

Comment on the Menlo Gateway DEIR

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1.0 Purpose

This document contains questions and comments about the Menlo Gateway project DEIR.

1.1 About the Author

I was a Menlo Park city council member from 1996 – 2004 and Mayor in 1999. I represented Menlo Park on regional bodies often and usually regarding transportation and land use.

Along with fellow council members I was a co-author of the most extensive circulation and land –use studies conducted in Menlo Park, including “Smart Growth, which include land-use and mobility studies, the Land-Use and Circulation Study (LUCS), the M-2 rezoning, and the M-2 build out studies, and Menlo Park’s extensive circulation and land use analysis of large regional projects including Stanford Sand Hill Road Projects, the Stanford General Use Plan, and others.

I am familiar with the Menlo Park record, as least my version of it, particularly those years 1997-2002 no longer publicly available on the city’s web site.

1.2 References

- [1] Menlo Gateway Project DEIR:
http://www.menlopark.org/projects/comdev_iac_EIR.htm
- [2] Staff Report 02-154 June 25, 2002 Agenda Item F1, “Direction on Uses and Intensities Related to the M-2 Zoning District Study.”
- [3] Belmont Redevelopment Agency, Aug 11 Staff Report
<http://www.belmont.gov/Upload/Document/D240005038/RDA-5B-08112009.pdf>
- [4] City of Menlo Park General Plan
- [5] Staff Report 03-180 October 14, 2003 Item F-2
- [6] Menlo Park CEQA Guidelines (Resolution 3601)

1.3 Glossary

Acronym	Description
DA	Developer(s) Agreement.
DEIR	Draft Environmental Impact Report
GPA	General Plan Amendment
ZOA	Zoning Ordinance Amendment

1.4 Limited Industrial Zoning District Overview

The M-2 General Industrial [Zoning] District of Menlo Park, is an area largely East of Highway 101 in Menlo Park. It is the principal zoning designation for all parcels in an area designated by the General Plan for "Limited Industry." The over arching General Plan directives for this area of the city appears in [1] on pp I-3&4, Section 1: Land Use; Goals and Policies under the sub-heading "Industrial".

Goal 1-F To promote the retention, development, and expansion of *industrial* uses which provide significant revenue to the City, are well designed, and have low environmental impacts.

1.4.1 There is currently no market for professional offices uses

A long-term Developer agreement is required because at the time of this writing, there is no market for additional Class A office space in the Mid-peninsula, particularly after the tech bust and recession in 2002 and the housing bust and financial collapse of 2008 which precipitated a collapse in construction financing and commercial real estate market.

1.4.2 The applicant proposes a similar project in Belmont, with the office components being deferred.

Reference [3] represents a hotel office complex proposed by City of Belmont in which the applicant is a land owner and has been selected to be the project developer. The project is candid in saying that project implementation would be "phased" with office construction being deferred.

"Bohannon has proposed developing the Site with the hotel, office, restaurant and commercial uses as well as joint use parking structures including up to two hotels, ...and approximately 300,000 square feet of buildings for office use. Bohannon and Agency expect the Shoreway Place Project to be developed and constructed in phases with the first phase consisting of an ACCOR "Phoenix" concept focused service hotel of at least 90 rooms with surface parking, and the second phase including 300,000 square feet of office development combined with, in order of priority, either (i) a full service hotel, (ii) a second focused service hotel, or (iii) other commercial use and structured parking to serve all the uses on the Site.

1.4.3 Professional office uses in M-2 not consistent with General Plan goals

Since 1997, there has been open public debate in Menlo Park about whether professional office uses are consistent with General Plan goals for M-2. There is and has been legitimate disagreement among experts and policymakers within the community. I simply introduce "some evidence" below from the record here to be used later in comments.

A June 25, 2002 staff report says,

"Based on the discussion by the Council, professional office is considered a high impact use that has little potential for revenue to the City. Prohibiting professional office use would be consistent

with the following General Plan goals that encourage uses that have low environmental impacts, but generate significant revenue or need goods or services.

Goal I-F To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have a low environmental and traffic impacts.

Goal 1-E To promote the development and retention of commercial uses which provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.”

1.4.4 Professional Office Services Generates “Little of No” Sales Tax

The Fiscal Impact Analysis makes this point clear,

Certain types of office tenants tend to generate substantial sales tax revenues, including high technology corporate sales offices, while *professional and financial services firms tend to generate little or no sales tax revenues*. [Fiscal Impact Analysis p.19]

1.5 The Menlo Park General Plan

Menlo Park has a General Plan whose Land-use Element was last updated in 1994 when an EIR was done for projected housing and commercial growth through 2010.

1.5.1 The DEIR mis-states facts about the General Plan

Because the Menlo Gateway project would be built after 2010, none of its forward looking analysis can rely on Menlo Park General Plan Land-use element planning data and so the DEIR either ignores the existence of the Menlo Park General Plan, or asserts wrong facts about the Menlo Park General Plan, or fabricates future-looking planning data using regional sources such as ABAG, even when the city has some internal data that speaks to the long term planning issues in question.

1.5.2 Proposed Project not in the General Plan EIR project baseline

The proposed project is not part of the baseline of the General Plan EIR project. The General Plan EIR project did not include a full build-out of the M-2 zoning code, and the current project would not be included in such a build-out.

“The impacts of development at build out were not evaluated since the theoretical build-out figures are highly speculative and impractical in that they assume uses not currently developed to the maximum allowable levels we be redeveloped to those levels. It is not possible to establish a time frame within which this unlikely scenario would occur.” FEIR III-37

1.5.3 General Plan EIR Project Development Exceeded by 1997

Nevertheless, during the tech boom of the 90’s Menlo Park exceeded the figure sometime between 1997 and 1999. The table below is extracted from the LUCS study[5]. By 1997 Menlo Park had barely exceeded and by 1999 Menlo Park had significantly exceeded the

amount of commercial square footage and growth planned for in the 1994 General Plan EIR.

	Gross Commercial Development	Office Development	Retail Development	Industrial Development	Warehouse Development	Single Family	Multiple Family
1988	12,570,938	6,103,703	1,232,598	2,044,218	2,816,266	6,508	5,505
1997	14,635,936	7,812,021	1,244,733	2,246,574	2,869,197	6,698	5,608
1999	15,139,846	8,321,538	1,244,480	2,100,929	3,018,860	6,703	5,626

Since 1997 there have been three kinds of commercial/industrial development in Menlo Park.

- 1.) Development included in the 1994 General Plan EIR base or project.
- 2.) Development not included in the 1994 General Plan EIR base and project.
- 3.) Development that would exceed the zoning code build out.

1.5.4 General Plan Circulation Element LOS levels exceeded in 1997

By 1997, intersection delays, also called “Level of Service” (LOS) at certain city intersections had degraded below levels specified in the policies II-A-1 through II-A-3 in the General Plan. The city considered restricting development as required by II-A-4 of the General Plan, but instead initiated new CEQA review procedures that require a mandatory find of significance for development projects whose traffic further impacted the designated intersections. In 2003 the review policy was reversed. In all cases, development continued.

Comment: The DEIR should list those intersections designated as impacted under the 1997 policy change, and include the policy change adopted at that time. It should also note which of the so-called “impacted” intersections would be further impacted by the proposed project.

1.5.5 The DEIR suppresses City M-2 planning history and findings

Of course future city councils are free to make findings of their own about this project, but it’s important for the public and decision makers to know that the City Council of Menlo Park spent considerable amounts of time over the period from 1997 – 2002 rezoning and gathering long-term planning data for the M-2 area, including build-out analysis of the entire M-2 Limited Industrial area, much of what contradicts and otherwise informs findings in this DEIR.

Those studies looked at potential build-outs under the current M-2 zoning and their impacts on future revenue, traffic, and employment.

The 2002 studies “built out” the Menlo Park General Industrial District as allowed under the current M-2 zoning code under eighteen (18) different scenarios to determine employment density, revenue, and traffic impacts for alternate future build outs of M-2 in

which permitted different intensities of different uses, industrial, professional services, R&D.

This constitutes evidence from Menlo Park's own record and is arguably more relevant to the DEIR analysis, particularly post-2010 M-2 planning horizons, than ABAG planning data that is used instead.

The Menlo Park 2002 M-2 build out studies are arguably the city's own expert data which can inform the DEIR evaluation process when General Plan Planning horizons no longer apply, particularly the cumulative traffic impact scenarios that extend for twenty year horizons.

Not a single word of that process is mentioned in any portion of this DEIR, nor are any of the legitimate differences in community opinion among community experts faithfully reported in this document. According to the Menlo Park CEQA procedure [6] disagreements among experts are to be faithfully summarized.

The public and decision-makers have a right to know that post 2010 land-use projections in Menlo Park were not analyzed in the General Plan EIR and therefore baseline planning facts used in the current DEIR analysis are not derived from the General Plan. The DEIR makes planning projections and assumptions some of which have not been created by the city and which may conflict with other relevant evidence generated by and known to the city.

Since 2002 no redevelopment planning effort in M-2 has attempted to pursue the specific uses introduced by this project, and no planning effort in M-2 on the record has ever considered intensification of professional office to increase revenues from the M-2 zone.

1.5.6 General Plan Update Project reasonably foreseeable

Evidence in Menlo Park planning and budgeting documents show that staff has been allocating resources for and pushing to update the General Plan whose Land-Use Element expires in 2010. The Menlo Park General Update, were it complete, would be included in the "cumulative" scenario for the Menlo Gateway project and would be made by the same lead agency.

By leapfrogging the actual General Plan Update process the Menlo Gateway project DEIR gains a less crowded and therefore favorable cumulative land-base scenario that does not include a reasonably foreseeable amount of future growth that would be predicted by and planned for in a General Plan update. This impacts all cumulative scenarios.

Ask yourself these questions:

Q1: If Menlo Park were to update its General Plan Land-use element for years 2010-2025 would it include additional commercial build out in the General Industrial area for the 2010-2025 planning horizon. (A: Yes.)

Q2: Is any of that growth included in the cumulative scenario for the Menlo Gateway project? (A: No, or very little.)

So even though the Menlo Park General Plan update will forecast by speculation, growth for Menlo Park between the years 2010 and 2025, little or none of that projected growth

will appear in the cumulative impacts analysis for the Menlo Gateway project whose construction and implementation will also take place between 2015 and 2025.

The current project timeline rushes a project approval while seeking a long-term development agreement after a world wide financial collapse in which there is clearly no market demand for the proposed product. Couldn't Menlo Park just wait until after it complete its M-2 plan, Housing Element, and General Plan updates?

Clearly the applicant is seeking the most favorable analytical conditions for his project EIR and staff does a dis-service to the public by not making it clear that the time and order of the EIR in relationship to the other planning efforts mentioned above would likely reduce the number of cumulative impacts found to be significant about the project.

