
	4.11-16	<p>Again, in the conclusion for POP-1, the DEIR fails to analyze the allowable growth under the revised General Plan update as compared to <i>existing conditions</i>. The DEIR cannot simply conclude that implementation of the proposed project would not induce substantial population growth because the General Plan includes a planning framework for that growth. If that were the case, no planning document would ever induce population growth, which surely cannot be the case. The DEIR must disclose to the public the change in population growth and housing demands between <u>existing conditions</u> and the <u>build-out of the General Plan update</u>.</p> <p>While Table 4.11-2 appears to provide these figures for project plus cumulative and existing, it does <i>not</i> compare project (without cumulative) to existing conditions. The DEIR must include that comparison. Such a comparison likely would show that the proposed General Plan updates would induce substantial population growth from existing conditions.</p> <p>In addition, the analysis fails to adequately analyze the <u>housing demand</u> created by the employment positions generated by the full build-out of the General Plan update.</p>
	4.11-17	<p>Table 4.11-2 does not explain how 22,350 new employees would lead to only 17,450 new residents and 6,780 new households. The DEIR needs to include substantial evidence to support these calculations and explain the assumptions behind these figures. Otherwise, the public and decisionmakers are being deprived of a meaningful opportunity to comment on potential impacts.</p> <p>Also, 6,550 of these new 22,350 jobs presumably result from the new Facebook Campus Expansion. The DEIR for that project, however, drastically understates the potential growth in City population because of faulty assumptions regarding workers per household.</p> <p>This DEIR fails to explain how the new employees projected for the City by 2040 results in such a low number of new households. The DEIR must provide substantial evidence for the assumptions underlying these</p>

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		calculations and more explicitly explain the origin of these figures.
	4.11-17 & 4.11-18	<p>The DEIR calculates the new development potential under the Land Use and Circulation updates plus the existing General Plan’s development potential and then states that new growth under the proposed project would occur incrementally over a period of approximately 24 years. The DEIR then compares this growth to the ABAG 2013 regional growth projections.</p> <p>In large part, the use of those figures is irrelevant given that the “new development potential” does not include the Facebook Campus Expansion, which is anticipated to be completed by 2018 (or possibly 2022). The DEIR does not justify comparing only the project plus existing General Plan potential without including the cumulative projects to ABAG projections. Choosing to ignore the cumulative projects, especially the Facebook Campus Expansion, drastically understates the true effect of the project build-out, and confuses the timeline.</p> <p>This is especially true given that the timeframe for full build-out extends until 2040, but in actuality <u>over half</u> of the anticipated job growth from cumulative projects will be in place by 2018 or 2022 (depending on when the Facebook Campus Expansion is completed).</p> <p>Without comparing when the <i>job growth</i> will occur as compared to when the <i>residential growth</i> will occur between now and 2040, the cumulative impacts analysis fails to address all possible impacts. For example, if all of the job growth occurs at the beginning of the planning period, then a failure to discuss the timing issue would drastically understate the impacts to the housing market and the need to construct additional housing.</p>
	4.11-17	The DEIR seeks to rely on certain policies in <i>Plan Bay Area</i> including transit-oriented and infill development policies to find that the project build-out would be consistent with <i>Plan Bay Area</i> . The DEIR fails to acknowledge, however, that project build-out (including cumulative projects, as is appropriate) would drastically worsen the jobs/housing balance in the City. The DEIR chooses to address only those portions of <i>Plan Bay Area</i> that are consistent with the General Plan, but fails to discuss the issue of jobs/housing balance, which makes the General Plan update <i>inconsistent</i> with <i>Plan Bay Area</i> .
	4.11-18	<p>The DEIR fails to demonstrate the extent to which the proposed General Plan update would change the growth rates of population, households, and employment growth as compared to ABAG’s prior projections, and more importantly, as compared to existing conditions.</p> <p>According to Table 4.11-1 on page 4.11-4, Menlo Park’s population previously was expected to grow by 15 % between 2015 and 2040. The</p>

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		<p>number of households and employees was expected to grow by 13 % between 2015 and 2040.</p> <p>On page 4.11-17, Table 4.11-2 indicates that with the proposed project <i>plus cumulative projects</i>, the growth rate would actually be 53 % in terms of population, 52 % in terms of households, and 72 % in terms of employees. Regardless of whether ABAG is in the process of updating its projections, the project plus cumulative growth rates <u>drastically</u> exceed the ABAG projections from only <u>three years ago</u>.</p> <p>In order to fully understand the project's impact, this table <u>also</u> should include the percentage increase resulting from the project <i>without</i> the cumulative projects. Otherwise, the DEIR fails to disclose the project's impacts with respect to population growth.</p>
	4.11-18	<p>As stated above, the analysis regarding POP-1 fails to accurately apply the threshold of significance. The DEIR states that: "The General Plan serves as the City's constitution for the physical development of the city and is implemented by the Zoning Ordinance; thus, the aforementioned existing and proposed goals, policies, and programs, and zoning regulations would provide the long-term planning framework for orderly development under the proposed project through the 2040 horizon year."</p> <p>Relying on this general statement about the purpose of a General Plan, the DEIR concludes that therefore, "implementation of the proposed project would not induce substantial population growth, or growth for which inadequate planning has occurred, either directly or indirectly, and impacts would be <i>less than significant</i>." This conclusion misunderstands the threshold of significance.</p> <p>The DEIR fails to analyze the population growth that will be generated by the proposed General Plan update. The DEIR must compare the build-out of the plan <u>with existing conditions</u> in order to fully disclose the impacts with respect to population growth. At present, the analysis of POP-1 is inadequate to disclose the true impacts of the project to the public and the decisionmakers.</p>
	4.11-20	<p>POP-3: The analysis of the project's potential to displace substantial numbers of <u>people</u>, necessitating the construction of replacement housing elsewhere, is inadequate. Even without the cumulative projects, the General Plan update apparently allows for the construction of 5,500 new units, while allowing for almost twice that number of jobs (9,900). The DEIR currently states simply: "There are no plans for removal of existing housing under the proposed project, thus displacement of people would not occur." This statement misunderstands the threshold of significance for POP-3. In fact, that statement addresses POP-2, <i>not</i> POP-3.</p>

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		<p>The DEIR analysis of the displacement of <u>people</u> needs to discuss whether implementation of the project will result in the displacement of people – not just the actual removal of existing housing. In this instance, the DEIR must analyze how implementation of the project will create market pressures that might displace people and thereby necessitate replacement housing elsewhere. Specifically, this analysis should include a discussion of the project’s impact on the availability of affordable housing as compared to the jobs created by the project. In addition, this will require a discussion of the proposed timeline with respect to anticipated job growth and residential growth.</p> <p>Essentially, the DEIR needs to analyze how the proposed build-out of the General Plan update would affect the housing market, especially the availability of affordable housing units, specifically including impacts in the City of East Palo Alto. A potential lack of affordable housing could very well necessitate the construction of additional affordable housing and/or have impacts on commuting patterns and subsequently air quality impacts. At present, the analysis of this impact is grossly inadequate.</p>
	4.11-20	<p>POP-4: The second paragraph of this section again concludes that implementation of the proposed project would not necessitate the construction of replacement housing elsewhere. The DEIR fails to include any analysis of the project’s impact on housing needs and thereby fails to support the prior conclusion with substantial evidence. Without a discussion of the housing demand created by the expected population growth, and specifically a discussion of the housing demand at various income levels, the DEIR cannot conclude that the project implementation will not impact population and housing.</p> <p>The DEIR’s subsequent conclusion – that the impacts of the project plus cumulative conditions <i>also</i> would not displace housing or substantial numbers of people – is similarly unsupported by substantial evidence. The DEIR does not analyze the cumulative projects at all – entirely failing to explain whether any of the projects would displace housing units or have impacts on the housing market that would affect the availability of affordable housing and thereby necessitate the construction of additional housing elsewhere.</p>
	4.11-21	<p>The DEIR inappropriately compares the anticipated growth under the General Plan’s build-out to ABAG’s regional projections. The analysis concludes that the implementation of the project plus cumulative projects would result in a significant cumulative impact only because ABAG has not updated its projections. This fails to analyze the necessary impact, which is the anticipated growth of the project plus cumulative projects as compared to <u>existing conditions</u>.</p>

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		<p>Although it is sometimes useful to compare a revised planning document with regional projections or with a prior planning document, the analysis in an EIR must compare the build-out of a planning document with the existing conditions in order to fully disclose the impacts of the proposed project. The DEIR currently fails to analyze the project's cumulative impacts by ignoring the existing conditions in its analysis.</p>
	4.11-21	<p>Displacement Impacts: In connection with the Facebook Campus Expansion project, the City conducted an "Evaluation of Potential Displacements Impacts in East Palo Alto and Menlo Park's Belle Haven Neighborhood." With respect to the Facebook DEIR, the City of East Palo Alto commented that the Evaluation should have been updated in certain ways and included as part of the DEIR in order to demonstrate and support the potentially significant impacts to population growth and housing demand.</p> <p>Similarly here, the City of Menlo Park should conduct an evaluation of the proposed General Plan update's potential displacement impacts in the City itself, and in surrounding jurisdictions. Specifically, the evaluation must study the project's impacts on affordable housing demand in both the City of Menlo Park and surrounding jurisdictions. This evaluation is necessary to fully disclose the project's impacts to population growth and housing demand, and to disclose the potential to require the construction of new housing due to the displacement of people and households of different income levels.</p> <p>This analysis should be included in the DEIR's discussion of POP-1, POP-3, and POP-4 in order to fully analyze the project's impacts on inducing population growth, on the need for construction of new housing due to the displacement of people, and on cumulative impacts to population and housing.</p>
Public Services and Recreation	4.12-3	<p>The Existing Conditions states that the MPFPD serves approximately 90,000 people, and that there is a service ratio of .85 firefighters per 1,000 service populations. Why is this baseline different from the Facebook DEIR, which states that the MPFPD serves approximately 111,850 people and has a service ratio of .86 firefighters per 1,000 per service population?</p> <p>The City cannot choose to use different baselines in two different EIRs that are being prepared simultaneously without providing substantial evidence to explain that decision. The DEIR currently fails to include substantial evidence to support this distinction.</p>
	4.12-9	<p>The discussion of impacts to fire services states that there will be a less than significant impact because future project applicants will be</p>

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		required to pay all applicable fees as set forth on the City's Fee Schedule. It is not clear how the timing will work such that a potential future applicant pays its fair share of fees for necessary capital improvements, and how it will be determined when the "tipping point" has occurred such that new facilities are necessary. The DEIR should include further information to ensure that the GP update does not result in unmitigated future impacts.
	4.12-18	PS-4: This impact states the project, in combination with cumulative projects, "would not result in less-than-significant cumulative impacts with respect to police services." This appears to be a typo as it is essentially a double negative.
	4.12-20 and 4.12-23 through 4.12-24	<p>The Existing Conditions states (p. 4.12-20) that the City provides 244.96 acres of parkland for residents, with a ratio of 7.44 acres/1,000 residents. But, the Facebook DEIR states that the City only provides 221 acres of parks, for a ratio of 6.64 acres/1,000 residents. There is no explanation provided for these differing baselines.</p> <p>Furthermore, this difference becomes especially significant in terms of the impact conclusion. This GP DEIR states that upon buildout at Horizon Year 2040, there would still be 5.2 acres of parkland per 1,000 residents. But, if the parkland figure of 221 acres as stated in the Facebook DEIR is used instead, that ratio drops to 4.69 (221 acres divided by 47.1 [(32,900 + 14,150)/1000], the formula stated in footnote 45). This ratio is then <u>below</u> the goal of 5 acres/1,000 residents, and there is a significant impact to parks and recreational facilities. Accordingly, the DEIR understates an adverse impact caused by the project and should be revised and recirculated to address this deficiency.</p>
	4.12-26	<p>The discussion and conclusion in impact PS-6 states that the Menlo Park Community Services Department "has indicated the proposed project could require the construction of new or expanded recreation facilities" but then states that because it is not certain when the need for new or expanded facilities will arise, there is no adverse impact. This conclusion improperly conflates an adverse impact with the timing of mitigation. Because the DEIR acknowledges that new or expanded facilities will need to be constructed as a result of the population increase caused by this project, the project has an adverse impact which should be stated as such and mitigated as appropriate and feasible.</p> <p>Because the DEIR currently understates an adverse impact caused by the project, the DEIR should be revised to reflect the project's actual impact and should be recirculated for further public review and comment.</p>
	4.12-30	Table 4.12-3: This table contains information on existing capacity at

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		certain schools that is inconsistent with the information provided in the Facebook EIR. For example, the Facebook EIR states that Laurel Elementary had a 2014/2015 enrollment of 630, which means that there is less capacity than stated in this project's EIR. In addition, the Facebook EIR states that Hillview Middle School had a 2014/2015 enrollment of 833 (not 881). The baseline numbers for prior school year enrollment should be accurate and consistent across EIRs.
	4.12-45	The third paragraph on this page states that the project would result "in an incremental increase in demand for fire protection services to be accommodated by the Menlo Park Library." This appears to be a typo, otherwise the meaning of this sentence is unclear.
Transportation & Circulation	4.13-4, 5	The City of Menlo Park has one Priority Development Area (PDA) identified in the Plan Bay Area, however the location of the main land use intensification contemplated in the General Plan Update is outside of this PDA. Focusing new development in the Bayfront area calls into question consistency with the regional plan, and in particular the eligibility for transportation funding to support the various infrastructure improvements necessitated by the contemplated land use intensifications. This consistency issues is not adequately considered or analyzed in the Transportation and Circulation analysis.
	4.13-10, and generally for Section 4.13	The DEIR relies heavily on transportation demand management guidelines to address traffic impacts of new development contemplated by the General Plan Update. The DEIR must explain how the contemplated management guidelines are consistent with all local, State, and Federal statutes, and how they will be enforceable in the context of plan amendments. Further, because many of the impacted intersections are in the City of East Palo Alto, East Palo Alto must have a role in the monitoring that should include at a minimum, receiving all monitoring reports to verify compliance, and to receive a portion of any penalty fees assessed for non-compliance. Without inclusion of substantially more detail to ensure implementation of the TDM Guidelines will actually occur, this mitigation is not enforceable and cannot be relied upon to reduce the project's traffic impacts, including but not limited to the impacts in East Palo Alto.
	Figure 4.13-3	This figure does not include any information regarding bicycle or pedestrian facilities in East Palo Alto, which will be heavily impacted by traffic generated by the proposed land use intensification. The Figure, and existing conditions information must be augmented to include this information so that the Project's impacts can be adequately assessed.
	4.13-21	The discussion of other transit services needs to be expanded to include and address transit options in and through East Palo Alto that will be impacted by the land use intensification in the Bayfront Area. Specific consideration of SAMTRANS routes 397, 296, 297 and 281 must be considered and analyzed.

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	4.13-22	The analysis scenarios studied in the transportation and circulation section reflect cumulative impact analyses and none of them disclose the specific project impacts. A proper "project" level analysis would compare the 2040 buildout scenario with the 2014 existing conditions. However, the only analysis provided layers into the analysis the cumulative projects, like the hugely impactful Facebook Campus Expansion project. In so doing, the analysis hides the impacts of the general plan update project. CEQA requires both a project level analysis and a cumulative project analysis, and this EIR conflates the two. The DEIR admits this defect at page 4.13-89, where it states that "[t]he analysis of the proposed project, above, addresses cumulative impacts to the transportation network in the city and its surroundings; accordingly, cumulative impacts would be the same as those identified above." The DEIR must be revised to provide a meaningful project level analysis of the transportation and circulation impacts.
	4.13-22	Under discussion of the Travel Demand Modeling Methodology, the DEIR states that the Menlo Park City Model utilizes the same land use data categories, modeling assumptions, etc., as in the current C/CAG Model, but for model years 2013, 2020 and 2040. Using information for a model year 2013, however, would not capture significant changes that occurred after 2013, including but not limited to the various Facebook Campus projects that have been entitled and implemented during that time. Therefore, reliance on the out of date data and information calls into question the sufficiency and adequacy of the model and its results.
	4.13-23	The transportation and circulation analysis applies Dynamic Traffic Assignment to address what are referred to as unrealistic volume-to-capacity ratios. The analysis reroutes vehicles when congestion occurs, however, there is no clear explanation of how rerouting occurs. For example, to avoid congested areas, were the vehicles rerouted onto local streets as cut-through traffic? If so, these assignments are inconsistent with the various policies referenced in the analysis that discourage cut-through traffic on local streets. Further, to the extent that traffic is assigned to these other streets that are not analyzed in the DEIR, the potential impacts on those streets must be disclosed. Without disclosing how the DTA was implemented, the validity of the various assignments cannot be verified.
Transportation and Circulation	General Comment	Section 4.13 does not properly identify the study area intersections that are within the City of East Palo Alto's jurisdiction. These include: All major intersections along University Avenue; All major intersections along Bay from Willow to Pulgas; University and Woodland. Newbridge and Willow Avenue, Capitol and Donohoe Street, Cooley Avenue and Donohoe, East Bayshore Road and Donohoe, Euclid Avenue and East Bayshore Road/Donohoe Street, and US 101 Northbound and Donohoe Street.
	Table	The study area roadway segments and 2014 Existing ADT Volumes do

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	4.13-5	not reflect additional significant developments, including but not limited to the recent Facebook Campus projects. The ADT volumes should be updated accordingly to reflect 2015 baseline conditions. Further, this does not address or acknowledge any roadway segments in East Palo Alto.
	4.13-33	As noted above, the 2014 Existing Conditions does not capture significant projects, including the recently entitled and implemented Facebook Campus projects, which could account for a significant change in the existing conditions from those assumed in 2014. The existing conditions need to be updated accordingly.
	4.13-33	The DEIR states that the regional average VMT was determined by including the entire nine-county Bay Area region. A more refined analysis is necessary in this regard because of the unreasonable expansion to the entire nine county region for this project has the effect of inflating the average VMT, and thus hiding the true VMT impacts of the project. This analysis must be redone with the average VMT calculated using only the more proximate counties San Mateo, Santa Clara, Alameda, and San Francisco. Including the current analysis is misleading and fails to adequately disclose potential impacts.
	4.13-33	The roadway segment daily traffic volumes do not include critical street segments in East Palo Alto. At a minimum the segments studied must include those segments along University Avenue between Bayfront Expressway to the north and Woodland Avenue to the south, and the segments along the full length of Bay Road from Pulgas on the east to the transition to Newbridge Street continuing along Newbridge to Willow Road. Failure to include University Avenue results in a fundamental defect in the EIR that fails to disclose the potential impacts of the project.
	4-13-34	The concept of "unserved demand" is not adequately explained. Further, how this concept was applied in the traffic analysis is unclear and not adequately described in the study. CEQA requires disclosure of the analytical process to allow for meaningful public review. Failure to show the work related to the "unserved demand" factoring that went into the study makes it impossible for interested parties and the public to provide meaningful comment. A revised DEIR explaining this issue is required along with recirculation to allow for public review and comment regarding the new information.
	Table 4.13-7	The PM LOS of F for University Avenue and Woodland Avenue is not consistent with the Facebook Expansion EIR, Figure 3.3-9, which shows existing conditions as LOS E. This inconsistency must be reconciled.
	4.13-43	The 2040 No Project Conditions assumes certain "cumulative projects", and yet it excludes the Facebook Campus Expansion Project. This inconsistency is problematic. Cumulative projects include those that are reasonably foreseeable, and typically include projects for which applications are pending.

