APPENDIX B

Initial Study

INITIAL STUDY

Bohannon Office/Hotel Mixed Use
General Plan Amendment and Rezoning Project

Prepared for
City of Menlo Park
Community Development Department
701 Laurel Street
Menlo Park, CA 94025

Prepared by
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(415) 362-1500

May 24, 2007

BOHANNON OFFICE/HOTEL MIXED USE GENERAL PLAN AMENDMENT AND REZONING PROJECT

Initial Study - Environmental Checklist Form

1. **Project Title:** Bohannon Office/Hotel Mixed Use General Plan Amendment and Rezoning Project

2. **Lead Agency Name and Address:** City of Menlo Park, Community Development Department
701 Laurel Drive, Menlo Park, CA 94025

3. **Contact Person and Phone Number:** Thomas Rogers, Associate Planner
(650) 330-6722

4. **Project Location:** The proposed project encompasses two project sites situated in the northeastern area of the City of Menlo Park in San Mateo County (see Figure 1). The project sites are located within a larger area bound by US 101 to the south, the Marsh Road freeway off-ramp to the west, Bayfront Expressway to the north, and Chrysler Drive to the east (project area). The site located at 100-190 Independence Drive (Independence site) is located north of US 101 and is bound by US 101 to the south and west, Chrysler Drive to the east, and Independence Drive to the north (see Figure 2). The site located at 101-155 Constitution Drive (Constitution site) is north of the Independence site and is within an area bound by Independence Drive to the west, Bayfront Expressway to the north, Constitution Drive to the south, and Chrysler Drive to the east (see Figure 2). Although US 101 is normally regarded as being oriented north-south, in the stretch near the project area, the freeway runs more east-west. Directional conventions used in this Initial Study reflect this orientation.

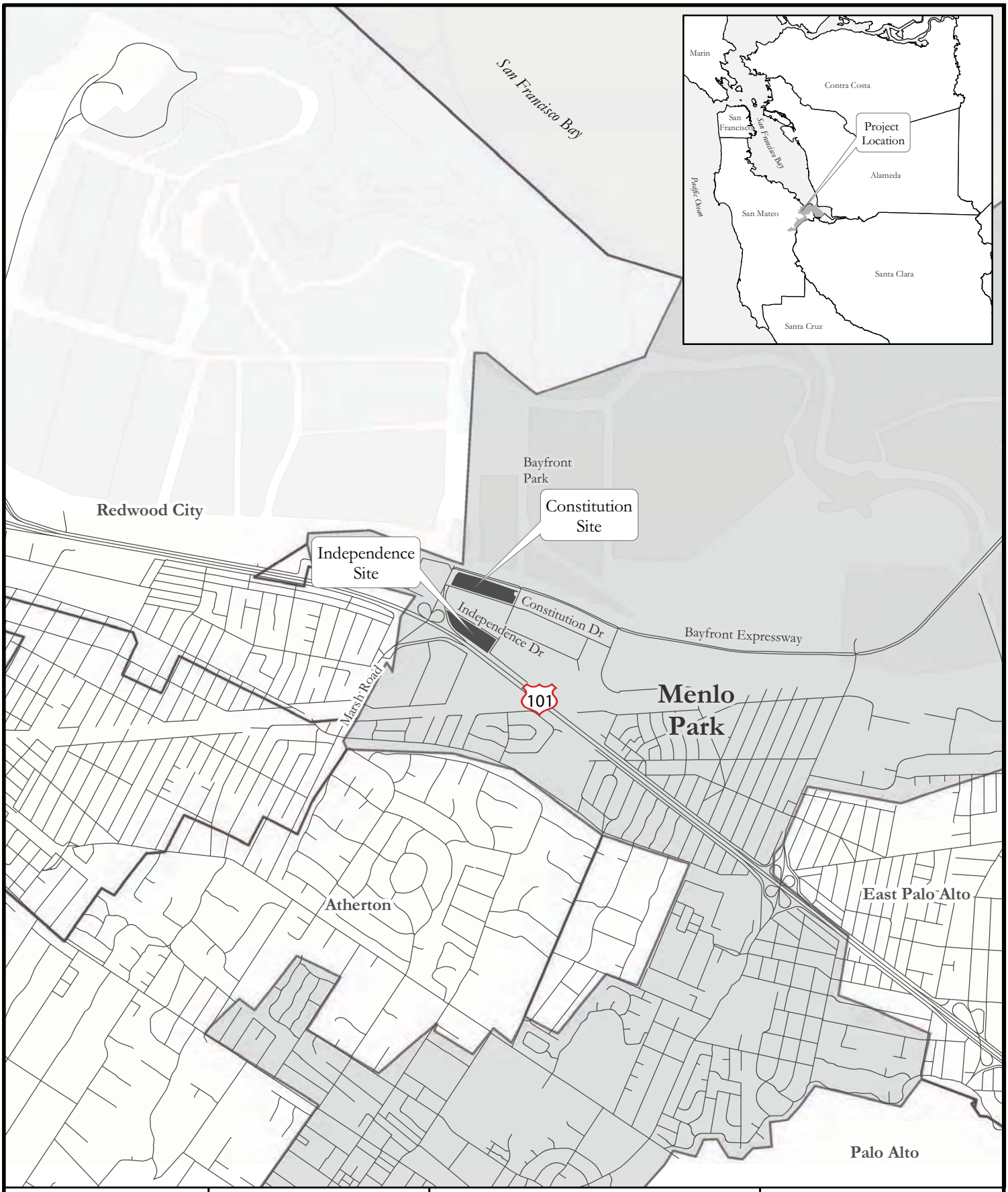
5. **Project Sponsor's Name and Address:** David D. Bohannon
Bohannon Development Company
60 31st Avenue
San Mateo, CA 94403

6. **General Plan Designation:** Limited Industry

7. **Zoning:** General Industrial (M-2) District

8. **Project Description:** The project sponsor, Bohannon Development Company, proposes to amend the Menlo Park General Plan designation for the Independence and Constitution sites from Limited Industry to a new Mixed-Use Commercial Business Park designation. Future uses at the two sites could continue to include research & development facilities, and offices (including light manufacturing and assembly) provided for by the Limited Industry designation, but could also include uses intended to serve businesses in the area (e.g., cafes/restaurants, convenience stores, and health/fitness centers) and hotel/motel uses. The maximum floor-area-ratio (FAR) would increase from the 45 - 55% to 137.5%

   The proposed project also would rezone the Independence and Constitution project sites from the General Industrial (M-2) district, which permits warehousing, manufacturing, printing, assembling, and offices uses, to a new Mixed-Use Commercial Business Park (M-3) district, which would permit administrative and professional offices, research and development, light industrial, motel or hotel, health and fitness centers, restaurants/cafés, convenience stores, parking structures, and storage. The proposed rezoning would permit an increase in the allowable FAR, building coverage, and building heights a shown in Table 1.