1.5.7 Inconsistent assumptions for cumulative impact analysis.

For traffic analysis the DEIR appears to use a different land base consisting of known projects plus a constant factor, but the known land base differs from the ABAG land base used to determine impacts for population and housing.

It's not clear what the presumed land base is used for cumulative future projections of impact on services such as water supply, but it seems unlikely that 2015-2025 cumulative water supply analysis uses ABAG land use assumptions or population or employment assumptions, or even Menlo Park General Plan land base assumptions since the latter don't exist.

The preparer is literally cherry picking among different sources of speculative future planning data as needed.

For each cumulative future scenario for which there is an assumed land-base, population, and employment data the DEIR needs to delineate the assumptions explicitly so readers of the DEIR can compare whether or not they represent the same cumulative scenario assumptions.

The issue is relevant because using inconsistent assumptions can conceal significant impacts.

1.5.8 ABAG planning methodology not disclosed

Where post-2010 General Plan Planning land-use data is lacking, as in DEIR Section 3-9, "Population and Housing, the DEIR relies upon ABAG land-use planning data, but does not disclose the ABAG methodology. The General Plan includes population and housing projections through 2010, but the Housing Element of the General Plan was last updated in 1992.

Arguably the land-use, housing, and transportation elements of the DEIR are not correlated.

Astonishingly, footnote 1 says,

"ABAG data presented in Projections 2007 is a function of the following four elements: (1) ABAG Executive Board policies, which are based on the Smart Growth Vision; (2) General Plan policies for each particular jurisdiction; (3) economic trends; and (4) available land and prevailing land use pattern data, which are based on discussions between ABAG staff and planning staff in each particular jurisdiction. [DEIR 3.9 footnote 1]

Basically, for year 2010-2025 planning projections the DEIR relied upon ABAG speculation about Menlo based on Menlo Park's General Plan, whose Land-use Element expires in 2010, and based on "discussions with Menlo Park staff." Basically, the EIR relies on ABAG speculation based on past Menlo Park speculation, but it does not incorporate Menlo Park speculation directly or the extensive planning data generated for M-2 as part of the M-2 build out process in 2002.

In particular Section 3.9 does not describe the assumed ABAG 2005 – 2025 ABAG land base, or how that land base was computed, and it does not specifically disclose whether or not the Menlo Gateway project was assumed in that land base.

This is relevant. To gauge "significance" the EIR relates the project impacts to the ABAG projection and quietly assumes the Menlo Gateway project is already part of the ABAG projection rather than new development.

The DEIR needs to enumerate the land base used in the ABAG calculations, and it needs to produce a written statement from ABAG saying whether or not the Menlo Gateway project was included in its "Projections 2007" projection for Menlo Park.

The DEIR also needs to compare that "Projections 2007" land base with the assumed land base for the twenty year traffic horizon. If those are not *correlated* then the DEIR is invalid, and either the traffic analysis is invalid, or the Population and Housing analysis is invalid.

Finally, the city needs to make Projections 2007 and its underlying working papers available for public inspection consistent with 9.6(i)(j) of [6]

2.0 DEIR Comments

2.1 DEIR Comments about the dual nature of “the project”

For the purposes of comments, I will use “Menlo Gateway” to refer to the “site specific development” project, and “GPA/ZOA” to refer to the CEQA project associated with the rezoning.

2.2 Comments about the Menlo Gateway project definition

2.2.1 Flawed project description

The DEIR assumes the project construction timeline is five years [DEIR Section 2-7], but the term of the developer agreement is 15 years now being considered for 20 years. CEQA requires the project definition to be “consistent and stable”. The nature of the project should not change over the course of the CEQA process or within the EIR. A DA that gives the developer 15 or 20 years to build the project rather than five redefines the project. This will impact the validity of the cumulative impacts analysis.

The DEIR also evaluates impacts (e.g water) using “use” scenarios, the so-called “split option” which are not enforced through the GPA/ZOA and therefore would have to be a condition of approval in the Developer Agreement.

2.2.2 The DEIR does not adequately describe the developer’s agreement

The developer is requesting a Developer Agreement that could redefine the project timeline and other parameters of the project, yet the DA has not been included or described in the DEIR. The DEIR must describe the DA as completely as possible.

2.2.3 The DEIR alternatives

2.2.4 The GPA/ZOA program EIR study area is incorrect

The DEIR states,

“Thus, while this is a project-level EIR, this document also discusses the effects of the GPA/ZOA at a program level, assuming future development proposals could seek consideration from the City under the proposed new General Plan land use designation and M-3 zoning regulations.” [DEIR 1-2.]

This would be a good practice, but the DEIR doesn’t do it for any location besides the project site. It doesn’t even extend the GPA/ZOA analysis to the twelve parcels sandwiched in between the project parcels, and doesn’t consider possible land aggregations or intermediate or full rezonings of the commercial parcels sandwiched between project parcels.

Aggregation of parcels is not speculative, the current project was made through aggregations described in the Fiscal Impact Analysis.

Future development proposals will seek to be so rezoned, but the EIR doesn't explain why only parcels located within the Menlo Gateway project area would seek such a rezoning. The correct study area for the impacts of the M-3 ZOA is the entire M-2 zone, particularly large sites, currently zoned M-2 and those sites whose current development is planned under a Conditional Development Permit, this includes but is not limited to Sun Microsystems, Tyco, AMD (Willow Business Park), Menlo Business Park, Haven, and parcels in Bohannon West. The currently applicant owns many parcels in the M-2, it seems likely that the applicant might request the M-3 designation for some of those parcels as well.

The M-3 zoning may also apply to smaller parcels by allowing some modestly higher buildings with at-grade parking requirements that are reduced through the administrative parking permit.

3.0 Comments on Impact Analysis

3.1 Comments on Aesthetics Impact Analysis

3.1.1 Standards of significance:

The is section lists two express standards of significance:

The project would result in a significant impact if it would:

- **Impact Criterion #1:** Substantially degrade the existing visual character or quality of the project area and its surroundings.
- **Impact Criterion #2:** Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

These seem not to be adopted standards of significance, rather they seem to be re-used Appendix G CEQA guidelines. This seems to be a practice used throughout the DEIR. If Menlo Park has adopted specific significance standards that implement Section G CEQA guidelines, the DEIR should cite them, and if Menlo Park has not adopted specific significance standards, the DEIR should say so as well.

The DEIR should discuss whether lack of a standard in addition to the “Appendix G” guidelines empowers or precludes policy makers from exercising discretion to make a finding of significance.

3.1.2 Serious Public Controversy

Section 7.3 (f)(1) of the City of Menlo Park Environmental Review and Implementing Procedures (“CEQA Guidelines”) appears to suggest that “serious public controversy” is a basis for making a finding of significance.

My own opinion as a former Menlo Park public official is that the impact on views seems to be one of the most significant and unfortunate impacts of the proposal. Were I a decision-maker on this project, I would certainly want to know the limits of my discretion in being able to make such a finding, and, I would feel slightly annoyed if staff, or the preparer, or the applicants lawyer who is reading the administrative draft of the future answer to this question, made it appear that significance standards exist when they do not, or made it appear that council members had no discretionary basis upon which to make the finding of significance different than the subject ones made by the preparer.

Therefore in cases where the thresholds of significance are clearly spelled out by adopted Menlo Park standards, the DEIR should note the thresholds and the source, and where there are no adopted thresholds of significance the DEIR should note that the finding of significance is that of the preparer, about which council members are free to make a different finding.

3.1.3 Comments about degrading the existing visual character or quality of the project area.

3.1.3.1 The DEIR did not perform a shadow study.

The DEIR readily admits it did not do a shadow study. P 3.1-1. Rather it gives a number of excuses for not doing one, and makes a poor effort to describe generically the pattern of shadows that emerge as the sun progresses in the sky.

It's basic argument is that there are no significant impacts from shadowing, because Menlo Park never required shadow studies in the past, (when the zoning code allowed 35 foot rather than 140 foot tall buildings), and because it feels that commercial properties impacted are not "sensitive" receptors.

It readily admits that the Menlo Gateway project will cast shadows on nearby commercial properties but does not identify which ones, or for how long. It does not say which standards Menlo Park used to determine the shadows cast were not significant.

The shadowing impacts may be found to be significant, once they are known.

3.1.3.2 Future rooftop solar is jeopardized for nearby commercial buildings

Given that "climate change" is significant enough to warrant its own section in CEQA, its notable that the applicant is teasing the community about considering rooftop solar while blocking this ability for nearby commercial neighbors, and the DEIR is turning a blind eye to current and future impacts of shadowing on the ability of nearby commercial buildings to deploy solar on their rooftops.

At the very least a shadow study ought to be conducted to determine these impacts, and standards of "significance" could be developed based, in part, on this shadow study.

3.1.3.3 The DEIR does not perform a shadow study for the GPA/ZOA project.

M-3 would juxtapose 140 foot buildings in an area where 35 is the current height limit. M-3 allows building height four times higher than are currently allowed.

The DEIR does not establish that a 140 foot tall building, at the given sun angle in or around the M-2 area cannot throw off a shadow that would impact nearby parcels. The DEIR should do general shadow analysis for M-3 envelopes to determine whether or not M-3 conforming development can cast shadows on neighboring parcels.

3.1.3.4 The Menlo Gateway DEIR does not analyze impact on commercial views.

The tall buildings on Independence and Constitution would impede existing views of existing one and two story commercial properties between them. One picture shows a view that includes Bayfront Park [figure 3.1-2], another [Figure 3.1-1] shows the skyline view.

The DEIR doesn't indicate whether existing commercial buildings have view of the San Francisco Bay, or of Bayfront Park, or of the skyline vista from second story windows.

The DEIR does not describe how these views might be blocked either by tall office buildings or tall parking structures, nor does it discuss the "canyon" effect of being surrounded by tall buildings.

The DEIR does not describe how views from either tall building might impact each other, were the GPA/ZOA applied to either parcel without approving the project and the parcels were sold, would either party be so tolerant to losing views of the Bay or Skyline?

At the very least a study ought to be conducted to determine these impacts, and standards of "significance" could be developed based, in part, on them.

3.1.3.5 The GPA/ZOA EIR does not analyze impacts on views.

This comment expands upon the comment in 3.1.2.6 when considering how the GPA/ZOA might impact views on the site when no private project is approved, and how the GPA ZOA might impact views in other locations were the M-2 zoning is applied to other parcels.

It also doesn't consider how view impacts are partially or fully mitigated by project alternatives.

3.2 Comments on Air Quality Impact Analysis

3.3 Comments on Biological Resources Analysis

3.4 Comments on Cultural Resources Analysis

3.5 Comments on Hydrology and Water Analysis

3.5.1 Hydrology Impacts Generally

C: In this and subsequent hydrology impact evaluations the DEIR argues basically for a classification of “LTS” attributable to a standing regulatory scheme, rather than “PS” which would be mitigated by proper enforcement of the scheme. Explain why?

