

Section 3

Environmental Analysis

3.1 INTRODUCTION TO THE ENVIRONMENTAL ANALYSIS

Organization of this Section

This section of the Draft EIR presents an analysis of environmental conditions that may be affected by the Project and the potential impacts that could occur with approval of the Project. The environmental analysis has been prepared in accordance with California Environmental Quality Act (CEQA), as amended (Public Resources Code Section 21000, et seq.), and the State CEQA Guidelines. Each CEQA topic or environmental issue in Section 3 is given its own section; information in each of these sections is presented in the following subsections:

- **Applicable Plans and Regulations** – describes the federal, State, and local regulations regarding the impact topic that would be applicable to the construction and operation of the Project.
- **Existing Conditions** – describes existing baseline conditions, including the environmental context and regulatory background. The environmental baseline for purposes of the analysis is discussed in detail below.
- **Impacts and Mitigation Measures** – identifies standards of significance and evaluates how the Project would affect the baseline conditions. If the change to the baseline conditions would exceed the significance thresholds, a significant impact is declared, and mitigation measures to reduce, eliminate, or avoid the significant impacts are suggested. If the Project would not result in impacts regarding a specific standard, then this is discussed in an Impacts Not Evaluated in Detail subsection and not further analyzed. This section also analyzes cumulative impacts, as described in more detail below.

CEQA Methodology

CEQA Guidelines Section 15151 provides guidance for the preparation of an adequate EIR. Specifically, Section 15151 states:

- An EIR should be prepared with a sufficient degree of analysis to provide decision-makers with information which enables them to make a decision which intelligently takes account of environmental consequences;
- An evaluation of the environmental impacts of a project need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible; and
- Disagreement among experts does not make an EIR inadequate, but the EIR should summarize the main points of disagreement among the experts.

In practice, the above points mean that EIR preparers should adopt a reasonable methodology upon which to estimate impacts. This approach means making reasonable assumptions using the best information reasonably available.

Enumeration of Impacts and Mitigation

Impacts presented in this chapter of the Draft EIR are defined according to an alpha-numerical system that identifies the environmental issue. For example, NO-1 denotes the presentation of the first impact in the Noise section. The two-letter codes used to identify the environmental issues discussed in this section are:

- LU – Land Use
- AE – Aesthetics
- WN – Wind
- TR – Transportation
- AQ – Air Quality
- GG – Greenhouse Gas Emissions
- NO – Noise
- CR – Cultural Resources
- BR – Biological Resources
- GS – Geology and Soils
- HY – Hydrology/Flood Hazards
- HM – Hazardous Materials
- PH – Population and Housing
- PS – Public Services
- UT – Utilities and Service Systems

Mitigation measures are numbered to correspond to the impacts they address; e.g., Mitigation Measure BR-1.1 refers to the first mitigation for Impact 1 in the Biological Resources section.

Classification of Impacts

In accordance with Section 15022(a) of the CEQA Guidelines, the City of Menlo Park (City) uses the significance criteria designated by CEQA and the State CEQA Guidelines (Appendix G), which are used to evaluate project impacts throughout this document, as well as City-adopted significance criteria for traffic impacts. These criteria are listed at the beginning of the impact assessment subsection, under the subsection, “Standards of Significance.”

For each impact identified, a level of significance is determined using the following classifications:

- *Potentially significant (PS)* impacts include those cases where it is not precisely clear whether a significant effect would occur; the analysis in these instances conservatively assesses the credible worst-case conditions, but the discussion acknowledges that there is some uncertainty regarding the credible extent of the impact, given that certain final design-level details of a project cannot be known at this stage.
- *Less-than-significant (LTS)* impacts include effects that are noticeable, but do not exceed established or defined thresholds, or are mitigated below such thresholds.
- *No impact (NI)* includes situations where there is no adverse effect on the environment.