EIP ASSOCIATES
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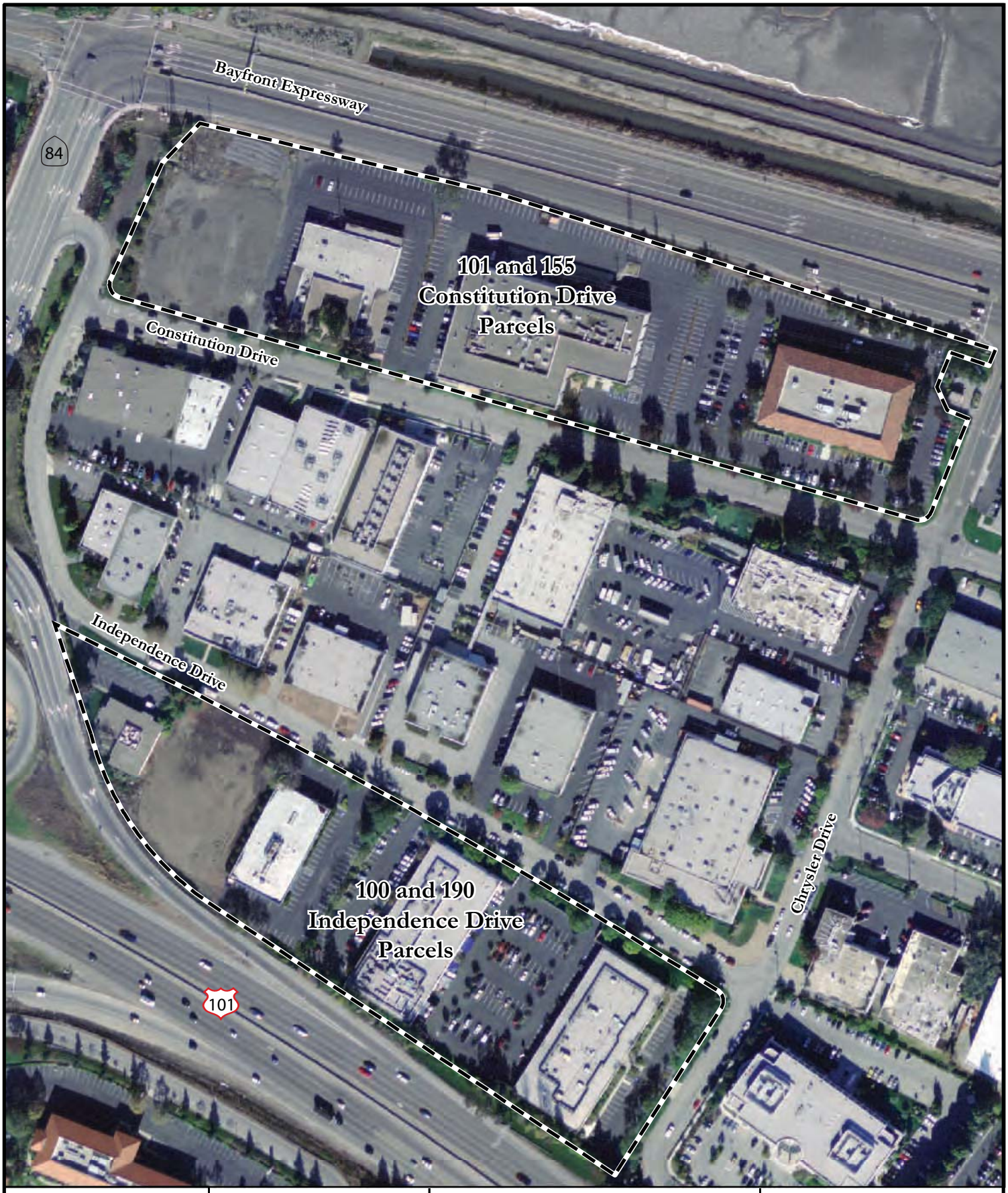
0 0.25 0.5
Miles
1 inch equals 0.5 miles

Source: US Census Bureau, City Boundaries, June 2000, TIGER 2K, Transportation Network, June 2002; USGS, Hydrography, Dec. 1998, Revised January 2007.

Proposed Specific Development Site
City of Menlo Park

FIGURE 1: PROJECT LOCATION

Bohannon Office/Hotel/ Mixed Use GPA and Rezoning



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0 100 200
Feet
1 inch equals 200 feet

Source: MapMart, Orthophotography, February, 2004, County of San Mateo, Parcel Boundaries, July, 2006.
Revised January 2007.

Project Parcels

FIGURE 2: PROJECT SITE

Bohannon Office/Hotel/ Mixed Use GPA and Rezoning

The General Plan Amendment and Rezoning would apply only to the Independence and Constitution project sites. Any future zoning changes to any other parcels would require separate Zoning Ordinance and Zoning Map Amendments, and would be subject to independent environmental review at the time of that project application.

The project sponsor is proposing a mix of hotel, health club, restaurant/café, convenience store, and other uses permitted in the new M-3 district for the Independence site and a mix of office and research & development space for the Constitution site. Table 1 compares the existing site development, the permitted development under the existing M-2 zoning district, and the proposed development under the new M-3 zoning.

The project sponsor also proposes to enter into a Development Agreement with the City to ensure that the proposed infrastructure improvements to the project site are implemented, as stipulated by the new M-3 zoning district regulations.

Table 1
Existing and Potential Development under M-2 and M-3 Zoning Regulations

Project Site	Development/ Regulation	Existing Development	Existing M-2 Zoning	Proposed M-3 Zoning	
Combined Independence and Constitution	Use	office and R&D	limited industrial	hotel, health club, restaurant/café, office, , and research & development, convenience store, and other commercial uses	
	Height	one to two stories	35 ft.*	140 ft	
	Total Floor Area Ratio (FAR)	31%	55%	137% (1.4:1)	
	Floor Area, in square feet (sf)	218,731 s.f	382,099 s.f.	173,682 s.f. 778,093 s.f. 951,775 s.f.	Hotel Other Uses Total

*this maximum height limitation may be increased upon approval of a conditional use permit

9. Surrounding Land Uses and Setting: The project area is bounded by the US 101 right-of-way to the south, Bayfront Expressway, Bayfront Park, and open space to the north, and office and light industrial uses both to the west and east.

10. Other public agencies whose approval is required (e.g. permits, financing approval, or participation agreement):

San Mateo County Congestion Management Agency
Regional Water Quality Control Board for National Pollutant Discharge Elimination System Permit

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☒ Aesthetic	☐ Agriculture Resources	☒ Air Quality
☒ Biological Resources	☒ Cultural Resources	☒ Geology & Soils
☒ Hazards & Hazardous Materials	☒ Hydrology & Water Quality	☒ Land Use & Planning
☐ Mineral Resources	☒ Noise	☒ Population & Housing
☒ Public Services	☐ Recreation	☒ Transportation/Traffic
☒ Utilities & Services Systems	☒ Mandatory Findings of Significance	

DETERMINATION (TO BE COMPLETED BY THE LEAD AGENCY)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION has been prepared.

☒ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a significant effect(s) on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on the attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

_____	_____
Signature	Date
Thomas Rogers, Associate Planner____	City of Menlo Park_____
Printed Name	For

EVALUATION OF ENVIRONMENTAL IMPACTS

Issues:	Potentially Significant Impact	Potentially Significant without Mitigation Incorporated	Less than Significant Impact	No Impact	Source
I. AESTHETICS– Would the project:					
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒	1, 2
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒	1, 2, 3
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☒	☐	☐	☐	1, 2
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☒	☐	☐	☐	1

Discussion

a-b) The Independence and Constitution project sites are located in the City of Menlo Park in an area developed with one- and two-story office and light industrial buildings. Concrete buildings well set back from roadways and well-landscaped areas with mature trees characterize the visual setting. Surrounding the project area is US 101 to the south; Bayfront Expressway, Bayfront Park and open space to the north; and office and light industrial uses west of Marsh Road and east of Chrysler Drive. Beyond the Bayfront Expressway are salt ponds, Bayfront Park, and the San Francisco Bay. The project sites are visible from US 101, surrounding roadways, and adjacent development.

The project sites are not located within a scenic vista. There are no scenic resources on or adjacent to the project area, and US 101 is not designated as a scenic area in the project vicinity. Accordingly, the proposed project would not adversely affect a scenic resource nor damage scenic resources within a state scenic highway.

c) The proposed project would change the visual character and quality of the project sites, which are marked by generally low-rise, well-maintained office/light industrial buildings. The proposed General Plan amendment and rezoning of the Constitution and Independence sites could permit taller and more intensive uses, thereby introducing visual elements and features that could contrast with the existing visual landscape. The maximum building heights would increase from 35 feet under the existing M-2 zoning to 140 feet under the proposed new M-3 zoning district. Accordingly, the EIR will discuss the visual effects of the proposed project on existing development in the project vicinity.

d) Existing lighting at the project sites is characterized by low-intensity security and safety lighting along walkways, within parking lots, and at building entrances. Although no lighting plans have yet been developed for the project sites, development at the project sites would include nighttime and security lighting, characteristic of existing development. However, the new buildings may involve lighting designs or construction materials that increase potential light and glare impacts for neighboring uses and motorists along the adjacent U.S. 101. Therefore, the EIR will discuss the proposed project's design in terms of potential light and glare considerations.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
II. AGRICULTURE RESOURCES - In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.					
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒	3, 5
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒	6, 7
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒	1, 2, 5, 7

Discussion

a) The project sites are not on or adjacent to any farmland. Therefore, the proposed project would not convert or have the potential to convert existing farmland to a nonagricultural use, and the proposed project would result in no impact on important farmlands.

b-c) The project sites are not currently protected under the Williamson Act or zoned for agricultural uses. All properties to be directly or indirectly impacted by the proposed project are zoned for office, research & development, and industrial uses. Therefore, the proposed project would result in no impact to agricultural resources.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
III. AIR QUALITY – Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	1
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☒	☐	☐	☐	1
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☒	☐	☐	☐	1
d) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	1
e) Create objectionable odors affecting a substantial number of people?	☒	☐	☐	☐	1