C: The DEIR should also provide a discussion of whether or not there could possibly be a finding of “PS” or “S” that would *not* be mitigated by the standing regulatory schemes. If the logic of the analysis is that there cannot be significant impacts, essentially, because “the law” prohibits it, then the DEIR should say so. If not, the DEIR should give an example of a how a “significant” impact could arise that would not be automatically mitigated under the existing regulatory scheme.

C: The DEIR should discuss the costs of the city portion of the regulatory scheme, the city’s ability to recover these costs by imposing them on the developer as a condition of approval, and finally, if the city cannot impose mitigation monitoring costs on the developer, the DEIR should evaluate the city’s capacity to enforce and monitor the BMPs. These could be recovered under the Developer Agreement.

3.5.2 Water Quality Impacts

C: The DEIR admits that pollutants from the project reach surface water bodies and groundwater, which drains into the Bay, but it doesn’t provide estimates for pre-project “levels”, new pollutant “levels” created by the project, before and after BMP’s are applied.

C: The DEIR should provide relative estimates for the amount of new source pollutant discharge that the project is expected to create relative to the existing conditions and the alternatives. This would give decision-makers who wish to mitigate or limit potential ground level pollution at the source the information they need to know which project alternative generate fewer total pollutants.

Q: In general terms, what are the primary generators of pollutant discharge and general drivers for calculating pollutant levels? Impervious surfaces, automobile counts, parking garage floors, roof tops? Are there other major components of projects that generate pollutant discharge? The DEIR needs to discuss whether the intensity (size and configuration) of the replacement use is relevant to determining the pollutant profile, and why the assumption of a prior industrial profile is valid. The DEIR should discuss the possible additions and changes to pollutants because of structured parking, the increase in the total number of cars, and the potential for auto discharge to drain out of the structure.

In 3.5-25, the DEIR states

“Development in accordance with the Menlo Gateway project would increase the amount of stormwater runoff from the project area.”

C: Explain the apparent contradiction between an increase in stormwater runoff and a decrease in impervious surfaces. If that increase comes from some level other than an at-grade impervious surface (e.g. parking structure) then the DEIR should explain and provide an approximation to explain what percentage of pollutant discharge comes from various sources including at-grade sources, parking grades, and rooftop grades.

C: The DEIR analyzes the impacts of the GPA/ZOA in three paragraphs, claiming basically that the regulatory scheme, BMP's etc would be expected to “reduce the amount of pollutants in stormwater runoff compared to existing conditions,” but increasing the M-3 intensity does so for permitted industrial uses as well as professional office uses. The DEIR needs to explain why no industrial use permitted under the M-3 zone and build out to the maximum intensity has the potential to generate significantly more amounts of industrial pollution under the GPA/ZOA than under the current zoning?

3.5.3 New sources of pollutants

C: The DEIR should provide relative estimates for the amount of new source pollutant discharge that the project is expected to create relative to the existing conditions and the alternatives. This would give decision-makers who wish to mitigate or limit potential ground level pollution at the source the information they need to know which project alternative generate fewer total pollutants, and to determine whether or not new pollutant levels are considered significant.

Q: In general terms, what are the primary generators of pollutant discharge and general drivers for calculating pollutant levels? Impervious surfaces, automobile counts, parking garage floors, roof tops? Are there other major components of projects that generate pollutant discharge? The DEIR needs to discuss whether the intensity (size and configuration) of the replacement use is relevant to determining the pollutant profile, and why the assumption of a prior industrial profile is valid. The DEIR should discuss the possible additions and changes to pollutants because of structured parking, the increase in the total number of cars, and the potential for auto discharge to drain out of the structure.

3.5.4 Flooding

C: In regard to hydrology impacts regarding flooding and alteration of drainage patterns of the site or area, its important to note that the project as proposed occupies two separate parcels between which are more than a dozen other commercial neighbors whose structure are currently at-grade, in the flood zone, and who could be potentially impacted.

Q: Do the non-project commercial parcels and uses in the study area share storm drain resources with the project?

C: The DEIR notes that the project could increase the amount of storm runoff water .. “contributing to ... off-site flooding” but then asserts something that seems true but irrelevant, that the project would not significantly increase impervious surfaces. Which nearby parcels would be subjected to what new flooding patterns?

C: The site with the Hotel will construct will construct a rather enormous and long sound wall to reduce noise at an outdoor swimming pool. The hotel occupies the site where increase flows of 56% are projected, and, where possibly the site will be elevate by 10 feet. It's hard to believe the sound wall won't change runoff flow patterns or flooding patterns. The EIR provides no analysis about the effects or design of the sound barrier and its impact on flow directions, and in combination with elevating the site.

Q: The DEIR does show flow paths for the proposed project, but not for existing conditions or alternatives. It gives increase flow rates of 8% for Constitution and 56% for Independence, but doesn't indicate whether these flows are for the 10-year or 100-year event. Specifically what are the projected increases in flows for both sites for 10 and 100 year events?

C: The DEIR should provide flow paths for 10 and 100 year events at projected flow rates and analyze their impacts on nearby properties.

C: The DEIR should provide flow paths for 10 and 100 year events at projected flow rates for project alternatives and analyze their impacts on nearby properties. A general discussion should be provide of relative degree of negative impact provide by alternatives so that decision makers had an informed opinion about which alternative were relatively more or less impactful.

C: The DEIR should provide flow paths for 10 and 100 year events at projected flow rates for different but representative configurations allowed under the GPA/ZOA.

C: In response to climate change the San Francisco Bay Conservation and Development Commission (“BCDC”) is considering new language and findings for its Bay plan. With regard to flooding it says,

“Most shoreline impacts will occur from flooding caused by the combined effects of storm activity and higher water level due to sea level rise. During a storm, low air pressure causes a rapid rise in sea level, called storm surge. Water levels are also elevated by rain runoff and extreme high tides, which occur more often in the winter when storms are more frequent. The coincidence of these events is also more likely to occur during El Niño years, which are becoming more frequent. High winds produce waves, which when generated on elevated water, run further up on the land surface causing more damage than they otherwise would. The combination of higher global sea level and runoff from early Sierra Nevada snowmelt can prolong the duration of higher water levels from storm surge. The combined effects of sea level rise, storm surge, tributary flooding, high tides, high winds, and El Niño events will likely cause severe flooding and erosion long before shoreline areas are permanently inundated by sea level rise alone.

C: An event similar to this occurred in Menlo Park and Palo Alto in 1998. Clearly these inter-related factors are complicated, but the DEIR should try to discuss impacts of a second 100 year flood scenario in which for some reason storm surge, high-tide and other factors contribute to unusually high sea levels that back-up into the Slough and Channel, thereby limited or preventing storm water from draining from the project site, create a local pooling effect, that might also overwhelm the capacity of a local detention basis. Similar kinds of pooling resulted in many negative effects during the 1998 Flooding event. If catch basis overflow in the vicinity of major public thoroughfares then the impacts could be significant.

C: I find it difficult to believe that the impacts that might result from the analysis in the previous paragraph might not be considered “potentially significant”, particular on the remaining at-grade commercial locations in the project area.

HY-7

“If substantial additional fill is used to elevate the project area or structures to above the base flood elevation, this additional fill material could have a substantial effect on local flooding; water displaced from the study area could increase flood depths on adjacent properties or redirect flood flows to adjacent properties, which would be a potentially significant impact.

C: The DEIR is not clear on how and why the proposed mitigation reduces the actual impact.

C: The DEIR does not attempt to describe the impacts and determine which properties might be affected.

Impact HY-1CM:

C: Menlo Park development constraints in the General Plan, obviously do not constrain this project, hence there is no reason to believe the Woodside constraints would be any more effective. As this project represents a significant intensification of an existing infill development, it is reasonably foreseeable that all non-conserved, non single family residential zones will be subject to similar intensification, including other M-2 zones in the Atherton Channel watershed, most specifically properties owned by the current developer, multi-family residential zones, and other non M-2 commercial zones. It’s even reasonably foreseeable that existing “rural” residential zones may intensify through subdivision. The analysis here also confirms that intensification of the site contributes sizeable changes to 10 and 100 year runoff flows. Clearly impervious surfaces are not the only contributor to project runoff flows. The DEIR should analyze full build out impacts of development on the Channel and to briefly determined which intensifications beyond build-out would most impact the Channel’s capacity.

3.6 Comments on Hazardous Materials Analysis

3.7 Comments on Land Use Analysis

3.7.1 Compatibility

C: The discussion about compatibility is inadequate. The discussion of “compatibility” is limited to the introductory paragraph which contains two sentences, and it reduces the discussion of compatibility between uses to a simple discussion of impacts of the project evaluated elsewhere in the DEIR.

C: The DEIR fails to discuss other ways in which the existing area may produce “impacts” on the proposed project which are not evaluated elsewhere in the DEIR, and it doesn’t include a discussion that analyzes co-variance of both existing and new project uses in a common scene.

C: The DEIR does not address potential spatial incompatibilities, scale incompatibilities, visual incompatibilities, use incompatibilities, and it doesn’t address potential incompatibilities that arise from the existing environment on the proposed project, even when they are obvious e.g. freeway and outdoor swimming pool, elevated freeway and “campus” environment; expressway and campus environment; vacant, exposed industrial lot on campus environment; very tall buildings looming over very short ones, professional office architectural style juxtaposed against industrial style.

C: Clearly, the freeway is incompatible with the outdoor swimming pool, and the incompatibility may or may not be mitigated to less than significance by the sound wall. The DEIR says nothing about this and other similar significant incompatibilities.

C: The Menlo Park record has several examples in its land-use district where industrial contamination is known to have occurred. The possibility for conflict from exposed airborne pollutants from industrial lots on an increased intensity outdoor campus environment is not discussed.

C: The DEIR does not discuss the juxtaposition of a campus environment at the junction of two major throughways, facing Bayfront expressway and within earshot of US 101, a location that may be better suited for some other kind of use than an outdoor campus.

C: The DEIR does not discuss potential compatibilities that may arise from the piecemeal application of the GPA/ZOA to non-adjacent “commercial” parcels that surround “industrial” parcels and which create a regulatory distinction among parcels that have always been regulated similarly.

C: A Staff Report document states that both the Menlo Gateway and Tyco proposals have the power to “define” the M-2 area, but the DEIR says nothing about what that might mean, particularly in light of the M-2 rezoning work done in 2002.

C: There’s also no discussion of whether the GPA/ZOA when used elsewhere in an area currently zoned M-2, practically and permanently “crowds-out” other uses the city may want to consider, such as retail, auto, industrial, or housing. If so, then potential viral spread of GPA/ZOA throughout what is currently M-2 may both change the social character of the area, and permanently prevent future uses, such as housing or retail. The public and decision makers have a right to know that.

C: I think there are numerous significant and potentially significant impacts about land-use compatibility of the proposed project and the remaining project area arising from each of these incompatibilities which have not been identified in the DEIR.