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	Table 4.13-8	This table states that there would be 47,750 jobs under 2040 no project conditions. This, however, is inconsistent with the Facebook EIR analysis of VMT, which states that there would be 41,200 jobs in the cumulative 2040 existing general plan. See Facebook EIR table 3.3-11 at page 3.3-47. This discrepancy of over 6,000 jobs undermines the accuracy of both analyses and must be corrected in both EIRs.
	4.13-44	The DEIR states that “by using the MPM model, [the peak hour traffic operations] forecast also incorporates anticipated changes to the jobs/housing balance in adjacent cities and throughout the region by 2040 that will affect peak-hour traffic patterns.” A further explanation of how this model reflects changes in East Palo Alto and other cities so that East Palo Alto (and others) can verify that the appropriate forecasts have been incorporated.
	4-13-44	The comment above regarding page 4.13-34 and the “unserved demand” concept apply here as well.
	Table 4.13-9	This table does not include any East Palo Alto segments. As noted above, at a minimum the segments studied must include those segments along University Avenue between Bayfront Expressway to the north and Woodland Avenue to the south, and the segments along the full length of Bay Road from Pulgas on the east to the transition to Newbridge Street continuing along Newbridge to Willow Road.
	Figure 4.13-9	<p>The 2040 No Project Intersection LOS is not consistent with the Facebook Campus Expansion EIR that was circulated concurrently with the General Plan Update EIR. Specifically, the LOS levels at University Avenue and O’Brien Drive (Intersection 39, AM peak); University and US 101 SB Ramps (Intersection 56; AM and PM peak); University and Woodland Avenue (Intersection 57; AM and PM Peak); and Willow Road and Gilbert Ave (Intersection 18; AM and PM Peak) are not consistent with those shown in Figure 3.3-21 of the Facebook EIR. Figure 3.3-21 is the cumulative 2040 existing general plan conditions, and thus should match Figure 4.13-9 of the General Plan EIR. Further, the PM peak LOS at the intersection of University Avenue and O’Brien Drive (Intersection 39) is inconsistent with Figure 4.13-9 in that an improved LOS A is shown in 2040 No Project, whereas existing conditions show an LOS B.</p> <p>These inconsistencies call into question the accuracy and adequacy of not only the General Plan traffic analysis, but also the Facebook Campus Expansion EIR’s analysis.</p>
	4.13-55	The discussion of impacts to pedestrian and bicycle facilities does not take into account East Palo Alto’s standards. Specifically, the East Palo Alto General Plan identifies University Avenue, Pulgas Avenue, and Bay Road as major bike routes. The analysis must take into account these major routes, the potential impacts that project may have on these routes, and the improvements that may be needed as a result of the proposed project.

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	4.13-56	The VMT standard utilized inflates the current conditions and thus hides the true impact of the proposed Project. Specifically, the EIR relies on a nine-county average VMT of 20.8 miles per person rather than the 15 miles per person document in the EIR as the current conditions in Menlo Park. By starting with the inflated VMT, the analysis hides the true impact of the land use intensification envisioned by the Plan, and leads to a less than significant conclusion when in fact land use mix will drastically increase the VMT above that existing. The VMT analysis must be redone with a more appropriate baseline VMT tailored to Menlo Park and adjacent areas.
	4.13-57	The study states that the 2040 No Project scenario includes shifts in background traffic pursuant to the Dynamic Traffic Assignment (DTA), but does not disclose how these shifts were done. The acknowledged outcome of this is the “apparent decrease in traffic” in certain locations, however there is no explanation or disclosure of the basis for these shifts. Further, to the extent that any of these shifts moved traffic to local streets as cut-through traffic, those assumptions conflict with the various policies that discourage cut through traffic on local streets. Specifically, how does this DTA process conform to various policies under Goal CIRC-2 related to neighborhood streets and minimizing cut-through traffic, and discouraging use of city streets as alternatives to or connectors of State and federal highways. See policies on DEIR p. ,13-60. Further disclosure of the application and implications of the DTA assumptions must be included in the DEIR, and recirculated for public review and comment.
	4.13-60	The City of Menlo Park will need to coordinate with East Palo Alto regarding implementation of various circulation policies, including updates to travel pattern data per Program CIRC-1.D, and Regional Transportation Improvements per Policy CIRC-2.15.
	4.13-62, 63	The DEIR concludes that there will be significant unmitigable impacts on various roadway segments. Prior to overriding these significant and unmitigable impacts, all feasible mitigation must be adopted, including mitigation that may require implementation in the City of East Palo Alto. Specifically, mitigation must be considered for University Avenue in East Palo Alto, including improvements for pedestrian and bicycle users. In addition to specific mitigation measures, and funding, impacts could be addressed by changing the mix of uses to include additional residential opportunities in the Bayfront Area.
	4.13-63	The comments above regarding page 4.13-34 and 4.13-44 and the “unserved demand” concept apply here as well.
	Figure 4.13-11	The 2040 plus Project Intersection LOS levels on this figure are not consistent with those in the Facebook EIR, Figure 3.3-25. Specifically, the LOS on Figure 4.13-11 is worse than that shown in the Facebook EIR for the intersections of University and Obrien (Intersection 39, AM and PM peak); University and Runnymede (Intersection 52, PM peak);

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		University and Bell Street (Intersection 53; PM peak); Willow and Newbridge (Intersection 33; PM peak); Willow and Coleman (Intersection 19; AM peak); University and 101 SB Ramps (Intersection 56; PM peak); and University and Woodland Ave (intersection 57; PM peak). These inconsistencies call into question the accuracy of both the General Plan Update traffic study and the Facebook Expansion Project EIR, and must be addressed in both documents.
	4.13-70	Mitigation Measure TRANS-1b. must take into account the infrastructure needs that the intensified land uses enabled by the General Plan Update will necessitate not only in Menlo Park, but also East Palo Alto. The mitigation measure must be modified to specifically acknowledge that the TIF program will account for and collect funds for improvements needed in East Palo Alto and a mechanism to transfer those funds to East Palo Alto to pay for the needed improvements. The funding should take into account pedestrian, bicycle, transit and vehicular improvements necessitated by the land use intensification in the General Plan Update.
	4.13-71	The discussion of Willow Road and Hamilton Avenue (intersection 36) states that improvements are not recommended because of the potential to encourage cut-through traffic, and yet, the discussion concludes that the improvement should be incorporated into the updated free program. The inconsistency should be reconciled.
	4.13-71	Mitigations for Bayfront Expressway and Willow Road (intersection 37) and Bayfront Expressway and University Avenue (intersection 38) defer determinations as to feasibility to some unknown point in the future. The feasibility of these measures must be determined now, and if feasible must be incorporated as binding and required mitigation measures.
	4.13-72	Mitigation for University Avenue and Bay Road (intersection 51), University Avenue and Donohoe Street (intersection 54), and University Avenue and US 101 Southbound Ramps (intersection 56) call for various intersection modifications and improvements. Any such improvements must be reviewed by and, if acceptable, coordinated with the City of East Palo Alto. Further, the proposed TIF program must include a specific mechanism for transferring funds to East Palo Alto for any such improvements. The process for determining an individual project's fair share must be clearly set forth and ensure that impacts in East Palo Alto are fully mitigated.
	4.13-73	The EIR states that the existing VMT in Menlo Park is 15 miles per person, and yet the nine-county average is used for determining whether the project would reduce VMT. The analysis should be redone with a more appropriate baseline VMT that reflects only those areas more proximate to Menlo Park rather than the inflated nine-county VMT.

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	4.13-75	The EIR states that there are 3 CMP intersections studied, however, those intersections are not clearly identified. Further, the EIR states that not a single CMP roadway segment was analyzed. These defects call into question the adequacy of the CMP analysis, and further study and disclosure is required. AS presently drafted there is not sufficient evidence to support the conclusion that CMP impacts would be less than significant.
	4.13-80-81	University Avenue is a critical street for emergency responders in East Palo Alto, and as such the substantial increases in traffic on this roadway have the potential to impact the ability to timely respond to emergency situations and transport patients to medical facilities. This impact must be more fully analyzed and disclosed in a revised and recirculated EIR.
	4.13-82	The EIR (and General Plan Update) must specifically consider how policies CIRC-2.4 (Equity) and CIRC-2.6 (Local Streets as Alternative Routes) will be coordinated with the City of East Palo Alto. Specifically, the needs of transit dependent areas of East Palo Alto will require additional pedestrian, bicycle, and transit enhancements as a result of the Project's land use intensification. Further, the increased traffic caused by the Project will result in inevitable impacts to local streets in East Palo Alto, and Menlo Park must assist East Palo Alto in addressing those impacts.
	4.13-86-87	Mitigation Measure TRANS-6a calls for an update of the Menlo Park Transportation Impact Fee (TIF) program. Part of the program involves undertaking a nexus study. Any such nexus study must include not only improvements in Menlo Park, but also all improvements in East Palo Alto to determine what components will be funded through the TIF program, and the appropriate percentage of contribution from Menlo Park projects. We request that Mitigation Measure Trans-6a be modified to specifically require inclusion of East Palo Alto improvements, and involvement of the City of East Palo Alto in the development of the scope of and methodologies for the nexus study.
	4.13-87	Pedestrian improvements are called out for University Avenue, however, there is no discussion of needed bicycle improvements. The analysis and discussion of needed improvements must be expanded to address bicycle needs.
	4.13-88	Mitigation Measure TRANS-6b must also account for shuttle service in East Palo Alto, including in the Shuttle Fee program component of Menlo Park's nexus study.
	4.13-88	Impact TRANS-6c states that it would result in traffic delays at University Avenue, thus adversely impacting the performance of transit services and increases in transit costs. Mitigation measure TRANS-6c makes no reference to mitigating impacts along University Avenue. The mitigation measure must be modified to address the identified impacts.
Utilities and	4.14-17	The DEIR's discussion of future water demand is inaccurate and fails to

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Service Systems	through 4.14-19	<p>sufficiently state the extent of the future demand. First, despite the significant population increases caused by the Facebook Expansion Project, the GP DEIR fails to include the Facebook project as part of the project's future water demand, instead simply calling it a currently planned but separate project (p. 4.14-19, Table 4.14-2, note b; WSE, Table 7). There is no explanation as to why this significant project is not analyzed as part of the GP project.</p> <p>Furthermore, the analysis of the Facebook project's water demand is incomplete because it fails to account for the proposed hotel use on the site. The analysis accounts only for new workers in the office buildings (6,400) and new workers in the hotel (150) but fails to account for any guests in the hotel. As stated in the Project Description for the Facebook EIR, the hotel would include a 200-room, limited service hotel with office space, food and beverage areas, a fitness room, pool, and deck areas. Plainly, hotel guests will use water over and above that used by hotel workers, yet the Facebook DEIR fails to account for any such use. As a result, that Project's water demand is understated.</p> <p>Moreover, the Facebook DEIR cherry-picks when it assumes that no employees currently work at the site and, in the case of water supplies, takes credit for existing uses in order to understate the Project's water demands. For example, in discussing solid waste, the Facebook DEIR states that it "assumes that no employees currently work at the Project site; therefore, it is assumed that no solid waste is currently generated at the Project site." (Facebook DEIR, p. 3.14-28.) Yet, in discussing water demand, the Facebook DEIR states that the total existing annual water use is 58 mg, and therefore essentially takes credit for that use in concluding there will be a net annual water demand of only 30 mg (rather than the Project's stated demand of 88 mg).</p> <p>Because the annual water demand for the Facebook project is 88 mg and not 30 mg, the GP EIR understates future water demand by claiming that "other planned projects," which includes the Facebook project, will have a future water demand of only 31 mg combined. The total water demand will, in fact, be significantly greater. The GP DEIR should be revised and recirculated with a proper statement of the project's water demand.</p>
	4.14-24 through 4.14-25, 4.14-27; 4.14-29 through 4.14-30	<p>The DEIR's analysis of impacts to water supplies is significantly flawed and fails to acknowledge or attempt to mitigate the Project's adverse impacts. The DEIR acknowledges that the proposed project creates an incremental water shortfall of approximately 21 percent in 2040 during single dry years and between 17 and 31 percent during multiple dry years between 2020 and 2040. Thus, the Project will have a significant, adverse impact on water resources.</p>

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		<p>Despite this, the DEIR states that MPMWD has developed a Water Shortage Contingency Plan which will “manage” shortages by reducing water demand up to 50%. The DEIR then assumes, without any basis, that unstated measures from this Plan will reduce the total future potable water demand within the MPMWD service area, and therefore the Project will not create any impacts. There is simply no support for this conclusion. The DEIR fails to discuss any of the measures or explain how they will achieve a 50% reduction in water demand. Accordingly, the conclusion of a less than significant impact is wholly unsupported.</p> <p>The DEIR’s analysis of cumulative impacts is similarly flawed, and is based on the same deficient analysis which assumes, without support, that unspecified measures would reduce demand so greatly that the acknowledged water supply shortages would cease to exist. There is no support for this conclusion.</p>
	4.14-56	<p>MM UTIL-10: This mitigation measure purports to address the acknowledged cumulative impact to solid waste facilities, but it is an illusory mitigation measure that does not sufficiently reduce impacts. Specifically, the measure only states that the City shall “continue its reduction programs and diversion requirements” and “monitor solid waste generation volumes in relation to capacities at receiving landfill sites to ensure that sufficient capacity exists....” Neither of these activities addresses the prospect of what happens if sufficient waste is not diverted or if landfill capacities reach their maximum prior to the horizon year for the GP project. Accordingly, this mitigation measure does not actually demonstrate that impacts will be reduced to less than significant.</p>
	4.14-80 through 4.14-81	<p>The DEIR fails to adequately discuss transportation-related energy impacts. The DEIR assumes, without support, that future technology will further the goal of conserving energy and thus the project will have less than significant energy impacts. There is no support for this conclusion.</p>
	4.14-81	<p>The DEIR fails to include any analysis of <u>cumulative</u> transportation-related energy impacts. The single sentence analysis states only that the discussion in the preceding section (UTIL-13) describes the project’s impacts “in relationship to the PG&E service territory and therefore, includes a discussion of cumulative impacts.” The analysis of energy impacts related to PG&E does not include any analysis of transportation-related energy impacts, including depletion of fuel resources. These impacts are likely to be significant given the cumulative increases in population through the horizon year of 2040. The DEIR must be revised and recirculated to include this analysis.</p>
Alternatives	5-3	<p>The alternatives section considers only two alternatives, in addition to the No Project alternative required by CEQA. This number of alternatives does not reflect an adequate range of reasonable</p>

Draft EIR Section	Page Number	Comment
		<p>alternatives to the Project.</p> <p>The Analysis must be expanded to include, at a minimum, an alternative that would include additional residential land uses while reducing other land uses or allowed intensities of non-residential land uses in order to further the objectives of improving mobility for all travel modes and preserving neighborhood character. An alternative that would incorporate additional residential land uses would also further the other objectives of establishing and achieving the community's vision, realizing economic and revenue potential by helping to meet the pent up demand for housing in the project area and neighboring communities. Further, an expanded residential component could still directly involve Bayfront Area property owners and streamline development review. Therefore, failure to meet objectives is no basis for rejecting this alternative, and in fact, the EIR provides no evidence for why such an alternative was not considered. Including additional residential development opportunities while reducing other land uses (or intensities of such land uses) could reduce or eliminate significant and unavoidable air quality, greenhouse gas, housing, and transportation/circulation impacts. As such, the alternatives analysis and the EIR are inadequate without consideration of this type of alternative. A revised EIR must be prepared, including the additional alternatives analysis, and must be recirculated for review pursuant to CEQA Guidelines Section 15088.5 (a)(3). Finally, the narrow selection of the alternatives serves to unduly limit the policy choices available to the decision makers by failing to disclose the availability of an enhanced residential alternative and the potential environmental benefits of such an alternative.</p>
Alternatives	5-11	<p>The analysis of the land use impacts of the No Project alternative, states that "the enhanced General Plan Land Use and Circulation Elements [sic] goals and policies that better promote sustainability and circulation improvements would not be adopted." However, in the very next paragraph the analysis concludes with an inconsistent statement that "because the No Project Alternative would result in development in the same setting and would be subject to the same existing land use regulations, including Mitigation Measure LU-2, which would ensure future projects in Menlo Park are consistent with the City's General Plan policies, land use impacts when compared to the proposed project, would be similar." The discussion and analysis of the land use impacts of the No Project alternative needs to be revised and made internally consistent.</p>
Alternatives	5-11; 5-12	<p>The noise analysis of the No Project Alternative fails to take into account the impact of noise resulting from increases in traffic. Both the Project and the No Project Alternative will result in increases in traffic levels, and thus increased in traffic related noise. The discussion of the No Project Alternative noise impacts not only ignores this source of impact, but provides no comparison to the increased traffic noise</p>

Draft EIR Section	Page Number	Comment
		associated with the Project. This analysis, when provided, must include analysis and disclosure of the potential noise impacts that will accompany the many significant and unavoidable traffic impacts, including those in the City of East Palo Alto.
Alternatives	5-12	The discussion of housing impacts of the No Project Alternative concludes that the impacts would be less than that of the proposed project. This, however, is not supported by the fact that the Project provides more housing than would the existing General Plan, and thus would have fewer impacts on housing demand in light of the increase in housing opportunities.
Alternatives	5-23	The noise analysis of the Reduced Non Residential Intensity Alternative fails to take into account the impact of noise resulting from increases in traffic. Both the Project and the Reduced Non Residential Intensity Alternative will result in increases in traffic levels, and thus increased in traffic related noise. The discussion of the Reduced Non Residential Intensity Alternative noise impacts not only ignores this source of impact, but provides no comparison to the increased traffic noise associated with the Project. This analysis, when provided, must include analysis and disclosure of the potential noise impacts that will accompany the many significant and unavoidable traffic impacts, including those in the City of East Palo Alto.
	5-24	The population and housing discussion of the Reduced Non Residential Intensity Alternative concludes that the impacts of this alternative would be similar to the proposed Project. This, however, does not seem to take into account the reduction in the housing demand that would accompany the reduction in the amount of job producing development. As such, it appears that the impacts on housing demand would be reduced, and that there may also be a reduction, when compared to the existing Project, because of the reduction in the employment contemplated by the Project and thus a reduced impact with respect to the new employees and their demand for housing. The analysis should be revised to reflect this type of analysis.
	5-26	In discussion of the Reduced Non-Residential Intensity Alternative, the EIR acknowledges that no traffic model run was completed. We request that model runs be undertaken for this and the Reduced Intensity alternative in order to provide meaningful information with which to compare the alternatives to the Project. The model should also be run for the Reduced non-residential, increased residential alternative suggested above.
	5-29	The discussion of the Air Quality impacts concludes that impacts will be less than the project, but does not disclose whether the residual impacts would be significant and unmitigable or not. The analysis must be revised to include this additional information.
	5-34	The noise analysis of the Reduced Intensity Alternative fails to take into account the impact of noise resulting from increases in traffic. Both the

Draft EIR Section	Page Number	Comment
		Project and the Reduced Intensity Alternative will result in increases in traffic levels, and thus increased in traffic related noise. The discussion of the Reduced Intensity Alternative noise impacts not only ignores this source of impact, but provides no comparison to the increased traffic noise associated with the Project. This analysis, when provided, must include analysis and disclosure of the potential noise impacts that will accompany the many significant and unavoidable traffic impacts, including those in the City of East Palo Alto.
	5-35	The population and housing discussion of the Reduced Intensity Alternative concludes that the impacts of this alternative would be less than the proposed Project. This, however, does not explain the increased housing impacts associated with additional jobs and the offset of the additional housing units contemplated in the Alternative. The analysis should be revised to reflect this type of analysis.



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July 22, 2016

via email only to:

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Mr. Guido F. Persicone, AICP
Senior Planner
City of East Palo Alto
1960 Tate Street
East Palo Alto, CA 94303

RE: Final Comments on Transportation and Circulation Section of Menlo Park
General Plan Draft Environmental Impact Report (DEIR) (June 1, 2016)

Dear Guido:

This letter presents my comments on the Section 4.13 Transportation and Circulation of the DEIR for ConnectMenlo: General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (City of Menlo Park, June 1, 2016). It was prepared in accordance with my Agreement with the City of East Palo Alto dated June 20, 2016. This version incorporates changes to reflect feedback from you and David Snow during our telephone discussion on July 21, 2016.