Discussion

a-e) The proposed project would intensify existing land uses at the project sites and permit a range of commercial uses, including food preparation uses, that do not currently exist in the project vicinity. The traffic related to the new employment base and to the visitors attracted to the service uses (e.g., the health/fitness centers and restaurants/cafes) would result in additional regional air emissions, and could contribute to local congestion that may result in "hotspots" of localized air pollutants such as carbon monoxide. The construction and demolition activities involved in the development of the new mixed uses would emit particulate matter and construction equipment exhausts. New uses, including the restaurants, can create odors that may disturb any sensitive receptors near the project area. Because of these air emissions, the proposed project may hinder efforts to attain state and federal air quality standards for ozone and small particulate matter, for which the Bay Area is in nonattainment. Accordingly, air-quality related concerns will be examined in the EIR.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IV. BIOLOGICAL RESOURCES – Would the project:					
a) Have a substantial adverse effect on either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	☒	☐	☐	☐	2, 8
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Services?	☐	☐	☐	☒	2, 6,
c) Have a substantial adverse effect on federally protected wetland as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?	☐	☐	☐	☒	2
d) Interfere substantially with the movement of any native resident of migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒	2
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☒	☐	2
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒	3

Discussion

a-d) A query of the California Natural Diversity Database (CNDDB) for the U.S. Geological Survey (USGS) Palo Alto, Redwood Point, Newark, and Mountain View 7.5-minute quadrangles resulted in 43 occurrences of sensitive plant and animal species. This database includes species listed as rare, threatened, endangered, or proposed for listing as such, under the California and Federal Endangered Species Acts, species of special concern to California Department of Fish and Game (CDFG) and the U.S. Fish and Wildlife Service (USFWS), and plants on the California Native Plant Society (CNPS) list 1 or 2 (considered rare or endangered within California and elsewhere). A separate 9-quad search on the CNPS electronic inventory resulted in 38 species of plants reported from the Palo Alto, Redwood Point, Newark, Mountain View, Woodside, La Honda, San Mateo, Mindego Hill, and Cupertino USGS 7.5' quadrangles. In general, the extensive species lists generated by the CNDDB and CNPS queries are the result of:

1. Populations of sensitive species associated with extensive freshwater wetlands and undisturbed native grasslands, and serpentine soils found within the region (primarily north and east of the project sites); and

2. Species associated with the extensive sloughs, coastal scrub, and associated brackish and freshwater habitats of the southern anchor of San Francisco Bay (across Bayfront Expressway along the northwest boundary of the Constitution site).

According to the data within the CNDDB, seven plant and animal species and two sensitive natural communities are reported within a 2-mile radius of the project sites. However, due to the project site's location (between a major highway and expressway) and its highly urbanized and developed landscapes, it is unlikely that any special status animal species would use the project sites for nesting, cover, or foraging habitat. Special-status plant species are either restricted to grassland habitats or are considered extinct. Although some portions of parcels are undeveloped, the original plant communities have been eliminated due to varying degrees of disturbance by previous development. Vegetation found within the project sites largely consists of commercial landscape specimen plantings, cultivars, and other commonly used horticultural varieties of plant species.

Except for existing municipal stormwater discharge systems, the project sites contain no wetlands or ponded water associated with wetlands or "other waters of the United States."

Any project activities that would result in the removal of existing woody vegetation could potentially impact nesting birds (i.e., the loss of young birds or the abandonment of an active nest), which would be a violation of Fish and Game Code Section 3503 and the federal Migratory Bird Treaty Act. The EIR will evaluate this potentially significant impact depending on the bird species.

e) The proposed project would be subject to the Menlo Park Municipal Code Chapter 13.24, which establishes regulations for the preservation of heritage trees. The proposed project could result in a loss of trees protected by Chapter 13.24, which would be considered a potentially significant impact. However, implementation of the provisions in this chapter of the Municipal Code would reduce this impact to less than significant.

The Menlo Park Municipal Code, Chapter 13.24 establishes regulations for the preservation and removal of heritage trees, which are defined as:

(1) A tree or group of trees of historical significance, special character or community benefit, specifically designated by resolution of the city council;

(2) An oak tree (*Quercus*) which is native to California and has a trunk with a circumference of 31.4 inches (diameter of ten (10) inches) or more, measured at fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide< with the exception of trees that are under twelve (12) feet in height, which will be exempt from this section.

(3) All trees other than oaks which have a trunk with a circumference of 47.1 inches (diameter of fifteen (15) inches) or more, measured fifty-four (54) inches above natural grade. Trees with more than one trunk shall be measured at the point where the trunks divide, with the exception of trees that are less than twelve (12) feet in height, which will be exempt from this section. (Ord. 928 §1 (part), 2004).

A tree survey shall be conducted by a certified arborist, with a tree report and map showing the locations of all pertinent trees within the project envelope. Any work performed within an area ten times the diameter of the tree (i.e., the tree protection zone) shall require submittal of a tree protection plan for

review and approval by the Community Development Director or his or her designee prior to issuance of any permit for grading or construction, and shall be prepared by a certified arborist. Removal of heritage trees requires obtaining an appropriate permit from the Director of Public Works. In keeping with the general intent of Chapter 13.24 to preserve and maintain trees, the project sponsor shall retain as many of the native trees as feasible.

f) The project sites do not lie within or adjacent to an adopted Habitat Conservation Plan, Natural Community Conservation Plan or other approved local, regional, or state habitat conservation plan. Accordingly, there would be no impact to these resource areas.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
V. CULTURAL RESOURCES – Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource as defined in code 15064.5?	☐	☐	☐	☒	10, 13
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5?	☒	☐	☐	☐	10, 13
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒	20
d) Disturb any human remains, including those interred outside formal cemeteries?	☒	☐	☐	☐	10

Discussion

a) A records search of historic and archaeological resources for the proposed project was conducted on June 10, 2005 at the Northwest Information Center (NWIC) at Sonoma State University. According to the NWIC, no historic resources are present at the project sites and a review of historical literature and maps on file at the NWIC gave no indication of historic activity in the project area. Based on the Phase I Environmental Site Assessment prepared for the Independence site (EFI Global, May 2005), the office and research & development facilities on Independence Drive were constructed around 1965. Prior to this date, the area was undeveloped grasslands and row crops. Since the State Office of Historic Preservation typically considers structures to be potentially historic if they are at least 45 years old (built in 1950 or earlier) and satisfy other criteria, the structures in the project sites would not be eligible for historic status. Thus, the proposed project would not be expected to affect historical or architectural resources.

b, d) According to the records search conducted for the proposed project by the NWIC, the project vicinity contains no recorded Native American or historic archaeological resources listed with the Historical Resources Information System. While the potential for the discovery of cultural resources on the project sites is low, there is a possibility that future development may uncover buried prehistoric archaeological resources. Indicators of prehistoric use and/or occupation in this area include dark brown to black friable soils containing visible amounts of shellfish remains, concentrations of stone and bone, evidence of fires (ash, charcoal, fire altered rock and burnt earth), and artifacts of stone, bone and shellfish. The EIR will evaluate whether the proposed project could involve grading activities within the project sites that could disturb undiscovered cultural resources.

c) Geologically recent invertebrate fossils (mollusks, micro-organisms, etc.) recovered from bay sediments such as those in the project vicinity are widely distributed, are found in predictable locations, and are both abundant and well preserved. Many types of marine and brackish-water invertebrate fossils can number in the millions and can be exposed over many miles of bayside sediments (some invertebrate fossils are so prolific that they constitute major soil or rock material, such as diatomaceous clay or fossiliferous limestone). Consequently, exposed sediments containing abundant, well-preserved, and extensively-distributed invertebrates such as the mollusks in the project vicinity, but lacking vertebrate fossils (see below), are less paleontologically sensitive than limited exposures containing few fossils from a restricted depositional zone.