C: Menlo Park has other areas in M-2 that are arguably more transitional. In these industrial areas, a form of manufacturing sometimes called “high-tech flex” predominates. These uses occupy newer buildings, some of which are class-A office buildings, and which create something of an “Industrial Park Campus”. Making the step from an existing high-tech flex campus to the proposed professional office campus presents far fewer land-use conflicts than the current step. So the DEIR could also discuss the level of “severity” of the contrast in proposed uses with the existing use.

3.7.2 Regulatory Environment

C: 3.7-2 (Land Use Designations) The DEIR says, “Under the Limited Industry designation, hotel and other commercial users are not allowed, but then fails to consider how a decision-maker might find that allowing “not allowed” uses might be found to be inconsistent with the existing regulatory environment.

3.7.2.1 Ordinance 16.56.010

C: As background to the discussion of “consistency” with the regulatory environment and the General Plan, the DEIR fails to note Ordinance 16.46.010 which sought to limit both intensification and conversions from industrial uses to professional office uses and the voluminous amount of planning work done in 2001-2002 which sought essentially to limit the encroachment of professional office uses in the industrial zone. In particular, Ordinance 16.46.010 sought to review and condition “use changes” and “intensifications” in the General Industrial designations through the M-2 zoning code. The rezoning effort in M-2 sought to limit professional office uses in M-2, and not allow them at all in the current project site. Clearly the proposed project triggers a use change and intensification previously controlled by 16.46.010. Saying that 16.46.010 applies to M-2 but not M-3 misses the fundamental point that the regulatory environment applies to the General Plan Industrial land use designation as applied through the M-2 zoning code, since that code blankets the Industrial designation.

C: Since 1997 there has been considerable controversy in Menlo Park over precisely whether or not professional office uses are consistent with the General Industrial area. An extensive amount of evidence on the record shows that from 1997-2002 these uses were clearly not found to be consistent and were regulated and considered for prohibition. Though the definition of “intensification” was changed in 2005, no subsequent process of the city council ever considered eliminating the prohibition of converting industrial uses to professional office in M-2. Hence it is the prevailing regulatory environment.

3.7.3 General Plan Consistency

C: The DEIR fails to note prior findings in the M-2 rezoning documents applies to uses and intensities in the proposed project suggesting they are inconsistent with the two major goals alleged to be applicable to M-2.

“Based on the discussion by the Council, professional office is considered a high impact use that has little potential for revenue to the City. Prohibiting professional office use would be consistent with the following General Plan goals that encourage uses that have low environmental impacts, but generate significant revenue or need goods or services.

Goal I-F To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have a low environmental and traffic impacts.

Goal I-E To promote the development and retention of commercial uses which provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.”[2]

C: Menlo Park Policies obligate fair disclosure when there is disagreement among experts. The City’s own prior staff report should constitute expert testimony that needs to be fairly disclosed to the public and to decision-makers.

C: As far as consistency with the General Plan, this discussion is also inadequate. In particular, the DEIR does not try to determine whether the project is consistent with goals I-E itself, it tries to find the project to be consistent with policies subordinate to I-E, and it suppresses some of those, particular this one:

I-F-2 Establishment and expansion of industrial uses that general sales and use tax to the City shall be encouraged.

C: Clearly the proposed project is not consistent with this policy. This policy was at the core of the 1997-2002 debate. The DEIR deals with the clear inconsistency by suppressing the existence of the policy and the debate.

3.7.4 “Commercial” goals not applicable to industrial designation.

C: Menlo Park General Plan “commercial” goals and policies (GP pp II-3) do not apply to “industrial” areas.

C: Menlo Park land use goals and policies are described fully in “Part I Section 1: Land Use Goals and Policies of the Menlo Park General Plan Policy document pages I-1 through I-6. Land use diagrams and standards are defined in section II. (Land use designations, goals and polices, and the 1994 land use map referenced here appear in the appendix of this document.)

C: There is no relationship between the land-used designation “commercial” defined in the General Plan (pp II-2,3) and the land-used designation “industrial” or “Limited Industry” defined in the General Plan (pp II-3) nor is there any relationship between the land-use designation “commercial” (pp II-6) and the zoning districts M-1, M-2, (or M-3) (pp II-7) , nor is there any relationship between land-use designation “commercial” and the area on the land-use diagram, either the 1994 version or the more modern version: <http://www.menlopark.org/departments/pln/zmap/zmap.pdf>.

C: The 1994 Land-Use diagram legend is particularly persuasive in this matter, since for each land use “designation” that appears in Part II there is a unique and corresponding entry on the Land Use Map, and a unique and corresponding set of goals and policies in Part I. The goals & policies, land-use designations, and map are co-ordinated through a consistent set of terminology.

C: Three of the four goals in the “commercial” section make unambiguous geographic references to areas of the city, on the land use map, that clearly do not include the Industrial area designation on the land use map.

C: Additionally, where the city sought to extend a “commercial” policy to “industrial” designations, the goal or policy includes specific language which so indicates.

I-E-2 Hotel uses may be considered at suitable locations within the commercial and *industrial zoning districts* of the city. [GP Part I I-3]

C: Therefore the goals and policies (pp I-2) for “commercial” land-use designations do not apply to “industrial” land-use designations (pp II-3 and pp II-7) areas on the zoning map including the project area, and zoning districts applicable in the project area.

C: Specifically, the General Plan land use designation “Commercial” applies to zoning districts C1, C1X, C1A, C1B, C1C, C1CX, C2, C2A, C2B, C2S, C3, C4, C4ECR, and C(4)X, and the General Plan land use designation, “Industrial,” applies to zoning districts, M1, M2, and M2X.

C: The DEIR mistakenly rips the General Plan goals out of context, removes the land-use designation headers, suppresses the definitions provide in section II, and then applies General Plan “commercial” goals to an industrial zoning district, M-3 that does not appear within the area mapped “Commercial” on the General plan map.

C: This “mistake” is one made by Menlo Park planning staff, from time to time, particularly in eras where council members are not particularly vigilant. It has created an on-again, off-again as-applied administrative policy that has never been formally ratified as council policy, is not supported by the General Plan, and was another piece of core of the debate that erupted between 1997 and 2002.

C: Although surely the current council is free to find as it will, the preparers of the DEIR, are bound by Menlo Park's CEQA preparation policy, "the EIR should summarize the main points of disagreement among experts." [6] p47.

C: There is disagreement over whether goals and policies in the General Plan labeled "commercial" and which map to zoning districts along El Camino, Middlefield, and Sand Hill road apply to parcels in the Industrial area zoned M-2, and now M-2. This is relevant because if one believes those goals don't apply to that area, then it's hard to find the current project "consistent" with the Industrial goals and policies that *do* map to the project area.

C: The re-designation of the a formerly industrial area as being commercial is relevant because it "redefines" the area. The DEIR does not indicate whether the redefinition at the M-3 intensity precludes other future redefinitions of the remaining parcels, i.e residential, big box retail, auto residential. Public decision-makers may be misled into believing they are making a one-time, short term decision to approve a project whose intensity and zoning designation may practically exclude other important uses, and if re-used elsewhere may induce a global redefinition of the industrial area that would have even more significant impacts. The DEIR needs to discuss this, it is significant.

3.7.5 Impact LU-1

The DEIR finding for LU-1 is incorrect. It says,

Impact LU-1: The proposed project would not conflict with the current General Plan designation and zoning district for the project area because the project is creating a new land use designation and zoning district. Therefore, there would be no impact under Criterion #1. (NI)

This impact should be Significant unavoidable because of the intensity of the zoning (137.5% FAR) relative to the existing intensity, and because of the use change from low traffic generating industrial to high traffic generating professional office.

The "logic" used here conflicts with actual and previously city generated evidence described in comment 1.3.3 and more generally in the suppressed city record described in comment 1.4.5, the suppressed compatibility analysis described in comments 3.7.1 and 3.7.2, and the suppressed regulator environment describe in comment 3.7.2.1.

3.7.6 The DEIR manufactures fictitious policies

The DEIR describes the project as being "consistent" with four "future" Seismic Safety and Safety Element policies described in 3.7-6 and in Table 3.7-1. Clearly this partially mis-informs the discussion of "consistency" and exhibits a patent bias in the analysis.

3.8 Comments on Noise Analysis

3.9 Comments on Population and Housing Analysis

3.10 Comments on Public Services Analysis

3.11 Comments on Traffic And Circulation Analysis

Generally the traffic analysis uses an incorrect study area. It's well known that the Dumbarton bridge (route 84) is a main east/west commute corridor and the "interchange" between 84 and US 101 consists of three arterials including the Bayfront Expressway/Marsh Rd, Willow Road, and University Avenue in East Palo Alto. During am and pm commute traffic, source congestion on cross bay traffic will impact each branch of the "interchange". It's also well known that pm peak (eastbound) congestion over the bridge will cause local congestion on Marsh, Willow, and University, and the local congestion extends to location West of US 101.

The study area should include University Avenue in East Palo Alto, and in Menlo Park the study area should extend to Willow and Middlefield as well as Marsh and Middlefield.

This means there are potential impacts on residential neighborhoods West of US 101, particularly along Willow, Marsh, Bay, and Ringwood. Bay and Ringwood serve as cut-throughs between Marsh and Willow and Ringwood serves as a cut-through between Bay and Middlefield.

Menlo Park has done extensive studies of these effects in traffic studies associate with the LUCS planning project, and has concluded that congestion on east west arterials in Menlo Park, and the Middlefield corridor is highly sensitive to local changes in local land use.

Further, the DEIR does not study the intersection of Chilco and Hamilton, which is a notoriously bad cut-through route taken by commercial traffic to avoid congestion on the Bayfront Expressway, that goes through the Belle Haven residential neighborhood.

In the past Menlo Park has used dynamic traffic modeling, as this type of modeling is extremely sensitive and useful in situations where traffic seeks alternate routes in response to congestion.

Q: Did the traffic use dynamic modeling or was traffic assignment done manually using assumed static routes and using assumed static percentages?

3.12 Comments on Utilities Analysis

3.13 Comments on Climate Change

4.0 Comments on Growth Inducement

C: In general terms, a project may induce spatial, economic or population growth in a geographic area if it meets any one of the four criteria identified below:

1. Removal of an impediment to growth (e.g., establishment of an essential public service or the provisions of new access to an area).
2. Economic expansion or growth (e.g., changes in revenue base, employment expansion, etc.).
3. Establishment of a precedent setting action (e.g., an innovation, a change in zoning or general plan amendment approval).
4. Development or encroachment in an isolated area or one adjacent to open space (being different from an "infill" type of project).

C: The Menlo Gateway project is clearly growth-inducing in many ways. It causes a singular large economic expansion including a large expansion of employment, and it contains a number of precedents including parking precedents, and the GPA/ZOA also removes a regulatory obstacle to growth, sets precedents, and in combination with parking ordinances sets even more precedents.