I used the prefix "TC" for my numbered comments.

TC 1 - Page 4.13-1, second paragraph states "...information in this chapter is based **in part** on travel demand....analysis...conducted by TJKM Transportation Consultants." Please identify what other information is based on.

TC 2 - Page 4.13-1, same paragraph notes the "analyses were conducted in accordance with the standards...(City)...(C/CAG)." Other agencies' standards are noted in the body of this section and should be so stated.

TC 3 - Page 4.13-1, same paragraph references "...technical appendices...in Appendix K...", but does not state what is included in the technical appendices. Please clarify.

TC 4 - Page 4.13-2, first complete sentence on page: "The California...State highways" is relevant to the next subsection "California Department of Transportation", not CTC, correct? Please clarify.

TC 5 - Page 4.13-12, text reference to Figure 4.13-2 states "City's existing bicycle facilities in the study area..."; given the noted figure shows bicycle facilities in the study area, it appears "City's" is not needed. Please clarify.

TC 6 - Figure 4.13-2: Class I path adjacent to Bayfront Expressway appears to be ON the expressway and it is not. Please clarify.

TC 7 - Figure 4.13-2: The key lists "Study Intersections" and they do not appear to be shown on this figure. Please clarify.

TC 8 - Page 4.13-15, second paragraph, second sentence states "Existing pedestrian facilities within the study area are shown on Figure 4.13-3." However, the noted figure shows only City of Menlo Park pedestrian facilities. Please clarify.

TC 9 - Page 4.13-15, last sentence: the sentence is awkward with "description" at the beginning and "described" at the end. Please clarify.

TC 10 - Page 4.13-18: a column between "Service Provider" and "Peak Headway" called "Description" (or similar) would be very helpful to the reader. Please clarify.

TC 11 - Page 4.13-19, under SamTrans: a map showing these routes serving the Bayfront Area would be very helpful to the reader. Also, in the discussion of Route 276, are Redwood City Transit Center and Redwood City Caltrain Station the same thing? Please clarify.

TC 12 - Page 4.13-20, first paragraph, second to last sentence: to be consistent, please cite the number of Baby Bullet trains that operate in each direction/peak period (the sentence only cites a number for northbound service). Please clarify.

TC 13 - Page 4.13-20, under Caltrain Short-Range Transit Plan: this section is apparently based on the 2008 version of the referenced plan. Given the 2015 version was adopted in October 2015, it seems this section should be updated to reflect the latest version. Please clarify.

TC 14 - Page 4.13-20, under City of Menlo Park Shuttles, please clarify whether the noted shuttles are open to all riders, who operates them, and when they operate.

TC 15 - Page 4.13-21, are there any other transit shuttles serving the study area, perhaps operated by East Palo Alto? Please clarify.

TC 16 - Page 4.13-21, first sentence under Airport Land Use Comprehensive Plans states "Moffet Federal Airfield." The correct spelling is Moffett.

TC 17 - Page 4.13-22, under Menlo Park City Model (MPM): 1) this section provides some information about the model and how it was refined for this study; however, it does not provide any actual data reflecting the model structure, which is essential for the reader to interpret the project population and employment by TAZ; furthermore, this section does not provide sufficient descriptive discussion of how the MPM addresses and integrates, for example: a) projects that were occupied after the base year (2013), like Facebook West (Building 20); and b) cumulative projects discussed

and enumerated in Table 4-1 and pages preceding at the beginning of Chapter 4; 2) please clarify whether the MPM used the “most current version of the C/CAG Model, received on July 19, 2015...”; 3) in paragraph three of this sub-section there is reference to “...VMT information for the entire trip length required by SB 743 guidelines...”; please clarify whether this is “required” in SB 743 law or is a proposed procedure in the OPR Guidelines issued in January 2016 and referenced on page 4.13-3.

TC 18 - Page 4.13-23, under Dynamic Traffic Assignment (DTA): 1) Although the issue of “...overestimation of link volumes because physical congestion was not represented in vehicle rerouting.” is well known, and it is commendable to introduce a new procedure called DTA, this document provides no apparent descriptions and details of the procedure to allow the reader to understand and interpret its implications; please expand and clarify, with suitable details; 2) please document the “base” C/CAG trip tables and the “revised” trip tables that were used in the DTA; also, the last paragraph in this subsection is repeated from page 4.13-22 (paragraph 3 under Menlo Park City Model).

TC 19 - Page 4.13-23, under Intersection Level-of-Service Analysis Methodology: please clarify whether planning or operations procedures in HCM 2010 were used.

TC 20 - Page 4.13-25, under Vehicle Miles Traveled: please expand the discussion in paragraph three to clarify why the sum of population and jobs is used in the denominator of the VMT per capita calculation (e.g. would this double count intra-area trips?). Page 4.13-33, under Vehicle Miles Traveled, a related issue is the matter of fact introduction of the regional average VMT per person (20.8 miles per person) from the 2013 Plan Bay Area EIR as an appropriate threshold without any justification or explanation. It is noted the proposed guidelines for implementing SB 743 indicate a metric of VMT per employee (not person) as the appropriate regional threshold to consider, but also states it us up to lead agencies to consider data aggregations more proximate to a project under study (e.g. subregional) (State of California, Governor’s Office of Planning and Research, January 20, 2016). Also, the use of a metric documented in 2013 may simply be inappropriate or out of date. Please explain and provide suitable details.

TC 21 - Page 4.13-26, under Study Intersections: first sentence is missing “and” between “control type” and “jurisdiction.”

TC 22 - Page 4.13-29, Table 4.13-5: 1) This table appears to show only Menlo Park roadway segments, whereas the study area intersections table (Table 4.13-4) shows all study intersections in the study area, including ones in other cities. Please clarify and provide rationale. 2) There is no explanation of the connection between existing traffic counts and recently occupied developments (like Facebook West (Building 20)). Please explain whether recently occupied developments are captured in these 2014 counts and, if they are not, how their traffic impacts are captured in the analysis.

TC 23 - Page 4.13-33, first paragraph: The word “buildout” in the last sentence is not relevant to 2014 Existing Conditions. Please clarify.

TC 24 - Page 4.13-33, first sentence under Roadway Segments Daily Traffic Volumes" indicates 2014 Existing daily traffic volumes on all study segments are shown in Table 4.13-5, but they are not. See comment TC 22 above. Please clarify and provide rationale.

TC 25 - Page 4.13-34, fourth paragraph under Peak Hour Traffic Operations: please document sources of signal timing for non-Menlo Park intersections.

TC 26 - Page 4.13-34, sixth paragraph under Peak Hour Traffic Operations: Please explain what "Vistro" is. More importantly, this document does not provide any explanation of procedures and details used to determine "...level of service results... based on level of service as identified by the City to reflect 'unserved demand.'" Therefore, the reader has little or no information to develop an informed understanding of what this really means. This is related to the insufficient documentation for DTA cited in comment TC 18 above. Please explain and provide suitable details.

TC 27 - Page 4.13-42, Table 4.13-7: 1) notes for Willow Road interactions reference "...southbound" approaches..." whereas this roadway is designated as East-West. Please clarify. 2) Why are there just "n/a" designations under "Notes" for the last four University Avenue intersections on the list? The poor LOS and delay volumes would suggest some explanation would be helpful. Please clarify.

TC 28 - Page 4.13-44, under Roadway Segment Daily Traffic Volumes: Please explain why Standards of Significance are not presented **before** the discussion of 2040 No Project conditions. This is inconsistent with the discussion of Format of the Environmental Analysis on page 4-1 and is confusing to the reader.

TC 29 - Page 4.13-45, Table 4.13-9: This table presents Menlo Park intersections only. See comment TC 22 above. Please clarify and provide rationale.

TC 30 - Page 4.13-51, Table 4.13-10: 1) note for number 33 uses "southbound" reference. See Comment TC 27 above. Please clarify. 2) Why is the >35 designator used for numbers 34 and 35? 3) Why is there a "n/a" designation for number 37?

TC 31 - Page 4.13-53, Section 4.13.2 STANDARDS OF SIGNIFICANCE: This section appears out of place and inconsistent with the discussion of Format of the Environmental Analysis on page 4-1. It should be **before** the discussion of 2040 No Project. This introduces confusion. Please explain.

TC 32 - Page 4.13-53, first sentence: the phrase "significant impact" refers to "significant transportation impact" correct? Please clarify.

TC 33 - Page 4.13-55, Roadway Segment Daily Traffic Volume Standards subsection refers to City of Menlo Park standards only, correct? Why are other standards not presented? Please clarify.

TC 34 - Page 4.13-55, Pedestrian and Bicycle Standards: what is the source of these standards? Please clarify.

TC 35 - Page 4.13-56, Vehicle Miles Traveled Standards: what is the source of this standard?

TC 36 - Page 4.13-56, Section 4.13.3 IMPACT DISCUSSION: This section appears out of place and inconsistent with the discussion of Format of the Environmental Analysis on page 4-1. It should be after the discussion of 2040 Plus Project. This introduces confusion. Please explain.

TC 37 - Page 4.13-57, top of page: It appears that a sub-section side title is missing (i.e. 2040 PROJECT CONDITIONS). Please clarify.

TC 38 - Page 4.13.59, Table 4.13-11: This table presents Menlo Park intersections only. See comment TC 22 above. Please clarify and provide rationale.

TC 39 - Page 4.13-62, under Impact TRANS-1a: What is the justification for introducing Mitigation Measure TRANS-1a given the result is "Significant and Unavoidable"? Is this not saying the Circulation Element is insufficient?

TC 40 - Page 4.13.63, discussion indicates "... proposed Zoning regulations...anticipated to eliminate impacts on eight roadway segments,...". There does not appear to be any analysis or documentation of this finding. Please clarify. Similarly, the discussion states "...[street] reclassifications would...eliminate or reduce impacts...". There does not appear to be any analysis or documentation of this finding. Please clarify.

TC 41 - Page 4.13-70, discussion of Impact TRANS 1b and Mitigation TRANS 1b: Please explain whether it is feasible for the TIF program to "guarantee funding for roadway and infrastructure improvements...".

TC 42 - Page 4.13.72, discussion of potential improvements to University Avenue at Bay Road, Donohoe Street and US 101 Southbound Ramps: please clarify whether any analysis, investigation, or communication with Caltrans or East Palo Alto staff was undertaken for this study.

TC 43 - Page 4.13-73, under Mitigation TRANS 1b: What is the justification for introducing Mitigation Measure TRANS-1b given the result is "Significant and Unavoidable"? Is this not saying this mitigation measure is not feasible? Please explain.

TC 44 - Page 4.13-76, discussion of Impact TRANS-2 and Mitigation TRANS-2: See comment TC 39 above.

TC 45 - Page 4.13-79, TRANS-5 states "...project would not result in inadequate emergency access." This seems unrealistic given the predominance of poor (LOS F) conditions at many study intersections on major emergency access roadways. The first full paragraph on page 4.13-80 includes this questionable statement: "However, future development permitted under the proposed project would be concentrated on sites that are already developed where impacts relative to inadequate emergency access would not likely occur." Are there not LOS F conditions near "sites that are already developed..."? Please explain why there would be "less than significant impacts" under TRANS-5.

TC 46 - Page 4.13-86, under Impact TRANS-6a: What is the justification for introducing Mitigation Measure TRANS-6a (update the TIF) given the result is "Significant and Unavoidable"? Is this not saying this mitigation measure is not feasible? Is this not saying the Circulation Element is insufficient? Please explain.

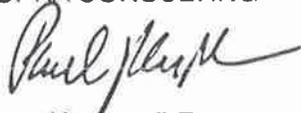
TC 47 - Page 4.13-88, under Impact TRANS-6b: What is the justification for introducing Mitigation Measure TRANS-6b (update the Shuttle Fee Program) given the result is "Significant and Unavoidable"? Is this not saying this mitigation measure is not feasible? Is this not saying the Circulation Element is insufficient? Please explain.

TC 48 - Page 4.13-88 and 89, under Impact TRANS-6c: What is the justification for introducing Mitigation Measure TRANS-6c (support the Dumbarton Corridor Study) given the result is "Significant and Unavoidable"? Is this not saying this mitigation measure is not feasible? Is this not saying the Circulation Element is insufficient? Please explain.

I suggest we discuss these and other comments as needed so you have ample information to write the City's formal comments.

Please call me if you have any questions or other requests.

Sincerely,
KRUPKA CONSULTING



Paul J. Krupka, P.E.
Owner

cc (by email only):
Sean Charpentier, City of East Palo Alto
David Snow, Richards|Watson|Gershon



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August 1, 2016

Kyle Perata, Senior Planner
Community Development Department
City of Menlo Park
701 Laurel Street
Menlo Park, California 94025

Re: Inconsistencies between City of Menlo Park Environmental Impact Reports for General Plan Land Use and Circulation Element Updates (ConnectMenlo) and Facebook Campus Expansion Project

Dear Mr. Perata:

The City of East Palo Alto previously submitted detailed comments on the draft environmental impact report for the Facebook Campus Expansion Project (the "Facebook EIR"). Given that Menlo Park circulated both the Facebook EIR and the EIR for its General Plan Land Use and Circulation Element Update (the "ConnectMenlo EIR"), East Palo Alto requested reasonable extensions of the time to comment on both EIRs. While, very shortly before the end of the comment period for the ConnectMenlo EIR, a 15-day extension was granted for comments on that EIR, no such extension was granted as to the Facebook EIR.

In completing its review of the ConnectMenlo EIR, for which comments are submitted separately, numerous inconsistencies between the Facebook EIR and the ConnectMenlo EIR were identified. This letter is intended to supplement the comments East Palo Alto previously provided on the Facebook EIR, and we respectfully request that each of these comments be considered and addressed as Menlo Park proceeds with CEQA compliance for the Facebook Campus Expansion Project.

1. The 2040 Horizon Development Potential in the ConnectMenlo EIR calculates population by applying the 2.57 persons per household generation rate. This is, however, different from the 2.61 persons per household rate used in the Facebook DEIR. The City cannot choose to use different assumptions in two different EIRs that are being prepared simultaneously without providing substantial evidence to support that decision. The Facebook DEIR, like the ConnectMenlo DEIR, fails to include substantial evidence to support this distinction.
2. The "Future Housing Needs" discussion (see footnote 10 on page 4.11-4 of the ConnectMenlo EIR) appears to rely on the 2009 ABAG Projections, but the Facebook Campus Expansion DEIR relies on the 2013 ABAG projections. The DEIRs must be consistent with respect to the sources regarding population and housing statistics and the choice among various sources must be supported with substantial evidence.
3. The analysis of the future projected employees, and the number of new housing units needed to accommodate the employees, must use consistent assumptions in both the ConnectMenlo EIR and the Facebook EIR. Further, any assumptions utilized must be supported by substantial evidence. As noted previously, the Facebook EIR includes faulty assumption regarding the

number or workers per household, and must be consistent with the assumptions in the ConnectMenlo EIR.

4. East Palo Alto previously commented on the displacement study completed in conjunction with the Facebook Expansion Project, and has requested that further displacement analysis of the ConnectMenlo project be undertaken. The revised and updated Facebook Project study must be consistent in methodology and assumptions with the necessary ConnectMenlo displacement study.
5. The existing conditions for public services and recreation in the Connect Menlo EIR (at p. 4.12-3) states that the MPFPD serves approximately 90,000 people, and that there is a service ratio of .85 firefighters per 1,000 service populations. This baseline, however, is inconsistent with the Facebook DEIR, which states that the MPFPD serves approximately 111,850 people and has a service ratio of .86 firefighters per 1,000 per service population. The City cannot choose to use different baselines in two different EIRs that are being prepared simultaneously without providing substantial evidence to explain that decision. The DEIR currently fails to include substantial evidence to support this distinction.
6. The existing conditions for public services and recreation in the ConnectMenlo EIR (at p. 4.12-20) states that the City provides 244.96 acres of parkland for residents, with a ratio of 7.44 acres/1,000 residents. But, the Facebook DEIR states that the City only provides 221 acres of parks, for a ratio of 6.64 acres/1,000 residents. There is no explanation provided for these differing baselines. Furthermore, this difference becomes especially significant in terms of the impact conclusion. This ConnectMenlo states that upon buildout at Horizon Year 2040, there would still be 5.2 acres of parkland per 1,000 residents. But, if the parkland figure of 221 acres as stated in the Facebook EIR is used instead, that ratio drops to 4.69 (221 acres divided by 47.1 [(32,900 + 14,150)/1000], the formula stated in footnote 45). This ratio is then below the goal of 5 acres/1,000 residents, and there is a significant impact to parks and recreational facilities as to the ConnectMenlo project. This inconsistency between the two EIRs must be resolved, and the resolution must be based on substantial evidence.
7. Table 4.12-3 of the ConnectMenlo EIR contains information on existing capacity at certain schools that is inconsistent with the information provided in the Facebook EIR. For example, the Facebook EIR states that Laurel Elementary had a 2014/2015 enrollment of 630, which means that there is less capacity than stated in the ConnectMenlo EIR. In addition, the Facebook EIR states that Hillview Middle School had a 2014/2015 enrollment of 833 (not 881). The baseline numbers for prior school year enrollment should be accurate and consistent across the EIRs.
8. In table 4.13-7 of the ConnectMenlo EIR, the PM LOS is F for University Avenue and Woodland Avenue, whereas in the Facebook Expansion EIR, Figure 3.3-9, this is shown as an existing condition of LOS E. This inconsistency must be reconciled.
9. Table 4.13-8 of the ConnectMenlo EIR states that there would be 47,750 jobs under 2040 no project conditions. This, however, is inconsistent with the Facebook EIR analysis of VMT, which states that there would be 41,200 jobs in the cumulative 2040 existing general plan. See Facebook EIR table 3.3-11 at page 3.3-47. This discrepancy of over 6,000 jobs undermines the accuracy of both analyses and must be corrected in both EIRs, based on substantial evidence.
10. The 2040 No Project Intersection LOS in ConnectMenlo EIR Figure 4.13-9 is not consistent with the Facebook Campus Expansion EIR that was circulated concurrently with the General Plan Update EIR. Specifically, the LOS levels at University Avenue and O'Brien Drive (Intersection 39, AM peak); University and US 101 SB Ramps (Intersection 56; AM and PM peak); University

and Woodland Avenue (Intersection 57; AM and PM Peak); and Willow Road and Gilbert Ave (Intersection 18; AM and PM Peak) are not consistent with those shown in Figure 3.3-21 of the Facebook EIR. Figure 3.3-21 is the cumulative 2040 existing general plan conditions, and thus should match Figure 4.13-9 of the General Plan EIR. Further, the PM peak LOS at the intersection of University Avenue and O'Brien Drive (Intersection 39) is inconsistent with Figure 4.13-9 in that an improved LOS A is shown in 2040 No Project, whereas existing conditions show an LOS B. These inconsistencies call into question the accuracy and adequacy of not only the General Plan traffic analysis, but also the Facebook Campus Expansion EIR's analysis.

11. The 2040 plus Project Intersection LOS levels on Figure 4.13-11 in the ConnectMenlo EIR are not consistent with those in the Facebook EIR, Figure 3.3-25. Specifically, the LOS on Figure 4.13-11 is worse than that shown in the Facebook EIR for the intersections of University and Obrien (Intersection 39, AM and PM peak); University and Runnymede (Intersection 52, PM peak); University and Bell Street (Intersection 53; PM peak); Willow and Newbridge (Intersection 33; PM peak); Willow and Coleman (Intersection 19; AM peak); University and 101 SB Ramps (Intersection 56; PM peak); and University and Woodland Ave (intersection 57; PM peak). These inconsistencies call into question the accuracy of both the General Plan Update traffic study and the Facebook Expansion Project EIR, and must be addressed in both documents.

In conclusion, we request that Menlo Park specifically address each of these additional comments in Facebook EIR process. We continue to believe that before the City of Menlo Park could certify the Facebook EIR substantial revisions are necessary and recirculation of a revised Draft EIR for further public review and comment is required.