For each impact identified as being potentially significant (PS), the Draft EIR provides mitigation measures to reduce, eliminate, or avoid the adverse effect. If the mitigation measures would reduce the impact to a less-than-significant level successfully, this is stated in the Draft EIR. However, if the mitigation measures would not diminish these effects to less-than-significant levels, then the Draft EIR classifies the impacts as “significant and unavoidable (SU).”

Mitigation Measures

This Draft EIR identifies mitigation measures developed as part of this analysis, which are designed to reduce or avoid potential environmental impacts associated with the Project. CEQA Guidelines Section 15126.4 states that the discussion of mitigation measures shall distinguish between measures that are proposed by the project proponents to be included in the project and other measures proposed by the lead, responsible, or trustee agency or other persons who are not included, but the agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the Draft EIR. For each impact assessment that concludes that the Project would result in a potentially significant impact, mitigation measures are provided immediately following. However, not all mitigation measures would reduce impacts to a less-than-significant level, resulting in a significant and unavoidable conclusion.

Environmental Baseline

In determining whether impacts are significant, an EIR ordinarily compares the potential impacts of the project with pre-project environmental conditions. The CEQA Guidelines specify that the baseline normally consists of the physical conditions that exist at the time the NOP is published or the time the environmental analysis begins.¹

The approach for the analysis of the West Campus is consistent with what is specified in the CEQA Guidelines. At the time the NOP was released (April 21, 2011), the existing buildings on the West Campus were vacant and had been vacant since approximately 2003. These buildings could not be reoccupied without significant modification. The Project Sponsor proposes to demolish the existing development at the West Campus and construct a new campus. The baseline and, accordingly, the point from which impacts are measured, is a vacant site.

There are, however, exceptions to the general rule for establishing the baseline. The lead agency may determine that another baseline is more appropriate, either for overall evaluation of a project’s impacts or for evaluation of a particular project impact. The date for establishing a baseline cannot be a rigid one. Environmental conditions may vary from year to year and, in some cases, it is necessary to consider conditions over a range of time periods. *Save Our Peninsula Comm. v. Monterey County Bd. of Supervisors* (2001) 87 Cal.App.4th 99, 125. A baseline of permitted operations is appropriate where the project is a modification of an existing permit. *Benton v. Board of Supervisors* (1991) 226 Cal.App.3d 1467, 1477. When a project changes the operations of an existing facility, a discussion of

¹ CEQA Guidelines Sections 15125(a) and 15126.2(a).

past operational patterns may be necessary to establish the existing operational conditions and assess project impacts that would be created by the change in operations. *County of Amador v. El Dorado County Water Agency* (1999) 76 Cal.App.4th 931, 953. An agency has discretion not to use an environmental baseline set as of the time of the NOP as long as its exercise of discretion is supported by substantial evidence. *Fat v. County of Sacramento* (2002) 97 Cal.App.4th 1270, 1277.

The approach to the baseline in the Draft EIR as it pertains to the East Campus is an exception to the general rule. In 1991, the City issued a Conditional Development Permit (CDP) for the East Campus that allowed up to 3,600 employees to occupy the roughly one million sf office development. The permit was exercised and rights under the CDP vested when the East Campus was occupied and operated by Sun Microsystems at the maximum allowable capacity of 3,600 employees for over two decades. In 2008, Oracle acquired the East Campus and occupied the site with approximately 2,000 employees. Although the employee occupancy dipped as a result of this acquisition, the normal condition of the East Campus since the issuance of the CDP was operation at maximum capacity. A temporary lull or spike in operations that happens to occur at the time environmental review for a new project begins should not depress or elevate the baseline. *Communities for a Better Environment v. South Coast Air Quality Management* (2010) 48 Cal.4th 310, 328. Therefore, the City is exercising its discretion based upon substantial evidence of permitted use, as well as past and existing operational/occupancy conditions, to establish the analytic baseline for the East Campus at 3,600 employees.