None of these are discussed adequately in the DEIR. Growth inducing changes proposed both by the project and the GPA/ZOA in combination with administrative parking ordinance and "clarified" definition of FAR are significant, particularly since they would propagate the inconsistencies documented in section 3.7 virally throughout M-2 thereby changing the social and economic fabric of the area and the community.

Further it's reasonably foreseeable in Menlo Park that other development projects will seek the M-3 zoning designation. This happened almost immediately in downtown Menlo Park when the height and housing density limit was lifted for the Derry project. Instantly, two nearby parcels sought similar zoning approvals.

In General, Menlo Park land prices are among the highest in the country, and existing development entitlements are modest. Hence when entitlements are expanded one can literally hear the rush of air move in to fill the space. This can still happen, as with this current project, regardless of whether there is an actual market or not, since developers will simply negotiate for entitlements, as this one is doing, and then either seek extensions for those approvals until the market emerges or will seek to lock in the entitlements through mechanisms like a Developer's Agreement.

In particularly, it's reasonable foreseeable that property owner of the 12 parcels surrounded by the project site will seek the M-3 zoning designation or sell to aggregators, including the current applicant who will seek the M-3 zoning designation. It's reasonably foreseeable that other large parcel owners, particularly those such as AMD, or Tarleton, and in Bohannon West, whose large parcels are currently governed under a Conditional Development Permit will seek the M-2 rezoning, and its reasonably foreseeable that smaller parcel owners may use the M-3 zone to incrementally expand beyond the current

M-2 height limits while using ground level parking whose requirements have been reduced through the administrative parking ordinance.

Precedents set by the project are height limit, uses, structured parking, total mass, FAR, parking requirements, and shared parking, that may be shared among distinct parcels owned by distinct owners.

Precedents set by the GPA/Zoning are height limit, FAR, fragmented designations in the General Plan where adjacent parcels in a formerly unified area have dissimilar zoning and General Plan designations, and the first official sanction conflation between a commercial "use" in an industrial zone.

Both the intensity increases allowed and the use-change ramifications are profound and the DEIR says nothing about any of it.

Finally, the DEIR is silent about how the GPA/ZOA in combination with the administrative parking ordinance, and the newly "clarified" definition of FAR that does not count parking structure, combine to remove obstacles to growth throughout the Limited Industrial land designation.

Relative to economic and social impacts the 2002 M-2 financial analysis conducted by staff using sophisticated modeling and actual sales tax data shows that if large, high-density offices continue to replace industrial uses in M-2, (*at the existing M-2 intensity*) current revenues will decline and city costs will increase. The net loss would reach nearly \$2 million per year. If current industrial uses are expanded, Menlo Park could eventually increase its revenue stream by more than \$6.2 million per year.

Large scale conversion to high-density offices (*at the existing M-2 density*) will also double the number of employees in M-2 to a whopping 50,000, creating more traffic and increasing housing demand.

The M-3 intensity potentially accelerates this finding.

5.0 Comments on Unavoidable impacts

6.0 Comments on Irreversible Environmental Changes

7.0 Appendix A

7.1 Menlo Park General Plan Part II: Land Use/Circulation Diagrams and Standards

7.2 Menlo Park General Plan Part I Section 1: Land Use

7.3 1994 General Plan Land Use Map

PART II

LAND USE/CIRCULATION DIAGRAMS AND STANDARDS

Part II first describes the *General Plan Land Use Diagram* and the allowable uses and standards for each of the designations shown on the diagram. Second, it describes the street and highway classification system appearing on the *Circulation Plan Diagram*. Finally, it describes bikeway standards and proposed improvements.

LAND USE DIAGRAM AND STANDARDS

The *Land Use Diagram* (inserted separately) depicts the land use pattern for future development in Menlo Park. The boundaries of the land use designations appearing on the *Land Use Diagram* are depicted generally. A parcel specific delineation and interpretation of these boundaries is contained in Menlo Park's Zoning Ordinance and Zoning Map.

The following sections describe the land use designations appearing on the *Land Use Diagram* and standards of building intensity and population density for the various land use designations.

Standards of building intensity for residential uses are expressed as intensity ranges, with the top of the range representing the maximum allowable number of dwelling units per net acre. For each residential designation there are one or more consistent zoning districts that more precisely specify maximum building intensity, including floor area limits or ratios, within the broader range set out in the General Plan. Maximum intensity and floor area standards may be exceeded by up to 15 percent in the case of a Below Market Rate density bonus. Maximum intensity standards may be exceeded with the development of a "secondary residential unit," pursuant to the requirements of State law.

Standards of population density for residential uses can be derived by multiplying the allowable dwelling units per net acre by the estimated average number of persons per household. In 1993, the California Department of Finance estimated average household size in Menlo Park at 2.36. It is assumed that average population per household in Menlo Park will not change significantly through the year 2010. Because the City cannot directly control the number of persons living in a household, these population density standards are intended for analytical purposes and are not to be used to limit residential density.

Standards of building intensity for non-residential uses are stated as maximum allowable floor area ratios. "Floor area ratio" (FAR) is defined as the ratio of the gross building square footage (excluding shafts, courts, covered parking, and other structured parking) on a lot to the net square footage of the lot. For example, on a site with 10,000 net square feet of land area, an FAR of 100 percent would allow 10,000 gross square feet of building floor area to be built. On the same site, an FAR of 50 percent would allow 5,000 gross square feet of building floor area. For non-residential designations, the Plan does not specify a day-time population density. For each non-residential designation there are one or more consistent zoning districts that more precisely specify maximum allowable building intensity within the broader intensity range set out in the General Plan.

Tables II-1, II-2, and II-3 show the zoning districts that implement the various residential, commercial, and industrial land use designations and more detailed building intensity standards.

RESIDENTIAL DESIGNATIONS

Very Low Density Residential

This designation provides for single family detached homes, secondary residential units, public and quasi-public uses, and similar compatible uses. Residential intensity shall be in the range of 0 to 3.5 units per net acre.

Low Density Residential

This designation provides for single family detached homes, secondary residential units, public and quasi-public uses, and similar and compatible uses. Residential intensity shall be in the range of 3.6 to 5.0 units per net acre.

Medium Density Residential

This designation provides for single family detached and attached homes, duplexes, multi-family units, garden apartments, condominiums, public and quasi-public uses, and similar and compatible uses. Residential senior rental shall be in the range of 5.1 to 18.5 units per net acre.

High Density Residential

This designation provides for single family detached and attached homes, duplexes, multi-family units, garden apartments, condominiums, senior rental housing operated by a non-profit agency and designed to be occupied by persons age 60 and older, public and quasi-public uses, and similar and compatible uses. Residential intensity shall be in the range of 18.6 to 40.0 units per net acre, provided, however, that the residential intensity of senior rental housing may be in the range of 54 to 97 units per net acre.

COMMERCIAL DESIGNATIONS

Retail/Commercial

This designation provides for retail services, personal services, professional offices, banks, savings and loans, restaurants, cafes, theaters, social and fraternal clubs, residential uses, public and quasi-public uses, and similar and compatible uses. The maximum FAR for non-residential uses shall be in the range of 40 percent to 200 percent. Residential intensity shall not exceed 18.5 units per net acre.

Professional and Administrative Offices

This designation provides for professional offices, executive, general, and administrative offices, research and development facilities, banks, savings and loans, convalescent homes, research and development facilities, residential uses, public and quasi-public uses, and similar and compatible uses. The maximum FAR for non-residential uses shall be in the range of 25 percent to 40 percent. Residential intensity shall not exceed 18.5 units per net acre.

El Camino Real Professional/Retail Commercial

This designation provides for retail services, personal services, professional offices, executive, general and administrative offices, research and development facilities, banks, savings and loans, convalescent homes, restaurants, cafes, theaters, residential uses, public and quasi-public uses, and similar and compatible uses. The maximum FAR for non-residential uses shall be in the range of 40 percent to 75 percent. Residential intensity shall not exceed 18.5 units per net acre.

INDUSTRIAL DESIGNATIONS

Limited Industry

This designation provides for light manufacturing and assembly, distribution of manufactured products, research and development facilities, industrial supply, incidental warehousing, offices, limited retail sales (such as sales to serve businesses in the area), public and quasi-public uses, and similar and compatible uses. The maximum FAR shall be in the range of 45 percent to 55 percent.

NON-URBAN DESIGNATIONS

Marshes

This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the marshlands bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square feet of building floor area per parcel.

Salt Ponds

This designation provides for the commercial production of salt and other minerals on the lands bordering San Francisco Bay and similar and compatible uses. The maximum amount of development allowed under this designation shall be 5,000 square feet of building floor area per parcel.

Preserve

This designation provides for the preservation and protection of wildlife habitat and ecological values associated with the foothill areas bordering I-280 and similar and compatible uses.

PUBLIC AND QUASI-PUBLIC DESIGNATIONS

Parks and Recreation

This designation provides for public and private golf courses, passive and active recreation uses, educational facilities, and similar and compatible uses. The letter "P" overlaid on this designation denotes a park. The maximum FAR shall be in the range of 2.5 percent to 30 percent.

Landscaped Greenways, Buffers, and Parkways

This designation provides for public and private open space uses, linear buffers and parkways along roads, and similar and compatible uses.

Public Facilities

This designation provides for public and quasi-public uses such as government offices, fire stations, schools, churches, hospitals, public utility facilities, airports, sewage treatment facilities, reservoirs, and similar and compatible uses. Many of the specific uses within this designation are denoted by symbols on the *Land Use Diagram*. The maximum FAR shall not exceed 30 percent generally, although specific zoning may allow for a higher FAR. The City recognizes that it does not have the authority to regulate development by Federal, State, or other governmental agencies, but the City will work cooperatively with these agencies in an effort to ensure their development is consistent with City goals, plans, and regulations and mitigates any impacts.

Other

This designation is applied only to the Stanford Linear Accelerator Center.

**TABLE II-1
RESIDENTIAL USE INTENSITY¹**

Land Use Designation	Use Intensity (units per net acre)	Floor Area Limit/Ratio ²	Applicable Zoning Districts ³
Very Low Density	0-3.5	2,800 sq. ft. +25% of lot area over 7,000 sq. ft.	R-E, R-E-S, R-1-S
Low Density	3.6-5.0	2,800 sq. ft. +25% of lot area over 7,000 sq. ft.	R-1-U, R-1-S
Medium Density	5.1-18.5	40-45%	R-2, R-3, R-3-A, R-3-C, R-C
High Density	18.6-40.0 ⁴	100% ⁴	R-4, R-L-U ⁴

¹ Residential uses are also allowed in the Professional and Administrative Offices, the Retail/Commercial, and the El Camino Real Professional/Retail Commercial designations, subject to a maximum intensity limit of 18.5 units per net acre.

Mixed-use (residential and commercial) is subject to the following zoning ordinance limitations:

R-C zoning district: residential intensity up to 18.5 DU/net acre and FAR of up to 45%. In a mixed use project, the maximum total FAR is 45% for residential plus 40% for commercial for a total maximum 85% FAR.