Vertebrate fossil (fossils representing animals with backbones, including mammals, birds, reptiles, amphibians and fish) are more rare than invertebrate fossils and often are more poorly preserved. In marine sediments, significant vertebrate fossils generally are much less common than invertebrate fossils. Paleontological resource localities yielding vertebrate fossils frequently represent terrestrial environments, i.e., non-marine deposits such as the Holocene basin deposits at the project site. These continental deposits generally are less uniform depositionally than marine deposits, and, consequently, fossilization is even more infrequent. Further, in life vertebrates often are far less abundant than invertebrates (picture the difference between a herd of hundreds or even thousands of bison versus marine beds containing hundreds of millions of bivalves). The infrequency of fossilization and the vicissitudes of the many burial factors involved result in vertebrate fossils being extremely rare relative to their original numbers in life. For these reasons, vertebrate fossil resources are considered to have very high paleontological significance; geologic formations that have the potential to yield vertebrate fossil remains are therefore considered to have the greatest paleontological significance and the highest paleontological sensitivity. There are no geological formations of this type in the vicinity of the project site, so it is extremely unlikely that any paleontological resources exist at the project site.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less than Significant Impact	No Impact	Source
VI. GEOLOGY AND SOILS – Would the project:					
a) Expose people or structures to potential substantial adverse effects, including the risk or loss, injury, or death involving:					
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State of Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☐	☒	21, 22
ii. Strong seismic ground shaking?	☐	☐	☒	☐	23, 24
iii. Seismic-related ground failure, including liquefaction?	☐	☐	☒	☐	25, 26, 27
iv. Landslides?	☐	☐	☐	☒	1, 28,
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐	1, 28
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☐	☒	☐	1
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☐	☒	☐	1, 29
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☐	☐	☐	☒	1

Discussion

a.i) The project sites are not in an Alquist-Priolo Earthquake Fault Zone or on or immediately adjacent to an active or potentially active fault.[1] The Alquist-Priolo Earthquake Fault Zoning Act requires the delineation of zones along sufficiently active and well-defined faults by the California Department of Conservation, Geological Survey (CGS). The active faults nearest to the project sites are the San Andreas

[1] An 'active fault' is defined by the State of California as a fault that has had surface displacement within Holocene time (approximately the last 10,000 years). A 'potentially active fault' is defined as a fault that has shown evidence of surface displacement during the Quaternary (last 1.6 million years), unless direct geologic evidence demonstrates inactivity for all of the Holocene or longer. This definition does not mean that faults lacking evidence of surface displacement are necessarily inactive. 'Sufficiently active' is used to describe a fault for which there is some evidence that Holocene displacement occurred on one or more of its segments or branches (Hart, 2005).

fault, about 7 miles southwest of the project sites, and the Hayward fault, about 9 miles northeast. Other nearby active Bay Area faults include the San Gregorio fault, about 15 miles southwest, and the Calaveras fault, about 16 miles northeast of the project sites. Traces of the Early Quaternary Palo Alto and Stanford faults appear on the County's Geologic Hazards Zones Map about 2 and 4 miles, respectively, south of the project sites. These faults do not show evidence for recent surface displacements (i.e., during the last 10,000 years) that would cause the state of California to categorize them as active. Because the project sites are not in an Alquist-Priolo Earthquake Fault Zone nor adjacent to any known active fault, fault rupture hazards are not considered impacts associated with the proposed project.

a.ii, iii) Menlo Park (and the rest of the San Francisco Bay Area) is in one of the most seismically active regions in the United States. Recent studies by the United States Geological Survey (USGS) indicate there is a 63 percent likelihood of a Moment Magnitude 6.7 or higher earthquake occurring in the Bay Area in the next 30 years. The project sites could experience very strong (Modified Mercalli Index [MMI] VIII) to violent (MMI IX) groundshaking intensities during a characteristic earthquake on the San Andreas fault.[2] Groundshaking of this intensity could result in moderate damage, such as collapsing chimneys and falling plaster. Seismic shaking of this intensity can trigger ground failures such as liquefaction, potentially resulting in foundation damage, disruption of utility service and roadway damage.[3]

The Seismic Hazards Mapping Act (SHMA) was enacted in 1990 to protect the public from the effects of strong groundshaking, liquefaction, landslides, or other ground failures caused by earthquakes. SHMA requires the State Geologist to delineate various seismic hazard zones and requires cities, counties, and other local permitting agencies to regulate certain development projects within these zones. Before a development permit is granted for a site in a Seismic Hazard Zone, a geotechnical investigation must be conducted and appropriate mitigation measures incorporated in the project design. The CGS Special Publication 117, adopted in 1997 by the CGS in accordance with the SHMA, constitutes guidelines for evaluating seismic hazards other than surface faulting, and for recommending mitigation measures as required by Public Resources Code Section 2695(a).

The project sponsor would be required to comply with all applicable City regulations and standards to address potential geologic impacts associated with the proposed project, including groundshaking and liquefaction. Geotechnical and seismic design criteria must conform to engineering recommendations in accordance with the seismic requirements of Seismic Zone 4 of the 2001 California Building Code (Title 24) and the amendments adopted in the City's Building Code (Chapter 12 of the Menlo Park Municipal Code). In addition, because the project sites are in a liquefaction Seismic Hazard Zone, the project sponsor would be required to comply with the guidelines set by CGS Special Publication 117.

The City's Building Code requires that all foundations and other improvements (i.e., roads, driveways, utilities) be designed by a licensed professional engineer based on site-specific soil investigations performed by a California Certified Engineering Geologist or Geotechnical Engineer to ensure the suitability (especially considering the existence of potentially liquefiable soils and expansive soils at the site) of the subsurface materials for adequately supporting the proposed structures. All recommendations from the investigation would be summarized in a geotechnical engineering report and incorporated in the

[2] Shaking intensity is a measure of groundshaking effects at a particular location, and can vary depending on the magnitude of the earthquake, distance to the fault, focus of earthquake energy, and type of underlying geologic material. The Modified Mercalli (MM) intensity scale is commonly used to measure earthquake effects caused to groundshaking. The MM values for intensity range from I (earthquake not felt) to XII (damage nearly total).

[3] Liquefaction is the process by which saturated, loose, fine-grained, granular soil (such as sand) behaves like a dense fluid when subjected to prolonged shaking during an earthquake.

project, pursuant to State law. The City's Building Code requires that geotechnical investigations provide design criteria that would minimize impacts associated with strong groundshaking during an earthquake. All structures, roads, and utility lines must meet or exceed design criteria of the 2001 California Building Code. Adherence to the Seismic Zone 4 soil and foundation support parameters in Chapters 16 and 18 of the Building Code and the grading requirements in Chapters 18 and A33 of the Building Code, as required by City and state law, ensures the maximum practicable protection available from soil failures under static or dynamic conditions for structures and their associated trenches, temporary slopes and foundations. Consequently, the proposed project would not have a significant adverse impact with regard to exposure of people or structures to damage resulting from seismic groundshaking or ground failure.

a.iv) The project sites are relatively level, sloping very gently to the northeast. There are no adjacent hillsides. Consequently, the proposed project would create no potential impacts associated with landslides, mudflows, or other statically or dynamically induced mass soil movements.

b) The proposed project would involve grading and trenching, which could create a significant effect on water quality as a result of erosion. Because the project sites exceed one acre in size, the project sponsor would be required to apply for coverage under the State General Construction Permit in order to comply with federal National Pollutant Discharge Elimination System (NPDES) requirements, in accordance with the State Water Resources Control Board requirements (see Section VIII, Hydrology and Water Quality). The project sponsor would be required to develop and implement a Storm Water Pollution Prevention Plan (SWPPP) to reduce potential erosion and subsequent sedimentation of storm water runoff. This SWPPP would include Best Management Practices (BMPs) to control erosion associated with grading, trenching, and other ground surface-disturbing activities. The project sponsor would be required to submit a grading plan to the City before permits would be issued. The plan would be required to conform to the City's Urban Runoff Pollution Prevention Program erosion control measures. Because the project would be required by the State Water Resources Control Board to include a SWPPP, which would include erosion preventative measures, impacts related to erosion, loss of topsoil, or unstable conditions from excavation or grading would be rendered less than significant.

Displacement of soil also would be regulated by the City's ordinances (Chapters 18 and A33 of the Building Code) relating to grading and excavation. Soil erosion after construction would be controlled by implementation of approved landscape and irrigation plans, as needed. Because earth-disturbing activities associated with construction would be temporary and would be governed by these regulations, they would not result in a permanent or significant alteration of significant natural topographic features that could increase or exacerbate erosion.

All construction activities would be required to comply with Chapter 18 of the Building Code, which regulates excavation activities and the construction of foundations and retaining walls, and Chapter A33 of the Building Code, which regulates grading activities, including drainage and erosion control. Compliance with the NPDES permit process and the City Building Code requirements would minimize the effects from erosion. Such compliance would ensure that erosion impacts resulting from project construction would be less than significant.

c, d) The existence of Holocene basin deposits beneath the project sites makes it necessary to ensure the soils used for foundation support of buildings, roads, and utilities are sound. Such deposits are regarded as potentially weak soils (i.e., those that are expansive, compressive, or liquefiable), since they are composed of bay mud and undocumented artificial fill. Using unsuitable soils would have the potential to create future liquefaction, subsidence, or collapse problems leading to building settlement and/or utility line disruption. When weak soils are re-engineered specifically for stability prior to use, these potential

effects can be reduced or eliminated. An acceptable degree of soil stability would be achieved for expansive, liquefaction-prone, and compressible soils by the required incorporation of soil treatment programs (replacement, grouting, compaction, drainage control, etc.) in the excavation and construction plans to address site-specific soil conditions. A site-specific evaluation of soil conditions is required by the Building Code and must contain recommendations for ground preparation and earthwork specific to the site, that become an integral part the construction design.