We appreciate your comments and open communication throughout the process. If you have any questions, comments please call Guido F. Persicone, Planning Manager at (650) 853-3195 or email him at gpersicone@cityofepa.org. We look forward to hearing from you.

Yours truly,



Donna Rutherford,
East Palo Alto Mayor
drutherford@cityofepa.org

From: [Schapelhouman, Harold](#)
To: [_Planning Commission](#)
Cc: [Schapelhouman, Harold](#); "[Cremin, Tim](#)"
Subject: Menlo Park Fire Protection District Response to the updated General Plan Update EIR/FIA - Planning Commission Meeting - 10-18-2016
Date: Wednesday, October 19, 2016 6:49:42 PM
Attachments: [Menlo Park General Plan Update - Fire District Comments - August 1 2016 - Final.pdf](#)
[Menlo Park - General Plan EIR- FIA - Fire District Comments - Planning Commission Meeting - October 19 2016.pdf](#)

Commissioners and City Staff

My apologies for the last minute Submittal of our comments.

I will be in attendance at tonight's meeting with hard copies for distribution and plan to speak under public comment.

Thank you

Harold Schapelhouman, Fire Chief



100 Years of Service

Menlo Park Fire Protection District

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Harold Schapelhouman

Board of Directors

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Peter Carpenter
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Rex Ianson
Virginia Chang Kiraly

October 19, 2016

Menlo Park Planning Commission Members General Plan Update and EIR/FIA Comments

Honorable Chair and Members of the Planning Commission:

The Menlo Park Fire Protection District is the fire and emergency services provider to the City of Menlo Park and other local communities. The Fire District's mission is to protect and preserve life and property from the impact of fire, disaster, injury and illness. These are the most critical and essential services that a public agency can provide.

The Fire District is shocked and dismayed by the City's response to its comment letter on the City General Plan Update and its EIR. The City's response is completely inadequate and does not come close to satisfying CEQA standards. Even more insulting, the City is dismissive of the Fire District's expertise on fire services and operations, and the needs of the District. The City rejects the Fire District's expertise as "opinion." The City disregards the substantial evidence that the Fire District presented in its comment letter showing that the General Plan will have substantial adverse effects on the provision of fire and emergency services. The City's responses simply ignore the Fire District's expertise and reports. The City presents no contrary evidence.

The City and the Fire District are fellow public agencies who serve City residents. The City's treatment of and lack of respect for the Fire District is alarming. The Fire District is not a rival or competitor. The City and Fire District should be working together to ensure the highest level of emergency services to our residents. The Fire District simply does not understand the City's actions and believes they constitute a great disservice to the community.

The Fire District stands behind its comments on the impacts of the General Plan on the Fire District and the inadequacy of the analysis in the EIR. A copy of the Fire District EIR Comment Letter is attached to this letter. Below is a summary of the Fire District's comments on the General Plan, its EIR and the Fiscal Impact Analysis (FIA). The Fire District also objects to the scheduling of the Planning Commission meeting just 9 days after the release of the Final EIR and 2 business days after the release of the Revised FIA. It is an inadequate amount of time to review these documents. We simply don't understand why the City rushing through this process now while other items involving the District can take months or years to resolve? The Fire District reserves the right to supplement the comments contained in this letter prior to the City Council hearing due to this consolidated timeline.

A. GENERAL PLAN EIR COMMENTS

1. Substantial increase in development and service population will impact Fire District

There is no dispute about the facts regarding the substantial increase in development and service population under the EIR. The General Plan will result in an increase in service population of at least 11,570 residents and 5,500 employees. Those 17,000 people would increase the service population of the Fire District by almost 20% and the service population of the area served by Fire Station 77 by almost 100%. The Fire District's comment letter provided substantial evidence of why this significant increase will cause adverse impacts on the District. The City's response does not present evidence to dispute this impact. Rather, the City's response simply states the increase will not result in any impact. This is despite the fact that the increase in service population will result in the need for 12 new fire safety personnel to maintain the current Fire District standard of .87 fire safety personnel per 1,000 service population. The City simply acknowledges this information and continues to stand by its conclusion of no significant impact despite the overwhelming evidence to the contrary. Simply stating that "this impact is less than significant" is fiction and does not make it so.

2. Growth under General Plan causes need to expand Station 77

The Fire District's comment letter explains why the expansion of Station 77 is caused by the Project and is not already planned, as claimed by the City. In the District comment letter, evidence is presented to show that the Station 77 expansion is clearly caused by growth under the General Plan. The City's only response is to repeat its statement in the Draft EIR that the District's Capital Improvement Program (CIP) shows a future planned replacement of Station 77. The CIP cannot be used to show that the rebuild and expansion of Station 77 caused by the General Plan was "already planned." Conversely, the General Plan will cause Station 77 to be expanded in a different form, and in a much sooner timeframe, than the current projected replacement based on the typical 50 year normal life of fire stations.

The City's claim that the need pre-dates the General Plan Update is ridiculous. Station 77 is only 21 years old and was built to meet the projected demand under the existing General Plan for the M2 which allowed for a much lower development density, a maximum building height of three stories and primarily daytime service population. The Fire District has other fire stations that are over 60 and 70 years old in need of immediate replacement in other parts of the City and District that are being disadvantaged by this process, excessive staff time demands and agency focus.

The Fire District's comment letter, Impact Fee Nexus Study adopted by the Fire District Board on February 16, 2106 (Nexus Study); and the Standards of Coverage Assessment Report for the Fire District dated June 16, 2015 (Standards of Coverage Report), all provide evidentiary support that the need to expand and rebuild Station 77 is caused by the General Plan. In particular, the Nexus Study incorporated the growth projections under the General Plan in its analysis. The City's perfunctory dismissal of this evidence is improper. The EIR did not even analyze the impacts of the service population increase on the District. The City's response that this information does not change the Draft EIR's conclusion without any analysis to support this statement is grossly inadequate and unacceptable.

(a) *There are potential significant impacts from rebuilding of Station 77*

The City tries to finesse the issue of impacts on the Fire District by arguing the following - even if the Station 77 rebuild is caused by Project, the impact is "less than significant" because the Fire

Station rebuild is categorically exempt from CEQA. The City is being disingenuous. The City required the Fire District to prepare a Mitigated Negative Declaration for the Fire Station 6 rebuild in downtown Menlo Park which cost the District \$75,000 and further delayed the project. Why is the City now applying this categorically exempt rule to Station 77 when it did not apply it to Station 6? In any event, the Fire District is currently preparing a Mitigated Negative Declaration under CEQA for the Station 77 rebuild project which shows the impact is not less than significant. So, the conclusion in the General Plan EIR is not supported by any evidence. It is an unsubstantiated opinion that conveniently serves the City's interests.

3. Mitigation must be adopted to address adverse impact of General Plan on Fire District

The Draft EIR recognized that payment of an impact fee would mitigate the impact of the General Plan on the Fire District. The Fire District comment letter requested that the adoption of the impact fee be required as a mitigation measure or policy in the General Plan. In response to the District letter, the Final EIR reverses field and simply crosses out the impact fee language in the Draft EIR. The fee language is deleted and replaced by a reference to property tax revenue in certain places. The City does not present any evidence to support this change. It appears to be driven by the political reality that the City staff has decided not to consider adoption of the impact fee approved by the Fire District Board. The Draft EIR properly envisioned that this fee would be adopted. Political positions cannot and should not be the basis for substantial evidence to support impact analysis in an EIR.

The District's Impact Fee realistically only applies to commercial development and offers a credit for existing square footage so that fees only apply to new additional square footage, changes in use or increases in service population. The Fire Board recently created a dedicated impact fee fund which can only be used for equipment, apparatus and fire stations. Impact fees cannot be used for employee costs.

The conclusion that an impact fee is needed to address impacts is supported by substantial evidence presented in the Fire District comment letter. The letter contains both expert opinion of District staff supported by studies and analysis. The Nexus Study establishes the need for the fee. The fact that the City staff is refusing to bring the impact fee to the City Council (who are decision-makers) for consideration does not refute the evidentiary basis presented in the fee study.

The City's position that property tax revenue is a substitute for impact fees for the Fire District is inconsistent with the City's own policies on the need for City impact fees. The City has adopted numerous impact fees for new development to address traffic, parks, affordable housing, and other areas. The FIA states that total impact fee revenue that the City would receive from new development under the General Plan is \$187.3 Million. In contrast, the total amount of impact fees that the Fire District would receive is ZERO. In fact, as shown in the FIA, the Fire District is the only special district serving the City which does NOT receive revenue from impact fees.

The City argument that the Fire District can use property tax revenue to address the costs of new development is specious. The fact that new development results in increased property tax does not negate the need for an impact fee. Property tax revenue goes to ongoing operations expense including, wages, fire helmets, SCBA gear, turnouts, tools, training, contract services, supplies, utilities, maintenance, etc. In contrast, impact fee revenue would fund District facilities, apparatus and equipment that are needed to serve new development. Ironically, the same property tax revenue argument that the City uses against the Fire District could be used against the City's imposition of impact fees. According to the FIA, the City will receive an increase of \$20.4 million annually in various taxes, including property tax, from

new development under the General Plan. Why doesn't this large annual increase in property tax revenue support an argument for NO City impact fees – the exact argument the City is making against the District impact fee? Instead, the City argues that it is OK for it to receive both increased property tax revenue and increased impact fee revenue, but not so for the Fire District. This double-standard shows the City's argument is false and disingenuous.

4. Cumulative Impact of Project is significant and must be mitigated

The Fire District's comment letter presents substantial evidence that the General Plan in combination with other planned development within the District's jurisdiction will result in a "significant cumulative impact". This cumulative impact is caused by the projects and plans being proposed in the other jurisdictions including the East Palo Alto General Plan Update, the Facebook Campus Expansion and Downtown Specific Plan in Menlo Park, and the North Fair Oaks Plan in the County of San Mateo.

This significant impact is supported by the Nexus Study and the Standards of Coverage Report. The City's response to this impact is very weak. The City simply summarily dismisses the Fire District's evidence. The City does not provide contrary evidence. So, the City loses this argument on evidentiary basis. For these reasons, the City must adopt a mitigation measure to address this impact. As stated above, the adoption of the Impact Fee approved by the Fire Board would mitigate this impact.

5. Adverse Effects of Traffic Congestion on Emergency Vehicle Access Not Adequately Mitigated

The EIR makes it clear that development under the General Plan will have significant adverse impacts on City roadways, especially emergency access routes. These roadways include Willow Road, University Avenue, Marsh Road, Bayfront Expressway and Chilco Road. The fact that traffic congestion will get considerably worse under the General Plan is not disputed. Therefore, the Fire District requested that the City impose mitigation measures to address these impacts.

The City's response to the Fire District comments are wholly inadequate. The response generally refers to Fire District and State Building Code standards to address these impacts. However, those Codes do not address roadway impacts. They address, in part, on-site emergency access. But that is not the issue. The issue is roadway congestion. The Fire District proposed specific measures to deal with roadway congestion, such as consideration of alternative emergency access routes or modifications of roadways to enhance emergency access. The City has not given these District proposals serious consideration. Although there are some limited references to these measures in the General Plan, they do not commit to implementing specific measures to address the impacts. As discussed below in Section B, the Fire District requests specific changes to policies in the General Plan Circulation Element to address roadway congestion. In addition, the City should consider imposing mitigation measures under CEQA to reduce vehicle trips from new development or require roadway improvements to reduce congestion.

B. GENERAL PLAN POLICY COMMENTS

The Fire District has worked with City staff to incorporate goals, programs and policies into the General Plan Update to address life safety and emergency services issues. The General Plan is an important document which establishes key policies for the City. Therefore, we ask that the City Council address the impacts of new development on the Fire District through the adoption of General Plan policies. The City Council has broad discretion to adopt policies in the General Plan to address City goals

and values. The provision of a superior level of essential fire and emergency services in the City and the protection of life and property are goals and values that the City and Fire District should share. Therefore, the Fire District requests the following modifications to draft General Plan policies that are critical to the provision of critical fire and emergency services within the City and District.

1. Program LU-I.E. – Revise Program to require adoption of fire services impact fee approved by the Fire District Board (see italicized addition). The reason for the revision is to have the General Plan treat the fire services impact fee the same as it treats the City transportation impact fee. The Circulation Element has a policy requiring new development to pay a transportation impact fee – Program CIRC-6.C. The District’s modification to the policy is consistent with this transportation fee policy. It requires the imposition of an impact fee. It also is consistent with the general policy that new development should pay fees to fund improvements needed to address new development. Certainty, essential emergency services should be treated as importantly as traffic in the City.

New policy to read as follows:

Assessment Districts and Impact Fees. Pursue the creation of assessment districts and/or the adoption of development impact fees (e.g., fire impact fee) to address infrastructure and service needs in the community. *Adopt fire services impact fee approved by MPFPD Board of Directors in compliance with Nexus Study.*

2. Program LU-4.c – Community Amenity Requirements – Add specific reference to Fire District facilities as an example of public safety facilities (see italicized addition). New program to read as follows:

Community Amenity Requirements. Establish Zoning Ordinance requirements for new mixed-use, commercial, and industrial development to support and contribute to programs that benefit the community and City, including public or private education, transit, transportation infrastructure, public safety facilities (*including MPFPD facilities and equipment*), sustainability, neighborhood serving amenities, child care, housing for all income levels, job training, parks and meaningful employment for Menlo Park youth and adults (e.g. first source hiring).

3. Policy LU 7.3 Supplemental Water Supply – Revise Policy to add reference to Fire District (see italicized addition). New policy to read as follows:

Supplemental Water Supply. Explore and evaluate development of supplemental water sources and storage systems, such as wells and cisterns, for use during both normal and dry years, in collaboration with water providers, users *and the MPFPD.*

4. Policy Circ 2.14 – Impact of New Development. Revise Policy to require that new development not adversely affect emergency response times and emergency vehicle access. New policy to read as follows:

Impacts of New Development. Require new development to mitigate its impacts on the safety (e.g., collision rates) and efficiency (e.g., vehicle miles traveled (VMT) per capita) of the circulation system. New development should minimize cut-through and high-speed vehicle traffic on residential streets; minimize the number of vehicle trips; provide

appropriate bicycle, pedestrian, and transit connections, amenities and improvements in proportion with the scale of proposed projects; *and not adversely affect response times and access for emergency response vehicles as established in standards adopted by MPFPD.*

5. Program Circ -3.B – Revise Program to require other options for relieving traffic congestion that adversely affects emergency vehicle response time (See italicized language).

Emergency Response Coordination. Equip all new traffic signals with pre-emptive traffic signal devices for emergency services. Existing traffic signals without existing pre-emptive devices will be upgraded as major signal modifications are completed. *Consider other modifications to roadways to reduce the impact of traffic congestion on emergency vehicle response.*

We ask the City Council to modify these policies as requested by the Fire District to ensure that the District's concerns about life safety and emergency services are adequately addressed in the General Plan Update.

C. GENERAL PLAN FIA COMMENTS

As stated above, the Revised FIA was released two (2) business days before the Planning Commission meeting. This is inadequate time to review and comment on the document. Therefore, the Fire District will be submitting its detailed comments on the FIA at a future date. This letter contains the Fire District's preliminary comments. Overall, the District believes that development under the General Plan will place demands on the District that will exceed the revenue generated by the development.

1. The FIA counts employees as one-third (1/3) of a resident for estimating service population. The Nexus Study counts employees as 58% of a resident. The 1/3 number underestimates the demands of employees on District. Employees present significant demands on District, especially when many companies in the City basically operate 24/7. The FIA should be revised to count employees as 58% of a resident when calculating service population.

2. The Fire District does not agree with the estimate of property tax revenue under the General Plan. The District does not agree with the assessed value assumptions and methodology. The Fire District also does not agree with the projected assessed value for new development, the calculation of the District's tax revenue from the increased assessed value, and the overall FIA methodology for calculating property tax revenue to District.

3. The FIA's methodology for calculating Fire District expenses from new development is incorrect. The FIA estimates expenses by dividing annual District General Fund expenditures by current service population to establish a cost per service population of \$325 annually. This underestimates the District costs of providing services to protect both persons and property.

4. The FIA underestimates District expenses from new development. The FIA does not include the costs of the 15 additional FTEs to serve project, at \$290,000 per FTE, in the calculation of District expenses (FIA, p. 67). This cost would be \$4,350,000 annually. This personnel cost is not included in the District annual expense calculation (FIA, p. 67-69, Table 36). This cost alone would cause the Fire District to operate at an annual deficit. The FIA also does not include as expenditures the costs of additional capital improvement projects needed to serve new development, such as the rebuild of

Station 77 and other expenses shown in Nexus Study. These additional capital costs would be in addition to the General Fund expenses included in the FIA. The combination of the additional personnel and capital improvement costs due to General Plan development would create millions of dollars in deficit for the Fire District annually.

5. The FIA does not include any revenue from a fire services impact fee. However, as shown above in Item 4, the General Plan would result in a significant annual deficit for the Fire District. This deficit shows the need for an impact fee to address the impacts of the General Plan on the District. The District strongly objects to the statement on page 66 of the FIA that: “If the City Council does not adopt the fee, the MPFPD may be able to rely on other revenue sources, such as the net increase in annual operating revenues identified below, to fund the District’s capital improvement plan as needed to serve new development.” This statement is unsubstantiated opinion and is contradicted by facts in the FIA, the Nexus Study and this letter. In particular, the Nexus Study clearly shows that the Fire District has a shortfall of revenue to fund needed capital improvements, especially reconstruction of Fire Station 77.

6. The FIA overestimates the annual revenue to District from licenses, permits and charges. The \$985,800 estimate is high.

7. The FIA estimates 14,150 net new residents and 9,900 net new employees resulting from the General Plan. This estimate is higher than the estimated growth in the EIR. Therefore, the EIR underestimated the impacts from new population and employee growth. The impact analysis in the EIR needs to be revised based on the FIA projections before the City can approve the General Plan and EIR.

D. CONCLUSION

The Fire District provides critical services within the City to protect life and property. The importance of these essential services cannot be debated. Therefore, the impacts of the General Plan on the Fire District must be addressed, so it can continue to provide these services. The City should respect the Fire District as the expert on the provisions of fire and emergency services and the needs created by new development. As a fellow public agency, the Fire District asks the City Council to address the concerns raised in this letter by taking the specific actions requested.

Thank you

Harold Schapelhouman, Fire Chief

Cc: Fire Board



100 Years of Service

Menlo Park Fire Protection District

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August 1, 2016

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Re: Comments on ConnectMenlo General Plan Update and M-2 Rezoning EIR

Dear Ms. Chow:

We appreciate the opportunity to provide comments on the Environmental Impact Report (EIR) for the ConnectMenlo General Plan Update and M-2 Rezoning Project ("General Plan"). As the fire and emergency services provider in the City of Menlo Park ("City"), it is critical that the impacts of the General Plan and M-2 Rezoning on the Menlo Park Fire Protection District ("Fire District") be properly analyzed and mitigated.

The General Plan and M-2 Rezoning includes a significant increase in the amount and density of development in the City. The proposed Plan will lead to a substantial increase in the number of structures, building height and service population that the Fire District serves. The increased development and service population will be concentrated in the East of 101 area.

"The proposed project includes a net increase in new development east of Highway 101 within the Bayfront Area of approximately:

- 1. This maximum potential development would consist of approximately 2.1 million additional square feet of nonresidential building space and 4,500 additional multifamily dwelling units beyond what is already realistically achievable under the current Menlo Park General Plan Land Use Element. About 1.4 million square feet of the added nonresidential development would be concentrated in the area between Willow Road and University Avenue (primarily for new and expanded life sciences uses). About 2,000 of the additional dwelling units would be located in that same area, with another 1,000 units in the Jefferson Drive area, and 1,500 units on the Facebook East campus.*

The nonresidential development would also include ground floor retail in a number of locations and roughly 500,000 square feet for three hotels with 200 rooms each, one in the Haven area, one in the Jefferson Drive area, and one on the Facebook West campus. In addition to the potential buildout of the Project, development capacity currently exists in the M-2 Area based on the current 1994 General Plan Land Use Element and existing zoning. This current buildout potential, estimated at 1.8 million square feet of nonresidential uses, will be included in the No Project Alternative required to be characterized in conjunction with analysis of the Project. Therefore, the theoretical potential maximum buildout in the M-2 Area, combining development capacities under the No Project condition plus the Project, would be about 3.9 million square feet of nonresidential development beyond what currently exists on the ground.