C-3 zoning district: residential intensity up to 18.5 DU/net acre and FAR of up to 100%. Any FAR used for residential use would be subtracted from that otherwise allowed for commercial use.

C-4 El Camino Real zoning district: residential intensity up to 18.5 DU/net acre and FAR of up to 75%. Any FAR used for residential use would be subtracted from that otherwise allowed for commercial use.

² The BMR density bonus can result in the density, number of units, and floor area being increased up to a maximum of 15%. The floor area limit for lots under 5,000 square feet shall be determined by use permit.

³ Residential uses are also allowed in the P-D zoning district. This district allows residential and other uses at a density or intensity that does not exceed the density or intensity allowed by the pre-existing zoning for the P-D-zoned property.

⁴ The R-L-U zoning district allows senior rental housing with residential intensity of 54-97 DU/net acre and FAR of up to 150%. Any new R-L-U project will require a general plan amendment and rezoning.

TABLE II-2		
COMMERCIAL USE INTENSITY		
Land Use Designation/Type	Use Intensity (Floor Area Ratio)	Applicable Zoning Districts ¹
Retail/Commercial		
Neighborhood Shopping	40%	C-2
Neighborhood Shopping, Restrictive	40%	C-2-A
Neighborhood Commercial, Restrictive	40% without use permit or up to 50% with use permit	C-2-B
Central Commercial	100% retail without use permit, and up to 100% more with use permit, but office use may not exceed 50%	C-3
General Commercial	40%	C-4 non-El Camino Real
Professional and Administrative Offices		
Administrative and Professional Restrictive	30%	C-1
Administrative, Professional	40%	C-1-A, R-C, R-3-C
Administrative, Professional, and Research Restrictive	25%	C-1-C
El Camino Real Professional/Retail Commercial		
General Commercial	55% without use permit or up to 75% with use permit; provided office use may not exceed 40% and up to 100% for auto storage for auto retailers with a use permit	C-4 El Camino Real, P-D
Administrative and Professional	40%	C-1-A, C-4 El Camino Real, P-D
¹ Commercial uses are also allowed in the P-D zoning district. This district allows commercial and other uses at a density or intensity that does not exceed the density or intensity allowed by the pre-existing zoning for the P-D-zoned property.		

TABLE II-3 INDUSTRIAL USE INTENSITY		
Land Use Designation/Type	Use Intensity (Floor Area Ratio)	Applicable Zoning Districts
Limited Industrial		
Industrial	55%	M-2
Offices	45%	M-2

PART I

SECTION I: LAND USE

GOALS AND POLICIES

RESIDENTIAL

Goal I-A To maintain and improve the character and stability of Menlo Park's existing residential neighborhoods while providing for the development of a variety of housing types. The preservation of open space shall be encouraged.

Policies

- I-A-1 New construction in existing neighborhoods shall be designed to emphasize the preservation and improvement of the stability and character of the individual neighborhood.
- I-A-2 New residential developments shall be designed to be compatible with Menlo Park's residential character.
- I-A-3 Quality design and usable open space shall be encouraged in the design of all new residential developments.
- I-A-4 Residential uses may be combined with commercial uses in a mixed use project, if the project is designed to avoid conflicts between the uses, such as traffic, parking, noise, dust, and odors.
- I-A-5 Development of housing, including housing for smaller households, is encouraged in commercially-zoned areas in and near Downtown. (Downtown is defined as the area bounded by Alma Street, Ravenswood Avenue/Menlo Avenue, University Drive and Oak Grove Avenue.) Provisions for adequate off-street parking must be assured.
- I-A-6 Development of residential uses on the north side of Oak Grove Avenue and on the south side of Menlo Avenue adjacent to the Downtown commercial area is encouraged.
- I-A-7 Development of secondary residential units on existing developed residential lots shall be encouraged consistent with adopted City standards.
- I-A-8 Residential developments of ten or more units shall comply with the requirements of the City's Below-Market Rate (BMR) Housing Program.
- I-A-9 Residential developments subject to requirements of the BMR Housing Program may be permitted to increase the total density, number of units and floor area of residential projects up to a maximum of 15 percent above that otherwise permitted by the applicable zoning. The increases in the total density, number of units and floor area shall be in compliance with the BMR Housing Program.
- I-A-10 All utilities installed in conjunction with new residential development shall be placed underground.

Goals, Policies, and Implementation Programs

I-A-11 No housing may be removed by new development without prior City approval, and replacement housing will be required for any housing removed.

COMMERCIAL

Goal I-B To strengthen Downtown as a vital and competitive shopping area while encouraging the preservation and enhancement of Downtown's historic atmosphere and character.

Policies

- I-B-1 The Downtown should include a complementary mix of stores and services in a quality design, adding natural amenities into the development pattern.
- I-B-2 Parking which is sufficient to serve the retail needs of the Downtown area and which is attractively designed to encourage retail patronage shall be provided.
- I-B-3 New development shall not reduce the number of existing parking spaces in the Assessment District, on P-zoned parcels, or on private property where parking is provided in lieu of Assessment District participation.
- I-B-4 Uses and activities shall be encouraged which will strengthen and complement the relationship between the Transportation Center and the Downtown area and nearby El Camino Real corridor.
- I-B-5 New development with offices as the sole use that is located outside of the boundary of the Downtown area along the south side of Menlo Avenue and the north side of Oak Grove Avenue shall not create a traffic impact that would exceed that of a housing project on the same site.

Goal I-C To encourage creativity in development of the El Camino Real Corridor.

Policies

- I-C-1 New and upgraded retail development shall be encouraged along El Camino Real near Downtown, especially stores that will complement the retailing mix of Downtown. Adequate parking must be provided and the density, location, and site design must not aggravate traffic at congested intersections. The livability of adjacent residential areas east and west of El Camino Real and north and south of Downtown must be protected.
- I-C-2 Small-scale offices shall be allowed along most of El Camino Real in a balanced pattern with residential or retail development.

Goal I-D To encourage the rehabilitation and continued use of viable and appropriate neighborhood commercial uses or collections of stores servicing surrounding residential neighborhoods.

Policies

- I-D-1 Special attention should be given to strengthen the neighborhood shopping centers throughout the city. This can be done by continuing the existing policy of removing marginal uses or vacant commercially-zoned properties from the present commercial zoning and placing them in a residential land use category or rezoning to the P District.

- I-D-2 Expansion of operations in neighborhood shopping centers shall be prohibited if they disrupt adjacent residential areas. Subject to obtaining a use permit or rezoning to a P district, development of additional parking may be permitted to alleviate parking problems on residential streets caused by existing businesses which lack the required number of parking spaces.

Goal I-E To promote the development and retention of commercial uses which provide significant revenue to the City and/or goods or services needed by the community and which have low environmental and traffic impacts.

Policies

- I-E-1 All proposed commercial development shall be evaluated for its fiscal impact on the City as well as its potential to provide goods or services needed by the community.
- I-E-2 Hotel uses may be considered at suitable locations within the commercial and industrial zoning districts of the city.
- I-E-3 Retention and expansion of auto dealerships in the city shall be encouraged. Development of new auto dealerships or combined dealerships in an auto center shall be encouraged at suitable locations in the city.
- I-E-4 Any new or expanded office use must include provisions for adequate off-street parking, mitigating traffic impacts, and developing effective alternatives to auto commuting, must adhere to acceptable architectural standards, and must protect adjacent residential uses from adverse impacts.
- I-E-5 The City shall consider attaching performance standards to projects requiring conditional use permits.
- I-E-6 Public-private cooperation in the provision of job training, child care, housing and transportation programs for Menlo Park residents shall be supported.

INDUSTRIAL

Goal I-F To promote the retention, development, and expansion of industrial uses which provide significant revenue to the City, are well designed, and have low environmental and traffic impacts.

Policies

- I-F-1 Industrial development shall be allowed only in already established industrial areas and shall not encroach upon Bay wetlands.
- I-F-2 Establishment and expansion of industrial uses that generate sales and use tax revenues to the City shall be encouraged.
- I-F-3 Modifications in industrial operations required to keep firms competitive should be accommodated, so long as any negative impacts on the environment and adjacent areas are satisfactorily mitigated.

Goals, Policies, and Implementation Programs

- I-F-4 The City shall consider attaching performance standards to projects requiring conditional use permits.
- I-F-5 Convenience stores and personal service uses may be permitted in industrial areas to minimize traffic impacts.
- I-F-6 Public-private cooperation in the provision of job training, child care, housing and transportation programs for Menlo Park residents shall be supported.
- I-F-7 All new industrial development shall be evaluated for its fiscal impact on the City.

OPEN SPACE

Goal I-G To promote the preservation of open-space lands for recreation, protection of natural resources, the production of managed resources, protection of health and safety, and/or the enhancement of scenic qualities.

Policies

- I-G-1 The City shall develop and maintain a parks and recreation system that provides areas and facilities conveniently located and properly designed to serve the recreation needs of all Menlo Park residents.
- I-G-2 The community should contain an ample supply of specialized open space in the form of squares, greens, and parks whose frequent use is encouraged through placement and design.
- I-G-3 Public spaces should be designed to encourage the attention and presence of people at all hours of the day and appropriate hours of the night.
- I-G-4 Dedication of land, or payment of fees in lieu thereof, for park and recreation purposes shall be required of all new residential development.
- I-G-5 The City shall encourage the retention of at least 10 acres of open space on the St. Patrick's property through consideration of various alternatives to future development including rezoning consistent with existing uses, cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
- I-G-6 The City shall encourage the retention of open space on large tracts of land through consideration of various alternatives to future development including rezoning consistent with existing uses, cluster development, acquisition of a permanent open space easement, and/or transfer of development rights.
- I-G-7 Public access to the Bay for the scenic enjoyment of the open water, sloughs, and marshes shall be protected.
- I-G-8 The Bay, its shoreline, San Francisquito Creek, and other wildlife habitat and ecologically fragile areas shall be maintained and preserved to the maximum extent possible. The City shall work in cooperation with other jurisdictions to implement this policy.
- I-G-9 The salt ponds shall be allowed to continue in mineral production. In the event these uses are discontinued, these areas should be used for recreation and/or conservation uses.

- I-G-10 Extensive landscaping should be included in public and private development, including greater landscaping in large parking areas. Where appropriate, the City shall encourage placement of a portion of the required parking in landscape reserve until such time as the parking is needed. Plant material selection and landscape and irrigation design shall adhere to the City's Water Efficient Landscaping Ordinance.
- I-G-11 Well-designed pedestrian facilities should be included in areas of intensive pedestrian activity.
- I-G-12 The maintenance of open space on Stanford lands within Menlo Park's unincorporated sphere of influence shall be encouraged.
- I-G-13 Regional and sub-regional efforts to acquire, develop, and/or maintain appropriate open space and conservation lands shall be supported.