As part of the construction permitting process, the City would require completed reports of soil conditions at each specific construction site to identify potentially unsuitable soil conditions including liquefaction, subsidence, and collapse. The evaluations must be conducted by registered soil professionals. The reports must (a) identify potentially unsuitable soil conditions and (b) contain appropriate recommendations for foundation type and design criteria that conform to the analysis and implementation criteria described in the City Building Code, Chapters 16, 18, and A33, to eliminate inappropriate soil conditions.

Adherence to the Seismic Zone 4 soil and foundation support parameters of the City Building Code, as required by City and State law, ensures the maximum practicable protection available from soil failures under static or dynamic conditions for structures and their associated trenches, slopes, and foundations. The project sponsor would be required to incorporate these recommendations into the project design. In view of these circumstances, hazards related to unstable geologic or soil units would be reduced to a less-than-significant level.

e) The proposed project would not include any septic tanks or leach field systems. Development in the area would continue to dispose of wastewater through the existing sanitary sewer system. Consequently, the existence of soils incapable of supporting septic systems is not considered an impact associated with the proposed project.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
VII. HAZARDS AND HAZARDOUS MATERIALS - Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐	1, 13
b) 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?	☒	☐	☐	☐	1, 13
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances or waste within one-quarter mile of an existing or proposed school?	☐	☐	☒	☐	1, 13
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐	13
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	2
f) For a project within the vicinity of a private airstrip, would the project resulting in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒	2
g) Impair implementation of or physical interference with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒	1, 2
h) Expose people or structures to a significant risk of loss, injury or death involving wild land fires, including where wild lands are adjacent to urbanized areas or where residences are intermixed with wild lands?	☐	☐	☐	☒	1, 2, 3

Discussion

a-d) The Phase I Environmental Site Assessment, prepared for the project sites to identify the potential for onsite or nearby soil or groundwater contamination, noted that groundwater below the study properties may be adversely affected by a regional groundwater solvent plume from properties within the project area. Both the Regional Water Quality Control Board and the San Mateo County Environmental Health Department have identified groundwater contamination from low levels of chlorinated solvents. Sources for these solvents include:

- 120 Constitution Drive, where concentrations of 540 parts per billion (ppb) of TCE, in addition to PCE, 1,1,1-TCA, 1,1-CDE, cis 1,2-DCE, and vinyl chloride, were detected in the groundwater.
- 115 Independence Drive, formerly occupied by a business that manufactured plastic products and printed circuit boards, where concentrations of 590 ppb of TCE, and of up to 25 ppb of1,1-DCE and cis 1,2-DCE were collected.
- 119 Independence Drive, also occupied by the same business as at 115 Independence Drive, where concentrations of up to 610 ppb of TCE and of up to 25 ppb of 1,1-DCE were detected.

Given the presence of nearby Cortese List sites, future construction workers and site occupants may be exposed to hazardous materials and potential public health risks will be evaluated further in the EIR.

e-f) There are no airports or airstrips in the vicinity of the project sites. Accordingly, safety hazards from nearby aircraft operations or activities would not be an impact at the project sites.

g) The project would not alter existing emergency response procedures, nor impose a substantial demand on emergency response personnel. Accordingly, the proposed project would not impair implementation or interfere with emergency response in the project vicinity.

h) The project sites are in an urbanized setting, remote from wildlands. Therefore, safety hazards from wildland fires would not affect the project sites.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
VIII. HYDROLOGY AND WATER QUALITY - Would the project:					
a) Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐	
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☒	☐	14, 15
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☒	☐	16, 17
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate of amount of surface runoff in a manner which would result in flooding on- or off-site?	☒	☐	☐	☐	16, 17
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☒	☐	☐	☐	
f) Otherwise substantially degrade water quality?	☐	☐	☒	☐	16
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒	18, 19
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☒	☐	18, 19
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☒	☐	18, 19
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒	

Discussion

a) During the construction phase of the project, there is the potential for sediment erosion and transport, as well as movement of construction pollutants to surface and groundwater. Additionally, due to the relatively high water table of 5-10 ft (EFI Global, 2005), it is likely that construction activities would

require dewatering of excavation pits and potential discharge of this water to surface waterbodies. Following construction, stormwater runoff may carry urban pollutants to surface waterbodies. However, the proposed mixed-use commercial businesses could diminish the type or amount of pollutants in stormwater, compared to existing conditions (light industrial) and existing requirements and enforcement of existing NPDES permits [the San Mateo Countywide NPDES General Permit (Order No. 99-059, NPDES Permit No. CAS0029921) and General Permit for Discharges of Storm Water Associated with Construction Activity (Construction General Permit, Order No. 99-08-DWQ)] would prevent any significant violations of water quality standards or waste discharge requirements. Additionally, approval from the San Francisco Bay Regional Water Quality Control Board (RWQCB) is required for discharges of water from construction dewatering activities.

The proposed project would be subject to permit and municipal code requirements that include preparation of a Storm Water Pollution Prevention Plan for construction activities and compliance with the San Mateo Countywide Stormwater Pollution Prevention Program (STOPPP). These programs are designed to prevent violation of water quality standards through mitigation and control of pollutant transport in stormwater runoff and infiltrating waters. Consequently, the proposed project would not violate water quality standards or waste discharge requirements and the impacts would be less than significant.

b) The project sites are in the San Mateo Subbasin of the Santa Clara Valley Groundwater Basin. The San Mateo Subbasin is bound by the Westside Basin to the north, San Francisco Bay to the east, San Francisquito Creek to the south, and the Santa Cruz Mountains to the west. The subbasin has two main water-bearing units; the Quaternary age alluvium and the Santa Clara Formation. The alluvium is the most important water-bearing unit in the subbasin, and most of the wells in the subbasin draw water from the deeper aquifers of this unit. The alluvium is coarse grained, generally unconfined, and permeable. A relatively shallow water table aquifer overlies the aquifers in the lowland areas. The underlying Santa Clara Formation overlies non-water bearing formations. Well data indicate that permeability tends to increase from west to east and decrease with increasing depth.

Groundwater in the vicinity of the proposed project lies near the surface (within 10 feet) in the easterly, low-lying portion of the City. Seeps are a localized hydrologic problem in the hills and are not known to occur in the project vicinity. Natural recharge occurs primarily by infiltration of water from streams. Additional recharge occurs by percolation of precipitation that falls directly on the ground surface.

It is anticipated that dewatering of excavated pits would be necessary during the construction phase of the proposed project. This would locally and temporarily lower the local aquifer table and reduce aquifer volume. However, no large underground structures would be built and dewatering would not continue following the construction phase. Construction impacts on the local groundwater aquifer would be temporary and less than significant.

The project site is now primarily covered by impervious surfaces – including office, research & development, and light industrial land uses. Most remaining undeveloped areas are also composed of impervious surfaces or compacted, flat surfaces with very low permeability. Existing groundwater recharge potential is minimal. The project would permit mixed commercial uses with less impervious surfaces than under current conditions, since the future uses would have a landscaping requirement whereas none currently exists. Therefore, post-construction groundwater recharge potential would be minimally improved compared to existing conditions.

The majority of water supplies serving the City of Menlo Park are obtained from the SFPUC (Hetch-Hetchy). However, a small amount of connections is served by local groundwater. The O'Connor Tract Co-operative Water Company is a small municipal water supplier that services parts of Menlo Park and East Palo Alto. This company operates two groundwater wells that are 250 to 500 feet deep and are located over 2 miles up-gradient from the project sites.

With implementation of the proposed project, the total area of paved surfaces could be reduced, although the intensity of development will be increased relative to existing conditions. If so, there would be no reduction in groundwater recharge potential. As there would be no long-term impact of the project on the local groundwater table and as water supplies would not involve local groundwater resources, there are no new wells proposed. Local groundwater table impacts would be less than significant.

c) Construction activities associated with development generally alter existing drainage patterns that could result in substantial erosion or siltation. However, the project must comply with existing NPDES permits (General Permit and Construction General Permit) and Municipal Codes for construction and stormwater management (Chapter 7.42 Storm Water Management Program) including preparation of a Grading and Drainage Plan.