As discussed in the Fire District Standards of Coverage Assessment completed last year, the Fire District faces significant challenges for providing services East of 101 due to congestion and limited access on three critical primary emergency access routes that cross Highway 101 to this area, (Marsh Road, Willow Road and University Avenue in East Palo Alto) as well as other primary response routes within Belle Haven, M2 and adjacent East Palo Alto.

The additional development in the M-2 area authorized under the General Plan will cause significant impacts on the Fire District that will require additional apparatus and personnel be added to Fire Station 77 located in Belle Haven on the edge of M-2 on Chilco Street. The Fire Station is 20 years old and in excellent condition but it cannot accommodate additional personnel or equipment. The District recently determined the location was strategic but the Station will need to be completely replaced to serve new development.

Many of these concerns were described in the Fire District's letter to the City on the Notice of Preparation dated July 20, 2015 ("District NOP letter"). For the most part, the EIR does not address the issues and concerns raised in the District NOP letter.

Under section 2.5 - Areas of Concern:

The City issued an NOP on June 18, 2015. The scoping period for this EIR was between June 18 and July 20, 2015, during which interested agencies and the public could submit comments about the proposed project. The City also held a public scoping meeting on September 21, 2015. During this time the City received 22 comment letters from ten agencies and service providers, and eight organizations and members of the public, which are included as Appendix A of this Draft EIR.

The following is a discussion of issues that are likely to be of particular concern to agencies and interested members of the public during the environmental review process. While every concern applicable to the CEQA process is addressed in this Draft EIR, this list is not necessarily exhaustive, but rather attempts to capture those concerns that are likely to generate the greatest interest based on the input received during the scoping process.

- *Aesthetic: impacts from increased height, sources of light and glare*
- *Affordable Housing: availability of affordable housing stock*
- *Air Quality: operational and construction, health risk due to close proximity to major roadways*
- *Approved Projects: cumulative impacts from Facebook Campus Expansion Project*
- *Biological Resources: wetlands, human-wildlife interface*
- *Climate Adaptation: flood risk along Bayfront due to projected future sea level rise*
- **Public Services: impacts from population growth on schools and fire services**
- *Utilities and Service Systems: Water quality, hydrology, storm water runoff*
- *Vehicular Circulation: traffic impact, parking demand, safe pedestrian access, bicycle safety connections*

The EIR does properly and adequately perform the analysis for impacts to the Fire District and require mitigation measures as mandated under CEQA. But the EIR analysis also misstates critical facts about the Fire District's existing conditions and future plans. As a result, the EIR improperly finds the impacts on the Fire District are less than significant and no mitigation is required.

However, the impacts of the General Plan itself and its cumulative impact will be significant and require mitigation, including the payment of impact fees. The cumulative impact is due to the combination of the General Plan and other proposed increased development under the East Palo Alto General Plan Update, the Facebook Campus Expansion and Downtown Specific Plan in Menlo Park, and the North Fair Oaks Community Plan in the County of San Mateo. The main comments of the Fire District are: (1) the EIR concludes that the impacts on the Fire District will be less than significant due to the adoption of a fire and emergency services impact fee.

The adoption of the impact fee must be required as an adopted program or a mitigation measure in order to support the conclusion that the impact on District capital improvement projects is less than significant. If not, the impact to the Fire District will have to be identified as significant and unavoidable in the EIR; (2) the significant and unavoidable traffic impacts identified in the EIR will have a significant adverse impact on emergency access routes which need to be properly analyzed and mitigated; and (3) the General Plan should require that water storage, not wells, be a high priority in order to ensure adequate emergency fire flow..

1. Impact on Emergency and Fire Services Requires Adoption of Impact Fee

The EIR concludes that the General Plan's project and cumulative impact to emergency and fire services will be less than significant based on the imposition of an emergency and fire services impact fee. However, there is no General Plan policy or mitigation measure that requires the City to adopt a fire services impact fee to be imposed on new development. The only policy cited by the EIR is Program LU-1.E which only requires that the City "pursue" adoption of development impact fees.

This program does not require the City to adopt an emergency and fire services impact fee. Therefore, the General Plan policies and programs as currently written should be revised to require the City to adopt the emergency and fire services impact fee approved by the Fire District Board. Alternatively, the adoption of the impact fee should be required as a mitigation measure in the EIR. This is critically important due to recent developments regarding the Fire District's fee.

The impact fee has been adopted by the Fire District Board and submitted to all cities and the County of San Mateo for adoption. Communications from Menlo Park to the Fire District have indicated that the impact fee may not be adopted. Therefore, the conclusion in the EIR that the impact on Fire District capital improvement projects is less than significant cannot be assured. So, either the adoption of the impact fee must be mandated, or the EIR should be revised and recirculated to identify the impact on fire services as significant and unavoidable.

2. Impacts on Emergency Access Routes are Significant and Require Mitigation

The EIR does not properly analyze and mitigate the significant impacts on emergency access routes from the severe traffic impacts that will result from the General Plan. The EIR identifies numerous significant and unavoidable impacts on roadways that are critical emergency service routes for the Fire District. The EIR concludes that these impacts cannot be mitigated.

Yet, despite these significant and unavoidable roadway impacts, the EIR concludes that the effect of the General Plan on emergency access routes is less than significant. These conclusions are contradictory and dangerous.. Therefore, the less than significant conclusion regarding emergency access routes is incorrect and is not supported by substantial evidence.

The EIR cites some proposed policies which may address impacts on emergency access routes. These include equipping signals with preemptive devices and providing "additional funding to support adequate emergency services" through impact fees (pp. 4.13-80 – 4.13-81). However, preemptive devices, while helpful, do not address gridlock situations where emergency vehicles have no passable route and the District already updated its pre-emption system and all traffic signals in this area. As stated above, additional funding to address this problem is not available due to the uncertainty of the City's adoption of the fire services impact fee.

Overall, increased congestion on critical primary emergency access routes will adversely affect response times for emergency vehicles placing life and property in danger. The EIR must identify this impact as significant and it should acknowledge that only two fire Stations are located on the east side of Highway 101, one in East Palo Alto and one in east Menlo Park (Belle Haven and M2). Each Fire Station contains a fire engine and is staffed by three fire personnel.

The City should consider and consult with the Fire District on feasible mitigation measures to address the impacts of development under the General Plan on primary emergency access routes. For example, changes in street design and potential new alternative emergency response routes are mitigation measures that the City should consider.

3. Significant Impacts of Water Supply on Fire Services

The EIR does not properly disclose or analyze the impacts of inadequate water storage on emergency fire flow needs. The municipal water supply augments fire hydrants used by the Fire District during emergencies. The greatest weakness of the water system is adequate storage and a modern infrastructure needed to support the planned growth.

The General Plan says “A Water Supply Assessment will be developed as part of the EIR to determine which, if any, strategies may be needed to ensure adequate water supply for anticipated development.” The Fire District would be happy to assist in this process.

4. Hazardous Materials.

Page 4.7-3

California ~~Uniform~~ Fire Code: Hazardous Material Management Plans and Inventory Statements.

Page 4.7-5

California Fire Code

Part 9 of the ~~CBC~~ CCR Title 24 contains the California Fire Code (CFC). The CFC adopts by reference the 2012 International Fire Code (ICF) with necessary State amendments. Updated every three years, the CFC includes provisions and standards for emergency planning and preparedness, fire service features, fire protection systems, hazardous materials, fire flow requirements, and fire hydrant locations and distribution. Similar to the CBC, the CFC is generally adopted on a jurisdiction-by-jurisdiction basis, subject to further modification based on local conditions.

Typical fire safety requirements include: installation of sprinklers in all high-rise buildings; the establishment of fire resistance standards and general safety practices, building materials, and particular types of construction; and the clearance of debris and vegetation within a prescribed distance from occupied structures in wildlife hazard areas. Operational permits are issued for the storage, use and handling of hazardous materials within the Menlo Park Fire Protection District.

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Menlo Park Fire Protection District Operations

In 2015, the Fire District responded to 8547 emergency incidents, up 4%, or 324 calls for service from 2014 and up 15%, or 1272 calls for service from 2010. Of those 8547 calls for service, 5532, or 64% were for emergency medical incidents and 2%, or 187 were for fire responses.

In 2015, a total of 3334 calls for service or 39% of the Fire District's emergency activity occurred (See attachment) on the eastern side of Highway 101. Collectively, both Fire Stations 77 and 2, which daily cover and back each other up, responded to 77 fires and 2430 emergency medical incidents, essentially 41 – 44% of these types of emergency incidents occurred in the much smaller and denser eastern side of the Fire District that is now proposed for additional and substantial growth.

As stated in the Fire Districts Standards of Cover Report (SOC), but unfortunately not reported in the General Plan EIR, the Fire District's ability to provide essential emergency services to the eastern side of Highway 101 will be "strained" by the proposed additional development which will create a "tipping point" for our agency to adequately protect what essentially is a service island, or more clearly put, an already hard to serve area that is currently the busiest in the Fire District.

The Fire District uses a move and cover deployment model which simply means that if both Station 77 and 2 are on an emergency incident, or out of their response area for training or other reasons, another fire unit is dispatched to move and cover the eastern side of Highway 101 from the western side of the Highway. Depending upon the time of day, other activity and day of the week, coverage and response can be both extended and significantly delayed. Additional impacts from more development will only further exacerbate this unacceptable condition.

While emergency medical incidents typically only require one unit (fire engine), expanded incidents like vehicle accidents and fires can require from 4 to 7 emergency apparatus. Automatic aid from neighboring agencies can be helpful for expanded incidents, or move and cover, but those agencies have their own residents to serve and emergencies. They will provide resources as able, but with even longer response times from further away depending upon location, available units, activity and other events. Automatic aid cannot be relied upon to provide needed fire services for new increased development within the Fire District's jurisdiction.

That also includes different types of equipment like an aerial ladder truck, a rescue squad and a heavy rescue based upon an increased floor area ratio (FAR) and building height of over three stories. Additional personnel and apparatus are needed to create an "effective fire force" to meet the future demands for service based upon the proposed growth in the updated Menlo Park General Plan update, Facebook proposals and East Palo Alto's recently drafted General Plan.

4.12.1.1 – Environmental Setting – Existing Conditions

The EIR tries to distort that the "proposed project" has limited, or no financial responsibility for a fire facility because it attempts to use the Fire District's own visionary methodology and budget practices against it. *"As stated in the FY 2015/16 MPFPD Budget, the MPFPD has capital improvement plans in place to expand its facilities to accommodate future demand, including Fire Station 77, which pre-dates the proposed project. Therefore, the proposed project does not in and of itself require this expansion".*

This statement is incorrect. The budget does not address the specific improvements and expansion needed to address the impacts of the General Plan and other proposed new development in the Fire District's jurisdiction. The growth projections in the District-adopted Impact Fee Nexus Study ("Nexus Study") include the projections under the General Plan. The Nexus Study allocated 50% of the Fire Station 77 expansion costs and 100% of the

new ladder truck and apparatus and equipment needed for a new squad to the improvements needed to service new development (See Tables 1 and 3 of Nexus Study). The EIR needs to be revised to reflect the correct information contained in the Nexus Study.

Not mentioned in the EIR is the important fact that the Fire District has a land lease with the City for Station 77 for 55 years, of which 20 has already gone by. The District has offered to purchase the property at market value every year for the last three years. The District has offered to include a right of first refusal clause in the agreement. Despite the City agreement to sell the adjacent property to a school, the District has not been successful in getting the City to agree to sell the Station property to the District.

The District has simultaneously attempted to extend the land lease for over two years. With 35 years remaining on the land lease the District is requesting an extension in line with the life span of a new facility, or for 70 years.

These issues are relevant to our response based upon how the General Plan attempts to frame the Fire District's intentions and plans. The Fire District has made its primary commitment to serving the residents of Belle Haven and we believe we can adequately serve the proposed project (Belle Haven and M2) from this strategic location.

That said, the Fire District has Fire Stations that are over 60 years old and in need of replacement. We would not propose enlarging, or a new facility, in a 20 year old building if it wasn't for the significant impacts being proposed under the General Plan update and other proposed development, including the Facebook West Campus expansion plans. Nor would we look at other locations if we had received a different reception from the City.

4.12.1.2 – Impact Discussion

PS-1 "Implementation of the proposed project would not result in the need for new or physically altered fire protection facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives".

This statement is incorrect. The City of Menlo Park increased the FAR and lifted the building height cap from three stories starting with the Gateway project. The General Plan update only further increases that growth, density and height. This area is already currently in the middle of a building boom with project after project involving roadwork, underground work, demolition and significant amounts of re-construction and new more dense development.

The Fire District's need to enlarge, rebuild or even build a new facility should not be dictated by an EIR which has erroneous and incomplete information and appears to be attempting to put narrow environmental issues ahead of our ability to provide adequate public safety services for this project and the community..

The conclusion that the impact of the General Plan on fire services is less than significant is wrong because it is based on incomplete and inaccurate information and analysis. As stated above in Section 1, the conclusion is based on the payment of the fire services impact fee - "payment of impact fees would ensure that the adoption of the proposed project would result in *less-than-significant* impacts" (p. 4.12-12).

The assumed payment of the fee cannot be supported without a General Plan policy or mitigation measure requiring the fee payment. The analysis is incomplete because it fails to address impacts due to increased service population and building heights resulting from development allowed under the General Plan. The General Plan will result in an increase in service population of at least 11,570 residents and 5,500 employees due to changes in the M-2 zoning (EIR, Project Description, Section 3.7.2.2). The EIR fails to analyze the impacts on fire services of this large increase in service population.

*PS-2" Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, **would result** in less-than- significant cumulative impacts with respect to **fire protection services**".*

*PS-4" Implementation of the proposed project, in combination with past, present and reasonably foreseeable projects, **would not result** in less- than-significant cumulative impacts with respect to **police services**".*

There seems to be some disparity between the Cities Police Department and the Fire District according to the report. The Fire District, like the Cities Police Department, has identified that it would need more personnel and apparatus to adequately serve the eastern side, or hard to serve portion of the District based upon the growth proposed in the General Plan update. We completely agree with the City and Police Department on this point and would expect to not be treated differently.

The EIR should identify the number of additional fire safety personnel needed to serve this new population and maintain the current Fire District standard of .87 fire safety personnel per 1,000 service. The increase in number of fire safety personnel due to the Project is at least 12. The impacts of this increase in fire safety personnel will include expansion of Fire Stations to house new crews, which would likely occur at Station 77. The increase in permitted building height will require the addition of an aerial ladder truck east of 101 which cannot be accommodated in Station 77 as currently configured. So, the Project causes all of these impacts, including the need to rebuild and expand Fire Station 77, which must be mitigated. The EIR fails to analyze these impacts and require mitigation.

4.12-7 – Capital Improvements:

The EIR states that the Fire District has an unfunded amount for capital improvement projects of \$29 Million which will be met, in part, by the imposition of a fire services impact fee on new development. The EIR states the City adoption of the impact fee under the Fire District Board approved Fee Study "is anticipated prior to the approval of the proposed project [and] all new development applicants in the MPFPD service area will be required to pay applicable impact fees." However, per the Fire District Board approved 2016 Fee Study the Fire District has \$82,089,500 of capital purchases over the next 20 years*, not \$29 million. As of June 30, 2016 the Fire District's reserve balance available to fund these capital expenditures is only \$26,085,000.

The assumption that the impact fee will be adopted and paid is unfounded given the lack of a mandatory General Plan policy or mitigation measure (see discussion above in Section 1).

*Per table 2 and 3 of the 2016 Fee Study. Costs are based on 2016 dollars and exclude annual inflation, escalation costs and amounts paid after February 2016.

Table 3
Capital Improvements Needed to Service New Development and Cost Allocations
2016 Fire Protection Fee Nexus Study - MPFPD

Facilities	Net Cost to District	Percent of Cost Allocated to New Development	Cost Allocated to New Development	Remaining Portion to be Offset by Other Funding Sources
Admin. & Fire Prevention	\$0	0%	\$0	\$0
Station 1 & Training Facility	\$13,003,500	0%	\$0	\$13,003,500
Station 2	\$4,363,400	0%	\$0	\$4,363,400
Station 3	\$6,292,800	0%	\$0	\$6,292,800
Station 4	\$10,068,500	50%	\$5,034,250	\$5,034,250
Station 5	\$6,292,800	0%	\$0	\$6,292,800
Station 6	\$9,600,000	0%	\$0	\$9,600,000
Station 77	\$10,068,500	50%	\$5,034,250	\$5,034,250
Station 77 Ancillary Bldgs	\$1,000,000	0%	\$0	\$1,000,000
Subtotal	\$60,689,500	17%	\$10,068,500	\$50,621,000

Apparatus & Equipment (# of items)

Fire Engine (14)	\$8,330,000	0%	\$0	\$8,330,000
Ladder Truck (3)	\$5,100,000	0%	\$0	\$5,100,000
Ladder Truck (1)	\$1,700,000	100%	\$1,700,000	\$0
Squad (1)	\$300,000	100%	\$300,000	\$0
Patrol Pumper (4)	\$780,000	0%	\$0	\$780,000
BC Command Vehicle (3)	\$330,000	0%	\$0	\$330,000
Airboat (2)	\$160,000	0%	\$0	\$160,000
Other Vehicles and Equipment	\$4,700,000	0%	\$0	\$4,700,000
Subtotal	\$21,400,000	9%	\$2,000,000	\$19,400,000

Grand Total **\$82,089,500** **15%** **\$12,068,500** **\$70,021,000**

(#) Indicates the quantity to be purchased over the next 20 years which includes replacement per the District's replacement schedule.

Source: Menlo Park Fire Protection District

Table 2
2015-2035 Capital Improvement Plan Summary - 2015 Dollars
2016 Fire Protection Fee Nexus Study - MPFPD

Capital Improvement Plan Summary- 2015 Forecasted Expenditures									
Facility	2015-16	2016-17	2017-18	2018-19	2019-20	2020-25	2025-30	2030-35	Total
Buildings									
Admin. & Fire Prevention	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Station 1 & Training Facility	\$0	\$75,000	\$250,000	\$3,000,000	\$5,000,000	\$4,678,472	\$0	\$0	\$13,003,500
Station 2	\$4,363,422	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$4,363,400
Station 3	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$5,292,842	\$6,292,800
Station 4	\$0	\$0	\$0	\$0	\$75,000	\$9,993,548	\$0	\$0	\$10,068,500
Station 5	\$0	\$0	\$0	\$0	\$0	\$0	\$6,292,842	\$0	\$6,292,800
Station 6	\$1,500,000	\$3,300,000	\$3,300,000	\$1,500,000	\$0	\$0	\$0	\$0	\$9,600,000
Station 77	\$0	\$0	\$0	\$0	\$0	\$0	\$10,068,548	\$0	\$10,068,500
Station 77 Ancillary Bldgs	\$0	\$0	\$0	\$0	\$0	\$0	\$1,000,000	\$0	\$1,000,000
Subtotal	\$5,863,422	\$3,375,000	\$3,550,000	\$4,500,000	\$5,075,000	\$14,672,020	\$12,068,548	\$11,585,684	\$60,689,500
Apparatus									
Fire Engine	\$595,000	\$0	\$1,190,000	\$1,190,000	\$0	\$1,190,000	\$2,975,000	\$1,190,000	\$8,330,000
Ladder Truck	\$0	\$0	\$0	\$1,700,000	\$0	\$0	\$0	\$3,400,000	\$5,100,000
Ladder Truck (New)	\$0	\$0	\$0	\$1,700,000	\$0	\$0	\$0	\$0	\$1,700,000
Squad (New)	\$0	\$0	\$0	\$0	\$0	\$0	\$300,000	\$0	\$300,000
Patrol Pumper	\$190,000	\$0	\$0	\$200,000	\$0	\$0	\$0	\$390,000	\$780,000
BC Command Vehicle	\$0	\$0	\$0	\$110,000	\$0	\$0	\$110,000	\$110,000	\$330,000
Airboat	\$0	\$0	\$0	\$0	\$80,000	\$0	\$0	\$80,000	\$160,000
Other Vehicles and Equip.	\$200,000	\$200,000	\$200,000	\$200,000	\$200,000	\$1,000,000	\$1,400,000	\$1,300,000	\$4,700,000
Subtotal	\$985,000	\$200,000	\$1,390,000	\$5,100,000	\$280,000	\$2,190,000	\$4,785,000	\$6,470,000	\$21,400,000
Grand Total	\$6,848,422	\$3,575,000	\$4,940,000	\$9,600,000	\$5,355,000	\$16,862,020	\$16,853,548	\$18,055,684	\$82,089,500

Source: Menlo Park Fire Protection District.