PUBLIC AND QUASI-PUBLIC FACILITIES AND SERVICES

Goal I-H To promote the development and maintenance of adequate public and quasi-public facilities and services to meet the needs of Menlo Park's residents, businesses, workers, and visitors.

Policies

- I-H-1 The community design should help conserve resources and minimize waste.
- I-H-2 The use of water-conserving plumbing fixtures in all new public and private development shall be required.
- I-H-3 Plant material selection and landscape and irrigation design for City parks and other public facilities and in private developments shall adhere to the City's Water Efficient Landscaping Ordinance.
- I-H-4 The efforts of the Bay Area Water Users Association to secure adequate water supplies for the Peninsula shall be supported to the extent that these efforts are in conformance with other City policies.
- I-H-5 New wells and reservoirs may be developed by the City to supplement existing water supplies for Menlo Park during emergency and drought periods. Other sources, such as interconnections and purchase agreements with water purveyors, shall be explored and developed.
- I-H-6 The City shall work with other regional and subregional jurisdictions and agencies responsible for ground water extraction to attempt to develop a comprehensive underground water protection program which includes the monitoring of all wells in the basin to evaluate the long term effects of water extraction. In addition, the City shall consider instituting appropriate controls within Menlo Park on the installation of new wells and on the pumping from both existing and new wells so as to prevent: ground subsidence, further salinity intrusion into the shallow aquifers, particularly in the bayfront area, and contamination of the deeper aquifers that may result from changes in the ground water level.
- I-H-7 The use of reclaimed water for landscaping and any other feasible uses shall be encouraged.

Goals, Policies, and Implementation Programs

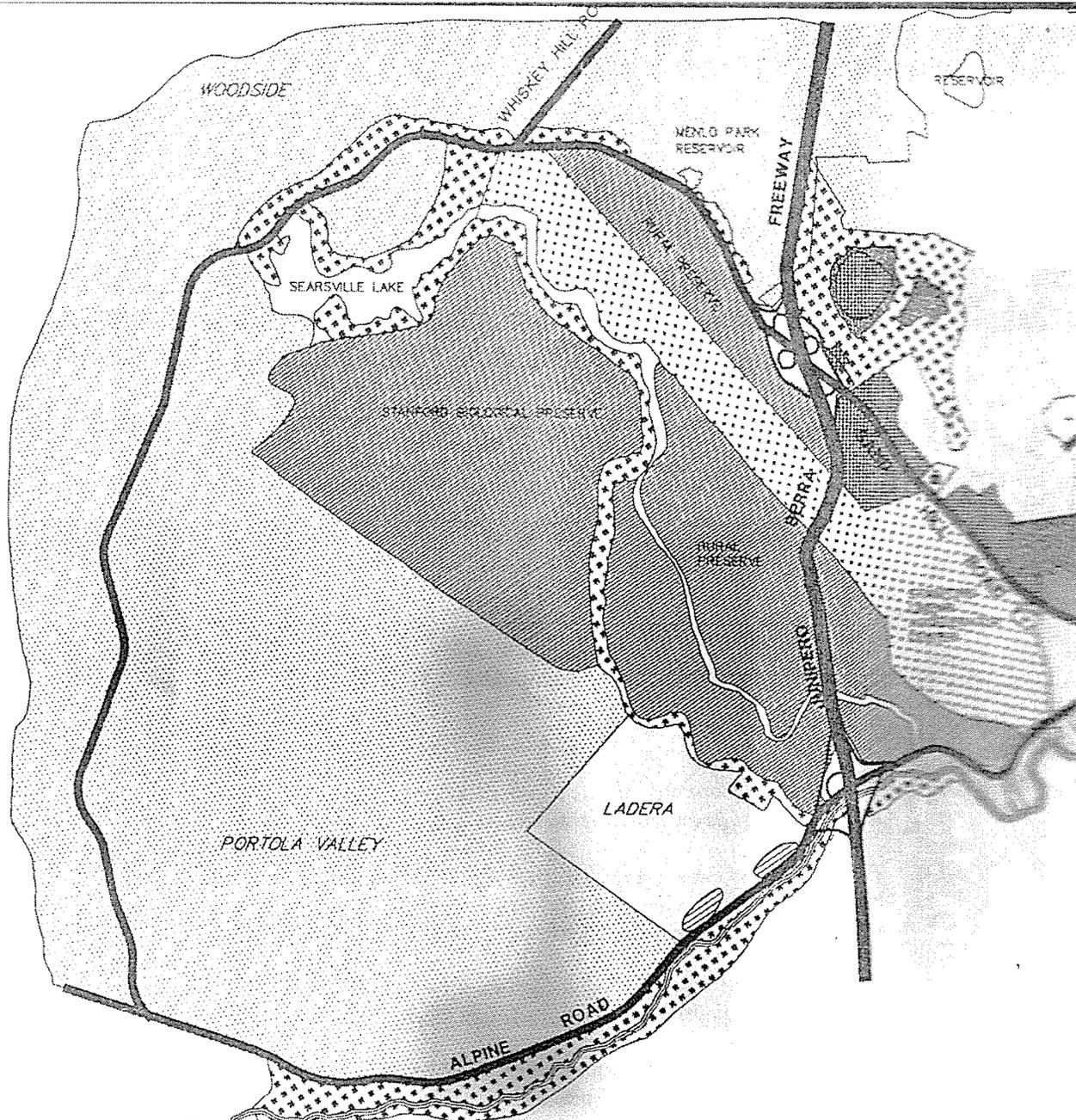
- I-H-8 The expansion and improvement of sewage treatment facilities to meet the needs of Menlo Park and to meet regional water quality standards shall be supported to the extent that such expansion and improvement are in conformance with other City policies.
- I-H-9 Urban development in areas with geological and earthquake hazards, flood hazards, and fire hazards shall be regulated in an attempt to prevent loss of life, injury, and property damage.
- I-H-10 The City shall continue to participate in the National Flood Insurance Program. To this end, the City shall work to keep its regulations in full compliance with standards established by the Federal Emergency Management Agency.
- I-H-11 Buildings, objects, and sites of historic and/or cultural significance should be preserved.
- I-H-12 Street orientation, placement of buildings, and use of shading should contribute to the energy efficiency of the community.

ANNEXATION AND INTERGOVERNMENTAL COORDINATION

Goal I-I To promote the orderly development of Menlo Park and its surrounding area.

Policies

- I-I-1 The City shall cooperate with the appropriate agencies to help assure a coordinated land use pattern in Menlo Park and the surrounding area.
- I-I-2 The regional land use planning structure should be integrated within a larger transportation network built around transit rather than freeways and the City shall influence transit development so that it coordinates with Menlo Park's land use planning structure.
- I-I-3 A program should be developed in cooperation with interested neighborhood groups outlining under what conditions unincorporated lands within the City's sphere of influence may be annexed.
- I-I-4 The City shall request San Mateo County to follow Menlo Park's General Plan policies and land use regulations in reviewing and approving new developments in unincorporated areas in Menlo Park's sphere of influence.
- I-I-5 The City shall carefully monitor any significant development proposals which are outside of Menlo Park's jurisdiction, including any development proposals along the Sand Hill Road corridor which are within the jurisdiction of the City of Palo Alto, to evaluate their potential impacts on the City of Menlo Park. It shall be the policy of the City to oppose any such development proposal(s) unless the City Council makes findings that the benefits of such proposal(s) outweigh all of the impacts to the City of Menlo Park. The City Council shall consider holding an advisory election on any such development proposal(s).



MENLO PARK GENERAL PL

MENLO PARK, CALIFORNIA

LEGEND

Residential

- VERY LOW DENSITY
- LOW DENSITY
- MEDIUM DENSITY
- HIGH DENSITY

Commercial

- PROFESSIONAL & ADMINISTRATIVE OFFICES
- RETAIL/COMMERCIAL
- EL CAMINO REAL PROFESSIONAL/RETAIL COMMERCIAL

Industrial

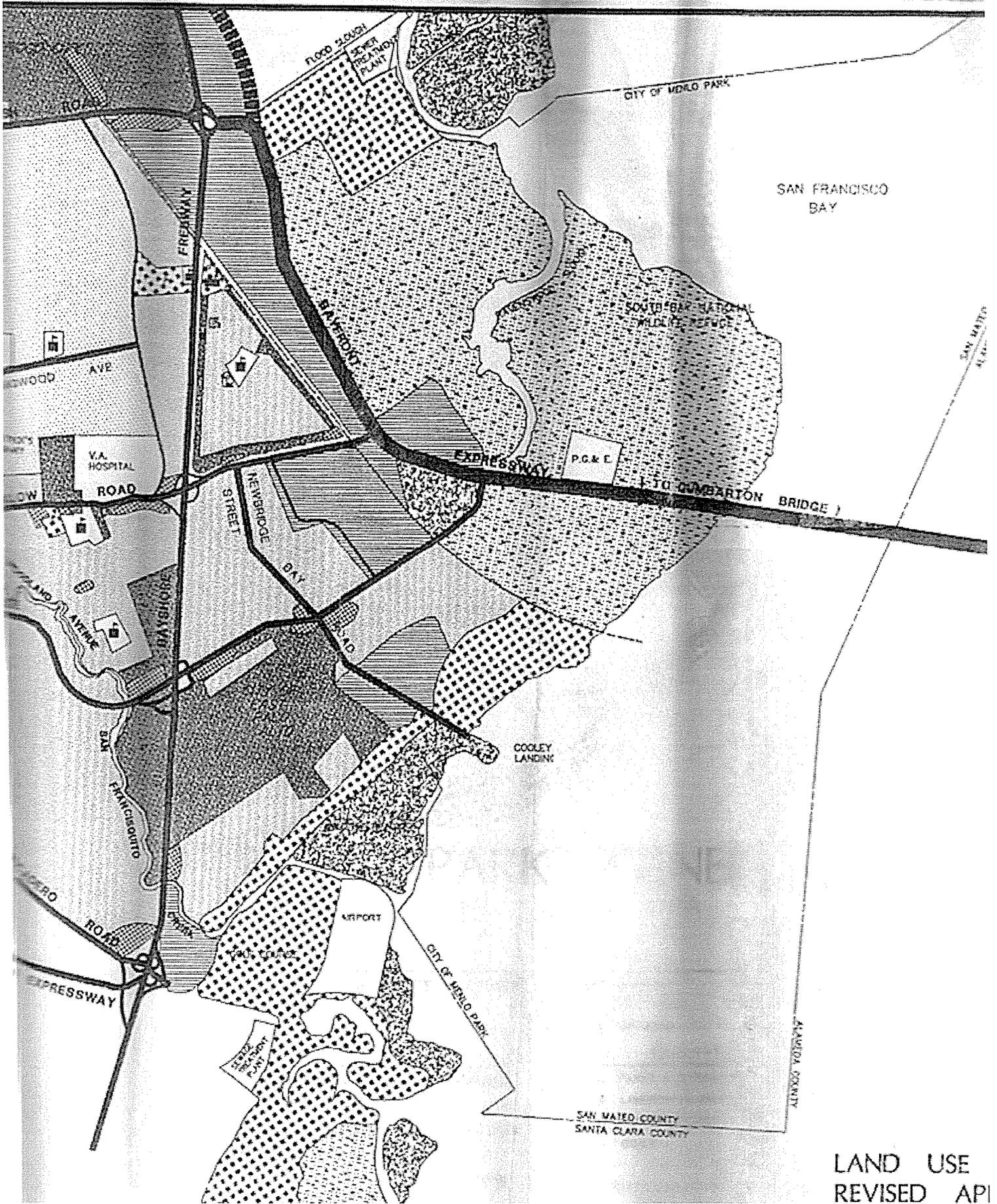
- LIMITED INDUSTRY

Non Urban

- MARSHES
- SALT PONDS
- PRESERVE

Public - Quasi-Public

- PARKS & RECREATION
- LANDSCAPED GREENWAYS, BUFFERS OF PRESERVES
- PUBLIC FACILITIES
- OTHER



LAND USE
REVISED API

Rogers, Thomas H

From: Paul Collacchi [collacch@cwnet.com]
Sent: Monday, September 21, 2009 10:10 AM
To: Rogers, Thomas H
Cc: Roberts, Margaret S
Subject: Comments on Menlo Gateway DEIR section 2 -- Project Description

Thomas,

Here are questions and comments about DEIR Section 2 -- Project Description

Please acknowledge receipt of this email and confirm its adequacy as a valid method of comment.