The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). The SWPPP must list Best Management Practices (BMPs) that the discharger will use to protect storm water runoff, including the placement and timing of those BMPs. Additionally, the SWPPP must contain a visual monitoring program; a chemical monitoring program for "non-visible" pollutants to be implemented if there is a failure of BMPs; and a sediment monitoring plan if the site discharges directly to a water body listed on the 303(d) list for sediment. Preparation of an approved SWPPP and Grading and Drainage Plan and compliance with the NPDES permits will prevent substantial erosion, sediment transport, or siltation because of implementation of the proposed project and impacts would be less than significant.

This SWPPP would include, but would not necessarily be limited to, many of the following erosion control methods:

- Keep disturbed areas (areas of grading and related activities) to the minimum necessary for demolition or construction of the project;
- Keep runoff away from disturbed areas during grading and related activities;
- Stabilize disturbed areas as quickly as possible, either by vegetative, mechanical and/or physical methods;
- Trap sediment before it leaves the site with such techniques as check dams, sediment ponds, or straw wattles including perimeter protection;
- Use dirt and sediment tracking BMPs, including stabilized construction entrances and wheel washes;
- Implement routine street sweeping;
- Cover exposed soils and material stockpiles to prevent wind erosion;

- Use interceptor ditches, drainage swales, or detention basins to prevent storm runoff from transporting sediment into drainage ways and to prevent sediment-laden runoff from leaving any disturbed areas;
- Use landscaping and grading methods that lower the potential for down-stream sedimentation. Modified drainage patterns, longer flow paths, encouraging infiltration into the ground, and slower storm-water conveyance velocities are examples of effective methods;
- Control landscaping activities carefully with regard to the application of fertilizers, herbicides, pesticides or other hazardous substances. Provide proper instruction to all landscaping personnel on the construction team; and
- During the installation of the erosion and sediment transport control structures, the erosion control professional must be on the site to supervise the implementation of the designs, and the maintenance of the facilities throughout the grading and construction period.

Following construction of the proposed project, drainage patterns would not be substantially altered compared to existing conditions, surfaces would be primarily impervious with some landscaping (more so than under existing conditions), and the project would have no impact on erosion or siltation on- or off-site.

d-e) Implementation of the proposed project might increase the amount of impervious cover and may alter drainage patterns compared to existing conditions. The proposed project would replace the existing commercial uses and add hotel/resort uses to the project area, thereby increasing the intensity of development on site, thus probably resulting in a greater area of impervious surfaces. This change in site conditions could modify the drainage patterns and as well as increase the rate and/or amount of stormwater runoff. On the other hand, the proposed project would result in the conversion of light industrial land use to mixed uses, which would not likely contribute additional pollutants to stormwater runoff.

f) Because the groundwater table is very shallow at the project sites, pollutants and chemicals associated with construction activities could readily migrate to the groundwater and contribute to degradation of the local groundwater aquifer. Implementation of construction BMPs such as spill prevention and good house-keeping BMPs would be included in the SWPPP and prevent significant impacts to groundwater quality during construction.

Following completion of the proposed project, implementation of the STOPPP would prevent substantial degradation of groundwater quality by land-use activities including landscape maintenance (e.g., covered waste containers, minimization of pesticides and fertilizers).

The most common sources of storm water pollution are construction sites, streets and parking lots, large landscaped areas, and household and industrial materials dumped into storm drains. Grading and earthmoving activities associated with new construction accelerate soil erosion, even in lowland areas. Grease, oil, hydrocarbons and heavy metals deposited by vehicles and heavy equipment accumulate on streets and paved parking lots, and are carried into storm drains by runoff. Pesticides, herbicides and fertilizers used for landscape maintenance are washed into storm drains by overwatering. Paints, solvents, soap products and other toxic materials are inadvertently or deliberately deposited in storm

drains in residential and industrial areas. The federal Clean Water Act requires local municipalities to implement measures to control this type of pollution entering their storm drainage systems.

The proposed project would replace light industrial land uses with mixed land use. Table 2 lists the national median storm event concentrations for commercial compared to industrial land uses (similar percent imperviousness) from the National Storm Water Quality Database.

Table 2
Typical Pollutant Concentrations in Stormwater for Industrial and Commercial Land Uses

Constituent of Concern (COC)	Event Mean Concentration (EMC)		
	Units	**Industrial**	**Commercial**
Oil and Grease	*mg/L*	5.0	4.7
Total Dissolved Solids	*mg/L*	92	74
Total Suspended Solids	*mg/L*	78	42
Biochemical Oxygen Demand	*mg/L*	9	11
Fecal Coliforms	*mpn/100 mL*	2500	4300
Total Nitrogen	*mg/L*	2.13	2.12
Total Kjeldahl Nitrogen	*mg/L*	1.4	1.6
Nitrate + Nitrite	*mg/L*	0.73	0.60
Heavy Metals			
Total Cadmium	*µg/L*	2.0	0.89
Dissolved Cadmium)	*µg/L*	0.6	0.3
Total Chromium	*µg/L*	14	2.0
Dissolved Chromium	*µg/L*	3.0	2.0
Total Copper	*µg/L*	22	17
Dissolved Copper	*µg/L*	8.0	7.6
Total Lead	*µg/L*	25	18
Dissolved Lead	*µg/L*	5.0	5.0
Total Mercury	*µg/L*	0.2	0.2
Dissolved Mercury	*µg/L*	NA	NA
Total Nickel	*µg/L*	16	7.0
Dissolved Nickel	*µg/L*	5.0	3.0
Total Zinc	*µg/L*	210	150
Dissolved Zinc	*µg/L*	112	59

Source: NSQD Version 1.1
http://unix.eng.ua.edu/~rpitt/Research/ms4/mainms4.shtml

These data indicate that there would not be a substantial alteration in the type or amount of potential pollutants in storm water runoff with the proposed project compared to existing conditions. The proposed project would not otherwise impact water quality.

For significant redevelopment projects, a previously developed site that results in addition or replacement, which combined total 43,560 square feet or more, of impervious surface on such as already developed site), some pertinent NPDES Permit C.3. provisions are:

Development Project Approval Process:

"Dischargers shall modify their project review processes as needed to incorporate the requirements of Provision C.3 to ensure that pollutant discharges are reduced by incorporation of treatment measures and other appropriate source control and site design measures, and increases in runoff flows are managed in accordance with C.3.f., to the maximum extent practicable".

Such conditions shall, at a minimum, address the following goals:

i. Require project proponent to implement site design/landscape characteristics where feasible which maximize infiltration (where appropriate), provide retention or detention, slow runoff, and minimize impervious land coverage, so that post-development pollutant loads from a site have been reduced to the maximum extent practicable; and

ii. For new and redevelopment projects that discharge directly to water bodies listed as impaired by a pollutant(s) pursuant to Clean Water Act Section 303(d), ensure that post-project runoff does not exceed pre-project levels for such pollutant(s), through implementation of the control measures addressed in this provision, to the maximum extent practicable, in conformance with Provision C.1. (The project is in the San Francisquito Creek sub-basin, which is listed as a 303(d) impaired water body by the US EPA.).

Numeric Sizing Criteria For Pollutant Removal Treatment Systems: Treatment BMPs incorporate, at a minimum, the following hydraulic sizing design criteria to treat stormwater runoff.

i. Volume Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on volume capacity, such as detention/retention units or infiltration structures, shall be designed to treat stormwater runoff equal to:

    1. The maximized stormwater quality capture volume for the area, based on historical rainfall records, determined using the formula and volume capture coefficients set forth in Urban Runoff Quality Management, WEF Manual of Practice No. 23/ ASCE Manual of Practice No. 87, (1998), pages 175-178 (e.g., approximately the 85th percentile 24-hour storm runoff event); or

    2. The volume of annual runoff required to achieve 80 percent or more capture, determined in accordance with the methodology set forth in Appendix D of the California Stormwater Best Management Practices Handbook, (1993), using local rainfall data.

ii. Flow Hydraulic Design Basis: Treatment BMPs whose primary mode of action depends on flow capacity, such as swales, sand filters, or wetlands, shall be sized to treat:

    1. 10% of the 50-year peak flow rate; or

    2. The flow of runoff produced by a rain event equal to at least two times the 85th percentile hourly rainfall intensity for the applicable area, based on historical records of hourly rainfall depths; or

    3. The flow of runoff resulting from a rain event equal to at least 0.2 inches per hour intensity.

The above C.3. provision criteria are based on physical properties for sizing treatment devices to assure adequate treatment and conveyance capacity. BMPs included in site designs and plans for the proposed project would be reviewed by City/County Association of Governments of San Mateo County or City of Menlo Park engineering staff to assure appropriateness and adequate design capacity, prior to project approval.