4.12-8 - Impact Discussion.

The impact also includes more operational permits, hazardous materials permits and management, annual inspections, construction permits and inspections. The fee schedule is primarily for the cost recovery of the construction services only, of which higher demand requires staff, equipment and facilities. Therefore impact fees are needed for the impact to general Fire District operations.

4.12-12 – 4.12.-13

The EIR improperly analyzes the cumulative impact of the Project. The conclusion that the cumulative impact is less than significant is wrong because it is based on incomplete and inaccurate information and analysis. The cumulative analysis is incorrect because it does not include all the proposed future development within the Fire District's jurisdiction outside the City. In particular, the EIR does not consider the significant future development planned under the General Plan Update and Ravenswood and 4 Corners Project in the City of East Palo Alto, and the North Fair Oaks Community Plan in the County of San Mateo.

The EIR fails to consider the substantial increase in service population within the District's jurisdiction caused by the combination of development within the City and these other jurisdictions. In order to properly analyze the cumulative impacts, the EIR must calculate the increase in service population and identify the number of additional fire safety personnel needed to serve this new population and maintain the current Fire District standard of .87 fire safety personnel per 1,000 service population.

The substantial increase in service population will result in the need to hire new fire safety personnel, which, in turn, will create the need to expand Fire Stations to house new crews, and other impacts. The cumulative development is also defective because it contains the same flaw of relying on the payment of fire services impact fees to support the less than significant conclusion. As discussed in detail above, the payment of the fee cannot be supported without a General Plan policy or mitigation measure requiring the fee payment. Therefore, the EIR needs to be revised to properly analyze the significant cumulative impacts and include mitigation measures to address those impacts.

5. General Comments on EIR

The Fire District has the following general comments on the EIR:

Policy CIRC-1.6: Emergency Response Routes:

These routes have already been adopted by the Fire Board. We would be happy to discuss them with our law enforcement partners but our deployment models, unit configurations and staffing models are dramatically different. There is a significant difference between a police vehicle and a ladder truck when it comes to size, weight, maneuverability, strategic positioning and purpose. The EIR should properly address this.

Policy CIRC-2.14: Impacts of New Development::

The Fire District should be consulted on any roadway modifications, specifically if it slows or impacts response times. Fire Engines are 9.5 ft. wide from mirror to mirror and the Ladder Truck is 10 ft. wide from mirror to mirror. Roadways should not be smaller than 10 ft. per lane and fire equipment can be damaged by certain control devices.

Policy CIRC-3.3: Emerging Transportation Technology:

The Fire District is already using traffic pre-emption technology. It is helpful unless traffic congestion is at grid-lock conditions. We support any new traffic signals being paid for by the project or General Plan update..

The Fire District recently received authorization from the Federal Aviation Administration (FAA) to fly Drones and is planning to use them operating out of a proposed Aerial Port from Fire Station 77. They will travel over the Dumbarton Rail Line and major roadways for primary and first response within three years to gain situational awareness over certain types of emergencies.

Policy S-1.38: Fire Resistant Design:

The Fire District supports fire resistant design including early detection and suppression using sprinkler systems.

6. Comments on General Plan Goals, Policies and Programs

The Fire District staff has worked with the City staff on goals, policies and programs in the General Plan to address impacts on emergency and fire services. However, some of these policies and programs still need to be revised to address Fire District concerns. The Fire District asks that the Council direct City staff to work with the Fire District to address these issues. Revisions to General Plan policies may address some of the EIR issues raised in this letter. Policies with enforceable mandates may be the basis for finding an impact less than significant in lieu of adopting a mitigation measure.

HAZ-2 Implementation of the proposed project would not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.

HYDRO-9 Implementation of the proposed project would not expose people or structures to a significant risk of loss, injury, or death involving flooding, including flooding as a result of a levee or dam break or flooding as a result of sea level rise

The Fire District is not the development and planning arm of the City but it is responsible for emergency response and consequence management. The decision to re-zone areas to combine high density residential occupancies is of significant concern to the Fire District, especially in a flood inundation zone and on Haven Avenue where one side of the street is actually in Redwood City.

7. Conclusion

The continued provision of a high level of fire and emergency services for the new development proposed under the General Plan is a goal that the Fire District and the City should share. Therefore, the impacts of new development on the Fire District must be completely addressed. The Fire District appreciates the City's consideration of these EIR comments on this important project. The Fire District, as a fellow public agency and a responsible agency under CEQA, looks forward to working with the City to ensure that the impacts on the Fire District are fully addressed and mitigated in the EIR.

Sincerely,

Harold Schapelhouman, Fire Chief

cc: Mayor and Honorable Member of City Council, Fire Board, Staff and file

From: Diane Bailey <diane@menlospark.org>
Sent: Tuesday, October 18, 2016 9:33 AM
To: _Planning Commission
Subject: Support for ConnectMenlo - a smart plan for our city's future
Attachments: Menlo Spark Comments on Draft EIR for ConnectMenlo.pdf

Dear Planning Commissioners and staff,

We have followed the ConnectMenlo General Plan and Zoning update (the Plan) process for many months, and strongly support this Plan as an important means to further the sustainability, livability and economic vitality of Menlo Park. As an independent nonprofit organization, Menlo Spark is working with businesses, residents, and government partners towards a climate neutral Menlo Park by 2025. We strongly support the City of Menlo Park's Climate Action Plan Goals, as well as the substantial growth and sustainability improvements envisioned by this Plan.

We have recommended a number of mitigations and modifications in previous comments to help the City of Menlo Park grow in a healthy, responsible manner that preserves our environmental values, character and vibrancy. Many of the ideas we propose are simply extensions of existing policy that require only moderate effort, yet would yield substantial benefits throughout the community of Belle Haven and city-wide. Please find those recommendations attached in an August 1, 2016 comment letter. In addition to these comments, we also support the recommendations and comments of Adina Levin, submitted on October 16, 2016.

The social and economic vitality of Menlo Park and the region as a whole are inextricably linked to a healthy environment. The proposed Plan and updated Zoning present extraordinary vision, measures, and standards to create more sustainable buildings, mobility and land use patterns. These will result in much lower carbon (or GHG) intensities than the status quo. The green building and clean energy standards combined with a concerted shift from driving alone to walking, biking and public transit, will reduce GHG emissions per "service unit" by more than 20 percent.

ConnectMenlo can be a win-win for the environment, livability, convenience, transit, and our economy. With some adjustments to sustainable development strategies Menlo Park can transform over the next 25 years into a model city full of life, community, vitality, and character. Thank you for considering our comments.

Sincerely,
Diane Bailey

Diane Bailey | Executive Director
MENLO SPARK
diane@menlospark.org | 650-281-7073
Visit us: www.MenloSpark.org
Find us on [Facebook](#)
Follow us on [Twitter](#)



Climate Neutral for a Healthy, Prosperous Menlo Park

EV, PV & Fossil Free: Guides for Electric Cars, solar & Fossil Free Homes at: <http://menlospark.org/what-we-do/>



Climate Neutral for a Healthy, Prosperous Menlo Park

Ms. Deanna Chow, Principal Planner
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

Re: Draft Environmental Impact Report on the ConnectMenlo General Plan and M-2 Area Zoning Update, Comments and Recommendations

Dear Ms. Chow,

We are writing to comment on and propose strengthening improvements to the Draft Environmental Impact Report (DEIR) for the ConnectMenlo General Plan and Zoning update (the Plan), which would further the sustainability, livability and economic vitality of Menlo Park. As an independent nonprofit organization, Menlo Spark is working with businesses, residents, and government partners towards a climate neutral Menlo Park by 2025. We strongly support the City of Menlo Park's Climate Action Plan Goals, as well as the substantial growth and sustainability improvements envisioned by this Plan. However, without significant additional mitigations to what has been proposed in this DEIR, Menlo Park will experience an increase in carbon emissions, putting the 2020 Carbon goals out of reach and thwarting our long-term sustainability. We propose a suite of mitigations to help the City of Menlo Park grow in a healthy, responsible manner that preserves our environmental values, character and vibrancy.

Menlo Park has made many substantial steps towards becoming more sustainable. For example, the decision earlier this year to join the County's Peninsula Clean Energy Program, with bold support for 100% renewable power will go a long way towards meeting our 2020 carbon targets. Further, the proposed Plan includes many important clean energy and green building standards in the new zoning regulations that we have strongly supported in previous comments. We commend the City for a commitment to clean energy and green buildings.

The social and economic vitality of Menlo Park and the region as a whole are inextricably linked to a healthy environment. Our comments focus on the environmental mitigation necessary to preserve the health and high quality of life of our communities as the development envisioned in the Plan proceeds. We support the following mitigations for Greenhouse Gases (GHG), Transportation, and Air Quality, and recommend several additional measures.

1. Greenhouse gases

The proposed Plan and updated Zoning present extraordinary vision, measures, and standards to create more sustainable building, mobility and land use patterns. These will result in much lower carbon (or GHG) intensities than the status quo. The green building and clean energy standards combined with a concerted shift from driving alone to walking, biking and public transit, will reduce GHG emissions per “service unit” by more than 20 percent.¹

The sustainability improvements and carbon intensity reductions in the Plan and accompanying Zoning must be lauded. We strongly support the intent of the single greenhouse gas mitigation strategy, GHG-1, that directs the City to update its Climate Action Plan (CAP) to address the GHG reductions needed by 2020; identify a GHG emissions reduction target for 2030 and 2040 consistent with state goals; and update the CAP to include measures to ensure the city is on a trajectory that aligns with the state’s 2030 GHG emissions reduction target. However, the DEIR is unable to articulate specifically how Menlo Park will achieve its 2020 Climate Action Plan targets for the various scenarios. The Final EIR should evaluate the reductions needed to meet these goals and contemplate them as mitigation measures. We recommend the following improvements to the GHG analysis and additional mitigations.

In order to more accurately project the GHG emissions and compare alternatives, the FEIR should:

- Consider all of the provisions of the updated Plan and Zoning that impact carbon intensity and incorporate them into the GHG forecasting and modeling, including:
 - Green and sustainable building regulations;
 - Creation of a live/work/play environment with travel patterns that are oriented toward pedestrian, transit, and bicycle use;
 - Bicycle parking standards and other measures supporting alternatives to driving; and
 - Transportation Demand Management (TDM) Plans to reduce trip generation by 20 percent below standard use rates.
- Utilize more up to date energy data and base projected carbon intensity of electricity on expected Peninsula Clean Energy portfolio trajectories rather than PG&E.²
- Forecasts based on housing and employee growth should also consider upcoming regulations, conservation measures and external factors.
- The GHG emissions analysis of vehicles should be adjusted to account for higher rates of electric, hybrid and other clean vehicles in Menlo Park.³
- The FEIR should present a clear comparison of GHG emissions from the baseline conditions and each of the alternatives.

¹ See Appendix E, GHG Emissions Inventory & Forecast: Existing MTCO₂e/SP is 4.3 compared to 240 maximum citywide buildout MTCO₂e/SP of 3.3. Note however a discrepancy in 2040 thresholds between Table 4.6-7 lists a 2040 Plan-Level Efficiency Target of 2.5 MTCO₂e/SP compared to Appendix E listing a BAAQMD GHG GP threshold of 3.2 MTCO₂e/SP in 2040.

² Note that this more accurate portrayal of future energy supply will result in a lower carbon intensity per kWh as PCE is launching with a 75% carbon free portfolio that will increase carbon free power over time.

³ Note that the DEIR vehicle emission modeling was based on statewide average data from EMFAC, instead of incorporating local fleet data, a necessary step since Menlo Park has some of highest electric car ownership rates in the nation.

In order to ensure that Menlo Park stays on track to meet its climate goals in 2020 and beyond, additional specific mitigation measures should be evaluated in the FEIR. All of the near-term Climate Action Plan strategies listed in Table 4.6-8 should be analyzed and GHG reduction potential reported in the FEIR, whether they apply to new development or not, because measures for existing transportation and land uses can constitute mitigation.⁴ In addition to the list of measures in Table 4.6-8, we recommend that the following mitigations be included and thoroughly analyzed in the FEIR:

- Enhanced energy efficiency programs, such as Rising Sun Energy and Green @Home;⁵
- Incentives and technical support for replacing natural gas heating and water heating in existing buildings, such as Palo Alto's electric water heater rebates;⁶
- High efficiency Co-Gen, similar to Stanford University's Energy Plant;⁷
- Incentives and increased infrastructure for carbon-free vehicles;⁸ and
- Community projects including waste digesters, net positive micro-grids, and enhanced tree canopy management.⁹

The City should make a strong commitment to reduce GHG emissions, to ensure that we will stay on track in the future.

2. Transportation

With regard to transportation impacts from the Plan, we laud Menlo Park's commitment to alternative transportation as a means of reducing congestion and lessening the environmental impact of the Plan. However, because current traffic congestion is already acute and because the DEIR shows many intersections worsening, the City should more aggressively support alternatives to single occupancy vehicles through additional mitigations and TDM requirements.

First, the DEIR demonstrates remarkable benefits of building substantial housing near job centers that results in much slower growth in traffic (as measured by vehicle miles traveled or VMT), since the additional housing allows more people to access local jobs without driving.¹⁰ The benefits from this additional housing will be greatest if the housing is built *before* the commercial development. For that reason, we recommend phased development that emphasizes new housing before or in tandem with commercial development to minimize growth in traffic.

⁴ Although the Plan cannot apply new requirements to existing land uses, it can envision fees that can be used to fund improvements to existing properties, as offsets and where such property owners agree.

⁵ The Rising Sun Energy Center provides both job training and employment, and direct energy and water efficiency services free to residents in disadvantaged communities. See: <http://risingsunenergy.org>

The Green @Home Aprogram, run by non-profit Acterra, helps residents make energy efficiency improvements. See: <http://www.acterra.org/programs/greenathome/>

⁶ Although this program is run by the City of Palo Alto Utility, a similar program could be run independently by the City of Menlo Park, or partnering with Peninsula Clean Energy or the Bay Area Air Quality Management District, which envisions these types of incentive programs in its Climate Plan. See:

http://www.cityofpaloalto.org/gov/depts/utl/residents/resrebate/smartenergy/heat_pump_water_heaters/default.asp
<http://www.baaqmd.gov/~media/files/planning-and-research/plans/clean-air-plan-update/building-fact-sheet-pdf.pdf?la=en>

⁷ <http://news.stanford.edu/features/2015/sesi/>

⁸ See for example: <http://www.theicct.org/leading-us-city-electric-vehicle-activities>

⁹ See for example: <http://www.sustainia.me/cities/>

¹⁰ See for example, Table 4.13-13, showing VMT per capita in 2014 equal to 15, while VMT per capita would go down to 14 in 2040 if the Plan was fully built out.

We strongly support many of the transportation mitigations included in the DEIR:

- Updating the Transportation Impact Fee program to bolster funding of both infrastructure and roadway improvements (TR-1b), as well as bicycle and pedestrian facilities (TR-6a).
- Updating the existing shuttle fee program to guarantee funding of city-sponsored shuttle services (TR-6b). This will not only improve vital public transit services in areas that are currently underserved, it will help students and commuters reduce reliance on single-occupancy vehicles and cut traffic.
- Continuing support for the Dumbarton Corridor Study (TR-6c). The City should strongly advocate for as swift a reuse of this important transportation corridor as possible.

The final EIR should increase mitigation related to the proposed Zoning trip reduction requirement of 20%. Although this is a reasonable requirement at the current level of transit and alternatives to driving available, we recommend a stronger goal approaching 40% or higher when major transit improvements are complete. The Plan envisions significantly improved additional options to driving alone, including redevelopment of the Dumbarton transit corridor, which would facilitate enhanced trip reduction. For example, the San Mateo Rail Corridor Plan set up tiered trip reduction goals beginning with 25% in the short term, and including a long-term trip generation threshold of 40% once a major new transit oriented development was completed.¹¹ The North Bayshore Precise Plan in Mountain View recently established a trip cap based on a single occupancy vehicle (SOV) mode share target of 45%.¹²

3. Air quality

We applaud the many policies and requirements that address air quality in the Plan and associated proposed zoning. The DEIR also includes several air quality mitigation measures that we support, including AQ2a (development of specific mitigation plans where necessary), and AQ3a and AQ3b (diesel pollution and sensitive land uses). However, additional mitigation is called for because the area of Menlo Park facing the most impacts from future development is not only a part of the regional nonattainment area for state and federal smog and soot standards, it is also downwind of the busy 101 freeway, and Belle Haven residents are therefore exposed to serious health hazards from Toxic Air Contaminants such as diesel soot.¹³ The City must ensure that there is ample site specific mitigation required for individual new developments as they move forward, such as enhanced measures to reduce drive-alone rates, elimination of fossil fuel use in buildings, and attentive application of measure AQ3a to ensure clean delivery and service trucks. In addition, the City should explore providing free air filters

¹¹ These trip reduction goals are tied to the Bay Meadows development in San Mateo.
<http://www.cityofsanmateo.org/DocumentCenter/Home/View/11019>

¹² See the Precise Plan here: <http://www.mountainview.gov/civicax/filebank/blobdload.aspx?BlobID=15164>

¹³ Note that Table 4.2-8 incorrectly states that additional projected PM2.5 emissions do not exceed the daily threshold. This is important because health impacts related to fine particulate matter exposure are the most serious of the air pollutant triggers, contributing to premature deaths among many other impacts.

to all Belle Haven residents living near the freeway, any congested areas, or major new construction sites.¹⁴

Menlo Park has in many cases been a leader in requiring green development that minimizes environmental impacts. The proposed Plan has incorporated many goals and policies that ensure Menlo Park can continue to thrive and modernize while maintaining its charm and sustainable quality of life. The improvements recommended here can help ensure that the ConnectMenlo General Plan fully preserves the environment and allows Menlo Park to stay on track to its environmental and climate goals. Many of the ideas we propose are simply extensions of existing policy that require only moderate effort, yet would yield substantial benefits throughout the community of Belle Haven and city-wide.

This DEIR shows that ConnectMenlo can be a win-win for the environment, livability, convenience, transit, and our economy. With some adjustments to sustainable development strategies Menlo Park can transform over the next 25 years into a model city full of life, community, vitality, and character. Thank you for considering our comments.

Sincerely,

A handwritten signature in cursive script that reads "Diane Bailey".

Diane Bailey, Executive Director, Menlo Spark

diane@menlospark.org

Natalie Baker, Menlo Spark Intern

nmbaker@stanford.edu

Clara Dewey, Menlo Spark Intern

c1q2d3@gmail.com

¹⁴ We recommend a program providing High Efficiency or “HEPA” filters, such has been done in other freeway-impacted communities. See: <https://www.epa.gov/indoor-air-quality-iaq/guide-air-cleaners-home>
Note that air filters have been requested by at least one Belle Haven resident at a public meeting related to ConnectMenlo.