Paul Collacchi
1 Lake Ct
Redwood City, CA 94062

"Thus, while this is a project-level DEIR, this document also discusses the effects of the GPA/ZOA at a program level, assuming future development proposals could seek consideration from the City under the proposed new General Plan land use designation and M-3 zoning regulations." [p 2-1]

Q1: The DEIR does not discuss the effect of the GPA/ZOA at a program level in other locations where future development proposals might be rezoned M-3. Nor does it discuss where it might be sought, presumably most or all of M-2. Was it the intention of the DEIR to do so.

C1: The project description describes the build out of the project taking about 5 years, while the developer is asking for a twenty year Developer Agreement, presumably to preserve a development entitlement in the face of soft market conditions for office, hotel, and commercial construction financing. Mis-describing the project construction timeline provides certain advantages to the developer that might permit "significant impacts" that would not be permitted were the project timeline accurately described. The DEIR should confirm the construction timeline and provide an approximate date by which construction will be complete. The construction timeline in the DEIR and the Development Agreement should be harmonized.

Q2: The DEIR provides a maximum build out for the project site under the M-2 zoning. [Table 2-2.] Please clarify the assumptions used to make the calculation of 382,068 sf. Does that presume 55% FAR and an industrial use? What parking requirements does it assume? How many parking spaces per 1000 sf of development? Does it assume at grade-parking? What would the maximum build-out be if the use were professional office and not industrial?

Q3: The DEIR says, " In addition, up to 3,000 s.f. of retail/community facilities **could** be located in the ground floor of the office building on the Independence site provided there was a corresponding decrease in the amount of office area." Is the retail being assumed for the purpose of the DEIR analysis?

The Menlo Park CEQA guidelines (Resolution3601) says,

"The information contained in an EIR shall include summarized technical data, maps, plot plans, diagrams and

similar relevant information *sufficient to permit full assessment* of significant environmental impacts by reviewing agencies and members of the public.” [9.6 (h)]

In that spirit, I ask these questions, and make these comments:

Q4: Please explain the parking figures from table 2-3 in more detail. For the Independence site, 313k sf assumes a five story structure and 373k assumes a 6 story structure, is that correct? What is the footprint, width by length of the structure in feet or yards? Approximately how many parking spaces are on each level of the structure? 205?

Q5: Please describe whether or not the parking structure footprint counts against lot coverage, and please document the formula by which parking is "shared" between facilities.

C2: The fiscal impact analysis indicates the applicant's intent to transfer certain sites. The DEIR notes the applicant's request for parcel map adjustment. Taken as a whole both operations indicate the developer intends to subdivide and sell "portions" of the project after approval. The DEIR does not describe the specific parcel map adjustments requested by the developer.

Q5: Is it the preparer's/city's understanding that the applicant intends to sub-divide the land in anticipation of selling off that parcel which contains the hotel/sports club, presumably to the owner/operator of the hotel/sports club?

Q5a: The Fiscal Impact Analysis also indicates an intent to transfer the Independence site. Are any parcel map adjustments proposed for this site? Please explain the anticipated transfer.

Q6: Is it the case that after parcel map adjustments that each parcel would be separately zoned M-3? Must the development on each separately zoned parcel independently conform to the M-3 zoning regulation?

Q7: Would the development on separate parcels owned by separate owners each conform to the M-3 zoning requirements and parking requirements? Does "shared" parking allow for parking requirements of one parcel to be met with parking on a separate parcel owned by a separate owner? In other words, would the "shared" parking still conform to the administrative guidelines if a parcel map adjustment is made and transferred as describe above and in the FIA? Does “shared” parking enable FAR on own site with no onsite parking at all, and whose “shared” parking is on a different site located on a different parcel owned by a different owner?

Q8: If the “land-use” parcel is distinct from the parcel that contains the shared parking, must it contain a permanent easement or other mechanism to allow continued use of the shared structure by the separate hotel/sport club owner operator?

Q9: Would such a sharing be a precedent for Menlo Park? Could it be applied similarly elsewhere in the city? Could any owner build an elevated parking structure in one location of the city and "share" it with a location owned by a separate owner elsewhere in the city to meet the parking requirement? Why not. What guidelines are in place to regulate the degree of separation between the parking parcel and the development parcel.

Q10: Similarly with the Constitution site. On the Independence site, Garage "a" is 207K sf and Garage "b" is approximately 230k sf? Is that correct? What is the size of the footprint of each structure, length by width in feet or yards, and approximately how many spaces are on each level of each structure.

Q11: Please describe whether or not parking structures count towards lot coverage, and site the relevant

zoning regulation that justifies it.

Q12: Please describe how the parking calculation was made for the required number of spaces. (Note that the alternatives section does make reference to ITE specifications, but not does not cite the specific ITE reference, show which categories were selected, from what page, include a calculation, and it does not make a copy of the ITE reference pages available for inspection [CEQA guidelines 9.6(i),(j)])

C3: Q2-Q12 are relevant to the DEIR inasmuch as they outline one or more parking precedents that are being set by the proposed project, or precedents that may be set because the true configuration of the final parcel map is being obscured. Precedents are relevant to “induced growth” and help the public comment meaningfully on the analysis in that section.

C4: The DEIR does not explicitly describe all of the parking precedents that are or may be being set for this project. Structured parking is directly relevant to induced growth, since much of the commercial area in M-2 lies in or near parts of the flood plain where underground parking is infeasible. Including or excluding structured parking in calculations of FAR and lot coverage, particularly in combination with shared parking and administrative parking are relevant to determining which parcels might be candidates for rezoning under M-3 with or without structured parking and with or without shared or administrative parking. Again, this impacts the induced growth section of the DEIR and may conceal significant impacts. Currently, the Induced growth section of the DEIR provides no analysis of induced growth that may arise from precedents or elimination of regulatory obstacles.

Rogers, Thomas H

From: Paul Collacchi [collacch@cwnet.com]
Sent: Monday, September 21, 2009 2:40 PM
To: Rogers, Thomas H
Cc: Roberts, Margaret S
Subject: Menlo Gateway DEIR Section 3-10 Comments

Thomas,

Here are questions and comments about DEIR Section 3-10 -- Public Services.

Paul Collacchi
1 Lake Ct
Redwood City, CA 94062

The Section of the Menlo Gateway Project DEIR is here:
<http://www.menlopark.org/departments/pln/bohannon/DEIR/3-10-Public-Services.pdf>

The DEIR concludes, "*Impact PS-2: The proposed project would not result in the need for new or physically altered fire and emergency service facilities. Therefore, there would be no impact on fire or emergency services or facilities. (NI)*"

It's well known the MPFD needs a special facility, a truck, to address potential fires and other hazards in 140 foot tall buildings, without which would significantly impact the MPFD's ability to provide service to a fire in the proposed project. There is no other need for the truck, it is unique to the project. There are **other** service and facility related questions associated with the truck.

- Where will MPFD park this truck?
- Can it be currently parked in a site East of 101.
- Will MPFD need to make physical alterations to site the truck?
- Are there special personnel with special skill requirements that need to be trained to use this equipment, that would not otherwise be required?

Impact PS-1CM: The proposed project, in combination with other development within the City or the fire district, would not result in the need for new or physically altered police, fire or emergency service facilities. Therefore, there would be no impact to public services or utilities. (NI)"

- The Menlo Gateway project requires a re-zoning that would raise permissible height limits throughout the M-2 area (Industrial areas East of 101) to 140 feet. I believe that it is reasonably foreseeable that other large commercial developments including Tyco, Willow Park, etc would eventually ask to be re-zoned and add taller buildings with structured parking lots.
- The DEIR should compute the effective service capacity of the special equipment required for the Menlo Gateway project. Would this be enough to provide services to other tall structures in the area, to handle the cumulative effects of development in the area?

DUMBARTON EXPRESS

9/21/2009

For many years, the Dumbarton Express rail service has been planned. It is at least partially and perhaps completely funded. Menlo Park has insisted that the railway line be grade-separated where it crosses major arterials such as Willow. Such grade separations might require Willow road or other arterials to be depressed underneath the tracks. Were Willow road grade-separated from the railway lines in a such a way that it would go underneath the tracks, would this impede access of special equipment to other areas in the M-2 which might also have tall buildings and require access?

SERVICE DELAYS

According to the DEIR, the Menlo Gateway project will have significant delays on traffic LOS on multiple intersections on Marsh Road, therefore adding significantly to wait times and delays during peak hours.

The MPFD should evaluate the possible impact on service response times to reach the Belle Haven area with these delays, in cases where response must come from areas West of 101. [It should determine how many such responses occur, the kind of response needed, and the destination.](#)

My experience is that the district maintains thorough and detailed dispatch records that allow it to determine how many calls were made, the destination, the response time etc. The DEIR should use that data as the basis for its analysis.

SERVICE ACCESS

If the special equipment purchased for tall buildings needs public roads and interior project access roads to be built to certain specifications to allow access the DEIR should say so. Please keep in mind that under the "Cumulative Scenario" this equipment might need access throughout the M-2 area east of 101. The [DEIR should](#) visit other locations in the M-2 area East of 101 to determine whether or not there are access issues.

Evidence

The source and documentation for this section are unusually poor. Technical facts and figures are attributed to "personal communications" with an "Interim Human Resource Manager." The DEIR should use live MPFD data along with documents and policy manuals. The city should make all references cited available for inspection according to its CEQA preparation guidelines.