At issue is the Project Sponsor's right to occupy the East Campus with more than 3,600 employees. The existing buildings are in good condition and could be occupied with 3,600 employees by the Project Sponsor at any time under the existing CDP. In fact, the Project Sponsor has undertaken Tenant Improvements and will be moving up to 3,600 employees onto the East Campus in 2012. The Project Sponsor is entitled to do this without any discretionary or additional environmental review by the City. Moreover, the City does not have unilateral regulatory authority to require any analysis of or reduction in environmental impacts associated with occupancy of the East Campus by 3,600 employees. Therefore, the appropriate focus of this environmental review is the difference between the East Campus operating at maximum permitted density (i.e. 3,600 employees) and the increased density arising from the Project Sponsor's CDP modification request (i.e. approximately 3,000 net new employees). The Project Sponsor is requesting the conversion of the 3,600 employee cap in the existing CDP to a vehicle trip cap, which would ultimately allow approximately 6,600 employees on site or an additional 3,000 employees. The true effects of the Project and what is analyzed in this Draft EIR is the increase in intensity of use at the East Campus. *Communities for a Better Environment v. South Coast Air Quality Management* (2010) 48 Cal.4th 310, 325. Therefore, although the existing buildings on the East Campus were not fully occupied at the time of the NOP, there is legal and factual support for establishing the East Campus baseline as a fully occupied campus with 3,600 employees.

Impact Evaluation for the East Campus

With respect to the East Campus, this Draft EIR analyzes the change in the CDP from an employee cap to a trip cap. This change is anticipated to allow the Project Sponsor to increase the number of employees on-site by approximately 3,000 people without increasing the footprint of the existing

buildings. Because this does not involve any ground-disturbing construction activities or exterior modifications to existing buildings, several technical discussions in this section do not apply to the East Campus, as follows:

- Aesthetics;
- Wind;
- Cultural Resources; and
- Biological Resources.

The remaining technical chapters (Transportation, Air Quality, Greenhouse Gas Emissions, Noise, Geology and Soils, Hydrology and Water Quality, and Hazards and Hazardous Materials, Population and Housing, Public Services, and Utilities) analyze impacts related to both the East Campus and the West Campus. However, three of these sections (Geology and Soils, Hydrology and Water Quality, and Hazards and Hazardous Materials) have both population-based and footprint-based thresholds and the East Campus is only evaluated where appropriate.

Environmental Approach to Addressing Cumulative Impacts

In addition to the evaluation of project-specific impacts, CEQA also requires an evaluation of cumulative impacts. In accordance with CEQA, the discussion of cumulative impacts must reflect the severity of the impacts and the likelihood of their occurrence; however, the discussion need not be as detailed as the discussion of environmental impacts attributable to the project alone. According to Section 15355 of the CEQA Guidelines:

“Cumulative impacts” refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts.

- (a) The individual effects may be changes resulting from a single project or a number of separate projects.
- (b) The cumulative impact from several projects is the change in the environment which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Cumulative impacts can result from individually minor, but collectively significant projects taking place over a period of time.

Throughout this Draft EIR, cumulative impacts are denoted by a “C” (i.e., Impact C-NO-1). An analysis of cumulative impacts follows the Project-specific impact evaluation and recommendation of mitigation measures in each section. An introductory statement that defines the cumulative context that is being analyzed for respective sections (e.g., the City, the Bay Area Air Basin) is included at the beginning of each cumulative impacts section. In some instances, a project-related impact may be considered less than significant, but would be considered potentially significant in combination with development of the surrounding area. Similarly, a potentially significant impact may result on a Project level, but would not result in a cumulatively considerable impact.

The cumulative projects considered in this Draft EIR consist of two categories, as shown in Table 3.1-1 and Table 3.1-2 and depicted in Figure 3.1-1. The first category of projects, identified as Tier 1, consist of reasonably foreseeable development projects identified by the City and within City limits. Where appropriate, the cumulative effect of the Tier 1 projects is quantified and discussed in details that are specific to the projects listed. The second category, identified as Tier 2, encompasses a larger geographic area not within the boundaries of the City and projects that are in the early stages of planning or whose development could be considered somewhat speculative. The cumulative analysis in this Draft EIR qualitatively considers the Tier 2 projects to the extent feasible. For purposes of the quantitative cumulative analyses in the Transportation, Air Quality, and Noise sections, an ambient growth rate of 1 percent per year is applied in addition to the analysis of the Tier 1 cumulative projects as this percentage has been determined by City staff to reasonably represent regional growth in traffic from those projects.