From: [Rosa Miralles](#)
To: [_connectmenlo](#)
Subject: Connect Menlo EIR Response Letter
Date: Wednesday, October 19, 2016 4:37:18 PM
Attachments: [10-19-16 Response letter- connect menlo EIR.pdf](#)

Good Afternoon Ms. Chow,

Attached please find the response letter for the Connect Menlo EIR from the Sequoia Union High School District and the Ravenswood City School District.

The original was sent via USPS.

Best Regards,
Rosa Miralles
Assistant to Matthew Zito
Chief Facilities Officer
Sequoia Union High School District
(650) 369-1411 Ext. 22356

SEQUOIA UNION HIGH SCHOOL DISTRICT

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Marco A. Chávez, President
Sharifa Wilson, Vice President
Ana Maria Pulido, Clerk
Dr. Charlie M. Knight, Member
Marcelino López, Member

Dr. Gloria M. Hernández-Goff
Superintendent

*Ravenswood City School
District*
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October 19, 2016

By U.S. Mail & E-Mail: connectmenlo@menlopark.org

Deanna Chow
Principal Planner
City of Menlo Park
Community Development Department
701 Laurel Street
Menlo Park, CA

Re: Environmental Impact Report for General Plan and M-2 Area Zoning Update

Dear Ms. Chow:

The Sequoia Union High School District (“High School District”) and Ravenswood City School District (“Ravenswood District”) submit this letter with regard to the Environmental Impact Report (“EIR”) for the ConnectMenlo General Plan Land Use & Circulation Elements and M-2 Area Zoning Update (“Project”). We are concerned that the Project has the potential to create significant impacts on the student populations we serve, their families, staff and teachers, and the school facilities in which they are housed. As public agencies serving the population of Menlo Park along with the City, the Districts wish to foster cooperation and communication with the City on this and other projects. It is the Districts’ collective hope that collaboration between the Districts and the City can occur to avoid negative effects that the Project may otherwise have on the community that our Districts serve.

1. **The EIR Contains an Inadequate Discussion of the Impacts on Schools**

The Project area is currently served by the High School District’s Menlo-Atherton High School. The EIR acknowledges at page 4.12-34 that enrollment rates for the 2014/2015 school year at that high school were above the current capacity. There is no discussion of capacity or enrollment for the 2015/2016 school year, or the current year. We invite the City to contact the High School District’s staff to obtain more recent data. The EIR also acknowledges that the High School District projects an increase of 2,796 students by the year 2020, and these projections do not include any students that would be generated by the Project. Per the EIR, the

Project is anticipated to generate 1,100 new students by the year 2040. [EIR, pg. 4.12-39.] The High School District does not have capacity to accommodate such an inundation of new students and developer fees will not sufficiently fund the necessary new facilities to accommodate these students.

As stated in the EIR, the Ravenswood District current operates two elementary schools that would serve the Project, Belle Haven Elementary School and Willow Oaks Elementary School. Enrollment in both schools was almost at capacity for the 2014-2015 school year, and the Ravenswood District projects an increase of students by the year 2020. [EIR, p. 4.12-33.] Thus, even without the Project, the Ravenswood District will soon be faced with a shortage of space. On top of that shortage, the EIR indicates that the Project will generate an additional 2,070 students by the year 2040. There is no capacity in the Ravenswood District for these students, and the District does not have funding to acquire land or build new facilities to house them.

These significant impacts on the Districts are not identified or addressed in the EIR. Instead, the EIR dismisses the significant impacts on schools by repeatedly citing Senate Bill (“SB”) 50 and stating that the California Legislature has determined that payment of school impact fees shall be deemed to provide full and complete school facilities mitigation. The EIR describes SB 50 as limiting “the power of cities and counties to require mitigation of school facilities impacts as a condition of approving new development.” [EIR, p. 4.12-27.] This analysis is based on a misconception and falls short of providing a full and accurate picture of the school-related impacts that will necessarily result from the Project.

The developer fees created by SB 50 were never intended to prohibit other mitigation, nor will they adequately mitigate all impacts of this Project. The EIR fails to explore other measures that would alleviate the impact of the increases in student enrollment. Alternative means of addressing the impacts of new development on schools still allowed under SB 50, and not acknowledged in the EIR, include the following:

a. Coordinated Planning for School Sites

Government Code sections 65352 and 65352.2 require local cities to coordinate planning of school facilities with school districts. The Legislature confirmed in this statutory scheme that the parties are meant to coordinate options “for the siting of new schools and whether or not the local city or counties existing land use element appropriately reflects the demand for public school facilities, and ensures that new planned development reserves location for public schools in the most appropriate locations.” (Gov. Code 65352.2(d)(2).) No such coordination has occurred in relation to the Project, and the EIR does not analyze the City’s failure to comply with these coordination requirements.

The Legislature recognized that new planned development should take into consideration and even “reserve” locations for schools to serve development because schools are as integral a part of planning for new development as is any other public service, such as fire, police, water and sewer. As it relates to this instance, the intent behind sections 65350, *et seq.*, supports the Districts’ position that the City must analyze whether the current size of the Districts’ schools is adequate to accommodate both their existing population and the new development. The City can help the Districts provide adequate facilities resulting from the impacts of the Project, which are not addressed by developer fees, by acknowledging the significant impact on schools, and

requiring alternative mitigation measures to assure that there are adequate sites to accommodate school facilities.

b. Land Dedication

One feasible mitigation measure not addressed by the City would be for the City to adopt findings requiring any developer building as part of the development allowed by the Project to dedicate land and/or funding pursuant to Government Code sections 65970, *et seq.*, which permit the City to require a developer to dedicate land to a school district. Section 65974 specifically states that “for the purpose of establishing an interim method of providing classroom facilities where overcrowded conditions exist, . . . a city, county, or city and county may, by ordinance, require the dedication of land, the payment of fees in lieu thereof, or a combination of both, for classroom and related facilities for elementary or high schools as a condition to the approval of a residential development.” Nothing in SB 50 precludes this approach.

A land dedication requirement would be good public planning benefiting all residents of the community, including future residents of the Project. Land suitable for a new school site in the vicinity of the Project is already scarce; it will only become more so if the Project is implemented and further development occurs. Under Government Code sections 65352 and 65352.2, the City has a duty to help plan for adequate services to its residents by ensuring that future sites are set aside for schools. Failure to do so leads to inadequate services, future controversies, and the potential need for a school district to exercise its rights under eminent domain, displacing future residents.

All of these are impacts potentially stemming from the Project that are not considered in the EIR, and for which mitigation is and can be made available under existing law. Land dedication is a permissible mitigation measure under Government Code sections 65995, *et seq.*, as well as section 66478 of the Subdivision Map Act.

c. Phasing

Another method by which the City can work cooperatively with the Districts within all legal constraints to ensure adequate school facilities with regard to new development allowed by the Project is by requiring future development to be phased and not permitted prior to availability of school facilities. Timing development so as to balance the availability of school facilities with new development can significantly aid the Districts in their attempts to provide for the additional students who will be generated as a result of the Project and development following approval of the Project. The Districts must plan in advance for the arrival of the new students generated by the Project. The City could mitigate the impacts of the Project and allow for available school facilities when needed by requiring phasing of this Project. This phasing could require that the timing of the development of the Project be coordinated with the availability of school facilities.

2. The EIR Fails to Analyze Other School-Related Impacts

In addition to the above discussion of the inadequacy of school impact fees to mitigate the Project's significant impact on schools, the EIR fails to address other types of impacts related to the Districts' schools that will be caused by the Project.

A fairly recent court case addresses the extent to which a city or county must consider school related impacts in an environmental impact report for new development. The case determined that SB 50 does **not** excuse a lead agency from conducting environmental review of school impacts other than an impact "on school facilities." The case indicated that SB 50 does not cover all possible environmental impacts that have any type of connection or relationship to schools. As a result, the court concluded that the County would have to set aside the certification of the EIR at issue in that case and approvals of the project and take action necessary to bring the EIR into compliance with CEQA regarding its analysis of traffic from private and school bus trips to existing schools outside the project area and the potential environmental effects from the construction of additions, either temporary or permanent, to existing schools. (*Chawanakee Unified School District v. County of Madera, et al.* (2011) 196 Cal.App.4th 1016.)

The school impact analysis for the Project is inconsistent with this approach as it does not analyze any of the school-related impacts. There is no analysis whatsoever in the EIR of the impact on school children and surrounding neighborhoods as portable classrooms or permanent construction are added to existing schools, or new schools are built, to accommodate development flowing from the approval of the Project.

Also, the *Chawanakee* case supports the conclusion that greater traffic analysis that **specifically takes the District and its students into consideration** is required. Additional students traveling to existing schools will impact the roadways and traffic before they set foot on the schools grounds.

The EIR also fails to take into account other school-related impacts, such as teacher/staffing requirements based on anticipated population growth and existing State and District policies, and impacts on curriculum. Construction of new or expanded school facilities necessitated by the Project may also have traffic, air quality, and aesthetic impacts that are not discussed in the EIR. In these regards, the EIR is deficient.

3. The EIR and Related Fiscal Impact Analysis Contain Outdated and Incorrect Data

The Districts have also reviewed the Fiscal Impact Analysis prepared by BAE Urban Economics for the Project. That Analysis is misleading as it understates the financial hardship that the Project will create for each District. Regarding the High School District, the Analysis accurately states on page 70 that the District's student generation rate ("SGR") is 0.2 students per residential unit. This figure results in an estimated net increase of 1,100 students from the Project at Project buildout, resulting in a net deficit to the High School District of approximately \$5.5 million per year. The Analysis then undermines this very significant effect on the High School District by recalculating the deficit using an SGR of 0.13, with no citation to any source for that figure. Using an SGR of 0.13 results in a much lower annual deficit of \$60,400. There is no support in the Fiscal Impact Analysis or the EIR for this lower number. The High School District uses the State SGR figure of 0.2 students per residential unit in all of its facilities

the EIR uses the higher SGR of 0.20 for single- and multi-family dwelling units. [Final EIR, pg. 4.12-39.] The analysis in the Fiscal Impact Analysis is thus inconsistent with the analysis in the EIR, creating an administrative record that lacks clarity on these issues.

The Fiscal Impact Analysis also erroneously concludes that the Project will have no net fiscal surplus or deficit to the Ravenswood District. It does not take into account the cost of acquiring land to build new schools, the cost to construct new schools or expand existing campuses, or other factors that contribute to the Project's fiscal impact on the Ravenswood District. It also bases its conclusion of no net impact on the fact that the Ravenswood District is a Revenue Limit District, failing to recognize that the changing landscape of the area could cause Ravenswood to become a Basic Aid District.

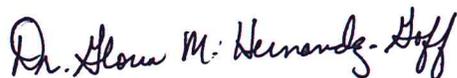
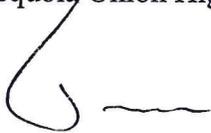
Also, page 4.12-27 of the EIR contains outdated analysis, stating that on January 22, 2014, the State Allocation Board (SAB) approved increasing the allowable amount of statutory school facilities fees (Level I School Fees) from \$3.20 to \$3.36 per square foot for residential development, and from \$0.51 to \$0.54 per square foot for commercial development. In 2016, the SAB took further action to increase the allowable amount of school facilities fees to \$3.48 for residential development and \$0.56 for commercial, and the EIR should be updated to reflect that.

Conclusion

The Districts recommend that the City revise the EIR to address the issues discussed above and recirculate for further public comment. The Districts also encourage the City and any Project proponents to work cooperatively with the Districts, and all other impacted school districts, and consider alternative mitigation measures that can assist in adequately mitigating the impacts on schools and the affected surrounding environment. The Districts are ready and willing to meet and work with the City to address these vital issues.

Sincerely,

James Lianides
Superintendent
Sequoia Union High School District



Gloria Hernandez
Superintendent
Ravenswood City School District

From: Rich Truempler <rtruempler@sobrato.com>
Sent: Tuesday, October 18, 2016 11:18 PM
To: Chow, Deanna M; PlanningDept
Subject: [Sent to Planning]M-2 Planning Commission Meeting

October 18, 2016

City of Menlo Park

Attn: Planning Commission

701 Laurel Street

Menlo Park, CA 94025

Re: M-2 General Plan Update

Dear Members of the Planning Commission:

The Sobrato Organization supports the General Plan Update, and in particular the effort to encourage more housing to address the growing lack of affordability in the area. The development of housing in the M-2 will help reduce stress on the existing housing stock and the aging transportation infrastructure, while supporting economic growth that will help maintain an equitable level of municipal services for the entire community. We are encouraged to see Menlo Park take a leadership role in addressing this critical issue.

As presently conceived we believe the plan will for allow balanced growth while achieving the goals outlined in the guiding principals. However, edits to the draft zoning regulations are required so that the City may achieve those goals.

In addition to our philanthropic involvement in the Belle Haven community, The Sobrato Organization owns just over 20 acres in the M-2 Area that will be affected by this General Plan Update. Just over eight of the 20 acres will have the proposed R-MU (Residential-Mixed Use) zoning designation. Based on the proposed design guidelines, we hope to construct 600 apartment units and 90,000 square feet of office space. This could be the single biggest residential development in Menlo Park in the last 20 years, and would have a meaningful impact supplying housing now.

Within the design guidelines proposed 15% of the 600 apartments would be set-aside for those with Extremely Low, Very Low, and Low Incomes, as defined by the Income Guidelines for the County of San Mateo. This would make a significant contribution to the City meeting its regional housing need allocation (RHNA.)

However, we can only achieve this level of affordability through a partnership with a non-profit organization such as Mid-Peninsula Housing. The affordable apartments would be produced by us deeding land to the non-profit, adjacent to and as part of our larger project. This is essential to secure the specialized efficient financing required to maximize the number of affordable units at the desired affordability level from the project total. The dedication of a portion of our land for affordable housing is far more effective in producing such housing than alternatives such as in-lieu fees or strictly onsite requirements (which are far more expensive to finance.)

Depending on the final language that is adopted by the City of Menlo Park, we intend to prepare a planning application to start the entitlement process for our project so that we can build the residential units as quickly as possible to help address the present housing shortage.

The following suggested edits to the zoning regulations would allow us to redevelop our site in the manner described above, and help the City realize its vision for balanced growth in the M-2:

Affordable Housing

In return for greater density, residential projects should provide affordable housing that is equivalent to a total of 15% of the bonus density either on-site or immediately adjacent to the market rate component of the project. This onsite or adjacent requirement will create a vibrant, mixed-income neighborhood while allowing alternative financing structures to make the affordable units feasible.

When contemplating community benefit and mitigation measure expenses that residential projects are asked to bear, it is important to understand how these costs affect both housing production and affordability for those that do not qualify for below market units. The inclusion of affordable housing inevitably imposes a cost on the renters of market rate units. In simple terms each affordable unit costs approximately \$400,000 to construct, not including the cost of land. When this cost is spread across the units that are market rate, it increases the costs of those units by \$70,000. This is on top of the approximately \$20,000 in other fees currently required in Menlo Park. Altogether, these fees add approximately \$650 per month to the rent needed to finance a market rate unit. Given the need to increase affordability for residents at all income levels, including critical members of the community such as teachers and first responders who generally do not qualify for below market rate units, it is imperative not to impose further burdens on the development of housing. For example, a regulation that requires greater than 15%, and without an off-site but adjacent component, would not only result in fewer rental-housing units being built, it would also increase the rent on the most affordable form of market rate housing available in the City.

If the City wishes to increase the number of legally affordable units produced, we suggest rather than increase the burden on market rate housing, the City could double the number of parcels with an R-MU designation. This will result in more production of both affordable and market rate units.

Water and Energy

New housing construction that meets the State of California's stringent Title 24 and CALGreen requirements is inherently more sustainable than existing housing. Furthermore, mid and high density multi-family housing is the most water and energy efficient form of housing. As a result, the new housing proposed for the M2 district will typically be 60% more energy efficient and 30% more water efficient than the majority of the existing housing stock in Menlo Park, without any further requirements. This resource efficient housing should be encouraged, not made more expensive through additional requirements that will have little marginal benefit to Menlo Park's water and energy usage.

The proposed zoning language requires that projects greater than 250,000 square feet provide their own source of non-potable water for City approved uses. This policy would be detrimental to the City's goal to help provide affordable housing, as it would result in lower density and fewer affordable units as developers strive to stay under the 250,000 square foot threshold.

We request this policy be eliminated for residential developments. However we do support a policy to require residential developments to be dual plumbed and tie into a municipal recycled water system once available.

Community Amenity/Public Benefits

The goal of zoning the M2 district to allow housing is to address the current housing crisis in Menlo Park through the production of more units at all income levels. Given this goal of encouraging housing production and the cost to develop affordable housing, no further community amenity or community benefit fee should be assessed to a residential project.

A *reasonable* per square foot community amenity fee for the office component in R-MU and O zoning districts could be supported, if applied to community amenities/benefits that have a cogent relationship between the new development and our Belle Haven impacted neighbors. We are also willing to explore a CFD or CID to help fund needed infrastructure in lieu of an upfront payment of a fee at building permit issuance, if it enables the realization of community amenities sooner.

We respectfully request that the City incorporate our recommendations, as they are fair suggestions that would help incentivize redevelopment at the bonus level thereby helping the City achieve its stated goals of the M-2 General Plan Update through the development of residential units in a growing employment center.

Best Regards

Richard Truempler
Vice President, Real Estate Development

rtruempler@sobrato.com

The **Sobrato** Organization • 10600 N. De Anza Blvd., Suite 200 • Cupertino, CA 95014
(408) 446-0700 office • (408) 796-6505 direct

From: Ruth Farrell <rfarrell@tarlton.com>
Sent: Wednesday, October 19, 2016 11:34 AM
To: Chow, Deanna M; To;; Drew Combs; Susan Goodhue; Larry Kahle; John Onken; Riggs, Henry; katherine_strehl@yahoo.co; cknox@placeworks.com
Cc: John Tarlton; Ruth Farrell
Subject: Update: Letter - ConnectMenlo - Remaining Open Items on LS District Regulations
Attachments: Letter - ConnectMenlo - Remaining Open Items on LS District Regulations 101916.pdf

To the Chair and Planning Commissioners:

In conjunction with tonight's meeting for ConnectMenlo's – Planning Commission, attached is a letter from John Tarlton/Tarlton Properties, Inc. addressed to the Chair and Planning Commissioners.

Kind Regards,

Ruth Farrell
Tarlton Properties, Inc.
1530 O'Brien Drive, Suite C
Menlo Park, CA 94025
E: rfarrell@tarlton.com
650.330.3600 - Office
650.330.3636 - FAX





October 19, 2016

Deanna Chow
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025

RE: ConnectMenlo - Remaining Open Items on LS District Regulations

Deanna,

Thank you again for all of your hard work and that of your team of consultants on this significant project. While many of the concerns we previously expressed have been addressed, there are six remaining unresolved issues. For your convenience, we have provided the attached list of those items.

Each of these items was presented in greater detail, including diagrams, in our previous letters submitted on May 23, 2016 and June 23, 2016, respectively, and at other meetings. That package also included what we believe to be a compelling rationale for the proposed changes, consistent with the goals of Belle Haven neighborhood and the ConnetMenlo process.

As you know, the May 23rd meeting was cut short and several members of the Planning Commission stated their concerns regarding the insufficient time to adequately address the items on our attached list. We want to make sure that these items are addressed prior to the final adoption of Life Science District zoning regulations. Please provide adequate time at tonight's Planning Commission meeting to address these items.

Thank you!