Limitation on Increase of Peak Stormwater Runoff Discharge Rates: No net increase in flow where such increase would increase erosion or otherwise degrade the stream; no net increase in flow is not required where increased flows would not cause degradation.

Reporting, including Pesticide Reduction Measures

The Dischargers shall demonstrate compliance with the requirements of Provision C.3. by providing in their Annual Reports, including:

iii. A summary of the types of pesticide reduction measures required for those new development and significant redevelopment projects to be addressed under Provision C.3.c., and the percentage of such new development and significant redevelopment projects for which pesticide reduction measures were required.

No pesticide reductions measures have been identified. If the proposed project is subject to pesticide reduction reporting requirements under future NDPES permit provisions, these will need to be addressed. Pesticide reduction practices can include selection of landscaping plants with minimal pesticide requirements.

Implementation of the following BMPs would assure compliance with potential NPDES permit regulations:

Site Planning BMPs

1. Minimize directly connected impervious surfaces using site lot design. Pervious paving materials may also be incorporated to further decrease impervious surface area. These BMPs apply to development on all the parcels in the project.

2. Landscaping shall be used around buildings to trap and filter contaminants before stormwater reaches the storm drain system. This BMP applies to all proposed buildings in the project.

3. Use the Bay Area Stormwater Management Agencies Design Guidance Manual to modify roadway, landscaping, and channel improvement projects, incorporating recommended design elements such as sediment traps, gravel strips and/or trenches, concave planting areas, permeable substrate, and infiltration basins and/or vaults at the end of downspouts.

Post-construction BMPs

1. The final Developer shall distribute educational materials to the first residents or tenants of all residential and commercial properties included in the project. These materials shall address good housekeeping practices relating to stormwater quality, prohibited discharges, and proper disposal of hazardous materials.

2. The agency responsible for any common landscaped areas shall implement a program of efficient irrigation and proper maintenance including minimizing use of fertilizer, herbicides and pesticides.

3. The responsible agency shall implement a trash management and litter control program to mitigate the impacts of gross pollutants on storm water quality. This program shall include litter patrol, emptying trash receptacles in common areas, and reporting and investigating and trash disposal violations.

4. Any new storm drain inlets shall be labeled with the phrase "No dumping – flows to Bay", or a similar phrase to mitigate the impact of potential for discharges of pollutants to the storm drain system.

5. Measures shall be incorporated into drainage projects (storm drains, conduits, collection points, and outlets) to maximize infiltration, permeability, trapping of pollutants and sediment from stormwater runoff. These measures may include structural BMPs, including vortex separators (Stormceptor©, Vortechnics©, etc.) to separate oil and solids (contaminants, sediment, etc.) from stormwater runoff and designed based on the anticipated type and quantity of pollutants to be removed and the flow rate to be treated.

7. Properly designed vegetated filter strips shall be installed wherever feasible in the project to mitigate sediment and pollutant transport from sheetflow of stormwater.

8. Restaurants incorporated in the commercial areas of the development would be designed with contained areas for cleaning mats, containers and sinks connected to the sanitary sewers. Grease shall be collected and stored in a contained area and will be removed regularly by a disposal recycling service. This BMP would mitigate potential impacts due to oil and grease.

9. Streets in the project area shall be swept immediately prior to and once during the storm season. If the City of Menlo Park does not agree to accept responsibility for street sweeping, the developer would arrange for this service within the project area for developed portions of the project.

10. A pesticide reduction plan shall be developed and implemented. This plan will include recommendations for landscape planting to minimize pesticide use.

Construction Dewatering

Dewatering of excavation pits will likely be required during construction. This extracted water would likely reflect similar characteristics of nearby Bay waters because of its close proximity to the Bay and likely subsurface interaction with the Bay. If construction dewatering is required and disposal would be to land or surface water, an individual Waste Discharge Requirement (WDR) would be required and need to be obtained from the RWQCB. The WDR would require testing to make sure that discharged waters do not pose a substantial risk to water quality. Furthermore, during construction, the Proposed Project would be subject to the SWPPP, which includes measures for spill prevention, control, and containment that would prevent potential construction pollutants from leaching through the exposed excavation pits into the local groundwater. These existing regulatory requirements would assure that disposal of any construction dewatering would not substantially affect water quality and that potential construction pollutants do not contaminate construction dewatering water. Thus, the proposed project would not substantially contribute any other water quality degradation and impacts would be less than significant.

g-i) FEMA allows non-residential development in the floodplain; however, construction activities are restricted within the flood hazard areas depending upon the potential for flooding within each area.

Federal regulations governing development in a floodplain are set forth in Title 44, Part 60 of the Code of Federal Regulations (CFR) which enables FEMA to require municipalities that participate in the National Flood Insurance Program (NFIP) to adopt certain flood hazard reduction standards for construction and development in 100-year flood plains. No residential units would be included in the proposed project.

The San Mateo County Flood Control District (SMCFCD) is a Countywide Special District that was created by State legislation in order to provide a mechanism to finance flood control projects. The legislation requires that a flood control zone be formed over an entire watershed and a proposed funding source be determined before a flood control project is undertaken. There are currently three active flood control zones—Colma Creek, San Bruno Creek, and San Francisquito Creek—none of which directly affect the project area.

The Constitution and Independence sites are located within the 100-year flood zone. The project sites are not located within a Dam Failure Inundation Area. Development of mixed-use structures would not be substantially different than existing light industrial structures. Development of the project would not significantly alter flood flows. Additionally, construction within special flood hazards areas is governed by Municipal Code 12.42.51 Standards of construction, which details the standards for development within special flood hazard areas that will minimize flood hazard risks and impacts. Compliance with building code standards would reduce project impacts from flood hazards to a less-than- significant level.

j) The project area is at an elevation of five to ten feet above mean sea level and is not located near an exterior coast or a standing waterbody. Therefore, the project would not be subject to tsunami or seiche conditions. Additionally, the site topography is relatively flat and would not be subject to mudflows.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
IX. LAND USE AND PLANNING – Would the project:					
a) Physically divide an established community?	☐	☐	☐	☒	1, 2, 3
b) Conflict with any applicable land use plan, policy, or regulation of any agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐	3
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒	

Discussion

a) The project sites are bound by the US 101 to the south, the Bayfront Expressway, Bayfront Park and open space to the north, and office and light industrial uses to the west and east. The project area is essentially a community/business district unto itself. The proposed project would not divide the physical arrangement of a community. Rather, the proposed project would allow for hotel, health club, and café/restaurant, and other commercial uses to be developed within existing industrial uses in the project vicinity. Therefore, the proposed project would not disrupt or divide the physical arrangement of the community established by existing uses.

b) The City of Menlo Park General Plan contains land use, circulation and transportation, housing, open space and recreation, and noise policies which could be applicable to the proposed project. Since the proposed project involves the creation of a new General Plan land use designation and zoning district (M-3), the EIR will discuss the consistency of the proposed project with applicable plans and policies, and effects of the project that could contribute to a potentially significant adverse environmental effect associated with land use and/or policy conflicts because of the substantial increase in density and the new General plan and zoning designations.

c) There is no habitat conservation plan or natural community conservation plan in effect within the project area. Accordingly, the proposed project would not conflict within any habitat conservation or natural community conservation plans.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
X. MINERAL RESOURCES – Would the project?					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒	30
b) Result in the loss of availability of a locally - important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒	30

Discussion

a-b) 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 area is classified by the California Geological Survey as MRZ-1, a Mineral Resource Zone for which there is adequate information to indicate there are no aggregate mineral resources present. Consequently, there would be no impact on mineral resources.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XI. NOISE – Would the project result in:					
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐	1, 2, 3, 6
b) Exposure of persons to or generation of excessive ground borne vibration or ground borne noise levels?	☒	☐	☐	☐	1
c) A substantial permanent increase in ambient noise level in the project vicinity above the levels existing without the project?	☒	☐	☐	☐	1
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☒	☐	☐	☐	1
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	2
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒	2

Discussion

a-d) Sensitive receptors present in the vicinity of the proposed project area include residences in the triangle bound by US 101, U.P.R.R rail line, and Willow Road. Students at Beachwood School and users of Joseph B. Kelly Park are also considered sensitive receptors. The increased traffic on the two major access roads near the project sites, Willow Road and Marsh Road, would likely impact the surrounding residential area. The increased activity levels at the project site, traffic, and operations have the potential to disturb these sensitive receptors as well. Accordingly, the EIR will analyze the potential construction, operational and traffic-related noise effects of the proposed project on sensitive receptors.

e-f) The proposed project is not within two miles of a public or private airport; therefore, the project would not expose people residing or working at the project site to excessive aircraft noise levels.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XII.POPULATION AND HOUSING – Would the project:					
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☒	☐	☐	☐	1, 3, 6
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒	1, 2