Impacts That Do Not Require Further Analysis

Section 15128 of the CEQA Guidelines states that “An EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” Implementation of the Project would not result in significant environmental impacts to agricultural or forestry resources and mineral resources. Therefore, these issues are not discussed in detail in Section 3 of this Draft EIR.

Agricultural and Forestry Resources. There is approximately 5,483 acres of farmland in San Mateo County. However, the Project site is not on or adjacent to any farmland and is considered “Urban and Built-Up Land” by the California Department of Conservation.² Therefore, the Project would not convert or have the potential to convert existing farmland to a nonagricultural use. In addition, the Project site is not currently protected under the Williamson Act or zoned for agricultural uses.³ All properties to be directly or indirectly impacted by the Project are zoned for office, research and development, and industrial uses. Therefore, the Project would result in *no impact* to agricultural resources.

There are currently about 624 trees at the West Campus; however, these are not considered to be forestry resources per the definitions of Public Resources Code Section 12220(g), timberland as defined by Public Resources Code Section 4526, or timberland zoned Timberland Production per Government Code Section 51104(g). Based on a review of maps and aerial photographs of the Project site, as well as site visits, the Project site is not on or in the immediate vicinity of forest lands. The surrounding area is characterized by light industrial and office uses, and, therefore, implementation of the Project would have *no impact* to forest resources.

² State Department of Conservation, Farming Mapping and Monitoring Program, “San Mateo County Important Farmland 2008,” May 2009, website: <http://www.conservation.ca.gov/dlrp/fmmp/Pages/Index.aspx>, accessed September 14, 2011.

³ State Department of Conservation, Division of Land Resource Protection, “San Mateo County Williamson Act 2006,” April 5, 2007, website: <http://www.conservation.ca.gov/dlrp/lca/Pages/Index.aspx>, accessed September 14, 2011.

**Table 3.1-1
Cumulative Projects for the Tier 1 Analysis**

ID	Address	Type of Use	Size	Unit	Status
Office/Retail/Commercial/Etc					
1	1283 Willow Road (Police/City Service Center)	Office	3,800	sf	Under Construction
		Retail	5,096	sf	
2	1300 El Camino Real	Commercial	110,065	sf	Approved New Construction
3	1906 El Camino	Medical Office	9,825	sf	Under Construction
4	1706 El Camino	Medical Office	10,166	sf	Approved New Construction
5	100-155 Constitution Drive and 100-190 Independence Drive (Menlo Gateway)	Office/Health Club/Restaurant/Hotel (includes 230 Rooms)	744,304	sf	Approved New Construction
6	2550 Sand Hill Road	Office	23,011	sf	Complete
7	100 Middlefield	Office	8,936	sf	Under Construction
8	2484 Sand Hill Road (Quadrus Bldg. 9)	Office	8,970	sf	Proposed New Construction
9	Civic Center	Fitness	26,900	sf	Constructed/Proposed Construction
		<i>Subtotal Non-Residential Uses</i>	<i>951,073</i>	<i>sf</i>	
Residential					
10	110 Linfield Drive (Taylor Morrison)	Residential	22	du	Under Construction, Partially Occupied
11	297 Terminal Ave	Residential	21	du	Proposed New Construction
12	2122 Santa Cruz Avenue (Royal Oaks Subdivision)	Residential	7	du	Under Construction, Partially Occupied
13	389 El Camino	Residential	26	du	Proposed New Construction
		<i>Subtotal Residential Units</i>	<i>76</i>	<i>du</i>	
Mixed-Use					
14	1460 El Camino Real	Office	14,784/16	sf/du	Approved New Construction
15	580 Oak Grove (Derry)	Commercial	3,635/108	sf/du	Proposed New Construction
		<i>Subtotal Mixed-Use</i>	<i>18,419/124</i>	<i>sf/du</i>	
TOTAL RESIDENTIAL			200	du	
TOTAL NON-RESIDENTIAL			969,492	sf	

Source: City of Menlo Park, 2011.