John C. Tarlton
President & CEO
Tarlton Properties, Inc.

cc: Planning Commissioners
Charlie Knox, PlaceWorks

October 19, 2016

Unresolved Issues with the Draft Ordinance for the LS Zoning District

1. *"Base Level Requirements"* In Tables of Chapter 16, there are additional requirements put on the life science properties that would not be designed for a bonus level but want to build to the current level of the M2 zone. This is unacceptable as it erodes the property rights already in place and is counter to the directive of the City Council. New requirements should apply to the Bonus Level only.
2. *"Base Height and Minimum Stepback"* We request the elimination of the requirement for a 10' stepback so that the floorplates of the laboratory buildings can stack. Creating the offset causes issues with the laboratory bench layout, the stacking of vertical ducts and plumbing chases, and adds expensive roofing and flashing requirements around the perimeter of the building.
3. *"Community Amenities"* The program as described is still unclear and we would like staff to present examples of how this will work. We recommend that the City should establish a rate/SF which approximates the 50% level and should update it periodically. The applicant should then be able to elect to appraise the value as a substitute. This would allow for a smaller life science project to avoid the expense and complexity of the appraisal process and it would also allow for a fast track project to proceed without delay. It is important that this be as clear as possible for all property owners so they can plan accordingly.
4. *"Average Building Height"* We believe the original intent was to create a variety of heights within the district. The average building height requirement should be eliminated or should be taken as an average of all buildings within the Life Science District, not a single life science building on a single lot, or even multiple buildings within a single lot.
5. *"Green and Sustainable Building"*. We observe that paragraph 2 "Energy" on page 24 should be revised to agree with Table 16 requiring a minimum of 30% renewable energy on-site for new building construction. Table 16 should be revised to eliminate requirement for Life Science Addition and Alterations to comply with anything more than Cal-Green (no LEED ID+C). This is too onerous a process for tenant improvements which need a quick permitting process to keep life science tenants in Menlo Park. We also note that EPA Energy Star is not set up for Life Science laboratory projects.
6. *"Maximum Open Space Requirement"* We previously requested that the amount of required open space be reduced to 20% from 30%, and that the requirement for "publicly accessible open space" be deleted. At the rate cited in the draft zoning code, for a 10 acre site, 3 acres would have to be open space and 1.5 acres of that would have to be publicly accessible. This is not acceptable because it encourages members of the public to access the life science properties and violates their security.

From: David H. Weibel <Weibel@smwlaw.com>
Sent: Wednesday, October 19, 2016 12:36 PM
To: _Planning Commission; _connectmenlo
Cc: PlanningDept; _CCIN; Laura D. Beaton; Carmen J. Borg
Subject: Comment letter re ConnectMenlo
Attachments: Comment letter to MP Planning Comm-Div - 10-19-16.PDF

Dear Ms. Chow and Members of the Planning Commission:

Attached is a letter from Laura Beaton and Carmen Borg of this office regarding the ConnectMenlo General Plan Land Use and Circulation Elements and M-2 Zoning Update FEIR. Please include this letter in the record for the ConnectMenlo EIR. Please let me know if you have any difficulty accessing the attached file, and please send me an acknowledgment of receipt of this e-mail and the attached letter.

Thank you,

David Weibel
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October 19, 2016

Via Electronic Mail Only

Planning Commission
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
E-Mail: planning.commission@menlopark.org

Ms. Deanna Chow
Planning Division
City of Menlo Park
701 Laurel Street
Menlo Park, CA 94025
E-Mail: connectmenlo@menlopark.org

Re: ConnectMenlo General Plan Land Use and Circulation Elements and M-2 Zoning Update

Dear Members of the Planning Commission:

As we explained in our previous comments on the ConnectMenlo DEIR, Voters for Equitable and Responsible Growth (“VERG”) has serious concerns about the environmental and community impacts of the proposed Project and about the adequacy of the environmental review prepared for it. We submit these comments on behalf of VERG to ensure that the City’s consideration of the Project fully complies with the California Environmental Quality Act (“CEQA”), Public Resources Code section 21000 et seq., and its Guidelines, California Code of Regulations, title 14, section 15000 et seq. (“CEQA Guidelines”).

As an initial matter, the Staff Report includes a proposed rezoning that would rezone the Facebook East Campus at the intersection of Bayfront Expressway and Willow Road from the currently zoned Residential – Mixed Use (R-MU) to the proposed Corporate Housing (O-CH). Staff Report at 12. This rezoning was not a part of the Project Description and was not included in the EIR’s analysis. Moreover, the public has not had the opportunity to review the proposed rezoning or any related analysis to evaluate potential implications of the rezone. For example, the Community Amenities Program requirements include provisions for affordable housing units within the R-MU zoning. Staff Report at 13. But the O-CH zone does not appear to include a similar provision. Therefore, the rezone may lead to a loss of affordable housing units in the

City in the area to be rezoned. This and other unintended consequences should be analyzed prior to Project approval.

Further, after reviewing the FEIR, we have concluded that it fails to remedy the deficiencies in we identified in the DEIR in our August 1, 2016 comment letter. We address the most serious of these problems here.

Specifically, the ConnectMenlo EIR is deficient for the following reasons, which we explain in more detail below:

- The EIR does not analyze all possible environmental impacts of the Project, instead improperly restricting its analysis only to construction foreseeable in a 24-year period.
- The EIR lacks an adequate range of alternatives by ignoring alternatives that would address development levels in the City outside of the Bayfront Area.
- The EIR fails to provide critical information supporting the job-creation assumptions underlying its population and housing analysis, denying the public and decision-makers the ability to check the EIR's conclusions on job generation.
- The EIR avoids estimating induced job growth (the "multiplier effect") from the Project, despite the feasibility of doing so—and thereby grossly underestimates the Project's population by as much as a factor of four.
- The EIR's traffic impacts analysis compares apples and oranges, rendering the analysis unreliable: the threshold of significance is based on per capita VMT, while the Project's impacts are measured using service population VMT.
- The EIR dismisses the need to analyze neighborhood cut-through traffic, without citing a shred of evidence to support its position that such traffic is not a problem (and despite evidence provided by VERG to the contrary).
- The EIR fails to analyze the Project's impacts on Caltrain.

I. The EIR Must Analyze All Impacts Possible Under the *Full Project*, Not Just Estimated Buildout for a 24-Year Window.

A major problem with the EIR—one that places it in stark violation of CEQA—that has not been corrected is that the EIR does not analyze the full amount of development allowed by the Project. As we explained in our comments on the DEIR, CEQA requires the EIR to consider *all* development potential under the Project, not just development up to a “horizon year.” See FEIR at 5-190 – 5-193 (VERG DEIR Comments O10-2, O10-3, O10-4). The fact that the EIR discloses the maximum buildout potential does not alone suffice. To disclose all potential environmental impacts of the project as planned, not some hypothetical smaller version of it, the EIR must use maximum buildout potential as the basis for its impacts analyses. *Stanislaus Natural Heritage Project v. County of Stanislaus* (1996) 48 Cal.App.4th 182, 205-06.

Nonetheless, the EIR relies on horizon-year projections of development through 2040, instead of the full amount of development possible under the Project, when analyzing the impacts on such important issues as traffic, air pollution and greenhouse gas emissions, noise, population, and public services, utilities, and recreation. See FEIR at 5-13. In so doing, the EIR avoids disclosing the full impacts of the Project beyond 2040, or if development occurs faster than projected—which is entirely probable in the currently booming Bay Area economy. Without impacts analyses that consider the full potential buildout of the Project, the EIR obscures the Project’s true impacts and fails its core purpose as an informational document. See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 674.

II. Ignoring Feasible Alternatives to Land Use Designations Citywide Violates CEQA.

The FEIR also failed to correct perhaps the most glaring of the DEIR’s deficiencies: its lack of a reasonable range of alternatives. The EIR currently offers alternatives only to land-use designations in the Bayfront Area. This ignores land use designations throughout the rest of Menlo Park, which are also part of this Project. As we explained in our comment on the DEIR, failing to consider alternatives that consider changes in development levels *citywide* renders the EIR fatally flawed. See FEIR at 5-193 – 5-195 (VERG DEIR Comments O10-5, O10-6, O10-7).

The FEIR claims that the Bayfront Area is the “focus of the proposed project,” and thus it is appropriate to consider alternatives only for that area. FEIR at 5-17. However, this ignores the fact that the Project involves “reaffirming” land-use

designations throughout all of Menlo Park. Indeed, the FEIR itself recognizes that the Project impacts all of the City—not just the Bayfront Area—noting, for example, that “[t]he proposed project includes ongoing growth potential the Plan Bay Area’s El Camino Real and Downtown Priority Development Area.” FEIR at 5-33. That one of the Project Objectives notes that “land use changes are *expected* only in [the Bayfront] area” does not mean the City can ignore feasible alternatives that contemplate land-use changes elsewhere in the City, especially when those changes could meet other Project Objectives.

Indeed, changing land-use designations elsewhere in Menlo Park would likely help fulfill other Project Objectives, including “establish[ing] and achiev[ing] the community’s vision,” “realiz[ing] economic and revenue potential,” and “preserv[ing] neighborhood character.” See FEIR at 5-16. For example, an alternative that reduced allowed commercial growth citywide would help meet the Project Objective of preserving neighborhood character, through a potential reduction in housing demand and traffic increases.

The Project here involves updating the General Plan Land Use Element, which includes land-use designations for *all of Menlo Park*. As such, the EIR must provide alternatives that reach *citywide*, unless the EIR contains evidence that such alternatives are infeasible. As it stands, the EIR contains no such evidence.

III. The EIR Still Fails to Adequately Analyze and Mitigate for the Project’s Significant Impacts.

A. The EIR’s Analysis of Population and Housing Impacts Remains Flawed.

Menlo Park’s General Plan Update comes at a time when the Bay Area is facing unprecedented economic and population growth, which brings with it associated housing shortages, impacts to public services, and traffic. In light of these issues, it is more important now than ever that ConnectMenlo’s environmental review contain a thorough disclosure of and evaluation of the Project’s impacts related to population growth. Unfortunately, despite our detailed comments on this topic, the FEIR has failed to correct the DEIR’s inadequate analyses. We highlight the most significant shortcomings here, but do not repeat numerous other of the remaining problems with the population and housing analysis that we noted in our comments on the DEIR, because we addressed those issues in detail in those comments.

In our comment on the DEIR, we warned that the EIR's assumptions regarding employee density for the proposed Bayfront Area commercial development were too generous, and thus underestimated the number of employees that the Project would draw to the area. *See* FEIR at 5-211 – 5-212 (VERG DEIR Comments O10-30, O10-31). Specifically, the EIR estimates one new employee for every 414 square feet of office space, despite the trend toward much higher office density (150 square feet per employee is typical), especially among high-tech companies that the Bayfront Area will almost certainly attract. *See id.*; *see also* As Office Space Shrinks, So Does Privacy for Workers, N.Y. Times (Feb. 22, 2015), *available at* <http://www.nytimes.com/2015/02/23/nyregion/as-office-space-shrinks-so-does-privacy-for-workers.html>.

In response, the FEIR states that the EIR calculated employment generation for each land use type based on “a range of factors for each land use type [that] was developed in collaboration between City staff and PlaceWorks utilizing their knowledge of the city.” FEIR at 5-22. The EIR does not explain what these factors are, nor how City staff and PlaceWorks decided they were relevant here. Without this information, the public and decision-makers cannot evaluate the EIR's claims and conclusions. CEQA requires an agency to “show its work,” and the EIR has failed to meet this key requirement of the law. *See, e.g., Preservation Action Council v. City of San Jose* (2006) 141 Cal.App.4th 1336, 1351 (“To facilitate CEQA's informational role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions.”).

The EIR also underestimates the Project's population impacts by failing to consider indirect job creation from the Project. Estimating the growth indirectly caused by the Project—the “multiplier effect”—is not speculative, as the FEIR claims. While there is no expectation that the EIR could provide, exactly, the number of additional jobs indirectly created by the Project, an estimate is possible. Notably, in its comments on the DEIR, Community Legal Services of East Palo Alto supplied studies that indicate that approximately four service-sector jobs are created for every higher-paying high-tech job. *See* FEIR at 5-250.

In response, the FEIR claims that it cannot predict what businesses will occupy future commercial development, and so attempting to determine whether future business growth would have a “multiplier effect” is speculative. FEIR at 5-28. This strains credulity, as the EIR specifically describes the kind of businesses allowed by the new office-commercial land-use designations for the Bayfront Area: Office (allowing “new high-tech office, R&D, and life sciences uses”) and Life Sciences (allowing “new life sciences and R&D uses, along with limited high-tech office”). DEIR at 3-26. These land-use designations specifically are limited to uses that provide skilled, higher-paying

jobs, like high-tech offices and research and development. While the analysis may not be—and need not be—perfectly exact, the City has enough information to make an informed estimate of indirect growth caused by bringing more higher-paying jobs to the area. To adequately disclose the Project’s impacts, the EIR must make this analysis.

B. The EIR’s Analysis of and Mitigation for the Project’s Traffic Impacts Remain Inadequate.

The EIR’s analysis of traffic impacts achieves a result exactly opposite from what CEQA requires. Under CEQA, decision-makers and the public are to be given sufficient information about impacts and mitigation to come to their own judgments and decisions. *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.”). Where, as here, the environmental review document fails to fully and accurately inform decision-makers and the public of the environmental consequences of proposed actions, it undermines the statute’s fundamental goals.

Under CEQA, the Project’s discussion of traffic impacts must explain exactly what will happen to the County’s transportation system if the Project goes forward. *See Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553, 568 (“[T]he EIR must contain facts and analysis, not the agency’s bare conclusions”). Importantly, it must offer specific information about the consequences of this Project. Rather than comply with this core requirement, the EIR’s traffic analysis relies on questionable methodology, presents an incomplete evaluation of the Project’s impacts to area roadways and intersections, and continues to pose unmitigated, significant traffic and safety impacts and hazards to the community.

As with the population and housing analysis, the FEIR is dismissive of a majority of the comments submitted by this firm and by MRO Engineers on the DEIR. Because we have commented on the adequacy of the EIR’s traffic analysis in great detail previously (see VERG comments on the DEIR dated August 1, 2016), we will not repeat those comments here. Instead, we highlight the most critical issues of concern.

First, the EIR continues to fail to disclose the data relied upon in the analysis and fails to provide the daily trip distribution of Project-related traffic. Project trip generation is a fundamental, critical first step in any transportation impact analysis. Such an omission leaves decision-makers and the public in the dark about the Project’s

traffic impacts. Similarly, the EIR's analysis of vehicle miles travelled (VMT) remains incomplete and fails to disclose significant impacts resulting from the Project. As we explained in our previous comments, the EIR's use of service population (instead of per capita figures) skews the results and yields an artificially low outcome. FEIR at 5-218 – 5-220 (VERG DEIR Comment O10-43).

But rather than correcting the analysis, the FEIR defends its flawed approach. The FEIR claims that the 2013 Plan Bay Area was used to determine the regional average VMT per service population and calculate a threshold of significance based on that figure. FEIR at 3-36 & 3-37 (stating that 2013 Plan Bay Area EIR was used to determine the regional average VMT per *service population* at 20.8 miles per person (emphasis added)). But this statement too is incorrect. The 2013 Plan Bay Area provides a Daily VMT *per capita* of 20.8. 2013 Plan Bay Area DEIR at 2.1-10 (Table 2.1-3). These two types of calculations are different. The per capita calculation used in the Plan Bay Area analysis is calculated by dividing the total annual VMT by the total population of the Bay Area. The service population approach used in this EIR divides the total VMT by the population of the city plus employees. Thus, the EIR's threshold of significance for VMT is based on a per capita calculation, but the Project's impact is measured using a service population calculation. This results in an apples and oranges comparison, rendering the significance analysis meaningless.

Second, the FEIR dismisses comments related to the issue of neighborhood cut-through traffic. *See* FEIR at 5-220 – 5-221 (VERG DEIR Comment O10-46). As described in our previous comments, substantial amounts of traffic already use routes through neighborhood streets in Menlo Park, Palo Alto, and East Palo Alto to bypass heavy traffic on main routes. The FEIR responds that the analysis of impacts to the streets identified in our comments is unnecessary because those streets “are not anticipated to experience further cut-through traffic as a result of the proposed project.” FEIR at 5-42. The FEIR explains that trips to and from the Bayfront Area will primarily occur in the reverse direction so that drivers will experience “much less delay at most intersections than peak-direction traffic.” *Id.* Notably, this does not take into account increased traffic from citywide development.

However, the EIR indicates that intersections along main routes will suffer delays during *both* peak periods. DEIR at Table 4.13-12. For example, the Bayfront Expressway/Willow Road intersection will experience delays of 2.6 minutes per vehicle in the AM peak hour and 1.9 minutes per vehicle in the PM peak hour. *Id.* The Bayfront Expressway/University Avenue intersection is expected to have PM peak hour delays of 3.3 minutes per vehicle. *Id.*

Similarly, traffic during the PM peak hour on University Avenue will experience long delays. *Id.* Many of the intersections along University already exceed level of service (LOS) standards (e.g., intersection of University and Woodland Avenue currently operates at LOS E). FEIR at 3-36. Frustrated drivers experiencing delays are likely to take alternative routes, exacerbating congestion and safety issues in area neighborhoods. Residents of the Menlo Park Willows neighborhood and Palo Alto Crescent Park neighborhood already experience massive back-ups from cut-through traffic. Implementation of the Project will only worsen the effects of cut-through traffic. Yet, the EIR fails to perform the required analysis to evaluate the extent and severity of this impact. Moreover, the EIR provides no evidence to substantiate its conclusion that neighborhood streets would not suffer additional cut-through traffic—this, in spite of the fact that VERG provided video evidence of the extreme impact of cut-through traffic is already having on neighborhoods. *See* FEIR at 5-42.

In addition, in commenting on the DEIR, we informed the City that the DEIR inappropriately omitted analysis of the Project's impacts on regional transportation. *See* FEIR at 5-223 (VERG DEIR Comment O10-50). We explained that if most employees drawn to the area by the Project live outside Menlo Park, then the impacts to services like Caltrain are likely to be considerable. *Id.* Rather than conduct the necessary impact analysis for Caltrain, though, the FEIR instead summarily states that the Project is not anticipated to result in significant impacts to Caltrain in part because of the General Plan's allowance for additional housing, which will reduce the volume of daily commuters. *Id.* The EIR provides no evidence that the additional housing allowed under the Project (up to 5,500 units), if it were to be built, would reduce Caltrain commuter use to Menlo Park or to what degree. Further, there is absolutely no guarantee housing allowed by the Project would actually be built, and so this is a shaky foundation indeed for the EIR's conclusion that there will not be impacts to Caltrain. Finally, as we have explained in our earlier comments, even if all housing allowed under the Project is built, the amount of commercial development allowed under the Project would still create more demand for housing than the new housing would accommodate. For these reasons, the EIR should be revised to analyze the Project's contribution to increased ridership of regional transportation and to provide evidence that the amount of housing provided locally will sufficiently offset the demand.

In sum, the EIR provides insufficient data and its analysis fails to provide evidentiary support for the conclusion that the impacts related to neighborhood cut-through traffic and impacts to regional transportation providers would be less than

significant. Without more detailed analysis, the public and decision-makers cannot rely on this EIR to disclose the true impacts of the Project.

IV. Conclusion

For all of the above reasons, and the reasons explained in our comments on the DEIR, the ConnectMenlo EIR is inadequate and fails to comply with CEQA. In the face of these myriad inadequacies, the City cannot make a responsible decision about this Project without further environmental review. And here, a well-informed, thoughtful decision by City officials is especially important because the General Plan is the “constitution” for all development in Menlo Park for the foreseeable future. The wrong decision here could have disastrous impacts for residents of the City and surrounding areas—interminable traffic jams, skyrocketing housing costs, and displacement of long-time residents—and so this General Plan Update must be made with the utmost of care. The Planning Commission and City Council simply do not have the information necessary to make a truly informed decision at this time, as we have explained above. We urge the City to rethink this Project and its environmental review, and to take no action on the Project until the EIR is revised and recirculated to meet CEQA’s mandates and the community’s needs.

Best regards,

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