Discussion

a) The proposed General Plan amendment and rezoning would increase the allowable FAR in the project site from 45-55% to 137.5%. As a result, the employment at the project sites has the potential to be considerably greater than existing conditions. In addition, the project could indirectly affect housing demand because increased employment at the project sites could result in additional housing demand in the City and surrounding communities. The EIR will discuss potential effects of greater employment and housing demand as a result of the proposed project.

b-c) The proposed project would not displace any people or housing, because the project sites are developed with office, light manufacturing, and research & development uses, with some partially undeveloped areas. Therefore, the proposed project would not displace people and/or housing.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XIII. PUBLIC SERVICES - Would the project:					
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable services rations, response times or other performances objectives for any of the public services:					
i) Fire Protection	☒	☐	☐	☐	1
ii) Police Protection	☒	☐	☐	☐	1
iii) Schools	☐	☐	☐	☒	1
iv) Parks	☐	☐	☐	☒	1
v) Other public facilities (Road Access)	☐	☐	☐	☒	1

Discussion

a) The proposed project would introduce taller and more highly occupied and used structures than would be expected under existing zoning regulations. This change, coupled with the inclusion of hotel/motel uses and parking structures, may necessitate the acquisition of new or additional equipment and hiring of additional personnel in order to adequately maintain acceptable standards of fire and police protection. The EIR will consider whether the increased demand for resources may result in the need for new or expanded facilities, which, in turn, could result in environmental impacts.

In contrast, the proposed uses are business related and, thus, would not impose demand on public facilities like schools and parks. The demand for these facilities is typically associated with new residential development.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XIV. RECREATION - Would the project:					
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒	1, 2
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒	1

Discussion

a-b) The proposed project includes proposed office, hotel, health club, and café/restaurant uses within the project sites. City parks within a half a mile of the project sites include Bayfront Park to the north along Bayshore Expressway and Joseph B. Kelley Park to the south along the U.P.R.R. rail line and Terminal Avenue. One county park, Flood Park, is located further to the south on the west side of U.S. 101. Employees, hotel guests, and visitors to the project sites would not be expected to visit these parks on a regular basis. The proposed project would not increase the demand for neighborhood or regional parks or other recreational facilities, because the project would not generate a substantial number of new park or recreational facilities users; therefore, the proposed project would result in no impacts to recreation.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XV. TRANSPORTATION/TRAFFIC – Would the project:					
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☒	☐	☐	☐	1, 2
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?	☒	☐	☐	☐	1, 3
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒	1, 2
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☒	☐	☐	☐	1
e) Result in inadequate emergency access?	☒	☐	☐	☐	1
f) Result in inadequate parking capacity?	☒	☐	☐	☐	1
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☒	☐	☐	☐	1, 3

Discussion

a-g) The proposed project would increase the allowable FAR at the project sites. As a result, the number of project-related trips would be expected to increase demand on the local and regional transportation network and could adversely impact emergency access as result. The additional traffic could add to congestion at local intersections and along US 101, and exceed established levels of service. In the absence of site plans for future mixed use commercial development, the site ingress and egress and localized circulation plans could increase hazards or fail to provide for sufficient emergency access. The proposed M-3 zoning district contains new parking standards that may or may not provide for an adequate number of parking spaces to serve the estimated demand. Accordingly, the EIR will examine the transportation impacts of the proposed project on the existing and planned road network, pedestrian and bicycle activity, transit service, and operational safety.

The EIR will analyze the impact to the following intersections in accordance with the City's Transportation Impact Analysis Guidelines:

Signalized Intersections:

1. Bayfront Expressway/University Ave
2. Bayfront Expressway/Willow Rd

3. Bayfront Expressway/Chilco St
4. Bayfront Expressway/Chrysler Dr
5. Bayfront Expressway/Marsh Rd
6. Marsh Rd/US 101 NB Off-Ramp
7. Marsh Rd/US 101 SB Off-Ramp
8. Marsh Rd/Scott Dr
9. Marsh Rd/Bohannon
10. Marsh Rd/Middlefield Rd (Atherton)
11. Marsh Rd/Bay Rd
12. Willow Rd/Hamilton Ave
13. Willow Rd/Ivy Dr
14. Willow Rd/O'Brien Dr
15. Willow Rd/Newbridge St
16. Willow Rd/Bay Rd

Unsignalized Intersections:

17. Independence Dr/Marsh Rd
18. Independence Dr/Constitution Dr
19. Independence Dr/Chrysler Dr
20. Constitution Dr /Chrysler Dr
21. Constitution./Chilco St

The EIR will also analyze the following roadway segments in accordance with the City's Transportation Impact Analysis Guidelines:

1. Marsh Rd from Bohannon to Bay
2. Chilco Street from Bayfront to Constitution
3. Chilco Street from Constitution to Hamilton

Finally, the EIR will analyze the following roadway segments using appropriate non-residential criteria to be determined by the Transportation Manager.

4. Chrysler Drive from Constitution to Jefferson
5. Constitution Drive from Independence to Chrysler
6. Independence Drive from Constitution to Chrysler
7. Constitution Drive from Independence to Chrysler
8. Constitution Drive from Chrysler to Chilco
9. Independence Drive from Constitution to Chrysler
10. Chrysler Drive from Bayfront to Constitution
11. Chrysler Drive from Constitution to Jefferson

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XVI. UTILITIES & SERVICE SYSTEMS – Would the project:					
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☒	☐	☐	☐	1
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐	1
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☒	☐	☐	☐	1
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☒	☐	☐	☐	1
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐	1
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☒	☐	☐	☐	1
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☒	☐	☐	☐	1

Discussion

a-g) Because the proposed project could result in greater employment and population at the project sites, it is expected that demand for public utilities would increase. Depending on the existing and planned capacities to be available, the proposed project could necessitate the alteration or construction of water, wastewater, or solid waste facilities that could result in significant environmental impacts. Therefore, the EIR will discuss potential project impacts to utilities and service systems in the project site and its vicinity.

Issues:	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less than Significant Impact	No Impact	Source
XVII. MANDATORY FINDINGS OF SIGNIFICANCE – Would the project:					
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or a wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or pre-history?	☒	☐	☐	☐	
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects?)	☒	☐	☐	☐	
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☒	☐	☐	☐	

Discussion

a) As discussed under Section IV, Biological Resources, the project would not likely affect any sensitive species or habitat. However, trees on the site may provide habitat for nesting birds typically found in urban settings. It is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird, per the California Fish and Game Code (Section 3503). Removal of trees currently on the site during nesting season could affect these birds. Additionally, potential removal of heritage trees would conflict with a local ordinance protecting biological resources. The project will not affect historical and architectural resources and the potential for discovering pre-historic cultural resources is low.

b) Impacts that are individually limited but can be cumulatively considerable include impacts related to air quality, noise, population and housing, public services, traffic, and utilities. A cumulative discussion of those topics will be discussed in the EIR.

c) As discussed in Section III, Air Quality, the proposed project would introduce regional and localized air emissions through construction and long-term operational activities. Section VII, Hazards and Hazardous Materials, notes that contaminated groundwater has been identified beneath the project sites, and that 13 sites near the project sites appear on the Cortese List. Moreover, as explained in Section XI, Noise, the increased activity levels at the project sites, traffic, and operations (relative to existing conditions and existing zoning) have the potential to generate noise that may disturb nearby sensitive receptors. Given these impacts, the project may have environmental effects that will cause substantial adverse effects on human beings, either directly or indirectly, that need to be explored in the EIR.

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    b) *Stanford University Draft Community Plan and General Use Permit Application Final Environmental Impact Report*, Volume I, Chapter 4.6, Geology and Seismicity, December 18, 2000, p. 4.6-4 through 4.6-7.

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24. The State regulations protecting the public from geo-seismic hazards, other than surface faulting, are contained in California Code of Regulations, Title 24, Part 2 (the California Building Code [CBC]), which apply to public buildings and most private buildings intended for human occupancy. The CBC is based on the current Uniform Building Code, but contains Additions, Amendments and Repeals that are specific to building conditions and structural requirements in the State of California. City codes are permitted to be more stringent than Title 24, but are required to be no less stringent. Chapter 16 of the CBC deals with General Design Requirements, including (but not limited to) regulations governing seismically resistant construction (Chapter 16, Division IV). Chapters 18 and A33 deal with excavations, foundations, retaining walls, and grading, including (but not limited to) requirements for seismically resistant design, foundation investigations, stable cut and fill slopes, and drainage and erosion control.

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