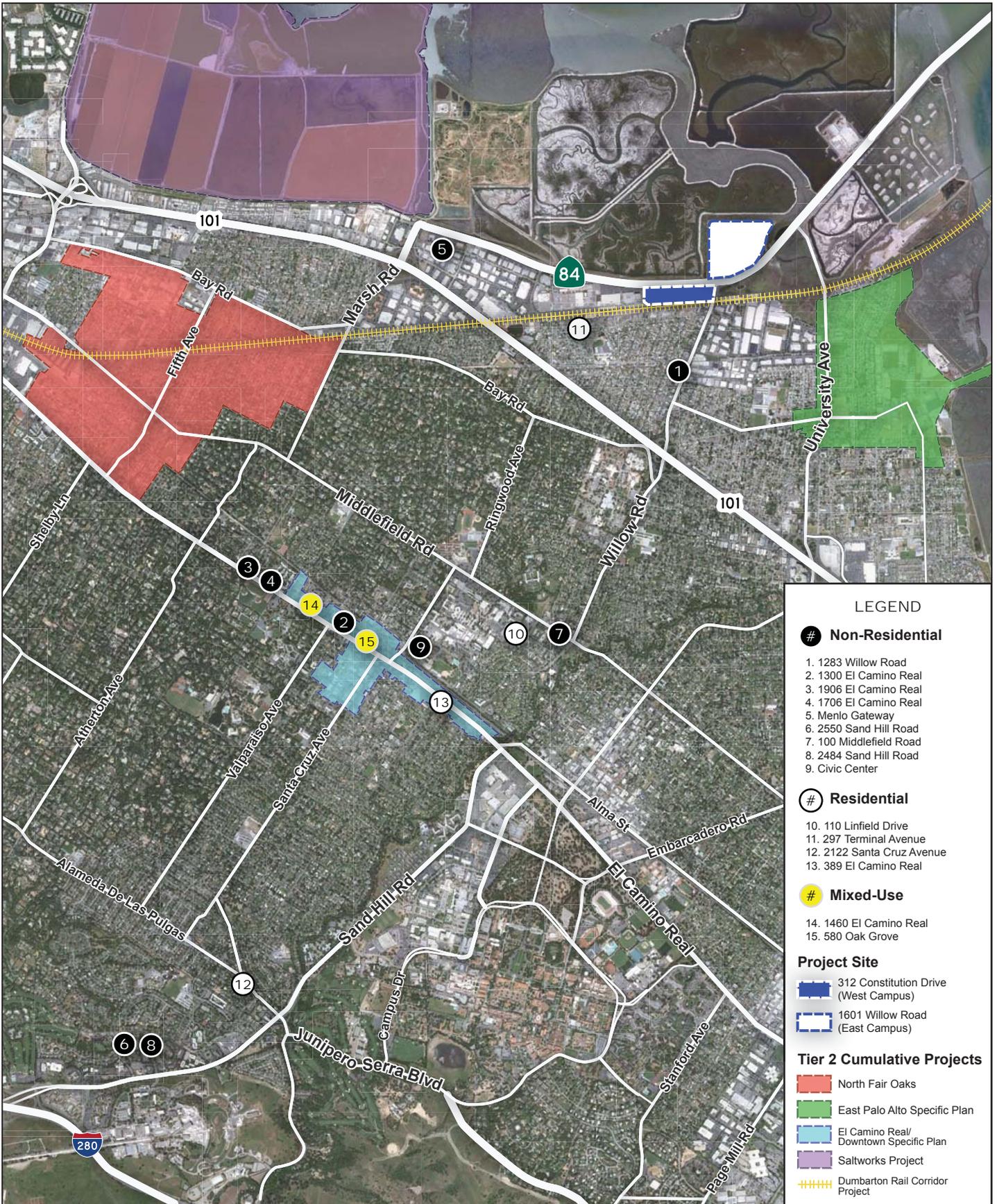
Notes: square feet (sf); dwelling unit (du).

**Table 3.1-2
Cumulative Projects for the Tier 2 Analysis**

Project	Type of Use	Size	Unit	Status	Location
El Camino Real/Downtown Specific Plan	Retail	91,800	sf	Proposed	West Menlo/Downtown/El Camino Real
	Office	240,820	sf		
	Hotel	380	rooms		
	Residential	680	du		
EPA Specific Plan	Residential	835	du	Proposed	University/Dumbarton/Ravenswood/Bay Road
	Office	1,268,500	sf		
	Retail	112,400	sf		
	R&D/Industrial	351,820	sf		
	Civic	61,000	sf		
	Parks/Trails	30	ac		
	North Fair Oaks	Residential (net new)	3,024		
	Retail (net new)	180,000	sf		
	Office (net new)	155,000	sf		
	R&D/Industrial (net new)	210,000	sf		
	Institutional (net new)	110,000	sf		
	Parks/Trails (net new)	4	ac		
Saltworks	Residential	12,000	du	Proposed	Northeastern portion of Redwood City
	Commercial Office	17	ac		
	Schools and Public Facilities	37	ac		
Dumbarton Rail Corridor Project	Rail Corridor from East Bay to Peninsula	20.5	mi	Proposed	Rail corridor from the East Bay to the Peninsula. Potential stations on the Peninsula include: East Palo Alto/Menlo Park, Downtown Menlo Park, North Fair Oaks, and Redwood City.
	Total Residential	16,539	du		
	Total Non Residential	2,781,340	sf		
	Total Non-Residential Acres	54	ac		
	Total Hotel	380	rooms		
	Parks/Trails	34	ac		
	Rail Corridor	20.5	mi		

Source: City of Menlo Park, 2011.

Notes: square feet (sf); dwelling unit (du); acre (ac); miles (mi).



LEGEND

Non-Residential

- 1283 Willow Road
- 1300 El Camino Real
- 1906 El Camino Real
- 1706 El Camino Real
- Menlo Gateway
- 2550 Sand Hill Road
- 100 Middlefield Road
- 2484 Sand Hill Road
- Civic Center

Residential

- 110 Linfield Drive
- 297 Terminal Avenue
- 2122 Santa Cruz Avenue
- 389 El Camino Real

Mixed-Use

- 1460 El Camino Real
- 580 Oak Grove

Project Site

- 312 Constitution Drive (West Campus)
- 1601 Willow Road (East Campus)

Tier 2 Cumulative Projects

- North Fair Oaks
- East Palo Alto Specific Plan
- El Camino Real/Downtown Specific Plan
- Saltworks Project
- Dumbarton Rail Corridor Project

FIGURE 3.1-1
Cumulative Projects

Source: City of Menlo Park, Atkins, 2011.

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

The Project site is not delineated as a locally-important mineral resource by the California Geological Survey (CGS) or on any County or City land use plan. The *San Mateo County General Plan – Mineral Resources Map* does not specify that the Project site contains any significant mineral resources. However, according to this map, the area directly north, east, and west of the East Campus is delineated as Salines, which are salt evaporation ponds.⁴ Nonetheless, since no construction activities would occur at the East Campus with implementation of the Project, there would be *no impact* on mineral resources.

⁴ San Mateo County Department of Environmental Management Planning and Development Division, San Mateo County General Plan, Mineral Resources Map, website: [http://www.sforoundtable.org/P&B/gp/maps/gp%20mineral%20resources%20\(11x17\).pdf](http://www.sforoundtable.org/P&B/gp/maps/gp%20mineral%20resources%20(11x17).pdf), accessed September 14, 2011.